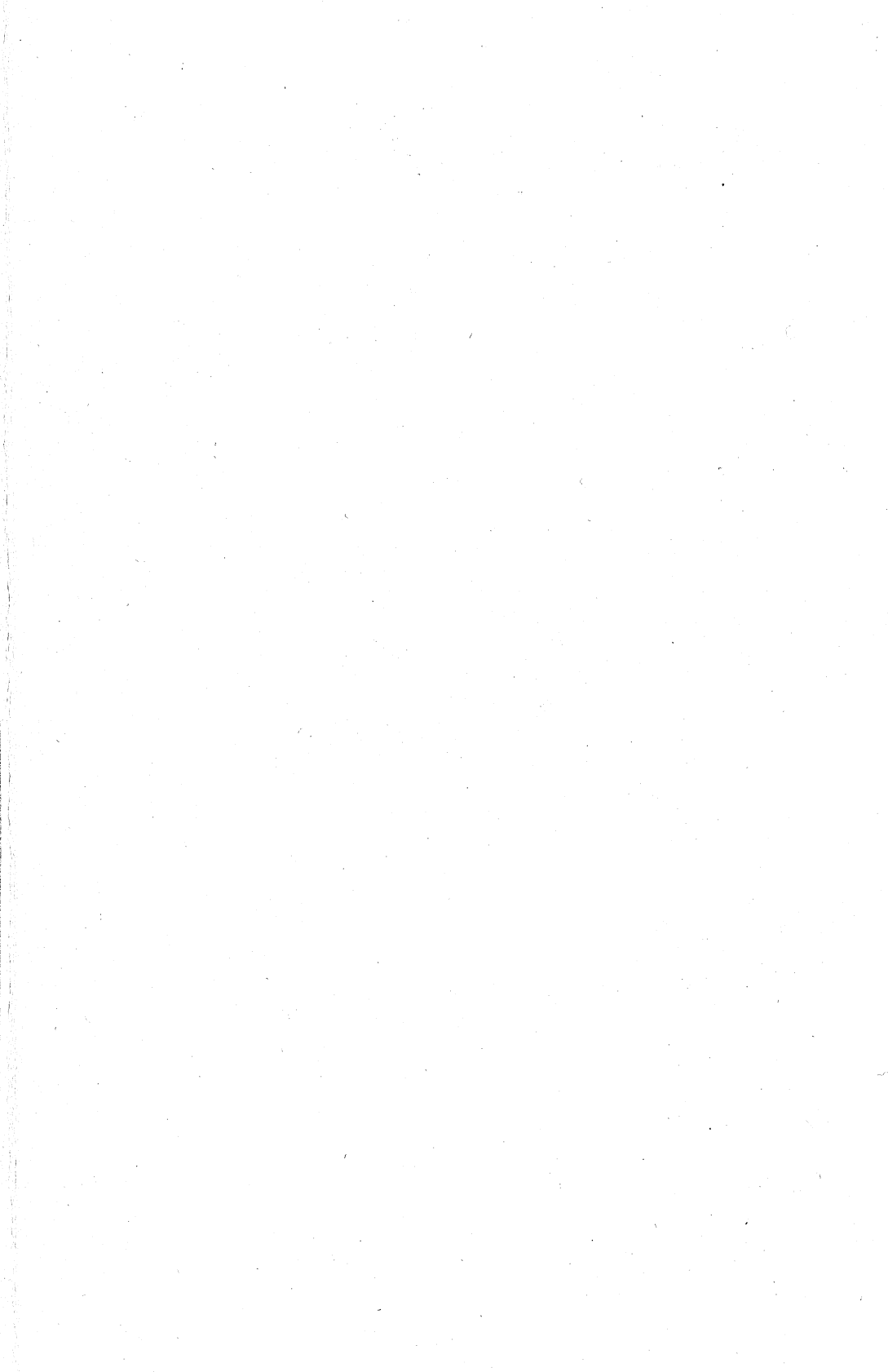


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STATE OF DELAWARE



JOURNAL
OF THE
STATE SENATE
AT A SESSION OF THE
GENERAL ASSEMBLY

1973

State Doc.
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President
EUGENE D. BOOKHAMMER

President Pro Tempore
J. DONALD ISAACS

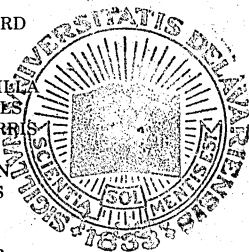
Secretary of the Senate
STANLEY R. HABIGER

**Assistant Secretary
of the Senate**
BETTY JEAN CANIFORD

Chaplains
REV. JOHN A. MASSIMILE
REV. ROBERT L. SAUES
REV. ROBERT LEE HARRIS

Attorneys
GEORGE N. HUDSON
THOMAS RUNNELS

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FLORETTE A. CAMAC
TONI LEE HARRIS
PAMELA ANN MANISTA
PATRICIA M. MELVIN
JOAN E. STEVENSON

NEW CASTLE COUNTY

District

1. Michael N. Castle 17 Ivy Rd., Rockford Village, Wilmington
2. Herman M. Holloway, Sr. 2008 Washington, Wilmington
3. George F. Schlör 114 N. Franklin, Wilmington
4. Robert J. Berndt 312 Beverly Place, Wilmington
5. Charles E. Hughes 1406 Lincoln Ave., Wilmington
6. Dean C. Steele 128 Rockingham Dr., Wilmington
7. Andrew G. Knox 107 Quintynnes Ave., Wilmington
8. Margaret R. Manning 605 Greenbank Rd., Wilmington
9. Thomas B. Sharp 2226 E. Huntington Dr., Wilmington
10. Everett Hale 109 Meriden Dr., Newark
11. Anthony J. Cicione Manchester Apts., Wilmington
12. Calvin R. McCullough 605 Central Ave., New Castle
13. Francis J. Kearns 23 E. Edinburgh Dr., New Castle
14. Roger A. Martin 13 Pinedale Rd., Newark
15. J. Donald Isaacs RD 2, Townsend

KENT COUNTY

16. Allen J. Cook (Died January 9, 1974) Kenton
- Nancy W. Cook (Elected February 15, 1974) Kenton
17. Jacob W. Zimmerman South Little Creek Rd., Dover
18. William M. Murphy, Jr. 1437 Nathaniel Mitchell Rd., Dover

SUSSEX COUNTY

19. Thurman Adams, Jr. Box 367, Bridgeville
20. Richard S. Cordrey Box 486, Millsboro
21. David H. Elliott Route 1, Laurel

**127TH GENERAL ASSEMBLY
1ST LEGISLATIVE DAY
DOVER, DELAWARE
JANUARY 9, 1973**

Pursuant to Section 4, Article 2, of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 1:00 p.m. on Tuesday, January 9, 1973, with Lt. Governor Eugene Bookhammer presiding.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

Lt. Governor Bookhammer welcomed all Senators and their guests to the 127th General Assembly.

Lt. Governor Bookhammer appointed Mrs. Roberta Konopik temporary Secretary of the Senate and Mrs. Pat Emerson temporary Reading Clerk of the Senate.

Having been certified by reading of the following Certificates of Election by the Superior Courts of the three Counties, the following were sworn into office by Lt. Governor Bookhammer as State Senators: From New Castle County — Robert J. Berndt, Michael N. Castle, Anthony J. Cicione, Reynolds duPont, Everette Hale, Herman M. Holloway, Sr., Charles E. Hughes, J. Donald Isaacs, George Jarvis, Francis J. Kearns, Margaret R. Manning, Roger A. Martin, Calvin R. McCullough, George F. Schlör, Dean C. Steele; From Kent County — Allen J. Cook, William Murphy, Jacob Zimmerman; From Sussex County — Thurman Adams, Jr., Richard S. Cordrey, David H. Elliott.

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

**ILLUSTRATION OF NEW CASTLE COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
NEW CASTLE COUNTY**

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 Seventy-two, for New Castle County, according to the Constitution and Laws of the State of Delaware,

FRANCIS KEARNS

was duly elected Senator for Senatorial District Number THIRTEEN in said County in the General Assembly 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, the undersigned Judges constituting the Superior Court in New Castle County, who

14800

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 TENTH day of November, A.D. 1972.

ALBERT J. STIFTEL
President Judge
ANDREW D. CHRISTIE
Resident Judge.

* * * * *

**ILLUSTRATION OF KENT COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
KENT COUNTY**

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 seventy-two for Kent County, according to the Constitution and Laws of the State of Delaware,

WILLIAM M. MURPHY, Jr.

was duly elected Senator for the 18th Senatorial District for said County in the General Assembly; 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, Wm. Duffy and George R. Wright 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 9th day of November, A.D. 1972

WILLIAM DUFFY, Chancellor
GEORGE R. WRIGHT, Resident Associate Judge

* * * * *

**ILLUSTRATION OF SUSSEX COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
SUSSEX COUNTY**

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 seventy-two, for Sussex County, according to the Constitution and Laws of the State of Delaware,

THURMAN ADAMS, Jr.

was duly elected Senator for Senatorial District Number nineteen (19) in said county in General Assembly; 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, John J. McNeilly and William G. Bush, III, 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 tenth day of November, A.D., 1972.

WILLIAM G. BUSH, III, Associate Juge

JOHN J. MCNEILLY, Resident Associate Judge

* * * * *

OATH OF OFFICE OF MEMBER OF GENERAL ASSEMBLY

The State of Delaware
County of Kent

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of State Senator in the General Assembly of the State of Delaware according to the best of my ability. And I do further solemnly swear (or Affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

CALVIN R. McCULLOUGH

Sworn to and subscribed to this 9th day of January A.D. 1973
before me.

EUGENE BOOKHAMMER

* * * * *

The Chair recognized Senator Isaacs who, in turn, yielded to Senator Cook.

Senator Cook introduced SR 1, co-sponsored by Senators Adams, Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör and Zimmerman.

SR. 1 — "In reference to election of President Pro Tempore."

Senator Steele moved that the Senator recess for ten minutes.

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

YES: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

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

Senator Hale moved that the Senator adjourn to the call of the Chair.

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

YES: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

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

Senator Cook moved that SR 1 be adopted.

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

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

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

NOT VOTING: Senator Hughes — 1.

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

On motion of Senator Cicione, the Lt. Governor administered the oath of Office as President Pro Tempore to Senator Isaacs.

Senator Cicione introduced SR 2, co-sponsored by Senators Cook and Isaacs.

SR 2 — "In reference to election of officers."

Senator Castle requested the privilege of the floor for Stanley Habiger.

Senator Schlör moved that the motion to grant the privilege of the floor to Stanley Habiger be tabled.

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

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

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

NOT VOTING: Senator Hughes — 1.

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

Senator Cicione moved that SR 2 be adopted.

Senator Castle moved that SR 2 be tabled.

On the question, "Shall the motion prevail?", the Roll Call was taken and announced to be:

YES: Senators Berndt, Castle, duPont, Hale, Jarvis, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NOT VOTING: Senators Elliott and Hughes — 2.

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

Senator Cicione moved that SR 2 be adopted.

Senator Castle requested the privilege of the floor for Mrs. Cohen.

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

YES: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

So the privilege was denied, having failed to receive the required constitutional majority.

Therefore, on the question, "Shall SR 2 be adopted?", the Roll Call vote was taken and announced to be:

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

NO: Senators Berndt, Castle, duPont, Hale, Jarvis, Manning, Steele — 7.

NOT VOTING: Senator Hughes — 1.

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

On motion of Senator Isaacs the Senate recessed at 2:25 p.m.

The Senate reconvened at 3:00 p.m.

Senator Isaacs introduced SR 3 and moved that it be adopted.

SR 3 — "In reference to the roll of members of the Senate."

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

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

ABSENT: Senator Elliott — 1.

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

Senator Isaacs introduced SR 4 and moved that it be adopted.

SR 4 — "Appointing a Committee to notify the Governor that the Senate is organized."

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

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

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

Pursuant to SR 4 the Lt. Governor appointed Senators Cook and Cicione to inform the Governor that the Senate is

organized.

Senator Isaacs introduced SR 5 and moved that it be adopted.

SR 5 — "Appointing a Committee to notify the House of Representatives that the Senate is organized."

The Resolution was adopted without objection.

Pursuant to SR 5 the Lt. Governor appointed Senators Manning and Holloway as a Committee to inform the House that the Senate was organized.

Senator Isaacs introduced SCR 1 and moved that it be adopted.

SCR 1 — "Providing that a Joint Session of the House of Representatives and the Senate be convened to hear the Governor's Annual Future of the State Address."

The Resolution was adopted without objection and ordered to the House for concurrence.

The Chair announced that a message from the House indicated that the House is now organized and ready for business.

At 4:00 p.m. the Senate adjourned until 1:30 p.m. Wednesday, January 10.

2ND LEGISLATIVE DAY

The Senate met at 1:30 p.m. Wednesday, January 10, 1973 with Lt. Governor Bookhammer presiding.

A prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll showed the following attendance:

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

ABSENT: Senator Elliott — 1.

On motion of Senator Isaacs, the Secretary of the Senate, Stanley R. Habiger, was sworn in by the Lt. Governor.

The previous day's Journal was approved as read.

The Secretary read the following message from the House:
1-10-73

Mr. President:

The House wishes to inform the Senate that it has passed SCR 1 and is returning same to the Senate.

The following communication presented by Senator Isaacs was made part of the record:

STATE OF DELAWARE SENATE

TO : MEMBERS OF THE SENATE
FROM : SENATOR J. DONALD ISAACS
PRESIDENT PRO TEMPORE
SUBJECT : LEGISLATIVE COUNCIL APPOINTMENT.

Please be advised that under the provisions of Section 1101 of Chapter Title 29, Delaware Code, I hereby appoint Senator Anthony J. Cicione as a member of the Legislative Council.

Senator Zimmerman introduced SR 6, co-sponsored by Senators Cook and Murphy, and moved that it be adopted.

SR 6 — "Expressing sympathies of the Senate upon learning of the death of Thomas P. Cullen, Clerk of the Peace for Kent County.

WHEREAS, the Senate of the 127th General Assembly of the State of Delaware has learned with deepest regret of the death of Thomas P. Cullen, Clerk of the Peace for Kent County, Delaware; and

WHEREAS, Thomas P. Cullen was a man actively involved throughout his life in numerous and diverse community affairs, particularly the Democratic Party; and

WHEREAS, Thomas P. Cullen's paramount interest lay in the governmental and political fields where he contributed enormously to Kent County Democratic Politics as former President of the Young Democrats of Kent County and Committeeman for the 7th of the 31st Representative District; and

WHEREAS, the effervescent personality and the sense of humor which Thomas P. Cullen constantly manifested caused him to stand out and be well liked by whomever he came in contact with and consequently will be sadly missed; and

WHEREAS, Thoms P. Cullen will be deeply missed by his family and a multitude of friends.

NOW THEREFORE,

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that the members wish to express their deepest condolences to the wife and family of Thomas P. Cullen, a respected, beloved and highly admired member of Kent County.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate Journal of the 127th General Assembly and that a copy be forwarded to his wife, Mrs. Thomas P. Cullen and family.

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

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

ABSENT: Senators Berndt, Castle, duPont, Elliott, Hale, Jarvis, Manning — 7.

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

Senator Cicione introduced SR 7, co-sponsored by Senators Holloway and Schlör, and moved that the Resolution be adopted.

SR 7 — "Directing the Senate Labor and Industrial Relations Committee to investigate the Merit System of Personnel Administration, and making an appropriation therefor."

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway,

Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 13.

NO: Senators Berndt, Castle, duPont, Jarvis, Manning — 5.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Elliott and Hale — 2.

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

Senator Isaacs introduced SR 8 and moved that it be adopted.

SR 8 — "Authorizing the Legislative Council to furnish postage for the first session of the 127th General Assembly."

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

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

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Elliott — 1.

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

Senator Isaacs introduced SR 9 and moved that it be adopted.

SR 9 — "In reference to Temporary Rules of the Delaware State Senate."

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

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

NO: Senator Castle — 1.

NOT VOTING: Senators Berndt, duPont, Hale, Hughes, Jarvis, Manning — 6.

ABSENT: Senator Elliott — 1.

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

Senator Isaacs requested that the names of the members appointed to the various Committees be read into the record:

NATURAL RESOURCES: Senators Isaacs, Chairman; Senators Elliott, Hughes, Cordrey and Murphy.

HIGHWAYS AND TRANSPORTATION: Senators Hughes, Chairman; Senator Cicione, Jarvis, Adams and Zimmerman.

PUBLIC SAFETY: Senator Cicione, Chairman; Senators Hughes, Isaacs, Murphy and Schlör.

COMMUNITY AFFAIRS: Senator Manning, Chairman; Senators duPont, Steele, Kearns, Murphy.

JUDICIARY AND ELECTIONS: Senators Berndt, Chairman; Senators Castle, Hughes, Kearns, McCullough.

EDUCATION: Senator Hale, Chairman; Senators duPont, Steele, Martin and Zimmerman.

FINANCE: Senator Steele, Chairman; Senators Cicione, Isaacs, Holloway and Schlör.

HEALTH AND SOCIAL SERVICE: Senator duPont, Chairman; Senators Berndt, Jarvis, Holloway and Kearns.

LABOR: Senator Cicone, Chairman; Senators Hale, Hughes, McCullough and Schlör.

ADMINISTRATIVE SERVICE: Senator Elliott, Chairman; Senators Berndt, Manning, Holloway and Martin.

AGRICULTURE: Senator Castle, Chairman; Senators Elliott, Hale, Adams, Cordrey and Zimmerman.

EXECUTIVE: Senator Isaacs, Chairman; Senators Cicone, Adams, Cook and McCullough.

Senator Cicone introduced SR 10 and moved that it be adopted.

SR 10 — "Commending the United States Department of Labor, Board of Apprenticeship and Training, STAVE Program of Delaware Technical and Community College, and the Veterans Administration for their cooperation in establishing the Senate/Legislative Council apprenticeship program."

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

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

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Elliott — 1.

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

Senator Isaacs introduced SR 11 and moved that it be adopted.

SR 11 — "In reference to election of officers."

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

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

NO: Senators Castle and Jarvis — 2.

NOT VOTING: Senators Berndt, duPont, Hale, Hughes and Manning — 5.

ABSENT: Senator Elliott — 1.

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

Senator Murphy introduced SJR 1 which was read for the first time by title only:

SJR 1 — "Memorializing and urging the Delaware Congressional Delegation to vehemently oppose in every respect the construction of an offshore oil terminal in the Delaware Bay or the Atlantic Ocean off the coast of Delaware." Assigned to Executive Committee.

Senator Manning introduced SB 1 which was read for the first time by title only:

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

Committee on Judiciary and Elections.

Senator Steele introduced SB 2 which was read for the first time by title only:

SB 2 — "An act authorizing the State of Delaware to borrow money to be used for Capital Improvement and Expenditure in the nature of Capital Investment and to issue Bonds and Notes therefor and appropriating the money to the State Board of Education." Assigned to Committee on Finance.

Senator Steele introduced SB 3 which was read for the first time by title only:

SB 3 — "An act authorizing the State of Delaware to borrow money to be used for the local share of School construction programs and to issue Bonds and Notes therefor and appropriating the moneys to the State Board of Education on behalf of Local School Districts." Assigned to Committee on Finance.

Senator Steele introduced SB 4 which was read for the first time by title only:

SB 4 — "An act to amend an act entitled: An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the moneys to various Agencies of the State, as the same appears in Chapter 299 of Volume 57, Laws of Delaware." Assigned to Committee on Finance.

Senator Jarvis introduced SB 5 which was read for the first time by title only:

SB 5 — "An Act to amend Title 14, Delaware Code, Chapter 53, relating to Summer School for teachers." Assigned to Committee on Education.

Senator Elliott introduced SB 6 which was read for the first time by title only:

SB 6 — "An Act proposing an Amendment to the Constitution of the State of Delaware, relating to freedom of speech and press." Assigned to Committee on Judiciary and Elections.

Senator Elliott introduced SB 7 which was read for the first time by title only:

SB 7 — "An Act to amend Part I, Chapter 17, Title 14 of the Delaware Code by removing the restrictions upon growth in the number of certain units for handicapped children and providing an appropriation therefor." Assigned to Committee on Finance.

Senator Elliott introduced SB 8 which was read for the first time by title only:

SB 8 — "An Act to amend Title 14, Chapter 17, Delaware Code, relating to children with learning disabilities." Assigned to Committee on Finance.

Senator Elliott introduced SB 9 which was read for the first time by title only:

SB 9 — "An act to amend Title 29 of the Delaware Code relating to public records and meetings, and "The Public's Right

to Know." Assigned to Committee on Judiciary and Elections.
 Senator Steele introduced SA 1 to SB 2 and, on his motion, was placed with the Bill.

On motion of Senator Isaacs, the Senate recessed for a short period.

The Senate reconvened at 5:05 p.m.

At 5:05 p.m. the Senate adjourned until 12:30 p.m. Thursday, January 11.

3RD LEGISLATIVE DAY

The Senate met at 1:30 p.m. Thursday, January 11, 1973 with Lt. Governor Bookhammer presiding.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

Call of the roll showed the following attendance:

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

ABSENT: Senator Elliott — 1.

The previous day's Journal was approved as read.

Lt. Governor Bookhammer requested Senator Manning to inform the House that the Senate was ready for the Joint Session.

The Cabinet Officials and their wives were invited to be seated in the Chamber.

Senator Manning reported that the House was ready for the Joint Session and the Members were admitted to the Senate Chamber.

Senator Isaacs moved that the House and Senate convene in Joint Session. The motion prevailed.

Senator Isaacs moved that the Lt. Governor preside over the Joint Session. The motion prevailed.

Senator Isaacs moved that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries of the Joint Session. The motion prevailed.

The Chair appointed the following Committee to escort the Governor to the Senate Chamber: Senators Berndt, Cicione and Holloway, Representatives Gruwell and Derrickson.

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

The Lt. Governor invited the Governor to the rostrum and introduced him to the Joint Session.

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

Mr. President

Mr. President Pro Tem

Mr. Speaker

Ladies and Gentlemen of the 127th General Assembly

Members of the Cabinet

Fellow Delawareans:

It is an honor to appear before this Joint Session of the

General Assembly to present a budget for the coming year, to touch upon a few highlights of the past four years, and to share with you some of my hopes for the direction of the State in future years.

Let me first take this opportunity to extend my best wishes for productive and rewarding terms of office to Governor-elect Tribbitt, Lt. Governor Bookhammer, and members of the new 127th General Assembly.

My proposed operating and Capital Budgets for Fiscal 1974, and the 1974—1979 Capital Improvements Program are designed to help the State meet the needs of the people it serves.

First, let's look at the operating budget for the balance of the current year — Fiscal 1973.

Revenue for this year — including \$8.2 million from Federal Revenue Sharing — will total an estimated \$309.9 million, or \$3.6 million more than disbursements. We anticipate disbursements of \$306.2 million, which includes \$4.6 million for additional supplemental appropriations you may deem advisable.

The cash balance of \$3.1 million carried over from last year will bring our total cash balance on June 30 to \$6.7 million.

1974 BUDGET

I am recommending for Fiscal 1974 a budget totaling \$320.8 million. We estimate revenue at \$332.6 million, of which \$325.2 million will come from normal sources and \$7.4 million from Federal Revenue Sharing. The \$325.2 million estimate is slightly above the midpoint of the range provided by the Governor's Economic Advisory Council.

Estimated disbursements will total \$332.5 million, including \$5.4 million for supplemental appropriations, plus continued, encumbered and automatic appropriations. The surplus brought forward from the current year will leave the State with a cash balance of \$6.8 million on June 30, 1974.

SUPPLEMENTAL FUNDS

Let me point out that this financial plan provides for \$4.6 million in supplementals for the balance of this Fiscal Year and \$5.4 million for next year. Combining those with the projected cash balance of \$6.8 million on June 30, 1974, means there will be available to the new administration and General Assembly a total of \$16.8 million beyond what is appropriated or recommended in my budget. I urge that a portion of this be used to provide 5.5 percent salary increases to teachers and other Public School employees.

I propose to fund the Pension Plan in the same manner as last year. We will provide \$9.9 million from the Operating Budget, and \$12 million in notes issued by the State to the Employees Pension Fund.

You may recall that four years ago there was no funding of the Pension Plan. At the end of 1970, the State had an unfunded

Pension liability estimated at more than a quarter of a billion dollars. Legislation that I signed into law earlier that year required that we begin to fund the Plan. We did so. The Pension Fund on June 30, 1974, will total \$50 million, as compared with only \$2.7 million in 1969.

The \$9.9 million in the Operating Budget will be more than adequate to cover the Pension Payments to all our retirees during Fiscal 1974. The Budget also provides an additional \$1.2 million for Police and Judiciary Pensions.

The issuance of notes to the Pension Fund provides a sound way for the State to gradually cover the Pension liabilities inherited from the past. There are sincere differences of opinion over this Plan. Obviously, if the Legislature wishes to fund a higher percentage of the Pension Liabilities directly from the operating funds, that's your prerogative. The money is there to do it. But it would require different priorities than we have established.

If anyone tries to tell you we have not been diligent in providing fringe benefits for employees, the fact is that the total State payment for fringe benefits has jumped from \$8.2 million in 1969 to \$24.7 million in the coming year.

My proposed Budget for Fiscal 1974 provides for an approximate 10 percent increase in disbursements, adequate to continue strong support for such vital areas as Education, Crime Reduction and Human Services.

It will, for example, provide 363 additional employees for the Department of Health and Social Services, including our State Hospitals, Service Centers and Correctional Facilities.

We propose nearly 60 more employees for the Judiciary, over half of them for Family Court. The staffs of the Attorney General and Public Defender have been greatly increased since 1969, and I propose another 14 employees in Fiscal 1974.

It is appropriate here to note that the State Government of Delaware this year is spending over \$21 million on fighting crime, more than double the expenditure in 1969.

SPENDING WITHIN INCOME

I am pleased to be able to submit to you a Budget Plan for 1974 which provides for a reasonable growth in services to the State while keeping the outgo within the income. This will mark the third successive year in which the revenues have equalled or exceeded the expenditures. I repeat: for three successive years, the State of Delaware will have spent less than it has taken in. Few other States can match that record.

There will probably be some criticism of this Budget — criticism inspired by honest differences of opinion as well as the normal political gamesmanship.

It has already been suggested that the Utility Tax be repealed effective January 1, 1973. This would reduce revenue during the next 18 months by approximately \$12 million and is unjustified. No tax decrease should be enacted unless at the same time an equivalent source of income is provided.

The fiscal picture I have presented to you today is in sharp contrast to the one I inherited four years ago. The budget presented to me by the outgoing administration was \$30 million out of balance, as was carefully pointed out by the Tunnell Committee.

I encourage you to compare exhibit C on pages 11 and 12 of my Fiscal 1974 Budget with exhibit C of the 1970 Budget that was recommended to me by my predecessor administration. The comparison will show very clearly that we had to balance the previous administration's Budget as well as our own.

CAPITAL BUDGET

Now let's turn to my proposed 1974 Capital Budget and the 1974-1979 Capital Improvements Program.

As you know, capital projects are financed by borrowed funds rather than from General Fund Revenues. However, the Debt Service — which pays back 1/20th of the loans each year and the interest and other Service Costs of the loans — is paid out of the Operating Budget.

In analyzing the State's financial position early in my administration, it became clear that the soaring Capital expenditures were biting deeper each year into our Operating Revenues because of the Growing Debt Service Costs.

In 1970, the Debt Service had increased to 22.7 percent of the previous year's revenue. To correct this, I issued an Executive Order limiting our Capital Expenditures so that Debt Service would not exceed 20 percent of the previous year's revenue.

I am pleased to report that this management control has succeeded, and this is the third successive year in which we have remained below the 20 percent ceiling. This year it is 17.1 percent of last year's revenue.

In other words, our current Budget contains \$47.2 million for Debt Service. If we hadn't placed the ceiling on Debt Service Costs and had continued at the 1970 rate, we would have required over \$15 million more for Debt Service in this year's Operating Budget and \$19.8 million more in next year's.

While General Fund Revenue has increased during the past four years by 81 percent, Debt Service has increased only 34 percent.

The Capital Program I am presenting today observed the ceiling, and the Debt Service Appropriation in the Fiscal 1974 Budget will be an estimated 16.3 percent of this year's revenue.

I strongly recommend that you enact legislation I am submitting that would make mandatory a Debt Service ceiling.

The total six-year Capital Improvements Program calls for expenditures totaling \$368 million, of which about \$80 million will be in the 1974 Capital Budget.

EDUCATION

The largest portion of the entire Capital Budget — 45 percent — will go to Education for projects such as the new Vocational-Technical High School in Glasgow, a supplemental

for the Howard Career Center, a Secondary School at the Sterck School for the Hearing Impaired, design for a new Elementary School for Wilmington, and renovations to the Middle School in Alexis I. duPont School District.

Earmarked for the University of Delaware are new buildings for classrooms, staff offices and physical plant operations. Recommended for Delaware State College is construction of the 100,000-volume Library now under design, and funds for internal roads and walkways. Delaware Technical and Community College will receive funds to complete Phase I of the Stanton Campus and start Phase I of the Kent County Branch.

HEALTH

Highlights in the area of Public Health include increasing the bed capacity at Delaware Home and Hospital to approximately 1,100; modernizing Emily P. Bissell Hospital for its expanded role of care for the physically handicapped; constructing a new Infirmary, Admissions and Research Building at Delaware State Hospital; installing a water supply system at Governor Bacon Health Center; substantial improvements at the Hospital for the Mentally Retarded; and housing for the elderly in Kent and Sussex Counties.

In the environmental area, we will continue strong funding for Sewer Construction, the Solid Waste Reclamation Plant, and acquisition of open land and development of Part Facilities.

We propose new Court Facilities in New Castle County, a feasibility study for reuse of the Wilmington Armory, and a new Troop 3 State Police Station for Central Kent County.

The Department of Highways and Transportation receives a substantial allocation to permit continued progress on corridor improvements such as Route 141, the Newark Beltway and Dover By-pass.

I am satisfied that the Capital Budget is geared to the overall needs of State Government with special emphasis on the education of our children, better health services, the needs of the elderly, and the preservation of our natural resources and open spaces.

These are the financial plans for the Operating and Capital Budgets which I recommend for your serious consideration.

PROGRESS REPORT

In my first "Future of the State" message in 1970, I presented some State goals to which I pledged the efforts of my administration. The details of our progress toward those goals are available in a supplemental report you will receive upon the completion of my talk today. The report reflects the concerted efforts of thousands of Delawareans in the private and public sectors, especially members of the 125th and 126th General Assemblies.

That report, and this Budget message, comprise the State of the State. The future of the State will, in a very few days,

become the responsibility of another Governor and another administration. That burden is great, but even greater is the honor and satisfaction of service to the people of the First State.

Since this is my last message to the General Assembly, I will devote the remainder of my comments to some of my basic beliefs about public service and to some of the major needs still facing the people and public officials of the State of Delaware.

It has been said that there is little place for idealists — for dreamers, — in practical politics. I have never believed that. I don't believe it now. We need more idealists and dreamers in government. In Proverbs, we read, "Where there is no vision, the people perish." We must be architects of change, not its victims. Or else we may find ourselves being dragged, screaming, into the future instead of designing our own destiny.

If our Democracy is to be truly successful, it must be flexible enough to explore new solutions to the problems of society. Pouring more and more money into more and more programs which are not producing the right kind of results is sheer folly. When today's paths lead nowhere, it is time to blaze new trails. Otherwise, we sentence ourselves to a tomorrow that only duplicates all of today's problems and frustrations. If we hesitate to try new approaches because of fear of failure, we most certainly will fail to succeed in solving our problems.

Conservatism is good when it conserves Justice, Freedom and our Natural Resources. But I don't believe any of us wants to conserve Crime, Pollution, Poverty or Bigotry.

We hear fears expressed about a world which might not last because too many people are too downtrodden and weary to care, or too busy with trivia to listen or become involved, or too satisfied to want to change. Such apathy suffocates human spirit. We need to innovate, to devise new ways of solving our problems. We must have fresh ideas in government.

During the past four years, we have implemented a number of new approaches in Delaware — such as Vocational Rehabilitation of welfare recipients, the Cabinet Form of Government, the Costal Zone Law, Work Release, the Debtors' Prison Law.

Each of those is an attempt to find a new way to solve old and serious problems.

Another great need to which we have addressed ourselves is more responsive government. When citizens believe that Government is not reliable, is not listening or responding, they become frustrated and lose respect for Government and public officials.

To enable us to listen better, we instituted Governor's Town Hall meetings, Citizens' Hours, a highly visible and active office in Wilmington, and the Statewide toll-free Fast Line to answer citizens' questions and complaints.

To enable us to respond better, we reorganized the Executive Branch into a Cabinet Form of Government. The change was made about half-way through my term, which afforded me an excellent chance to compare the two systems. Because responsibility for policy decisions and actions can now

be traced directly to a Cabinet Secretary or to the Governor, it is no longer possible to pass the buck. This forces better responsiveness.

But even more important than the mechanics of being responsive is that we in public life be guided by high motivations and ideals. Too many citizens have a low regard for politics and politicians. That's because too often politics means that if you know the right person, you can have your traffic ticket fixed, or you can obtain a job whether or not you are qualified, simply by being a loyal party worker. No wonder many citizens are cynical about politics and politicians.

Yet, politics is the life-blood of our free society. We in public life must be guided by the principles upon which our nation was founded — Justice and Integrity, a commitment to what is right, a determination to attract to Government services the most competent and qualified people.

One of our efforts in that direction was in the Magistrate Courts. In contrast to four years ago, our Magistrates today are tested and interviewed by a Screening Committee before they are nominated for appointment. They are given intensive training and periodic testing. It is my hope that this procedure for guaranteeing high quality of competence in our Magistrates will be written into Law. It would be tragic to slip back into a situation where some of our Magistrates had I.Q.'s so low they could not understand the laws.

Another serious problem is that politics is sometimes plagued by deliberate distortion of facts. The ghost of Machiavelli roams among us. Truth frequently is kidnapped. We must set it free. I am still pondering what the best solution to this problem might be.

One way to increase respect for public officials is to encourage more citizens to become involved in politics and Government so they can have a voice in the vital decisions that affect their lives. The average citizen must realize that he can make a difference in politics. Hundreds of young people in Delaware have learned this during the past four years.

We must also build stronger bridges of understanding between people. Our democratic process cannot operate effectively in a climate of suspicion or distrust. Without understanding, there cannot be true unity and real progress.

In my inaugural address four years ago this month I said: "We must create in Delaware a climate that recognizes the intrinsic worth of every individual; that protects not only his physical being, but his self-respect and dignity; that has no room for the concepts of second-class citizens or second-rate ideals; that realizes the joining of hands is an empty gesture unless there is also a joining of hearts and wills; that proclaims faith in, not fear of, our fellow man and the democratic process."

The climate in Delaware has indeed improved. The National Guard patrols have become an uneasy footnote in Delaware's history. So have the monitors who were assigned to

keep order in our schools. We now have an Open Housing Law, a strengthened Human Relations Commission, black people in key Government positions including our Cabinet, minority hiring programs to help our disadvantaged citizens to help themselves. For the first time in our history, we have minority groups represented on our State Police. And no longer do we lock people up just because they are poor. Gone, too, is that disgraceful whipping post which in earlier years had been used so selectively against blacks and poor.

The Governor's Youth Council, the Council for Women, an Advisory Group of Older Delawareans, the Summer Fellows Program, the Governor's Economy Committee which enlisted top people from the private sector to improve the efficiency of Governmental operations — all were formed to promote understanding among people, or greater citizen involvement in the day-to-day operations of Government.

No achievement of this administration gives me greater pride and satisfaction than the knowledge that we have indeed made progress in these vital areas. But we cannot afford to relax. Much more remains to be done.

We need to recognize that happiness and self-respect come from doing something satisfying and rewarding. Around that simple fact is woven the whole philosophy of Career Education. It sparked the Vocational Rehabilitation of welfare recipients, the "Something for Something" Programs. We should make more effort to incorporate this key motivation into our public policies and decisions.

We also need challenging goals that spur us into action and won't allow us to just drift along. Some of the goals we set in 1970 — such as the goal to reduce crime — have drawn some ridicule, but then so did our national goal of reaching the moon. The moon already has been conquered, and today there is concrete evidence that we are reducing crime.

For the first 11 months of 1972, the rate of serious crime in Delaware — murder, rape, robbery, aggravated assault, burglary, larceny over \$50 and auto theft — has decreased 7 percent from 1971, including a dramatic 27 percent decrease in Wilmington. While the rate of violent crime — the first four mentioned — during the same period rose nearly 16 percent, the marked reduction in serious crimes is encouraging proof that we are having an impact.

The goals set in 1970 have produced results, and I hope those goals will not be swept away by the winds of political change. Each of us must assume his share of responsibility for shaping Delaware's future. Accept the challenges to continue working toward cutting the crime rate in half by 1980, cleaning up our streams by 1976, keeping refineries out of our Coastal Zone, and seeing that everyone who leaves school does so with a job offer or acceptance to another institution of learning. Behind such challenges lie tremendous opportunities to improve the quality of life for all of our citizens.

It is essential that our State leadership set high standards

of integrity and morality, that it work hard, that it have the courage to try new ideas when old methods have failed, and the humility to admit mistakes. In the end, the results of our programs are all that really count.

Are we providing the services people need? Protecting their lives and property? Providing the opportunity for everyone — young and old — to find a satisfying, healthy and rewarding life? Promoting understanding and harmony among our citizens? Safeguarding our environment? And are we doing all these things with compassion and justice under law? These are the questions we need to ask ourselves continually.

Finally, I thank the people of Delaware for giving me the opportunity to serve as their Governor. And I am deeply grateful to the thousands of Delawareans who have given so much of themselves in working with me — particularly the members of my Cabinet, members of the General Assembly, my staff, the many State Employees, and most of all, my life-partner, Lillian. The past four years have provided me with a singular opportunity to express in public service some of the hopes and dreams nurtured during many years of community involvement I have tried to be faithful to the pledges of substance and spirit which I gave upon assuming office four years ago.

In closing, I would like to quote an observation made in my "Future of the State" message of last year:

"This Administration has been charged at times with doing too much, too fast. There is some merit to that criticism.

"But when historians look back on this period of Delaware's history, this administration would much rather have them see a Government that tried too hard, than one that didn't try hard enough."

* * * * *

Senator Cicione moved that the previously named Committee escort the Governor from the Chamber. Motion prevailed.

The Chair requested the Clerk of the House to read to the Joint Session of the two Houses the official election results from the three Counties for the office of Governor and Lt. Governor.

THE STATE OF DELAWARE NEW CASTLE COUNTY,

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 Seventy two, for New Castle County, according to the Constitution and Laws of the State of Delaware, EIGHTY ONE THOUSAND AND FORTY THREE (81,043) votes were given for SHERMAN W. TRIBBITT for Governor; EIGHTY FIVE THOUSAND FIVE HUNDRED AND SIXTY (85,560) votes were given for RUSSELL W. PETERSON for Governor; NINE HUNDRED AND FIFTY ONE (951) votes were given for VIRGINIA M. LYNDALL for Governor; THREE HUNDRED AND FIVE (305) votes were given for HARRY H. CONNER for Governor,

which is manifest by calculating and ascertaining the aggregate amount of all the votes given each person voted for in all the hundreds and election districts of the County, according to the provision made by law in this behalf.

IN TESTIMONY WHEREOF, We Albert J. Stiftel 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 TENTH day of November, A.D. 1972.

Albert J. Stiftel, President Judge

Andrew D. Christie, Resident Associate Judge.

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THE STATE OF DELAWARE

KENT COUNTY

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 seventy-two for Kent County, according to the Constitution and Laws of the State of Delaware, 17,331 votes were given for Sherman W. Tribbitt for Governor; 10,254, votes were given for Russell W. Peterson for Governor; 263 votes were given for Virginia M. Lyndall for Governor; 37 votes were given for Harry H. Conner 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, Wm. Duffy and George R. Wright 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 9th day of November, A.D. 1972.

Wm. Duffy, Chancellor

George R. Wright, Resident Associate Judge

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THE STATE OF DELAWARE

SUSSEX COUNTY

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 seventy-two, for Sussex County, according to the Constitution and Laws of the State of Delaware. Eighteen thousand nine hundred (18,900) votes were given for Sherman W. Tribbitt for Governor; Thirteen thousand seven hundred sixty-nine (13,769) votes were given for Russell W. Peterson for Governor; Two hundred fifty-four (254) votes were given for Virginia M. Lyndall for Governor; Fifty-five (55) votes were given for Harry H. Conner for Governor; Three (3) write-in votes were given for Dave Buckson for Governor; Two (2) write-in votes were given for

Emily Womach 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 TESTIMONEY WHEREOF, WE, John J. McNeilly and William G. Bush, III, 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 tenth day of November, A.D., 1972.

William G. Bush, III, Associate Judge

John J. McNeilly, Resident Associate Judge

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THE STATE OF DELAWARE

NEW CASTLE COUNTY,

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 Seventy two, for New Castle County, according to the Constitution and Laws of the State of Delaware, SEVENTY FOUR THOUSAND NINE HUNDRED AND FIFTY THREE (74,953) votes were given for CLIFFORD B. HEARN, JR. for Lieutenant Governor; EIGHTY THOUSAND TWO HUNDRED AND SIXTY (80,260) votes were given for EUGENE D. BOOKHAMMER for Lieutenant Governor; NINE HUNDRED AND ONE (901) votes were given for WILLIAM DRUMMOND for Lieutenant Governor; TWO HUNDRED AND TWENTY SEVEN (227) votes were given for EARL F. DAWSON 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 thi behalf.

IN TESTIMONY WHEREOF, We Albert J. Stiftel 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 TENTH day of November, A.D. 1972.

Albert J. Stiftel, President Judge

Andrew D. Christie, Resident Associate Judge.

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THE STATE OF DELAWARE

KENT COUNTY

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 seventy-two for Kent County, according to the Constitution and Laws of the State of Delaware, 13,262 votes were given for Clifford B. Hearn, Jr. for Lieutenant-Governor; 12,584 votes were given for

Eugene D. Bookhammer for Lieutenant-Governor; 205 votes were given for William Drummond for xxxx Lieutenant-Governor; 41 votes were given for Earl F. Dawson 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, Wm. Duffy and George R. Wright 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 9th day of November, A.D. 1972.

Wm. Duffy, Chancellor

George R. Wright, Resident Associate Judge

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THE STATE OF DELAWARE SUSSEX COUNTY

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 seventy-two, for Sussex County, according to the Constitution and Laws of the State of Delaware.

Thirteen thousand eight hundred fifty-five (13,855) votes were given for Clifford B. Hearn, Jr., for Lieutenant Governor; Seventeen thousand two hundred forty-three (17,243) votes were given for Eugene D. Bookhammer for Lieutenant Governor; Two hundred eighty-three (283) votes were given for William Drummond for Lieutenant-Governor; Forty-five (45) votes were given for Earl F. Dawson for Lieutenant-Governor; One (1) write-in votes were given for David Buckson for Lieutenant-Governor; One (1) write-in votes were given for Emily Womach 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, John J. McNeilly and William G. Bush, III, 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 tenth day of November, A.D., 1972.

William G. Bush, III, Associate Judge

John J. McNeilly, Resident Associate Judge

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On motion of Cicione, the Secretary of the Senate and the Clerk of the House compared their Journals and found them to agree.

Senator Cicione moved that the two Houses now separate to reconvene in their respective chambers. The motion prevailed and the Joint Session adjourned at 1:55 p.m.

The Senator reconvened at 3:10 p.m.

The Chair asked the Secretary to read the following communication into the record:

January 9, 1973

Mr. Eugene Bookahmmer
President of the Senate
Dover, Delaware
Mr. Bookhammer;

As a concerned citizen of the state of Delaware who has been involved with the legislative process for a number of years, I was appalled at the indiscriminate firing of the Secretary of the Senate, Mrs. Barbara Konopik. In all my dealings with Mrs. Konopik, I have found her to be efficient, friendly, resourceful and considerate to everyone's needs regardless of party affiliation.

I understand that the position of Secretary of the Senate rises and falls with the fortunes of the President Pro Tem, but I submit to you that that is a grave injustice, as witnessed by the childish political game that was played with that most important position on the first day of the session. The job of Secretary of the Senate should not be one of political patronage; it should be based solely on ability, a quality which Mrs. Konopik possesses in abundance.

Tuesday I was truly ashamed to live in Delaware and I was sorry to see so many young people in the audience who had to witness the absurdity of political head-hunting. The ego-tripping of certain members of the Senate is a poor lesson for these persons to observe. It is no wonder that the youth of our state and country regard politicians with a little less than trust when competence takes a back seat to politics.

Yours sincerely,
Edward E. Fischer, Jr.
Student, University of Delaware

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Senator Isaacs, Chairman of the Executive Committee, reported SJR 1 back to the Senate: 3 Favorable; 2 Merits.

Senator Steele, Chairman of the Finance Committee, reported the following Bills back to the Senate: SB 2 — 2 Favorable, 3 Merits; SB 3 — 1 Favorable, 4 Merits; SB 4 — 1 Favorable, 4 Merits.

Senator Cicione introduced SB 10 which was read for the first time by title only:

SB 10 — "An Act to amend Subchapter 1, Chapter 33, Title 19 of the Delaware Code relating to unemployment compensation, and providing unemployment compensation benefits to persons on strike." Assigned to Committee on Labor.

Senator Cicione introduced SB 11 which was read for the first time by title only:

SB 11 — "An act to amend Chapter 23, Part II, Title 19 of the Delaware Code relating to workmen's compensation." Assigned to Committee on Labor.

Senator Cicione introduced SB 12 which was read for the first time by title only:

SB 12 — "An act to amend Subchapter 1, Chapter 47, Part V, Title 7 of the Delaware Code relating to the collection of fees and charges for the use of State parks by certain Persons." Assigned to Committee on Natural Resources.

Senator Jarvis introduced SB 13 which was read for the first time by title only:

SB 13 — "An act to amend Chapter 41, Title 21 of the Delaware Code relating to the operation of a motor vehicle while under the influence of intoxicating liquors or drugs." Assigned to Committee on Public Safety.

Senator Cicione introduced SB 14 which was read for the first time by title only:

SB 14 — "An act to amend Chapter 1, Title 27 of the Delaware Code relating to the formation of Roman Catholic Church Corporation." Assigned to Committee on Community Affairs.

Senator Isaacs introduced SR 12 and moved that it be adopted.

SR 12 — "In reference to the temporary rules of the Delaware State Senate."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 17.

ABSENT: Senators Elliott, Hale, Hughes and Jarvis — 4.

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

Senator Castle announced that he would submit his written resignation as Chairman of the Agriculture Committee.

Senator Isaacs announced that the Senate would attend the inaugural ceremonies for the new Governor next Tuesday as a body.

At 4:30 p.m. the Senate recessed until 11:30 a.m. Tuesday January 16, 1973, on motion of Senator Isaacs.

The Senate reconvened at 11:40 a.m. Tuesday, January 16, 1973, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs the Senate recessed for the inauguration and reception for Governor Tribbitt.

The Senate reconvened at 3:10 p.m.

A messenger from the Governor's Office was admitted with the following communication from the Governor which was read into the record.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

January 16, 1973

To the Senate of the 127th General

Assembly of the State of Delaware:

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

Robert H. Reed
Lynnhaven Drive
Dover, Delaware

to be Secretary of State
for the State of Delaware
at the pleasure of Governor
Sherman W. Tribbitt from
date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The nomination was assigned to the Executive Committee.
At 3:22 p.m. the Senate adjourned to immediately
convene for the Fourth Legislative Day.

4TH LEGISLATIVE DAY

The Senate met at 3:22 p.m. Tuesday, January 16, 1973,
Lt. Governor Bookhammer presiding.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as far as read by the Secretary.

Senator duPont requested that the following communication be read into the Journal:

Wilmington, Delaware

December 7, 1972

WHEREAS, certain producers and theater owners and other principals are responsible for bringing immorality and public nuisances into this community and the State of Delaware; and

WHEREAS, certain national television networks have indicated that they are planning to show X-rated movies; and

WHEREAS, the Delaware State laws on obscenity need to be reviewed and strengthened at once; and

WHEREAS, action by state, local and federal organizations and legislatures is needed to combat obscenity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON That the Attorney General and General Assembly of the State of Delaware are urged to arrange for the appointment of a State Board of Censors for movies and previews shown in this State.

FURTHER RESOLVED that the Attorney General and General Assembly of the State of Delaware are urged to review House Bill 522 and Amendments making any modifications necessary to successfully combat obscenity in this State.

FURTHER RESOLVED That the Attorney General and General Assembly of the State of Delaware are urged to consider additional legislation such as a public nuisance statute which has been effective in certain other states that will aid in combatting obscenity.

FURTHER RESOLVED that Dr. Frank Stanton, President, CBS Network, 51 West 52nd Street, New York, New York 10019 as well as ABC and NBC be informed of the objections of this Council to the showing of X-rated movies on television.

FURTHER RESOLVED that efforts be made to expand and further activate the Delaware Anti-Obscenity Committee and keep the Citizens for Decent Literature informed of the situation regarding obscenity in this State.

FURTHER RESOLVED that efforts be made to coordinate city, state and federal anti-obscenity legislation through the offices of the Delaware's State and Federal Legislators.

Passed by City Council, Dec. 7, 1972

ATTEST: (Signed Leo. J. Marshall, City Clerk

Approved as to form

December 1, 1972

(Signed) Christine M. McDermott
Assistant City Solicitor

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Senator Isaacs, Chairman of the Executive Committee, reported the Governor's nomination of Robert H. Reed as Secretary of State back to the Senate: 5 Favorable.

Senator Hale introduced SR 13.

SR 13 — "In reference to election of Officers.

Senator Isaacs moved that the Resolution be tabled.

On the question, "Shall the motion prevail?", the Roll Call was taken and announced to be:

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

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

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

Senator Isaacs then moved that SR 13 be lifted and assigned to the Executive Committee.

On the question, "Shall the motion prevail?", the Roll Call was taken and announced to be:

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

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

So the motion prevailed, having received the required constitutional majority, and the Resolution was assigned to the Executive Committee.

On motion of Senator Isaacs, and without objection, the Senate went into Executive Session for the purpose of considering the confirmation of Robert Reed as Secretary of State.

EXECUTIVE SESSION

Senator Isaacs moved that the confirmation of Robert Reed as Secretary of State now be considered by the Senate.

On request of Senator Cook, the privilege of the floor was extended to Robert H. Reed.

Senator Isaacs moved that the nomination of Robert H. Reed as Secretary of State now be confirmed.

On the question; "Shall the appointment be confirmed?", the Roll Call vote was taken and announced to be:

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

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

On motion of Senator Isaacs, and without objection, the Executive Session was declared over and the Senate went back into Regular Session.

Senator Zimmerman introduced SR 14, co-sponsored by Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör and Steele.

SR 14 — "Extending the sympathy of the Senate of the 127th General Assembly to Senator William M. Murphy, Jr. upon the death of his father, Mr. William M. Murphy, Sr.

WHEREAS the members of the Senate of the 127th General Assembly have learned with deep regret of the death of Mr. William M. Murphy, Sr., father of Senator William M. Murphy, Jr.; and

WHEREAS Mr. William M. Murphy, Sr. was actively involved for a number of years in the Dover business community, where he owned and operated a hardware store until his retirement; and

WHEREAS Mr. William M. Murphy, Sr.'s affable and congenial character and personality were manifested not only in the course of his business, but wherever and whenever one met him, be it in his private home or on the streets of Dover; and

WHEREAS the personality traits so beautifully exemplified by Mr. Murphy and so badly needed in today's society will be sadly missed not only by his immediate family, but by a multitude of friends; and

WHEREAS the members of the Senate of the 127th General Assembly wish to make a permanent and public record of their sympathy upon hearing of the death of Senator Murphy's ather.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware that the members wish to

express their deepest condolences to Senator William M. Murphy, Jr. and to the widow, Mrs. Frieda Murphy and the entire immediate family.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate Journal of the 127th General Assembly and that a copy be forwarded to Senator William M. Murphy, Jr. and to Mrs. Frieda Murphy, widow of the late William M. Murphy, Sr.

* * * * *

Senator Zimmerman moved that the Resolution be adopted.

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

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

ABSENT: Senator Murphy — 1.

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

Senator Castle announced to the Senate that Senator Jarvis would be the Majority Leader and Senator Manning would be the Majority Whip.

Senator Zimmerman announced to the Senate that Senator Cook would be the Minority Leader and Senator McCullough would be the Minority Whip.

At 4:00 p.m. the Senate recessed until 1:30 p.m. January 17, 1973.

The Senate reconvened at 3:03 p.m. Wednesday, January 17, 1973, Lt. Governor Bookhammer presiding.

Senator Cicione introduced SB 15 which was read for the first time by title only:

SB 15 — "An Act to amend Subchapter VI, Chapter 1, Part I, Title 20 of the Delaware Code relating to the Delaware National Guard; and providing a Property and Fiscal Officer of the United States and State Property Officer." Assigned to Executive Committee.

Senator Hale introduced SB 16 which was read for the first time by title only:

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

Senator Steele introduced SB 17 which was read for the first time by title only:

SB 17 — "An Act to amend Chapter 1, Subchapter 1, Title 14, Delaware Code relating to State Board of Education composition, organization and administration." Assigned to Committee on Education.

Senator Cicione introduced SB 18 which was read for the first time by title only:

SB 18 — "An Act making a supplementary appropriation to the Department of Finance." Assigned to Committee on Finance.

Senator Cicione introduced SB19 which was read for the first time by title only:

SB 19 — "An Act to amend Title 14, Delaware Code, relating to absences of teachers and other school employees." Assigned to Committee on Education.

Senator Cicione introduced SB 20 which was read for the first time by title only:

SB 20 — "An Act to amend Part I, Title 9 of the Delaware Code relating to provisions affecting local Police in all Counties." Assigned to Committee on Community Affairs.

Senator Hale introduced SB 21 which was read for the first time by title only:

SB 21 — "An Act providing for the conveyance of certain lands by the Board of Education of the Newark School District to the Delaware Academy of Science, Inc., for educational purposes." Assigned to Committee on Education.

Senator Cicione, with Representative Dillman as honorary co-sponsor, introduced SB 22 which was read for the first time by title only:

SB 22 — "An Act to provide a supplementary appropriation to the Department of Administrative Services for the purpose of contracting for the demolition of the New Castle County Correctional Institute." Assigned to Committee on Finance.

Senator Cicione introduced SB 23 which was read for the first time by title only:

SB 23 — "An Act to amend Subchapter III and Subchapter IV, Chapter 11, Title 28 of the Delaware Code relating to the Bingo Control Commission and Bingo Licensing, and making an appropriation therefor." Assigned to Committee on Administrative Services.

Senator Schlör, with Senator Cicione as co-sponsor, introduced SB 24 which was read for the first time by title only:

SB 24 — "An Act to amend Chapter 9, Title 10, Delaware Code, relating to proceedings in Family Court being open to the public in a crime classified as a felony and by permitting the release of the name of such delinquent and his parents." Assigned to Committee on Judiciary and Elections.

Senator Steele introduced SB 25 which was read for the first time by title only:

SB 25 — "An Act to provide supplementary funds for the administration of the drinking water standards which are required by section 122(3) (C), Title 16, Delaware Code." Assigned to Finance Committee.

Senator Cicione, with Senator Kearns as co-sponsor, introduced SB 26 which was read for the first time by title only:

SB 26 — "An Act to provide a supplementary appropriation to the Meadowood School for Trainable Retarded Children." Assigned to Finance Committee.

Senator Elliott introduced SB 27 which was read for the first time by title only:

SB 27 — "Providing a supplemental appropriation to the Department of Natural Resources and Environmental Control." Assigned to Committee on Finance.

Senator Elliott, with Senator Castle as co-sponsor, introduced SB 28 which was read for the first time by title only:

SB 28 — "An Act proposing an Amendment to the Constitution of the State of Delaware relating to the State's environment and natural resources, and providing for a Coastal Zone." Assigned to Judiciary and Elections Committee.

Senator Elliott introduced SB 29 which was read for the first time by title only:

SB 29 — "An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control." Assigned to Finance Committee.

Senator Elliott introduced SB 30 which was read for the first time by title only:

SB 30 — "An Act to Amend Chapters 7 and 1 of Title 17 and 26, Delaware Code, relating to railway and railroad crossings." Assigned to Highways and Transportation Committee.

Senator Castle introduced SB 31 which was read for the first time by title only:

SB 31 — "An Act to amend Chapter 47, Part IV, Title 16 of the Delaware Code relating to the Uniform Controlled Substances Act." Assigned to Judiciary and Elections Committee.

Senator Zimmerman, with Senators Murphy and Schlor as co-sponsors, introduced SB 32 which was read for the first time by title only:

SB 32 — "An Act to amend Subchapter IX, Chapter 11, Part II, Title 30 of the Delaware Code relating to the State Personal Income Tax; and providing for payment by the State of income tax refunds." Assigned to Finance Committee.

Senator Castle, with Senator Kearns as co-sponsor, introduced SB 33 which was read for the first time by title only:

SB 33 — "An Act to amend Chapter 497, Volume 58, Laws of Delaware, relating to the Delaware Criminal Code." Assigned to Judiciary and Elections Committee.

Senator Zimmerman, with Senator Murphy as co-sponsor, introduced SJR 2 which was read for the first time by title only:

SJR 2 — "Providing for a Committee on Tax Reform which shall thoroughly analyze the State Tax structure and make recommendations for Tax Reform or reorganization as necessary; and providing an appropriation therefor." Assigned to Finance Committee.

On motion of Senator Steele, SB 2 was taken up for consideration and read for the second time by title only:

SB 2 — "An Act authorizing the State of Delaware to borrow money to be used for the local share of school construction programs and to issue bonds and notes therefor and appropriating the moneys to the State Board of Education on behalf of local school districts."

Senator Steele moved that SA 1 to SB 2 which had been placed with the Bill, now be adopted.

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

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

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

Senator Steele moved for the passage of SB 2 w/SA 1.

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

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

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

On motion of Senator Steele, SB 3 was taken up for consideration and read a second time by title only:

SB 3 — "An Act authorizing the State of Delaware to borrow money to be used for the local share of school construction programs and to issue bonds and notes therefor and appropriating the moneys to the State Board of Education on behalf of local school districts."

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

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

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

Senator Hughes, with Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Issacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele and Zimmerman as co-sponsors, introduced SCR 2.

SCR 2 — "Extending the sympathy of the members of the 127th General Assembly of the State of Delaware upon the untimely death of the wife and daughter of United States Senator Joseph R. Biden, Jr.

WHEREAS the members of the 127th General Assembly of the State of Delaware have noted with profound sorrow the

tragic death of Mrs. Nelia Hunter Biden, wife of U.S. Senator Joseph R. Biden, Jr.; and

WHEREAS the members of the 127th General Assembly also note with profound grief the tragic death in the same accident of Amy Biden, thirteen month old daughter of Senator Biden; and

WHEREAS the loss of these children of God occurred at a time when Senator Biden was preparing to accept a very important assignment as Delaware's Junior U.S. Senator; and

WHEREAS Senator Biden bravely and courageously met the unusual circumstances and overcame the despair which invaded his family.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware, the House of Representatives concurring therein, that warm and sincere sympathy be extended to Senator Biden and his family.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate and House Journals of the 127th General Assembly and that a copy be forwarded to Senator Biden and his family.

* * * * *

Senator Cook moved that the Resolution be adopted.

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

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

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

Senator Cook requested that the following letter be read and made part of the Journal:

STATE OF DELAWARE
SENATE

January 17, 1973

Members of the Senate
Legislative Hall
Dover, Delaware 19901

To: Members of the Senate:

By the authority vested in me as Minority Floor Leader, I hereby appoint Senator Jacob W. Zimmerman to serve as a Member of the Legislative Council during the 127th General Assembly.

Very truly yours,
(Signed) Allen J. Cook
Senator

* * * * *

At 4:08 p.m. the Senate adjourned until 2:00 p.m.
January 18, 1973.

5TH LEGISLATIVE DAY

The Senate met at 3:10 p.m. Thursday, January 18, 1973,
Lt. Governor Bookhammer presiding.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal for the preceeding day was approved as read.

The following message from Senator Murphy was read to
the Senate and made part of the record.

SENATE STATE OF DELAWARE

January 18, 1973

Hon. Eugene D. Bookhammer
President, Delaware State Senate
Legislative Hall
Dover, Delaware 19901

Dear Mr. President:

Would you kindly express to the membership of the
Senate my sincerest appreciation for their resolution of sympathy
on the passing of my father, William M. Murphy, Sr.

The generous words of my colleagues have been of great
comfort to me, to my father's widow, Mrs. Frieda Murphy, and
to our entire immediate family during these trying days.

Mrs. Murphy joins me in expressing our gratitude.

Sincerely,

(Signed) William M. Murphy, Jr.

* * * * *

Senator Hale invited all the members of the Senate,
especially the members of the Education Committee to visit the
Streck School for the Handicapped on Friday morning, January
26.

Senator Holloway, with Representatives Johnson and
McCluney as honorary co-sponsors, introduced SR 15 and
moved that it be adopted.

SR 15 — "Commemorating the Birth date of the late
Reverend Martin Luther King, Jr."

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

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

ABSENT: Senator Cook — 1.

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

Pursuant to the Resolution, the Senate stood and observed a moment of silence.

Senator Berndt, with all the other Senators as co-sponsors, introduced SJR 3.

SJR 3 — "Saluting the 1972 University of Delaware Football team for attaining No. 1 Small College rating for the second consecutive year.

WHEREAS, the 1972 football team of the University of Delaware attained unprecedented recognition by being named the nation's No. 1 small college team for the second consecutive year in both the rating polls of the Associated Press and the United Press International; and

WHEREAS, the University of Delaware football team, the "Blue Hens", under the leadership of the nation's small college Coach-of-the-Year, (also for the second straight year), Harold "Tubby" Raymond, became the first gridiron team in the history of the University to go through a ten-game season with an unblemished record; and

WHEREAS, the "Blue Hens" were further recognized and honored by having two men, Joe Carbone and Dennis Johnson, named to Little All American football teams; and

WHEREAS, the members of the 127th General Assembly, recently convened, and the sixty-sixth Governor, Sherman W. Tribbitt, just inaugurated, wish to add their words of praise and appreciation to those already heaped upon the 1972 football team of the University of Delaware for their skill, pose, and good sportsmanship.

NOW THEREFORE,

BE IT RESOLVED that the Senate of the 127th General Assembly of the State of Delaware, the House of Representatives and the Governor concurring therein, on behalf of all citizens of the State, send enthusiastic congratulations to Coach Harold "Tubby" Raymond and all coaches, players and other members affiliated with the University of Delaware football squad for once again bringing No. 1 status to the First State.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Senate and the House of Representatives and copies be forwarded to Coach Harold Raymond, team Captain Dennis Johnson, Joe Carbone, Athletic Director Dave Nelson, University President Dr. E. A. Trabant, Sports Information Director Ed Carpenter, and to the Sport Editor of the University of Delaware paper, The Review.

* * * * *

The Resolution was assigned to Executive Committee.

Senator Zimmerman introduced SJR 4 which was read for the first time by title only:

SJR 4 — "Memorializing Delaware's United States Senators to initiate an investigation into the quality of postal service in Delaware." Assigned to Executive Committee.

Senator Cicione, with Senator Kearns as co-sponsor, introduced SJR 5.

SJR 5 — "Proclaiming National Police Week and Peace Officers Memorial Day 1973." Assigned to Executive Committee.

Senator Steele introduced SB 34 which was read for the first time by title only:

SB 34 — "An Act making supplementary appropriations to the Department of Justice for the purpose of providing additional contractual services and capital outlay." Assigned to Finance Committee.

Senator Schlör introduced SB 35 which was read for the first time by title only:

SB 35 — "An Act to amend Chapter 39, Title 18 of the Delaware Code relating to Casualty Insurance Contracts, restricting certain cancellation and non-renewal rights." Assigned to Highway, Transportation and Insurance Committee.

Senator Berndt introduced SB 36 which was read for the first time by title only:

SB 36 — "An Act to amend Article 9, Title 5-A of the Delaware Code relating to the destruction, disposal or removal of personal property subject to a security interest." Assigned to Administrative Services Committee.

Senator Isaacs introduced SB 37 which was read for the first time by title only:

SB 37 — "An Act to provide a supplementary appropriation to the Legislative Council of Delaware for equipment and materials required as the result of reapportionment." Assigned to Finance Committee.

Senator Castle introduced SB 38 which was read for the first time by title only:

SB 38 — "An Act to amend Title 10, Delaware Code, relating to replevin." Assigned to Judiciary and Elections Committee.

Senator Elliott, with Senators Cordrey, Hale and Martin as co-sponsors, introduced SB 39 which was read for the first time by title only:

SB 39 — "An Act to amend Title 14, Delaware Code relating to the education of exceptional children by declaring the purpose of the State and modifying definitions." Assigned to Education Committee.

Senator Castle moved that the rules be suspended for the purpose of considering SB 33.

Senator Castle then withdrew his motion.

On motion of Senator Steele, SB 2 w/ SA 1 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 3.

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

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

So the Bill passed the Senate, having received the required

constitutional majority.

On motion of Senator Manning, the following three communications were read to the Senate and made part of the record:

**STATE OF DELAWARE
LEGISLATIVE COUNCIL OF DELAWARE**

January 17, 1973

The Honorable Margaret R. Manning
Senate of the State of Delaware
Dover, Delaware

Dear Senator Manning:

Senator J. Donald Isaacs, the new Chairman of Legislative Council, with the approval of Council members, Senators Allen J. Cook, and Anthony J. Cicione, has instructed me to have the location of your office changed today.

It is contemplated that Senator Cicione would move into your present office area and you into his as soon as possible. Therefore, please let me know what time would be best to have the custodial force on hand for moving purposes. At the time of the move, the signs designating the occupants of the offices will also be changed.

Thank you for your cooperation in this matter.

Yours very truly,
(Signed) George
George L. Frick
Director of Research

cc: Senators J. Donald Isaacs, Allen J. Cook, Anthony J. Cicione

* * * * *

January 18, 1973

George L. Frick, Director
Legislative Council
Dover, Del. 19901

Dear George:

In response to your letter of yesterday about my vacating my office for Senator Cicione, I suggest the President Pro Tem may have changed his mind. At the end of yesterday's session, Senator Isaacs distributed a floor plan of the building showing office assignments, and I am shown in my regular office.

Please be kind enough to request written verification from the President Pro Tem.

Sincerely,
(Signed) Meg,
Meg Manning

STATE OF DELAWARE
SENATE

January 18, 1973

George L. Frick, Director
Legislative Council
Dover, Delaware 19901

Dear George:

Thank you for sending me a copy of Senator Manning's letter about vacating the office she has been using. Senator Manning indicates there may have been a mistake in the floor plan. If this is so, please consider this letter a correction. I have designated the office for the use of Senator Cicione.

Please make the necessary arrangements as soon as possible.

Sincerely,
(Signed) Don.
J. DONALD ISAACS
President Pro Tem
* * * * *

Senator Manning introduced SR 16, entitled

SR 16 — "In reference to allocation of office space."

Senator Zimmerman moved that the Resolution be assigned to the Executive Committee.

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

YES: Senators Adams, Cicione, Isaacs, McCullough, Zimmerman — 5.

NO: Senators Berndt, Castle, Cook, duPont, Elliott, Hale, Jarvis, Manning — 8.

NOT VOTING: Senators Cordrey, Holloway, Hughes, Kearns, Martin, Murphy, Schlör, Steele — 8.

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

Senator Manning then moved that the Resolution be adopted.

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

YES: Senators Berndt, Castle, duPont, Elliott, Hale, Hughes, Jarvis, Manning, Steele — 9.

NO: Senator Cicione — 1.

NOT VOTING: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

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

Senator Castle moved that the necessary rules be suspended for the purpose of considering SB 33.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Jarvis, Kearns,

Manning, Martin, Murphy, Schlör, Steele — 17.

NOT VOTING: Senators Cicione, Isaacs and Zimmerman — 3.

ABSENT: Senator McCullough — 1.

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

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

SB 33 — "An Act to amend Chapter 497, Volume 58 Laws of Delaware relating to the Delaware Criminal Code."

Senator Castle introduced SA 1 to SB 33 and moved that it be adopted.

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

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

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

Senator Castle moved for the passage of SB 33 w/ SA 1.

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

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

NO: Senator Isaacs — 1.

NOT VOTING: Senators Cicione, McCullough and Zimmerman — 3.

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

The Chair requested the Reading Clerk to read the following communications from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

January 18, 1973

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

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

M. Martin Isaacs
Georgetown, Delaware

to be Secretary of the
Department of Agriculture
at the pleasure of the
Governor from date of
confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

Assigned to Executive Committee.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

January 18, 1973

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

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

John E. Babiarz	to be Secretary of the
303 Lea Boulevard	Department of Administrative
Wilmington, Delaware	Services at the pleasure of
	the Governor from date of
	confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

Assigned to Executive Committee

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

January 18, 1973

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

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

J. Thomas Schranck	to be Secretary of the
3605 Naamans Drive	Department of Labor at
Claymont, Delaware	the pleasure of the
	Governor from date of
	confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

Assigned to Executive Committee.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

January 18, 1973

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

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

Clifton E. Morris	to be Secretary of the
19 Granite Road	Department of Highways
Wilmington, Delaware	and Transportation at the
	pleasure of the Governor
	from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Assigned to Executive Committee.

Senator Isaacs announced that there would be public hearings at Legislative Hall on Tuesday morning on the nominations of Messrs. Daniello, Babiarez and Morris.

Senator Isaacs further announced that there would be public hearings at Legislative Hall on Wednesday morning on the nomination of Messrs Isaacs and Schranck.

The following message was read from the House:

January 18, 1973

Mr. President:

The House wishes to inform the Senate that it has passed **HB 20** and **HCR 2** and requests the concurrence of the Senate.

The House also passed **SCR 2** and is returning same to the Senate.

The Chair presented **HB 20** which was read for the first time by title only:

HB 20 — "An Act to amend Chapter 197, Volume 54, Laws of Delaware, as amended, entitled "An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" to provide for vacating an elective office in the event of being found guilty of a felony, to provide travel allowance for nonresident commissioners, to enlarge the time for voting at the annual municipal election, to reduce the age for persons permitted to vote, and to provide additional judges at the annual municipal election." Assigned to Community Affairs Committee.

Senator Elliott, with Senator Castle as co-sponsor, introduced **SB 40** which was read for the first time by title only:

SB 40 — "An Act to amend Chapter 43, Part III, Title 10 of the Delaware Code relating to Courts and Judicial Procedure, and providing a privilege for reporters against compulsory testimony or disclosure of certain communications." Assigned to Judiciary and Elections Committee.

The Chair introduced **HCR 2**

HCR 2 — "Extolling the Salesianum High School Sallies and their Head Coach, Thomas Olivadotti, for being the High School Football Champions of the State of Delaware

WHEREAS, the Second Annual State High School Football Tournament was held in 1972 under the auspices of the Delaware Secondary School Athletic Association; and

WHEREAS, the Salesianum High School Sallies emerged as champions and the "Number One" High School football team of the State of Delaware, after defeating Middletown High School in the semifinals and John Dickinson High School in the championship game of the State High School Football

Tournament; and

WHEREAS, members of the Sallies, led by Thomas Olivadotti, their successful, energetic and skillful Head Coach, displayed great spirit, determination and all-around ability during the entire season in the tradition of former teams of Salesianum; and

WHEREAS, Head Coach Thomas Olivadotti deserves special praise for guiding the Sallies to the State Football Championship in his first year as Head Coach; and

WHEREAS, the members of the House of Representatives of the 127th General Assembly, the Senate concurring therein, wish to extend congratulations and praise to the State Champs;

NOW, THEREFORE,

BE IT RESOLVED by the members of the 127th General Assembly, the Senate concurring therein, that hearty congratulations and praise be extended to Coach Thomas Olivadotti, his coaching assistants, and the Salesianum High School team members for being the High School Football Champions of the State of Delaware; and

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the minutes of both the House and the Senate, and copies forwarded to Head Coach Thomas Olivadotti, Salesianum High School Principal Reverend Robert D. Kenney, O.S.F.S., Athletic Director Reverend Robert Ashenbrenner, and a copy to each member of the team.

* * * * *

Senator Hughes moved that the Resolution be adopted.

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

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

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

On motion of Senator Cook at 4:52 p.m. the Senate recessed until 1:30 p.m. Tuesday, January 23.

The Senate reconvened at 2:00 p.m., Tuesday, January 23, 1973, Lt. Governor Bookhammer presiding.

Senator Cicione introduced SB 41 which was read for the first time by title only:

SB 41 — "An Act to amend Title 24 of the Delaware Code relating to professions and occupations, and providing for the regulation of the business of repairing motor vehicles." Assigned to Administrative Services Committee.

Senator Cicione introduced SB 42 which was read for the first time by title only:

SB 42 — "An Act authorizing the State of Delaware to borrow money for the continued payment to persons who served or will serve in the Armed Forces of the United States during the Vietnam conflict; to authorize the issuance of bonds and bond anticipation notes therefor and appropriating the

money borrowed to the Department of Finance." Assigned to Finance Committee.

Senator Elliott introduced SB 43 which was read for the first time by title only:

SB 43 — "An Act to amend Chapter 29, Title 14, Delaware Code, relating to the transportation of Public School students." Assigned to Education Committee.

Senator Zimmerman, with Senators Kearns and Murphy as co-sponsors, introduced SB 44 which was read for the first time by title only:

SB 44 — "An Act to amend Part II, Title 29 of the Delaware Code, providing for the requirement of a Fiscal Note for all legislation appropriating or mandating the expenditure of more than fifty thousand dollars." Assigned to Finance Committee.

Senator Holloway introduced SB 45 which was read for the first time by title only:

SB 45 — "An Act to amend Chapter 85, Title 10, Delaware Code, relating to the requirement of Court costs; and providing for proceedings in forma pauperis." Assigned to Judiciary and Elections Committee.

Senator Isaacs, Chairman of the Executive Committee, reported the following nominations for appointment by the Governor: Clifford E. Morris — 3 Favorable, 2 Merits; John D. Daniello - 2 Favorable, 2 Merits, 1 Unfavorable; John E. Babiarz - 4 Favorable, 1 Merits.

At 2:04 p.m. the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY

The Senate met at 2:04 p.m. Tuesday, January 23, 1973, Lt. Governor Bookhammer presiding.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The minutes of the Journal were approved as read.

On motion of Senator Manning, the following communication was read into the record:

STATE OF DELAWARE SENATE

January 23, 1973

Mr. K. T. Reed
Vice-President of Operations and Maintenance
Baltimore and Ohio Railroad
3 North Charles Street
Baltimore, Maryland 21201

Dear Mr. Reed:

After some preliminary research on the Charter of the Baltimore & Ohio Railroad, as it affects the State of Delaware, I find that it is the responsibility of the railroad to maintain the grade crossings at state roads.

Therefore, I am now requesting immediate maintenance work on the grade crossing at Route 41 near the new State Armory in the community of Belvedere. We, the citizens of the area, are sick and tired of broken axles, upset alignment and shredded tires. We realize that a new high-level crossing is being built, but it will be several years before completion.

Very truly yours,
(Signed) Margaret R. Manning

* * * * *

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate SB 31 — 5 Favorable.

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate: SJR 3 — 3 Favorable, 2 Merits; SJR 4 — 5 Favorable; SJR 5 — 2 Favorable, 3 Merits.

Senator Zimmerman introduced SB 46 which was read for the first time by title only:

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

Senator Isaacs announced that the Executive Committee requests that the regular sessions of the Senate begin promptly at 1:30 p.m.

On motion of Senator Cook, and without objection, the Senate recessed

At 2:20 p.m., on motion of Senator Cook, the Senate recessed to the call of the Chair.

The Senate reconvened at 3:34 p.m..

On motion of Senator Isaacs, and without objection, the Senate went into Executive Session.

EXECUTIVE SESSION

On motion of Senator Isaacs, the Governor's nomination of Clifton E. Morris to be Secretary of Highways and Transportation was considered for confirmation by the Senate.

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

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

ABSENT: Senators Cordrey and McCullough — 2.

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

On motion of Senator Isaacs, the Governor's nomination of John E. Babiarz to be Secretary of the Department of

Administrative Services was considered for confirmation by the Senate.

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

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

ABSENT: Senator McCullough — 1.

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

On motion of Senator Isaacs, the Governor's nomination of John D. Daniello to be Secretary of Community Affairs and Economic Development was considered for confirmation by the Senate.

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

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

NOT VOTING: Senators duPont and Steele — 2.

ABSENT: Senator McCullough — 1.

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

On motion of Senator Isaacs, the Senate went back into Regular Session.

Senator Holloway, with Senators Adams, Berndt, Cook, Elliott, Hughes, Isaacs, Kearns, Martin and Steele as co-sponsors, introduced SR 17

SR 17 Praising the Wilmington EVENING JOURNAL and reporters Jay Harris and Ralph S. Moyed for their straightforward reporting about the local drug scene."

Senator Holloway moved that the Resolution be adopted.

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

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

ABSENT: Senator Manning — 1.

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

Senator Holloway, with Senators Bendt, duPont and Zimmerman as co-sponsors, introduced SR 18.

SR 18 — "Memorializing the Delaware Congressional Delegation to oppose the proposed reduction in Federal funding in the area of Vocational Rehabilitation."

Senator Holloway moved that the Resolution be adopted.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis,

Kearns, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

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

Senator Isaacs, with Senators Adams, Cicione, Hughes and Kearns as co-sponsors, introduced SJ 6.

SJR 6 — "Commemorating 1973 as the fiftieth anniversary year of the Delaware State Police." Assigned to Executive Committee.

Senator Schlör introduced SB 47 which was read for the first time by title only:

SB 47 — "An Act to amend Chapters 31 and 33, Title 15 of the Delaware Code relating to primary elections." Assigned to Judiciary and Elections Committee.

Senator Holloway introduced SA 1, SA 2, and SA 3 to SB 40 and, on his motion, were placed with the Bill.

Senator Berndt, Chairman of the Judiciary and Election Committee, reported back to the Senate: SB 24 — 5 Merits; SB 38 — 3 Favorable, 2 Merits.

On motion of Senator Murphy, SJR 1 was taken up for consideration and read for the second time by title only:

SJR 1 — "Memorializing and urging the Delaware Congressional Delegation to vehemently oppose in every respect the construction of an offshore oil terminal in the Delaware Bay or the Atlantic Ocean off the coast of Delaware."

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

At 4:23 p.m., the Senate adjourned until 1:30 p.m., Wednesday, January 24.

7TH LEGISLATIVE DAY

The Senate met at 1:40 p.m. Wednesday, January 24, 1973, Lt. Governor Bookhammer presiding.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as read.

Senator duPont presented the following letter which he requested to be read and made part of the record:

STATE OF DELAWARE SENATE

January 20, 1973

The Honorable J. Donald Isaacs
Legislative Hall

Dear Senator Isaacs:

You will recall that the Republican Senators met for our first Caucus for this General Assembly at the invitation of Lt. Governor Bookhammer in his office at Legislative Hall, on December 11, 1972. You and two other Senators demanded that we establish our Chairman and Republican members of the Standing Committees before we took up the matter of the Majority leadership.

I went along with this proposal since it has been my policy in the past to consult with the Republican Senators and to try to accomodate them as best I could. In fact, I was going to contact the Minority leadership, and later did, to get their input, although I planned, and later did, to consult with the Republican Senators before making the Minority assignments.

After the Majority Chairman and members of the Standing Committees were selected, we then turned our attention to the office of the President Pro Tem. I was nominated for that job, although I acknowledge that you and two others either abstained from voting or voted "NO". Since there were ten of us in attendance, this gave me a pretty clear majority of seven votes. We then went on and selected you as Majority Leader and Senator Manning as Majority Whip, I believe with a unanimous vote, although either could have been a simple majority. I then spent many hours working out the details, consulting with you and the others and working with the Executive Committee, as instructed in a later Caucus, to establish our Staff. Although you changed your selections for the Staff almost ad nauseum, we made every effort to accomodate you. Before the first day of session on January 9, 1973, you had agreed to handle the Resolution electing me President Pro Tem and it was prepared and supposedly in your possession when the Senate convened. I recall that you had vehemently opposed a motion in our first Caucus to invoke the Unit Rule. As you fumbled through the papers on the floor at your desk, pretending to have misplaced the first Resolution and yielded to Senator Cook, the reason for your opposition became quite clear.

Since you ignored the majority vote of the Republican Caucus and since you forced me to consult with others before making my Committee assignments, and then within a few weeks accepted the support of the Democrat Senators, and made your assignments without consulting me or any of the others of which I am aware, I feel that I cannot accept your assignemnt as Chairman of the Committee on Health and Social Services. Besides the very poor way in which the assignment was made, there is another underlying reason for my decision. It is that I feel that I am completely unqualified, both from background and experience, to handle this particular assignment.

I herewith tender to you as President Pro Tem of the Senate of the 127th General Assembly my resignation as Chairman of the Health and Social Services Committee.

Very truly yours,

(Signed) Reynolds duPont
Senator - 7th District

* * * * *

Senator Isaacs accepted Senator duPont's resignation.
Senator Isaacs requested that the following three communications be read and made part of the record:

**STATE OF DELAWARE
DEPARTMENT OF INSURANCE**

January 12, 1973

The Honorable J. Donald Isaacs
President Pro Tempore
State Senate

Dear Sir:

The enabling legislation which created the Group Life Insurance Program for State employees calls for a committee to govern the program. Two members of this Group Life Insurance Committee, a Senator from each political party, are to be appointed by the President Pro Tempore of the Senate.

In the previous session of the Senate, Senators Cicione and Robbins were members of the committee.

So that our records will properly indicate the committee members, we would appreciate your advising us of your appointees.

Thank you for your cooperation.

Very truly yours,
ROBERT A. SHORT
Insurance Commissioner
(Signed) Arnold R. Olsen
Director of Insurance Coverage

* * * * *

**SENATE
STATE OF DELAWARE**

January 24, 1973

Mr. Robert A. Short
Insurance Commissioner
Department of Insurance

Attention: Mr. Arnold R. Olsen
Director of Insurance Coverage

Dear Sir:

In answer to your letter dated January 12, 1973, it is my pleasure to appoint to the Group Life Insurance Committee, Senator Dean C. Steele and Senator Jake Zimmerman.

Thank You.

Sincerely,
Don
J. DONALD ISAACS
President Pro Tem

* * * * *

**SENATE
STATE OF DELAWARE**

January 24, 1973

TO: Members of The Senate

FROM: Senator J. Donald Isaacs, President Pro Tempore PRO TI

SUBJECT: Agriculture Committee Chairman

Please be advised, due to the resignation of Senator Michael Castle as Chairman of the Senate Agriculture Committee, I hereby appoint Senator Richard Cordrey as Chairman of the Senate Agriculture Committee.

* * * * *

STATEMENT

SENATOR J. DONALD ISAACS

I have today appointed Senator Richard S. Cordrey of Millsboro to be chairman of the Senate Agriculture Committee filling the vacancy created by the resignation of Senator Michael N. Castle.

Senator Cordrey is extremely well qualified to be Chairman of this committee. He is a lifelong farmer, a partner with his brother in the concern of John A. Cordrey and Company which tills 500 acres and raises one million chickens annually. For the past two years, he has served on the House Agriculture Committee.

Since most of the state's agricultural activity is concentrated in Kent and Sussex Counties, and since five of the six State Senators representing the lower two counties are Democrats, I feel that it is in the best interests of the state's agricultural community to have a Democrat chairing the Agriculture Committee. I have the utmost confidence in Senator Cordrey's ability to serve the people of the state in this important chairmanship.

* * * * *

Senator Isaacs, Chairman of the Executive Committee, reported the following nominations for appointment by the Governor back to the Senate: M. Martin Isaacs to be Secretary of the Department of Agriculture — 5 Favorable; J. Thomas Schrank to be Secretary of the Department of Labor - 5 Favorable.

Senator Steele, chairman of the Finance Committee, reported the following Bills back to the Senate: SB 18 — 1 Favorable, 2 Merits, 2 Unfavorable; SB 25 — 5 Merits; SB 34 — 4 Merits, 1 Unfavorable; SB 37 — 5 Merits.

Senator Steele introduced SA 1 to SB 18 which, on his motion, was placed with the Bill.

Senator Cicione, with Senator Kearns as co-sponsor, introduced SR 19.

SR 19 — "Acknowledging with praise that the Redskin Marching Band of Conrad High School was the only band representative of the State of Delaware performing at the inauguration of President Nixon in Washington, D.C. on January 20, 1973.

WHEREAS, the Redskin Marching Band of Conrad High School was the only musical representative of the State of

Delaware at the inauguration of President Nixon in Washington, D.C. on January 20, 1973; and

WHEREAS, the members of the band have worked diligently at preparing their customarily excellent program for the event; and

WHEREAS, the administration of the Conrad Area School District, particularly Conrad High School Principal, Earl J. Smith, have given the Redskin Marching Band their encouragement and unqualified support as it prepares for its engagement; and

WHEREAS, the Redskin Marching Band, under the expert and innovative direction of maestro David D. Casto, planned an unusually competent and fine program of musical selections; and

WHEREAS, the invitation to the inauguration extended to the Redskin Marching Band is a high and great honor for the band members and band director.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly that the Redskin Marching Band of Conrad High School be accorded congratulations and best wishes from the Senate for the successful presentation at the inauguration ceremonies.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the minutes of the Senate and that copies be sent to the Messrs. Smith and Casto, along with a copy to be displayed prominently on a bulletin board in Conrad High School.

* * * * *

Senator Cicione moved that the Resolution be adopted.

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

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

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

Senator Zimmerman, with all the Senators as co-sponsors, introduced SCR 3 and moved that it be adopted.

SCR 3 — "Extending the sympathy of the members of the 127th General Assembly of the State of Delaware upon the death of President Harry S. Truman.

WHEREAS the members of the 127th General Assembly of the State of Delaware have noted with profound sorrow the death of former President Harry S. Truman; and

WHEREAS President Truman was a man of the highest ideals and integrity, setting an honored example for the members of this body and all of the citizens of our State and our Nation; and

WHEREAS President Truman served his country so well and so selflessly to the fullest extent of his talents as a U.S.

Representative, as a U.S. Senator, as Vice-President, and as Chief Executive; and

WHEREAS President Truman's inspiration to his countrymen will be sorely missed.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware, the House of Representatives concurring therein, that warm and sincere sympathy be extended to Mrs. Harry S. Truman and her family.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate and House Journals of the 127th General Assembly and that a copy be forwarded to Mrs. Harry S. Truman and her family.

* * * * *

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

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

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

Senator Zimmerman, with all Senators as co-sponsors, introduced SCR 4 and moved that it be adopted:

SCR 4 — "Extending the sympathy of the members of the 127th General Assembly of the State of Delaware upon the death of President Lyndon B. Johnson.

WHEREAS, the members of the 127th General Assembly of the State of Delaware have noted with profound sorrow the death of former President Lyndon B. Johnson; and

WHEREAS, President Johnson was a man of the highest ideals and integrity, setting an honored example for the members of this body and all of the citizens of our state and our nation; and

WHEREAS, President Johnson served his country so well and so selflessly to the fullest extent of his talents as a U.S. Representative, as a U.S. Senator, as Vice-President and as Chief Executive; and

WHEREAS, President Johnson's inspiration to his countrymen will be sorely missed.

NOW THEREFOR:

BE IT RESOVLED by the Senate of the 127th General Assembly, of the State of Delaware, the House of Representatives concurring therein, that warm and sincere sympathy be extended to Mrs. Lyndon B. Johnson and her family.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate and House Journals of the 127th General Assembly and that a copy be forwarded to Mrs. Lyndon B. Johnson and her family.

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

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

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

Senator Hughes, with all Senators as co-sponsors, introduced SCR 5 and moved that it be adopted.

SCR 5 — "Commending President Nixon for his efforts in obtaining a cease-fire agreement and accomplishing a peaceful settlement to the conflict in Vietnam.

WHEREAS, on the evening of January 23, 1973, President Nixon announced that a Vietnam cease-fire will go into effect on Saturday, January 27, 1973 at 7:00 p.m. E.S.T.; and

WHEREAS, all American troops will be withdrawn within 60 days and all American prisoners of war will return home for repatriation within that same time period; and

WHEREAS, the return of American prisoners of war has been a high priority consideration of the Paris peace talks; and

WHEREAS, the United States Military Command in Saigon has assured the President that repatriation will not end until every prisoner of war and those missing in action have been accounted for; and

WHEREAS, the government of South Vietnam has agreed in full with the settlement negotiated between the United States by special assistant Dr. Henry A. Kissinger and for the Government of North Vietnam by Politburo Le Duc Tho; and

WHEREAS, this peace settlement represents the ending of the longest war in United States history; and

WHEREAS, the continuation of this conflict has bitterly divided our great nation into factions; and

WHEREAS, the settlement of an honorable peace has insured that the 45,000 Americans who lost their lives in the hostilities in Southeast Asia have not died in vain; and

WHEREAS, the cease-fire agreement is a positive step towards the goal of ending man's inhumanity to man in Vietnam; and

WHEREAS, the diligent efforts of President Nixon in obtaining this peace in the face of criticism have been tireless; and

WHEREAS, all Americans can now be grateful and give thanks that the long and arduous Vietnam conflict is at an end; and

WHEREAS, it is the hope of the President that the termination of the Vietnam war will insure a lasting peace in that country, providing a generation of peace not only in Vietnam, but in all corners of the world; and

WHEREAS, it is also the wish of the President that the American people never again will have to endure the hardships,

heartaches and tragedy that the brave mothers, fathers, wives, sons and daughters of those who fought, those who died and those who were prisoners of war in Vietnam have had to suffer; and

WHEREAS, a generation of peace is now truly at hand.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 127th General Assembly of the State of Delaware, the House concurring therein, that President Nixon is to be commended for his steadfastness in procuring an honorable peace with honor in Vietnam.

BE IT FURTHER RESOLVED that this resolution be entered into the House and Senate Journals and that a copy be forwarded to President Nixon in Washington, D.C.

* * * * *

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

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

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

Senator Schlör introduced SB 48 which was read for the first time by title only:

SB 48 — "An Act to amend Section 1902, Title 14, Delaware Code, by exempting residential property owned by certain persons over the age of 65 from payment of school taxes." Assigned to Education Committee.

Senator Castle introduced SB 49 which was read for the first time by title only:

SB 49 — "An Act to amend Title 18 of the Delaware Code, providing for a Delaware Governmental Immunity Act." Assigned to Highway, Transportation and Insurance Committee.

Senator Adams introduced SB 50 which was read for the first time by title only:

SB 50 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the Bridgeville Firehouse, Bridgeville, Delaware." Assigned to Finance Committee.

Senator Elliott introduced SB 51 which was read for the first time by title only:

SB 51 — "An Act proposing an Amendment to the Constitution of the State of Delaware relating to the State's environment and natural resources, and providing for a Coastal Zone." Assigned to Judiciary and Elections Committee.

Senator Cook announced that at a meeting of the Legislative Council, the Senate attorneys recommended that any Amendment to SB 1 be withheld until final action was taken on the Bill by both houses. The purpose of this

recommendation was to protect the validity of the Bill should it pass both houses.

At 2:20 on motion of Senator Isaacs, the Senate recessed for a short period.

The Senate reconvened at 3:15 p.m.

Senator Isaacs introduced SR 20 and moved that it be adopted.

SR 20 — "In reference to election of officers."

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

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

NOT VOTING: Senators Berndt, Castle, duPont, Hale, Hughes, Jarvis, Manning, Steele — 8.

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

Senator Elliott introduced SB 52 which was read for the first time by title only:

SB 52 — "An Act to amend Chapter 277, Volume 49, Laws of Delaware, as amended, entitled "An Act to re-incorporate the Town of Laurel" to provide for the appointment of the Chief of Police for an indefinite term." Assigned to Community Affairs Committee.

Senator Murphy introduced SB 53 which was read for the first time by title only:

SB 53 — "An Act to amend Chapter 1 of Title 22, Delaware Code, relating to extension of City or Town limites; special election; voting rights." Assigned to Community Affairs Committee.

On motion of Senator Berndt, SJR 3 was taken up for consideration and read for the second time by title only:

SJR 3 — "Saluting the 1972 University of Delaware football team for attaining No. 1 small College rating for the second consecutive year."

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

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

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

On motion of Senator Isaacs, and without objection, the necessary rules were suspended for the purpose of considering the following two nominations for appointment by the Governor:

Senator Isaacs moved for the confirmation of the appointment of M. Martin Isaacs to be Secretary of the Department of Agriculture.

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

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

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

Senator Isaacs moved for the confirmation of the appointment of J. Thomas Schrank to be Secretary of the Department of Labor.

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

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

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

On motion of Senator Isaacs, the following communication was read into the record:

SENATE
STATE OF DELAWARE

January 24, 1973

TO: MEMBERS OF THE SENATE
127th GENERAL ASSEMBLY
FROM: Senator J. DONALD ISAACS
PRESIDENT PRO TEMPORE

In accordance with the Delaware Code, Title 29, Chapter 39, Section 3091, I have today appointed Senators Allen J. Cook, Thurman Adams, Jr. and Margaret R. Manning to serve on the Senate Committee on Interstate Cooperation during the term of the 127th General Assembly.

* * * * *

Senator Elliott introduced SB 54 which was read for the first time by title only:

SB 54 — "An Act to amend Titles 7 and 29, Delaware Code, relating to transfer of the powers, duties and functions of forestry from the Division of Parks, Recreation and Forestry of the Department of Natural Resources and Environmental Control to the Department of Agriculture." Assigned to Agriculture Committee.

Senator Castle introduced SS 1 for SB 31 and on his motion was adopted in lieu of the Original.

Senator Holloway, with Senator Zimmerman as co-sponsor, introduced SR 21 and moved that it be adopted.

SR 21 — "Providing for a Senate Committee to investigate the method used by Delaware Attorneys in calculating their fees charged to their clients."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey,

Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Zimmerman — 18.

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

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

On motion of Senator Castle, and without objection, SS 1 for SB 31 was stricken and the Original Bill was reinstated.

At 4:35 p.m. on motion of Senator Isaacs, and without objection, the Senate recessed until 1:30 Tuesday, January 30, 1973.

The Senate reconvened at 1:55 p.m., Tuesday, January 30, 1973.

Senator Isaacs, Chairman of the Executive Committee, reported SJR 6 back to the Senate: 5 Favorable.

Senator Steele, Chairman of the Finance Committee, reported SB 50 back to the Senate: 3 Merits.

Senator Holloway introduced SB 55 which was read for the first time by title only:

SB 55 — "An Act to amend Chapter 9, Part I, Title 19 of the Delaware Code relating to the Minimum Wage Act of the State of Delaware; and providing that individuals employed in domestic service in or about private homes shall be included in the definition of "Employee" under the provisions of said Minimum Wage Act." Assigned to Labor Committee.

Senator Cicione introduced SB 56 which was read for the first time by title only:

SB 56 — "An Act to amend Chapter 36, Part I, Title 14 of the Delaware Code relating to the education of children of veterans killed, imprisoned or missing in action; and making a supplementary appropriation therefor." Assigned to Finance Committee.

Senator Adams, with Senators Cordrey and Elliott as co-sponsors, introduced SB 57 which was read for the first time by title only:

SB 57 — "An Act to amend Subchapter III of Chapter 10, Title 14, Delaware Code, relating to the Composition of the Indian River School Board." Assigned to Education Committee.

Senator Kearns, with Senators Adams, Berndt, Hughes, Isaacs, Jarvis, Murphy and Schlör as co-sponsors, introduced SR 22.

SR 22 — "Providing for the establishment of a Commission to study the rate-making policies of Insurance Companies transacting Motor Vehicle Insurance in the State of Delaware."

Senator Kearns moved that the Resolution be adopted.

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

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Manning and Zimmerman — 2.

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

At the request of Senator Cicione, the Chair recognized and welcomed to the Senate Chamber the Social Problems Class of Conrad High School.

At the request of the Chair, the following communication was read and made part of the record:

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

January 29, 1973

The Honorable Eugene D. Bookhammer
Lieutenant Governor of Delaware
Dover, Delaware 19901

Dear Mr. Bookhammer:

The Revenue Study Commission, appointed by joint resolution of the General Assembly early in 1971, was not activated by appointment of members for six months. Meetings started in the Fall of 1971 and staff assistance was contracted for from the Division of Urban Affairs at the University of Delaware. While considerable research has been accomplished, the drafting of the final report and agreement on some of the major issues have been delayed because of campaign pressures on a significant number of members of the Commission who were up for reelection.

The Commission, therefore, respectfully requests an extension of time to March 15, 1973, to submit its report.

Very truly yours,

(Signed) E. W. Hagemeyer, Chairman
Revenue Study Commission

Senator Cicione introduced SB 58 which was read for the first time by title only:

SB 58 — "An Act to amend Chapter 36, Part I, Title 14 of the Delaware Code relating to the education of children of veterans killed, imprisoned or missing action; and making a supplementary appropriation therefor" Assigned to Finance Committee.

Senator Isaacs introduced SB 59 which was read for the first time by title only:

SB 59 — "An Act relating to a survivor's pension for Mrs. Robert T. Hoffman, wife of Robert T. Hoffman, an employee of the Newark School District." Assigned to Finance Committee.

Senator Isaacs introduced SB 60 which was read for the first time by title only:

SB 60 — "An Act proposing an Amendment to Article VIII of the Constitution of the State of Delaware, relating to the uniformity of taxes; assessment and taxation of land devoted to agriculture and forest use; collection under General Laws; exemption for Public Welfare purposes." Assigned to Judiciary and Elections Committee.

Senator Murphy introduced SA 1 to SB 53 which, on his motion, was placed with the Bill.

Senator Cicione introduced SA 1 to SB 23 which, on his motion, was placed with the Bill.

Senator Cicione, with Senators Cook, Hughes and Kearns as co-sponsors, introduced SR 23.

SR 23 — "Expressing profound sympathies of the Senate upon learning of the death of Navy Lt. James J. Connell, Jr., captive in the Vietnam conflict.

WHEREAS, the Senate of the 127th General Assembly of the State of Delaware has learned with deep remorse of the death of Navy Lt. James J. Connell, Jr., age 31, who died in captivity on Jan. 14, 1971; and

WHEREAS, Mrs. James J. Connell, Jr. underwent a traumatic ordeal always with the greatest hope and faith that her husband was safe from the date of his captivity in 1966 to January 27, 1973, only to have these hopes dashed on the evening of January 27th when she was officially told of her husband's death; and

WHEREAS, Navy Lt. James J. Connell, Jr. a native son of Delaware, gave the supreme sacrifice one can ever ask of its uniformed military in behalf of his country and state; and

WHEREAS, the Senate of the State of Delaware wish to express their deep condolences to Mrs. Connell and the immediate family over the death of Navy Lt. James J. Connell, Jr. a native Delawarean.

NOW, THEREFORE:

BE IT RESOLVED that warm and profound sympathies of the Senate of the 127th General Assembly of the State of Delaware be extended to Mrs. James J. Connell, Jr. and her two children at their time of bereavement over the loss of a loving husband and devoted father.

BE IT FURTHER RESOLVED that the text of this Resolution be included in the Senate Journal and a copy forwarded to Mrs. James J. Connell, Jr. and her children.

* * * * *

Senator Cicione moved that the Resolution be adopted.

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

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

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

Senator Cicione introduced SR 24.

SR 24 — "Welcome Home Navy Lt. Comdr. Robert B. Doremus, a Delawarean held captive in the Vietnam conflict since August of 1965.

WHEREAS, the members of the Senate of the 127th General Assembly of the State of Delaware have festively learned that Navy Lt. Comdr. Robert B. Doremus will be

coming home to his wife and children after almost eight (8) years of captivity; and

WHEREAS, the members of the Senate recognize the distress and vexatious torment that war involves and above all the long agony and pain inevitable as a result of being separated from ones family and loved ones over this long period of time; and

WHEREAS, the members of the Senate fully realize the emotional cruelty that Mrs. Doremus and children have had to endure over this long and seemingly endless period; and

WHEREAS, the members of the Senate of the 127th General Assembly of the State of Delaware wish to welcome home Navy Lt. Comdr. Robert B. Doremus as he starts to renew friendship with the people whom he has been absent from during the long period of captivity in North Vietnam.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 127th General Assembly of the State of Delaware wish to extnd a hearty welcome home to Navy Lt. Comdr. Robert B. Doremus and further wish him success in his future endeavors and the best of happiness during this period of readjustment.

BE IT FURTHER RESOLVED that the text of this Resolution be made a part of the Senate Journal and a copy forwarded to Navy Lt. Comdr. Robert B. Doremus and his wife Mrs. Doremus.

* * * * *

On motion of Senator Cicione, the Resolution was laid on the table.

On request of Senator Isaacs, the following communication was read and made part of the record:

**STATE OF DELAWARE
SENATE**

January 30, 1973

TO: Members of The Senate

FROM: Senator J. Donald Isaacs, President Pro Tempore

SUBJECT: Health & Social Services Committee Chairman

Please be advised, due to the resignation of Senator Reynolds duPont as Chairman of the Senate Health & Social Services Committee, I hereby appoint Senator David H. Elliott as Chairman of the Senate Health & Social Services Committee.

* * * * *

Senator Cicione, with Representative Dillman as Honorary co-sponsor and Senators Adams, Cook, Cordrey, Elliott, Hughes, Isaacs, Martin, McCullough, Murphy, Schlor and Zimmerman as co-sponsors, introduced SB 61 which was read for the first time by title only:

SB 61 — "An Act providing that Navy Lt. Commander Robert B. Doremus and the wife of Navy Lt. James J. Connell shall be exempt from payment of Delaware State Income Taxes on any Military Compensation earned during the period of their captivity in the Vietnam conflict." On motion of Senator Cicione, the Bill was laid on the table.

At 2:30 p.m., the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:30 p.m., Tuesday, January 30, 1973.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as far as read.

Senator Castle introduced SA 1 to SB 31 which was placed with the Bill.

Senator Isaacs introduced SB 62 which was read for the first time by title only:

SB 62 — "An Act authorizing the State of Delaware to borrow money to be used for the installation of guard towers and to issue bonds and notes therefor and appropriating the money borrowed to the Department of Health and Social Services." Assigned to Finance Committee.

On motion of Senator Cicione, SB 41 was stricken.

On motion of Senator Steele, SB 34 was taken up for consideration and read for the second time by title only:

SB 34 — "An Act making supplementary appropriations to the Department of Justice for the purpose of providing additional contractual services and capital outlay."

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

YES: Senators Adams, Berndt, Castle, duPont, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, Schlör, Steele — 13.

NO: Senators Cordrey and McCullough — 2.

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

ABSENT: Senators Cook, Murphy and Zimmerman — 3.

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

Senator Isaacs, with all the other Senators as co-sponsors, introduced SS 1 for SJR 6 and, on his motion was adopted in lieu of the Original.

On motion of Senator Isaacs, SS 1 for SJR 6 was taken up for consideration and read for the second time by title only:

SS 1 for SJR 6 — "Commemorating 1973 as the Fiftieth Anniversary Year of the Delaware State Police."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele — 18.

ABSENT: Senators Cook, Murphy and Zimmerman — 3.

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

On motion of Senator Isaacs, SB 37 was taken up for consideration and read for the second time by title only:

SB 37 — “An Act to provide a supplementary appropriation to the Legislative Council of Delaware for equipment required as the result of reapportionment.”

On request of Senator Isaacs, the privilege of the floor was extended to Marlynn Hitchcock of the Legislative Council staff, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cordery, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Schlör, Steele — 17.

ABSENT: Senators Cicione, Cook, Murphy and Zimmerman — 4.

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

At 3:08 p.m. on motion of Senator Isaacs, the Senate recessed to attend a presentation of the Gaither report in the House Chamber.

The Senate reconvened at 5:40 p.m.

Senator Holloway, with all the Senators and Lt. Governor Bookhammer as co-sponsors, introduced SR 25 and moved for its adoption.

SR 25 — “Extending happy wishes to Senate Reading Clerk Pat Emerson as she takes a traveling leave of absence.”

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

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

ABSENT: Senators Castle and Cordrey — 2.

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

Senator Isaacs introduced SR 26 and moved for its adoption:

SR 26 — “Authorizing payments for services rendered by the staff of the Senate for the 127th General Assembly.”

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

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

ABSENT: Senator Castle — 1.

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

Senator Isaacs introduced SR 27 and moved for its adoption.

SR 27 — "Authorizing payments for services rendered by the staff of the Senate for the 127th General Assembly."

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

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

ABSENT: Senator Castle — 1.

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

Senator Isaacs introduced SR 28 and moved for its adoption.

SR 28 — "To debit Senate Travel Account for Legislators' mileage of the members of the Senate of the 126th General Assembly."

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

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

ABSENT: Senator Castle — 1.

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

Senator Isaacs introduced SR 29 and moved for its adoption.

SR 29 — "To debit Senate Travel Account for Legislators' mileage of the Present session of the 127th General Assembly."

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Castle — 1.

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

On request of Senator Isaacs, the following communication was read and made part of the record:

**STATE OF DELAWARE
SENATE**

January 30, 1973

TO: MEMBERS OF THE SENATE

FROM: SENATOR J. DONALD ISAACS, PRESIDENT PRO TEMPORE

SUBJECT: SENATE RESOLUTION NO. 21

(A COMMITTEE TO INVESTIGATE THE METHOD USED BY DELAWARE ATTORNEYS IN CALCULATING THEIR FEES CHARGED TO THEIR CLIENTS.)

In accordance with the Senate Resolution No. 21, I have today appointed Senators Herman Holloway, Margaret Manning, Jake Zimmerman, Robert Berndt, and Charles E. Hughes to serve on the Senate Committee to Investigate the Method Used by Delaware Attorneys in Calculating Their Fees charged to Their Clients."

Senator Isaacs introduced SB 63 which was read for the first time by title only:

SB 63 — "An Act to amend Chapter 83 of Title 9, Delaware Code, relating to assessment and taxation of land devoted to agriculture use." Assigned to Community Affairs Committee.

Senator Isaacs introduced SB 64 which was read for the first time by title only:

SB 64 — "An Act to amend Title 29, Delaware Code, relating to the transfer of powers, duties and functions of the Division of Adult Corrections of the Department of Health and Social Services to the Department of Public Safety." Assigned to Judiciary and Elections Committee.

Senator Schlör introduced SB 65 which was read for the first time by title only:

SB 65 — "An Act to amend Title 29, Delaware Code, relating to pension benefits for employees of the Concession Stands operated by the Bureau for the Visually Impaired." Assigned to Finance Committee.

Senator Holloway introduced SB 66 which was read for the first time by title only:

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

Senator Isaacs introduced SB 67 which was read for the first time by title only:

SB 67 — "An Act to amend Chapter 82, Title 29, Delaware Code, relating to the Department of Public Safety; and creating a new Chapter to be designated as Chapter 89, relating to the establishment of a Department of State Police, defining its organization, powers, duties and functions and providing for the transfer of materials and equipment to said Department from the Department of Public Safety, and providing a supplementary appropriation to the Governor to implement the provisions of this Act." Assigned to Finance Committee.

Senator Holloway (Senator Isaacs co-sponsor) introduced SJR 7 which was read for the first time by title only:

SJR 7 — "Providing for the establishment of a Committee and appropriating monies to study the feasibility of erecting a memorial in honor of Delaware servicemen who have fought for their country in the Southeast Asia conflict." Assigned to Executive Committee.

The Secretary read the following message from the House:

January 30, 1973

Mr. President:

The House wishes to inform the Senate that it has passed HJR 1 and requests the concurrence of the Senate.

* * * * *

The Chair introduced HJR 1 which was read for the first time by title only:

HJR 1 — "Commending the Inaugural Committee for their competent direction of the inauguration of Sherman W. Tribbitt and Eugene D. Bookhammer." Assigned to Executive Committee.

On request of Senator Holloway, the following communication was read and made part of the record:

DELAWARE STATE BAR ASSOCIATION
Wilmington, Delaware 19801

January 26, 1973

The Honorable Herman M. Holloway
Delaware State Senate
Dover, Delaware
Dear Senator Holloway:

An article in the Wilmington Evening Journal of Thursday, January 25th states that at your request the Delaware State Senate created a five member committee to investigate lawyers' fees. The Delaware State Bar Association is most anxious to cooperate with this committee.

For a number of months the Delaware State Bar Association has been investigating the question of minimum fees and a special committee to review this matter was appointed by my predecessor, Edmund N. Carpenter, Esq. This committee met in Dover on January 16th and unanimously adopted a resolution recommending the abolition of the minimum fee schedule. This recommendation was approved unanimously by the Executive Committee of the Delaware State Bar Association and announced at the meeting of the Association on January 25th. The text of this resolution is as follows:

"WHEREAS, the matter of minimum fee schedules has been the subject of consideration by the Executive Committee; and

"WHEREAS, the Executive Committee believes that there should not be recommended minimum fees applicable to any service by members of the Bar;

"THEREFORE, BE IT RESOLVED that any recommended minimum fee schedules be and the same hereby are rescinded; and further, that notice of this action be communicated to the members of the Delaware State Bar Association."

If there is any further information you desire on this subject please let me know and I can assure you that the officers of the Delaware State Bar Association will cooperate with the Committee of the Senate in any way possible.

Respectfully,
William Poole

* * * * *

Senator Holloway introduced SR 30 and moved for its adoption.

SR 30 — "Establishing and defining the position of Administrative Assistant to the Senate Majority and Minority."

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

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

NO: Senators Berndt, duPont, Elliott, Hughes, Isaacs, Jarvis, Manning, Steele — 8.

ABSENT: Senator Castle — 1.

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

On motion of Senator Cicione, SR 24 which had been laid on the table, was now considered for adoption.

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

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

ABSENT: Senator Castle — 1.

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

The Secretary of the Senate announced that the office of the Secretary would be open from 10 a.m. to 3 p.m. on Tuesdays, Wednesdays and Thursdays during the month of February.

At 6:35 p.m. on motion of Senator Isaacs, the Senate recessed to the call of the Chair.

The Senate reconvened at 2:30 p.m., March 7, 1973.

The Secretary read the following communication from Senator Joe Biden, Jr.:

UNITED STATES SENATE

February 15, 1973

Dear Fellow Legislators:

I and my family were most appreciative at your expression of sympathy upon the death of my wife and daughter.

Your sentiments, in company with those of other Delawareans, are a great comfort.

I wish I were in a position to thank each of you individuals, but my feelings are none the less compelling through this letter of collective acknowledgement.

May your 127th session be a rewarding one, both for yourselves and for the people of Delaware.

Again, my thanks.

With best wishes,
(Signed) Joe Biden

U.S. Senator

The Secretary read the following Executive Order from the Governor:

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER SIX

TO: Heads of All State Departments and Agencies

RE: Limiting Expenditures for the Remainder of F.Y. 1973

WHEREAS, current estimates of revenues and expenditures indicate the State of Delaware will end Fiscal 1973 with a deficit in the General Fund; and

WHEREAS, sound management practices dictate that measures be taken to lessen the impact of this situation;

NOW, THEREFORE, I, SHERMAN W. TRIBBITT, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order the following:

FOR THE PERIOD MARCH 7, 1973 to JUNE 30, 1973

1. A moratorium is placed on the hiring of personnel to fill new positions and existing vacancies.
2. A moratorium is placed on all pay increases except Merit increases approved by department heads.
3. Expenditures of General Fund non-salary appropriations, other than Capital Outlay, shall be limited to fifty (50) percent of the total unencumbered balance.
4. Expenditures of General Fund appropriations for the purchase of Capital Outlay items are prohibited.
5. Expenditures of General Fund appropriations for out-of-state travel are prohibited.
6. The above prohibitions and limitations do not apply to the Legislative and Judicial branches of government.

The Office of the Budget will be responsible for the administration of this Order.

APPROVED this 7th day of March, 1973

(Signed) Sherman W. Tribbitt

Governor

ATTEST:

Robert W. Reed

Secretary of State

On request of Senator Manning the following message was read and made part of the record:

THE CHESAPEAKE AND OHIO RAILWAY COMPANY
THE BALITMORE AND OHIO RAILROAD COMPANY

February 20, 1973

M's. Margaret R. Manning
Majority Whip
605 Greenbank Road
Wilmington, Delaware 19808

Dear M's. Manning:

This has reference to my letter of January 29, acknowledging yours of January 23, relative to the maintenance of railroad crossings at state roads in the State of Delaware and particularly in the grade crossing at Route 41 near the new State Armory in the Community of Belvedere.

This crossing is programmed for renewal commencing July 24, 1973. We will make temporary repairs as they become necessary.

Yours very truly,
K. T. Reed

Senator Manning, Chairman of the Community Affairs Committee, reported the following Bills back to the Senate: SB 14 — 4 Favorable; SB 52 — 4 Merits; HB 20 — 5 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 42 — 4 Favorable.

Senator Isaacs, Chairman of the Executive Committee reported the following back to the Senate: SJR 7 — 2 Favorable, 3 Merits; HJR 1 — 5 Merits.

Senator Hale, Chairman of the Education Committee, reported the following back to the Senate: SB 16 — 3 Favorable, 1 Merits; SB 21 — 3 Favorable, 1 Merits.

Senator Berndt introduced SB 68 which was given its first reading by title only:

SB 68 — "An Act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the Uniform Probate Code; consolidating and revising aspects of the Law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the Court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain non-testamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the Law with respect to decedents and certain others; and repealing inconsistent legislation." Assigned to Judiciary and Elections Committee.

Senator Zimmerman introduced SB 69 which was read for the first time by title only:

SB 69 — "An Act to amend Chapter 27, Subchapter II, Title 21 of the Delaware Code relating to revocation of driving licenses for certain offenses, and providing for the issuance of temporary occupational licenses under certain circumstances." Assigned to Public Safety Committee.

Senator Zimmerman introduced SB 70 which was read for the first time by title only:

SB 70 — "An Act to provide a supplemental appropriation to the Department of Community Affairs and Economic

Development to be used to send the Dover High School Band to Mexico City." Assigned to Community Affairs Committee.

Senator Zimmerman, with Senators Isaacs, Kearns and Murphy as co-sponsors, introduced SB 71 which was read for the first time by title only:

SB 71 — "An Act to amend Chapter 5, Subchapter I, Title 9 of the Delaware Code relating to suburban communities improvements with regard to unpaved roads." Assigned to Highway, Transportation and Insurance Committee.

Senator Manning with Senator Kearns as co-sponsor introduced SB 72 which was given its first reading by title only:

SB 72 — "An Act to amend Chapter 10, Title 14, Delaware Code, relating to Roll Call votes of School Boards." Assigned to Education Committee.

Senator Cicione introduced SB 73 which was given its first reading by title only:

SB 73 — "An Act to provide a supplementary appropriation to the American Rifles Association, the official military ceremonial unit of the State of Delaware." Assigned to Finance Committee.

Senator Berndt introduced SB 74 which was read for the first time by title only:

SB 74 — "An Act proposing an Amendment to Article 4, Sections 2, 3 and 12 of the Constitution of the State of Delaware by increasing the Supreme Court to Five Justices and providing for a quorum of the Supreme Court." Assigned to Judiciary and Elections Committee.

Senator Elliott introduced SB 75 entitled:

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

Senator Elliott introduced SB 76 entitled:

SB 76 — "An Act to amend Chapter 7, Part II, Title 29 of the Delaware Code relating to travel by Legislators who have been defeated or who have resigned or retired." Assigned to Judiciary and Elections Committee.

Senator Cicione introduced SB 77 entitled:

SB 77 — "An Act to amend Title 7 of the Delaware Code, authorizing the designation of certain rivers within this State as scenic rivers, and to authorize the protection of rivers so designated." Assigned to Natural Resources and Environmental Control Committee.

Senator Cicione introduced SB 78 entitled:

SB 78 — "An Act to amend Title 19 of the Delaware Code, relating to labor, and establishing wage-earner receivership." Assigned to Labor and Industrial Relations Committee.

Senator Kearns (co-sponsors: Cicione, Isaacs, Manning, Murphy and Zimmerman) introduced, SB 79 entitled:

SB 79 — "An Act amending the classified service and exemptions excepting all clerks in the Justice of the Peace Courts." Assigned to Judiciary and Elections Committee.

Senator Kearns introduced SB 80 entitled:

SB 80 — "An Act to amend Title 15, Delaware Code, Relating to voter registration." Assigned to Judiciary and Elections Committee.

Senator Schlör (co-sponsors Holloway, Kearns and McCullough) introduced SB 81 entitled:

SB 81 — "An Act proposing an Amendment to Article II, Section 15 of the 1897 Constitution of the State of Delaware, relating to the compensation, expenses and allowances of members of the General Assembly." Assigned to Judiciary and Elections Committee.

Senator Schlör (co-sponsors Holloway, Kearns and McCullough) introduced SB 82 entitled:

SB 82 — "An Act to amend Chapter 19, Part I, Title 14 of the Delaware Code relating to local School Taxes, and to the powers and duties of the Wilmington Board of Education and the Wilmington School Tax Commission." Assigned to Education Committee.

Senator Hughes (co-sponsors Berndt, Cicione, Cook, duPont, Elliott, Isaacs and Kearns and Honorary co-sponsor Representative Ambrosino) introduced SCR 6 entitled:

SCR 6 — "Commemorating George Hanby upon the event of his 100th Birthday."

Senator Hughes moved that the Resolution be adopted.

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

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

ABSENT: Senator Jarvis — 1.

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

Senator Zimmerman (co-sponsors Cook and Isaacs) introduced SCR 7 and moved for its adoption:

SCR 7 — "Creating a Committee to study the feasibility of the utilization of computer systems by the General Assembly and providing a supplemental appropriation to the Legislative Council therefor."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, duPont, Elliott, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Steele, Zimmerman — 16.

NO: Senators Castle, Hale and McCullough — 3.

ABSENT: Senators Jarvis and Schlör — 2.

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

At 3:34 p.m., the Senate adjourned in order to immediately convene for the Ninth Legislative Day.

9TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 3:34 p.m., March 7, 1973.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator Jarvis — 1.

The minutes of the previous day's session were approved as read.

The Secretary read the following message from the House:
2-6-73

Mr. President:

The House wishes to inform the Senate it has passed SCR 3; SCR 4; SCR 5 and is returning same to the Senate.

Senator Isaacs introduced SR 31 and moved for its adoption.

SR 31 — "Authorizing the Legislative Council to purchase typewriters for the Senate and providing funds therefor."

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

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

NO: Senator Manning — 1.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Hale and Jarvis — 2.

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

Senator duPont introduced SB 83 which was read for the first time by title only:

SB 83 — "An Act to amend Chapter 9, Part II, Title 29 of the Delaware Code relating to the Journal of the State Senate and the Journal of the House of Representatives." Assigned to Judiciary and Elections Committee.

Senator duPont introduced SB 84 which was read for the first time by title only:

SB 84 — "An Act to amend Chapter 11, Title 29 of the Delaware Code relating to the Legislative Council, and providing for interim succession of members of Legislative Council for purposes of continuity." Assigned to Committee on Judiciary and Elections.

Senator Hughes introduced SB 85 which was read for the first time by title only:

SB 85 — "An Act authorizing the Department of Highways and Transportation to proceed with the design and acquisition of right of way for a toll road running from U.S. Route 13 below Dover northerly across the Summit Bridge, connecting with U.S. Route 301, and connecting with the Delaware

Turnpike; directing the Secretary of Highways and Transportation to report to the General Assembly by January 10, 1974 with his recommendations as to the construction, operation, maintenance and financing of the toll road and other facilities along with proposed legislation to provide therefore; and authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefore and appropriating the moneys to the Department of Highways and Transportation for the design and acquisition of right of way for the toll road." Assigned to Highways and Transportation Committee.

Senator duPont introduced SB 86 which was read for the first time by title only:

SB 86 — "An Act to amend Chapter 4, Title 24 of the Delaware Code relating to Barbers and Barber Schools." Assigned to Administrative Services Committee.

On motion of Senator Cicione, and without objection, SB 20 was stricken.

On motion of Senator Cicione, SB 18 was taken up for consideration.

Senator Steele moved that SA 1 to SB 18 which had been placed with the Bill, now be adopted.

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

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

ABSENT: Senators Jarvis and Manning — 2.

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

On motion of Senator Cicione, SB 18 w/ SA 1 was read for the second time in order to pass the Senate:

SB 18 w/ SA 1 — "An Act making a supplementary appropriation to the Department of Finance."

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

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

ABSENT: Senator Jarvis — 1.

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

On request of Senator Holloway the privilege of the floor was extended to the four following members of the Human Resources Coalition to address the Senate: Howard H. Brown, Joseph K. Shahan, Wilbert L. Cooper, Madison H. Evans.

Senator Zimmerman (Senators Cook and Murphy as co-sponsors and Representatives Gruwell and McGinnis as

Honorary Co-sponsors) introduced SCR 8 and moved for its adoption.

SCR 8 — "Commemorating the Dover High School Band on its selection to represent Delaware in the Second Mexican invitational Band Festival."

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

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

ABSENT: Senators Holloway, Jarvis, Manning and Martin — 4.

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

Senator Hughes, with all the Senators as co-sponsors, introduced SCR 9 and moved for its adoption.

SCR 9 — "Congratulating Radio Executive Harvey C. Smith for being named recipient of the Josiah Marvel Cup for outstanding Community Service in 1972."

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

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

ABSENT: Senators Holloway and Jarvis — 2.

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

Senator Cook, with Senators Murphy and Zimmerman as co-sponsors, introduced SJR 8 which was read for the first time by title only:

SJR 8 — "Providing for the establishment of a Joint Committee for the purpose of investigating the numerous allegations and complaints regarding the Cosmetology Board of this State." Assigned to Administrative Services Committee.

Senator Cicione introduced SB 87 which was read for the first time by title only:

SB 87 — "An Act to amend Chapter 86, Part VII, Title 16 of the Delaware Code relating to glass and safety-glazed materials, with special reference to the type of glass used in storm doors." Assigned to Public Safety Committee.

Senator Zimmerman, with Senators Cook and Murphy as co-sponsors, introduced SB 88 which was read for the first time by title only:

SB 88 — "An Act to amend Section 4901, Chapter 49, Title 9 of the Delaware Code relating to the zoning power of the Levy Court of Kent County restricting the Levy Court power to enter into agreements altering established zoning procedures without referendum." Assigned to Community Affairs Committee.

On motion of Senator Schlor, SB 24 was taken up and read a second time by title only in order to pass the Senate.

SB 24 — "An Act to amend Chapter 9, Title 10, Delaware Code, relating to proceedings in Family Court being open to public in a crime classified as a felony and by permitting the release of the name of such delinquent and his parents."

On motion of Senator Schlor, and without objection, the roll call on the Bill was tabled.

On motion of Senator Cicione, SJR 5 was taken up and read a second time by title only in order to pass the Senate.

SJR 5 — "Proclaiming National Police Week and Peace Officers Memorial Day 1973."

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

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

ABSENT: Senators Hale and Jarvis — 2.

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

On request of Senator Manning, HCR 3 was introduced by the Chair and read by title only:

HCR 3 — "Expressing the deep concern of the 127th General Assembly, the Governor and Girl Scout Troop 284, New Castle, Delaware, for all American POW's, MIA's, and their families by proclaiming March 11, 1973, as a Statewide Day of Prayer."

Senator Manning moved that the Resolution be adopted.

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

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

ABSENT: Senators Cicione, Holloway and Jarvis — 3.

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

Senator Zimmerman moved for the adoption of HCR 1 w/ HA 1, 2.

HCR 1 w/ HA 1, 2 — "Providing for the establishment of an Ad Hoc Committee to study the feasibility of permitting lotteries in the State of Delaware."

On further motion of Senator Zimmerman, final consideration of the Resolution was deferred.

The Secretary read the following communications from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

March 7, 1973

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

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

Lawrence T. Messick	to be a member of the Department
1 Plover Court	of Elections for New Castle
Brookmeade	County, filling an unexpired term
Wilmington, Delaware 19808	ending October 6, 1975, of Conrad
	Maxmin, Deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

March 7, 1973

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

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

John C. Bryson	to be Secretary of the Depart-
44 Cooper Road	ment of Natural Resources and
Dover, Delaware 19901	Control, to serve During the
	Pleasure of the Governor, succeed-
	ing Austin N. Heller, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

March 7, 1973

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

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

Lemuel H. Hickman	to be Secretary of the Depart-
-------------------	--------------------------------

R.D. 2
Frankford, Delaware

ment of Public Safety, to serve
During the Pleasure of the
Governor, succeeding Fred W.
Vetter, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

March 7, 1973

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

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

Jack D. White
107 Timber Line Drive
Timber Creek
Newark, Delaware 19711

to be Secretary of the Depart-
ment of Health and Social
Services to serve During the
Pleasure of the Governor, suc-
ceeding Herbert M. Bagnanz,
M.D., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

The four letters of nomination were assigned to Executive
Committee.

Senator Elliott, with Senators Cicione, Cook, Holloway,
Isaacs, Kearns as co-sponsors and Representative McGinnis as
Honorary co-sponsor, introduced SB 89 which was read for the
first time by title only:

SB 89 — "An Act to amend Chapter 11 of Title 30,
Delaware Code relating to modification of personal income."
Assigned to Health and Social Services Committee.

Senator Martin introduced SB 90 which was read for the
first time by title only:

SB 90 — "An Act to amend Chapter 43, Subchapter IX,
Title 6 of the Delaware Code relating to Commerce and Trade,
and providing service charge rates for credit cards, revolving
charges and other retail installment accounts." Assigned to
Community Affairs Committee.

The Secretary read the following message from the House:

3-7-73

Mr. President:

The House wishes to inform the Senate that it has passed
HB 34 w/ HA 1; HB 39 w/ HA 1, 2; HS 1 for HB 1; HCR 1 w/
HA 1, 2; HCR 3 and requests the concurrence of the Senate.

The House also passed SB 33 w/ SA 1 and is returning same to the Senate.

The Chair introduced the following House Bills which were read for the first time by title only:

HS 1 for HB 1 — "An Act to Amend Chapter 1, Title 13 of the Delaware Code relating to the solemnization of marriages and persons authorized to celebrate the marriage ceremony." Assigned to Judiciary and Elections Committee.

HB 34 w/ HA 1 — "An Act to amend Chapter 1, Chapter 27 and Chapter 41, Title 14 of the Delaware Code relating to education; and providing for the deletion of certain obsolete sections pertaining to the conduct of schools." Assigned to Education Committee.

HB 39 w/ HA 1, 2 — "An Act returning Arden School and its site to the Trustees of Arden." Assigned to Education Committee.

On motion of Senator Zimmerman, HCR 1 w/ HA 1, 2 was lifted from the table and considered for adoption by the Senate.

The privilege of the floor was extended to Representative McGinnis to speak on the Resolution.

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

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

NO: Senators Elliott and McCullough — 2.

ABSENT: Senator Jarvis — 1.

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

At 5:25 p.m. the Senate adjourned until 1:30 p.m., March 8, 1973.

10TH LEGISLATIVE DAY

The Senate was called to order at 2:50 p.m. March 8, 1973 by Lt. Governor Bookhammer.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

Senator Kearns (co-sponsors Castle, Cicione, Holloway, Hughes, Martin and Schlör) introduced SB 91, entitled:

SB 91 — "An Act to amend Chapter 11, Part II, Title 9 of the Delaware Code relating to the Chief Administrative Officer of New Castle County. Assigned to Community Affairs Committee.

Senator Isaacs (co-sponsor Senator Adams) introduced by request SB 92 entitled:

SB 92 — "An Act to amend Sections 101, 2121 and 2151, Title 21, Delaware Code, relating to the issuance of special

plates for recreational vehicles." Assigned to Public Safety Committee.

Senator Cicione (co-sponsors Cook and Kearns) introduced SB 93, entitled:

SB 93 — "An Act to repeal Chapter 40, Title 14 of the Delaware Code in its entirety and amend Chapter 13, Title 19 of the Delaware Code relating to collective bargaining procedures for certified public school employees." Assigned to Labor and Industrial Relation Committee.

Senator Holloway introduced SR 32 entitled:

SR 32 — "Commending the Executive Committee and other concerned and dedicated persons connected with the Grand Opera House in Wilmington for establishing the theater as a Statewide cultural center for the performing arts and contributing to the revitalization of downtown Wilmington."

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

On motion of Senator Manning, HB 20 was taken up for consideration and read for the second time by title only:

HB 20 — "An Act to amend Chapter 197, Volume 54, Laws of Delaware, as amended, entitled "An Act revising the prior Charter of the City of Rehoboth Beach and establishing a new Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" to provide for vacating an elective office in the event of being found guilty of a felony, to provide travel allowance for nonresident commissioners, to enlarge the time for voting at the annual municipal election, to reduce the age for persons permitted to vote, and to provide additional judges at the annual municipal election"

On request of Senator Manning, the privilege of the floor was extended to John E. Messick to Speak on the Bill.

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

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

NO: Senator McCullough — 1.

ABSENT: Senator Cook — 1.

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

On motion of Senator Hale SB 21 was taken up for consideration and read for the second time by title only. At the request of Senator Hale, the name of Senator Martin was added as co-sponsor of the Bill.

SB 21 — "An Act providing for the conveyance of certain lands by the Board of Education of the Newark School District to the Delaware Academy of Science, Inc. for educational puposes."

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Cook — 1.

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

On motion of Senator Cicione, SB 14 was taken up for consideration and read for the second time by title only:

SB 14 — "An Act to amend Chapter 1, Title 27 of the Delaware Code, relating to the formation of Roman Catholic Church corporation."

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

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

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Cook — 1.

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

On motion of Senator Cicione, SB 42 w/ Debt Statement, was taken up for consideration and read for the second time by title only:

SB 42 — "An Act authorizing the State of Delaware to borrow money for the continued payment to persons who served or will serve in the Armed Forces of the United States during the Vietnam conflict; to authorize the issuance of bonds and bond Anticipation Notes therefor and appropriating the money borrowed to the Department of Finance."

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

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

ABSENT: Senators Cook and Manning — 2.

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

Senator Steele, Chairman of the Finance Committee, reported SB 65 back to the Senate: 1 Favorable; 4 Merits.

Senator Jarvis introduced SB 94 which was read for the first time by title only:

SB 94 — "An Act to amend Chapter 92, Part VII, Title 10 of the Delaware Code, relating to Justices of the Peace, and providing salary rates for clerical personnel." Assigned to Judiciary and Elections Committee.

Senator Elliott (co-sponsors Adams and Cordrey) introduced SB 95:

SB 95 — "An Act to make a supplementary appropriation to the Department of Health and Social Services Division of Mental Retardation, Hospital for the Mentally Retarded at Stockley." Assigned to Health and Social Services Committee.

Senator Berndt introduced SB 96:

SB 96 — "An Act to amend Chapter 9, Title 5 of the Delaware Code relating to banking, and shares of stock in the Farmers' Bank of the State of Delaware which are held by the State of Delaware." Assigned to Finance Committee.

Senator Jarvis introduced SB 97:

SB 97 — "An Act to amend Chapter 1 and Chapter 13, Title 14 of the Delaware Code, relating to education, and providing a student-teacher ratio for driver education classes." Assigned to Education Committee.

Senator Schlör introduced SB 98:

SB 98 — "An Act agreeing to a proposed Amendment to Article 2, Section 17, of the Constitution of the State of Delaware relating to lotteries and other gambling, by eliminating the requirement that betting on races may be done only at Race Tracks." Assigned to Judiciary and Elections Committee.

Senator Schlör introduced SB 99:

SB 99 — "An Act agreeing to a proposed Amendment to Article 2 of the Constitution of the State of Delaware by striking Section 17 thereof which prohibits lotteries or wagering." Assigned to Judiciary and Elections Committee.

Senator Elliott (co-sponsors Adams and Cordrey and Honorary co-sponsor Crow) introduced SS 1 for SB 29. Assigned to Natural Resources and Environmental Control Committee.

Senator Schlör introduced SA 1 to SB 35. The Amendment was placed with the Bill.

Senator Hale, Chairman of the Education Committee, reported back to the Senate: SB 72 — 3 Favorable; 2 Merits; HB 39 w/ HA 1, 2 — 3 Favorable.

The Secretary read the following message from the House:
3/8/73

Mr. President:

The House wishes to inform the Senate that it has passed SCR 6; SCR 9 and is returning same to the Senate.

At 3:50 p.m., on motion of Senator Isaacs, and without objection, a 15-minute recess was taken.

The Senate reconvened at 4:35 p.m.

Senator Elliott (co-sponsor Cordrey and Honorary co-sponsor Representative Gordy) introduced SB 100:

SB 100 — "An Act to amend an Act being Chapter 277, Volume 49, Laws of Delaware, as Amended, entitled "An Act to reincorporate the Town of Laurel" to provide a procedure for borrowing money and issuing Bonds."

On motion of Senator Elliott, and without objection, the necessary rules were suspended for the purpose of considering the Bill for passage.

On request on Senator Elliott, the privilege of the floor was extended to Robert E. Messick, Solicitor of the Town of Laurel to speak on the Bill.

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

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

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

ABSENT: Senator Cicione — 1.

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

Senator Elliott (co-sponsors Adams and Cordrey) introduced SB 101:

SB 101: — "An Act to Amend Subchapter II, Chapter 39, Title 7, Delaware Code relating to Conservation Districts by changing the amount of appropriations authorized for use in Sussex County." Assigned to Natural Resources and Environmental Control Committee.

Senator Holloway introduced SR 33 and moved that it be adopted:

SR 33 — "Commending the Executive Committee and other concerned and dedicated persons connected with the Grand Opera House in Wilmington for establishing the Theater as a Statewide Cultural Center for the performing arts and contributing to the revitalization of Downtown Wilmington."

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

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

ABSENT: Senators Cicione and Steele — 2.

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

On motion of Senator Adams, SB 50 was taken up for consideration and read a second time by title only:

SB 50 — "An Act making Supplementary Appropriation to the Department of Highways and Transportation for the purpose of installing Traffic Signal Control Equipment of the Bridgeville Firehouse, Bridgeville, Delaware."

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

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

ABSENT: Senator Cicione — 1.

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

On motion of Senator Isaacs, the following communication was read and made part of the record:

SENATE
STATE OF DELAWARE

March 8, 1973

TO: Members of the Senate

From: Senator J. Donald Isaacs, President Pro Tempore

Subject: House Concurrent Resolution No. 1

(A Committee to study the feasibility of permitting lotteries in the State of Delaware.)

In accordance with the House Concurrent Resolution No. 1, I have today appointed Senators Charles E. Hughes and Herman Holloway to serve on the Committee to Study the feasibility of permitting lotteries in the State of Delaware.

Senator Isaacs, Chairman of the Executive Committee, reported the following nominations for appointment by the Governor back to the Senate: John C. Bryson — 5 Favorable; Lawrence T. Messick — 5 Favorable; Lemuel H. Hickman — 5 Favorable; Jack D. White — 5 Favorable.

On motion of Senator Isaacs, the following communication was read and made part of the record:

STATE OF DELAWARE

March 8, 1973

The Honorable J. Donald Isaacs,
Chairman, Natural Resources and Environmental Control and
Executive Committees

Dear Senator Isaacs:

The President's budget for fiscal year 1974 proposes many changes, including moving from a fragmented, categorical approach in federal grant programs to Special Revenue Sharing for State and local governments. In addition, there are other administrative changes of which I believe you should be aware. The State of Delaware and the Federal Regional Council (Region III) have arranged an extensive briefing on the ramifications of these changes at a Special Federal Regional Council meeting to be held on Wednesday, March 14, 1973, at the Highway Administration Building, Route 113, Dover, Delaware.

As you know, Special Revenue Sharing is expected to have a substantial affect on the State of Delaware and its local governments. I therefore urge your attendance at the meeting.

The attached notification of attendance should be returned as soon as possible so that appropriate arrangements can be made. If you are unable to attend personally, this letter of invitation should be carried by your representative to the meeting. Only invited participants will be admitted. Also enclosed is the proposed agenda.

I look forward to meeting with you on the 14th. Should you have nay questions, please call Sherman Webb or Robert Carey (678-4101).

Sincerely,
 (Signed) Sherman W. Tribbitt
 Governor

* * * * *

At 5:22 p.m. Senator Isaacs moved that the Senate recess until Thursday, March 15 at 1:30 p.m.

The Senate reconvened at 4:18 p.m. Thursday March 15 and immediately adjourned to convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 4:18 p.m., Thursday, March 15, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

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

ABSENT: Senator Hale — 1.

The minutes of the previous day's session were approved as read.

Senator Cicione, Chairman of the Public Safety Committee, reported SB 69 back to the Senate — 5 Merits.

Senator Hughes, Chairman of the Highways, Transportation and Insurance Committee, reported SB 35 back to the Senate — 5 Merits.

Senator Elliott, Chairman of the Health and Social Services Committee, reported SB 95 back to the Senate — 3 Favorable; 2 Merits.

Senator Manning introduced SB 102 :

SB 102 — "An Act to amend Chapter 45, Part IV, Title 12 of the Delaware Code relating to gifts of Securities, Life Insurance Policies, Annuity Contracts, and Money to Minors, and to make uniform the Law with reference thereto." Assigned to Judiciary and Elections Committee.

Senator Isaacs moved that the Governor's nomination for appointment of John C. Bryson be considered for confirmation by the Senate.

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

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

NO: Senator Manning — 1.

NOT VOTING: Senator duPont — 1.

ABSENT: Senator — Hale 1.

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

Senator Isaacs moved that the Governor's nomination for appointment of Jack D. White be considered for confirmation by the Senate.

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

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

NOT VOTING: Senator duPont — 1.

ABSENT: Senator Hale — 1.

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

Senator Isaacs moved that the Governor's nomination for appointment of Lemuel H. Hickman be considered for confirmation by the Senate.

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

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

NOT VOTING: Senators duPont — 1.

ABSENT: Senators Hale and Manning — 2.

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

Senator Isaacs moved that the Governor's nomination for appointment of Lawrence T. Messick be considered for confirmation by the Senate.

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

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

ABSENT: Senator Hale — 1.

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

Senator Isaacs introduced SR 34 and moved that it be adopted.

SR 34 — "In reference to election of Officers."

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

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

ABSENT: Senator Hale — 1.

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

Senator Holloway introduced SR 35 and moved that it be adopted.

SR 35 — "Praising the Howard High School Basketball Team and its coaches for winning the 1973 Delaware State High School Basketball Tournament and emerging undefeated during the 1972 — 73 Season."

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

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

ABSENT: Senators Hale and Jarvis — 2.

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

Senator Martin introduced SR 36 and moved that it be adopted.

SR 36 — "Declaring the Week of March 18—25 to be "Meatless Week in Delaware."

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

YES: Senators Berndt, Holloway, Kearns, Martin, McCullough, Murphy, Schlor — 7.

NO: Senators Adams, Cordrey, Elliott, Hughes, Manning — 5.

NOT VOTING: Senators Castle, Cook, duPont, Isaacs, Jarvis, Steele Zimmerman — 7.

ABSENT: Senators Cicione and Hale — 2.

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

Senator Cordrey introduced SR 37 and moved that it be adopted.

SR 37 — "Recognizing the contributions of the Delaware Association of the Future Farmers of America to young people, and expressing a welcome to F.F.A. representatives."

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

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

ABSENT: Senators Cicione and Hale — 2.

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

Senator Hughes (co-sponsors Berndt, Castle, duPont, Jarvis, Manning and Steele) introduced SR 38:

SR 38 — "Expressing concern over the proposed appointment of a new Director of the Division of Highways of the Department of Highways and Transportation and calling for a Legislative investigation of the circumstances surrounding same."

Senator Cook moved that the Resolution be assigned to Highways, Transportation and Insurance Committee.

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

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

NO: Senators Berndt, Castle, duPont, Hughes, Jarvis, Manning, Steele — 7.

ABSENT: Senators Elliott and Hale — 2.

So the motion, having received the required constitutional majority, was adopted and SR 38 was assigned to Highways, Transportation and Insurance Committee.

On motion of Senator Schlör, SB 65 was taken up and read a second time by title only:

SB 65 — "An Act to amend Title 29, Delaware Code, relating to Pension Benefits for Employees of the Concession Stands operated by the Bureau for the Visually Impaired."

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

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

ABSENT: Senators duPont, Hale and Jarvis — 3.

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

Senator Elliott moved that SB 100 which had previously passed the Senate now be reconsidered for passage as further amended by HA 1.

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

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

NOT VOTING: Senator Jarvis — 1.

ABSENT: Senators duPont and Hale — 2.

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

At 6:01 p.m. on motion of Senator Isaacs, the Senate recessed until Tuesday, March 20 at 1:30 p.m.

The Senate reconvened at 2:00 p.m. Tuesday, March 20, 1973.

The Reading Clerk read the following communications from the Governor:

STATE OF DELAWARE

March 15, 1973

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

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

George C. Hering, III, Esquire	to be a member of the Delaware
1905 Field Road	Code Revisors, for a term expir-
Wilmington, Delaware 19806	ing with the termination of the
	128th General Assembly, succeed-
	ing Glen, E. Hitchens, Esquire.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Assigned to Executive Committee.
STATE OF DELAWARE

March 15, 1973

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

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

William A. Carter	to be Chairman of the Board of
Millsboro, Delaware	Trustees, Delaware Technical and
	Community College, to serve Dur-
	ing the Pleasure of the Governor,
	Succeeding Dr. William C. Kay.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Assigned to Executive Committee.
STATE OF DELAWARE

March 15, 1973

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

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

Joseph R. Walling	to be Chairman of the Alcoholic
243 Linden Avenue	Beverage Control Commission,
Elsmere Gardens	to serve During the Pleasure of
Wilmington, Delaware	the Governor, succeeding
	Thomas Herlihy, III, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

Assigned to Executive Committee.
STATE OF DELAWARE

March 15, 1973

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

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

Harold P. Minner	to be a member of the Unemploy-
Delaware Avenue	ment Insurance Appeals Board,
Harrington, Delaware	to fill an unexpired term ending

May 1, 1973, succeeding Wilbert Rawley, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

Assigned to Executive Committee.

STATE OF DELAWARE

March 15, 1973

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

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

James J. Horgan, Esquire
46 Miles Road
Claymont, Delaware

to be Deputy Administrator for the Justices of the Peace, to serve During the Pleasure of the Governor, succeeding Morton R. Kimmel, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

Assigned to Executive Committee.

Senator Jarvis introduced SB 103:

SB 103 — "An Act to amend Part V, Title 9 of the Delaware Code relating to County Taxes, and providing for the "Circuit-Breaker" concept to lighten excessive property tax burdens on the elderly."

On motion of Senator Jarvis, the Bill was immediately stricken.

Senator Kearns, (co-sponsors Cicione, Cook, Holloway, Martin, McCullough, Murphy, Schlor and Zimmerman) introduced SB 104:

SB 104 — "An Act to amend Title 26 of the Delaware Code with reference to payment by Public Utilities of compensation and expenses of appointed Legal Counsel, Experts and Assistants in rate proceedings." Assigned to Finance Committee.

Senator Holloway introduced SB 105:

SB 105 — "An Act to amend Subchapter I of Chapter 27, Title 6, Delaware Code relating to contracts; and prohibiting unconstitutional clauses." Assigned to Judiciary and Elections Committee.

Senator Cicione introduced SB 106:

SB 106 — "An Act to amend Chapter 8, Title 17 of the Delaware Code relating to highways; and providing a method by which it can be determined whether or not a general contractor receiving money from the State has paid all subcontractors." Assigned to Highways, Transportation and Insurance

Committee.

Senator Cicione introduced SB 107:

SB 107 — "An Act to amend Chapter 5, Part I, Title 7 of the Delaware Code relating to hunting, trapping and fishing Licenses." Assigned to Natural Resources and Environmental Control Committee.

Senator Holloway introduced SB 108:

SB 108 — "An Act to amend Chapter 59, Part V of Title 29, Delaware Code relating to the Merit System of Personnel Administration." Assigned to Judiciary and Elections Committee.

Senator Castle introduced SB 109:

SB 109 — "An Act to amend Chapter 23, Title 12, Delaware Code, relating to distribution of decedents' estates." Assigned to Judiciary and Elections Committee.

Senator Schlör introduced SB 110:

SB 110 — "An Act to amend Part I, Title 18 of the Delaware Code relating to Casualty Insurance contracts, and regulating the exclusion, cancellation or non-renewal of automobile insurance." Assigned to Highways, Transportation and Insurance Committee.

Senator Schlör introduced SB 111:

SB 111 — "An Act to amend Title 29 of the Delaware Code, for a method of payment of State officials and employees, and designating every other Friday as the time such employees are paid." Assigned to Finance Committee.

Senator Cordrey introduced SB 112:

SB 112 — "An Act to amend Chapter 1, Part I of Title 7, Delaware Code relating to opening day for the hunting of protected wildlife." Assigned to Natural Resources and Environmental Control Committee.

Senator Hughes introduced SB 113:

SB 113 — "An Act to amend Chapter 59, Part V, Title 29 of the Delaware Code relating to the merit system of personnel administration; and allowing classified employees involuntarily transferred within State Agencies due to governmental reorganization to retain annual, sick and special leaves of absence." Assigned to Judiciary and Elections Committee.

Senator Elliott (co-sponsors Adams and Cordrey) introduced SB 114:

SB 114 — "Providing a supplemental appropriation to the Department of Natural Resources and Environmental Control." Assigned to Agriculture Committee.

Senator Adams introduced SB 115:

SB 115 — "An Act relating to the Pension for Mabel W. Lambden a former Sussex County employee." Assigned to Finance Committee.

Senator Cordrey introduced SB 116:

SB 116 — "An Act to amend Chapter 55, Title 29, Delaware Code relating to the amount of earnings allowed while on pension." Assigned to Finance Committee.

Senator Steele introduced SB 117:

SB 117 — "An Act to amend Subchapter III, Chapter II, Title 12 of the Delaware Code relating to unclaimed Life Insurance Funds." Assigned to Finance Committee.

Senator Hughes introduced SB 118:

SB 118 — "An Act to amend § 1606 (7), Chapter 16, Title 2, Delaware Code by authorizing a local Transportation Authority to provide Charter Service, special service, or other for-hire transportation of passengers within and outside of its area of operations." Assigned to Highways, Transportation and Insurance Committee.

Senator Jarvis introduced SB 119:

SB 119 — "An Act to amend Chapter 1 and Chapter 13, Title 14 of the Delaware Code, relating to education, and providing a student-teacher ratio for driver education classes." Assigned to Education Committee.

On motion of Senator Jarvis, SB 97 was stricken.

The members of the Howard High School Basketball Team were recognized and welcomed to the Senate Chamber by Lt. Governor Bookhammer.

Senator Cicione introduced SA 1 to SB 93 which was placed with the Bill.

Senator Zimmerman introduced SR 39:

SR 39 — "Commemorating the members and staff of the Delaware Revenue Study Commission on the completion of their report to the members of the 127th General Assembly.

Senator Zimmerman moved that the Resolution be adopted.

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

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

NOT VOTING: Senator Jarvis — 1.

ABSENT: Senators duPont, Hale and Holloway — 3.

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

Senator Cicione (Honorary co-sponsor Representative Gilligan) introduced SJR 9:

SJR 9 — "Directing the New Castle County Department of Parks and Recreation to investigate the possibility of developing the land formerly occupied by the New Castle County Correctional Institute." Assigned to Community Affairs Committee.

Senator Manning introduced SJR 10:

SJR 10 — "Recognizing the importance of today's Secretary in industry, the professions, and government and proclaiming the Week of April 22 through April 28 as Secretaries' Week."

WHEREAS, the efficient functioning of modern society is largely dependent upon effective communication, and the modern methods of communication have come more and more

to rest in the hands of secretaries; and

WHEREAS, the increasing amount of communications inherent in our complex society has made it necessary for today's secretary to acquire technical skills, and to assume the responsibility for countless details in the operation of a business; and

WHEREAS, today's secretary must have at her command tact, diplomacy, increasing business and economic knowledge, and decision-making ability in the greater role the secretary is performing as a member of the management team; and

WHEREAS, the important contribution made by secretaries in business, government, and the professions of our country has been recognized by designating the last week in April as Secretaries' Week and Wednesday, April 25, 1973, as Secretaries' Day.

NOW THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 127th General Assembly of the State of Delaware, with the approval of the Governor, that the members of the General Assembly hereby urge all citizens of the State to recognize the efforts made by our secretaries in the operation of industry, the professions, and government and their role as silent partners in American Business.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the pages of the Journal of the Senate and the Journal of the House of Representatives of the 127th General Assembly." Assigned to Executive Committee.

Senator Holloway (co-sponsor Senator Isaacs) introduced SJR 11:

SJR 11 — "Providing for the establishment of a Committee to study the feasibility of erecting a memorial in honor of Delaware servicemen who have fought for their country in the Southeast Asia conflict." Assigned to Executive Committee.

Senator Cook introduced SJR 12:

SJR 12 — "Reaffirming that Delaware be known as "The First State".

WHEREAS, during the past few years the slogan identifying Delaware as "The State That Started A Nation" has gained prominence through its widespread usage; and

WHEREAS, this slogan is historically inaccurate; and

WHEREAS, no one state can claim credit for the beginning of the Nation on July 4, 1776, since the thirteen colonies, acting in concert, started the United States of America; and

WHEREAS, it is historically correct to call Delaware "The First State", as Delaware was the first state to ratify the Constitution, which established the states on December 7, 1787, fully eleven and one-half years after the Nation was actually started; and

WHEREAS, there can be found no formal record or order which authorized or directed the State Archivist to emblazon the slogan "The State That Started A Nation".

NOW, THEREFORE:

BE IT RESOLVED by the 127th General Assembly of the State of Delaware, the Governor concurring therein, that Delaware hereafter shall be known as "The First State" and that all references and uses as to the slogan "The State That Started A Nation" be hereby terminated for all time.

BE IT FURTHER RESOLVED that the Secretary of State be directed to use the term "The First State" in all matters where a description, nickname or slogan is to be required or used and that references to Delaware as "The State That Started A Nation" be ended.

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of the Senate and the House of Representatives and that a copy of this Resolution be forwarded to the Department of State and the Department of Economic Development and Community Affairs."

* * * * *

The Resolution was assigned to Executive Committee.

Senator Elliott (Honorary co-sponsor Representative Temple) introduced SCR 10:

SCR 10 — "Voicing the opposition of the 127th General Assembly of the State of Delaware and the citizens of Delaware to the Construction of two bridges across the Nanticoke River at Sharptown and Vienna, Maryland and recommending and requesting a re-study of the economic potential of the area by the United States Coast Guard before any construction permits are issued."

Senator Elliott moved that the Resolution be adopted.

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

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

ABSENT: Senators Cicione, duPont and Holloway — 3.

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

Senator Zimmerman (co-sponsors Senators Kearns and Murphy) introduced SCR 11:

SCR 11 — "Providing for a Joint Committee on Tax Reform which shall thoroughly analyze the State Tax Structure and make recommendations for tax reform or reorganization utilizing the report of the Revenue Study Commission; and providing for an appropriation therefor."

Senator Zimmerman moved that the Resolution be adopted.

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

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

NO: Senator Elliott — 1.

NOT VOTING: Senator Hale — 1.

ABSENT: Senators duPont and Holloway — 2.

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

Senator Berndt introduced SB 120:

SB 120 — “An Act to Amend Title 16, Delaware Code, Chapter 47, also known as the Uniform Controlled Substances Act, relating to the addition of certain drugs to the list of controlled substances.” Assigned to Health and Social Services Committee.

Senator Steele introduced SB 121:

SB 121 — “An Act authorizing a transfer of appropriated funds within the Department of Public Safety to meet emergency salary requirements.” Assigned to Finance Committee.

The Secretary read the following message from the House:

March 20, 1973

Mr. President:

The House wishes to inform the Senate it has passed HB 4 w/ HA 1; HB 47 w/ HA 1; HB 54; HB 75 w/ HA 1; HB 77; HB 85; HB 96 w/ HA 1; HCR 5 and requests the concurrence of the Senate.

The House also passed SB 3; SB 34; SB 37; SB 100 w/ HA 1; SCR 8 and is returning same to the Senate.

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

HB 4 w/ HA 1 — “An Act to amend Chapter 55, Title 30 of the Delaware Code, relating to taxes on certain public utilities.” Assigned to Finance Committee.

HB 47 w/ HA 1 — “An Act to amend Chapter 29, Title 29, Delaware Code relating to the distribution of written post audit reports to members of the General Assembly, and providing an appropriation therefor.” Assigned to Finance Committee.

HB 54 — “An Act to amend Chapter 277, Volume 49, Laws of Delaware, as amended, entitled “An Act to re-incorporate the Town of Laurel” to provide for the appointment of the Chief of Police for an indefinite term.” Assigned to Community Affairs Committee.

HB 75 w/ HA 1 — “An Act to empower and direct the Department of Administrative Services to grant a long term lease to the Capitol Little League, allowing the Capitol Little League to occupy a portion of certain premises owned by the State of Delaware.” Assigned to Community Affairs Committee.

HB 77 — “An Act to amend an Act entitled: “An Act to incorporate the Town of Henlopen Acres.” Assigned to Community Affairs Committee.

HB 85 — “An Act to amend an Act entitled “An Act to re-incorporate the City of Lewes” and providing authorization

for Councilmen to sign Appropriations Warrants pursuant to Ordinances or Resolution." Assigned to Community Affairs Committee.

HB 96 w/ HA 1 — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to itemized deductions." Assigned to Finance Committee.

HCR 5 — Relative to the death of former Justice of the Peace Howard Weston.

WHEREAS, the members of the 127th General Assembly of the State of Delaware have learned with regret of the passing of Howard Weston; and

WHEREAS, Howard Weston has served well the people of the State of Delaware as a Justice of the Peace and as a member of the State Pension Board; and

WHEREAS, the members of the 127th General Assembly desire to express to the family of the deceased in this public manner their sympathy at the occasion of this loss;

NOW THEREFORE,

BE IT RESOLVED that the members of the 127th General Assembly of the State of Delaware extend their deepest sympathies to the family of former Justice of the Peace Howard Weston; and

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Journals of both the Senate and the House of Representatives of the 127th General Assembly, and that a copy of this Resolution be forwarded to Mrs. Lillian Weston, widow of the deceased.

Senator Kearns moved that the Resolution be adopted.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Issacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, duPont, Holloway and Hughes — 4.

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

At 3:03 p.m. the Senate adjourned to reconvene immediately for the 12th Legislative Day.

12TH LEGISLATIVE DAY

Lt. Governor Bookhammer called the Senate to order at 3:03 p.m. Tuesday, March 20, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Issacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 19.

ABSENT: Senators duPont and Holloway — 2.

The Journal was approved as read.

At 3:05 p.m. a half-hour recess was called on the motion of Senator Isaacs.

The Senate reconvened at 4:15 p.m.

The following Petition was presented by Senator Zimmerman and made part of the record:

PETITION

We, the undersigned, members of the Senate of the 127th General Assembly, hereby petition that Senate Bill No. 70 be released from the Community Affairs Committee.

John W. Zimmerman

J. D. Isaacs

Wm. M. Murphy, Jr.

Thurman Adams

R. A. Martin

Anthony J. Cicione

F. Kearns

Richard Cordrey

Allen J. Cook

Calvin R. McCullough

George F. Schlör

Senator Manning was granted personal privilege of the floor to respond to the above petition.

On motion of Senator Schlör SB 35 was taken up for consideration and read for the second time by title only:

SB 35 — "An Act to amend Chapter 39, Title 18 of the Delaware Code relating to casualty insurance contracts, restricting certain cancellation and non renewal rights."

Senator Schlör moved that SA 1 to SB 35 which had been placed with the Bill now be adopted.

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

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

ABSENT: Senators duPont, Holloway and Jarvis — 3.

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

Senator Cook introduced SA 2 to SB 35 and moved for its adoption.

On request of Senator Cook, the privilege of the floor was granted to George Farnell of the Delaware Association of Independent Insurance Agents to speak on the Amendment.

On request of Senator Murphy, the privilege of the floor was granted to Verne M. McGrew of the Delaware Association of Independent Insurance Agents to speak on the Amendment.

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

YES: Senators Berndt, Castle, Cook, Elliott, Hale, Jarvis, Martin, Murphy, Steele — 9.

NO: Senators Cordrey, Kearns, McCullough and Schlör — 4.

NOT VOTING: Senators Adams, Hughes, Isaacs and Zimmerman — 4.

ABSENT: Senators Cicione, duPont, Holloway and Manning — 4.

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

Senator Schlör moved for the passage of SB 35 w/ SA 1.

On motion of Senator Schlör and without objection, the roll call vote on the Bill was tabled.

At 5:30 p.m., on motion of Senator Isaacs, and without objection, the Senate recessed until March 21 at 1:30 p.m.

The Senate reconvened at 2:15 p.m., March 21, 1973, Lt. Governor Bookhammer, presiding.

Senator Cordrey introduced to the Senate a contingency of ladies from Rehoboth who were welcomed to the Chamber by the Lt. Governor.

Senator Zimmerman introduced to the Senate the members of the Dover High School Band Boosters who were welcomed to the Chamber by the Lt. Governor.

Senator Isaacs, Chairman of the Executive Committee, reported the following nominations for appointment by the Governor back to the Senate: Harold P. Minner — 2, Favorable, 3 Merits; William A. Carter — 3 Favorable, 2 Merits; Joseph R. Walling — 3 Favorable, 2 Merits; George C. Hering, III — 1 Favorable, 4 Merits; James J. Horgan — 2 Favorable, 3 Merits.

Senator Steele, Chairman of the Finance reported the following Bills back to the Senate: SB 121 — 1 Favorable, 2 Merits; SB 117 — 1 Favorable, 2 Merits; SB 59 — 2 Favorable, 1 Merits; HB 96 — 2 Favorable, 2 Merits.

Senator Elliott, Chairman of the Administrative Services Committee reported the following Bills back to the Senate: SB 23 — 4 Merits; SJR 8 — 1 Favorable, 3 Merits.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 1 — 2 Favorable, 3 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 12 — 5 Merits; SB 46 — 5 Merits.

At 2:22 p.m. the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY

The Senate was called to order at 2:22 p.m. Wednesday, March 21, 1973 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By roll call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 18.

ABSENT: Senators duPont, Holloway, Schlör — 3.

The Journal was approved as read.

The Secretary read the following message from the House:
3-20-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 99 w/ HA 1; HJR 2 and requests the concurrence of the Senate.

The House also passed SJR 5 and is returning same to the Senate.

Senator Elliott introduced SB 122:

SB 122 — "An Act to amend Subchapter 1 of Chapter 21, Title 21, Delaware Code, relating to the registration of foreign vehicles by non-residents." Assigned to Public Safety Committee.

Senator Elliott (Senator Isaacs, co-sponsor) introduced SB 123:

SB 123 — "An Act to amend Title 14, Delaware Code by establishing the Board of Trustees of the Delaware Institute of Veterinary Medical Education." Assigned to Health and Social Services Committee.

Senator Hale (co-sponsors Castle and Elliott) introduced SB 124:

SB 124 — "An Act to amend Title 29 of the Delaware Code by adding a new Chapter providing for the more effectual regulation of the conduct of officers and employees of the State of Delaware, establishing standards therefor, and providing for disciplinary action and criminal penalties for violation thereof." Assigned to Judiciary and Elections Committee.

Senator Jarvis introduced SB 125:

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

Senator Hale (co-sponsors Berndt, Castle and Elliott) introduced SB 126:

SB 126 — "An Act amending Title 29, Delaware Code, acknowledging the rights and defining the limitations of Legislative Office, establishing a code of legislative conduct, and establishing a Joint Committee on Legislative Conduct in the General Assembly." Assigned to Judiciary and Elections Committee.

Senator Isaacs (co-sponsors Kearns, Martin and McCullough) introduced SB 127:

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

Senator Castle introduced SB 128

SB 128 — "An Act to amend Part I, Title 30 of the Delaware Code relating to State Taxes, and providing for a Federal Tax Lien Registration Act." Assigned to Finance Committee.

Senator Schlor introduced SB 129:

SB 129 — "An Act to amend Chapter 81, Part V, Title 9 of the Delaware Code relating to limitations upon County taxing

powers, and providing an exemption from real property taxation for certain disabled veterans." Assigned to Community Affairs Committee.

Senator Martin introduced SA 1 to SB 90 which was placed with the Bill.

Senator Zimmerman introduced SA 1 to SB 69 which was placed with the Bill.

On motion of Senator Manning, SB 72 was taken up for consideration and read a second time by title only:

SB 72 — "An Act to amend Chapter 10, Title 14, Delaware Code, relating to roll call votes of School Boards."

On motion of Senator Manning, final action on the Bill was deferred.

On motion of Senator Steele, SB 4 was taken up for consideration and read a second time by title only:

SB 4 — "An Act to amend an Act entitled: An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and to issue bonds and notes therefor and appropriating the moneys to various agencies of the State, as the same appears in Chapter 299 of Volume 57, Laws of Delaware."

On motion of Senator Steele, final action on the Bill was deferred.

On motion of Senator Steele, SB 25 was taken up for consideration and read a second time by title only:

SB 25 — "An Act to provide supplementary funds for the administration of the drinking water standards which are required by Section 122(3) (C), Title 16, Delaware Code."

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

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

ABSENT: Senators duPont and Holloway — 2.

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

On motion of Senator Manning, SB 72 was lifted for consideration of passage.

Senator Berndt introduced SA 1 to SB 72 and moved for its adoption.

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

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

NO: Senators Isaacs, Jarvis, Martin, Schlör, Zimmerman — 5.

NOT VOTING: Senators Cicione, Cook and McCullough — 3.

ABSENT: Senators duPont and Holloway — 2.

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

Senator Manning moved for the passage of SB 72 w/ SA 1.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele — 16.

NOT VOTING: Senators Cicione, Isaacs and Zimmerman — 3.

ABSENT: Senators duPont and Holloway — 2.

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

On motion of Senator Zimmerman SB 70 was taken up for consideration and read a second time by title only:

SB 70 — "An Act to provide a supplemental appropriation to the Department of Community Affairs and Economic Development to be used to send the Dover High School Band to Mexico City."

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

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

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Hughes, Isaacs, Jarvis, Kearns, Manning, McCullough, Murphy, Schlör, Zimmerman — 14.

NO: Senators Berndt, Hale and Steele — 3.

NOT VOTING: Senators Elliott and Martin — 2.

ABSENT: Senators duPont and Holloway — 2.

So the motion, having received the required constitutional majority, prevailed, and the roll call on SB 70 was tabled.

Senator Isaacs moved that the Governor's appointment of Joseph R. Walling now be considered for confirmation by the Senate.

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

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

ABSENT: Senators duPont, Hale and Holloway — 3.

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

On motion of Senator Isaacs, the Governor's appointment of William A. Carter was considered for confirmation by the Senate.

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

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

ABSENT: Senators Cicione, duPont and Holloway — 3.

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

On motion of Senator Isaacs, the Governor's appointment of Harold P. Minner was considered for confirmation by the Senate.

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

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

ABSENT: Senators duPont and Holloway — 2.

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

On motion of Senator Isaacs, the Governor's appointment of George C. Hering, III, was considered for confirmation by the Senate.

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

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

ABSENT: Senators duPont and Holloway — 2.

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

On motion of Senator Isaacs, the Governor's appointment of James J. Horgan was considered for confirmation by the Senate.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

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

ABSENT: Senators duPont, Holloway and Manning — 3.

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

On motion of Senator Elliott, SB 95 was taken up for consideration and read a second time by title only:

SB 95 — "An Act to make a supplementary Appropriation to the Department of Health and Social Services, Division of Mental Retardation Hospital for the Mentally Retarded at Stockley."

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

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

ABSENT: Senators Cicione, duPont, Holloway and Manning — 4.

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

On motion of Senator Zimmerman SB 69 was taken up for consideration and read for the second time by title only:

SB 69 — "An Act to amend Chapter 27, Subchapter II, Title 21 of the Delaware Code relating to revocation of driving licenses for certain offenses, and providing for the issuance of temporary occupational license under certain circumstances."

On request of Senator Zimmerman, the privilege of the floor was extended to George E. Grotz and Myron Steele to speak on the Bill.

The following letter was presented by Senator Elliott to be made part of the record:

DELAWARE STATE POLICE

March 21, 1973

The Honorable David H. Elliott
Dover, Delaware 19901

Dear Senator Elliott:

This letter is being written in response to your inquiry, to express the position of the Division of State Police on Senate Bill 69.

We would acknowledge that the provision for completion of a course of instruction would have a very salutary effect on the future driving habits of persons who have been convicted of operating while under the influence. We believe, however, that the educational requirement should be made an additional criteria to be met before the reissuance of the driver's license.

Although we sympathize with those persons whose driving privilege has been removed for Operating Under the Influence, we oppose the passage of Senate Bill 69 from the standpoint that it would weaken a set of laws that has received nationwide acclaim as being, probably, the most effective drinking driver statutes in the country.

The State Police have worked with many of the present members of the Senate in drafting our existing laws which we believe present an effective deterrent to those who may otherwise drive after excessive alcohol consumption. We do not believe the Amendment which would be effected by Senate Bill 69 is in the best interest of Traffic Safety.

Mr. George Grotz, Alcohol Safety Action Project Director, has in his possession a draft copy of a proposal which would provide for a mandated course of instruction prior to reissuance of one's driver's license. This proposal was drafted several months ago following a meeting of representatives of the Division of State Police, the Division of Motor Vehicles, the Delaware Safety Council, the Federal-State Highway Safety Coordinator's Office, and the Office of Alcohol Safety. A copy of that proposal with a rationale for its consideration is attached. The Division of State Police enthusiastically supports this alternative to Senate Bill 69.

Very truly yours,
(Signed) George J. Bundeck
Superintendent

On motion of Senator Zimmerman, final consideration of SB 69 was deferred.

At 5:35 p.m. on motion of Senator Isaacs, the Senate adjourned until Thursday, March 22, 1973 at 1:30 p.m.

14TH LEGISLATIVE DAY

The Senate was called to order at 2:19 p.m. March 22, 1973, by Lt. Governor Bookhammer.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as read.

The Secretary read the following message from the House:

3-21-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 68; HJR 4; HJR 5 and requests the concurrence of the Senate.

The House also passed SB 21; SS 1 for SJR 6 and is returning same to the Senate.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: SB 113 — 1 Favorable, 4 Merits; SB 75 — 4 Merits; SB 94 — 5 Merits; SB 84 — 1 Favorable, 3 Merits; SB 66 — 2 Favorable, 3 Merits; SB 76 — 3 Favorable, 2 Merits; SB 83 — 5 Merits.

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate: SJR 10 — 3 Favorable, 2 Merits.

Senator Adams introduced SA 1 to SB 130 and requested that it be placed with the Bill.

Senator Elliott introduced SA 1 to SB 54 and requested that it be placed with the Bill.

Senator Murphy (co-sponsor Senator Zimmerman) introduced SR 40 and moved for its adoption.

SR 40 — "Commemorating Mrs. Regina S. Mitten of Dover on her selection as Delaware's Mother of the Year."

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

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

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

The Chair presented the following House Bills and Resolutions:

HJR 2 — "An Act memorializing the Delaware Congressional Delegation to support House Resolution 2920 sponsored by Representative P. S. duPont, IV, dealing with the coordina-

tion of Agencies, Departments and Environmental Factors concerned with the energy problem." Assigned to Community Affairs Committee.

HJR 40 — "Congratulating the Howard High School Basketball Team and its coaches for winning the Delaware High School Basketball Championship." Assigned to Community Affairs Committee.

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

HB 99 w/ HA 1 — "An Act to amend Section 1143, Chapter 11, Title 12, Delaware Code, relating to sale of personal property by State Escheator." Assigned to Finance Committee.

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

Senator Adams introduced **SB 130**:

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

Senator Murphy introduced **SB 131**:

SB 131 — "An Act to amend § 9209, Chapter 92, Title 10, Delaware Code relating to the salaries of Justices of the Peace." Assigned to Finance Committee.

Senator Isaacs, (co-sponsors Cook and Elliott) introduced **SB 132**:

SB 132 — "An Act to amend Chapter 23, Title 7, Delaware Code relating to license requirements for crabbing Boats." Assigned to Natural Resources and Environmental Control Committee."

Senator Isaacs (co-sponsors Cicione, Cook, Holloway, Hughes, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman) introduced **SB 133**:

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

The following message from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

March 22, 1973

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

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

Thomas P. Murray

to be a Court Commissioner,

1108 West 4th Street
Wilmington, Delaware

of the Wilmington Municipal
Court Commission, for a
four-year term from date of
confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, SB 59 was taken up for consideration and given its final reading:

SB 59 — "An Act relating to a survivors pension for Mrs. Robert T. Hoffman, wife of Robert T. Hoffman, an employee of the Newark School District."

On request of Senator Isaacs, the following communications were made part of the record:

NEWARK HIGH SCHOOL

March 22, 1973

To Members of the General Assembly for the State of Delaware

It would be wrong, morally, to technically assess the value and length of service Mr. Robert Hoffman gave to education by simply counting the regular school days and years he was under contract. Mr. Hoffman spent countless hours in the summer, on week ends, and at night preparing equipment and reconditioning and refurbishing facilities for the students of Newark High School over the years. His dedication and conscientious performance I have witnessed and do hereby testify to. I strongly urge careful consideration and, hopefully, your approval of S.B. 59.

(Signed) H. Nelson Freidly, Jr.
Principal

* * * * *

NEWARK YELLOW JACKETS BOOSTERS CLUB

Senator J. Donald Isaacs

Dear Senator Isaacs:

I am writing to you at the request of the entire 68 members of the Newark Football Booster Club.

As you may know the boosters are a group of interested parents genuinely concerned with the development of our youth. We do everything in our power to aid and assist the football coaches and school toward developing worthwhile future adults.

The 68 members earnestly urge you to pass Senate Bill 59. We unanimously are in favor of this Bill, for we, more than most, are completely aware of the efforts put forth by Coach Robert Hoffman.

He voluntarily worked diligently and vigorously, evenings, weekends and throughout the entire summer, — for 14 years. Isn't this worth 12½ days?

To be blunt about it, we feel it is this dedication and sincere interest in our youth that grossly contributed to his

untimely death.

If it weren't for his sincere desire to do the very best for them, if it weren't for his willingness to put forth a gross effort for his students, if it weren't for his most sincere dedication, he would surely have exceeded the 12½ days needed to be eligible for a survivor's pension.

If ever a situation demanded special consideration, surely this one does.

We feel confident that you will consider these points and that you will deal fairly and justly by doing all in your power to pass Senate Bill 59.

Sincerely
(Signed) E. R. Rapone
President

* * * * *

NEWARK SCHOOL DISTRICT

February 23, 1973

The Honorable J. Donald Isaacs

Dear Senator Isaacs:

You will be interested in knowing that the Newark Board of Education took official action on Tuesday, February 20, 1973, to support Senate Bill 59 which involves providing a survivor's pension for Mrs. Robert T. Hoffman, wife of Bob Hoffman, who died 58 days short of qualifying for such a pension. The Board appreciated your introduction of this Bill, and has written to other legislators of this area as well as the Governor asking for support of this legislation.

Please let us know if there is anything additional that the Newark Board of Education or administration can do in assisting you in the passage of this Bill.

Very truly yours,
(Signed) George V. Kirk
Superintendent and Executive Secretary

* * * * *

UNIVERSITY OF DELAWARE

February 21, 1973

Mr. J. Donald Isaacs

Dear Mr. Isaacs:

I would like to encourage the passage of Senate Bill 59 which would provide the late Coach Robert Hoffman's family with survivor's pension benefits. Those of us who knew Coach Hoffman were well aware of the outstanding contributions he made to the community. In addition to this, there was never a more dedicated person who gave so much of himself and of his time.

Sincerely,
Harold R. Raymond
Head Football Coach

* * * * *

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

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

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

On motion of Senator Zimmerman, the roll call on SB 70 was lifted from the table and announced to be:

YES: Senators Adams, Castle, Cicione, Cook, Holloway, Hughes, Isaacs, Kearns, Murphy, Schlör, Zimmerman — 11.

NO: Senators Cordrey, Elliott, Hale, Jarvis, Manning, Martin, Steele — 7.

NOT VOTING: Senators Berndt and McCullough — 2.

ABSENT: Senator duPont — 1.

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

At 3:00 p.m. the Senate recessed for a half-hour on the motion of Senator Isaacs.

The Senate reconvened at 4:25 p.m.

Senator Cicione, Chairman of the Public Safety Committee, reported back to the Senate: SB 13 — 5 Merits; SB 92 — 5 Merits.

Senator Elliott, Chairman of the Administrative Services Committee, reported back to the Senate: SB 86 — 3 Merits.

Senator Elliott introduced SB 134:

SB 134 — "An Act making a supplementary appropriation to the Howard T. Ennis School, Indian River School District to be used for a summer program for the training mentally handicapped pupils of Sussex County." Assigned to Health and Social Services Committee.

On motion of Senator Hale, HB 39 w/ HA 1, 2 was taken up for consideration and read for the final time by title only:

HB 39 w/ HA 1, 2 — "An Act returning Arden School and its site to the Trustees of Arden."

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

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

ABSENT: Senators Cicione and Schlör — 2.

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

Senator Isaacs, Chairman of the Executive Committee, reported back to the Senate: SJR 12 — 3 Favorable, 2 Merits; SJR 11, — 5 Merits.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 112 — 2 Favorable, 3 Merits; SS 1 for SB 29 — 2 Favorable, 3 Merits; SB 77 — 5 Merits.

Senator Cicione introduced SB 135:

SB 135 — "An Act to amend Chapter 13, Part I, Title 19 of the Delaware Code relating to Public Employees, and providing a limited right to strike." Assigned to Labor and Industrial Relations Committee.

Senator Cordrey (co-sponsors Adams, Holloway, Hughes, Kearns, Martin, Murphy) introduced SB 136:

SB 136 — "An Act to amend § 701, Chapter 7, Title 14 of the Delaware Code relating to authority of teachers and administrators in the Public Schools to administer corporal punishment." Assigned to Education Committee.

Senator Murphy introduced SB 137:

SB 137 — "An Act to amend Section 503, Title 31, Delaware Code, by providing alternative methods for the delivery of monetary assistance." Assigned to Health and Social Services Committee.

Senator Martin (co-sponsor Senator Adams) introduced SB 138

SB 138 — "An Act arranging for the reinterment of John Collins, a former Governor of the State of Delaware, and certain members of his family, and providing a supplemental appropriation therefor." Assigned to Community Affairs Committee.

Senator Cordrey introduced SB 139:

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

Senator Jarvis introduced SA 1 to SB 13 and requested that it be placed with the Bill.

Senator Zimmerman introduced SA 1 to SB 71 and requested that it be placed with the Bill.

On motion of Senator Steele, SB 121 was taken up for consideration and read for the final time by title only:

SB 121 — "An Act authorizing a transfer of appropriated funds within the Department of Public Safety to meet emergency salary requirements."

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

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

ABSENT: Senators duPont and Hale — 2.

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

The Secretary read the following message from the House:

3-22-73

Mr. President:

The House wishes to inform the Senate that it has passed S 1 for HB 13 w/ HA 1; HB 142 and requests the concurrence of the Senate.

The Chair presented the following House Bills:

HS 1 for HB 13 w/ HA 1 — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code pertaining to escape and other offenses relating to custody." Assigned to Judiciary and Elections Committee.

HB 142 — "An Act to amend Subchapter 111, Chapter 3, Title 9, of the Delaware Code relating to award of contracts for public work or goods." Assigned to Community Affairs Committee.

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: **SB 134** — 5 Merits.

Senator Elliott requested that the name of Senator Kearns be added to **SB 7**.

At 5:00 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. March 27, 1973.

The Senate reconvened at 2:10 p.m., March 27, 1973, Lt. Governor Bookhammer presiding.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate: **SB 53 w/ SA 1** — 2 Favorable, 2 Merits; **SB 63** — 5 Favorable; **SB 88** — 4 Merits; **SB 130 w/ SA 1** — 4 Merits; **SB 138** — 3 Favorable, 1 Merits; **SB 139** — 4 Merits; **SJR 9** — 1 Favorable; 3 Merits; **HB 142** — 5 Favorable; **HB 54** — 5 Merits; **HB 75** — 4 Favorable; **HB 77** — 5 Merits; **HB 85** — Merits; **HJR 2** — 1 Favorable, 3 Merits, 1 Unfavorable; **HJR 4** — 4 Merits.

Senator Zimmerman introduced **SB 140**:

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

At 2:15 p.m. the Senate adjourned to immediately reconvene for the 15th Legislative Day.

15TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:15 p.m. March 27, 1973.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as read.

Senator Hale, Chairman of the Education Committee, reported back to the Senate **SB 17** — 3 Favorable, 1 Merits.

Senator Kearns introduced **SR 41** and moved that it be adopted.

SR 41 — "Congratulating Miss Judith Grezlikowski for winning the American Legion Oratorical Contest in Delaware and inviting her to present her speech to the Delaware State

Senate before going on to the regional competition in Pennsylvania.”

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

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

ABSENT: Senator Holloway — 1.

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

Senator Steele, Chairman of the Finance Committee, reported back to the Senate HB 99 w/ HA 1 — 1 Favorable; 3 Merits.

Senator Elliott (co-sponsor Senator Martin) introduced SB 141:

SB 141 — “An Act to Amend Chapter 13, Title 14, Delaware Code relating to salaries and working conditions of school employees, to include provision for the payment of salary for unused sick leave days.” Assigned to Education Committee.

Senator Castle introduced SS 1 for SB 109:

SS 1 for SB 109 — “An Act to amend Chapter 23, Title 12, Delaware Code, relating to accounting for and distribution of decedents’ Estates.”

On motion of Senator Castle, the Substitute was adopted in lieu of the Original Bill.

On motion of Senator Manning, **SJR 10** was taken up for consideration and read for the final time by title only:

SJR 10 — “Recognizing the importance of today’s secretary in industry, the professions, and government and proclaiming the Week of April 22 through April 28 as Secretaries’ Week.”

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

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

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

On motion of Senator Elliott, SS 1 for SB 29 was taken up for consideration and read for the final time by title only:

SS 1 for SB 29 — “An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control.”

On request of Senator Elliott, the privilege of the floor was extended to Charles Lesser, Department of Natural Resources, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Kearns, Manning, Martin, Murphy, Zimmerman — 15.

NOT VOTING: Senators Hughes, Isaacs, Jarvis, McCullough, Schlor, Steele — 6.

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

On motion of Senator Manning, HB 54 was taken up for consideration and read for the final time by title only:

HB 54 — "An Act to amend Chapter 27, Volume 49, Laws of Delaware, as amended, entitled "An Act to re-incorporate the Town of Laurel" to provide for the appointment of the Chief of Police for an indefinite term."

On request of Senator Manning, the privilege of the floor was granted to Representative Gordy to speak on the Bill.

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

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

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

On motion of Senator Elliott, SB 134 was taken up for consideration and read for the final time by title only:

SB 134 — "An Act making a supplementary appropriation to the Howard T. Ennis School, Indian River School District to be used for a Summer Program for the trainable mentally handicapped pupils of Sussex County."

On request of Senator Elliott, the privilege of the floor was extended to James S. Evans to speak on the Bill.

On motion of Senator Elliott, final action on the Bill was deferred.

On motion of Senator Holloway, SJR 11 was taken up for consideration and read for the final time by title only:

SJR 11 — "Providing for the establishment of a Committee to study the feasibility of erecting a memorial in honor of Delaware Servicemen who have fought for their country in the Southeast Asia conflict."

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

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

NO: Senator Hale — 1.

NOT VOTING: Senator Hughes — 1.

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

On motion of Senator Isaacs, SB 92 was taken up for consideration and read for the final time by title only:

SB 92 — "An Act to amend Sections 101, 2121 and 2151, Title 21, Delaware Code, relating to the issuance of special plates for recreational vehicles."

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

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

NOT VOTING: Senators Isaacs, — 1.

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

On motion of Senator Cook, SJR 12 was taken up for consideration and read for the final time by title only:

SJR 12 — "Reaffirming that Delaware be known as "The First State."

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

YES: Senators Adams, Castle, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 15.

NO: Senator Cordrey — 1.

NOT VOTING: Senators Berndt, duPont, Hale, McCullough and Steele — 5.

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

On motion of Senator Elliott, SB 76 was taken up for consideration and read for the final time by title only:

SB 76 — "An Act to amend Chapter 7, Part II, Title 29 of the Delaware Code relating to travel by Legislators who have been defeated or who have resigned or retired."

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

On motion of Senator Steele, SB 117 was taken up for consideration and read for the final time by title only:

SB 117 — "An Act to amend Subchapter III, Chapter II, Title 12 of the Delaware Code relating to unclaimed life insurance funds."

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

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

ABSENT: Senators Cicione, duPont and Schlör — 3.

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

On motion of Senator Steele, HB 99 w/ HA 1 was taken up for consideration and read for the final time by title only:

HB 99 w/ HA 1 — "An Act to Amend Section 1143, Chapter 11, Title 12, Delaware Code, relating to sale of personal property by State Escheator."

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

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

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Cicione, Holloway and Schlor — 3.

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

On motion of Senator Elliott, SB 52 was stricken.

On motion of Senator Jarvis, SB 13 was taken up for consideration and read for the final time by title only:

SB 13 — "An Act to amend Chapter 41, Title 21 of the Delaware Code relating to the operation of a motor vehicle while under the influence of intoxicating liquors or drugs."

Senator Jarvis moved that SA 1 to SB 13 which had been previously placed with the Bill, now be adopted.

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

YES; Senators Berndt, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 15.

NOT VOTING: Senators Adams, Castle, Cicione, Elliott, Isaacs, Schlor — 6.

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

Senator Jarvis moved for passage of SB 13 w/ SA 1.

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

YES: Senators Berndt, Cook, Cordrey, duPont, Hale, Holloway, Hughes, Jarvis, Kearns, Martin, McCullough, Murphy, Steele, Zimmerman — 14.

NO: Senators Adams, Elliott and Schlor — 3.

NOT VOTING: Senators Castle, Cicione, Isaacs and Manning — 4.

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

On motion of Senator Elliott the following letter was made part of the record:

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

OPINION TO:

Kenneth C. Madden
State Superintendent
Department of Public Instruction

OPINION BY:

Dover, Delaware 1990l
Richard S. Gebelein
Deputy Attorney General

- QUESTION: 1. In the light of recent federal court opinions, is 14 Del. C. § 1703 constitutional?
2. If 14 Del. C. 1703 is unconstitutional, can the State Board of Education permit growth in the units available for learning disabilities and units for socially or emotionally maladjusted children beyond the limits set by this section?

REQUEST NO. 2S-512

ANSWERS:

1. The limits set upon the number of units available for children with learning disabilities are unconstitutional.

2. The State Board may allow growth in number of units for children with learning disabilities beyond the limits set by 14 Del. C. s, R1703.

It has been established by the Legislature pursuant to authority granted by the Constitution of Delaware, Article X, Section 1 that:

"The public schools of this State shall be free to persons who are residents of this State and who are between the ages of 6 and 21 years when they are attending grades 1 through 12." 14 Del. C. § 202(a).

The Legislature has also provided for the establishment of special schools for exceptional students. 14 Del. C. § 203, § 3103. The State therefore has undertaken to provide education for all of the children of Delaware. The Legislature expressed this policy when it passed legislation amending Chapter 31 (dealing with exceptional children) of Title 14 to its present form. In the preamble to that Bill, the Legislature stated:

"WHEREAS, it is the obligation of the State of Delaware to provide education and training opportunities all of its children but at this time certain children of limited ability and certain others of more than usual ability are not receiving an adequate education. " 51 Del. Laws, ch. 287.

The legislature then went on to mandate that:

"The State Board of Education and the local school boards shall provide and maintain, under appropriate regulations, special classes and facilities wherever possible to meet the needs of all handicapped, gifted, and talented children recommended for special education or training who come from any geographical area within the State that can be served by such special facilities." 14 Del. C. § 3103.

In funding the Delaware schools, the Legislature has provided a "unit" system of funding. That system provided that the funds each district receives from the State are primarily determined by the number of "units" of pupils attending school in that district. 14 Del. C. § § 1705, 1706, 1707. These "units"

of pupils are then defined by the Legislature in 14 Del. C. §1703. Basically a "unit" of pupils is 25 pupils in grades 1 through 6 and 20 pupils in grades 7 through 12.

The legislature in recognizing the necessity for special training for exceptional students and the higher cost thereof, provided an exception to the "unit" size:

"In the cases of exceptional children, the following conditions for the calculations of the number of units shall prevail: classes for the socially or emotionally maladjusted, 1 unit for 10 children; For those children in the classification designated as having 'learning disabilities' the unit shall be 8 . . ." 14 Del. C. §1703.

The total number of such special units (and therefore the total amount of special funding) available throughout the State was initially limited by the following provision:

"All such units must be authorized by the State Board of Education under rules and regulations promulgated by the Board, with the total number of units for exceptional children authorized in all school districts subject to a limitation of 8½% of the total number of regular units (total units less kindergarten, vocational and exceptional children) in the State for the 1970-71 fiscal year, 9% of the total number of regular units in the State for the 1971-72 fiscal year, and 10% of the total number of regular units in the State of the 1972-73 fiscal year and thereafter." 14 Del. C. §1703.

This section was amended by 58 Del. Laws, ch. 228 to delete the numerical limits set by that section and substitute a limit on the growth of the number of certain of such units for the fiscal years ending 1972 and 1973. That Amendment (58 Del. Laws, ch. 228) then freezes the number of those "units" to be allocated after the 1972-73 fiscal year until or unless there is subsequent action by the Legislature. The new §1703 reads:

"All such units must be authorized by the State Board of Education under rules and regulations promulgated by such Board.

"The growth in the total number of state units certified for 'Learning Disabilities' for each of the fiscal years ending June 30, 1972 and 1973 shall be limited to 10% of such total state units certified as of September 30 of the preceding year, and the growth in the total number of state units certified for 'Social or Emotionally Maladjusted' for each of the fiscal years ending June 30, 1972 and 1973 shall be limited to 10% of such total state units certified as of September 30 of the preceding year, and no further growth in the total number of such total state units shall be allowed for subsequent fiscal years without the approval of the General Assembly. All such new units shall be allocated to school districts by the State Superintendent of Public Instruction no later than March 1 of each year."

Therefore, the number of other special units available throughout the state is now limited only to approval by the State Board, and, of course, by the amount of funding appropriated by the Legislature.

In addition, it is further provided with regard to each individual school district that:

"No school district shall be entitled to enroll more than 2% of its enrollment in this category described as 'Learning disability'." 14 Del. C. §1703.

Which children are to be included in the class to be called "learning disability" is to be determined by an evaluation conducted by an evaluation and placement committee who shall evaluate each candidate for this category and recommend placement to the parents. 14 Del. C. §1703.

It is clear, therefore, that the State of Delaware has undertaken to educate its exceptional children. The question remaining is whether the limits created by the Legislature with regard to the number of children who can be counted as exceptional in determining "units" of pupils are constitutional.

In considering this question, it is necessary to examine the effect that the present statutory scheme has on the local districts and the students of those districts. The law provides that no district may have more than 2% of its students classified as "learning disability". The result of this limitation is that the State provides the same amount of assistance to the district which factually has 2% of its children in the 'learning disability' category and the district which actually has 5% of its children in this category. It is therefore obvious that the child born in the district with a higher percentage of exceptional children receives less state assistance for his special education than does a child in another district having less exceptional children. It has been held that once a State has chosen to aid its exceptional children, that assistance must be provided on an equal basis. *Mills v. Board of Education*, 348 F. Supp. 886 (D.C.D.C. 1972). That is to say that the limit of 2% imposed on each district is arbitrary and has no relation to the actual number of children in that district who could properly be classified as "learning disability".

It is clear therefore that the 2% limit placed by the Legislature on the number of learning disability "units" to each school board is unconstitutional. The State is treating its citizens unequally depending on the district in which they reside. Some statistics submitted to this office indicate a large disparity among the school districts with regard to children classified as "learning disability" and "socially or emotionally maladjusted." It has been pointed out, for example, that Appoquinimink District had 173 pupils out of a total of 2405 classed as either "learning disability" or "socially or emotionally maladjusted" while Indian River District has only 43 pupils in those classifications out of a total pupil population of 6274.

In the light of the equal protection problem noted above, the recent federal court decision in the District of Columbia,

Mills. v. Board of Education, supra, and the consent decree entered in a federal court case in Pennsylvania, Pennsylvania Ass'n Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257, further proceedings 343 F. Supp. 279 (E.D. Pa. 1971), it would appear that the 2% limitation imposed by the Legislature does not pass constitutional muster.

It should be noted, however, that the statute in Delaware deals with the funding of school districts and not with the actual furnishing of education. We are not dealing with the situation where children are being denied an education but with the amount of state aid the local districts receive to furnish that special education. The amount of support provided to the school districts is a matter of legislative discretion and is limited only by the terms of the state and federal constitutions. A limit could be placed upon the total amount of funding available to the local districts for exceptional children, but such a limit would have to be applied so that each child would have an equal opportunity to the benefits of such aid; that is to say, the aid must be provided to the districts in proportion to the actual number of children in the class being assisted.

Under the present law, the "units" available for "learning disability" children are restricted to what they were under the previous law, plus a percentage growth. That percentage increase is based on the number of "units" awarded previously under the 2% limitation and therefore is also invalid for the same reasons. Such a growth percentage limitation would be valid if placed on total number of "units" available, if those "units" were then apportioned according to the school districts' actual number of eligible children.

The Legislature also had provided a further limitation on the total number of all special "units" available to local school districts, but that law was amended by 58 Del. Laws, ch. 228. That amendment places no limit on any special units except those for the "learning disability" and "socially or emotionally maladjusted" classifications. That limit fails with regard to the classification "learning disability" for the reasons stated above. It is, however, effective with regard to the "Socially or emotionally maladjusted" classification subject, however, to the provision that such "units" are apportioned among the local districts in relation to the number of children in that classification in each district and nor on an arbitrary basis.

It would appear, therefore, that with regard to the "learning disability" classification, the Board should allow a growth in the number of "units" available to provide for all children in that classification until remedial legislation can be passed by the General Assembly. It is clearly the intent of the Legislature that such children be assisted and the invalidity of the limit upon the number of "units" available does not invalidate the availability of such "units". Such additional "units" could be funded from the contingency appropriation in the annual budget.

It is the suggestion of this office that the Department should seek remedial legislation in this area from the General Assembly.

If we can be of any further assistance, please do not hesitate to call upon us.

Yours very truly,
(Signed) Richard S. Gebelein
Deputy Attorney General

APPROVED BY:

(Signed) W. Laird Stabler, Jr.
Attorney General

Senator Isaacs (co-sponsor Senator Cook) introduced SR 42 and moved that it be adopted.

SR 42 — "Authorizing payments for services rendered by the Staff of the Senate for the 127th General Assembly."

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

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

NOT VOTING: Senator Manning — 1.

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

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

Senator Elliott, Chairman of the Health and Social Services Committee, reported back to the Senate: SB 123 — 2 Favorable, 3 Merits; SB 120 — 3 Favorable, 2 Merits.

Senator Murphy introduced SA 2 to SB 53 and requested that it be placed with the Bill.

Senator Cicione introduced SB 142 :

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

Senator Holloway introduced, SB 143:

SB 143 — "An Act to authorize the State of Delaware to loan moneys to Nursing Homes for the improvement of Nursing Home facilities and authorizing the State of Delaware to borrow money to be used therefor and to issue bonds and notes therefor and appropriating the money borrowed to the Nursing Home Improvement Fund to be administered by the State Board of Health." Assigned to Finance Committee.

Senator Murphy introduced SB 144:

SB 144 — "An Act amending Chapter 14, Title 24 of the Delaware Code, relating to Electrical Contractors." Assigned to Administrative Services Committee.

Senator Manning introduced SB 145:

SB 145 — "An Act to lower the compulsory attendance age requirements in the Public School system of Delaware." Assigned to Education Committee.

Senator Cicione (Honorary co-sponsor Representative Ambrosino) introduced SB 146:

SB 146 — "An Act to provide a supplementary appropriation to the Division of Vocational Rehabilitation of the Department of Labor to continue the public assistance rehabilitation Program." Assigned to Finance Committee.

Senator Steele introduced SB 147:

SB 147 — "An Act authorizing the Treasurer of the State of Delaware to advance from the General Fund of the State of Delaware to the State Department of Public Instruction amounts not to exceed \$135,000 in total to expedite the replacement of the heating system at the Manor Park Elementary School in the New Castle-Gunning Bedford School District." Assigned to Finance Committee.

Senator Elliott introduced SJR 13:

SJR 13 — "Praising the Delaware Agricultural industry for its value to the State and thanking all groups and individuals responsible for the industry's outstanding third annual dinner, honoring the Governor and Members of the 127th General Assembly." Assigned to Community Affairs Committee.

Senator Elliott introduced SCR 12 and moved that it be adopted.

SCR 12 — "Memorializing Delaware's Congressional Delegation to request that the Army Corps of Engineers and the United States Coast Guard provide additional safety devices to prevent future bridge disasters on the Chesapeake and Delaware Canal."

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

YES: Senators Berndt, Castle, Cook, Elliott, Hale, Holloway, Jarvis, Kearns, Manning, Murphy, Steele — 11.

NO: Senator McCullough — 1.

NOT VOTING: Senators Adams, Cordrey, Hughes, Isaacs, Martin, Schlör and Zimmerman — 7.

ABSENT: Senators Cicione and duPont — 2.

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

At 5:02 p.m., on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. March 28, 1973.

16TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:17 p.m., March 28, 1973.

Prayer by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

PRESENT: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Jarvis,

Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 20.

ABSENT: Senator duPont — 1.

The Journal of the previous day was approved as read.

At request of Senator Cordrey, the privilege of the floor was granted to James R. Harrison, Jr., representing the Future Farmers of America.

At request of Senator Kearns, the privilege of the floor was extended to William W. Craig of the American Legion and Judi Grezlikowski who presented her prize-winning speech.

Senator Schlör introduced SB 148:

SB 148 — "An Act to amend Chapter 43, Part III, Title 31 of the Delaware Code relating to the Wilmington Housing Authority." Assigned to Judiciary and Elections Committee.

Senator Murphy introduced SA 1 to SB 144 and requested that it be placed with the Bill.

Senator Hughes introduced SA 1 to SB 118 and requested that it be placed with the Bill.

Senator Isaacs, Chairman of the Natural Resources and Environmental Control Committee, reported back to the Senate: SB 101 — 2 Favorable, 2 Merits.

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate SJR 13 — 4 Favorable.

The Secretary read the following message from the House:

3-28-73

Mr. President:

The House wishes to inform the Senate it has passed HB 30; HB 53; HB 61 w/ HA 4; HB 131; HB 140 w/ HA 1 and requests the concurrence of the Senate.

Senator Kearns (co-sponsors Berndt and Jarvis) introduced SB 149:

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

Senator Kearns (co-sponsors Berndt and Jarvis) introduced SB 150:

SB 150 — "An Act to amend Subchapter 4, Chapter 47, Title 16 of the Delaware Code providing for lesser penalties for the possession or consumption of marijuana." Assigned to Judiciary and Elections Committee.

The Chair presented the following House Bills:

HB 30 — "An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to eligibility for parole." Assigned to Judiciary and Elections Committee.

HB 53 — "An Act relating to Terrence S. Truitt, deceased, a former active member of the Delaware State Police, and the eligibility of his widow and children for a pension." Assigned to Finance Committee.

HB 61 w/ HA 4 — "An Act to amend Chapter 43, Title 21 of the Delaware Code relating to the equipment and construc-

tion of motor vehicles." Assigned to Highways, Transportation and Insurance Committee.

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

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

Senator Castle introduced SB 151:

SB 151 — "An Act to amend Title 25 of the Delaware Code relating to property and providing for a Federal Tax Lien Registration Act." Assigned to Judiciary and Elections.

Senator Cordrey, Chairman of the Agriculture Committee, reported back to the Senate SB 114 — 2 Favorable, 2 Merits.

Senator Steele, Chairman of the Finance Committee, reported back to the Senate: SB 125 — 5 Merits; SB 147 — 1 Favorable, 4 Merits.

On motion of Senator Manning, HB 85 was taken up for consideration and read for the final time by title only:

HB 85 — "An Act to amend an Act entitled "An Act to reincorporate the City of Lewes" and providing authorization for councilmen to sign appropriations warrants pursuant to ordinances or resolutions."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Jarvis, Kearns, Manning, Martin, Murphy, Steele — 16.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators duPont, Hughes, Schlor and Zimmerman — 4.

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

On motion of Senator Martin, SB 138 was taken up for consideration and read for the final time by title only:

SB 138 — "An Act arranging for the Reinterment of John Collins, A former Governor of the State of Delaware, and certain members of his family, and providing a supplementary appropriation therefore."

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

On motion of Senator Manning, HB 75 w/ HA 1 was taken up for consideration and read for the final time by title only:

HB 75 w/ HA 1 — "An Act to empower and direct the Department of Administrative Services to grant a long term lease to the Capitol Little League, allowing the Capitol Little League to occupy a portion of certain premises owned by the State of Delaware."

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

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

YES: Senators Adams, Cicione, Cordrey, Hale, Holloway, Hughes, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 15.

NO: Senators Berndt and Isaacs — 2.

NOT VOTING: Senators Castle and Elliott — 2.

ABSENT: Senators Cook and duPont — 2.

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

At 4:18 p.m. a 15-minute recess was taken on motion of Senator Isaacs.

The Senate reconvened at 4:58 p.m.

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

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

Final action of the Bill was deferred until April 10.

Senator Isaacs moved that the Senate adjourn until 1:30 p.m. March 29, 1973.

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

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

NO: Senators Berndt, Castle, Hale, Jarvis, Manning — 5.

ABSENT: Senators Cicione and duPont — 2.

So the motion prevailed, having received the required constitutional majority, and the Senate adjourned at 5:25 p.m.

17TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:34 p.m. March 29, 1973.

A prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

ABSENT: Senator Castle — 1.

The Journal was approved as read.

The following communication was presented by Senator Holloway and, at his request, made part of the record:

DEPARTMENT OF PUBLIC SAFETY

March 22, 1973

The Honorable Herman M. Holloway

Dear Senator Holloway:

I respectfully request your indulgence as I attempt to cover an existing situation which you may be questioned about sometime in the next few months. I fully realize it is nice to be prepared with the right answer if questioned by a constituent, and I trust this letter will clarify some points.

During my tenure in office (3 years), we have been acutely aware that we were faced with a most serious problem; the anticipated renovation of our inspection facility at 8th and Bancroft Parkway in Wilmington, Delaware.

While conducting an inspection of 8th & Bancroft, it was immediately apparent that we had an obsolete building that was not only uninhabitable for the citizens of Delaware, but presented appalling working conditions for our Motor Vehicle employees.

The Inspectors and Examiners ate their lunch in the boiler room next to a toilet. You can imagine the unsavory odors that permeated the area. I am quite sure, if the situation were pursued, we would have been in violation of the health and fire codes.

On several occasions children got caught in the ancient revolving doors at the facility. The furniture was old and in disrepair and almost daily our employees made their own minor repairs. The Lane Manager, Mr. Paul DiEleuterio, asked for volunteers; and on a Saturday those dedicated men borrowed some equipment and steam cleaned the walls of the lanes. (I am sure this had not been done for thirty years.) Then with paint the men obtained themselves (no cost to the State), they painted the inspection aisles. The female employees made drapes, etc. (again no cost to the State) in an attempt to make the place a little more livable. Dinner platter sized chunks of plaster were falling from the ceiling of the lanes onto cars which were being inspected.

We were aware that our only alternative was to completely close down our 8th & Bancroft Facility taking into consideration the safety of both employees and customers. We immediately began to search for an alternate location which would be convenient to the citizens of Northern New Castle County. At the same time, we were aware that no type of portable inspection equipment was available. This necessitated all vehicle inspection having to be handled at the New Castle Inspection Lanes. We met with Lane Managers, Supervisors, and lane employees and stressed the fact that business would double for the next six or seven months. Of necessity, there would be waiting lines both inside and outside. For the month of March (heaviest month), New Castle Lanes will be inspecting 25,000 vehicles (not counting return rejects which could be 4,000). The employees knew they would be working to near exhaustion and

would be getting gripes from the public, but each and every one accepted his added tasks with a smile.

In the interim a search was conducted for a suitable alternate facility in Wilmington to handle all other motor vehicle functions except the actual physical inspection of the vehicle.

PLEASE NOTE: No State Buildings were available except the Armory which we could not afford.

Through the diligent search of my Lane Manager, Mr. Paul DiEleuterio, we located a gymnasium owned by St. Thomas the Apostle Church. The location is 2100 West 4th Street, just four blocks from our former location.

We were able to lease the gymnasium for \$4500 for eight months including heat and electric. We then arranged for minor repairs and telephone installation. In less than 16 hours the complete move took place and it was business as usual (out of operation only two working days). Our Maintenance Supervisor constructed counters, etc. The employees made files out of cardboard boxes and brought in contact paper to cover the counters (out of their own pockets). All employees that could possibly be spared were transferred from the gymnasium to the New Castle Lane in anticipation of the added load which would descend on that location. Included were Motor Vehicle Inspectors, Typists and Cashiers. (Please bear in mind that this was being accomplished with no increase in personnel or operating budget.) We still had to maintain enough of a working force at the gymnasium to accommodate the people going to that location for all the other motor vehicle business. The two Northern Lane Managers keep in constant touch with each other pertaining to work load and manpower needs. Personnel are moved back and forth daily as particular needs manifest themselves.

Historically, we have found that Wednesday is our busiest workday (12 noon to 8:30 p.m.). So each Wednesday additional personnel, including the Director, go from the Dover area to New Castle Lanes to further attempt to ease the work load. It must be pointed out that all areas in the State still have to be serviced, and business in all three counties still has to proceed as usual. It does not behoove us to strip bare the rest of the State.

We were faced with two alternatives: Face the music and do the job that had to be done, knowing that there would be criticism and complaints about waiting lines which would be inevitable; or lie dormant, hide the facts, patch up the old facility, pretend we had no problems, and spread oil on the waters. In the latter case, dumping our problems in someone else's lap two or three years hence. We chose the former course of action which was the only honest choice to make. It was even asked why we did not extend our hours and work weekends. I believe the answer is clear. Our employees are unionized and we are certainly not budgeted to pay time and a half or double time.

PLEASE NOTE: The Lane Manager at the New Castle

Lane is running four dinner hours. On many occasions normal dinner hours are voluntarily forfeited by employees.

In summation, the Motor Vehicle Division is attempting to provide the best possible interim service so that the citizens of Delaware can have a much nicer facility in the City of Wilmington. These dedicated employees need a pat on the back and a work of encouragement, and I guarantee they will get the job done to the best of their ability.

I trust that the foregoing will answer some of your questions and that whenever the opportunity presents itself you will be our "Ambassador of Good Will".

Warm Personal Regard,
(Signed) William J. Warren, Jr.
Director, Motor Vehicles

On motion of Senator Isaacs, the Governor's nomination for appointment of Thomas P. Murray was taken up for consideration.

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

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

ABSENT: Senator Castle — 1.

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

Senator Steele, Chairman of the Finance Committee, reported back to the Senate HB 131 — 1 Favorable, 4 Merits.

Senator Holloway introduced SB 152:

SB 152 — "An Act to amend Chapter 11, Part II, Title 30 of the Delaware Code relating to the State Personal Income Tax, and providing for a subtraction of certain taxes from taxable income."

At the request of Senator Holloway, the Bill was immediately stricken.

Senator Holloway introduced SB 153:

SB 153 — "An Act to amend Subchapter VI, Chapter 5, Title II of the Delaware Code relating to the Delaware Criminal Code, with specific reference to fraud perpetrated against a Public Agency." Assigned to Judiciary and Elections Committee.

Senator Hughes (Senator Berndt as co-sponsor) introduced SB 154:

SB 154 — "An Act to amend Title 17, Delaware Code, authorizing the Department of Highways and Transportation of the State of Delaware to construct, maintain, repair, improve and operate self-liquidating express highways from a point in the vicinity of U.S. Route 13 below Dover near Woodside to points at or near the Delaware Turnpike to be known as the "Delaware Expressway"; establishing the status, powers, duties, and authority of the Department with respect to such express highways; providing for the financing of such highways by

revenue bonds and providing for an Expressway Division of the Department of Highways and Transportation of the State of Delaware." Assigned to Highways, Transportation and Insurance Committee.

Senator Cicione introduced SB 155:

SB 155 — "An Act to amend Delaware Code, Title 14, Chapter 36, relating to education and providing financial aid to children of deceased veterans and others." Assigned to Education Committee.

Senator Jarvis (co-sponsors Berndt, duPont, Elliott, Hale, Hughes, Manning and Steele) introduced SB 156:

SB 156 — "An Act to amend Chapter 13, Part II, Title 9 of the Delaware Code relating to New Castle County, and the compensation received by each member of the Board of Adjustment." Assigned to Community Affairs Committee.

Senator Schlör (co-sponsor Senator Holloway) introduced SB 157:

SB 157 — "An Act to amend Chapter 10, Part I, Title 14 of the Delaware Code relating to the reorganization of present School Districts." Assigned to Education Committee.

Senator Cook (Senator Isaacs co-sponsor) introduced **SB 158**; **SB 158** — "An Act to Amend Chapter 7, Title 24, Delaware Code, relating to the eligibility of Chiropractic Physicians for compensation from insurance, group hospital services and related plans." Assigned to Highways, Transportation and Insurance Committee.

Senator Elliott moved that **SB 158** be placed in Health and Social Services Committee.

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

YES: Senators Berndt, duPont, Elliott, Hale, Jarvis and Manning — 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör — 12.

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Castle and Zimmerman — 2.

So the motion, having failed to receive the required constitutional majority, was defeated and the Bill remained in the Highways, Transportation and Insurance Committee.

The Secretary read the following message from the House:

3-28-73

Mr. President:

The House wishes to inform the Senate that it has passed **HS 1** for **HB 104**; **HB 164**; **HB 152**; **HCR 6** and requests the concurrence of the Senate.

The House also passed **SCR 10** and is returning same to the Senate.

The Chair introduced the following House Bills: **HS 1** for **HB 104** — "An Act to amend Section 1199, Chapter 11, Title 30, Delaware Code, relating to payment of interest on over-payments of personal income tax." Assigned to Finance

Committee.

HB 152 — "An Act to amend the Charter of the City of Newark." Assigned to Community Affairs Committee.

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

HCR 6 — "Requesting the New Castle County Executive to postpone the enactment and implementation of the recently completed reassessment of New Castle County for one year." Assigned to Community Affairs Committee.

At 3:15 p.m., the Senate recessed for a thirty-minute period.

The Senate reconvened at 4:15 p.m.

On motion of Senator Manning **HJR 4** was taken up for consideration and given its final reading by title only:

HJR 4 — "Congratulating the Howard High School Basketball Team and its coaches for winning the Delaware High School Basketball Championship."

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

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

ABSENT: Senators Castle, Cicione, Cook and McCullough — 4.

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

On motion of Senator Steele, **SB 17** was taken up for consideration and read for the final time by title only:

SB 17 — "An Act to amend Chapter 1, Subchapter 1, Title 14 Delaware Code relating to State Board of Education composition, organization and administration."

Senator Steele introduced **SA 1** to **SB 17** and moved that it be adopted.

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

YES; Senators Adams, Berndt, Cook, Cordrey, duPont, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Castle, Cicione, Jarvis and McCullough — 4.

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

On request of Senator Zimmerman, the following communication was read and made part of the record:

**AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
WILMINGTON DELAWARE BRANCH, INC.**

March 21, 1973

Senator Jacob W. Zimmerman

Dear Senator Zimmerman:

RE: Senate Bill 17 Changing the Composition
of the State Board of Education

The Delaware Division and the Wilmington Branch of the American Association of University Women have studied Senate Bill 17 and urge you to oppose it.

Identical Bills failed to pass the last two sessions of the General Assembly (SB 45, 126th General Assembly).

S.B. 17 would require a majority of the members of the State School Board to have previous local School Board experience. Under present law, the Governor is free to appoint members with this experience, but to require it by law would place unnecessary limitation on the number of citizens from whom he could select. Such a law would also discriminate against women and blacks since very few are currently serving on local Boards.

We hope you will seriously consider voting against S.B 17.

Very truly yours,
(Signed) Roxanne Harris
President, AAUW
Wilmington Branch
(Signed) Eugenia Gray
President, AAUW
Delaware Division

* * * * *

Senator Steele moved for passage of SB 17 w/ SA 1.
On the question, "Shall the Bill pass the Senate?", the roll call vote was taken and announced to be:

YES; Senators Adams, Berndt, Cicione, Cook, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Steele — 15.

NO: Senators Cordrey, Holloway, Murphy Schlor and Zimmerman — 5.

ABSENT: Senator Castle — 1.

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

On motion of Senator Steele, HB 96 w/ HA 1 was taken up for consideration and read the final time by title only:

HB 96 w/ HA 1 — "An Act to amend Chapter 11, Title 30, Delaware Code, relating to itemized deductions."

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

Senator Elliott introduced SS 1 for SB 76 and on his request the Substitute Bill was immediately stricken.

On motion of Senator Manning, HB 77 was taken up for consideration and read by title only:

HB 77 — "An Act to amend an Act entitled: An Act to incorporate the Town of Henlopen Acres."

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

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

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

ABSENT: Senator Castle — 1.

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

On motion of Senator Steele, HB 96 w/ HA 1 which had been deferred was again taken up for consideration.

On request of Senator Steele, the privilege of the floor was extended to Representative Billingsley to speak on the Bill.

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

YES: Senators Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Manning, Martin, McCullough, Steele, Zimmerman — 13.

NO: Senators Holloway, Kearns and Schlör — 3.

NOT VOTING: Senators Adams, duPont and Murphy — 3.

ABSENT: Senators Castle and Cicione — 2.

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

On motion of Senator Elliott, SB 123 was taken up for consideration and read by title only:

SB 123 — "An Act to amend Title 14, Delaware Code by establishing the Board of Trustees of the Delaware Institute of Veterinary Medical Education."

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

YES: Senators Berndt, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 15.

ABSENT: Senators Adams, Castle, Cicione, Holloway, Jarvis, Schlör — 6.

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

The Secretary read the following message from the House:

3-29-73

Mr. President:

The House wishes to inform the Senate that it has passed HB 25 w/ HA 4; HB 111; HB 162 w/ HA 1, 2, 4; HJR 6 and requests the concurrence of the Senate.

The House also passed SB 14 w/ HA 1; SB 72 w/ SA 1 and is returning same to the Senate.

The Chair introduced:

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

HB 25 w/ HA 4 — "An Act to amend Subchapter IV, Chapter 10, Title 14 of the Delaware Code relating to the date set for School Board Elections." Assigned to Education Committee.

HB 111 — "An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code relating to professional licensure registration." Assigned to Health and Social Services Committee.

HB 162 w/ HA 1, 2, 4 — "An Act making a supplemental appropriation to the Division of Central Data Processing, Department of Administrative Services for operational costs."

On motion of Senator Isaacs, the necessary rules were suspended for consideration of HB 162 w/ HA 1, 2, 4

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

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT: Senators Castle, Cicione, duPont and Holloway — 4.

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

Senator Manning, Chairman of the Community Affairs Committee, reported back to the Senate **HJR 6** — 4 Favorable.

Senator Berndt, Chairman of the Judiciary and Elections Committee, reported back to the Senate: **HS 1 for HB 1** — 3 Favorable, 1 merits.

Senator Zimmerman introduced **SB 159**:

SB 159 — "An Act to amend Chapter 93, Title 10, Delaware Code relating to limitations of venue of civil actions and providing for service of process by constables." Assigned to Judiciary and Elections Committee.

Senator Hale (co-sponsors Elliott, Holloway, Martin and McCullough) introduced **SB 160**:

SB 160 — "An Act to amend Delaware Code, Title 14, Chapter 17 as that Chapter relates to units of pupils when the pupils are partially deaf or hard of hearing." Assigned to Education Committee.

Senator Hale (co-sponsors Elliott, Holloway, Martin and McCullough) introduced **SB 161**:

SB 161 — "An Act to amend Delaware Code, Title 14 relating to education by providing for the education of pre-school children whose hearing is impaired." Assigned to Education Committee.

Senator Isaacs introduced **SR 43** and moved that it be adopted.

SR 43 — "To debit Senate Travel Account for Legislators' mileage of the present session of the 127th General Assembly."

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

YES: Senators Adams, Berndt, Cook, Cordrey, duPont, Elliott, Hughes, Isaacs, Jarvis, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 17.

ABSENT; Senators Castle, Cicione, Hale and Holloway — 4.

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

On motion of Senator Cook, **SJR 8** was taken up for consideration and read by title only:

SJR 8 — "Providing for the establishment of a Joint Committee for the purpose of investigating the numerous allegations and complaints regarding the Cosmetology Board of this State."

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

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

ABSENT: Senators Castle, Cicione and Holloway — 3.

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

On motion of Senator Elliott, **SB 101** was taken up for consideration and read by title only:

SB 101 — "An Act to amend Subchapter II, Chapter 39, Title 7, Delaware Code relating to Conservation Districts by changing the amount of appropriations authorized for use in Sussex County."

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

YES: Senators Adams, Cook, Cordrey, duPont, Elliott, Hale, Hughes, Isaacs, Jarvis, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 15.

NOT VOTING: Senators Berndt, Manning and Steele — 3.

ABSENT: Senators Castle, Cicione and Holloway — 3.

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

At 6:20 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 3, 1973.

The Senate reconvened at 2:03 p.m., April 3, 1973.

Senator Steele introduced SB 162

SB 162: An Act authorizing the Treasurer of the State of Delaware to advance from the General Fund of the State of Delaware to the State Department of Public Instruction amounts not to exceed \$225,000 in total to expedite the replacement of the heating system at the Manor Park Elementary School in the New Castle-Gunning Bedford School District." Assigned to Finance Committee.

On request of Senator Steele, SB 147 was stricken.

On request of Senator Steele, the name of Senator Kearns was added as co-sponsor to SB 162.

Senator Isaacs introduced SB 163:

SB 163 — "An Act to Amend Subchapter I, Chapter 19, Title 14, Delaware Code, relating to School Districts which are located in two Counties." Assigned to Education Committee.

At 2:05 p.m., on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 18th Legislative Day

18TH LEGISLATIVE DAY

The Senate was called to order by Lt. Governor Bookhammer at 2:05 p.m. April 3, 1973.

A Prayer was offered by the Chaplain.

Pledge of Allegiance to the Flag.

By Roll Call, the following Senators were present:

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

The Journal was approved as read.

Senator Jarvis, with Senator Kearns as co-sponsor, introduced SB 164:

SB 164 — "An Act establishing a Freedom of Information Act, requiring all meetings of the governing bodies of municipalities, counties, school districts and all other Boards, Bureaus, Commissions or organizations supported wholly or in part by public funds to be open to any citizen of the State of Delaware; and all records of the governing bodies of municipalities, counties and school districts and all other boards, bureaus, commissions or organizations supported wholly or in part by public funds or expending public funds, shall be public and open to personal inspection by any citizen of the State of Delaware." Assigned to Community Affairs Committee.

On motion of Senator Schlör, the roll call on SB 35 w/ SA 1 was lifted and announced to be:

YES: Senators Adams, Berndt, Cicione, duPont, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale, Jarvis, Steele — 5.

NOT VOTING; Senators Cook, Cordrey and McCullough — 3.

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