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STATE OF DELAWARE



JOURNAL OF THE STATE SENATE

AT A SESSION OF THE
GENERAL ASSEMBLY

CONVENED AND HELD AT DOVER ON TUESDAY, THE FIFTH
DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE
THOUSAND NINE HUNDRED AND SIXTY-FIVE
AND OF THE INDEPENDENCE OF THE
UNITED STATES THE ONE HUNDRED
AND EIGHTY-NINTH

1965

CHARLES PRINTING CO., WILMINGTON, DELAWARE

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MEMBERS OF THE SENATE

County		Address
Sussex	Eugene D. Bookhammer	Millsboro
New Castle	Robert I. Carney	Wilmington Manor
New Castle	Louise Conner	Delair
Kent	Allen J. Cook	Kenton
New Castle	Robert C. Davidson	St. Georges
New Castle	Russell D. F. Dineen	Wilmington
New Castle	Reynolds du Pont	Greenville
Sussex	Walter J. Hoey	Milford
New Castle	Herman M. Holloway, Sr.	Wilmington
New Castle	John C. Kinahan	Forest Hills Park
New Castle	Margaret R. Manning	Marshallton
New Castle	Joseph A. Martin	Wilmington
New Castle	Calvin R. McCullough	Holloway Terrace
Kent	James D. McGinnis	Dover
New Castle	Anthony C. Moore	Woodland Heights
Kent	George A. Robbins	Milford
New Castle	George F. Schlor	Wilmington
Sussex	Curtis W. Steen	Dagsboro

123RD GENERAL ASSEMBLY

1ST LEGISLATIVE DAY

DOVER, DELAWARE

JANUARY 5, 1965

The Senate met pursuant to adjournment at 1:52 P.M. on January 5, 1965, Lt. Gov. Lammot presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Senators Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro. Tem. Steen—18.

The Secretary proceeded to read the Journal of the previous days session when Cook moved that so much be considered the reading of the Journal and the Journal be approved as read. Adopted voice vote.

Senator Cook moved the Senate recess to the call of the chair at 1:55 P.M.

The Senate returned to order at 3:47 P.M., Lt. Gov. Lammot presiding.

Sen. Cook made a motion that Joseph F. Toner be named temporary Secretary of the Senate. Motion carried by voice vote.

Senator Dineen introduced the following resolution, **SR 8** which was given first reading, "In Reference to Election of Officers." Adopted voice vote.

Senator Dineen introduced the following bill, **SB 1**.

Senator Dineen moved that Rule 9 be suspended for the purpose of considering **SB 1**. Motion carried.

Senator Cook moved that the attaches of the Senate be sworn in. Motion carried voice vote. Attaches were sworn in by Lt. Gov. Lammot.

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

SB 1—An Act Agreeing to a Proposed Amendment to Article 2, Section 15, of the Constitution of the State of

Delaware Relating to Compensation, Expenses, and Allowances of Members of the General Assembly and the President of the Senate.

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

YEAS—Senators Carney, Cook, Davidson, Dineen, Hoey, Holloway, Martin, McGinnes, Moore, Schlör, Steen—11.

NAYS—Bookhammer, Conner, DuPont, Kinanan, Manning—5.

NOT VOTING—McCullough, Robbins—2.

On the motion of Sen. Dineen roll call tabled.

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

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

YEAS—Carney, Cook, Davidson, Dineen, Hoey, Holloway, Martin, McCullough, McGinnes, Moore, Schlör, Steen—12.

NAYS—Bookhammer, Conner, DuPont, Kinanan, Manning—5.

NOT VOTING—Robbins—1.

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

Senator Cook introduced the following resolution, **SR 9**, "Notifying the House of Representatives that the Senate is Organized and Ready for Business." Adopted voice vote.

Senator Cook introduced the following resolution, **SR 10**, In Reference to Supply of Delaware Code and Volume 54 and 55, Laws of Delaware, to Members of the Senate and Certain Officers Thereof." Adopted voice vote.

Senator Cook introduced the following resolution, **SR 11**, which was given first reading and referred to the committee, "Appropriation for Postage Stamps for the Senate of the 123rd General Assembly." Adopted voice vote.

Senator Cook introduced the following resolution, **SR 12** which was given first reading and referred to the committee, "Authorization for the Legislative Reference Bureau to Furnish Stationery and Other Supplies to the Lieutenant Governor and Members of the Senate." Motion by Sen. Hoey to defer—Passed.

Senator Cook introduced the following resolution, **SR 13** which was given first reading and referred to the committee, "Extending the Privileges of the Floor to Certain Persons." Adopted voice vote.

Senator Cook introduced the following resolution, **SR 14** which was given first reading and referred to the committee, "Authorizing the Secretary to Obtain Supplies." Motion by Sen. Manning to defer—passed.

Senator Steen introduced the following resolution, **SR 15** which was given first reading and referred to the committee, "Expressing the Sympathy of the Senate of the Illness of Mrs. Jessica I. Terry." Adopted by voice vote.

Senator DuPont introduced the following resolution, **SR 16** which was given first reading and referred to the committee, "Relative to the Death of J. Henry Hazel, a Former Lieutenant Governor." Adopted by voice vote.

Senator DuPont asked for the privilege of the floor for a personal statement. No objection heard; privilege was then granted.

Senator Cook moved that the Senate adjourn until Wednesday, January 6, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:30 P.M.

2ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:40 P.M. on January 6, 1965, Lt. Gov. Lamnot presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Carney, Cook, Davidson, Hoey, McGinnes, Moore, Robbins, Schlör, Pres. Pro. Tem. Steen—9.

Members absent—Bookhammer, Conner, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough—9.

Lacking a quorum, the President declared a recess to the call of the chair.

The Senate met pursuant to recess at 4:20 P.M. on January 6, 1965, Lt. Gov. Lammot presiding.

By roll call the following Senators were present—Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinanan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro. Tem. Steen—17.

Senator absent—Bookhammer—1.

The Secretary proceeded to read the Journal of the previous day's session when Cook moved that so much be considered the reading of the Journal and the Journal be approved as read. Adopted by voice vote.

A messenger from the House was admitted with **HJR 1**, **HCR 1**, and **HCR 2**.

The Chair presented the following House Joint Resolution, which was given first reading by title only: **HJR 1**—Senator Steen moved to suspend Rule 9 so action could be taken on **HJR 1**. Motion carried.

HJR 1—Providing for a joint committee to arrange for the inauguration of the Honorable Charles L. Terry, Jr., as Governor of the State of Delaware and to arrange for the attendance of officials and persons to represent the State of Delaware at the inauguration of Honorable Lyndon B. Johnson as President of the United States and appropriating funds. Adopted by voice vote.

The Chair presented the following House Concurrent Resolutions, which were given first reading and Sen. Cook moved to suspend Rule 9 so that action could be taken on **HCR 1** and **HCR 2**. Motion carried.

HCR 1—Providing for adjournment of the House of Representatives and the Senate. Adopted by voice vote.

HCR 2—Providing for adjournment of the Senate and the House of Representatives. Adopted by voice vote.

Representative Shulties visited the Senate and announced the House was ready for business.

Sen. Cook introduced the following resolutions, which were given first reading:

SR 17—Authorizing the Secretary to obtain supplies. Adopted by voice vote.

SR 18—Authorization for the Legislative Reference Bureau to furnish supplies to the Lieutenant Governor and members of the Senate. Adopted by voice vote.

Sen. Cook. moved that additional attaches be sworn in. Motion carried by voice vote, and attaches were sworn in by Lieutenant Governor Lammot.

Sen. Steen introduced the following bill, which was given first reading and referred to the committee on Corporation-Municipal:

SB 2—An act to amend an act entitled "An Act to Reincorporate the Town of Millsboro," being Chapter 203, Volume 25, Laws of Delaware, as amended by Chapter 48, Volume 52, Laws of Delaware permitting annexation of additional territory.

Senator Cook introduced the following resolutions, which were given first reading:

SR 19—Relating to distributing Masons Manual. Adopted by voice vote.

SR 20—In reference to election of officers. Adopted by voice vote.

Sen. Schlör reported the following bill from committee:

SB 2—5 favorable.

Sen. Dineen introduced the following concurrent resolution which was given first reading:

SCR 1—Appointing Bill Clerks and Assistant Bill Clerks for the Senate and the House of Representatives to serve during the 123rd General Assembly. Adopted by voice vote.

Sen. Martin introduced the following bill, which was given first reading and referred to the committee on Buildings and Highways:

SB 3—An act to amend Section 132, Title 17, Delaware Code, relating to the general powers and duties of the State Highway Department.

Sen. Cook moved that the Senate adjourn until January 14, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:10 P.M.

3RD LEGISLATIVE DAY

Senate was called to order at 1:45 by Lt. Gov. Lammot.

A prayer was offered by the Chaplain.

Roll call revealed 12 Senators present and 6 Senators absent. There being a quorum, Senate was called in session.

Minutes of the previous meeting were read by the Secretary. Sen. Cook interrupted and moved that so much be considered the reading of the minutes. Motion carried by voice vote.

A communication by Mayor John Babiarz, Mayor of Wilmington, was read in regard to the Home Rule Charter to the Senate. A copy of the Charter was given to the Senate. Sen. Steen moved they be accepted and be made part of the Journal of the Senate.

Sen. Cook moved a recess until completion of the Governor's State of the State address. Motion carried by a voice vote and Senate recessed at 1:55 P.M.

Senate re-convened at 2:05 P.M.

Sen. Cook moved the Senate and House meet in Joint Session. Motion passed by voice vote.

Lt. Gov. Lammott appointed Senators Cook, DuPont, Rep. Issacs and Rep. Bartleson as an escort for the Governor.

Gov. Carvel entered the Senate chambers and was presented by Sen. Cook. Gov. Carvel was then escorted to the rostrum and delivered his address. At the completion of his address, Sen. Cook and his committee escorted Gov. Carvel to the Governor's Office.

Sen. Steen asked the Secretary of the Senate and Chief Clerk of the House to compare their notes. This was done and found to be acceptable.

Sen. Steen moved the House and Senate to separate. This was done.

Sen. Steen moved for a recess and this carried and recess was called at 2:45 P.M.

Senate re-convened at 4:40 P.M.

Sen. Steen introduced **SR 21** and stated he was introducing this resolution for all Senators. Resolution carried by a voice vote.

Messenger from the House reported the House had passed **SB 1** and was returning same to the Senate.

Lt. Gov. Lammot named the following to serve on the inaugural committee: Sen. Steen, Chairman with Sen. Book-

hammer, Senators Cook, DuPont, Hoey, McCullough, McGinnes, Manning and Moore.

Sen. Steen introduced **SB 4**. Referred to Revised Statutes Committee.

Sen. Steen introduced **SB 5**. Referred to the Finance Committee.

Sen. Steen asked that **SB 2** be called up for its second reading and acted upon. **SB 2** passed by a vote of 17 yeas and 1 absent.

A message from the Governor was read nominating and appointing M. Haswell Pierce of Milford, Delaware to serve a term on the Atlantic States Marine Fisheries Commission to end on August 8, 1966. This was a re-appointment.

Governor also nominated Joseph Prettyman of Lewes, Delaware to serve a term on the Sussex County Department of Elections for four years from the day of his appointment.

Sen. McGinnes moved that the Senate go into executive session. Motion carried.

Sen. Cook moved to adjourn until 11:00 A.M., January 19, 1965. Motion carried.

Senate adjourned at 5:20 P.M.

The Senate met pursuant to adjournment at 1:45 P.M. on January 14, 1965, Lt. Gov. Lammot presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, McGinnes, Moore, Robbins, Schlor—12.

Senators absent: Conner, Dineen, Hoey, Martin, McCullough—6.

Lacking a quorum, the President declared a recess to the call of the Chair.

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

The following communication was read from John Babiarz, Mayor of Wilmington, regarding the Home Rule Charter:

January 13, 1965

Honorable Elbert N. Carvel
Governor, State of Delaware
Dover, Delaware
Honorable Harold T. Bockman
Speaker, House of Representatives
Legislative Hall
Dover, Delaware
Honorable Maurice A. Hartnett, III
Director, Legislative Reference Bureau
Dover, Delaware
Honorable Curtis W. Steen
President Pro Tem of Senate
Legislative Hall
Dover, Delaware
Honorable Elisha C. Dukes
Secretary of State
State House
Dover, Delaware
Gentlemen:

In conformity with the provisions of Title 22, Delaware Code, Section 813 (c), I herewith file with you copies of the "Wilmington Home Rule Charter" which was approved by qualified voters of the City of Wilmington in a referendum held on November 3, 1964.

Sincerely,

John E. Babiarz
Mayor

JEB:mk

PROCLAMATION: Wilmington Home Rule Charter

WHEREAS, "The Council" of The Mayor and Council of Wilmington, a municipal corporation of the State of Delaware, by Resolution 64-121, dated September 17, 1964, resolved that the proposed "Wilmington Home Rule Charter" be submitted to the qualified voters of The Mayor and Council of Wilmington for their approval by referendum at the General Election to be held on November 3, 1964; and

WHEREAS, The Department of Elections for New Castle County has canvassed the vote on the proposed "Wilmington Home Rule Charter" and has certified the results to The Mayor and Council of Wilmington;

Now, Therefore, I, John E. Babiarz, Mayor of the City of Wilmington, Delaware do hereby proclaim that the result of the referendum on November 3, 1964 was 14,209 votes for the Charter and 1,585 votes against the Charter.

In Witness Whereof, I have hereunto set my hand and Seal of Office this 23rd day of November, 1964.

John E. Babiarz
Mayor

Sen. Cook moved the Senate recess until completion of the Governor's State of the State address. Adopted by voice vote. Senate recessed at 1:55 P.M.

The Senate returned to order at 2:05 P.M., Lt. Gov. Lammot presiding.

The following Senators asked to be marked present: Senators Conner, Hoey, Manning, Martin and McCullough. Members of the House of Representatives. They were admitted and seated. Lt. Gov. Lammot invited the Speaker of the House to a seat on the rostrum.

JOINT SESSION

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

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

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

The chair appointed the following committee to escort Gov. Carvel to the Senate Chamber: Senators Cook and DuPont, Representatives Isaacs and Bartleson.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

GOVERNOR'S MESSAGE

Mr. President, Mr. Speaker, Members of the 123rd General Assembly, Fellow Delawareans:

This message will be my final official address to the General Assembly as Governor of this State, because under the present constitution, it is impossible for a Governor to be elected to a third term. The experience and knowl-

edge which I have gained during my twelve years of service to the State of Delaware as its Lieutenant Governor and as its Governor will always be freely available to the officials and the people of our beloved State, and I stand ready to do what I can to be helpful should my State ever call on me.

These past four years have been full of interest, challenge, joint accomplishment and great satisfaction. There is no comparable period during my life which has brought me more happiness and satisfaction. The Office of Governor of any state offers great opportunities for service and accomplishment. Because I came to this position prepared by previous experience and mature reflection, and because of the kind, intelligent, loyal and dedicated contributions by all Delawareans who have participated in this Administration, this service has been a pleasant and happy one. Warm help and assistance came from many quarters, including members of the General Assembly; State Boards and Commissions; State Department executives and employees; State officials; close advisors and friends; my wife, family and business associates; my own hard-working office staff; the news media; and the thousands of interested and concerned Delawareans from all walks of life, organizations and shades of thinking. Truly, during these four years we have witnessed Democracy in action in Delaware, and our accomplishments are a living testimony to the effectiveness of our form of government. When intelligent men and women of good will enthusiastically join together to work for progress and better government, great results ensue.

Four short years ago, a deficit of \$2½ million which had lasted for the previous 3½ years was continuing; unemployment was bordering on 7%; our corrections system was in a shambles; our mental health program was dragging; public education was at a standstill; and the Highway Department was experiencing difficulty. In spite of all this, the people of Delaware, their Governor, and their General Assembly faced up to their problems, and today these problems are considered either solved or reaching solution.

The running deficit was eliminated during 1961-62 and an \$8½ million cash balance was on hand June 30, 1964; and it is estimated that because of highly favorable inheritance and estate taxes, our cash balance will be \$15.8 million on June 30, 1965.

For the forthcoming fiscal year ending June 30, 1966, Agency, Board and Commission requests totalled \$138,898,000. I am recommending a budget of \$121,856,000, automatic appropriations of \$5 million, usual grants-in-aid of \$1,363,000, and the recently authorized educational television appropriation of \$1,100,000 will increase this recom-

mendation to \$129,319,000. Estimated reversions of \$2,300,000 will reduce this total to \$127,019,000 for fiscal 1966.

Anticipated revenue for the same period, leaving out the DuPont-General Motors divestiture receipts, will amount to \$116,300,000. Our estimated cash balance of \$15,802,000 carried from fiscal 1965 will yield an estimated cash balance of \$5,083,000 on June 30, 1966.

The Office of Budget Director has been created with centralized, automated accounting and expenditure controls. This system went into effect July 1, 1964, and substantial savings are already becoming apparent. State bidding laws have been revised and procedures improved, and voluntary bulk purchasing has been developed by the state agencies and is steadily expanding.

Our program moved forward through broad labor, training, vocational education and welfare programs. Huge construction projects totaling over \$450 million have been approved for the twin Delaware River Bridge; the Kennedy Turnpike; the Lewes-Cape May Ferry; Delaware Highway improvements, including the Newport Interchange, the Interstate Thruway and the broad extension of dualizing U.S. Route No. 113; and for educational and institutional building.

State employee salaries were substantially increased in most areas; state employee pensions increased and liberalized; scholarships broadened; and education given increased support.

New industry was encouraged to come to Delaware, and our many advantages such as superior and dedicated personnel, low taxes, and prime location and facilities, have indeed brought us highly desirable new industrial installations.

Delaware is preparing for the Twenty-first Century through land planning, zoning, statewide educational television, and reapportionment.

These are all encouraging steps, and the fact that we have been willing to take them is a tribute to our homogeneity and knowledgeability. Our wisdom and our dedication to orderly and good government has overcome our prejudices and inertia.

The big question now facing us is whether America and Delaware are willing to take advantage of the massive opportunities now available for stepped-up communications, training and education.

During the past thirty years, we have improved the program for rehabilitating the mentally and physically handicapped, and for this great credit must be given. However, there are many who are mentally and physically handicapped today who if properly trained in the first place would now be possessed of whole minds and bodies.

Let us resolve to take another forward step and develop a strong educational program which will provide increasingly better preparation of our young people for the complicated world which is unfolding. Educational TV, already authorized, will give us the machinery to take a giant step forward in this important area. I have full confidence that by communicating a broad curriculum of high excellence, the people of Delaware, working in harmony, will make Delaware a bright and respected name in this field.

Increased attention to the intelligent handling of modern machines in our homes, in our industrial plants and on our highways can do much to eliminate the maiming, crippling and killing which is now unnecessarily taking place. In this area, an ounce of physical habilitation is worth a pound of physical rehabilitation. Training our people how to use machines safely is one of our great challenges today.

Someone asked me what our greatest accomplishments were during the past four years. My answer: authorization of educational TV and reapportionment.

Educational TV provides the greatest potential to help to build Delaware's future.

Reapportionment was the most revolutionary change. It transferred the center of power of Government from the area south of the Chesapeake and Delaware Canal to the Wilmington metropolitan area. I sincerely hope and confidently expect that those located in the new center of power will use their authority in the same judicious manner demonstrated by those south of the canal during the past 178 years.

Let us always remember that we are one great state, and what hurts us in Sussex County, hurts us in Wilmington and the rest of the State; and what helps us in New Castle County, helps us in Kent County and the balance of the State.

THE FUTURE

There are many problems still unresolved, and although my term as governor is now almost over, the importance of

these matters demands that I mention them and urge your action.

Let us promptly pass the second leg on the constitutional Amendment to authorize zoning for Kent and Sussex Counties.

Let us pass the first leg on the constitutional amendment which will authorize a trust fund as a repository for the Du Pont Divestiture Funds, thereby permitting the earnings of these funds to be used for the benefit and future embellishment of our state for such projects as land acquisition for public recreation and conservation, and for the restoration of our historic shrines.

A bill will shortly be introduced to provide an appropriation for a two-year college in Wilmington under the direction of the University of Delaware. Such an institution is sorely needed in the Wilmington area and I urge your enthusiastic support of this important project.

In my inaugural message to the General Assembly, I urged a program of magistrate reform. I sincerely hope that this much-needed reform will be authorized during the present session.

The state badly needs a Personnel Department, backed up by uniform personnel classification, uniform qualifications and uniform regulations of holidays, vacations and sick leave. The passage of this legislation will pave the way to a badly-needed merit system. Let's get this job done and complete the transition of Delaware Government from the 19th to the 20th century. The state council of presidents and executives strongly supports a personnel department with uniform rules, regulations, salaries and personnel classification.

The Delaware Commission on Children and Youth, with the help of some of our outstanding service groups, made a study in depth of the school drop-out problem in northern Delaware. I hope that this study, combined with the President's War on Poverty Program, will result in successful solutions to this vexing problem.

The Delaware State Highway Department is now in the midst of an estimated \$125,000,000 road-building and reconstruction program. Of this amount, \$45 million is being supplied by the State and about \$80 million will be, and is being, supplied by the Federal Government. Many states are now operating on what is known as a "Concurrent Audit" where the Federal Government will immediately make available their share of the funds as soon as the state issues a bill. In Delaware, under present procedures, it takes months and sometimes years for us to be reimbursed

by the Federal Government for matching funds which we have already expended. Under the "concurrent audit" system, reimbursement takes place within days.

We are now on the verge of putting this concurrent audit into effect, and I urge the Highway Department and the Legislature to follow through and complete this important step. Our present modern system of automated fiscal control under the control of the Budget Director, coupled with the installation of modern, automated accounting machinery in the Highway Department, makes this desirable change possible within the next two months. Putting our Highway Department on concurrent audit will save our state hundreds of thousands of dollars per year in interest on money which we will not have to borrow, and will strengthen our whole financial structure. Let's get this job done.

During the past four years, we have been fortunate to be part of a nation led by two great presidents: John Fitzgerald Kennedy and Lyndon B. Johnson. Their inspired leadership has caused us to dedicate ourselves to the building of a better nation and world.

The tools available to us to accomplish these improved conditions for all mankind were never better, our intelligence never greater, and our will to succeed never stronger.

This is a great time in history, and Delaware is exerting itself to the utmost to make its maximum contribution to this exalted concept.

Led by President Johnson, let us help build the foundations for a greater and a more brilliant future than has ever existed within the memory of man.

We in Delaware are fortunately endowed with the services of a beloved and highly capable and dedicated new Chief Executive. He has devoted over thirty years to the state's service and is eminently qualified to carry on the important responsibilities of Governor. I wish for him the strong support of the people of Delaware, of the General Assembly and of the State Agencies, Boards and Commissions. I hope that all of these people will give our new governor the enthusiastic loyalty and cooperation traditionally given to all Delaware governors.

To all of the people of Delaware, to all of the Delaware service clubs and groups, to all of the state employees, to all of the members of state agencies, boards and commissions, to all of the state officials, to the members of my staff, to the members of the 121st, 122nd and 123rd General Assemblies and their staffs, I express my sincere thanks and deep appreciation for the many contributions you have made

to help build Delaware and the United States of America and to make democracy truly work.

Paraphrasing Daniel Webster's quotation in the historic Dartmouth College case, "Delaware is a small state, but there are those of us who love it."

May the blessings of Almighty God continue to shine upon our beloved Delaware, its new Governor and his administration, its new General Assembly and its wonderful people.

The previously named committee escorted the Governor from the chamber.

Sen. Steen moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Sen. Steen moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

Sen. Steen moved the Senate recess to the call of the chair at 2:45 P.M.

The Senate returned to order at 4:40 P.M., Lt. Gov. Lammot presiding.

Sen. Steen introduced the following resolution for all Senators, which was given first reading.

SR 21 expressing the sympathy of the Senate of the injury of Senator Russell, D. F. Dineen. Adopted by voice vote.

A messenger from the House reported that the House had passed **SB 1** and was returning same to the Senate.

Lieutenant Governor Lammot named the following to serve on the inaugural committee: Sen. Steen as chairman with Senators Bookhammer, Cook, Du Pont, Hoey, McCullough, McGinnis, Manning and Moore.

Sen. Steen introduced the following bill **SB 4** which was given first reading and referred to the committee on Revised Statutes.

SB 4—An act to amend Chapter 28, Title 31, Delaware code, by changing the name of "State Welfare Home and Hospital for the Chronically Ill at Smyrna" to "Delaware Home and Hospital for Chronically Ill at Smyrna."

Sen. Steen introduced the following bill which was given first reading and referred to the committee on finance.

SB 5—An act making a supplementary appropriation to the Millsboro School District No. 23 for a sewer system.

SB 2—An act to amend an act entitled "An act to re-incorporate the town of Millsboro," being chapter 203, volume 25, Laws of Delaware, as amended by chapter 48, volume 52, Laws of Delaware permitting annexation of additional territory.

On motion of Mr. Steen, **SB 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Steen—17.

ABSENT—Dinnen—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.

A message from the Governor was read nominating and appointing M. Haswell Pierce of Milford, Delaware to serve a term on the Atlantic States Marine Fisheries Commission to end August 8, 1966.

Governor Carvel also nominated Joseph Prettyman of Lewes, Delaware to serve a term on the Sussex County Department of Elections for four years from the day of his appointment.

Sen. McGinnis moved that the Senate go into executive session. Motion carried.

Sen. Cook moved that the Senate adjourn until January 19, 1965 at 11:00 A.M. Motion carried and Senate adjourned at 5:20 P.M.

GOVERNOR'S MESSAGE

January 14, 1965

To the Senate of the 123rd General Assembly
of the State of Delaware:

My letter to you dated December 14, 1964, appointing Joseph Prettyman to the Department of Elections for Sussex County for a term of four years from June 15, 1964, is withdrawn due to certain statutory provisions.

I hereby nominate and appoint for the consent and confirmation of the Senate: Joseph Prettyman, R.F.D., Lewes, Delaware, to be a member of the Department of Elections for Sussex County for a term of four years, commencing on the date he is duly qualified.

Respectfully submitted,

ELBERT N. CARVEL, Governor

OFFICE OF SECRETARY OF THE SENATE

January 15, 1965

To Elbert N. Carvel, Governor of Delaware
The name of Joseph Prettyman, R.F.D., Lewes, Dela-

ware of Sussex County, for the office of the Department of Elections for Sussex County for the term of four years from January 14, 1965 to January 14, 1969 was received in the Senate January 14, 1965, and certificate of confirmation was sent to the office of the Governor on the 14th day of January, 1965.

Secretary of the Senate

January 14, 1965

MEMORANDUM NO. 1

TO:

Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Daniel J. McKenney, Clerk of the House, Secretary of the Senate, Mrs. Josephine K. Moress, Legislative Reference Bureau for all folders.

FROM:

William T. Quillen

This memo constitutes the first legislation enacted by the 123rd General Assembly.

January 6, 1965—

SB 1, passed Senate on January 5, 1965 and House on January 6, 1965 and was delivered to the Governor on January 14, 1965. This constitutional amendment does not require the Governor's signature to become law. It is the second leg of the constitutional amendment.

January 14, 1965—

HJR 1 signed by the Governor.

4TH LEGISLATIVE DAY

Senate was called to order at 11:05 A.M. by Lt. Gov. Lammott.

A prayer was offered by the Chaplain.

Roll call was taken by the Secretary and revealed 17 present and 1 absent.

Minutes of the previous meeting were read until interrupted by Sen. Cook who moved that so much be considered the reading of the minutes. Motion carried by a voice vote.

Sen. DuPont thanked Lt. Gov. Lammot for courtesies extended while he served as President of the Senate and moved for a rising vote of thanks. Motion carried by a voice vote.

Sen. Steen moved that the Senate recess for the Inauguration ceremonies. Motion carried by a voice vote and Senate recessed at 11:12 A.M.

Senate was reconvened at 3:07 P.M. by Lt. Gov. Tribbitt.

A message from Gov. Terry was delivered to the Senate by the Administrative Assistant William uillen. Gov. Terry's message asked for the confirmation of Elisha C. Dukes as Secretary of State.

Sen. McGinnis moved that the Senate go into executive committee. Motion carried by voice vote.

Sen. Steen introduced **SR 22** for all members and asked that it be read in its entirety. Resolution carried by a voice vote.

Sen. McGinnis thanked the Senate on behalf of himself and his wife.

Sen. Dineen introduced **SB 6**. **SB 6** was referred to the elections committee.

Sen. McCullough introduced **SB 7**. **SB 7** was referred to the elections committee.

Sen. Cook introduced **SCR 2**. Adopted by a voice vote. Sen. Cook asked that **SCR 2** be sent to the House for action. This was done by the Secretary.

Sen. McGinnis moved that the Senate go into executive session. Motion carried by a voice vote.

Senate went into executive session at 3:20 P.M.

Senate re-convened at 4:05 in regular session.

Sen. Cook presented a letter and Bible to Lt. Gov. Tribbitt from George J. Fisher, Register in Chancery, on behalf of the Williard Union, Women's Christian Temperance Union of Wilmington, Delaware. A motion was made to make the letter a part of the record. Motion carried by a voice vote.

Sen. Cook moved to adjourn until 1:00 P.M. January 25, 1965. Motion carried by voice vote. Senate adjourned at 4:15 P.M.

The Senate met pursuant to adjournment at 11:05 A.M. on January 19, 1965, Lt. Gov. Lammot, presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present:

Members present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinnahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Pres. Pro. Tem. Steen—17.

Members absent: Hoey—1.

Lacking a quorum, the President declared a recess to the call of the chair.

The Secretary proceeded to read the Journal of the previous days session when Senator Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication or memorials were read:

Senator DuPont thanked Lt. Governor Lammot for courtesies extended while he served as President of the

Senate and moved for a rising vote of thanks. Motion carried by a voice vote.

Sen. Steen moved the Senate recess for the Inaugural ceremonies at 11:12 A.M. Adopted by a voice vote.

The Senate returned to order at 3:07 P.M., Lt. Gov. Tribbitt presiding.

A message from Governor Terry was delivered to the Senate by the Administrative Assistant, William Quillen. Governor Terry's message asked for the confirmation of Elisha Dukes as Secretary of the State.

GOVERNOR'S MESSAGE

January 19, 1965

To the Senate of the 123rd 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:

Elisha C. Dukes, Selbyville, Delaware, to be Secretary of State, to serve during the pleasure of the Governor (re-appointment).

Respectfully submitted,
CHARLES L. TERRY, JR., Governor

OFFICE OF SECRETARY OF THE SENATE

Dover, Delaware, January 22, 1965

To Charles L. Terry, Jr., Governor of Delaware

The name of Elisha C. Dukes of Selbyville County, for the office of Secretary of State during the pleasure of the Governor (reappointed) was received in the Senate January 19, 1965, and certificate of confirmation was sent to the office of the Governor on the 22nd day of January, 1965.

Joseph F. Toner
Secretary of the Senate.

Sen. McGinnes moved that the Senate go into Executive Session. Motion carried.

Sen. Steen introduced the following resolution which was given first reading.

SR 22—Extending to Senator James D. McGinnis congratulations on the birth of a daughter. Adopted by voice vote.

Sen. Dineen introduced the following bill, which was given first reading and referred to the committee on elections.

SB 6—An act proposing an amendment to Article V, Section 2, of the Constitution of the State of Delaware relating to elections by amending the residence requirements to allow certain voters recently moving into or within the state or election districts to vote.

Sen. McCullough introduced the following bill which was given first reading and referred to the committee on Elections.

SB 7—An act to amend Section 2, Article 16 of the Constitution of the State of Delaware.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each branch concurring therein) :

Sen. Cook introduced the following concurrent resolution which was given first reading.

SCR 2—Providing for adjournment of the Senate and the House of Representatives. Adopted by voice vote.

Senator Cook asked that **SCR 2** be sent to the House for action. This was done by the Secretary. Adopted by voice vote.

Senator McGinnes moved that the Senate go into executive session. Motion carried at 3:20 P.M.

The Senate returned to order at 4:05 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook presented a letter and Bible to Lt. Governor Tribbitt from George J. Fisher, Register in Chancery, on behalf of the Williard Union, Women's Christian Temperance Union of Wilmington, Delaware. Senator Cook made a motion to make the letter a part of the record. Motion carried by voice vote.

January 14, 1965

Lt. Governor Sherman Tribbett,
President of the Senate
Dover, Delaware
Honorable Sir:

As an honorary social member of the Womens Christian Temperance Union, I would like to present to the Senate, a Bible donated by the Williard Union, Womens Christian Temperance Union of Wilmington, Delaware. As we are sure you trust in the Lord to help make your decisions, this will be of great benefit. Also a similar presentation will be made to the House of Representatives.

Presented for Mrs. Annie F. Matthews,
President, Williard Union
Womens Christian Temperance Union.

Yours in Good Government,
George J. Fisher,
Register in Chancery
New Castle County

Sen. Cook moved that the Senate adjourn until January 25, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:05 P.M.

5TH LEGISLATIVE DAY

Senate was called to order at 1:40 P.M. by Lt. Gov. Tribbitt.

A prayer was offered by the Chaplain.

Roll call taken by the Secretary revealed 15 Senators present and 3 Senators absent.

Minutes of the previous day were read by the Secretary until interrupted by Sen. Cook who moved that so much be considered the reading of the minutes. Motion carried by voice vote.

Sen. Manning requested the privilege of the floor. This was granted. Sen. Manning discussed **SB 6**. She stated that the reading clerk announced only Sen. Steen's name as sponsor of the bill. Sen. Manning stated that this was a piece of legislature that she was very much interested in and had been for eight years and insofar as she was co-sponsor of the bill her name should have been announced along with another co-sponsor of the bill. President Tribbett assured Sen. Manning the necessary changes would be made.

Sen. Cook introduced **SCR 3** and asked it be read in its entirety. **SCR 3** passed by voice vote.

Sen. Cook presented a communication from The Council of State Governments and asked to have the communication read. This was done by the reading clerk. Sen. Cook stated that this book had been very helpful in preparing legislation in the past and recommended that the new Senators take advantage of the opportunity to receive this booklet on a monthly basis.

Sen. Cook moved for a recess. This carried and Senate recessed at 1:52 P.M.

Senate reconvened at 3:07 P.M. Senators Holloway, Hoey and Dineen asked to be marked present.

Members of the House entered the Senate chambers at 3:08 P.M. for a joint session.

Sen. Cook moved that the President of the Senate preside at the joint session. Motion carried.

Sen. Cook moved that the Secretary of the Senate and Chief Clerk of the House serve as joint secretaries for the joint session.

Sen. Cook then turned the meeting of the House and Senate to President Tribbett.

President Tribbett welcomed Speaker of the House Bockman and all House members to the Senate.

President Tribbett directed reading clerk to read the Certificate of Election for the office of Governor from New Castle County. Certificate showed 74,824 votes for Mr. Terry and 71,207 votes for Mr. Buckson.

President Tribbitt directed reading clerk to read the Certificate of Election for the office of Governor from Kent County. Certificate showed 11,035 votes for Mr. Terry and 10,790 votes for Mr. Buckson.

President Tribbitt directed reading clerk to read the Certificate of Election for the office of Governor from Sussex County. Certificate showed 16,938 votes for Mr. Terry and 15,377 votes for Mr. Buckson.

Sen. Cook moved the Joint Session to accept and approve the Certificate of Elections for Governor as read. Motion carried by voice vote.

President Tribbitt directed the reading clerk to read the Certificate of Election for Lt. Governor from New Castle County. Certificate showed 79,565 votes for Mr. Tribbitt and 65,369 votes for Mr. Best.

President Tribbitt directed the reading clerk to read the Certificate of Election for Lt. Governor from Kent County. Certificate showed 11,861 votes for Mr. Tribbitt and 9,532 votes for Mr. Best.

President Tribbitt directed the reading clerk to read the Certificate of Election for Lt. Governor from Sussex County. Certificate showed 17,316 votes for Mr. Tribbitt and 14,774 votes for Mr. Best.

Sen. Cook moved the Joint Session to accept and approve the Certificate of Election for the Senate be returned to the Governor's office. Motion carried by a voice vote.

A message from the Governor was delivered by Secretary of State Elisha C. Dukes. Message from the Governor nominated Henry T. Price for Chairman of the State Highway Department. Message was assigned to the Executive Committee.

Sen. Cook introduced **SB 8**. Assigned to the committee on Corporations and Municipals.

Sen. Steen introduced **SCR 4**. Adopted by voice vote.

Sen. Cook moved Senate adjourn until Tuesday, January 26, 1965 at 1:00 P.M. Motion carried by voice vote.

Senate adjourned at 3:40 P.M.

The Senate met pursuant to adjournment at 1:40 P.M. on January 25, 1965, Lt. Gov. Tribbett presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present:

Members present: Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem. Steen—15.

Members absent: Dineen, Hoey, Holloway—3.

Lacking a quorum, the President declared a recess to the call of the chair.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication or memorials were read:

Senator Manning asked for the privilege of the floor for her name to be placed as co-sponsor on **SB 6**. No objections heard; privilege was then granted.

Sen. Cook introduced the following concurrent resolution which was read in its entirety. Adopted by voice vote.

SCR 3—That the two houses meet in joint session to certify the election certificates of the Governor and Lieutenant Governor.

Senator Cook presented a communication from the Council of State Governments and asked to have the communication read. Senator Cook stated that this book had been very helpful in preparing legislation in the past and recommended that the new senators take advantage of the opportunity to receive this booklet on a monthly basis. Booklets attached.

The Council of State Governments
and Affiliated Organizations
For Service to the States
Serving the Governments of all the States
The Council of State Governments
Affiliated Organizations*
The Governors' Conference
The National Legislative Conference
The Conference of Chief Justices
The National Association of Attorneys General
The National Association of State Budget Officers
The National Association of State Purchasing Officials
The Parole and Probation Compact
Administrators' Association
The Association
of Juvenile Compact Administrators
The National Conference of Court Administrative Officers
*As of January, 1965.

THE COUNCIL

What It Is

The Council of State Governments is a joint agency of all the state governments—created, supported and directed by them. Its purposes are summarized concisely in its Articles of Organization:

The Council exists to assist the states in improving their legislative, administrative, and judicial practices, to promote interstate cooperation, and

to facilitate and improve state-local and state-federal relations.

The Council, organized in 1933, operates today on many and flexible lines to serve those basic and increasingly important ends. In particular it contributes to them by:

- Conducting research on state programs and problems, and reporting the results to the states.
- Maintaining an inquiry and information service which is available to state agencies, officials and legislators.
- Holding national and regional meetings, large and small, in which legislators and other state officials survey and deal with common problems.
- Issuing publications, for use in the states, on many aspects of state affairs.
- Assisting in liaison, at state direction, with federal officials and congressional committees on matters of federal-state concern.
- Providing the staff for nine affiliated organizations listed on the opposite page—the purposes and activities of which are summarized later in this booklet.
- Cooperating with additional important state organizations, several of which receive regular staff aid from the Council.

Hundreds of men and women in the executive, legislative and judicial branches of state government work actively with the Council, assisted by its staff. A headquarters office is maintained in Chicago. There are regional offices in the East, Midwest, South, and West, and a branch office in Washington, D.C.

The Council's Management

The states govern the Council through a Board of Managers, representative of the states in all their branches. The Board consists of the following:

1. *State Delegate Members.* These members, one from each of the states and Puerto Rico, make up the great majority of the Board. Each state selects its own delegate member.

2. *Ex-Officio Members.* There are twenty ex-officio members: nine comprising the Governors' Conference Executive Committee; the presiding heads of the eight other organizations affiliated with the Council; the President of the National Conference of Commissioners on Uniform State Laws; the President of the National Conference of State Legislative Leaders; and the Honorary President of the Council.¹

3. *Managers-at-Large.* Eight Managers-at-Large are elected annually by the Board for two-year terms to represent the four major regions of the Council, on the basis of two members from each region. A few Managers-at-Large elected prior to

1964 on a different basis, now discontinued, will complete their terms.

4. One life member.²

¹ Henry W. Toll of Colorado, the Council's founder.

² Frank Bane, Immediate Past Executive Director of the Council.

The Board of Managers thus is organized to represent each of the states directly, each organization affiliated with the Council and others that cooperate closely with it, and the Council's Regional Conferences, which are increasingly active in all aspects of its work.

The Board meets annually and at special call. It controls the Council's funds, property and management, and it alone is responsible for establishing Council policy positions.

An Executive Committee of the Board exercises general supervision over Council operations between Board meetings. It comprises the President of the Council, a Governor; the First Vice-President, a legislator, who also is Chairman of the Board of Managers; four regional Vice-Presidents; three other Vice-Presidents; the Auditor, a state fiscal officer; and the Honorary President.

The Executive Committee appoints the Executive Director. He selects the Council's staff and it works under his direction.

Interstate Cooperation Commissions

The Council works closely with Commissions on Interstate Cooperation or similar official bodies of the individual state governments. A typical commission consists of ten or more legislators and a smaller number of administrative officials. In legislation by which the commissions have been created, the Council customarily is designated a joint governmental agency of the enacting state and the other states which cooperate through it.

These commissions play an important role in the Council's activities. They focus attention on interstate and other inter-governmental aspects of problems facing the states; they offer organized channels for continuing communication among states and with other levels of government; and they provide machinery to assist the states in pooling their knowledge and resources.

Examples of Council Work

For Intrastate Progress

Council studies and research have contributed steadily over the years to advances in such basic areas of state service as the public school and higher education systems, economic development, mental health, corrections, highway safety,

natural resources and assistance for the aging. Aiding these same ends have been numerous national and regional meetings conducted by the Council, in which state officials and legislators have discussed and examined the needs involved. Similar research and the interchange of experience have helped to produce notable improvements in the organization and procedures of state legislative, executive and judicial bodies.

Often the research and action programs undertaken have been at the request and initiative of Council-affiliated organizations particularly interested in the services or procedures involved. Through the Council, the results of these initiatives, as well as those originating in its own Board, conferences and committees, have been pooled for all the state governments.

Interstate Action

A great deal of the Council's work is directed to the growing number of problems that call for specialized programs of interstate action. The Council has led and assisted in bringing into existence interstate agencies which deal respectively with higher education, mental health, river basin problems, forest fire prevention, coastal fisheries, enforcement of family support, juvenile delinquency, probation and parole, and other subjects. Some of these agencies represent a large number of states, some two or more states that adjoin each other. Many have been created through interstate compacts, others through less formal arrangements.

The Council serves in a variety of interstate tasks through additional means. Each year its Committee of State Officials on Suggested State Legislation, in consultation with other groups, suggests a series of legislative acts, for consideration by the states, to deal with subjects on which similar or uniform laws may commend themselves. Many of these now are on the statute books. The Council's cooperative work with the National Conference of Commissioners on Uniform State Laws is a further means to the same end.

Federal-State Relations

At their direction, the Council repeatedly acts for the states in consultation with federal officials on subjects of common concern. Council studies and staff cooperation, moreover, have contributed to various important reports on federal-state relations over the years, and the Council now cooperates with the Advisory Commission on Inter-governmental Relations, created by Congress. On a continuing basis the Council's Washington Office distributes to the states information on federal proposals that affect the states, and it assists in facilitating constructive liaison between state officials and the national government.

Regional Activity

Overall, the work of the Council and the organizations affiliated with it is nationwide. But regional activities and organization have long been basic, and they are growing. Today there are continuing, organized Regional Conferences of the Council of State Governments in the East, the Midwest, the South, and the West—each with its own officers and committees. Similarly, the Governors have their continuing Regional Conferences, and there are permanent regional organizations of the Attorneys General and the National Association of State Budget Officers. Each of these, also, has its own officers, and the Council of State Governments provides staff services for almost all of them.

To serve officials and legislators of the individual states in each of the four major regions, as well as to facilitate staffing of the regional bodies of the Council and affiliated organizations, the Council maintains regional offices in New York, Chicago, Atlanta and San Francisco. Each is headed by a senior member of the Council's staff. In addition to their regional activities, these offices have continuing responsibilities in the national work of the Council, and each of them works especially close with one or more of the national affiliates.

Thus the regional and nationwide activities of the Council are meshed together. Further reinforcing this coordination are two aspects noted under "The Council's Management," above: Eight members of the Board of Managers are elected annually for two-year terms to represent the Council's four major regions, and there are four Regional Vice-Presidents on the Board's Executive Committee.

ORGANIZATIONS AFFILIATED WITH THE COUNCIL OF STATE GOVERNMENTS

The Governor's Conference

*Organized in 1908. Composed of the Governors of
all of the states, commonwealths
and territories*

As summarized in its Articles of Organization, the functions of the National Governors' Conference are "to provide a medium for the exchange of views and experiences on subjects of general importance to the people of the several states; to foster interstate cooperation; to promote greater uniformity of state laws; to attain greater efficiency in state administration; and to facilitate and improve state-local and state-federal relationships."

For well over half a century, the Governors' Conference has been accomplishing results for better state government and services. In its annual meetings, the Governors confer on

significant problems of all the states. On a year-round basis, the Conference Executive Committee of nine members and its standing committees work for progress in a wide range of fields.

Such committee services have grown markedly in recent years, both in extent and results. In addition to the Executive Committee with its many duties, there have been, among others, hard-working committees on the National Guard, civil defense and post-attack recovery, federal-state relations, juvenile delinquency, public health and welfare, roads and highway safety, and state planning.

Among outstanding Conference contributions has been a lengthening series of studies and published reports on such key subjects of state responsibility as education at all levels, mental health, highways and highway safety, services for older citizens, and urban regional development. Follow-up action by Conference committees and individual Governors in their home states has produced progress in all these fields.

Bipartisan leadership is assured for the Conference by provisions that the chairmanship shall alternate annually between the two major political parties, and that a majority of the Executive Committee shall be of a political party other than the Chairman's.

The Council of State Governments provides the staff for the Conference. It has conducted many studies and submitted many reports for it. The Conference Executive Committee serves on the Council's Board of Managers.

Regional Governors' Conferences also meet annually in the Midwest, South, West and New England, and work year-round to deal with needs in their areas. The first three of these receive regular staff services from the Council.

The National Legislative Conference

Organized in 1948. Composed of legislative officials, members and staff of legislative service agencies, and others designated by the Conference.

The Conference purposes are to cooperate for more effective service to the legislatures and to aid in improving legislative organization and procedures—thereby preserving and strengthening the independent status and integrity of the legislatures.

Originally established in 1948 as the "Legislative Service Conference," the organization has expanded greatly since then, both in the scope of its work and in membership. For years legislative leaders and officers, as well as members and staff of the service agencies, have played important roles in the organization, which accordingly assumed its present name in 1955—the National Legislative Conference.

The Conference is the largest of the bodies affiliated with the Council. Hundreds of delegates attend its annual meetings, which nevertheless provide effective means for close examination of problems by the individual members. Among the features are many "workshops" in which relatively small groups deal with specific aspects of the responsibilities of legislatures and of the various specialized legislative service agencies.

Conference committees work year-round. In addition to the Executive Committee there have been recent standing committees on organization of legislative services, legislative organizations and procedures, legislative rules, and indexing and publication of statutes. Notable results of committee studies, published and widely used in the states, have been extensive reports on legislative processes, procedures, and the organization of legislative services. Rules manuals also have been issued to assist presiding officers and committee chairmen.

To a large extent because of the work of the Conference, there has been a great increase in provision among the states of such aids and facilities as strengthened service agencies, orientation conferences for legislators, manuals prepared for them, and improved bill printing and other procedures. In many states legislative committee systems have been modernized. Information developed through the Conference has contributed to the growth of annual sessions among the states and the introduction of many ways and techniques for improving the product of legislative work.

The Council of State Governments provides the staff for the Conference, and performs research and information services for its members. The President of the Conference is a member of the Council's Board of Managers.

The Conference of Chief Justices

*Organized in 1949. Composed of the Chief Justices
of the courts of last resort in the fifty states
and Puerto Rico.*

The central purpose of the Conference of Chief Justices is the exchange of information and ideas on the judiciary and consultation pointing to improvement in the administration of justice. It has pursued this objective on broad lines, working effectively to strengthen the operation of the state court systems as a whole, from the tribunals of last resort to the trial courts.

Through the years annual meetings of the Conference have focused attention on most of the outstanding subjects that concern the conduct of the courts. Among many others, these have included various aspects of court administration, operating procedures of appellate courts, workloads of Su-

preme Courts, conflicts of jurisdiction, developments in the criminal law, judicial selection and tenure, judicial conferences, traffic court programs, and federal-state relationships in the judicial field.

The work of Conference committees proceeds steadily. In addition to the Executive Council, these recently have included a committee on habeas corpus and another on allocation of jurisdiction between federal and state courts. Through all its wide-ranging efforts the Conference contributes significantly to the strengthening of court systems and the quantity of justice in America.

The staff, provided by the Council of State Governments, assists with surveys and reports for the Conference. The Chairman of the Conference is a member of the Council's Board of Managers.

The National Association of Attorneys General

Organized in 1907. Composed of all Attorneys General of the states, commonwealths and territories and the Attorney General of the United States

The National Association of Attorneys General, oldest of the organizations affiliated with the Council of State Governments, provides clearing house facilities and machinery for cooperation on the common problems of its members. Its fields of interest, like those with which the Attorneys General deal in their own offices, are highly varied—involving manifold aspects of law enforcement, legal interpretation and inter-governmental relations.

The annual meetings reflect this broad range of responsibilities. Subjects examined in recent years have included, for example, problems of habeas corpus, frauds on consumers, provision of legal counsel for indigent defendants in criminal cases, search and seizure procedures, bail methods, wire-tapping, insurance regulation, administrative rules, conflicts of interest, and different aspects of federal-state relations. Means of strengthening the administration of the offices of the Attorney General likewise have been emphasized.

The Association's Executive Committee works on a continuing basis, as do other committees on specific subjects. These have included committees on antitrust activities, consumer protection, charitable organizations, habeas corpus, escheat, tax problems, atomic energy, highways, criminal law, and federal-state relations.

The Council of State Governments provides the Association's staff. It prepares and distributes reports and information for the Association, including a monthly periodical, *Digest of Opinions of Attorneys General*, which summarizes opinions

of widespread interest. The President of the Association is a member of the Council's Board of Managers.

In addition to the National Association, regional groupings of its members, with their own officers, have been established in the East, Midwest, South, and West. The Chairman of each of these regional bodies is a member of the National Association's Executive Committee.

The National Association of State Budget Officers

Organized in 1945. Composed of budget officers, their assistants and deputies of all the states, commonwealths and territories.

The purposes of the Association are to provide machinery for cooperation among state budget officers, to encourage study and research in state budgeting, and in other ways to foster more effective budget administration in all the states.

For two decades the Association has contributed steadily to the strengthening of budgeting methods and finance administration. Discussion at its annual meetings regularly serves these objectives. On a continuing basis, committees conduct studies related to the budget process and report their findings to the Association. In addition to the Executive Committee, the Association recently has had standing committees on federal-state budgetary and fiscal relations, on state budget research, and on budgeting for higher education.

The Council of State Governments provides the Association's staff, which performs research and information services. The President of the Association is a member of the Council's Board of Managers.

Regional Conferences, each with its own Director, now have been established by the National Association in the East, Midwest, South, and West.

The National Association of State Purchasing Officials

Organized in 1947. Composed of purchasing officials, their assistants and deputies of all the states, commonwealths and territories.

The Association's purpose is to promote cooperation for more efficient state purchasing and for greater efficiency in administration. By pooling their knowledge and experience, and through special study projects, the members have brought much progress in state procurement practices. The results have been cumulative savings of large sums of money, and higher quality of supplies purchased.

The Association's annual meetings contribute to these ends, and continuing committee work—on competition in

governmental purchasing, commodity standards and specifications, vendor evaluation, price comparisons and other aspects—is fundamental in its program. The Association's committee on competition in purchasing has cooperated closely with the antitrust committee of the National Association of Attorneys General—an outstanding example of fruitful joint effort by two of the organizations affiliated with the Council of State Governments.

The Council provides the Association's staff, the functions of which include research and information services on state purchasing practices and methods. The President of the Association is a member of the Council's Board of Managers.

The Parole and Probation Compact Administrators' Association

Organized in 1945. Composed of administrators of the Interstate Compact for the Supervision of Parolees and Probationers, their assistants and deputies, in all of the states, Puerto Rico and the Virgin Islands.

The Association's purpose is to promote cooperation and exchange of information among the administrators for effective implementation of the compact—a device designed to promote interstate crime control, protect society and aid in rehabilitation of offenders.

The compact is applicable to all dult probationers and parolees. Among its functions, it enables states to serve as each other's agents in supervising persons on probation or parole. It provides an effective method for permitting probationers and parolees to leave one state and take up residence in another—the sending state, however, retaining control and receiving continuing reports on the individuals concerned from the receiving state. And it enables serious violators to be returned to court or prison in the sending state, usually without costly or time-consuming extradition proceedings.

The Association meets annually to discuss questions of policy and interpretations of the compact, and to deal with administrative regulations. The Council of State Governments provides its staff, and the President of the Association is a member of the Council's Board of Managers.

The Association of Juvenile Compact Administrators

Organized in 1956. Composed of administrators of the Interstate Compact on Juveniles, their assistants and deputies.

The Association promotes cooperation and exchange of information among the administrators of this compact, now

in effect in a great majority of states. A central purpose of the agreement is to facilitate out-of-state supervision of delinquent juveniles eligible for parole or probation whose welfare makes it advisable to send them to states other than those where they got in trouble. The compact further provides for return to their home states of escapees and nondelinquent run-aways, and authorizes agreements for cooperative institutionalization of special types of juveniles, such as defective delinquents.

The Association assists the administrators in numerous ways. Among its services it has developed a series of standardized forms to expedite handling of cases under the compact.

The Council of State Governments provides the Association's staff, and the President of the Association is a member of the Council's Board of Managers.

The National Conference of Court Administrative Officers

Organized in 1955. Membership is open to administrators of the state and federal courts, the courts of Puerto Rico, and the courts of metropolitan counties and other large jurisdictions.

As the work of courts at all levels grows, their efficient administration becomes increasingly important. Accordingly, many state and local offices for court administration have been established. The National Conference of Court Administrative Officers was created to serve them by facilitating their cooperation and exchange of information, thus fostering use of modern management methods.

Aspects surveyed at annual meetings have included such subjects as court reorganization, court personnel and finances, judicial conferences and seminars, uniform judicial statistics, and selection and management of juries. Conference committees devote special attention to various of the problems involved.

The Council of State Governments provides the Conference staff, and the Chairman of the Conference is a member of the Council's Board of Managers.

OTHER ORGANIZATIONS COOPERATING WITH THE COUNCIL OF STATE GOVERNMENTS

The Council cooperates closely with a number of other organizations that serve state government.

The National Conference of Commissioners on Uniform State Laws has a long-standing, cooperative arrangement with the Council, and its President is a member of the Council's

Board of Managers. The Conference, in existence from 1892, comprises Commissioners from each of the states. Its purpose is to promote uniformity in state laws on subjects concerning which uniformity is considered desirable, and to draft model laws when these are believed to be useful. New acts promulgated by the Conference are carried annually as a section of *Suggested State Legislation*, prepared by a committee of the Council.

The National Conference of State Legislative Leaders, organized in 1959, also is represented by its President on the Council's Board of Managers. It is composed of the top officers, and majority and minority leadership, of legislatures throughout the nation. The purpose of the Conference is to advance the effectiveness, independence and accomplishments of the legislative branches of state government by discussion and by encouraging, conducting and participating in research and studies for solution of common problems.

The National Conference of Lieutenant Governors, created in 1962, has been assisted since its inception by the staff of the Council of State Governments. Its functions include exchange of views and experiences on subjects important to the people of the states and territories; the fostering of interstate cooperation; and the promotion of efficiency and effectiveness in the offices of Lieutenant Governor.

The Conference of Interstate Agencies, organized in 1961, comprises representatives of interstate administrative agencies that deal with a wide range of functions, from management of natural resources to education. Discussion and reports in its meetings and contacts among members have been of mutual assistance to the agencies concerned. Council staff services for the Conference include publication of the *Interstate Agency Circular Letter* for continuing information of its members.

The Interstate Conference on Water Problems, organized in 1959, is made up of state officials with responsibilities for water resources and their administration. It works to facilitate interstate cooperation and exchange of information in this field, and also sound federal-state relationships. With the aid of the Council's staff, the Conference has been particularly concerned to encourage development of overall state programs of water administration and to foster recognition of state water responsibilities in the federal system.

The National Conference on Uniform Reciprocal Enforcement of Support, organized in 1952, is a large body of state and local officials who are responsible under reciprocal laws to enforce the support of dependents by persons responsible for them. These laws have been adopted in all states. The Conference facilitates cooperation and exchange of information among the officials. The reciprocal support program brings in millions of dollars annually for women and children

whose husbands and fathers have deserted and gone to other states. The Council of State Governments provides the Conference staff.

SOME OF THE COUNCIL'S PUBLICATIONS*

THE BOOK OF THE STATES, the standard, biennial reference work on state government.

STATE GOVERNMENT, quarterly, the journal of state affairs.

STATE GOVERNMENT NEWS, monthly, a newsletter on the state governments and developments affecting them.

LEGISLATIVE RESEARCH CHECKLIST, quarterly: presents news of legislative organization, procedures and service agencies; lists research assignments of legislative agencies and reports prepared by them.

SUGGESTED STATE LEGISLATION, annual, a volume prepared by the Council's Committee of State Officials on Suggested State Legislation.

Numerous special reports, from pamphlets to major books, have been prepared by the Council during the last decade, on subjects ranging from such state service fields as education, mental health, and needs of the aging to studies on legislative, administrative and judicial structures and practices.

* A complete list of Council publications in print, with their prices, is available from any of the Council's offices.

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**SUGGESTED STATE LEGISLATION
FOR SERVICE TO THE STATE****Volume XXIV****SUMMARY****1965***Developed by***COMMITTEE OF STATE OFFICIALS ON SUGGESTED
STATE LEGISLATION***of***THE COUNCIL OF STATE GOVERNMENTS****Foreword**

This volume of *Suggested State Legislation* contains proposals approved by the Committee of State Officials on Suggested State Legislation of the Council of State Governments at its meeting August 18-19, 1964, in Washington, D.C. The report also carries recently promulgated uniform acts of the National Conference of Commissioners on Uniform State Laws.

This summary pamphlet contains short descriptions of the suggested legislation and statements which appear in the full volume. It also contains a brief introduction describing the Committee on Suggested State Legislation and its programs. Copies of individual proposals or of the whole volume are available to state officials from the Council of State Governments, 1313 East 60th St., Chicago, Illinois 60637. The whole volume is available to others at \$2.00 per copy. For bulk rates and information regarding individual proposals write to the Council.

The study of the suggested state legislation by the Commissions on Interstate Cooperation and other state officials, and the presentation of such measures to the state legislatures, where appropriate, is recommended. While generally cast in the form of legislation, they constitute no more than suggestions with respect to the problems posed. They should, therefore, be introduced only after careful consideration of local conditions, existing statutory practices and constitutional requirements.

Attention is called to the fact that the volumes of *Suggested State Legislation* for earlier years contain proposals which may still be of current interest in many states. Copies are available in limited quantity from the Council. A cumulative descriptive index of proposals carried in previous volumes is available from the Council of State Governments in two parts: *Index to Suggested State Legislation—Programs for 1941-1957* and *Index to Suggested State Legislation—1958-1965*.

Please let us know if you need any additional information.

Brevard E. Carihfield
Executive Director

Committee of State Officials on Suggested State Legislation
of

The Council of State Governments
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Member, Board of Managers
Council of State Governments

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Milton Alpert (New York)
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INTRODUCTION

Each year the Committee of State Officials on Suggested State Legislation formulates draft bills, statements and suggestions relating to a wide variety of matters which are of interest to the states. These proposals are presented to the states by the Council of State Governments through an annual publication, *Suggested State Legislation*. The Council's Committee on Suggested State Legislation is composed entirely of state officials—Commissioners on Interstate Cooperation, Commissioners on Uniform State Laws, Attorneys General, legislators, legislative staff of the states, and others.

The machinery for developing the Suggested State Legislation is as simple as it is effective. The Council of State Governments receives from individual state officials, from organizations of state officials, from special state committees or agencies, and from public service organizations, proposals for consideration by the state legislatures. In a somewhat similar manner, the federal Bureau of the Budget gathers together various proposals which the federal agencies wish to call to the attention of the states. In addition, the Bureau acts in a liaison capacity with the Council. Proposals received by the Council for consideration by the Committee are first reviewed by the Subcommittee on Scope and Agenda.

Some proposals are received in the form of drafts of legislation. In other instances drafts of acts are developed by special subcommittees of the Committee on Suggested State Legislation, by special drafting groups and through inter-governmental conferences. They are sent for advance study to members of the Committee together with explanatory statements which outline the extent of the problems and the nature of the suggested solutions.

The proposals are considered and discussed in detail in panel meetings of the Committee, frequently with representatives of state and federal agencies and, where appropriate, representatives of local governments and of non-governmental organizations are invited to advise with the Committee.

After final approval by the Committee, copies of the annual report, *Suggested State Legislation*, which contains the acts and explanatory statements, are distributed to the Governors, the state Attorneys General, the Commissioners on Interstate Cooperation and other state officials.

All state officials are urged to submit to the Council of State Governments suggestions for draft legislation which they believe may be of interest to other states. A single state's experience in a new field frequently leads to the adoption of similar action in other states, if the problem is general, the approach is well conceived and other states can be made aware of the action.

SUMMARY OF SUGGESTED STATE LEGISLATION 1965

As Approved by the
Committee of State Officials on Suggested State Legislation
of the Council of State Governments

Section A Proposals Accompanied by Draft Legislation

Workmen's Compensation and Rehabilitation Law

The concluding three parts of the suggested act are included in this volume, the first three parts having been carried in *Program of Suggested State Legislation—1963*. Together, the several parts comprise a comprehensive, integral workmen's compensation system.

Part IV covers procedural matters, records and reports on injuries and deaths; claim procedures; requirements governing payments; and review procedures including judicial review. Part V deals with the typical insurance situation involving private insurance carriers and self-insured employers. It would require adaptation to be most useful to states having state funds. Part VI provides for administration under a Director and establishes a Workmen's Compensation Appeals Board.

Physical Abuse of Children

Persistent abuse of children by their parents and others entrusted with their care is more prevalent than is generally recognized. When children who have been so abused are brought to physicians or hospitals for medical attention, medical authorities are generally reluctant to report such cases because there may be no immunity to suit for slander, libel or other charge. This results in continued danger to the children since their situation is not brought to the attention of appropriate agencies or officials responsible for protecting children. The suggested legislation provides that physicians, nurses, and institutions treating physically abused children shall make reports to appropriate authorities and shall be immune from liability on account of such reports.

Community Junior College Act

More and more states are establishing publicly supported community junior colleges as a means to meet the growing demand for higher education. Though some states have had a junior college system for many years, most states are just beginning to establish such institutions, often on an ad hoc basis. The suggested act provides a comprehensive basis for establishing, constructing and financing community junior colleges. It requires the development of a statewide plan for

this purpose and sets forth criteria for determining where such institutions can be created. It authorizes local units of government, singly or jointly, and special districts to establish community junior colleges in accordance with the plan and with the approval of an appropriate state agency. Institutions established in accordance with the act would be governed by a local board of control and would be eligible to receive state aid for capital outlay and operation. A state aid formula is suggested in the act. Additional costs would be paid by the local units creating the college and by tuition charges. Communities desiring to establish colleges without regard to the provisions of the act could do so but would not receive any state financial aid for them.

Architectural Barriers

For some twenty million handicapped Americans many of the common features of public buildings become architectural barriers, preventing or impeding use of the buildings. The intention of state programs to rehabilitate the handicapped is often frustrated by these barriers which keep them from a place of work or recreation, from public meetings or needed services, and even from further treatment. Architectural standards to eliminate barriers from buildings were developed by the American Standards Association, and sponsored by the National Society for Crippled Children and Adults and the President's Committee on the Employment of the Physically Handicapped. The statement summarizes the activities in states to eliminate architectural barriers in public buildings and includes sample statutory language designed to enact the language of the Standards or to incorporate them by reference.

Property Taxation

This proposal is presented in four parts, so designed that they can be enacted individually or as parts of a comprehensive package. None of the suggested acts are intended as comprehensive statutes dealing with the substance of property tax law, although some substantial provisions do appear because they are necessary to the implementation of the procedural arrangements contained in the suggested legislation.

A. Property Tax Survey Commission

The first suggested act would establish a temporary study commission to examine the state's property tax structure and the relationships between state and local activity with respect to property tax. A life of four years is suggested for the study commission. During its existence, it would make recommendations for such changes as it determines are desirable in any aspect of property tax law and administration.

B. Property Tax: Organization and Administration

This suggested act would establish a property tax division within the state tax agency. The functions of the division would include a number of services to county assessors; direct

assessment of some properties; the compilation, analysis and publication of assessment and equalization information with respect to each county in the state, and the making of intra-state and interstate comparisons; and supervisory jurisdiction over local performance of the assessment function.

C. Property Tax: Assessment Standards and Equalization

This legislation provides for the making of assessment ratio studies by the state tax agency and for their use. Prior to their issuance, such studies are required to be submitted to the appropriate county assessors and local fiscal officers. These officials would be given opportunity to comment on and, if necessary, obtain review of data and conclusions contained therein. Upon publication the assessment ratio studies would become the basis for judging the correctness of assessment practices and the necessity for equalization.

D. Property Tax Review and Appeal Procedure

This suggested act establishes a system for taxpayer protests of assessments. Initial review is either by the county assessor in those situations where his office employs sufficient professionally qualified personnel; by a local board of property tax review in those cases where the assessor's office is not sufficiently equipped; or by the commissioner of the state tax agency in the case of properties assessed directly by the state. Appeals from this initial review could be taken to a state tax court established by the act. The state tax court would operate either as a formal administrative tribunal or under certain circumstances through a more informal small claims procedure. Emphasis is on simplicity of procedure.

Local Government Residual Powers

The familiar rule of law with respect to local governmental units that they may exercise only those powers affirmatively conferred upon them has often prevented local government from assuming its proper responsibilities. The proposed constitutional amendment would grant to local governments "all residual functional powers" that are not otherwise specifically denied in the state constitution or by general law.

Optional Forms of County Government

The arguments for permitting local residents greater latitude in determining the structure and organization of their county governments are outlined. Constitutional approaches that have been used by a number of states to accomplish this objective are reviewed. Statutory language to make available three optional forms of county government (county commissioners, manager, and elected county executive) is presented.

Creation and Consolidation or Dissolution of Special Districts

There has been a particularly rapid growth of special districts in recent years. This can increase the complexity of

government and create administrative and tax problems. The suggested legislation would provide a procedure under which the creation of new special districts would be carefully reviewed by a local government body to determine whether an existing unit or general government could provide the service proposed for the special district.

State Assistance for Interlocal Cooperation

Authorizing legislation providing for interlocal cooperation, such as has been carried in earlier volumes of *Suggested State Legislation*, does not by itself promote joint undertakings. The suggested legislation authorizes all state departments and agencies which are empowered to assist individual political subdivisions to also assist them jointly. Provision is made for the state share of financial assistance to be increased for joint projects.

State Assistance Regarding Local Government Debt Offerings

States have an inescapable interest in and concern with the quality of debt management practices of their local governments since the credit standing of one may affect others. Local governments which borrow infrequently, often do not have access to the specialized techniques involved in preparing debt offerings and consequently may sell their bonds on less favorable terms than would be otherwise available. The suggested act would authorize technical assistance to local governments in debt matters, including advice, and training and education in debt management; maintenance of a central file of local debt and related data; and the marketing, on a request basis, of local bond offerings.

Investment of Idle Funds Act (Amended)

The suggested legislation repeats draft language in previous volumes which would permit local governments to invest idle funds temporarily, and adds a new section authorizing and directing state technical assistance to local governments in these matters.

Authorization for Electronic Voting Systems

Recently the use of electronic data processing equipment has been applied to vote tabulation. Two methods of balloting and counting votes electronically are presently available, one using special marking on conventional paper ballots and the other using punch cards. It can be anticipated that there will be increasing use of these systems. The suggested legislation is intended to provide general authorization that would be applicable to any systems meeting the basic statutory criteria for election procedures. It also includes provisions dealing with procedures for the use of the systems.

Control of Forest Fires

The suggested act is a comprehensive forest fire control statute. It could be used by a state as a complete law on the

subject. On the other hand, particular provisions of the act can be considered separately for inclusion in existing state laws dealing with the control of forest fires. The definition of forest land employed in the legislation is intentionally broad, because the purpose is to prevent the spread of fires to forest areas and start of fires which may spread to forest areas, as well as to prevent fires from originating in forests.

Public Recreation on Private Lands: Limitations on Liability

In the face of expanding public demand, states are increasingly mindful of the potential for outdoor recreation of large private holdings. The suggested act, by limiting the liability of owners who open their land without charge for outdoor recreation activities, seeks to increase the availability to the public of such lands. Also, in the case of recreation lands leased to states or their subdivisions, the act, generally, would extend similar exemptions to owners providing the latter receive no compensation beyond the consideration for the lease.

Funeral and Burial Trust Funds

The sale of property and services connected with funerals is one of the more difficult areas to keep free of sharp practices. The suggested act attempts to reduce dangers of misappropriation of purchase money and nonperformance of the burial or burial-connected contract on the part of the seller by providing that payments for the property or services are to be held as trust funds until the contract is performed; by providing reasonable performance bond requirements which may be waived only on a showing of financial responsibility; and by a system of licensure and inspection of accounts by public authorities.

False Advertising

There are both state and federal laws dealing with false advertising. However, there are a number of situations which are not covered by either, owing either to administrative reasons or to reasons having to do with substantive law. The suggested legislation is intended to plug these gaps. It defines false advertising broadly and gives the attorney general power to proceed by actions for civil penalty in cases which are not otherwise being handled under specific federal or state statutes.

State Banks and Real Property Loans Participated in by Small Business Administration

The suggested act would exempt state banks of enacting jurisdictions from statutory restrictions respecting real property loans when made with the participation of the Small Business Administration. Such exemptions, already provided by Congress for loans of national banks, would place state banks on an equal footing in extending loans to small concerns which could not otherwise be considered.

Hog Cholera Eradication (Revised)

Procedures in the cooperative federal-state hog cholera eradication program involve the application of measures to control exposure to hog cholera and reduce incidence of the disease, leading to the final stages, which include condemnation and destruction of infected and exposed swine. The suggested legislation would empower an appropriate state agency or officer to condemn and destroy animals affected by hog cholera when this proves necessary. Provision for compensation to owners of condemned swine is included. The act also contains authority for participation in the cooperative indemnity program. (In some states, additional legislation would be necessary for full cooperation.) The revision alters provisions dealing with limits on indemnity payments and with the point at which condemnation and indemnity will enter into the program.

Withholding for Certain Nonresidents

The suggested legislation offers two approaches to problems of multiple withholding for state income tax purposes of wages and salaries: the first would exclude from withholding such income earned by a non-resident as would be subject to an income tax in his state of domicile, provided the domiciliary state grants similar exclusions on a reciprocal basis; the second would permit the application of a minimum earnings requirement for nonresidents below which withholding would not apply.

Section B

Statements Regarding Proposals of Interest to the States Generally, But Without Accompanying Draft Legislation

Taxation of Businesses Engaged in Interstate Commerce

The statement reviews developments since 1959 in the Courts, Congress, and the states concerning taxation of business engaged in interstate commerce. It emphasizes the need for immediate action by the states to achieve uniformity with respect to the basis of taxation in this field, and urges adoption of the Uniform Division of Income for Tax Purposes Act. It warns that federal action restricting the taxing powers of the states is likely to occur if uniformity is not achieved by the states.

The Model Penal Code

The statement calls attention to the Model Penal Code drafted by the American Law Institute. The Code is comprehensive in its scope, covering all steps from the trial of an offender to his final release from a custodial facility and parole supervision, which is mandatory even though an offender has completed his sentence. It defines various crimes, contains provisions for sentencing, (which are somewhat different from those in the Model Sentencing Act), provides for the treatment

of offenders and for the organization of a department of corrections, a parole board and probation services.

The Model Sentencing Act

The statement calls attention to the Model Sentencing Act drafted by the Advisory Council of Judges of the National Council on Crime and Delinquency. The act emphasizes the rehabilitation of offenders, broadens the basis for sentencing in felony cases, provides special sentencing procedures for dangerous offenders and generally reduces the length of sentences for other offenders. It includes provisions for presentence investigation, probation and parole.

State Matching Funds for the Manpower Development and Training Act

In 1962 Congress adopted the Manpower Development and Training Act (P.L. 87-415, as amended by P.L. 88-214) which provides for state matching funds commencing on July 1, 1965. The statement discusses the state role which includes matching funds on a 33-1/3 per cent basis for fiscal year 1966, with 50 per cent required for each year thereafter. In fiscal year 1964 there were 4,347 training projects approved and, the statement continues, there was training for 230,000 individuals.

Revised State Radiation Control Regulations

This statement calls the attention of the states to Revised State Radiation Control Regulations to implement further the provisions of Public Law 86-373 relating to individually negotiated agreements between a state and the Atomic Energy Commission. Operation under the law in the past few years necessitated the updating and maintenance of internally consistent state regulatory systems with that of AEC and those of other states. As mentioned in the statement, the Council of State Governments contemplates publication of supplements containing changes and amendments to the revised regulations on a yearly basis.

Section C

Uniform Acts Promulgated in 1964

by the

National Conference of Commissioners on Uniform State Laws

Uniform Act on Status of Convicted Persons

This uniform act deals with the political, personal, civil and other rights of persons convicted of crimes. It provides that these rights are not lost upon conviction except that during confinement, an individual shall lose his rights to vote, to hold public office, and to serve on a jury. Under the act, these rights are restored automatically upon discharge.

Uniform Deceptive Trade Practices Act

This uniform act is designed to bring state law up to date by removing undue restrictions on the common-law action for deceptive trade practices. Certain objectionable practices are singled out, but the courts are left free to fix the proper ambit of the act in case-by-case adjudications. The deceptive trade practices singled out by the act can be roughly subdivided into conduct involving either misleading trade identification or false or deceptive advertising. The statute provides solely for injunctive relief although damages may also be awarded when otherwise permitted by law.

Uniform Trustees Powers Act

Mindful of the values of greater flexibility in exercising investment powers accorded by prudent man rule investment statutes, this proposed act, for those trusts to which the act applies, grants trustees the power to perform every act for trust purposes which a prudent man would perform; does not absolve his obligation as a fiduciary except for so-called self-dealing powers which are none-the-less subject to prudent man requirements; and fully protects third persons dealing with or assisting the trustee from improper exercise of his powers.

Since a hardship may be created by the provision that estate taxes are generally paid out of the residual portion of the estate which, in most cases, goes to the widow or child, this act was developed to apportion the tax among all of those entitled to receive any part of the estate according to the amount received, unless the will provides otherwise. The revision corrects defects to preclude possible misinterpretation permitting a will to impose upon a beneficiary under an *inter vivos* transfer a proportion of the tax greater than would be apportioned without such provision in the will; to provide for the apportionment of expenses incurred in determining the tax and its apportionment; and to eliminate any need for Congressional authority to validate a remedy provided to a nonresident fiduciary against a resident.

Revised Uniform Enforcement of Foreign Judgments Act

This act makes procedure available under which the judgment creditor can effectively obtain relief and at the same time adequate protection is given the judgment debtor to present any defense that can now be interposed to an action on such judgment. The revision simplifies procedures by providing for a shorter registration or filing procedure rather than the summary judgment procedure prescribed by the original act.

Model Special Power of Attorney for Small Property Interests Act

The purpose of this act is to provide a simple and in-

expensive procedure for those with relatively small holdings who wish to arrange for the care of their interests in time of need. A special feature provides that the power will not be invalidated by subsequent incompetency of the principal. It is anticipated that the attorney in fact will be a relative, close friend, or welfare agency without requirement of bond.

Senator Cook moved the Senate recess to the call of the chair at 1:52 P.M.

The Senate returned to order at 3:07 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Holloway, Hoey, Dineen.

Members of the House entered the Senate chambers at 3:08 P.M. for a joint session.

Sen. Cook moved that the President of the Senate preside at the joint session. Motion carried.

Senator Cook moved that the Secretary of the Senate and Chief Clerk of the House serve as joint secretaries for the joint session.

Sen. Cook then turned the meeting of the House and Senate to President Tribbitt.

President Tribbitt welcomed Speaker of the House Bockman and all House members to the Senate.

In accordance with the Constitution, the Chair directed that the election returns for Governor and Lieutenant-Governor be read to the Joint Session.

The reading clerk read the same and the Chief Clerk of the House and the Secretary of the Senate tallied the returns and checked the certificates. Whereupon the Secretary of the Senate announced the results as follows:

THE STATE OF DELAWARE

NEW CASTLE COUNTY, SS

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and sixty-four, for New Castle County, according to the Constitution and Laws of the State of Delaware, 74,824 votes were given for Charles L. Terry, Jr., for Governor; 71,207 votes were given for David P. Buckson for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, William Duffy and Andrew D. Christie, the Judges constituting the Superior Court in New Castle County, who have met and ascertained

the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 6th day of November, A.D. 1964.

WILLIAM DUFFY, President Judge

ANDREW D. CHRISTIE, Resident Associate Judge

THE STATE OF DELAWARE

SUSSEX COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and sixty-four, for Sussex County, according to the Constitution and Laws of the State of Delaware, 17,316 votes were given for Sherman W. Tribbitt for Lieutenant Governor; 14,774 votes were given for William T. Best for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, Albert J. Stiftel and John J. McNeilly, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the State of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 5th day of November, A.D., 1964.

ALBERT J. STIFTEL, Associate Judge

JOHN J. McNEILLY, Resident Associate Judge

THE STATE OF DELAWARE

KENT COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and sixty-four for Kent County, according to the Constitution and Laws of the State of Delaware, 11,861 votes were given for Sherman W. Tribbitt for Lieutenant-Governor; and 9,532 votes were given for William T. Best for Lieutenant-Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, Collins J. Seitz and William J. Storey constituting the Superior Court for Kent

County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be affixed at the Court House in said County, on this 5th day of November, A.D., 1964.

COLLINS J. SEITZ, Chancellor

WILLIAM J. STOREY, Resident Associate Judge

THE STATE OF DELAWARE

NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and sixty-four, for New Castle County, according to the Constitution and Laws of the State of Delaware, 79,565 votes were given for Sherman W. Tribbitt and 65,369 votes were given for William T. Best, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, William Duffy and Andrew D. Christie, the Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 6th day of November, A.D., 1964.

WILLIAM DUFFY, President Judge

ANDREW D. CHRISTIE, Resident Associate Judge

THE STATE OF DELAWARE

SUSSEX COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and sixty-four, for Sussex County, according to the Constitution and Laws of the State of Delaware, 16,938 votes were given for Charles L. Terry for Governor; 15,377 votes were given for David P. Buckson for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, Albert J. Siftel and John J. McNeilly, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the State of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said

Superior Court to be hereunto affixed at the Court House in said county on this 5th day of November, A.D., 1964.

ALBERT J. STIFTEL, Associate Judge

JOHN J. McNEILLY, Resident Associate Judge

THE STATE OF DELAWARE

KENT COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and sixty-four, for Kent County, according to the Constitution and Laws of the State of Delaware, 11,035 votes were given for Charles L. Terry, Jr. for Governor; 10,790 votes were given for David P. Buckson for Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, Collins J. Seitz and William J. Storey, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 5th day of November, A.D., 1964.

COLLINS J. SEITZ, Chancellor

WILLIAM J. STOREY, Resident Associate Judge

Sen. Cook moved the Joint Session to accept and approve the Certificate of Election for Governor and Lt. Governor as read. Motion carried by voice vote.

Sen. Cook asked if the Secretary of the Senate and Chief Clerk of the House would compare their journals. Motion prevailed.

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

Sen. Cook moved the House and Senate move to their respective chambers. Motion carried at 3:24 P.M.

Sen. McGinnis moved that all nominations sent down by previous Governor and not confirmed by the Senate be returned to the Governor's Office. Motion carried by a voice vote.

The following message from the Governor was received by the Senate and assigned to Executive Committee:

January 25, 1965

To the Senate of the 123rd 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: Henry T. Price, North Main Street, Smyrna, Delaware, to be Chairman of the State Highway Department, to serve during the pleasure of the Governor, succeeding N. Maxson Terry.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

Sen. Cook introduced the following bill, which was given first reading and referred to the committee on Corporation and Municipals:

SB 8—An act authorizing "the town of Smyrna" to borrow not in excess of five hundred thousand dollars (\$500,000.00) and to issue bonds therefor for the purpose of the extension and improvement of the water and sewer systems, the electrical distribution system and the streets of the town of Smyrna.

Sen. Steen introduced the following concurrent resolution which was given first reading:

SCR 4—Making payment to the National Conference of the State Legislative leaders for membership dues for the State of Delaware. Adopted by voice vote.

Sen. Cook moved that the Senate adjourn until Tuesday, January 26, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 3:40 P.M. Adopted by voice vote.

6TH LEGISLATIVE DAY

Senate was called to order at 2:30 by President Tribbitt. Prayer was offered by the Chaplain.

Roll call taken by Secretary revealed 10 Senators present, 8 Senators absent.

Minutes of the previous meeting were read by the Secretary until interrupted by Sen. Cook who moved that so much be considered the reading of the minutes. Adopted by voice vote.

Sen. Bookhammer introduced **SJR 1**. Sen. DuPont moved that **SJR 1** be laid upon the table until **HJR 2** could be studied.

President Tribbitt called a recess at 2:45.

Senate reconvened at 4:37.

All Senators absent at original roll call asked to be marked present.

Sen. DuPont again moved to table **SJR 1** until **HJR 2** could be studied. Sen. Cook moved to adopt tabling motion. Carried by voice vote.

Messenger from the House presented **HJR 2**. Sen. Cook moved that **HJR 2** be read in its entirety. Sen. Cook moved that rule No. 9 be suspended to act on **HJR 2**. Carried by a voice vote. Sen. DuPont indicated his approval of **HJR 2**. Roll call on **HJR 2** revealed 18 yeas.

Sen. Manning introduced **SB 9**. **SB 9** was referred to the committee on revised statutes.

Sen. Dineen introduced **SR 23**. Adopted by voice vote.

Sen. Dineen introduced **SR 24**. Adopted by voice vote.

Sen. Moore introduced **SB 10**. Referred to the committee on revised statutes.

Sen. Cook introduced **SB 11**. Referred to Corporations Municipal.

Sen. Martin introduced **SB 12**. Referred to Corporations Municipal.

Sen. McGinnes introduced **SB 13**. Referred to Judiciary.

Sen. Schlör introduced **SB 14**. Referred to Judiciary.

Sen. DuPont announced he is going to introduce a bill dealing with the merit system and invited all interested Senators to be co-sponsors.

Sen. Cook introduced **SJR 2**. Moved rule 9 be suspended. Passed by a voice vote. Roll call revealed 16 yeas and 2 absent on **SHR 2**.

Sen. Steen stated that the Committee of 39 and 13 had invited all Senators to a dinner February 4, 1965.

Sen. Holloway submitted a committee report on **SB 6**. 5 favorable.

Sen. Cook introduced **SB 15**. Referred to Buildings and Highways.

Sen. Schlör submitted a committee report on **SB 8**. 5 favorable.

Sen. Schlör submitted a committee report on **SB 11**. 5 favorable.

Sen. Schlör submitted a committee report on **SB 12**. 5 favorable.

Sen. McGinnis moved the Senate go into executive session. Motion carried and Senate went into executive session at 5:20.

Sen. Cook moved the Senate adjourn until Wednesday, January 27, 1965 at 1 P.M. Carried by voice vote and Senate adjourned at 5:55 P.M.

6TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M., on Jan. 26, 1965, Lt. Gov. Tribbett Presiding.

Prayer by the Chaplain, Arthur James.

By Roll Call the following Senators were present—Bookhammer, Conner, Cook, Dineen, DuPont, Hoey, Kinanan, Manning, McGinnes, Robbins—10.

Members absent: Carney, Davidson, Holloway, Martin, McCullough, Moore, Schlör, Pres. Pro Tem. Steen—8.

The Secretary proceeded to read the Journal of the previous days session when Senator Cook moved that so

much be considered the reading of the Journal and the Journal be approved as read.

Sen. Bookhammer introduced the following joint resolution, which was given first reading and referred to the lution, which was given first reading.

SJR 1—Requesting the Veterans Administration to reconsider and reverse its decision to close the Wilmington office.

Sen. DuPont moved that **SJR 1** be tabled until **HJR 2** could be studied.

President Tribbitt moved the Senate recess to the call of the chair at 2:45 P.M.

The Senate returned to order at 4:37 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Carney, Davidson, Holloway, Martin, McCullough, Moore, Schlör, Steen.

Senator DuPont again moved to table **SJR 1** until **HJR 2** could be studied. Sen. Cook moved to adopt tabling **SJR 1**. Motion carried by voice vote.

Messenger from the House presented **HJR 2**. Sen. Cook moved that **HJR 2** be read in its entirety.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HJR 2**. Motion carried.

HJR 2—In reference to the retention of the Veterans Administration Regional Office at Elsmere, Delaware.

On motion of Mr. Cook **HJR 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—18.

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

Sen. Manning introduced the following bill, which was given first reading and referred to the committee on Revised Statutes.

SB 9—An act to amend Section 5103, Title 31, Delaware Code, relating to appointment and qualifications of the Youth Services Commission of Delaware.

Sen. Dineen introduced the following resolution, which was given first reading.

SR 23—In reference to election of officers: adopted by voice vote.

SJR 2—Relative to the death of Sir Winston Churchill. Sen. Dineen introduced the following resolution which was given first reading.

SR 24—Relating to amount due General Sound, Inc. for expenses incurred by the 123rd General Assembly.

Adopted by voice vote.

Sen. Moore introduced the following bill, which was given first reading and referred to the committee on revised statutes.

SB 10—An act to amend Section 5503, Chapter 55, Title 29, Delaware Code, relating to the method of authorizing monthly pension benefits.

Sen. Cook introduced the following bill, which was given first reading and referred to the committee on Corporations Municipal.

SB 11—An act to amend chapter 108, volume 47, laws of Delaware, entitled "An Act Extending the Corporate Limits of the Town of Camden," by adding a new area thereto.

Sen. Martin introduced the following bill which was given first reading and referred to the committee on Corporations Municipal.

SB 12—An act to further amend chapter 121, volume 28, Laws of Delaware, as amended by chapter 142, volume 36, and chapter 4, volume 51, Laws of Delaware, relating to the date of, and procedure in, hearing appeals by the Board of Assessment for the City of Wilmington.

Sen. McGinnis introduced the following bill which was given first reading and referred to the committee on Judiciary.

SB 13—An act to amend chapter 3, Title 11, Delaware Code, relating to the crime of shoplifting, defining the same and providing penalties therefor, creating certain presumptions arising from concealment of unpurchased goods and establishing certain protective rights for merchants with respect thereto.

Sen. Schlör introduced the following bill which was given first reading and referred to the committee on Judiciary.

SB 14—An act to prevent unfair competition and unfair or deceptive acts or practices in trade or in commerce and to give the Attorney General certain powers and duties for the enforcement thereof and to give injunctive and other relief in the Court of Chancery.

Sen. DuPont announced he was going to introduce a bill dealing with the merit system and invited all Senators to be co-sponsors.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **SJR 2**. Motion carried.

On motion of Mr. Cook, **SJR 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

ABSENT—Dineen, Martin—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.

Sen. Steen stated that the Committee of 39 and 13 had invited all Senators to a dinner February 4, 1965.

Sen. Holloway reported the following bill from committee.

SB 6—5 favorable.

Sen. Cook introduced the following bill which was given first reading and referred to the committee on Buildings & Highways.

SB 15—An act to amend chapter 11, title 17, Delaware Code, relating to regulation of outdoor advertising.

Sen. Schlör reported the following bills from committee.

SB 8—5 favorable

SB 11—5 favorable

SB 12—5 favorable

Sen. McGinnes moved that the Senate go into executive session. Motion carried.

Sen. Cook moved that the Senate adjourn until January 27, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:55 P.M.

7TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on January 27, 1965, Lt. Gov. Tribbett presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—16.

Members absent—Holloway, Pres. Pro Tem. Steen—2.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Sen. McGinnes moved that the Senate go into executive session. Motion carried.

The Senate returned to order at 4:40 P.M., Lt. Gov. Tribbitt presiding.

The following messages from the Governor were read:
Nominations were referred to the Executive Committee.

MESSAGE FROM THE HOUSE

The Messenger of the House informed the Senate that the House had passed **HCR 3, SCR 1** and **SJR 2**.

Sen. Hoey introduced the following resolutions which were given first reading.

SR 25—Relating to amount due James H. Gentry for expenses incurred by the 123rd General Assembly. Adopted by voice vote.

SR 26—Relating to amount due the B. & B. Music Service for expenses incurred by the 122nd General Assembly. Adopted by voice vote.

Sen. Hoey introduced the following concurrent resolution which was given first reading.

SCR 5—Appointing Harry E. Mayhew as accountant for the Joint Finance Committee and Melba Anne Webb as secretary for the Joint Finance Committee of the 123rd General Assembly of the State of Delaware. Adopted by voice vote.

Sen. Hoey made a motion that the Senate return to using the original bill and resolution backers. Motion seconded by Senator McGinnes. Adopted by voice vote.

Sen. Dineen introduced the following concurrent resolution which was given first reading.

SCR 6—In reference to election of officers. Adopted by voice vote.

Sen. DuPont introduced the following bill, co-sponsors Manning and Bookhammer, which was given first reading and referred to the committee on Finance.

SB 16—An act making an appropriation to Murray M. Schwartz, Esq. for services rendered to the State of Delaware in the case of Longoria v. State of Delaware.

SB 8—An act authorizing "the town of Smyrna" to borrow not in excess of five hundred thousand dollars (\$500,000.00) and to issue bonds therefor for the purpose of the extension and improvement of the water and sewer systems, the electrical distribution system and the streets of the town of Smyrna.

On motion of Mr. Cook, **SB 8** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör—15.

NAYS: None.

NOT VOTING: None.

ABSENT: Holloway, McCullough, Steen—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 Mr. Martin, **SB 12** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Martin asked for the privilege of the floor for Mr. Balick to explain the bill. Granted.

SB 12—An act to further amend Chapter 121, Volume 28, Laws of Delaware, as amended by Chapter 142, Volume 36, and Chapter 4, Volume 51, Laws of Delaware, relating to the date of, and procedure in, hearing appeals by the Board of Assessment for the City of Wilmington.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör—15.

NAYS: None.

ABSENT: Holloway, McCullough, Steen—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.

Sen. Dineen introduced the following bill which given first reading and referred to the committee on Education.

SB 17—An act to amend section 1306 and section 1321 of Chapter 13, title 14, Delaware Code, relating to State supported salary schedules for school employees.

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

SB 11—An act to amend chapter 108, volume 47, Laws of Delaware, entitled "An Act Extending the Corporate Limits of the Town of Camden, by adding a new area thereto.

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

YEAS: Bookhammer, Carney, Conner, Cook, DuPont, Hoey, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör—13.

NAYS: None.

ABSENT: Davidson, Dineen, Holloway, McCullough, Steen—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.

Sen. Moore introduced the following bill which was given first reading and referred to the committee on Education.

SB 18—An act to amend chapter 19, title 14, Delaware Code, by requiring a referendum before imposition of a poll tax.

Sen. DuPont (co-sponsors Sen. Manning and Sen. Conner) introduced the following bill which was given first reading and referred to the committee on Rev. Statutes.

SB 19—An act to establish a merit system of personnel administration in the state government of the State of Delaware; to provide for the implementation and operation of such system and to appropriate funds.

Sen. Cook introduced the following bill which was given first reading and referred to the committee on Miscellaneous.

SB 20—An act to amend chapter 51, title 30, Delaware Code, relating to motor fuel tax.

Sen. Schlör introduced the following bill which was given first reading and referred to the committee on Corp.

SB 21—An act to amend chapter 143, volume 36, Laws of Delaware, being an act providing for the collection of taxes and assessments for the city of Wilmington.

Sen. Schlör introduced the following bill which was given first reading and referred to the committee on Rev. Statutes.

SB 22—An act relating to the collector of delinquent county taxes in New Castle County.

Sen. Hoey (co-sponsors: Sen. Robbins, Sen. DuPont, Sen. Moore, Sen. Carney, Sen. Dineen) introduced the following bill which was given first reading and referred to the committee on Finance.

SB 23—An act making a supplementary appropriation to the University of Delaware to establish, equip and operate a community college.

Sen. Martin introduced the following **SA 1** to **SB 3** which was placed with the bill.

Sen. Cook moved that the Senate adjourn until Thursday, Jan. 28, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:35 P.M.

8TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:25 P.M.
Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Pres. Pro Tem. Steen—17.

Members absent—DuPont—1.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Sen. Martin introduced the following resolution which was given first reading.

SR 27—Expressing the sympathy of the Senate of the illness of the wife of Sen. Herman M. Holloway, Sr.

Adopted by voice vote.

On motion of Mr. Cook, **SJR 3** (for all Senators) with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **SJR 3**. Motion carried.

SJR 3—Relative to the death of former Governor and United States Senator Clayton Douglass Buck.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Steen—17.

ABSENT: DuPont—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.

Sen. Cook introduced the following concurrent resolution which was given first reading.

SCR 7—Providing for the adjournment of the Senate and the House of Representatives. Adopted by voice vote.

Sen. Cook moved that the Senate adjourn until Monday, February 1, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 3:40 P.M.

9TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:50 P.M. on February 1, 1965, Lt. Gov. Tribbett presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—

Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem. Steen—16.

Members absent: DuPont, Martin—2.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication or memorials were read:

Sen. Schlör reported the following bill from committee.

SB 21—5 favorable

Sen. Schlör moved that **SB 22** be stricken from the calendar. Adopted by voice vote.

Sen. Cook moved that the President appoint a committee to notify the House the Senate is ready for a Joint Session. Adopted by voice vote. President Tribbitt appointed Sen. Moore and Sen. Bookhammer to this committee.

Former United States Senator J. Allen Frear was invited to sit in the Senate chambers.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant Governor Tribbitt invited the Speaker of the House to a seat on the rostrum.

Joint Session

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

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

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

The chair appointed the following committee to escort the Governor to the Senate Chamber: Senators Hoey, Carney, Manning and Representatives Wilson, Heckert, and Eskridge.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

MESSAGE
of
THE HONORABLE CHARLES L. TERRY, JR.
Governor of Delaware
to the
First Regular Session of the
One Hundred and Twenty-third General Assembly
of the
State of Delaware
Dover
February First
Nineteen Hundred and Sixty-Five

Mr. President, Mr. President Pro Tem, Mr. Speaker, Ladies and Gentlemen of the 123rd General Assembly, Fellow Citizens:

It is very good to be back in this chamber where so very many of my cherished associates of the past and present have rendered unselfish service to the State of Delaware.

I have come today to speak to you on the fiscal position of the state.

Four years ago, our state was in the midst of a financial crisis. There was a deficit in the General Fund of over two million four hundred thousand dollars on June 30, 1961. Most state agencies were operating under sharply restricted budgets. Through sound fiscal planning, by June 30, 1962 this General Fund deficit was eliminated. The budget was balanced and there were funds in the bank in the amount of almost five and one half million dollars. By June 30, 1963 the cash balance had been increased to over nine and one half million dollars. Moreover, by the end of fiscal 1965, it is now estimated that our cash balance in the General Fund will approximate sixteen million dollars.

It would appear that a good situation is getting better. But such is not the case and you as members of the General Assembly and I as Governor must know and heed the facts.

The one great variable source of state revenue is inheritance and estate taxes. According to figures from the Office of the Budget Director, the normal average income from this source over the past fifteen years is slightly above two million dollars per year. For planning purposes, two million dollars per year is the figure normally anticipated.

But, during the four years which will end on June 30, 1965, our collections of inheritance and estate taxes have not been limited to eight million dollars. By June 30th, we will have collected in the past four years thirty-five million dollars

from this source of revenue. In other words, during the four years which will end June 30, 1965, we will have received twenty-seven million dollars of revenue which is abnormal and nonrecurring. Since our anticipated surplus as of June 30, 1965 is only sixteen million dollars, we will have already spent eleven million dollars of this unusual income.

Moreover, even that fact does not give the complete picture. The most dangerous aspect of our reliance on these unusual revenues is the trend which has developed.

If we eliminate all unusual inheritance and estate taxes, that is, those over two million dollars each fiscal year, we have gone, in rough figures, from a six million dollar operating surplus in fiscal 1962, to a half million operating surplus in fiscal 1963, to a five million dollar operating deficiency in fiscal 1964, to an estimated eleven million dollar operating deficiency in fiscal 1965. This trend must not only be stopped; it must be reversed.

The reason for this trend is clear. During the past four years services to our citizens have been vastly expanded. Public education costs have increased 49% in the past four years; appropriations to the University of Delaware have increased 74%; highway department and police functions by 58%; mental health by 36%; and debt service, primarily for school and highway construction by 36%. Many new programs have been introduced. Educational television has been initiated; new agencies such as the State Planning Office, the Division of Weights and Measures and the State Department of Labor and Industrial Relations created; welfare benefits increased; Kerr-Mills medical programs implemented; state employees' pensions liberalized; substantial capital investment authorized from operating funds; and dozens of services expanded.

The fiscal planning that went into the revenue enactments of 1961 was designed to bring revenue in line with disbursements. As we have already seen this was accomplished in the surplus years of fiscal 1962 and fiscal 1963. But by fiscal year 1964, disbursements were again outstripping normal current revenue. We simply cannot increase annual disbursements by over ten million dollars a year, as we have done during recent years, and expect to live within the same revenue sources, even with a booming economy. As a matter of fact, we are indeed fortunate that we have had four prosperous years or our situation would be worse.

The difference between normal, current receipts and disbursements for fiscal 1964 raises a warning to a condition that cannot long continue. We should also note that the above estimated eleven million dollar difference for fiscal 1965 assumes there are no supplemental appropriations between now and June 30th. Each such supplemental appropriation will make the situation worse. Even without supplemental appropria-

tions, we are obviously going to have to find additional sources of revenue to meet our expanding obligations.

New demands beyond current programs will be numerous and pressing. A school equalization bill was passed and signed last year but there is not a dime appropriated in the current budget to meet that authorization; a community two-year college in Wilmington was recommended but no money is set forth in the proposed budget bill to get it started; all Delawareans, aware of the encephalitis that has inflicted our neighbors across the bay in New Jersey must recognize the need for a permanent mosquito control program but no money has been appropriated or recommended with which to initiate it.

This state cannot become accustomed to living beyond its normal means of revenue. You may ask why should normal inheritance and estate taxes be fixed at two million dollars per year if we have taken in thirty five million dollars during the last four years. The answer is that the record establishes a figure slightly above two million dollars per year as average. For planning purposes, it would be speculation and fiscally irresponsible to anticipate more than two million dollars. In support of this conclusion, you should note that, in fiscal year 1961, the inheritance and estate taxes produced only one million three hundred thousand dollars of income, a figure considerably below the norm. And, if that figure, as well as other figures for earlier years which may be cited, do not convince you, let me tell you this. Since such taxes are in normal course, due approximately fifteen months after death, it is already possible to estimate the income from such taxes for the first six months of fiscal 1966. That estimate is only eight hundred thousand dollars. Obviously, if that trend continues throughout the year, we will not raise two million dollars in such taxes next year. Thus, the two million dollar figure is certainly a reasonable one.

Unusual inheritance taxes and the sizable cash balance available at the beginning of the current year will see us safely through June 30th, and, if our national economy continues its present rate of improvement, even carry us over the eleven million dollar imbalance in the budget proposed for fiscal 1966. But, if we continue our current trends into fiscal year 1967, we will become painfully aware that we have been planning our budgets on nonrecurring sources of income.

The Budget Director has projected our current trends through fiscal year 1967. Even assuming a continuation of favorable economic conditions, if we project our past rates of increased spending, the entire cash balance will be expended and there will be a General Fund cash deficit of almost nine million dollars by the end of fiscal 1967. Every supplemental appropriation for the current year or for fiscal year 1966 would add to this anticipated deficit. To put it another way,

on current projections we need every penny of the estimated sixteen million dollar surplus and nine million dollars more if we are to avoid a deficit in the General Fund on June 30, 1967.

This is a reality that must be faced by this administration and the 123rd General Assembly. Fiscal responsibility requires planning ahead while we have the time.

I do not come before you today with a simple cure. I rather come for the limited purpose of sounding the alarm. The cure to be effective must be carefully planned. I recommend the following immediate steps.

First: During the remainder of fiscal 1965 and during fiscal 1966, the General Assembly limit supplemental appropriations. We simply do not have the money and each supplemental appropriation will make our situation worse.

Second: An effort must be made by the Joint Finance Committee of this legislature to cut the budget recommended for fiscal 1966 and the committee should not rule out the possibility that the 1965 budget in some areas may, upon proper reflection, be too high.

Third: the governor will appoint an ad hoc committee to review our present tax structure, to prepare alternative recommendations for increased revenue and to study other legislative steps which might be taken, such as the creation of an emergency reserve fund. This committee will be asked to submit a written report to the governor and to the members of the General Assembly by April 1st.

Fourth: The governor will urge all agencies in general and the budget office in particular to make every possible effort to reduce the anticipated disbursements for the balance of fiscal 1965 and for fiscal 1966.

Fifth: the governor will make every effort in preparing the budget for fiscal 1967 to decelerate the rapid growth of our expenditures. It should be realized, however, that, in addition to the debt service we are now bearing, there has already been legislation to add seventy five million dollars to our bonded indebtedness. Thus, again, in fiscal 1967, we must anticipate an increase in our debt service as well as other statutory increases. I do feel, however, that if a concerted effort is made by this administration, the disbursements for fiscal 1967 can be held below the figure projected on the basis of current trends.

Sixth: Each new legislative proposal requiring new expenditures should be predicated on an actual source of the necessary funds.

Seventh: Each new program of capital improvements to be nanced by bonds must be carefully reviewed by the governor and the general assembly to see what effect it will have on the operation of our general fund.

It is my view that the program outlined above is absolutely imperative if we are to maintain fiscal responsibility in Delaware. Vital service programs often suffer when reductions must be made in haste. New business is reluctant to locate in a state during such periods. Maintaining the fiscal integrity of our state is, therefore, one of the most important responsibilities of this administration. This responsibility can be carried out successfully only when there is cooperation among the general assembly, the governor and the people. Together we can do what must be done.

The previously named committee escorted the Governor from the Chamber.

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

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

Sen. Cook moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

The Senate returned to order at 3:50 P.M., Lt. Gov. Tribbitt presiding.

The Chair presented the following House Concurrent Resolution, which was given first reading.

HCR 3—Making appropriations to various companies for supplies and services rendered the 123rd General Assembly of the State of Delaware. Adopted by voice vote.

Sen. Dineen introduced the following resolutions which were given first reading.

SR 28—Relating to classification, titles, and compensation rates for officers of the Senate. Adopted by voice vote.

SR 29—Authorizing payment for services rendered by attaches and employees of the Senate of the present session of the 123rd General Assembly. Adopted by voice vote.

SR 30—Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Hoey reported the following bills from committee.

SB 4—5 favorable

SB 5—1 favorable, 4 on merits

SB 16—3 favorable, 2 on merits

SB 20—5 favorable

Sen. Cook (co-sponsor Sen. Manning) introduced the following bill which was given first reading and referred to the committee on Finance.

SB 24—An act making a supplementary appropriation to the Delaware Commission on Interstate Co-operation to be used for attendance at the National Regional Conference

on Uniform Reciprocal Non-support and for the Northeastern Regional Conference in the State of Delaware.

Sen. Martin introduced the following bill which was given first reading and referred to the committee on Agriculture.

SB 25—An act to amend title 3, Delaware Code, by providing for the humane slaughter of livestock.

Sen. McGinnis introduced the following joint resolution which was given first reading and referred to the committee on Miscellaneous.

SJR 4—Relating to creation of Joint Committee to consider the Uniform Commercial Code.

Senator McGinnes introduced the following bill which was given first reading and referred to the Committee on Judiciary.

SB 26—An act proposing an amendment to article 4, section 28, of the constitution of the State of Delaware relating to appeals from inferior courts.

SB 27—An act to amend chapter 5, title 10, Delaware Code, in respect to law clerks for the superior court.

Sen. McGinnis introduced the following bill which was given first reading and referred to the Committee on Rev. Statutes.

SB 28—An act to amend chapter 43, title 29, Delaware Code, relating to Notaries Public.

Sen. McGinnis introduced the following bill which was given first reading and referred to the Committee on Judiciary.

SB 29—An act to amend chapter 5, title 10, Delaware Code, in respect to law clerks for the Court of Chancery.

Sen. Holloway introduced the following bill which was given first reading and referred to the Committee on Rev. Statutes.

SB 30—An act to amend section 2301, title 30, Delaware Code relating to fees for occupational licenses.

Sen. Holloway (co-sponsors: Senators Manning, Conner, Kinahan, Martin, Dineen) introduced the following bill which was given first reading and referred to the Committee on Judiciary.

SB 31—An act to amend title 11 of the Delaware Code entitled "Crimes and Criminal Procedure" by abolishing capital punishment.

Sen. Dineen introduced the following bill which was given first reading and referred to the Committee on Finance.

SB 32—An act appropriating moneys to the New Castle County Department of Elections.

Sen. McGinnes moved that the Senate go into executive session. Motion carried.

The Senate returned to order at 4:55 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook moved that the Senate adjourn until Tuesday, February 2, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:58 P.M.

10TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:40 P.M. on February 2, 1965, Lt. Gov. Tribbett presiding.

Prayer by the Chaplain _____.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinanan, Manning, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem. Steen—16.

Members absent: DuPont, Martin—2.

The Secretary proceeded to read the Journal of the previous days session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Sen. Steen introduced the following bill which was given first reading and referred to the Committee on Public Lands.

SB 33—An act authorizing the conveyance of certain state owned lands in Sussex County now being used by the State Highway Department.

Sen. Dineen announced there would be a meeting for all attaches at 3:30 P.M.

Sen. Carney introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 34—An act to adopt the Uniform Deceptive Trade Practices Act.

Sen. Bookhammer introduced the following bill (co-sponsors: Senators Steen and Hoey) which was given first reading and referred to the Committee on Revised Statutes.

SB 35—An act to provide a pension for Sussex County employees.

Sen. McCullough introduced the following bill which was given first reading and referred to the Committee on Finance.

SB 36—An act making a supplementary appropriation to New Castle Historic Building Commission.

Sen. Holloway introduced the following bill which was given first reading and referred to the Committee on Elections.

SB 37—An act to amend chapter 47, title 15, Delaware Code, by providing for the training of election officers.

Sen. Schlör introduced the following bill which was given first reading and referred to the Committee on Judiciary.

SB 38—An act to amend title 6, Delaware Code to protect the consumer against fraudulent and deceptive merchandising practices.

Sen. Schlör introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 39—An act relating to the Collector of Delinquent County Taxes in New Castle County.

On motion of Mr. Schlör, **SB 21** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 21—An act to amend chapter 143, volume 36, Laws of Delaware, being an act providing for the collection of taxes and assessments for the City of Wilmington.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, McCullough, Moore, Robbins, Schlör, Steen—13.

NAYS: Bookhammer, Manning, McGinnes—3.

ABSENT: DuPont, Martin—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.

Sen. Cook reported the following bills from committee: **SB 3** with **SA 1**, 2 favorable, 3 on merits; **SB 15**, 4 favorable.

Sen. Hoey reported the following bill from committee: **SB 32**, 2 favorable, 3 on merits.

On motion of Mr. Steen, **SB 5** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 5—An act making a supplementary appropriation to the Millsboro School District No. 23 for a sewer system.

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

YEAS: Bookhammer, Carney, Conner, Cook, Dineen, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnis, Moore, Robbins, Schlör, Steen—15.

NAYS: Davidson, DuPont, Martin—3.

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

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

HB 28 to Elections.

HB 28—An act to amend Chapter 20, Title 15, Delaware Code, relating to elections to provide for additional registration days at the Department of Elections.

Sen. McCullough stated that there was an error on the calendar in regard to **SB 7** and asked to have the Secretary correct this. This was done by the Secretary.

Sen. Cook moved the Senate recess to the call of the Chair at 3:20 P.M.

The Senate returned to order at 4:35 P.M., Lt. Gov. Tribbitt presiding.

The House wishes to inform the Senate that it has passed House Bill 2, 4, 6, 11, 16, 17, 20, and requests the concurrence of the Senate.

SB 11 and is returning same to the Senate.

Sen. Cook moved that the Senate adjourn until Wednesday, February 3, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:40 P.M.

11TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:35 P.M. on February 3, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem Steen—18.

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

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

HB 11—An act agreeing to a proposed amendment to Article V, Section 2, of the Constitution of the State of Delaware. (To Elections).

HB 17—An act to amend Section 3302, Title 15, Delaware Code, relating to political party titles. (To Elections).

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

HB 2—An act agreeing to a proposed amendment to Article 2, Section 25 of the Constitution of the State of Delaware relating to zoning in Kent County. (To Revised Statutes).

HB 4—An act to amend Section 8304, Title 9, Delaware

Code relating to the County assessment written statement listing property, owners, value, type, etc. (To Revised Statutes).

HB 6—An act agreeing to a proposed amendment to Article 2, Section 25, of the Constitution of the State of Delaware relating to zoning in Sussex County. (To Revised Statutes).

HB 16—An act to amend Chapter 83, Title 11, Delaware Code, relating to eligibility for pensions by giving credit for prior service as a Memorial Bridge policeman. (To Revised Statutes).

HB 20—An act to amend Section 6520, Title 29, Delaware Code, relating to advances to state agencies. (To Finance).

Sen. Cook moved the Senate recess to the call of the Chair at 2:45 P.M. Adopted by voice vote.

The Senate returned to order at 4:50 P.M., Lt. Gov. Tribbitt presiding.

Sen. Martin reported the following bill from committee:

SB 33—3 favorable, 1 on merits.

On motion of Sen. Steen, **SB 33** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Steen moved that Rule 9 be suspended for the purpose of considering **SB 33**. Motion carried.

SB 33—An act authorizing the conveyance of certain state owned lands in Sussex County now being used by the State Highway Department.

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

YEAS—Bookhammer, Carney, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlor, Steen—16.

NAYS—None.

NOT VOTING—McCullough—1.

ABSENT—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.

Sen. Martin introduced the following bill, which was given first reading:

SB 40—An act to amend §8312, Title 9, Delaware Code and §8313 (a), Title 9, Delaware Code, relating to the date of and procedure in hearing appeals by the boards of assessment of the several counties.

Sen. Martin (co-sponsor Sen. Manning), introduced the following bill which was given first reading.

Sen. Martin asked for the privilege of the floor for former Rep. Keenan to explain **SB 40**. No objections heard; privilege was then granted.

On motion of Sen. Martin, **SB 40** (Co-sponsor, Sen. Manning), with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 40—An act to amend §8312, Title 9, Delaware Code and §8313 (a), Title 9, Delaware Code, relating to the date of and procedure in hearing appeals by the boards of assessment of the several counties.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—18.

NAYS—None.

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

Sen. Manning moved that **SB 24** be stricken from the calendar. Adopted by voice vote.

Sen. Manning introduced the following bill which was given first reading and referred to the committee on Miscellaneous:

SB 4—An act to amend Chapter 81, Title 9, Delaware Code, entitled limitations upon taxing power, by adding thereto a new subchapter concerning exemptions from taxation on real property of citizens and residents of this state of the age of 65 or more years having an income not in excess of \$3,000 per year.

On motion of Sen. Dineen, **SB 32** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 32—An act to amend Section 2501, Title 10, Delaware Code, relating to consolidation of the offices of the Register in Chancery and Clerk of the Orphans Court.

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

YEAS—Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Manning, Martin, McGinnes, Moore, Robbins, Schlör, Steen—14.

NAYS—DuPont—1.

NOT VOTING—Bookhammer, Kinahan, McCullough—3.

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

Sen. Steen introduced the following bill which was given first reading and referred to the committee on Finance.

SB 42—An act to appropriate supplementary funds to the Family Court of Kent and Sussex Counties for salaries and wages of employees for the fiscal year ending June 30, 1965.

On motion of Sen. Steen, **SB 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 4—An act to amend Chapter 28, Title 31, Delaware Code, by changing the name of "State Welfare Home and Hospital for the Chronically Ill at Smyrna" to "Delaware Home and Hospital for Chronically Ill at Smyrna."

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

NAYS—Hoey—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.

Sen. DuPont moved to add Sen. Holloway's name as a sponsor of **SB 19**. Adopted by voice vote.

On motion of Sen. Dineen, **SB 6** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 6—An act proposing an amendment to Article V, Section 2, of the Constitution of the State of Delaware relating to elections by amending the residence requirements to allow certain voters recently moving into or within the state or election districts to vote.

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

YEAS—Carney, Conner, Cook, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Schlör, Steen—13.

NAYS—Robbins—1.

NOT VOTING—Davidson, McCullough—2.

ABSENT—Bookhammer, Hoey—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 Sen. Martin, **SA 1** to **SB 3** was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS—Bookhammer, Carney, Davidson, Dineen, DuPont, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—14.

NAYS—Carney—1.

NOT VOTING—Conner, Kinahan—2.

ABSENT—Hoey—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 Sen. Martin, **SB 3** and **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 3—An act to amend Section 132, Title 17, Delaware Code, relating to the general powers and duties of the State Highway Department.

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

YEAS—Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Schlör, Steen—14.

NAYS—Cook, Manning, Robbins—3.

ABSENT—Hoey—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.

Sen. Cook introduced **SCR 8**. Sen. Cook asked to have it withdrawn due to an error.

Sen. Cook introduced the following concurrent resolution which was given first reading:

SCR 9—Expressing the appreciation of the Senate and the House of Representatives to the Delaware State Chamber of Commerce. Adopted by voice vote.

Sen. Holloway reported the following bill from committee: **HB 28**—3 favorable; 2 on merits.

Sen. Holloway introduced the following bill (co-sponsor Sen. Kinahan), which was given first reading and referred to the committee on Elections:

SB 43—An act to amend Chapter 47, Title 15, Delaware Code, relating to appointment of additional clerks; oath.

Sen. McCullough introduced **SA 1** to **HB 16**. Placed with bill.

Sen. Moore introduced the following bill which was given first reading and referred to the committee on Education:

SB 44—An act to amend Title 14, Delaware Code, relating to "Education" by limiting the frequency of referenda for the purpose of increasing local school taxes.

Sen. Martin introduced the following Senate Substitute which was given first reading. Adopted by voice vote:

SS 1 for **SB 25**—An act to amend Title 3, Delaware Code, by providing for the Humane Slaughter of Livestock.

Sen. Cook moved that the Senate adjourn until Thursday, February 4, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:50 P.M.

12TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:40 P.M. on February 4, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—15.

Senators absent: Bookhammer, Hoey, Pres. Pro Tem Steen—3.

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

Sen. Dineen reported the following bill from committee: **SB 19**—3 favorable; 1 unfavorable.

Sen. Dineen introduced the following concurrent resolution which was given first reading and adopted by voice vote:

SCR 10—An act making an appropriation to the Diamond State Telephone Company for services rendered through November 11, 1964.

Sen. Dineen introduced the following resolution which was given first reading and adopted by voice vote:

SR 31—Making an appropriation to the Diamond Telephone Company for services rendered for the period ending December 11, 1964.

Sen. Cook introduced the following concurrent resolution which was given first reading and adopted by voice vote:

SCR 11—Providing for the adjournment of the Senate and the House of Representatives.

Sen. Dineen introduced the following resolutions which were given first reading and adopted by voice vote:

SR 32—Relating to a bronze plaque for the Senate chamber.

SR 33—Authorizing payment of amount due for purchase of Masons Manual.

Sen. Dineen introduced the following concurrent resolution, which was given first reading and referred to the committee on Claims:

SCR 12—Making appropriations to various companies for supplies and services rendered the 122nd General Assembly of the State of Delaware.

Sen. Dineen introduced the following bill which was given first reading and referred to the committee on Revised Statutes:

SB 45—An act to amend Title 29, Delaware Code, by creating a State Distribution Agency transferring to that agency the surplus distribution program of the state.

Sen. Davidson reported the following bills from committee: **SB 13**—1 favorable, 4 merits; **SB 26**—2 favorable, 3 merits; **SB 27**—3 favorable, 2 merits; **SB 38**—2 favorable, 3 merits.

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

HB 12—An act appropriating funds to the State Board for vocational-technical education for the fiscal year ending June 30, 1965. (To Finance).

Sen. Carney introduced the following bill which was given first reading and referred to the committee on Elections:

SB 46—An act to amend Section 4946 (c), Title 15, Delaware Code, relating to disqualification because of bribery; determination of challenge in elections.

The Secretary was instructed to add Sen. McGinnis' name as a co-sponsor of **SB 45**.

Sen. Cook moved the Senate recess to the call of the Chair at 3:10 P.M.

The Senate returned to order at 5:10 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Senators Bookhammer, Hoey, and Steen.

Sen. Dineen introduced the following resolution which was given first reading and adopted by voice vote:

SR 34—Relating to a bronze plaque for the Senate chamber.

Sen. Steen introduced the following concurrent resolution:

tion (co-sponsor, Senators Bookhammer and Hoey), which was given first reading and adopted by voice vote:

SCR 13—Expressing the sympathy of the 123rd General Assembly upon the death of former Senator Harold W. T. Purnell.

Sen. Dineen introduced the following bill which was given first reading and referred to the committee on Miscellaneous:

SB 47—An act to provide for a constitutional revision commission.

Sen. McGinnis introduced the following resolution (co-sponsors, Senators Conner, Robbins, and Manning), which was given first reading and adopted by voice vote:

SR 35—Requesting the State Board of Education to supply the Senate of the 123rd General Assembly with certain information.

Sen. Hoey introduced the following resolution which was given first reading and adopted by voice vote:

SR 36—Relating to amount due for expenses incurred by the 123rd General Assembly.

Sen. DuPont introduced the following Senate Substitute (co-sponsors, Senators Manning and Bookhammer), which was given first reading and referred to the committee on Finance:

SS 1 for SB 16—An act making an appropriation to Murray M. Schwartz, Esq., for services rendered to the State of Delaware in the case of Longoria vs. State of Delaware.

Sen. DuPont moved to adopt **SS 1 for SB 16** in lieu of the original bill. Adopted by voice vote.

Sen. Holloway moved that **HB 28** be brought up for final reading and vote. Sen. Holloway moved to defer action on **HB 28**. Adopted by voice vote.

Sen. Dineen reported the following bill from committee: **HB 4**—4 favorable, 1 on merits.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HB 4**. Motion carried.

On motion of Sen. Cook, **HB 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 4—An act to amend Section 8304, Title 9, Delaware Code, relating to the county assessment written statement listing property, owners, value, type, etc.

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

YEAS—Bookhammer, Carney, Cook, Davidson, Dineen, DuPont, Holloway, Manning, Martin, McCullough, McGinnis, Moore, Schlör, Steen—14.

NOT VOTING—Hoey, Kinahan—2.

ABSENT—Conner, Robbins—2.

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

Sen. Cook moved the Senate recess for 5 minutes at 5:50 P.M.

The Senate returned to order at 5:55 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook asked for the privilege of the floor for Mr. Sidney Balick. No objections heard; privilege was then granted.

Sen. Cook moved that the Senate adjourn until February 22, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 6:10 P.M.

13TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 P.M. on February 22, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör, Pres. Pro Tem Steen—17.

Senators absent: Robbins—1.

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

Sen. Cook moved that Rule 23 be suspended so there could be a joint session. Adopted by voice vote.

President Tribbitt requested Sen. Moore to inform the House the Senate was ready for a joint session.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lt. Gov. Tribbitt invited the Speaker of the House to a seat on the rostrum.

JOINT SESSION

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

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

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

The Chair appointed the following committee to escort the Governor and Mr. John G. Leach to the Senate Chamber: Sen. Davidson and Sen. Conner, Rep. Gooding and Rep. Bartleson.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor and John G. Leach to the Rostrum and introduced them to the Joint Session.

Mr. John G. Leach addressed the members of the General Assembly.

The joint session was entertained by Howard High School Choir under the direction of Mr. William G. Young.

The previously named committee escorted the Governor from the Chamber.

Mr. Leach spoke on the History of Delaware and the association of George Washington with Delaware.

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

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

Sen. Cook moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

The Senate returned to order at 4:55 P.M., Lt. Gov. Tribbitt presiding.

C. Webster Johnson, Jr., was sworn in by President Tribbitt.

The following messages from the Governor were presented to the Senate.

All nominations were referred to the Executive Committee.

February 9, 1965

To the Senate of the 123rd 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: Thomas W. Murray, Jr., Box 136, Cheswold, Delaware, to be State Custodian for the State of Delaware, to expire the second Tuesday of February, 1969, succeeding himself.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

February 22, 1965

To the Senate of the 123rd 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:

Samuel L. Shipley, 1309 Stanford Road, Green Acres, Wilmington 3, Delaware, to be the Director of the Delaware State Development Department, to serve During the Pleasure of the Governor, effective date of confirmation, replacing Edwin Golin.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

February 22, 1965

To the Senate of the 123rd 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: Alexis I. duPont Bayard, Esquire, 1006 Overbrook Road, Westover Hills, Wilmington 6, Delaware, to be a member of the Delaware River and Bay Authority for a term to expire July 1, 1969, succeeding J. H. Tyler McConnell.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

Sen. Dineen introduced the following bill (co-sponsor, Sen. McGinnis), which was given first reading and referred to the committee on Revised Statutes.

SB 49—An act to establish a Personnel Department in the State Government of the State of Delaware; to provide for uniform personnel policies; to provide for the implementation and operation of such system and to appropriate funds.

Sen. Dineen introduced the following bill (co-sponsors, Sen. Conner and Sen. McGinnis), which was given first reading and referred to the committee on Public Health.

SB 50—An act to amend Part II, Title 16, Delaware Code, being regulatory provisions concerning Public Health, to provide for the mandatory reporting by physicians and institutions of certain physical abuse of children, and the penalty for failure to make such reports.

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

HB 40—An act to provide for the payment of wages and to enforce their collection. (To Labor).

HB 24—An act to amend Sections 501 and 502, Title I of the Delaware Code by adding Return Day as a half holiday in Sussex County. (To Miscellaneous).

HB 23—An act to authorize the Levy Court of Sussex County to appropriate funds for the observance of Return Day. (To Revised Statutes).

On motion of Sen. Schlör, **SB 39** with title as follows was taken up for consideration and read a second time by

title in order to pass the Senate.

SB 39—An act relating to the collector of delinquent county taxes 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—Carney, Cook, Davidson, Dineen, Holloway, Martin, McGinnes, Moore, Schlör, Steen—10.

NAYS—Bookhammer, Conner, DuPont, Kinahan, McCullough—5.

NOT VOTING: Manning—1.

ABSENT—Hoey, 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.

Sen. McCullough moved to defer action on **SB 39**. Lost by voice vote.

Sen. Cook introduced the following resolution which was given first reading.

SR 37—Expressing the sympathy of the Senate of the 123rd General Assembly of the illness of Senator George A. Robbins. Adopted by voice vote.

Sen. Cook moved that the Senate adjourn until Tuesday, February 23, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:12 P.M.

The Senate met pursuant to adjournment at 2:42 P.M. on February 23, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Schlör, Pres. Pro Tem Steen—16.

Senators absent: McGinnes, Robbins—2.

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

Sen. Steen introduced the following bill which was given first reading and referred to the committee on Finance.

SB 51—An act making an appropriation out of the Capital Investment Fund to the State Park Commission to construct and maintain a State Park.

The Chair presented the following House Bill which was given first reading and referred to the Labor Committee: **HB 39**.

Sen. DuPont submitted a communication and asked to have it read and made part of the Journal.

February 16, 1965

One Hundred and Twenty-Third General Assembly of
the State of Delaware

c/o Senator Reynolds duPont
Dover, Delaware

Gentlemen:

On behalf of the members of the family of Clayton Douglass Buck, may I extend our sincere and heartfelt thanks for the tribute paid to him by you.

His service to the State has been a constant source of pride to us and we deeply appreciate your acknowledgement of it.

Respectfully,
C. Douglass Buck, Jr.

CDB, jr:mdd

Sen. Steen submitted a communication from the State of Arizona and asked to have it read.

Sen. Bookhammer introduced the following resolution:

SR 38—Memorializing Congress to adopt **SJR 2** relating to the proposed amendment to the Constitution of the United States concerning apportionment of State Legislature.

Sen. Cook asked that **SR 38** be deferred until copies of United States **SJR 2** be made available to Senators.

Sen. Dineen introduced the following bill for Sen. McGinnes, which was given first reading and referred to the committee on Revised Statutes:

SB 52—An act to amend Chapter 55, Title 29, Delaware Code, by increasing the maximum benefits payable thereunder to employees and to their surviving spouses, and by adding thereto a system of employee contributions under certain conditions.

Sen. Holloway reported the following bill from committee: **HB 17**, 3 favorable, 2 merits.

Sen. Dineen introduced the following Number **SA 1** to **HB 39** which was given first reading and placed with the bill.

Sen. Dineen introduced the following Number **SA 2** to **HB 39** which was given first reading and placed with the bill.

Sen. Connor introduced the following bill (co-sponsored by Senators Bookhammer, Davidson, Dineen) **SB 53** which was given first reading and referred to the Committee on Revised Statutes.

SB 53—An act to amend Title 21, Delaware Code, by adding a new chapter, entitled "Abandoned Vehicles," providing for the removal, storage and disposal of abandoned vehicles and providing criminal penalties for abandon-

ing vehicles and for failing to remove vehicles after notice to do so.

Sen. Cook moved the Senate recess to the call of the chair at 3:15 P.M.

The Senate returned to order at 4:37 P.M., Lt. Gov. Tribbitt presiding.

Sen. Steen introduced the following concurrent resolution which was given first reading. Adopted by voice vote.

SCR 14—Providing for a joint session of the Senate and the House of Representatives.

Sen. Martin introduced the following bill which was given first reading and referred to the Committee on Education.

SB 54—An act to amend Title 14, Delaware Code, relating to sick leave provisions for school employees by providing terminal pay for unused sick leave time.

Sen. Manning introduced the following number **SA 3** to **HB 39** which was given first reading and placed with the bill.

Sen. Cook moved that the Chairman of the Labor Committee hold a public hearing on **HB 39**, before the Senate takes action on said bill. Adopted by voice vote.

Sen. Dineen reported the following bills from committee: **HB 2**, 3 favorable, 1 merits; **HB 6**, 3 favorable, 1 merit; **SB 10**, 3 favorable, 1 merit; **SB 28**, 3 favorable, 1 merit; **SB 42**, 4 merits; **SB 35**, 1 favorable, 3 merits, **SB 49**, 1 favorable, 3 merits; **SB 34**, 2 favorable, 1 merit.

Sen. Hoey reported the following bill from committee: **SS 1** for **SB 16**, 2 favorable, 2 merits.

Sen. Holloway introduced the following, **SA 1** to **HB 28**, which was given first reading and placed with the bill.

Sen. Holloway introduced the following concurrent resolution which was given first reading. Adopted by voice vote.

SCR 15—Expressing the thanks of the General Assembly for the participation of John G. Leach in the observance of Washington's Birthday, 1965 at the Joint Session of the 123rd General Assembly.

Sen. Cook moved the Labor Committee Chairman hold a public hearing on **HB 40** before the Senate take action on said bill. Adopted by voice vote.

Sen. Cook moved that the Senate adjourn until Wednesday, February 24 at 1:00 P.M. Motion carried and Senate adjourned at 3:55 P.M.

February 9, 1965

MEMORANDUM No. 2

TO: Mrs. Belle Everette, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

FROM: William T. Quillen

The Governor signed the following legislation on the dates indicated:

January 28, 1965—**HJR 2**—(V.A. Regional Office)

January 29, 1965—**SB 2**—(Millsboro Annexation)

SJR 2—(Churchill's Death)

February 2, 1965—**SB 8**—(Smyrna Borrowing Power)

SJR 3—(Governor Buck's Death)

February 4, 1965—**SB 12**—(Wilmington Assessment Appeals)

February 5, 1965—**SB 40**—(County Assessment Appeals)

February 8, 1965—**SB 11**—(Camden Annexation)

15TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:45 P.M. on February 24, 1965, presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlor, Pres. Pro Tem. Steen—17.

Members absent: Robbins—1.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Sen. Dineen reported the following bill from committee: **HB 23**, 1 favorable, 3 merits.

Sen. Dineen introduced the following bill which was given first reading and referred to the Committee on Finance.

SB 55—An act making a supplementary appropriation to the Delaware State Hospital for the Surplus Food for Needy Families Program.

Sen. Dineen introduced the following resolution which was given first reading.

SR 39—Authorizing payment for services rendered by attaches and employees of the Senate of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Dineen introduced the following resolution which was given first reading.

SR 40—Appropriating money out of the General Fund

of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. McGinnes moved that the Senate go into Executive Session. Motion carried.

The Senate returned to order at 3:32 P.M., Lt. Gov. Tribbitt presiding.

Sen. Steen asked for the privilege of the floor for Mrs. Marie McCafferty of Family Court of Sussex County. No objections heard; privilege was then granted.

On motion of Mr. Steen, **SB 42** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 42—An act to appropriate supplementary funds to the Family Court of Kent and Sussex Counties for salaries and wages of employees for the fiscal year ending June 30, 1965.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Schlor, Steen—15.

NOT VOTING: Cook, McGinnes—2.

ABSENT: Robbins—1.

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

Sen. Steen asked that a communication be read and made part of the record.

February 23, 1965

Hon. Sherman W. Tribbitt
President of the Senate
Legislative Hall
Dover, Delaware

Dear Mr. Tribbitt:

I have the honor to inform you that by virtue of the authority confirmed upon me by Section 3901 of Chapter 39 I have today appointed to the Senate Commission on Interstate Cooperation the following members to serve until February 1, 1966:

Senator Allen J. Cook, Kenton
Senator Margaret R. Manning, Marshallton
Senator Curtis W. Steen, Dagsboro

Very truly yours,
Curtis W. Steen
President Pro Tempore

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

HB 2—An act agreeing to a proposed Amendment to Article 2, Section 25 of the Constitution of the State of Delaware relating to zoning in Kent County.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlor—15

NAYS: Hoey—1.

ABSENT: Robbins, Steen—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 Sen. Dineen, **HB 6** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 6—An act agreeing to a proposed amendment to Article 2, Section 25, of the Constitution of the State of Delaware relating to zoning in Sussex County.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlor, Steen—16.

NAYS: Hoey—1.

ABSENT: Robbins—1.

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

Sen. Bookhammer asked for final reading and vote on
— **SR 38.**

On motion of Sen. Dineen to table **SR 38.**

YEAS: Carney, Conner, Dineen, Holloway, Martin, McGinnes, Moore, Schlor—8.

NAYS: Bookhammer, Cook, Davidson, Hoey, Manning, McCullough, Steen—7.

NOT VOTING: DuPont, Kinahan—2.

ABSENT: Robbins—1.

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

Sen. Connor moved to table **SR 38** until the Judiciary Committee of the United States Senate has presented its final

decision on United States Senate Joint Resolution #2. Lost by voice vote.

Sen. DuPont moved the Senate recess for 10 minutes. Senate recessed at 4:50 P.M.

The Senate returned to order at 5:00 P.M., Lt. Gov. Tribbitt presiding.

On motion of Sen. Bookhammer, **SR 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SR 38—Memorializing Congress to adopt **SJR 2** relating to the proposed amendment of the Constitution of the United States concerning apportionment of State Legislatures.

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

YEAS: Bookhammer, Cook, Hoey, Manning—4.

NAYS: Conner, Davidson, Dineen, Holloway, Kinahan, Martin, McCullough, Moore, Schlor—9.

NOT VOTING: DuPont—1.

ABSENT: Carney, McGinnes, Robbins, Steen—4.

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

89TH CONGRESS

1st Session

S. J. RES. 2

IN THE SENATE OF THE UNITED STATES

January 6, 1965

Mr. Dirksen (for himself, Mr. Aiken, Mr. Allott, Mr. Bennett, Mr. Boggs, Mr. Carlson, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Hickenlooper, Mr. Hill, Mr. Holland, Mr. Hruska, Mr. Jordan of Idaho, Mr. Kuchel, Mr. Lausche, Mr. McClellan, Mr. Miller, Mr. Morton, Mr. Mundt, Mr. Murphy, Mr. Pearson, Mr. Prouty, Mr. Robertson, Mr. Saltonstall, Mr. Scott, Mr. Simpson, Mrs. Smith, Mr. Sparkman, Mr. Stennis, Mr. Symington, Mr. Thurmond, Mr. Tower, Mr. Williams of Delaware and Mr. Young of North Dakota) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary.

passed **HB 77, HCR 4, HCR 5, HCR 6, HCR 7**, and requests the concurrence of the Senate.

Sen. McCullough introduced the following bill which was given first reading and referred to the Committee on Elections.

SB 56—An act calling for the submission to the qualified electors of the State at the next general election of the question of a convention to revise and amend the Constitution.

Sen. Martin introduced the following bill which was given first reading and referred to the Committee on Judiciary.

SB 57—An act to amend Section 2503, Title 10, Delaware Code, relating to the appointment of Deputies and Clerks in the Office of Register in Chancery and Clerk of the Orphans Court.

Sen. Dineen reported the following bill from committee: **SB 52**, 2 favorable, 3 merits; **SB 41**, 4 favorable, 1 unfavorable; **HB 24**, 5 favorable.

Sen. Carney reported the following bill from committee: **SB 50**, 5 favorable.

The Chair presented the following House Bill which was given first and second reading and referred to the Committee on Corporations Municipal.

HB 77—An act to amend Chapter 216, Volume 27, Laws of Delaware, entitled "An Act Amending and Consolidating the Charter of the City of New Castle."

Sen. Holloway introduced the following amendment **SA 1 to HB 28**. Adopted by voice vote.

On motion of Sen. Holloway, **HB 28** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 28—An act to amend Chapter 20, Title 15, Delaware Code, relating to elections to provide for additional registration days at the Department of Elections.

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

YEAS: Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Schlor, Steen—13.

NAYS: Bookhammer, DuPont—2.

ABSENT: Carney, McGinnes, Robbins—3.

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

Sen. Schlor reported the following bill from committee: **HB 77**, 3 favorable, 1 merits.

Sen. Cook moved that the Senate adjourn until Thurs-

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. The right and power to determine the composition of the legislature of a State and the apportionment of the membership thereof shall remain in the people of that State. Nothing in this Constitution shall prohibit the people from apportioning one house of bicameral legislature upon the basis of factors other than population, or from giving reasonable weight to factors other than population in apportioning a unicameral legislature, if, in either case, such apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue.

"SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

On motion of Sen. Moore, **SB 10** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 10—An act to amend Section 5503, Chapter 55, Title 29, Delaware Code, relating to the method of authorizing monthly pension benefits.

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

YEAS: Bookhammer, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlor—15.

ABSENT: Carney, Robbins, Steen—3.

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

The House wishes to inform the Senate that it has

day, February 25 at 1:00 P.M. Motion carried and Senate adjourned at 5:35 P.M.

16TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:23 P.M. on February 25th, 1963, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Schlör, Pres. Pro Tem Steen—15.

Senators absent—Carney, Martin, Robbins—3.

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

Sen. Cook moved to suspend Rule 23 (Executive Session) for the balance of the Legislative day. Adopted by voice vote.

Sen. Manning moved that **SA 3** to **HB 39** be stricken. Adopted by voice vote.

President Tribbitt asked Sen. Moore to inform the House that the Senate was ready for a Joint Session.

The Senate and the House were called to order in Joint Session at 2:37 P.M.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lt. Gov. Tribbitt invited the Speaker of the House to a seat on the rostrum.

JOINT SESSION

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

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

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Senators McGinnes and Kinahan, Representatives Clifton and Benson.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

MESSAGE

By

THE HONORABLE CHARLES L. TERRY, JR.

Governor of Delaware

To The

**FIRST REGULAR SESSION OF THE
ONE HUNDRED TWENTY-THIRD GENERAL ASSEMBLY
Of The
STATE OF DELAWARE**

Urging the Adoption of Legislation
to Provide for the

Modernization of The Justice of The Peace System

Mr. President, Mr. President Pro Tem, Mr. Speaker,
Ladies and Gentlemen of the 123rd General Assembly,
Fellow citizens:

In the courts of the land exist the people's ultimate guarantee of freedom and justice under law.

No society is stronger or better than the courts which participate in its regulation.

For almost a generation now we have lived in an atmosphere where much has been said, and virtually nothing done, concerning fundamental reorganization of one of the most important elements of our state judiciary—the Justice of the Peace. It is that subject to which I address myself today.

We must start with one premise. Justices of the Peace are judges who preside over courts. They have the authority and the responsibility within their jurisdiction to decide civil and criminal cases. It follows that they must have a system structured to carry out their judicial obligation with impartiality and efficiency, integrity and dignity.

Nowhere is tradition more honored and the past more revered than in our own proud state. The history of Delaware is one of resisting change for the sake of change but in willingly making advances and progress where the tenor of the time calls for modernization. The time is now ripe for improvement in our Justice of the Peace system.

One thing should be made clear. I do not come before you to level blanket criticism at the personnel operating our present system. By and large they have served us honorably and well. Over the years I have had many close and cherished friends who have held the office of Justice of the Peace. I know the fine service they have performed and the difficulties they have endured. Indeed it is partially because of my concern for them, and all those Justices who will come after them, that I feel

that change is necessary. No one should be asked to serve in a system which has the faults and is open to abuses in the manner of the present system. To particularize, here is what we see under the present system.

We see a portion of our Judiciary operating on a fee system where the amount of money a Justice of the Peace receives in any one civil case depends on the outcome.

We see a fee system whereby a Justice's annual income depends on the total number of cases he tries. In the criminal area, this fact creates a potential situation where law enforcement authorities might be criticized for favoring one Justice of the Peace over another, and a Justice's annual income could be dependent on factors not related to our traditional concepts of proof beyond a reasonable doubt and the presumption of innocence. Whether this situation exists or not in fact is not the point. The system should not create the danger.

We see that the same fee system provides annual income for our Justices ranging from one thousand dollars to a figure rivaling, if not exceeding, the highest Judicial salaries of the state. The lower figure is too meager to attract high quality persons, and the higher figure degrades the system by giving it an image of individual greed.

We see a system of courts scattered throughout this state in over forty individual locations. The individual Justice is largely uncontrolled as to the method of keeping his records. Records are often lost or destroyed. There is not even an audit of a Justice's civil records.

We see that many of these forty locations are completely unsuitable sites for a court of law. Many Justices hold court in private homes. There have been instances of court being held in such an unlikely place as a kitchen. Added to this housing difficulty, and partially because of it, is the great variance among Justices as to their personal demeanor on such simple items as dress, courtesy, and language. A court of law cannot function without dignity.

My friends, your constituents may never enter the Supreme Court room, a Court of Chancery, a Court Room of the Superior Court, the Court of Common Pleas, but the chances are they will enter a court room of a Justice of the Peace. It may be the only court that the average citizen has contact with during his entire lifetime. It may be the only impression a visitor to the State of Delaware obtains of the entire state. Because of this fact, under the present situation as I have outlined it, the abuses in the Justice of the Peace system reflect not only on the system but on the entire Judicial structure and the respect of the average citizen for law.

Both parties have recognized that the current system is undesirable. Party platforms have for years called for reform. Most of us, as candidates for public office in this state campaigned for an improvement in the Justice of the Peace

system.

Methods of improvement have been studied for years. Shortly after my election, I requested Joseph T. Walsh, a Wilmington attorney, to sift the various proposals and to prepare Legislation which would give us a complete overhaul of the system in the shortest possible time. Mr. Walsh was well qualified for this difficult assignment. He had prepared a report on the Justice of the Peace system in 1964 for the council on the administration of Justice at the time when I was Chief Justice. He is chairman of the Magistrate Reform Committee of the Delaware Bar Association. Mr. Walsh has prepared several drafts of legislation. These drafts were carefully reviewed by several lawyers and discussed with me. Changes were suggested and evaluated. Then Mr. Walsh drafted the proposed legislation in its final form. I have reviewed and approved the legislation. I have asked representative M. Martin Isaacs, the House majority leader to introduce the legislation today. I commend to you its enactment.

I will briefly outline the three bill package:

One bill is designed to achieve as much Justice of the Peace improvement as possible by statute. This bill provides for a maximum of forty-six Justices, each to receive eight thousand dollars per year, and each to sit in central locations provided by the state. Provision is made for round the clock service in each county. The statute authorizes the promulgation of rules to govern the Justice of the Peace under Article 4, Section 13, of the Constitution.

Supervision of the system remains in the office of the Deputy Administrator to the Chief Justice. The holder of that office serves under the direction of and at the pleasure of the Chief Justice who, under our Constitution, is the sole Administrator of all the courts of this state.

The second bill relates to constables. Much of the criticism which has been leveled at the Justice of the Peace system has related to the conduct of some constables. This bill creates a system which will guarantee proper administration by constables. Under the bill, all constables for the new Justice of the Peace courts are appointed by the Chief Justice of the Supreme Court. The constables' compensation is four thousand dollars per year and ten cents per mile. Consistent with a provision for salary, it is provided that the constables serve at the pleasure of the Chief Justice.

The third bill is a constitutional amendment and thus cannot be put into effect until enactment by two consecutive General Assemblies. The amendment has two purposes. The amendment will extend the term of the Justices to six years and thus create a term more consistent with a Judicial office.

The second purpose of the constitutional amendment is to permit us to establish qualifications for Justices of the Peace,

Under the present law, we cannot establish qualifications due to the fact that the Supreme Court has ruled that the legislature is powerless to add qualifications in connection with a constitutional judicial officer. This amendment will permit such qualifications to be added to our Justice of the Peace law by statute.

It is regrettable that under the present status of the law, we cannot move forward in the area of qualifications more rapidly. It is important, however, that we move as rapidly as we can.

You will naturally ask, as I have asked, what the new system will cost. If these bills are enacted promptly, it should be possible to commence the new system by January 1, 1966. The Justice of the Peace statute calls for an appropriation of two hundred thousand dollars to cover salaries, office rentals, and office expenses. The constable statute calls for an appropriation of twenty-two thousand dollars for constable salaries to June 30, 1966. But all fees which formerly went to the Justices and the constables will go into the general fund. Under the fee schedules contained in the statutes, we should recover back all but fifty thousand dollars of the two hundred thousand dollars appropriated. Moreover, the fees from the service of the constables should make this portion of the system self-supporting. It is estimated that the entire system when fully operational will be ninety percent self sustaining.

There is no one more concerned with economy than I. But in some areas, progressive changes are demanded. The people, I find, are more concerned with this one reform than any other. The relatively small expense will give us a Justice of the Peace system of responsibility and dignity.

The area of Justice of the Peace reform is complex. This legislation has been carefully prepared. It will not satisfy everybody. Some of my personal preferences are not included. An effort was made to reach a consensus and accomplish as quickly as possible those changes upon which there has been general agreement concerning the need.

A promise has been made to the people. This legislation offers us the opportunity to fulfill that promise.

The previously named committee escorted the Governor from the Chamber.

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

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

Sen. Cook moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

Sen. Cook moved the Senate recess to the call of the Chair at 3:05 P.M.

The Senate returned to order at 4:12 P.M., Lt. Gov. Tribbit presiding.

Sen. Davidson introduced the following bill which was given first reading and referred to the committee on Finance.

SB 58—An act making a supplementary appropriation to the Odessa School District No. 61 for the repairs of a boiler.

Sen. Steen introduced the following concurrent resolution which was given first reading.

SCR 16—Providing for the adjournment of the Senate and the House of Representatives. Adopted by voice vote.

Sen. McGinnis introduced the following bill (co-sponsors, Senators Bookhammer and Schlor), which was given first reading and referred to the committee on Education:

SB 59—An act to amend Sections 1305(a), 1308(a) (b), 1309(a), 1310(a), 1311(a), 1314(a) (b) (c) and 1322(a), Chapter 13, Title 14, Delaware Code, relating to state supported salary schedules for school employees and making a supplementary appropriation to the State Board of Education.

Sen. McGinnes introduced the following bills which were given first reading and referred to committees as follows:

SB 60—An act to prescribe criminal penalties for issuance of checks on non-existent bank accounts. (To Judiciary).

SB 61—An act to amend Title 16, Section 6606 (a), Delaware Code, relating to the salary of the State Fire Marshall and making a supplemental appropriation therefor. (To Finance).

SB 62—An act proposing an amendment to Article II, Section 4 of the Constitution of the State of Delaware, relating to the time and frequency of sessions by providing termination dates. (To Revised Statutes).

Sen. McGinnes moved to suspend rules when Senate is not in Executive Session. Adopted by voice vote.

Sen. McGinnes moved to suspend Rule 6 of the Executive rules so Governor may be notified of confirmation made on 15th Legislative Day.

Sen. Cook amended motion to instruct the Secretary to inform the Governor within 24 hours. Amendment and motion both passed by voice vote.

Sen. Hoey introduced the following resolution which was given first reading:

SR 41—Relating to amount due for expenses incurred by the 123rd General Assembly. Adopted by voice vote.

The House wishes to inform the Senate that it has passed House Bill 91.

Sen. McCullough introduced the following bill which

was given first reading and referred to the committee on Banking and Insurance:

SB 63—An act concerning insider trading of Domestic Stock Insurance Company Equity Securities.

Sen. Cook introduced the following bill which was given first reading and referred to the committee on Buildings and Highways:

SB 64—An act authorizing the State of Delaware to borrow money to be used for the State Highway Department's capital improvements programs and to issue notes and bonds therefor and appropriating the money borrowed to the State Highway Department.

On motion of Sen. Holloway, **HB 17** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 17—An act to amend Section 3302, Title 15, Delaware Code, relating to political party titles.

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

YEAS: Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Moore, Schlor, Steen—11.

NAYS: DuPont—1.

NOT VOTING: Bookhammer—1.

ABSENT: Carney, Martin, McCullough, McGinnes, Robbins—5.

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

Sen. Steen (for all Senators) introduced the following resolution which was given first reading.

SR 42—Expressing the regrets of the members of the Senate of the 123rd General Assembly on the death of former Senator John W. Burris. Adopted by voice vote.

Sen. Holloway introduced the following bill (co-sponsors: Senators Moore, Kinahan, Manning) which was given first reading and referred to the Committee on Elections.

SB 65—An act to amend Chapters 47 and 50, Title 15, Delaware Code, providing for comprehensive instruction of Election Officers.

On motion of Sen. DuPont, **SS 1** for **SB 16** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SS 1 to **SB 16**—An act making an appropriation to the Attorney General for services rendered to the State of Delaware in the case of Longoria v. State of Delaware by Murray M. Schwartz, Esq.

On the question "Shall the bill pass the Senate?" the

yeas and nays were ordered which being taken were as follows:

YEAS: Bookhammer, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McCoullugh, McGinnes, Moore, Schlör, Steen—15.

ABSENT: Carney, Martin, Robbins—3.

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

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

HB 91 (Shockley & Slawik)—Committee on Finance.

HB 91—An act appropriating money to the Delaware Commission for the Blind for direct payments to the needy blind of the State of Delaware.

HCR 4 (Quigley, Zimmerman, Shulties, Isaacs). Adopted by voice vote.

HCR 4—Commending the administration and supervision of the Hospital for the Mentally Retarded at Stockley.

HCR 5 (Phillips). Adopted by voice vote.

HCR 5—Adopting permanent joint rules for the 123rd General Assembly.

HCR 6 (Fonville, Hammond). Adopted by voice vote.

HCR 6—Expressing the thanks of the General Assembly for the participation of the Howard High School Junior Chorus in the observance of Washington's Birthday, 1965 at the Joint Session of the 123rd General Assembly.

HCR 7 (Bifferato, Phillips, Isaacs, Gooding, McMahon, Slawik, Parisi, DiEleuterio, Fitzharris)—Referred to Miscellaneous Committee.

HCR 7—Establishing a joint committee of the House of Representatives and Senate of the 123rd General Assembly for the purpose of studying and making report on the physical facilities, personnel and other factors necessary to improve the effective operation of the General Assembly.

Sen. Connor introduced the following bill, (co-sponsors: Senators McGinnis, Kinahan, DuPont, Schlör), which was given first reading and referred to the Committee on Finance.

SB 66—An act making a supplementary appropriation to the State Board of Education.

On motion of Sen. Schlör, **HB 77** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 77—An act to amend Chapter 216, Volume 27, Laws of Delaware, entitled "An Act Amending and Consolidating the Charter of the City of New Castle."

On the question "Shall the Bill pass the Senate?" the

yeas and nays were ordered which being taken were as follows:

YEAS: Bookhammer, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Schlor, Steen—15.

ABSENT: Carney, Martin, Robbins—3.

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

HCR 7 belongs in the Senate instead of the House.

Sen. Schlor called up **SB 38** for final reading and vote.

Sen. Schlor moved to defer action on **SB 38** at this time.

Sen. Manning introduced the following joint resolution which was given first reading and referred to the Committee on Miscellaneous.

SJR 5—Requesting the Governor to appoint a Protocol Committee.

Sen. Cook moved that the Senate adjourn until March 15, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:15 P.M.

17TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:42 P.M. on March 15, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Conner, Cook, DuPont, Hoey, Kinahan, Manning, Robbins—8.

Members absent: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Schlor, Pres. Pro Tem. Steen—10.

Lacking a quorum, the President declared a recess to the call of the Chair.

Sen. Cook moved the Senate recess to the call of the chair at 2:45 P.M.

The Senate returned to order at 3:45 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Schlor, Steen.

The Governor's veto message, which had been delivered to the Senate along with **SB 32**, was presented by the Chair and read into the Record.

GOVERNOR'S MESSAGE

March 4, 1965

To the Senate of the 123rd General Assembly of the State of Delaware:

On February 22, 1965, I received Senate Bill 32, entitled: "An Act Appropriating Moneys to the New Castle County Department of Elections."

I have this day signed Senate Bill 32, but in doing so I have disapproved and deleted the following portion from Section 1 of this bill:

"Supplies & Materials	\$2,700.00
Capital Outlay	1,200.00"

The authority for this line item veto action is found in Section 18, Article III, of the Constitution of the State of Delaware. The reasons for my disapproval of this portion of the bill are the following:

1. There is contained in the bill a \$19,550.00 item for Contractual Services. In the preparation of the bill, there was included in this item a \$5,000.00 cost for maps needed by the State in the reapportionment case presently pending in the Federal District Court in Wilmington. It now appears that only \$900.00 will be necessary for this purpose. Thus, the \$19,550.00 figure includes \$4,100.00 which is no longer necessary.

2. The sum of the two items vetoed is \$3,900.00, a figure less than the \$4,100.00 surplus in the "Contractual Services" item.

3. It will thus be possible for the New Castle County Department of Elections to obtain funds for the "Supplies & Materials" and the "Capital Outlay" items by requesting a transfer from the surplus in the "Contractual Services" item.

I would like to say that there is an understanding between the Executive Secretary of the New Castle County Department of Elections and the Governor that only the necessary minimum will be expended for maps in the reapportionment case and that any excess will revert to the General Fund.

This is the first supplemental appropriation that has reached my desk. I feel I would be remiss in my duty if I did not repeat my sincere feeling that, in view of our financial prospectus, supplemental appropriations should be strictly limited. I have examined this bill carefully and I shall continue to examine all supplemental appropriations in the same manner.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

Sen. McCullough introduced the following bill (co-sponsored by Sen. Martin), which was given first reading and referred to the committee on Elections:

SB 67—An act to amend Chapter 31, Title 15 of the Delaware Code relating to primary elections.

Sen. Dineen introduced the following amendment which was given first reading and placed with bill: **SA 1 to SB 50.**

Sen. Dineen introduced the following bill (co-sponsors,

Senators Manning, Bookhammer, Hoey and McGinnes), which was given first reading and referred to the committee on Revised Statutes:

SB 68—An act to amend Chapter 28, Title 31, Delaware Code, relating to the State Welfare Home and Hospital for the Chronically Ill at Smyrna.

Sen. Dineen introduced the following bill which was given first reading and referred to the committee on Finance.

SB 69—An act to amend Chapter 291, Volume 54, Laws of Delaware, entitled "An Act Making Appropriations to the Amount of \$110,230,550.00 for the Expense of State Government for the Fiscal Year Ending June 30, 1965" by transferring certain amounts therein.

Sen. Manning introduced the following bill (co-sponsor, Sen. Bookhammer), which was given first reading and referred to the committee on Elections:

SB 70—An act to amend Chapter 31, of Title 15, Delaware Code, relating to primary elections.

Sen. Martin reported the following bill from committee: **HB 39** with **SA 1** and **SA 2**—4 favorable, 1 merit.

Sen. Holloway introduced the following resolution which was given first reading. Deferred on motion of Sen. Holloway.

SR 43—Relating to the adoption of permanent rules.

Sen. McCullough introduced the following amendment which was given first reading and placed with bill: **SA 4** to **HB 39**.

Sen. Steen moved the Senate recess to the call of the Chair at 4:20 P.M.

The Senate returned to order at 5:23 P.M., Lt. Gov. Tribbitt presiding.

On motion of Sen. Manning, **SB 41** with Title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 41—An act to amend Chapter 81, Title 9, Delaware Code, entitled limitations upon taxing power, by adding thereto a new subchapter concerning exemptions from taxation on real property of citizens and residents of this state of the age of 65 or more years having an income not in excess of \$3,000 per year.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör, Steen—15.

NAYS—None.

ABSENT—Dineen, Hoey, McCullough—3.

So the question was decided in the affirmative and the

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

The following messages from the Governor were delivered by Elisha C. Dukes and given first reading and referred to Executive Committee:

March 15, 1965

To the Senate of the 123rd 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: John E. Wilson, Jr., 56 West Commerce Street, Smyrna, Delaware, to be a member of the Delaware Industrial Building Commission for a four-year term, to expire February 20, 1969. (Reappointment).

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: Chester C. Benson, Willow Grove Road, R.D. 1, Wyoming, Delaware, to be Chairman of the Delaware Industrial Building Commission, to serve During the Pleasure of the Governor, replacing Robert H. Reed.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: Walter L. Wheatley, Clayton, Delaware, to be a member of the State Highway Department, to fill a current vacancy, for a term to expire June 5, 1966.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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 G. Dorsey, 1105 Woodlawn Avenue, Wilmington, Delaware 19806, to be a member of the State Highway Department, to fill the unexpired term of Aubrey B. Lank, resigned, expiring May 1, 1965.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd General Assembly
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Leroy B. Truitt, Bridgeville, Delaware, to be a member of the Bingo Control Commission for a term to end September 1, 1969. (Reappointment).

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: Earl L. Sheats, Middletown, Delaware, to be a member of the State Board of Agriculture, for a 3 year term, to end March 1, 1968. (Reappointment).

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

-To the Senate of the 123rd 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: Michael A. Poppiti, 706 S. Clayton Street, Wilmington, Delaware, to be a member of the Bingo Control Commission for a term to end September 1, 1968. (Reappointment).

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: Vernon B. Derrickson, 128 Hazel Road, Dover, Delaware, to be Chairman of the Public Service Commission for a term to expire September 1, 1969. (Reappointment).

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: Herbert L. Cobin, 902 West 22nd Street, Wilmington, Delaware, to be a Judge of the Family Court of the State of Delaware in and for New Castle County, for a term of 12 years from date of confirmation, to fill an existing vacancy.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

March 15, 1965

To the Senate of the 123rd 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: George M. Nelson, 703 Lincoln Avenue, Delmar, Delaware, to be a member of the Delaware State Highway Department, for a term to expire June 5, 1966, succeeding William J. Hopkins.

Respectfully submitted,
Charles L. Terry, Jr.
Governor

MEMORANDUM No. 3

TO: Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis, Clerk of the House, Secretary of the Senate, Mrs. Teresa Mes-sick, Legislative Reference Bureau for all folders.

FROM: William T. Quillen.

The Governor signed the following legislation on March 4, 1965:

SB 21—(Wilmington Tax Sales—Payment of Repairs by Owner Prior to Redemption)

SB 32—(Supplemental Appropriation to New Castle County Board of Elections; \$3,900. Stricken by line item veto).

HB 4—(Kent County Assessment Statements)

HB 77—(City of New Castle Charter Amendment)

On February 24, 1965, the following Constitutional amendments were enacted through the action of the Senate:

HB 2—(Kent County Zoning—Second Leg).

HB 6—(Sussex County Zoning—Second Leg).

On motion of Sen. Schlör, **SB 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 38—An act to amend Title 6, Delaware Code to protect the consumer against fraudulent and deceptive merchandising practices.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

NAYS—None.

ABSENT—Dineen—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.

Sen. Cook moved that the Senate adjourn until Tuesday, March 16, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:55 P.M.

18TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 4:08 P.M. on March 16, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem Steen—18.

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

Sen. Dineen reported the following bills from committee: **HB 16** with **SA 1**—2 favorable, 2 merits; **SB 68**—2 favorable, 2 merits.

William Fredericks, Council of State Governments, was introduced and invited to sit on the rostrum by Lt. Gov. Tribbitt.

Sen. Dineen introduced the following amendment which was given first reading: **SA 1** to **SB 50**. Adopted by voice vote.

On motion of Sen. Dineen, **SB 50** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 50—An act to amend Chapter 14, Title 14, Delaware Code, relating to procedures for the termination of services of professional employees by adding two new subchapters thereto.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

NAYS—None.

ABSENT—Hoey—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.

Sen. Schlör introduced the following bill which was given first reading and referred to the committee on Revised Statutes:

SB 71—An act to amend Section 2104, Title 21, Delaware Code, relating to application for registration of a motor vehicle.

Sen. Cook introduced the following concurrent resolution which was given first reading:

SCR 17—Appointing directors on the part of the State for the Farmers Bank of the State of Delaware.

Sen. Hoey moved the Senate recess to the call of the Chair at 4:25 P.M.

The Senate returned to order at 5:38 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook moved that **SCR 17** be withdrawn and stricken from the calendar. Adopted by voice vote.

Sen. Davidson reported the following bills from committee: **SB 29**—3 favorable, 2 unfavorable; **SB 60**—5 favorable.

Sen. Dineen introduced the following amendment which was given first reading and placed with the bill. **SA 1** to **SB 68**. Adopted by voice vote.

Sen. Cook introduced the following concurrent resolution which was given first reading:

SCR 18—Providing for a joint session of the Senate and the House of Representatives. Adopted by voice vote.

Sen. Holloway introduced the following bill which was given first reading and referred to the committee on Temperance:

SB 72—An act to amend Section 724, Title 24, Delaware Code, relating to transportation of spirits, wines or beer.

Sen. Robbins introduced the following bill which was

given first reading and referred to the committee on Finance.

SB 73—An act making a supplementary appropriation to the emergency fund to be used for boilers and roof repairs for schools.

Sen. Cook announced that the Building and Highways Committee would meet March 17, 1965 at 1:00 P.M.

Sen. Cook moved that the Senate adjourn until Wednesday, March 17, at 1:00 P.M. Motion carried and Senate adjourned at 5:48 P.M.

19TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:47 P.M. on March 17, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem Steen—18.

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

President Tribbitt instructed Sen. Moore to inform the House that the Senate is ready for a Joint Session. House members came to the Senate at 2:52 P.M.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lt. Gov. Tribbitt invited the Speaker of the House to a seat on the rostrum.

JOINT SESSION

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

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

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Senators McCullough and Manning, Representatives Hale and McMahan.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

MESSAGE

By

THE HONORABLE CHARLES L. TERRY, JR.

Governor of Delaware

To The

FIRST REGULAR SESSION OF THE
ONE HUNDRED TWENTY-THIRD
GENERAL ASSEMBLY

Of The

STATE OF DELAWARE

Urging the Appropriation of
Two Million Dollars from
Divestiture Funds for Permanent Mosquito Control

DOVER

March 17, 1965

Mr. President

Mr. President Pro Tem

Mr. Speaker

Ladies and Gentlemen of the 123rd General Assembly
Fellow Citizens:

In many respects what I am calling upon you to do today will prove the most significant contribution that collectively we can make to the health and welfare and future comfort of the citizens of our state.

The mosquito has long been the especial scourge of the people of Delaware.

Centuries ago when the Union was unborn and we were spoken of as "the three lower counties" there was an historian writing that the mosquitoes here were worse and more plentiful than in the Florida Everglades.

During the intervening years the situation has improved but not enough when we call into account the technological know-how and development that has marked them.

Is it possible that man has sent space crafts to the planets, put his specie into orbit around the earth and found methods to destroy—almost absolutely—his own kind, and yet has not rid himself of an insect that performs no earthly use whatsoever?

Ladies and gentlemen the mosquito is a mockery of our civilization for he spreads killing disease, prevents our enjoyment of the abundance of park and beach land that nature has given us and—even more astonishing—interferes with the most routine aspects of our daily living such as hanging out

clothes, painting the front porch, grilling steaks in the side yard or, in the case of children, building dreams in a sandpile.

I would be remiss if I did not call attention, in strong and compelling terms, to the tragedy that struck our neighboring state of New Jersey last year. There, only a few short miles across the bay from our own thriving communities, human beings died of the sleeping sickness and the mosquito is a known carrier of that disease.

If one child should die in Delaware of disease traceable to the mosquito and we had done less than was possible because of false economy or refusal to face the facts about this pest, then we should be doomed to live with burdened consciences for a long time to come.

For in short the truth is that we have spent fortunes on the mental and physical health of man, on his education, on his highways and parks and public buildings, on his welfare—but have spent very little on the essential physical comfort and safeguard that could be given him by eliminating the mosquito.

The time has arrived to correct that oversight.

I have been assured by engineers, entymologists, physicians and other related experts in the field of mosquito control that the pest can indeed be virtually eradicated by means of a reasonable capital investment over a short period of time. This investment would not have to be supplemented in future years by any more than we are now spending upon a futile and short-sighted program of spraying, a program that only gives us relief from mosquitoes temporarily since all its good effects can be wiped out by big rains or high winds.

The eradication plan has been explained to me in detail. I am confident it is plausible and sensible for the reason it worked once before in this state. During the 1930's the civilian conservation corps of the federal government constructed an elaborate and extensive system of drainage ditches on the Delaware marshes and as a result the state lived free of the mosquito nuisance for more than a decade until the ditches, which were not kept open as they should have been, filled in and eroded away. The mosquitoes returned.

The plan now is to use three essential methods of mosquito control over some 35,000 acres of marshland in all three counties. The most important aspect of the work would be ditching but it would be supplemented by construction of champagne pools and diked impoundments. At its conclusion the salt marsh mosquito which is the variety that most seriously threatens our health and disturbs our peace—would have no place to breed and would vanish from our marshes.

Then and only then will we truly be able to provide our citizens with the ideal recreational opportunity that comes with ample parks which are pleasant in every respect. We

are spending the money to acquire the parks and this will assure us of being able to use them.

At the conclusion of my talk today an appropriation bill will be introduced by Sen. James D. McGinnes of Dover who with his colleagues in the House, Representatives Jacob A. Zimmerman and John P. Kelly, has long been an ardent supporter of action against the mosquito menace. It is my hope that you will quickly pass this measure into law for there is an urgency that the work be immediately initiated.

Essentially the bill will provide for two million dollars from the divestiture fund to be appropriated to the State Highway Department. Ultimate responsibility for the expenditure of the funds, for the competence and thoroughness of the work to be done, for each contract and each employee will rest, as it always has, upon the eleven commissioners appointed by me or my predecessor and confirmed in every instance by the Senate of the General Assembly.

To satisfy myself that the work is proceeding satisfactorily I am issuing instructions that the Highway Department, which is charged with the responsibility for carrying out this program, report to me each quarter as to the progress of the overall program and to include detailed accounts as to the expenditure of all funds. It is estimated that the necessary work can be done at an average cost of slightly less than one hundred dollars an acre and it is my aim to see to it that as frugal means as possible are used.

In keeping with that principle the appropriation provides for the budget commission to transfer, from time to time, from the capital investment fund to the Highway Department, upon its requisition, such sums as may be needed as the work progresses. This is so the money will remain in the interest drawing account until the last possible moment.

The two million dollars may not be quite enough to do the job from the upper reaches of New Castle County to the lower boundaries of Sussex but we have in this instance assurances of a good and desirable ally.

The federal government has indicated to me that it will locate one of its job corps within Delaware and that the youth assigned here will participate in this massive project.

Highway officials estimate that the labor and equipment which is thus provided will save the State of Delaware some three-quarters of a million dollars. We are naturally elated that a program to retrain and rehabilitate the youth of the nation can be of such constructive benefit to the people of this state.

On this subject I want to also say that the federal authorities have assured me these young men are not individuals with criminal records but merely people who through misfortune or poverty in their daily lives have not had the opportunity to acquire skills that would equip them to land jobs in the com-

petitive areas of government, business and industry. At any rate, I can guarantee you that their camp, tentatively scheduled to be located at Bethany Beach, will be adequately supervised.

Members of the General Assembly, we are indeed fortunate to have an opportunity to assure our own generation and those of the future that their parks will be enjoyed, their back yards free for use, their beaches pleasant places to swim and sun and picnic, their homes unvisited by those diseases which the mosquito carries and spreads. It is a glorious opportunity. Let us seize it boldly and without delay.

In a different vein, ladies and gentlemen, I wish to speak about another opportunity.

In January, former Governor C. Douglass Buck died after a lifetime of service to his state. Typically his thoughts were of Delaware to the very end and he left to us, for all time to come, his lovely and historic home, Buena Vista.

A distinguished committee under the chairmanship of Leon Devalinger, the State Archivist, and including Governor Buck's son and daughter, Mr. C. Douglass Buck, Jr. and Mrs. Donald K. Farquhar; Chief Justice Daniel F. Wolcott; Justice James M. Tunnell, Jr.; and Mrs. Carl A. Zoller, has met at the home and unanimously recommended that it be accepted by the state.

The terms of Governor Buck's will have been made available to the public.

The committee expressed the view that the home should be utilized "as an executive house to be used as a place of official entertainment for state functions, as a future Governor's mansion, as a historic site for limited visitation by the public and ultimately that a small, dignified park would be created on part of the grounds. It was the thinking of the committee that official entertainment would include functions for the General Assembly, an apartment for the convenience of the present Governor, the entertainment of visiting Governors and other distinguished guests."

Buena Vista was built and first occupied by one of the greatest of the many great citizens of this state. John M. Clayton served Delaware and the nation in capacities that made him exalted in his day, revered by history. As Secretary of State of the United States he entertained Presidents, and ministers, judges and legislators, congressmen and the everyday citizens of Delaware at his elegant mansion on the road to Wilmington.

It is my belief and that of my legal advisers that this devise could be accepted by me on behalf of the state. However, the gift is of such a magnitude that it will require a substantial annual expenditure for its upkeep and staffing. Therefore, it is my view that the devise should only be accepted through the concurrence of the Executive and Legislative branches of

government, that is to say, through the adoption of a Joint Resolution.

In conclusion, I respectfully request that the speaker of the House and the President Pro Tem of the Senate forthwith appoint a bipartisan committee of three members from their respective bodies to confer with me pertaining to this highly important matter.

Thank you.

The previously named committee escorted the Governor from the Chamber at 3:15 P.M.

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

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

Sen. Cook moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

The Senate returned to order at 3:20 P.M., Lt. Gov. Tribbitt presiding.

Sen. McGinnes moved that the Senate go into Executive Session. Motion carried.

The Senate returned to order at 4:45 P.M., Lt. Gov. Tribbitt presiding.

Sen. Holloway introduced the following resolution which was given first reading. Adopted by voice vote.

SR 44—Relating to the adoption of permanent rules.

Sen. Hoey introduced the following bill which was given first reading and referred to the committee on Finance.

SB 74—An act authorizing the State of Delaware to borrow money to be used for construction of sanitary sewage disposal systems and empowering the State Board of Health to administer, regulate and distribute such funds and to issue bonds and notes therefore and appropriating the money borrowed to the Board of Health.

Sen. Cook introduced the following concurrent resolution which was given first reading:

SCR 19—Appointing directors on the part of the state for the Farmers Bank of the State of Delaware.

Sen. Conner moved to defer action on **SCR 19**. Lost by voice vote.

On motion of Sen. Cook, **SCR 19** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SCR 19—Appointing directors on the part of the state for the Farmers Bank of the State of Delaware.

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

YEAS—Carney, Cook, Davidson, Dineen, Hoey, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—13.

NAYS—Bookhammer, Conner, DuPont, Kinahan, Manning—5.

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

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

HB 52—An act to amend Title 7, Delaware Code, Section 703, relating to open season for game. (To Fish, Oyster & Game).

HB 54—An act to amend an act being Chapter 42 of Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising, and Consolidating the Charter of the City of Seaford" by permitting certain persons to vote and by exempting certain persons from being assessed a capitation tax. (To Corporations Municipal).

HB 60—An act to amend Chapter 17, Title 7, Delaware Code, relating to dogs running at large. (To Fish, Oyster & Game).

HB 75—An act to amend an act entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford," being Chapter 42, Volume 53, Laws of Delaware, as amended, by permitting the imposition of a collection charge on delinquent taxes. (To Corporations Municipal).

Sen. McGinnes introduced the following bill for all members of the Senate which was given first reading and referred to the committee on Finance:

SB 75—An act transferring money from the capital investment fund to the State Highway Department for mosquito control.

Sen. McGinnes reported the following bills from committee: **SJR 4**—4 favorable, 1 merits; **SJR 5**—5 favorable; **SB 47**—3 favorable, 2 merits; **HCR 7**—3 favorable, 2 merits.

Sen. Schlör introduced the following bill which was given first reading and referred to the committee on Revised Statutes:

SB 76—An act to repeal Chapter 6, Title 24, Delaware Code, entitled "Cosmetologists."

Sen. Cook moved that the Senate adjourn until Thursday, March 18, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:00 P.M.

20TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:41 P.M. on March 18, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem Steen—18.

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

Sen. Cook moved the Senate recess to the call of the Chair at 2:45 P.M.

The Senate returned to order at 4:20 P.M., Lt. Gov. Tribbitt presiding.

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

HB 87—An act authorizing the Millsboro School District No. 23 to pay for the installation and hook-up of a sanitary sewer system from the debt service account of the district. (To Finance).

HB 97—An act amending Chapter 331, Volume 53, Laws of Delaware, entitled "An Act to provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," by authorizing the Laurel Special School District to replace a roof on the Junior-Senior High School Building. (To Education).

HB 107—An act effecting certain changes in the administration, compensation and jurisdiction of the Justices of the Peace and their Courts. (To Judicial).

HB 108—An act to amend Title 10, Delaware Code, by enacting a new chapter relating to constables for Justice of the Peace Courts. (To Judiciary).

HB 109—An act proposing an amendment to Section 29, Article IV, of the Constitution of the State of Delaware, relating to Justices of the Peace. (To Judiciary).

Sen. Dineen introduced the following resolution which was given first reading and adopted by voice vote.

SR 45—In reference to election of officers.

Sen. Dineen introduced the following concurrent resolution which was give first reading and adopted by voice vote.

Sen. DuPont moved to defer action on **SCR 20**. Lost by voice vote.

SCR 20—Making an appropriation to the State Custodian to be used for the purchase of chairs for the chambers of Legislative Hall.

Sen. McCullough introduced the following bill which was given first reading and referred to the Committee on Finance.

SB 77—An act to amend Chapter 219 of Volume 54, Laws of Delaware, making a supplementary appropriation to New Castle Historic Buildings Commission.

Sen. Steen at the request of the Governor appointed a Buena Vista Committee. The committee is: Senators McCullough, Davidson, and DuPont. Adopted by voice vote.

Sen. McGinnis moved to dispense with the rules of the Executive Session and to instruct the Secretary to notify the Governor of the Confirmations. Adopted by voice vote.

On motion of Mr. McGinnes, **SB 28** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 28—An act to amend chapter 43, title 29, Delaware Code, relating to Notaries Public.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor—17.

ABSENT: Steen—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 Sen. Manning, **SJR 5** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SJR 5—Requesting the Governor to appoint a Protocol Committee.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson,

Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—16.

ABSENT: Hoey, Steen—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.

Sen. Davidson reported the following bills from committees: **SB 57**, 5 favorable; **HB 52**, 3 favorable, 2 merits; **HB 60**, 1 favorable, 4 merits.

Sen. Dineen introduced the following amendment which was given first reading: **SA 1** to **SB 68**. Adopted by voice vote.

On motion of Mr. Dineen, **SB 68** with **SA 1** as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 68—An act to amend Chapter 28, Title 31, Delaware Code, relating to the State Welfare Home and Hospital for the chronically ill at Smyrna.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—17.

ABSENT: Steen—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.

Sen. Robbins reported the following bills from committees: **SB 18**, 3 favorable, 2 unfavorable; **SB 44**, 2 favorable, 3 unfavorable.

Sen. Hoey introduced the following resolution which was given first reading and adopted by voice vote.

SR 46—Relating to amount due Dover Litho Printing Co. for expenses incurred by the 123rd General Assembly.

Sen. Hoey reported the following bills from committee: **SB 69**, 1 favorable, 4 merits, **SB 75**, 4 favorable, 1 merits.

Sen. Holloway reported the following bills from committee: **SB 46**, 4 favorable, 1 merits; **SB 70**, 1 favorable, 4 merits.

On motion of Mr. Carney, **SB 34** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 34—An act to adopt the Uniform Deceptive Trade Practices Act. Be it enacted by the General Assembly of the State of Delaware.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—17.

ABSENT: Steen—1.

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

Sen. McGinnes introduced the following amendment **SA 1** to **SB 52** which was given first reading and placed with the bill.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Finance.

SB 78—An act making a supplementary appropriation to the State Highway Department for the establishment, operation and administration of recreation areas located on public lands in Sussex County, Delaware.

Sen. Cook moved the Senate recess to the call of the chair at 5:32 P.M.

The Senate returned to order at 5:55 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook introduced the following amendment, **SA 5** to **HB 39**, which was given first reading. Adopted by voice vote.

Sen. Cook moved to withdraw the motion to hold a Public Hearing on **HB 39**. Adopted by voice vote.

Sen. McCullough introduced the following amendment, **SA 4** to **HB 39**, which was given first reading. Adopted by voice vote.

On motion of Mr. DuPont, **SA 6** to **HB 39** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, Conner, Cook, DuPont, Hoey, Holloway, Kinahan, Manning, McGinnes, Robbins—10.

NAYS: Carney, Davidson, Dineen, Martin, McCullough, Moore, Schlör—7.

ABSENT: Steen—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 con-

currence.

Sen. Cook asked for the privilege of the floor for Mr. John Daniello to explain **HB 39**. No objections heard; privilege was then granted.

Sen. Robbins introduced the following amendment, **SA 7 to HB 39**, which was given first reading. Lost by voice vote.

Sen. DuPont moved to defer action on **HB 39** so that he could have an amendment drawn up. Lost by voice vote.

Sen. Robbins asked for the privilege of the floor for Mr. Joshua Twilley to explain **SA 8 to HB 39**. No objections heard; privilege was then granted.

On motion of Mr. Robbins, **SA 8 to HB 39** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, Conner, Cook, Davidson, DuPont, Hoey, Kinahan, Manning, McGinnes, Robbins—10.

NAYS: Carney, Dineen, Holloway, Martin, McCullough, Moore, Schlor—7.

ABSENT: Steen—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.

Sen. McCullough asked for the privilege of the floor for Mr. Daniello. No objections heard; privilege was then granted.

On motion of Mr. Robbins, **SA 9 to HB 39**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, DuPont, Hoey, Robbins—4.

NAYS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlor—13.

ABSENT: Steen—1.

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

Sen. McCullough moved the Senate recess to the call of the chair at 7:25 P.M.

The Senate returned to order at 7:35 P.M., Lt. Gov. Tribbitt presiding.

Sen. Connor asked for the privilege of the floor for Mr. Daniello. No objections heard; privilege was then granted.

Sen. Robbins asked for the privilege of the floor for Mr. Joshua Twilley. No objections heard; privilege was then granted.

Sen. Robbins moved to reconsider **SA 7** to **HB 39**.

Sen. Schlor moved to table motion to reconsider **SA 7** to **HB 39**. Adopted by voice vote.

Sen. Bookhammer introduced the following amendment, **SA 10** to **HB 39**, which was given first reading.

Sen. Schlor moved to table **SA 10** to **HB 39**. Adopted by voice vote.

Sen. Kinahan introduced the following amendment, **SA 11** to **HB 39** which was given first reading.

Sen. Schlor moved to table **SA 11** to **HB 39**. Adopted by voice vote.

On motion of Mr. Martin, **HB 39** with **SA 4**, **SA 5**, **SA 6**, and **SA 8**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 39—An act to prescribe minimum wages for employees and to provide for the administration and enforcement thereof.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor—15.

NOT VOTING: Bookhammer, Hoey—2.

ABSENT: Steen—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.

Sen. Cook moved that the Senate adjourn until Monday, March 22, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 8:15 P.M.

21ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:40 P.M. on Monday, March 22, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Pres. Pro Tem. Steen—18.

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

Sen. Steen introduced the following bill which was given first reading and referred to the Committee on Corporation Municipal.

SB 79—An act to amend an act entitled "An Act to Reincorporate the Town of Millsboro" being Chapter 203, Volume 25, Laws of Delaware, as amended by permitting the Commissioners of Millsboro relative to the power of the Commissioners to borrow money.

Sen. Dineen asked for the privilege of the floor for Mr. Earl McGinnes to explain **SB 69**. No objections heard; privilege was then granted.

On motion of Sen. Dineen, **SB 69** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 69—An act to amend Chapter 291, Volume 54, Laws of Delaware, entitled "An Act Making Appropriations to the Amount of \$110,230,550.00 for the Expense of State Government for the Fiscal Year Ending June 30, 1965" by transferring certain amounts therein.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

NAYS: DuPont—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.

Sen. Manning asked for the privilege of the floor for questioning the lateness of the W-2 Forms and asked if any improvement could be expected next year.

The Chair presented the following House Bills which were given first reading and referred to the Committee on Revised Statutes.

HB 13—An act to amend Article III, Section 18, of the Constitution.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each branch concurring therein):

Sen. Dineen introduced the following resolution which was given first reading.

SR 47—Authorizing payment for services rendered by attaches and employees of the Senate of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Dineen introduced the following resolution which was given first reading.

SR 48—Appropriating money out of the General Fund

of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Manning presented Girl Scout Troop #371 and leaders to the Senate.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways.

SB 80—An act to amend Chapter 11, Title 17, Delaware Code, relating to regulation of Outdoor Advertising.

The Senate returned to order at 4:25 P.M., Lt. Gov. Tribbitt presiding.

Sen. Cook moved the Senate recess to the call of the chair at 3:22 P.M.

The Chair presented the following Joint Resolution which was given first and second reading and referred to the Committee on Miscellaneous.

HJR 3—Relating to rail service on the Pennsylvania Railroad between Wilmington, Delaware and Delmar, Delaware.

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

HB 56, Finance Committee

HB 35, Revised Statutes Committee

HB 46, Public Health Committee

HB 56—An act making an appropriation to Townsend School District #81, New Castle County, Delaware, for the purpose of replacing heating boilers in Townsend School.

HB 35—An act to amend Section 344, Title 9, Delaware Code, by changing the method of selection of Auditors.

HB 46—An act to amend Chapter 270, Laws of Delaware 1963.

Sen. Davidson reported the following bills from committee: **HB 107** with **HA 1**, 3 favorable, 2 merits; **HB 108**, 3 favorable, 2 merits; **HB 109**, 2 favorable, 2 merits.

Sen. Cook reported the following bill from committee: **SB 80**, 3 favorable, 2 merits.

Sen. Martin reported the following bill from committee: **HB 40**, 2 favorable, 2 merits.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 81—An act to repeal Section 4317, Title 9, Delaware Code, entitled "Deduction on Account of Social Security Payments; Duty to Report Payments."

Sen. Schlör reported the following bill from Committee: **SB 79**, 5 favorable.

Sen. McGinnes reported the following bill from com-

mitee: **HJR 3**, 3 favorable, 2 merits.

Sen. Hoey reported the following bills from committee: **SB 48**, 5 merits; **SB 66**, 1 favorable, 4 merits; **SB 74**, 5 merits; **SB 77**, 5 merits.

Sen. Holloway reported the following bill from committee: **SB 65**, 3 favorable, 2 merits.

On motion of Sen. Davidson, **HB 52** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 52—An act to amend Title 7, Delaware Code, Section 703 relating to open season for game.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Martin, McGinnes, Robbins, Schlör, Steen—12.

NAYS: Hoey—1.

NOT VOTING: Holloway, Kinahan, Manning, McCullough, Moore—5.

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

Sen. Manning introduced the following amendment which was given first reading: **SA 1** to **SB 75**.

Sen. McGinnes moved to defer **SA 1** to **SB 75**. Adopted by voice vote.

On motion of Sen. McGinnes, **SB 75** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 75—An act transferring money from the Capital Investment Fund to the State Highway Department for Mosquito Control.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—18.

NAYS: None.

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

Sen. Moore introduced the following amendment which was given first reading: **SA 1** to **SB 18**.

Sen. Moore moved to defer action on **SA 1** to **SB 18**. Adopted by voice vote.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 82—An act to amend Section 4302, Title 9, Delaware Code, relating to the definition of Covered Employee under the pension for Kent County Employees.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Public Lands.

SB 83—An act to permit the Board of Trustees of the Delaware Home and Hospital for the Chronically Ill at Smyrna to dispose of certain property.

Sen. Cook introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SS 1 for SB 84—An act to amend Chapter 55, Title 29, Delaware Code, relating to State Employees' Pension Plan.

Sen. Cook moved that the Senate adjourn until Tuesday, Marsh 23, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:30 P.M.

22ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Tuesday, March 23, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem. Steen—18.

The Secretary proceeded to read the Journal of the previous days session when Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

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

HB 26—An act to amend Chapter 5 of Title 1 of the Delaware Code relating to Legal Holidays. (Miscellaneous).

HB 27—An act to amend Chapter 9 of Title 5 of the Delaware Code relating to regulations governing business of Banks and Trust Companies. (Insurance and Banking).

HB 37—An act to amend Section 2502, Title 10, Delaware Code, relating to compensation of Registers in Chancery and Clerks of the Orphans Court. (Judiciary).

HB 3—An act to amend Chapter 51, Title 31, Delaware Code relating to the Youth Services Commission. (Revised Statutes).

HB 32—An act to amend Section 2501, Title 10, Dela-

ware Code, relating to consolidation of the offices of the Register in Chancery and Clerk of the Orphans Court. (Judiciary).

HB 29—An act to amend Chapter 1, Title 6, of the Delaware Code, relating to negotiable instruments. (Insurance and Banking).

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

HB 119—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$8,000 to be expended for the acquisition of additional equipment and furnishings for the Court Room in the Kent County Court House. (Revised Statutes).

HB 120—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$120,000 to be expended for the retaining of outside Assessors to assess real property in the County and to contract therefore. (Revised Statutes).

HB 118—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$27,000 to be expended for the acquisition of equipment for the Board of Assessors, including Addressograph machines. (Revised Statutes).

On motion of Sen. Steen, **HA 1** to **SB 42** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 42—An act to appropriate supplementary funds to the Family Court of Kent and Sussex Counties for salaries and wages of employees for the fiscal year ending June 30, 1965.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

ABSENT: Dineen—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 Sen. Cook, **SB 80** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 80—An act to amend Chapter 11, Title 17, Delaware Code, relating to regulation of Outdoor Advertising.

On the question "Shall the Bill pass the Senate?" the

yeas and nays were ordered which being taken were as follows:

YEAS: Bookhammer, Carney, Conner, Cook, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlor, Steen—15.

NAYS: DuPont—1.

NOT VOTING: Davidson—1.

ABSENT: McCullough—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 Sen. Carney, **SB 46** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 46—An act to amend Section 4946(c), Title 15, Delaware Code, relating to disqualification because of bribery; determination of challenge in elections.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlor, Steen—17.

NOT VOTING: McCullough—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.

Sen. Cook moved the Senate recess to the call of the chair at 2:48 P.M. Adopted by voice vote.

The Senate returned to order at 4:40 P.M., Lt. Gov. Tribbitt presiding.

Sen. Dineen introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 85—An act to amend Chapter 81, Title 9, Delaware Code, relating to the limitation upon taxing power, by exempting lands and improvements principally devoted to housing for the elderly constructed pursuant to Section 231 of the National Housing Act from Assessment and Taxation.

Sen. Dineen introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

SB 86—An act to amend Chapter 51, Title 16, Delaware Code, relating to the disposition of certain funds received by the State Department of Mental Health.

Senators Steen and DuPont introduced the following joint resolution which was given first reading.

Sen. Steen moved to suspend the rules so action could be taken in **SJR 6**. Adopted by voice vote.

SJR 6—Relative to the three-orbit flight of Virgil I. Grissom and John W. Young.

SENATE JOINT RESOLUTION NO. 6

RELATIVE TO THE THREE-ORBIT FLIGHT OF VIRGIL I. GRISSOM AND JOHN W. YOUNG.

WHEREAS, the Senate of the 123rd General Assembly of the State of Delaware has learned with pride and relief of the successful three-orbit flight of Astronauts Virgil I. Grissom and John W. Young, and

WHEREAS, the flight involved history's first shift of orbit in mid-flight, and

WHEREAS, the heroism and devotion to high duty by Major Grissom and Lieutenant Commander Young are an example to Americans and people everywhere of the intention of the United States to devote its resources to the peaceful use of space, and,

NOW THEREFORE:

BE IT RESOLVED, by the Senate of the 123rd General Assembly of the State of Delaware, The House of Representatives concurring therein, does herein express the commendation of the people of the First State to Astronauts Virgil I. Grissom and John W. Young on their successful three-orbit flight on March 23, 1965, and

BE IT FURTHER RESOLVED, that the Senate of the 123rd General Assembly, the House of Representatives concurring therein, does herein officially extend an invitation to Major Grissom and Lieutenant Commander Young to visit Delaware at a time to be selected by them to receive the official welcome and commendation of the First State upon the successful conclusion of their historic flight, and

BE IT FURTHER RESOLVED, that a copy of this resolution be made a part of the Journal of the Senate and that a copy of this resolution be sent to Major Grissom and Lieutenant Commander Young and to their superiors in the National Aeronautics and Space Administration and that copies be made available to the press.

GOVERNOR'S MESSAGE

April 13, 1965

Dear Mr. Welsh:

It gives me great pleasure to forward to you a copy of Senate Joint Resolution No. 6, which reflects the great pride the people of Delaware took in the outstanding three-orbit flight of Astronauts Virgil I. Grissom and John W. Young.

As Governor of the State, I would be happy to prepare an official welcome and commendation ceremony for Major Grissom and Lieutenant Commander Young, if their military duties would permit them to visit us. I would appreciate it very much if you would advise me in this regard.

Very sincerely yours,

CHARLES L. TERRY, JR., Governor

Mr. Edward C. Welsh
Executive Secretary
National Aeronautics and Space Administration
17th and Pennsylvania Avenue, N.W.
Washington, D.C.

CLT:d

Enclosure

b.cc: Honorable Joseph Toner
Secretary of Senate

GOVERNOR'S MESSAGE

April 13, 1965

Dear Lieutenant Commander Young:

On behalf of the people of Delaware, it gives me great pleasure to forward to you a certified copy of Senate Joint Resolution No. 6, which reflects the pride of the people of this State as a result of your successful three-orbit flight.

As Governor of the State, I am happy to extend an official invitation to you to visit Delaware, at a time convenient to you, to receive the official welcome and commendation of our people. I would appreciate it very much if you would advise me if your schedule would permit a visit to Delaware and, if so, when.

I extend to you my best wishes for continual success and happiness.

Very sincerely yours,
Charles L. Terry, Jr.
Governor

Lieutenant Commander John W. Young
National Aeronautics and Space Administration
17th and Pennsylvania Avenue, N.W.
Washington, D.C.

CLT:d

Enclosure

b.cc: Honorable Joseph Toner
Secretary of Senate

GOVERNOR'S MESSAGE

Dear Major Grissom:

On behalf of the people of Delaware, it gives me great pleasure to forward to you a certified copy of Senate Joint

Resolution No. 6, which reflects the pride of the people of this State as a result of your successful three-orbit flight.

As Governor of the State, I am happy to extend an official invitation to you to visit Delaware, at a time convenient to you, to receive the official welcome and commendation of our people. I would appreciate it very much if you would advise me if your schedule would permit a visit to Delaware and, if so, when.

I extend to you my best wishes for continual success and happiness.

Very sincerely yours,
Charles L. Terry, Jr.
Governor

Major Virgil I. Grissom
National Aeronautics and Space Administration
17th and Pennsylvania Avenue, N.W.
Washington, D.C.

CLT:d

Enclosure

b.cc: Honorable Joseph Toner
Secretary of Senate

The Chair presented the following House Bills, which were given first and second reading:

HB 107 with **HA 1**—An act effecting certain changes in the administration, compensation and jurisdiction of Justices of the Peace and their courts. Adopted by voice vote.

Sen. Cook moved the Senate recess to the call of the Chair at 4:50 P.M.

The Senate returned to order at 5:25 P.M., Lt. Gov. Tribbitt presiding.

Sen. Davidson requested that **HB 107** with **HA 1** be withdrawn from the calendar. Adopted by voice vote.

Sen. Dineen reported the following bills from committee: **HB 3**—3 favorable, 2 merits; **HB 119**—2 favorable, 3 merits; **HB 120**—3 favorable, 2 merits.

On motion of Sen. Conner, **SB 66** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 66—An act making a supplementary appropriation to the State Board of Education.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlor, Steen—17.

ABSENT—Hoey—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.

Sen. McCullough introduced the following amendment which was given first reading: **SA 1 to HB 16**. Adopted by voice vote.

On motion of Sen. Dineen, **HB 16 with SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 16 with SA 1—An act to amend Chapter 83, Title 11, Delaware Code, relating to eligibility for pensions by giving credit for prior service as a Memorial Bridge Policeman.

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

YEAS—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

ABSENT—Hoey—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.

Sen. McCullough introduced the following bill (co-sponsors, Carney and Moore), which was given first reading and referred to the committee on Judiciary:

SB 87—An act to repeal that part of Section 8323, Subchapter II, Chapter 83, Title 11, Delaware Code, relating to employment of pension beneficiaries and exceptions.

Sen. Cook moved that the Senate adjourn until March 24, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:55 P.M.

23RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:00 P.M. on March 24, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem Steen—17.

Senators absent: Hoey—1.

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

On motion of Sen. McCullough, **SB 48** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 48—An act making a supplementary appropriation

to the New Castle Special School District for the installation of sidewalks.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—16.

ABSENT: Hoey, McGinnes—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.

Sen. Davidson requested **HB 107** with **HA 1** be called up for final reading and vote.

Sen. Davidson asked for the privilege of the floor for Mr. Joseph T. Walsh. No objections heard; privilege was then granted.

On motion of Mr. Davidson, **HB 107** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 107—An act effecting certain changes in the administration, compensation and jurisdiction of Justices of the Peace and their Courts.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör, Steen—16.

ABSENT: Hoey, McCullough—2.

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

On motion of Mr. Davidson, **HB 108** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 108—An act to amend Title 10, Delaware Code, by enacting a new chapter relating to Constables for Justice of the Peace Courts.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McGinnes, Moore, Robbins, Schlör, Steen—16.

ABSENT: Hoey, McCullough—2.

So the question was decided in the affirmative and the

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

Sen. DuPont introduced **SA 1** to **HB 109**. Sen. Cook moved to table **SA 1** to **HB 109**. Adopted by voice vote.

On motion of Sen. Davidson, **HB 109** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 109—An act proposing an amendment to Section 29, Article IV, of the Constitution of the State of Delaware, relating to Justices of the Peace.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

ABSENT: Hoey—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 Sen. McGinnes, **HJR 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HJR 3—Relating to Rail Service on the Pennsylvania Railroad between Wilmington, Delaware and Delmar, Delaware.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NOT VOTING: DuPont—1.

ABSENT: Hoey—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.

Sen. Dineen asked for the privilege of the floor for Representative Martin Isaacs. No objections heard; privilege was then granted.

On motion of Mr. Dineen, **HB 23** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 23—An act to authorize the Levy Court of Sussex County to appropriate funds for the observance of Return Day.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—15.

ABSENT: Hoey, Holloway, Steen—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 Mr. McGinnes, **HB 24** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 24—An act to amend Sections 501 and 502, Title I of the Delaware Code by adding Return Day as a half holiday in Sussex County.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—16.

ABSENT: Hoey, Steen—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.

Senators DuPont and Davidson introduced the following bill which was given first reading and referred to the committee on Revised Statutes.

SB 88—An act to amend Section 1525, Title 9, Delaware Code, relating to dumping of garbage, rubbish, ashes, or other waste material.

Sen. Martin asked for the privilege of the floor for Mr. John Daniello. No objections heard; privilege was then granted.

Sen. Robbins introduced the following amendment, **SA 1** to **HB 40**, which was given first reading.

Sen. Robbins moved to withdraw **SA 1** to **HB 40**.

On motion of Sen. Robbins, **SA 2** to **HB 40** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Bookhammer, Conner, DuPont, Kinahan, Manning, Robbins—6.

NAYS: Carney, Cook, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Schlör, Steen—11.

ABSENT: Hoey—1.

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

On motion of Sen. Martin, **HB 40** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 40—An act to provide for the payment of wages and to enforce their collection.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

ABSENT: Hoey—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.

Sen. Moore introduced the following Senate substitute which was given first reading and referred to the Committee on Education.

SS 1 for SB 18—An act to amend Section 1912, Title 14, Delaware Code, by requiring a referendum before imposition of a School Capitation Tax. Adopted by voice vote.

On motion of Sen. McCullough, **SB 77** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 77—An act to amend Chapter 219 of Volume 54, Laws of Delaware, making a supplementary appropriation to New Castle Historic Buildings Commission.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—17.

ABSENT: Hoey—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 Sen. Davidson, **HB 60** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 60—An act to amend Chapter 17, Title 7, Delaware Code, relating to dogs running at large.

On the question "Shall the Bill Pass the Senate?" the

yeas and nays were ordered which being taken were as follows:

YEAS: Carney, Conner, Cook, Davidson, Dineen, DuPont, Kinahan, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—14.

NAYS: Manning—1.

NOT VOTING: Bookhammer—1.

ABSENT: Hoey, 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 Sen. Dineen **HB 119** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 119—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$8,000 to be expended for the acquisition of additional equipment and furnishings for the Court Room in the Kent County Court House.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Kinahan, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—15.

ABSENT: Hoey, Holloway, 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 Sen. Dineen, **HB 120** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 120—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$120,000 to be expended for the retaining of outside Assessors to assess real property in the County and to contract therefore.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—14.

NAYS: DuPont—1.

NOT VOTING: Bookhammer—1.

ABSENT: Hoey, 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.

Sen. Robbins reported the following bill from committee: **HB 97**, 5 favorable.

Sen. Cook moved that the Senate adjourn until March 25, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:30 P.M.

24TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:05 P.M. on March 25, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Pres. Pro Tem. Steen—18.

The Secretary proceeded to read the Journal of the previous days session when Sen. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

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

HB 127 to Corporations Municipal

HB 41 to Elections

HB 125 with **HA 1** to Revised Statutes

The Chair presented the following Joint Resolution, **HJR 8**, which was given first and second reading. Adopted by voice vote.

On motion of Mr. Robbins, **HB 97** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 97—An act proposing an amendment to section 2, Article 5, of the Constitution of the State of Delaware, relating to qualifications for voting.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—16.

ABSENT: Hoey, McGinnes—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.