

Services Committee: 4 Merits, 2 Unfavorable.

SB 396 was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Holloway, Isaacs and Sharp) ABSENT.

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

On motion of Senator Cicione, the Original Bill **SB 383** was stricken.

SB 426 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES, 3 Senators (McCullough, Schlor and Zimmerman) NOT VOTING and 1 Senator (Manning) ABSENT.

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

SB 26 was taken up for consideration on motion of Senator Kearns then on his further motion was temporarily tabled.

SJR 10 was taken up for consideration on motion of Senator Isaacs, the roll call vote taken and announced:

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

NO: Senators Knox and Manning — 2.

NOT VOTING: Senators Berndt, Castle, Hughes — 3.

ABSENT: Senators Hale and McCullough — 2.

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

SB 111 was taken up for consideration on motion of Senator Cicione.

SA 1 to the Bill was introduced by Senator Hughes.

On further motion of Senator Cicione **SB 111** and the Amendment were placed back in the Administrative Services Committee.

SB 297 was taken up for consideration on motion of Senator McCullough. On the Senator's further motion the Bill was then tabled.

SB 172 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Castle, Knox and Manning) NOT VOTING.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

SB 189 was taken up for consideration on motion of Senator Martin and the privilege of the floor extended to Victor Singer, Suburban Newark Civic League, to speak on the Bill.

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

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

SB 296 was taken up for consideration on motion of Senator McCullough.

SA 1 to the Bill was considered on motion of Senator McCullough and the roll call vote revealed 20 Senators voting YES and 1 Senator (Holloway) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 296 w SA 1** was then taken and revealed 20 Senators voting YES and 1 Senator (Holloway) NOT VOTING.

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

SB 432 was taken up for consideration on motion of Senator Murphy and the privilege of the floor extended to W. R. Ratledge, Soil & Water Division, to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 18 Senators voting YES, 1 Senator (Hughes) voting NO and 2 Senators (Knox and Schlör) ABSENT.

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

SB 26 was lifted from the table for consideration on motion of Senator Kearns. The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 Senators (Knox and Schlör) ABSENT.

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

SB 350 was reported out of Education Committee: 1 Favorable, 4 Merits.

SB 394 was reported out of Administrative Services Committee: 4 Merits.

At 7:55 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. June 25th.

49TH LEGISLATIVE DAY

The Senate convened at 2:04 p.m. June 25, 1975, Lt. Governor Bookhammer presiding.

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

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 313 w SA 1** and **SB 238**.

The following proposed legislation was introduced:

SB 475 — "An Act to amend Chapter 15 of Title 13 and Chapter 9 of Title 10, Delaware Code, relating to domestic relations; and providing sole jurisdiction over divorce and annulment proceedings to the Family Court; and further providing a supplementary appropriation therefor." Sponsors: Senators Kearns and Isaacs. Assigned to Judiciary Committee.

SB 476 — "An Act relating to a pension for Charles A. Dougherty, an employee of the State Department of Highways and Transportation, and a former Highway employee for New Castle County." Sponsors: Senator Cicione and Representative Ferguson. Assigned to Finance Committee.

SB 477 — "An Act making a supplementary appropriation to the Department of Health and Social Services for the administration of a Program to determine the immune status for rubella among high risk groups of women of childbearing age and to present and control the disease." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SA 12, SA 13 and SA 14 to SB 456 were introduced by Senator Schlör and placed with the Bill.

SA 2 to SB 272 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 241 was introduced by Senator Martin and placed with the Bill.

SA 4 to HB 447 was introduced by Senator Murphy and placed with the Bill.

SA 2 to SS 1 for SB 256 was introduced by Senator Adams and placed with the Bill.

HB 134 w HA 1 — "An Act to amend Chapter 52, Title 30, Delaware Code, relating to motor carrier identification marker and registration fee." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 468 — "An Act to amend Chapter 5, Part I, Title 7 of the Delaware Code relating to Hunting, Trapping and Fishing Licenses." Sponsor: Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

HB 515 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to the issuance of five year registration plates on certain trailers." Sponsor: Representative McGinnis. Assigned to Public Safety Committee.

HB 572 — "An Act directing the Board of Pension Trustees to accept the application for a survivor's pension from Mrs. Helen Carmean." Sponsor: Representative Gordy. Assigned to Finance Committee.

HB 590 — "An Act to aid the Delaware Guidance Services for Children and Youth, Inc., by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 591 — "An Act to aid Delaware Safety Council, Inc., engaged in educating the people of this State as to safety by making an appropriation therefor." Sponsor: Representative George. Assigned to Public Safety Committee.

At the request of Senator Adams, **SB 453** was placed back in the Public Safety Committee.

HB 592 — "An Act to aid Delaware State Fair, Inc., by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 593 — "An Act making an appropriation to Diamond State Youth, Inc." Sponsor: Representative George. Assigned to Finance Committee.

HB 594 — "An Act to aid WHYY, Inc., engaged in educating the people of this state by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 595 — "An Act to aid certain Civic Organizations which maintain emergency vehicles by making appropriations therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 597 — "An Act to aid organizations maintaining residential facilities by making appropriations therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 598 — "An Act to aid certain Fire Companies which are organized to extinguish fires or maintain ambulance or

rescue trucks, by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 603 — "An Act to aid Mid-Sussex Rescue Squad, Inc., which is organized to operate and maintain an ambulance in the public service, by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 607 — "An Act to aid Veterans' Organizations by making an appropriation therefor." Sponsor: Representative George. Assigned to Finance Committee.

HB 624 — "An Act to amend Subchapter 1, Chapter 27, Title 24, Delaware Code, providing a professional code for land surveyors." Sponsor: Representative Lynch. Assigned to Administrative Services Committee.

HB 657 — "An Act making an appropriation to Big Brothers Association of Northern Delaware, Inc." Sponsor: Representative George. Assigned to Finance Committee.

HJR 24 was reported out of the Executive Committee: 4 Merits.

SB 297 was lifted for consideration on motion of Senator McCullough and the privilege of the floor was extended to A. Carello of the Justice of Peace Department, to speak on the Bill.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 Senator (Manning) NOT VOTING.

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

Senator Cordrey introduced to the Senate the A.F.S. student from Sweden living in Sussex County.

SB 436 was taken up for consideration on motion of Senator Cordrey. On further motion of Senator Cordrey, the Bill was laid on the table.

In the absence of Senator Cook, sponsor of **SB 451**, the Bill was laid on the table on motion of Senator Adams.

Senator Elliott requested that the necessary rules be suspended for consideration of **SS 1** for **SB 280** and the Chair so ruled; However, Senator Isaacs moved to overrule the Chair on the suspension of rules. The roll call vote on the motion was taken and announced:

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

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

ABSENT: Senators Berndt, Cook and Hughes — 3.

Therefore, the motion prevailed and the Chair was overruled on the suspension of rules for **SS 1 to SB 280**.

Senator Elliott requested that **SB 306** be taken up for consideration; however, the Chair ruled that it could not be considered at this time since it was still in the Education Committee.

SB 436 was lifted from the table for consideration on motion of Senator Cordrey and the privilege of the floor was extended to Tom Shiels to speak on the Bill.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 15.

NO: Senators Castle, Holloway and Sharp — 3.

ABSENT: Senators Berndt, Hale and McCullough — 3.

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

SB 448 was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Berndt, Hale, Kearns and McCullough) ABSENT.

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

On motion of Senator Knox, the necessary rules were suspended for the consideration of **SB 236**. Senator Martin was added as co-sponsor of the Bill at his request.

The roll call vote on the Bill was taken; however, on motion of Senator Knox the roll call was tabled.

SB 209 w SA 2 was taken up for consideration on motion of Senator Manning.

SA 3 to the Bill was considered for adoption on motion of Senator Hughes and the roll call taken which revealed 16 Senators voting YES and 5 Senators (Berndt, Cicione, Elliott, McCullough and Schlör) ABSENT.

Therefore, the Amendment was adopted.

SA 4 to the Bill was considered for adoption on motion of Senator Manning and the roll call vote taken which revealed 16 Senators voting YES and 5 Senators (Cicione, Elliott, McCullough, Schlör and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 209 w SA 2, 3, 4** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Murphy, Steele — 14.

NO: Senators McCullough and Zimmerman — 2.

NOT VOTING: Senators Isaacs and Sharp — 2.

ABSENT: Senators Cicione, Elliott and Schlör — 3.

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

HB 280 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 15 Senators voting YES, 2 Senators (Castle and Steele) voting NO and 4 Senators (Cicione, Elliott, Hale and Hughes) ABSENT.

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

SB 451 was lifted for consideration on motion of Senator Cook and the roll call vote taken which revealed 16 Senators voting YES, 1 Senator (McCullough) voting NO, 1 Senator (Steele) NOT VOTING and 3 Senators (Elliott, Holloway and Hughes) ABSENT.

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

HB 470 w HA 1 was taken up for consideration on motion of Senator Schlör and the roll call vote taken which revealed 17 Senators voting YES, 1 Senator (McCullough) NOT VOTING and 3 Senators (Elliott, Holloway and Manning) ABSENT.

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

Consideration of **HB 457** was deferred on motion of Senator Cordrey.

HB 454 was taken up for consideration on motion of Senator Cook and the privilege of the floor extended to Representative Powell.

The roll call vote on the Bill was taken but tabled before being announced on motion of Senator Cook.

SB 208 was taken up for consideration on motion of Senator Cicione and the privilege of the floor extended to Richard Sharp, to speak on the Bill.

Final consideration of the Bill was deferred on motion of Senator Cicione.

On motion of Senator Berndt, the necessary rules were suspended for the consideration of **SB 458**. The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 Senators (Elliott and Holloway) ABSENT.

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

The roll call vote on **SB 236** was lifted on motion of Senator Knox and announced:

YES: Senators Berndt, Castle, Cicione, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor — 14.

NO: Senators Adams, Cook, Cordrey, Steele — 4.

NOT VOTING: Senators Sharp and Zimmerman — 2.

ABSENT: Senator Elliott — 1.

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

On motion of Senator Cordrey, the Senate recessed at 4:55 p.m. and reconvened at 6:03 p.m., President Pro Tempore Isaacs presiding.

SB 67 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Steele) NOT VOTING and 2 Senators (Berndt and Cicione) ABSENT.

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

SB 68 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended Henry Oboryshko, representing A.C.E.C., to speak on the Bill.

Senator Holloway requested that the Bill be placed back in Committee; however, Senator Berndt objected and asked for a roll call on the Bill which was then taken and revealed 17 Senators voting YES, 1 Senator (Adams) voting NO, 3 Senators (Cicione, Murphy and Steele) NOT VOTING.

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

SB 253 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES, 2 Senators (Cook and Elliott) voting NO, 1 Senator (McCullough) NOT VOTING and 1 Senator (Holloway) ABSENT.

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

At the request of Senator Isaacs, Senator Cordrey took the Chair so Senator Isaacs could bring up some Bills.

SB 273 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed:

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

Holloway, Hughes, Isaacs, Manning, Murphy, Sharp, Zimmerman — 12.

NO: Senators Castle, Kearns, Martin, McCullough, Schlor and Steele — 6.

NOT VOTING: Senators Berndt, Elliott and Knox — 3.

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

SJR 32 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 21 Senators voting YES.

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

HB 501 w HA 1 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (McCullough) voting NO and 2 Senators (Elliott and Hale) NOT VOTING.

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

Senator Hughes moved that the necessary rules be suspended for the consideration of **SB 478**. The roll call vote on the motion was taken and revealed 12 Senators voting YES, 8 Senators (Cook, Cordrey, Kearns, Manning, Martin, McCullough, Schlor and Steele) voting NO and 1 Senator (Isaacs) ABSENT.

Therefore, the motion prevailed and **SB 478** was before the Senate.

Senator Isaacs, then moved that the Bill be returned to the Banking, Insurance and Elections Committee and the motion prevailed without objection.

SB 418 was taken up for consideration on motion of Senator Zimmerman and the privilege of the floor extended Willard Thomson, Jr., of the Division of Highways, to speak on the Bill. The roll call vote on the Bill was then taken and revealed 19 Senators voting YES and 2 Senators (McCullough and Schlor) ABSENT.

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

SS 1 for SB 438 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 13 Senators voting YES, 6 Senators (Cordrey, Elliott, Hale, Manning, Sharp and Steele) NOT VOTING and 2 Senators (McCullough and Schlor) ABSENT.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

At 7:05 p.m. on motion of Senator Isaacs, the Senate recessed until June 26, 1975.

The Senate reconvened at 1:52 p.m. June 26, 1975, Lt. Governor Bookhammer presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 159; SB 152; SB 161**.

The following Committee Reports were announced:

From the Administrative Services Committee: **SB 111** — 4 Merits.

From the Finance Committee: **SB 315** — 6 Merits; **SB 464** — 6 Merits.

From the Banking, Insurance and Elections Committee: **SB 437** — 1 Favorable, 4 Merits.

From the Public Safety Committee: **SB 453** — 1 Favorable, 3 Merits; **SB 461** — 4 Merits; **SB 462** — 1 Favorable, 2 Merits.

SB 462 was stricken at the request of Senator Adams.

From the Public Safety Committee: **SB 466** — 4 Merits; **SB 467** — 1 Favorable, 3 Merits; **SB 469** — 4 Merits; **HB 515** — 4 Merits.

From the Judiciary Committee: **SB 475** — 1 Favorable, 4 Merits.

From the Finance Committee: **SB 476** — 3 Merits; **HB 572** — 5 Merits; **HB 590** — 5 Merits.

From the Natural Resources and Environmental Control Committee: **SB 392** — 3 Merits.

From the Executive Committee: **SB 443** — 4 Merits.

From the Revenue and Taxation Committee: **HB 134 w HA 1** — 4 Merits; **HB 502** — 6 Merits.

From the Finance Committee: **HB 592** — 5 Merits; **HB 593** — 5 Merits; **HB 575** — 5 Merits; **HB 597** — 5 Merits; **HB 598** — 3 Merits; **HB 603** — 5 Merits; **HB 657** — 5 Merits.

From the Revenue and Taxation Committee: **HB 627** — 6 Merits; **HB 656** — 6 Merits; **HB 660** — 6 Merits.

From the Natural Resources and Environmental Control Committee: **HB 674** — 1 Favorable, 3 Merits.

The following legislation was introduced:

HB 188 w HA 1, 2, 3, 4, 5, 6 — "An Act to amend Title 19, Delaware Code, by creating a new Chapter to be designated as Chapter 14 to provide for the implementation of a State Occupational Safety and Health Act in accordance with the

provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 and providing a supplemental appropriation to implement the provision of this Act." Sponsors: Representatives Byrd, LeGates and Plant. Assigned to Labor and Industrial Relations Committee.

HB 296 w HA 1, 2, 3, 4 — "An Act to amend Title 11 of the Delaware Code amending the definition of the crime of rape and providing additional penalties therefor." Sponsor: Representative Spence. Assigned to Judiciary Committee.

HB 407 w HA 1 — "An Act directing the State Personnel Commission to adopt a more equitable vacation accumulation schedule for Merit System employees of this State." Sponsor: Representative Temple. Assigned to Finance Committee.

SB 118 which had previously passed the Senate was taken up for reconsideration on motion of Senator Kearns as now further amended by **HA 1**. The roll call vote on **SB 118 w HA 1** was therefore taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 16.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senators Castle, Cicione, Elliott and Sharp — 4.

Therefore, the Bill passed the Senate.

SR 87 was introduced by Senator Holloway and considered for adoption on the motion of Senator Holloway:

SR 87 — "Requesting the members of the Delaware Congressional Delegation to support a strong South Korea as a bastion against the expansion of Communism."

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

YES: Senators Holloway, McCullough and Steele — 3.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Hughes, Knox, Manning, Murphy, Zimmerman — 11.

NOT VOTING: Senators Elliott, Isaacs, Kearns, Martin, Schlor — 5.

ABSENT: Senators Cicione and Sharp — 2.

Therefore, the Resolution was declared lost.

At 2:09 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 50th Legislative Day.

50TH LEGISLATIVE DAY

The Senate convened at 2:09 p.m. June 26, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Rev. Jackson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

Legislative Advisory No. 44 received from William C.

Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved the following legislation on June 20, 1975: **SB 8 w SA 1, HA 1; SB 117; SB 239 w HA 1; SB 352; SB 374; SCR 43; SCR 44; SJR 31.** On June 23, 1975 the Governor approved: **SB 23 and SB 431.**

The following Committee Reports were announced:

From the Finance Committee: **SB 315 — 6 Merits.**

From the Public Safety Committee: **SB 453 — 1 Favorable, 3 Merits; SB 386 — 1 Favorable, 3 Merits; SB 387 — 2 Favorable, 2 Merits; SB 388 — 1 Favorable, 2 Merits, 1 Unfavorable.**

The following proposed legislation was introduced:

SB 479 — “An Act to direct the Board of Pension Trustees to grant a disability pension to Joseph A. Lenhoff, a former employee of the Division of Revenue, Department of Finance.” Sponsor: Senator Holloway. Assigned to Finance Committee.

SA 1 to HB 594 was introduced by Senators Sharp and Isaacs and placed with the Bill.

SA 1 to HB 607 was introduced by Senator Cicione and placed with the Bill.

SA 2 to SB 395 was introduced by Senator Cicione and placed with the Bill.

HB 462 — “An Act to amend Title 29 of the Delaware Code and relating to revenue projections for certain acts of special appropriation and relating to pension funds as established by Chapter 55, Title 29 of the Delaware Code.” Sponsor: Representative Ridings. Assigned to Finance Committee.

HB 499 w HA 1 — “An Act to amend Chapter 9 and Chapter 11, Title 13 of the Delaware Code relating to adoption and termination of parental rights.” Sponsor: Representative Worthen. Assigned to Health and Social Services Committee.

HB 506 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, being the 1975 Budget Appropriation Act, originally designated House Bill No. 750 as amended by Chapter 523, Volume 59, Laws of Delaware, being the Omnibus

Amendment to the 1975 Budget Appropriation Act originally designated House Bill No. 1113 relating to the reversion of funds for the Delaware Agency to Reduce Crime." Sponsor: Representative Worthen. Assigned to Finance Committee.

HB 509 — "An Act to amend Chapter 66, Title 18, Delaware Code, relating to line of duty 'Death Benefits.'" Sponsor: Representative Darling. Assigned to Banking, Insurance and Elections Committee.

HB 581 w HA 1, 2 — "An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utility Taxes." Sponsors: Representatives McGinnis and Temple. Assigned to Revenue and Taxation Committee.

HB 601 — "An Act to amend Chapter 7, Title 13 of the Delaware Code relating to minors' consent to diagnostic and lawful therapeutic procedures." Sponsors: Representatives Jornlin, Seibel, Jonkiert and Gilligan. Assigned to Judiciary Committee.

HB 419 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for continuing commuter train service into the State of Delaware during the Fiscal Year ending June 30, 1976." Sponsor: Representative Boulden. Assigned to Finance Committee.

SB 315 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to Robert S. Moyer, State Division of Housing, to speak on the Bill.

The roll call vote on the Bill revealed 17 Senators voting YES, 2 Senators (Cicione and Steele) NOT VOTING and 2 Senators (Martin and McCullough) ABSENT.

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

SB 314 was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and McCullough) ABSENT.

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

SB 410 was taken up for consideration on motion of Senator Isaacs and the privilege of the floor extended to Secretary of the Department of Natural Resources and Environmental Control, John C. Bryson, to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 17 Senators voting YES, 3 Senators (Elliott, Manning and

McCullough) voting NO and 1 Senator (Holloway) NOT VOTING.

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

SB 423 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 21 Senators voting YES.

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

SB 427 was taken up for consideration on motion of Senator Zimmerman and the privilege of the floor extended to Willard J. Thomson, Jr., Division of Highways, to speak on the Bill.

The roll call vote on the Bill revealed 20 Senators voting YES and 1 Senator (Cicione) ABSENT.

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

Senator Isaacs introduced visitors from the State of Michigan to the Senate and they were welcomed by the Lt. Governor.

SB 499 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Hale and Holloway) ABSENT.

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

At 4:15 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 5:11 p.m.

SB 453 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 14 Senators voting YES and 7 Senators (Castle, Elliott, Hale, Hughes, Manning, McCullough and Sharp) ABSENT.

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

SB 443 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Hale and Hughes) ABSENT.

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

SB 259 was taken up for consideration on motion of Senator Isaacs.

SA 1 to the Bill was considered for adoption on motion of

Senator Isaacs and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Hale and Hughes) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 259 w SA 1** was then taken and revealed 19 Senators voting YES and 2 Senators (Hale and Hughes) ABSENT.

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

SB 419 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (McCullough) voting NO and 2 Senators (Hale and Hughes) ABSENT.

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

SB 425 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Hale and Hughes) ABSENT.

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

SB 433 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Hale) ABSENT.

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

SB 392 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 18 Senators voting YES, 2 Senators (Castle and Manning) NOT VOTING and 1 Senator (Hale) ABSENT.

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

On motion of Senator Murphy, the necessary rules were suspended for the consideration of **SB 408**.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 Senator (Cook) voting NO and 1 Senator (Sharp) NOT VOTING.

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

HB 318 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (McCullough) voting NO and 1 Senator (Berndt) ABSENT.

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

SB 241 was taken up for consideration on motion of Senator Martin.

SA 1 to the Bill was considered for adoption on motion of Senator Martin and the roll call vote taken which revealed 14 Senators voting YES, 5 Senators (Elliott, Holloway, Hughes, Manning and McCullough) NOT VOTING and 2 Senators (Hale and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 241 w SA 1** was taken but before it was announced Senator Martin moved that it be tabled.

The roll call vote on the tabling motion was taken and revealed 18 Senators voting YES, 2 Senators (Holloway and Schlör) voting NO and 1 Senator (Zimmerman) NOT VOTING.

Therefore, the motion prevailed and the roll call vote on **SB 241 w SA 1** was tabled.

SB 455 was reported out of the Finance Committee — 5 Merits.

Senator Martin moved that the necessary rules be suspended to consider **SB 455** and the motion prevailed without objection, and the privilege of the floor was extended to Curtis W. Steen of Dagsboro, to speak on the Bill.

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

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

SB 368 was taken up for consideration on motion of Senator Martin and the roll call vote taken; however, before it was announced Senator Martin moved that it be tabled and the roll call vote on the tabling motion was taken and revealed 21 Senators voting YES. Therefore, the roll call vote on **SB 368** was tabled.

SB 379 was taken up for consideration on motion of Senator Steele and the roll call vote taken and announced:

YES: Senators Castle, Cicione, Cordrey, Hale, Hughes, Isaacs, Manning, McCullough, Sharp, Steele, Zimmerman — 11.

NO: Senators Adams, Berndt, Cook, Elliott, Holloway, Kearns, Knox, Martin, Schlör — 9.

NOT VOTING: Senator Murphy — 1.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

HB 447 w HA 1, 2 was taken up for consideration on motion of Senator Kearns.

SA 5 to the Bill was introduced by Senator Kearns and placed with the Bill.

SA 1 to the Bill was stricken on motion of Senator Kearns.

SA 2 to the Bill was considered on motion of Senator Martin, and roll call taken and announced:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Manning, Martin, McCullough, Murphy, Sharp — 11.

NO: Senators Berndt, Hale, Kearns, Knox and Steele — 5.

NOT VOTING: Senators Holloway, Hughes, Isaacs and Schlör — 4.

ABSENT: Senator Zimmerman — 1.

Therefore, the Amendment was adopted.

Senator Hughes moved that the Bill be returned to Committee for a Fiscal Note.

Senator Schlör moved that Senator Hughes' motion be tabled.

Senator Cook moved that the Senate recess until 1:30 p.m. June 27.

The vote on the motion to recess was taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Elliott, Hale, Hughes, Knox, Manning, Martin, Steele, Zimmerman — 12.

NO: Senators Cicione, Cordrey, Holloway, Isaacs, Kearns, Murphy, Schlör, Sharp — 8.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and the Senate recessed at 7:17 p.m.

The Senate reconvened at 1:48 p.m. June 27, 1975, Lt. Governor Bookhammer presiding.

Senator Hughes withdrew his motion to place **HB 447** back in Committee.

On motion of Senator Kearns, **HB 447** was laid on the table.

At 1:50 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 51st Day.

51ST LEGISLATIVE DAY

The Senate convened at 1:50 p.m. June 27, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Rev. Jackson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

The following Committee Reports were announced:

From the Executive Committee: **HJR 21** — 4 Merits.

From the Community Affairs Committee: **HB 493 w SA 1** — 4 Merits.

From the Banking, Insurance and Elections Committee: **SB 171** — 1 Favorable, 2 Merits, 1 Unfavorable.

From the Administrative Services Committee: **HB 129 w HA 1** — 4 Merits; **HB 624** — 4 Merits.

From the Public Safety Committee: **HB 326** — 1 Favorable, 3 Merits.

From the Education Committee: **HB 342 w HA 1** — 6 Merits; **HB 392 w HA 1, 2** — 6 Merits.

From the Revenue and Taxation Committee: **HB 416 w HA 4** — 4 Merits, 1 Unfavorable; **HB 581 w HA 1, 2** — 5 Merits.

SJR 35, sponsored by Senators Cook, Zimmerman and Murphy, was introduced and laid on the table on motion of Senator Cook:

SJR 35 — "Directing the Department of Natural Resources and Environmental Control to change the name of the Petersburg Wildlife Area to the Norman G. Wilder Conservation and Wildlife Area."

SJR 36, sponsored by Senator Cook, was introduced and laid on the table at the Senator's request:

SJR 36 — "Providing for the establishment of a Committee to study the changes to the State Employees Pension Plan proposed by House Bill No. 431 of the 128th General Assembly of the State of Delaware and directing such Committee to request the assistance of the Delaware State Pension Board in making such study."

SR 88, sponsored by Senators Elliott and Cordrey, was introduced and considered for adoption:

SR 88 — "Expressing deep concern in support of Sussex County Commercial Fishing Boat Operators who fear they will be forced out of business because of dock restrictions."

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

Therefore, the Resolution was adopted.

SCR 47, sponsored by Senators Cicione and Isaacs and Representative Jonkiert, was introduced and considered for

adoption:

SCR 47 — “Commending the American Legion Auxiliary, Department of Delaware, and the participants of the 1975 Girls State for their participation in a uniquely educational experience.”

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

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

The following legislation was introduced:

SB 480 — “An Act authorizing the State of Delaware to borrow money to be used for the purpose of making renovations and repairs to Legislative Hall, and to issue Bonds and Notes therefor and appropriating the monies to Legislative Council.” Sponsors: Senators Isaacs and Cordrey. Laid on the table on motion of Senator Isaacs.

SB 481 — “An Act to amend Chapter 57, Title 25, Delaware Code relating to jury trials in Justice of the Peace Courts.” Sponsors: Senators Kearns and Castle. The Bill was laid on the table on motion of Senator Kearns.

SA 6 to HB 447 was introduced by Senator Kearns and placed with the Bill.

SA 2 to SB 111 was introduced by Senator Holloway and placed with the Bill.

SA 2 to HB 126 was introduced by Senator Schlör and placed with the Bill.

SA 3 to SB 111 was introduced by Senator Zimmerman and placed with the Bill.

SA 15 to SB 456 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to HB 549 was introduced by Senator Adams and placed with the Bill.

SA 1 to SB 459, sponsored by Senators Isaacs, Berndt and Elliott, was introduced and placed with the Bill.

SA 3 to SB 395 was introduced by Senator Cicione and placed with the Bill.

The following Bills were reported out of Finance Committee: **SB 422** — 4 Merits; **HB 607 w SA 1** — 5 Merits.

HB 457 was taken up for consideration on motion of Senator Cordrey and the privilege of the floor was extended to

John Malarkey, Secretary of Finance, to speak on the Bill.

SA 1 to the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES, 1 Senator (Holloway) NOT VOTING and 3 Senators (Hughes, Isaacs and McCullough) ABSENT.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Knox, Manning, Schlor — 9.

NO: Senators Adams, Cordrey, Isaacs, Kearns, Martin, Murphy, Sharp, Zimmerman — 8.

NOT VOTING: Senators Cicione and Steele — 2.

ABSENT: Senators Cook and McCullough — 2.

Therefore, the Amendment was defeated.

HB 457 w SA 1 was then tabled on motion of Senator Cordrey.

HCR 42, sponsored by Representatives McGinnis, Jornlin, Connor, Temple, Smith, Maxwell, Powell and Harrington; Senator Holloway and all the Senators, and Lt. Governor Bookhammer added as co-sponsor was introduced and considered for adoption on motion of Senator Holloway:

HCR 42 — "Saluting the players, cheerleaders, and the Delaware 1975 All-Star Football Game Child and others associated with this outstanding annual event benefitting the Delaware Association for Retarded Children, and designating August 16, 1975, as Delaware All-Star Football Day in Delaware."

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

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

HB 457 w SA 1 was lifted for consideration on motion of Senator Cordrey and the roll call vote taken which revealed:

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

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

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Cicione, Hale and Schlor — 3.

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

HB 326 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 16 Senators voting YES, 1 Senator (Elliott) voting NO, 1 Senator (Castle) NOT VOTING and 3 Senators (Cicione, Holloway and Schlor) ABSENT.

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

HB 325 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Schlor) ABSENT.

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

HB 397 was taken up for consideration on motion of Senator Cordrey and the privilege of the floor extended to Secretary of Finance, John Malarkey, to speak on the Bill. The roll call vote on the Bill revealed 12 Senators voting YES, 6 Senators (Castle, Elliott, Hale, Hughes, Knox and Steele) voting NO and 3 Senators (Holloway, Manning and Zimmerman) ABSENT.

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

HB 456 was taken up for consideration on motion of Senator Cordrey and the privilege of the floor extended to Secretary of Finance, John Malarkey, to speak on the Bill.

The roll call vote on the Bill revealed 13 Senators voting YES, 7 Senators (Berndt, Castle, Elliott, Hale, Hughes, Knox and Manning) voting NO and 1 Senator (Murphy) ABSENT.

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

HB 616 was taken up for consideration on motion of Senator Cordrey and the privilege of the floor extended to Secretary of Finance, John Malarkey, to speak on the Bill.

The roll call vote on the Bill was taken and revealed 14 Senators voting YES, 5 Senators (Castle, Elliott, Hale, Knox and Manning) voting NO and 2 Senators (Holloway and Hughes) ABSENT.

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

HB 134 w HA 1 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 15 Senators voting YES, 5 Senators (Castle, Elliott, Hughes, Knox and Manning) voting NO and 1 Senator (Holloway) ABSENT.

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

HB 502 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken and announced:

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

NO: Senators Castle, Elliott, Knox and Manning — 4.

NOT VOTING: Senators Hale and Hughes — 2.

ABSENT: Senators Holloway and Sharp — 2.

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

HB 660 was taken up for consideration on motion of Senator Cordrey and the privilege of the floor extended to Secretary of Finance, John Malarkey, to speak on the Bill.

Senator Castle moved that final consideration of the Bill be deferred and the roll call vote on the motion was taken and revealed 8 Senators voting YES and 13 Senators (Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman) voting NO. Therefore, the motion failed and the Bill was still before the Senate.

The roll call vote on the Bill was then taken and revealed 14 Senators voting YES, 6 Senators (Castle, Elliott, Hale, Hughes, Knox and Manning) voting NO and 1 Senator (Berndt) NOT VOTING.

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

HB 707, sponsored by Representatives Ferguson, Derrickson, McKay and George, was introduced and assigned to Finance Committee.

HB 707 — "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies

to the State Board of Education on behalf of Local School Districts.”

HB 416 w HA 4 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 21 Senators voting YES.

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

HB 549 was taken up for consideration on motion of Senator Adams and rules suspended.

SA 1 to the Bill was considered on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (Steele) voting NO and 1 Senator (Manning) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **HB 549 w SA 1** was taken and revealed 20 Senators voting YES and 1 Senator (Manning) ABSENT.

Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendment.

A message from the House informed the Senate that it had passed: **SB 245 w HA 1; SB 347 w HA 1; SB 210 w SA 1; SB 432; SS 1 for SB 295; SB 290 w SA 1; SB 283; SB 348; SB 110; SB 263 w SA 1; SB 302; SB 363; SS 1 for SB 83; SB 203 w SA 1** and adopted **SJR 32**.

SB 245 which had previously passed the Senate was taken up for consideration and rules suspended on motion of Senator Isaacs as further amended by **HA 1**.

The roll call vote on **SB 245 w HA 1** was then taken and revealed 19 Senators voting YES and 2 Senators (Cicione and Holloway) ABSENT.

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

SB 347 which had previously passed the Senate was taken up for reconsideration and rules suspended on motion of Senator Kearns as further amended by **HA 1**.

The roll call vote on **SB 347 w HA 1** was then taken and announced to be 18 Senators voting YES, 1 Senator (Steele) NOT VOTING and 2 Senators (Cicione and Holloway) ABSENT.

Therefore, the Bill passed the Senate.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **HJR 21**. The roll call vote on the Resolution was then taken and revealed 17 Senators voting YES, 1 Senator (Hale) voting NO and 3 Senators (Elliott, Holloway and Schlor) ABSENT.

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

On motion of Senator Cook, the necessary rules were suspended for the consideration of **SJR 35**. The name of Senator Knox was added as co-sponsor at his request. The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 Senator (Hughes) ABSENT.

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

On motion of Senator Cook, the necessary rules were suspended for the lifting and consideration of **SJR 36**. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 Senator (Steele) voting NO and 1 Senator (McCullough) ABSENT.

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

HCR 38 w HA 1 was lifted for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 15 Senators voting YES, 3 Senators (Castle, Hale and Steele) voting NO and 3 Senators (Adams, Manning and McCullough) ABSENT.

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

HB 447 w HA 1, 2 and SA 2 was lifted for consideration on motion of Senator Kearns.

SA 3 to the Bill was stricken on motion of Senator Martin.

SA 5 to the Bill was considered on motion of Senator Kearns and the roll call vote taken which revealed:

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

NO: Senators Castle, Martin and Steele — 3.

NOT VOTING: Senators Berndt, Hale, Hughes and Knox — 4.

ABSENT: Senators Adams, Manning and McCullough — 3.

Therefore, the Amendment was adopted.

SA 3 to the Bill was restored at the request of Senator Martin.

SA 6 to the Bill was considered on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Murphy, Schlör — 10.

NO: Senators Berndt, Cicione and Martin — 3.

NOT VOTING: Senators Castle, Knox, Sharp and Steele — 4.

ABSENT: Senators Adams, Manning, McCullough and Zimmerman — 4.

Therefore, the Amendment was defeated.

SA 3 to the Bill was again stricken on motion of Senator Martin.

SA 6 to the Bill was reinstated on motion of Senator Steele.

The roll call vote on SA 6 was taken on motion of Senator Kearns and announced:

YES: Senators Cook, Cordrey, Elliott, Kearns, Martin, Murphy, Schlör, Steele — 8.

NO: Senators Berndt, Castle, Hale, Hughes — 4.

NOT VOTING: Senators Cicione, Holloway, Isaacs, Knox and Sharp — 5.

ABSENT: Senators Adams, Manning, McCullough and Zimmerman — 4.

Therefore, the Amendment was defeated for the second time.

The privilege of the floor was extended to Joshua M. Twilley, Public Service Commissioner, to speak on the Bill after which the roll call vote on the Bill was taken.

Before the roll call vote on HB 447 w HA 1, 2 and SA 2, 5 was announced, Senator Kearns moved that it be tabled.

On motion of Senator Cordrey, the Senate recessed for an hour at 4:35 p.m.

The Senate reconvened at 5:48 p.m., Lt. Governor Bookhammer presiding.

The roll call vote on the motion to table the roll call on HB 447 w HA 1, 2 and SA 2, 5 was then taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Sharp and Zimmerman — 11.

NO: Senators Berndt, Hale and Steele — 3.

NOT VOTING: Senators Castle, Elliott, Hughes and Knox — 4.

ABSENT: Senators Manning, McCullough and Schlör — 3.

Therefore, the motion prevailed and the roll call vote on HB 447 w HA 1, 2 and SA 2, 5 was tabled.

Senator Kearns moved that the necessary rules be suspended for the consideration of SB 475. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Schlör, Sharp, Steele — 11.

NO: Senators Castle, Cook, Elliott, Murphy — 4.

NOT VOTING: Senators Berndt, Hale, Hughes, Knox, Manning and Zimmerman — 6.

Therefore, the motion prevailed and the Bill was before the Senate.

The roll call vote on **SB 475** was taken but before being announced, was tabled on motion of Senator Kearns.

HB 674 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 21 Senators voting YES.

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

HB 276 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (Steele) voting NO and 1 Senator (Castle) NOT VOTING.

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

SB 457 was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken; however, before it was announced the roll call was tabled on motion of Senator Zimmerman.

HB 537 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 21 Senators voting YES.

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

On motion of Senator Cicione, the necessary rules were suspended for the consideration of **HB 678**. The roll call vote on the Bill was taken and revealed 21 Senators voting YES.

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

HB 126 w HA 2 was taken up for consideration on motion of Senator Murphy.

SA 1 to the Bill was stricken on motion of Senator Schlör.

On motion of Senator Isaacs, **HB 126** was then tabled.

SB 31 was taken up for consideration on motion of Senator Murphy and the privilege of the floor was extended to Edward J. Dugan to speak on the Bill.

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

YES: Senators Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Adams, Berndt, Hale, Holloway, Knox, Steele — 6.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator McCullough — 1.

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

On motion of Senator Zimmerman, the roll call vote on **SB 457** was lifted and announced:

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

NO: Senators Martin, McCullough and Sharp — 3.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning — 7.

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

HB 365 w HA 1 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Castle and Knox) NOT VOTING.

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

HB 711 was introduced and assigned to Finance Committee:

HB 711 — “An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts.” Sponsors: Representatives Ferguson, Derrickson, McKay and George.

The roll call vote on **SB 365** was lifted on motion of Senator Murphy and announced:

YES: Senators Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 13.

NO: Senators Adams, Cordrey, Elliott and McCullough —

NOT VOTING: Senators Castle, Hale, Isaacs and Manning — 4.

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

On motion of Senator Kearns, the necessary rules were suspended to consider **SB 481** and the roll call vote on the Bill was taken which revealed 17 Senators voting YES, 1 Senator (Cordrey) voting NO, 2 Senators (Berndt and Steele) NOT VOTING and 1 Senator (Holloway) ABSENT.

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

At 7:28 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:00 p.m. June 28, 1975.

52ND LEGISLATIVE DAY

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

A Prayer was offered by the Rev. Benson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The following Committee Reports were announced:

From the Executive Committee: **SB 364** — 3 Merits, 2 Unfavorable.

From the Health and Social Services Committee: **SB 477** — 5 Merits; **HB 499 w HA 1** — 5 Merits.

From the Community Affairs Committee: **HB 151** — 4 Merits; **HB 448** — 5 Merits.

From the Natural Resources and Environmental Control Committee: **HB 304** — 5 Merits; **HB 236 w HA 2, 3** — 6 Merits; **HB 368** — 5 Merits.

From the Public Safety Committee: **HB 591** — 3 Merits, 1 Unfavorable.

SR 89, sponsored by Senator Holloway and all the Senators, was introduced and considered for adoption:

SR 89 — "Extending the best wishes of the Senate to Philip J. Suchanek and Carole Jeanne Tribbitt, daughter of Governor and Mrs. Sherman W. Tribbitt, as they enter the state of matrimony on Sunday, June 29, 1975."

The roll call vote on the Resolution revealed 20 Senators voting YES and 1 Senator (Kearns) ABSENT.

Therefore, the Resolution was adopted.

The following proposed legislation was introduced:

SB 482 — "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts." Sponsor: Senator Cordrey. The Bill was laid on the table on motion of Senator Cordrey.

SB 483 — "An Act to amend Chapter 69, Title 21, Delaware Code relating to the removal of motor vehicles from Public Highways by Police." Sponsor: Senator Castle. Assigned to Public Safety Committee.

SB 484 — "An Act conferring upon the City Council of Wilmington certain powers relating to the mandatory retirement age of covered employees of the City of Wilmington." Sponsors: Senators Schlör and Holloway.

Senator Holloway moved that the Bill be tabled and Senator Castle objected.

The Bill was then stricken on motion of Senator Schlör.

SB 485 — "An Act relating to a pension for Edward Carpenter." Sponsors: Senators Isaacs and Hughes. Assigned to Executive Committee.

SB 486 — "An Act conferring upon the City Council of Wilmington certain powers relating to the mandatory retirement age of covered employees of the City of Wilmington." Sponsors: Senators Holloway and Isaacs. Assigned to Executive Committee.

SB 487 — "An Act to amend Parts II and IV, Title 11, Delaware Code, and Part VIII, Title 29, Delaware Code, relating to State Government, providing for the transfer of powers, duties and functions of the Division of Corrections of the Department of Health and Social Services, and providing for establishment of a separate Department of Correction." Sponsor: Senator Isaacs. Laid on the table on motion of Senator Kearns.

SA 1 to HB 711 was introduced by Senator Isaacs and placed with the Bill.

SA 2 to HB 711 was introduced by Senator Holloway and placed with the Bill.

SA 3 to HB 711 was introduced by Senator Cicione and placed with the Bill.

SA 4 to HB 711 was introduced by Senator Steele and placed with the Bill.

SA 5 to HB 711 was introduced by Senator Isaacs and placed with the Bill.

SA 6 to HB 711 was introduced by Senator Cicione and placed with the Bill.

SA 7 to HB 711 was introduced by Senator Isaacs and placed with the Bill.

SA 8 to HB 711 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to HB 129 was introduced by Senator Elliott and placed with the Bill.

SA 1 to HB 707 was introduced by Senator Isaacs and placed with the Bill.

SA 2 to HB 707 was introduced by Senator Steele and placed with the Bill.

SA 1 to SB 482 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 475 was introduced by Senator Kearns and placed with the Bill.

HB 31 w HA 1 — "An Act to authorize and approve the transfer of certain real property in Cranston Heights to the Cranston Heights Fire Company." Sponsors: Representatives Gilligan, Maxwell and Kelly; Senator Cicione. The Bill was laid on the table on motion of Senator Cicione.

HB 310 — "An Act to amend Chapter 41, Title 14 of the Delaware Code relating to the courses of instruction required to be taught in Public and Private Schools." Sponsors: Representative McKay and Lynch. Assigned to Education Committee.

HB 358 — "An Act to amend Chapter 43, Title 21, Delaware Code, relating to lamps on parked vehicles." Sponsor: Representative Cain. Assigned to Public Safety Committee.

HB 404 — "An Act relating to the pension eligibility of certain persons." Sponsor: Representative Ferguson. Assigned to Finance Committee.

HB 420 — "An Act authorizing and directing the Board of Pension Trustees to grant Mrs. Bessie Sudler a service pension under the provisions of Chapter 55, Title 29, Delaware Code." Sponsor: Representative Miller. Laid on the table on motion of Senator Zimmerman.

HB 442 — "An Act to amend Chapter 55, Title 30,

Delaware Code, relating to the definition of Gross Receipts." Sponsors: Representatives McGinnis, Hebner, Leshner; Senators Isaacs and Hughes. The Bill was laid on the table on motion of Senator Kearns.

HB 461 — "An Act to amend Subchapter 11, Chapter 47, Title 9, Delaware Code, relating to garbage collection in unincorporated areas of Kent County." Sponsor: Representative Darling. Laid on the table on motion of Senator Zimmerman.

HB 464 w HA 1 — "An Act to amend Chapter 83, Part V, Title 11 of the Delaware Code relating to the State Police; and providing pension eligibility, under certain circumstances, for prior service with the Wilmington Bureau of Police." Sponsor: Representative Jonkiert. Assigned to Public Safety Committee.

HB 473 — "An Act to amend Chapter 5, Title 11 of the Delaware Code pertaining to the crime of obscenity and providing for penalties therefor." Sponsors: Representatives Connor, Jonkiert, Ambrosino, Gilligan, Harrington, Jorlin, Kelly, Leshner, Rispoli. Assigned to Judiciary Committee.

HB 507 — "An Act to repeal Chapter 64, Title 9, Delaware Code, relating to pensions for Sussex County employees while preserving certain rights." Sponsor: Representative Clendaniel. The Bill was laid on the table on motion of Senator Adams.

HB 526 — "An Act to amend Chapter 44, Title 6, Delaware Code, relating to home solicitations or 'door to door' sales." Sponsor: Representative Worthen. Assigned to Judiciary Committee.

HB 539 — "An Act to amend Chapter 65, Part VI, Title 11, Delaware Code, relating to the requirement of certain persons within the Division of Adult Corrections by delaying the effective date of such amended sections." Sponsors: Representatives Ferguson and Riddagh. The Bill was laid on the table on motion of Senator Kearns.

HB 548 — "An Act to provide a supplementary appropriation to the Delaware National Guard, to be expended for uniform and equipment allowances." Sponsor: Representative George. Assigned to Finance Committee.

HB 550 — "An Act to provide a supplementary appropriation to the Delaware National Guard, to pay a prior year's obligation for a liability claim payable to the United States Government for the balance of expenses, incurred in March, 1967, motor vehicle accident." Sponsor: Representative George. The Bill was tabled on motion of Senator Kearns.

HB 552 — "An Act to provide a supplemental appropriation to the Department of Labor for the payment of unemployment benefits to State employees." Sponsor: Representative George. Assigned to Labor Committee.

HB 559 — "An Act to provide a supplemental appropriation to the Department of Administrative Services for operational costs for Fiscal Year 1975." Sponsor: Representative George. Assigned to Finance Committee.

HB 577 — "An Act to amend Chapter 5, Title 13 of the Delaware Code relating to divorce and annulment." Sponsors: Representatives Jornlin, Jonkiert, Arnold, Ambrosino, Leshner, Smith, Connor, McKay, Gilligan, Kelly; Senator Holloway. Assigned to Judiciary Committee.

HB 582 — "An Act to amend Chapter 44, Title 9, Delaware Code, relating to Building Permits in Kent County." Sponsor: Representative Darling. The Bill was tabled on motion of Senator Zimmerman.

HB 617 — "An Act to amend Chapter 96, Title 9 of the Delaware Code relating to the recording of deeds or other instruments conveying Title to Real Estate and requiring the execution of an Affidavit of Residence and Gain and the transmission of information to the State Division of Revenue to assist in collecting taxes due the State." Sponsors: Representatives McGinnis, Powell, Miller, Byrd, Harrington. Assigned to Revenue and Taxation Committee.

HB 618 — "An Act to amend Chapter 15, Title 13 of the Delaware Code relating to divorce and annulment." Sponsors: Representatives Jornlin, Jonkiert, Arnold, Leshner, Smith, Connor, Ambrosino, McKay, Gilligan, Kelly; Senator Holloway. Assigned to Judiciary Committee.

HB 633 — "An Act to authorize and direct the Board of Pension Trustees to grant a pension to Norman F. Hastings, a former employee of the State Highway Department." Sponsors: Representatives Temple and Gordy. Assigned to Finance Committee.

HB 634 — "An Act to authorize the Board of Pension Trustees to grant Mrs. Fred H. Perkins a survivor's pension under Chapter 55, Title 29, Delaware Code." Sponsor: Representative Temple. Assigned to Finance Committee.

HB 638 — "An Act directing the Board of Pension Trustees to provide a pension for Anne E. Klumpp, a former

employee of the Department of Health and Social Services, Division of Adult Corrections." Sponsors: Representatives Johnson and Rispoli. Assigned to Finance Committee.

HB 639 — "An Act directing the Board of Pension Trustees to provide a pension for Leo B. Green, a former employee of the Department of Health and Social Services, Division of Adult Corrections." Sponsors: Representatives Johnson and Rispoli. Assigned to Finance Committee.

HB 659 — "An Act to amend Chapter 7, Title 17, Delaware Code, relating to Railway and Railroad Crossings." Sponsor: Representative Boulden. Assigned to Highways and Transportation Committee.

HB 668 — "An Act to provide a pension for Nicholas DeSimone, a former employee of the Claymont School District." Sponsor: Representative Gilligan. Assigned to Executive Committee.

HB 672 — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled 'An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1975 and to amend certain pertinent statutory provisions' also known as the 1975 Budget Appropriation Act." Sponsor: Representative McGinnis. Assigned to Finance Committee.

HB 702 — "An Act to amend Chapter 66, Title 18 of the Delaware Code and relating to insurance and line-of-duty death benefits for certain private non-profit ambulance companies." Sponsor: Representative Derrickson. The Bill was tabled on motion of Senator Cordrey.

HB 703 — "An Act making an appropriation to the Child Foundation." Sponsors: Representatives LeGates, Worthen, Johnson, Plant, Maxwell, Cain, Rispoli, Seibel, Billingsley, Ambrosino, Connor, Smith, Jornlin and Hebner. Assigned to Finance Committee.

HB 704 — "An Act to amend Chapter 23, Title 10, Delaware Code, relating to annual compensation paid to the Chief Deputy Prothonotary." Sponsor: Representative Gordy. The Bill was tabled on motion of Senator Cook.

HJR 3 — "Memorializing the Delaware Congressional Delegation to support legislation which would grant reverse franking privileges for persons attempting to communicate with their elected Senators and Congressman." Sponsor: Representative Riddagh. Assigned to Executive Committee.

HJR 26 — “Providing for the establishment of a Committee to study the administration and operation of the Public School System in this State, and directing the Committee to request the assistance of the Delaware Government Research Foundation in making such study and making a supplementary appropriation thereto.” Sponsor: Representative Darling. The Resolution was tabled on motion of Senator Cordrey.

HCR 41 — “Requesting Delaware contractors and buyers of steel to purchase American made steel rather than foreign steel.” Sponsors: Representative Matushefske and Senator Hughes. The Resolution was tabled on motion of Senator Hughes.

HB 542 w HA 1 — “An Act to amend Chapter 45, Title 21, Delaware Code, relating to truck weights and lengths.” Sponsors: Representatives Gordy and Boulden. The Bill was tabled on motion of Senator Adams.

HB 714 — “An Act making an appropriation to the Gumboro Volunteer Fire Company to cover the Company’s landfill.” Sponsors: Representatives Gordy and Lynch. Assigned to Agriculture Committee.

HB 709 — “An Act directing the Board of Pension Trustees to re-evaluate pension benefits for Angeline Morris, widow of Charles Morris, a former State employee of the Division of Corrections of the State of Delaware.” Sponsor: Representative Matushefske. Assigned to Executive Committee.

HB 710 — “An Act directing the Board of Pension Trustees to accept the application of Dominick E. Scatasti for a disability pension.” Sponsor: Representative Matushefske. Assigned to Finance Committee.

HB 715 — “An Act to permit certain employees of the Department of Highways and Transportation to retain certain salary overpayments and declaring the promotions of such employees to be valid and legal.” Sponsors: Representative Boulden and Senator Zimmerman. The Bill was laid on the table on motion of Senator Cordrey.

HB 171 — “An Act to amend Chapter 19, Title 14, Delaware Code, relating to school taxation.” Sponsor: Representative LeGates. Assigned to Education Committee.

HB 286 w HA 1 — “An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to the unlawful passing of a School Bus; and providing for identification of a violator.”

Sponsor: Representative Connor. Assigned to Education Committee.

HB 679 w HA 1 — "An Act to amend Chapter 5, Chapter 23, Chapter 45, and Chapter 89, Title 10, Delaware Code, relating to Grand and Petit Juries." Sponsors: Representatives Jonkiert and Senator Isaacs. The Bill was laid on the table on motion of Senator Cordrey.

SB 464 was laid on the table on motion of Senator Cook.

HB 516 was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (Sharp) NOT VOTING and 1 Senator (Elliott) ABSENT.

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

SB 476 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 13 Senators voting YES, 7 Senators (Adams, Berndt, Castle, Elliott, Hale, Knox and Steele) voting NO and 1 Senator (Manning) NOT VOTING.

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

SB 111 was taken up for consideration on motion of Senator Cicione.

SA 1 to the Bill was stricken on motion of Senator Hughes.

SA 2 to the Bill was stricken on motion of Senator Holloway.

SA 3 to the Bill was introduced by Senator Zimmerman who moved that it be adopted. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 Senators (Castle, Hughes and Manning) voting NO.

Therefore, the Amendment was adopted.

The roll call vote on **SB 111 w SA 3** was then taken and revealed 13 Senators voting YES and 8 Senators (Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning and Steele) voting NO.

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

HB 363 was taken up for consideration on motion of Senator Schlör and the roll call vote taken which revealed 21 Senators voting YES.

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

HB 487 was taken up for consideration on motion of

Senator Hughes and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Schlor, Steele, Zimmerman — 16.

NO: Senators Adams and Cicione — 2.

NOT VOTING: Senators Isaacs and Sharp — 2.

ABSENT: Senator Murphy — 1.

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

HB 357 was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Martin and Murphy) ABSENT.

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

Senator Cicione moved that **SS 1** for **SB 372** be laid on the table and the roll call vote on the motion taken and revealed 12 Senators voting YES and 9 Senators (Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Sharp and Steele) voting NO. Therefore, the motion prevailed and the Bill was tabled.

Senator Cicione moved that the necessary rules be suspended to act on **SB 395**. The roll call vote on the motion was taken and revealed 14 Senators voting YES, 6 Senators (Castle, Hale, Hughes, Knox, Manning and Steele) voting NO and 1 Senator (McCullough) NOT VOTING.

Therefore, the motion prevailed and the Bill was before the Senate.

Senator Cordrey moved for a five minute recess at 2:43 p.m.

Called back by Senator Isaacs at 2:47 p.m.

SA 1 to the Bill was stricken on motion of Senator Cordrey.

SA 2 to the Bill was stricken on motion of Senator Cicione.

The privilege of the floor was extended to John E. Malarkey, Department of Finance, to speak on the Bill and the Amendments.

SA 3 to the Bill was introduced by Senator Cicione who moved that it be adopted. The roll call vote on the Amendment taken and revealed 16 Senators voting YES, 3 Senators (Berndt, Castle and Knox) voting NO and 2 Senators (Schlor and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 395 w SA 3** was then taken and revealed 19 Senators voting YES, 1 Senator (Steele) voting NO

and 1 Senator (Castle) NOT VOTING.

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

Senator Cordrey moved the Senate recess for one hour.

The Senate recessed at 3:50 p.m. and reconvened at 5:02 p.m., Lt. Governor Bookhammer presiding.

HB 711 was reported out of the Finance Committee: 5 Merits, 1 Unfavorable.

On motion of Senator Cicione, the necessary rules were suspended to consider **HB 711**. Senator Cicione then requested the President Pro Tempore Isaacs to floor manage the Bill.

SA 10 to the Bill was taken up for consideration on motion of Senator Hale and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Cicione, Hale, Knox, Manning, Steele — 7.

NO: Senators Adams, Cordrey, Kearns, McCullough, Schlör — 5.

NOT VOTING: Senators Cook, Elliott, Holloway, Hughes, Isaacs, Martin, Murphy, Sharp and Zimmerman — 9.

Therefore, the Amendment was defeated.

SA 9 to the Bill was taken up for consideration on motion of Senator Knox and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Cicione, Elliott, Hale, Hughes, Knox, Manning, Steele — 9.

NO: Senators Adams, Cook, Cordrey, McCullough, Schlör — 5.

NOT VOTING: Senators Holloway, Isaacs, Kearns, Martin, Murphy, Sharp, Zimmerman — 7.

Therefore, the Amendment was defeated.

SA 4 to the Bill was taken up for consideration on motion of Senator Steele and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Cicione, Elliott, Hale, Hughes, Knox, Manning, Steele — 9.

NO: Senators Adams, Cook, Cordrey, Schlör — 4.

NOT VOTING: Senators Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Zimmerman — 8.

Therefore, the Amendment was defeated.

The roll call vote on **HB 711** was then taken and revealed 18 Senators voting YES, 1 Senator (Cicione) voting NO and 2 Senators (Castle and Steele) NOT VOTING.

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

HB 129 w HA 1 was taken up for consideration on motion

of Senator Cook.

The privilege of the floor was extended to Roscoe R. West, Ross Point Improvement Club, to speak on the Bill and Amendments.

SA 2 to the Bill was taken up for consideration on motion of Senator Elliott and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Cook) NOT VOTING and 2 Senators (Adams and Cicione) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **HB 129 w HA 1, SA 2** was then taken and revealed 19 Senators voting YES and 2 Senators (Castle and Hale) voting NO.

Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendment.

On motion of Senator Zimmerman, the necessary rules were suspended for the introduction and consideration of **HB 719**:

HB 719 — "An Act to amend Chapter 4, Title 28, Delaware Code, relating to the State tax on special Pari-Mutual and Totalizator Pools conducted or made at Horse Racing Tracks in Kent County." Sponsor: Representative McGinnis.

The roll call vote on the Bill was taken and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Zimmerman, the necessary rules were suspended for the lifting and consideration of **HB 715**.

The roll call vote on the Bill was taken and revealed 21 Senators voting YES.

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

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **HB 488**. The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 Senators (Berndt and Zimmerman) NOT VOTING.

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

HB 275 was taken up for consideration on motion of Senator Kearns and the roll call vote taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Kearns, Knox, Manning, Martin, Murphy, Schlör — 12.

NO: Senators McCullough and Steele — 2.

NOT VOTING: Senators Castle, Cicione, Hale, Hughes,

Isaacs and Sharp — 6.

ABSENT: Senator Zimmerman — 1.

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

HB 493 was taken up for consideration on motion of Senator Schlör.

SA 1 to the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (McCullough and Zimmerman) ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **HB 493 w SA 1** was then taken but tabled before being announced on motion of Senator Schlör.

SB 434 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to John Sullivan, Department of Health and Social Services, to speak on the Bill

The roll call vote on the Bill revealed 18 Senators voting YES, 1 Senator (Manning) voting NO and 2 Senators (McCullough and Sharp) ABSENT.

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

The roll call vote on **HB 493 w SA 1** was lifted on motion of Senator Schlör and announced:

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

NO: Senators Manning and Steele — 2.

NOT VOTING: Senators Berndt, Castle, Hale, Hughes, Knox, Martin, Sharp — 7.

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

Senator Cook moved that the roll call vote on **HB 454** be lifted from the table. Before the roll call was announced, Senator Isaacs moved that it be tabled and the roll call vote on his tabling motion was taken and revealed:

YES: Senators Isaacs, Murphy, Schlör, Zimmerman — 4.

NO: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Kearns, Knox, Manning, Martin — 12.

NOT VOTING: Senators Hughes, McCullough and Steele — 3.

ABSENT: Senators Holloway and Sharp — 2.

Therefore, the motion prevailed; however, before the roll

call vote on the Bill was announced, Senator Cook moved that it be tabled and the motion prevailed without objection.

HB 435 was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to John Sullivan, Department of Social Services, to speak on the Bill. The roll call vote on the Bill revealed 20 Senators voting YES and 1 Senator (Manning) voting NO.

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

On motion of Senator Kearns, the roll call vote on **SB 475** was lifted and revealed 16 Senators voting YES, 4 Senators (Castle, Cook, McCullough and Murphy) voting NO and 1 Senator (Hughes) NOT VOTING.

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

HB 564 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Cook) ABSENT.

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

HB 293 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Cicione and Cordrey) ABSENT.

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

HB 395 w HA 1 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Adams and Cicione) ABSENT.

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

HB 396 was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Steele) voting NO and 2 Senators (Adams and Cicione) ABSENT.

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

On motion of Senator Isaacs, the necessary rules were suspended for the lifting and consideration of **SB 487**.

SA 1 to the Bill was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Cicione, Cook, Cordrey, Isaacs, Murphy,

Schlör, Sharp, Zimmerman — 8.

NO: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Steele — 11.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Adams — 1.

Therefore, the Amendment was defeated.

The roll call vote on **SB 487** was then taken and revealed 11 Senators voting YES, 9 Senators (Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Sharp and Steele) NOT VOTING and 1 Senator (Adams) ABSENT.

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

On motion of Senator Isaacs, the necessary rules were suspended for the introduction and consideration of **SB 488**, sponsored by Senator Holloway:

SB 488 — “An Act to amend Subchapter 11 of Chapter 55, Title 29, Delaware Code, relating to mandatory retirement of public employees.”

The roll call vote on the Bill was taken and revealed 14 Senators voting YES, 1 Senator (Steele) voting NO, 5 Senators (Berndt, Castle, Hale, Hughes and Knox) NOT VOTING and 1 Senator (Adams) ABSENT.

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

On motion of Senator McCullough, the necessary rules were suspended for the lifting and consideration of **HJR 26**; however, on further motion of Senator McCullough, the Resolution was again tabled.

At 7:15 p.m. on motion of Senator Isaacs, the Senate recessed until 12:00 noon June 30, 1975.

The Senate reconvened at 12:23 p.m. June 30, 1975, Lt. Governor Bookhammer presiding and on motion of Senator Isaacs, immediately adjourned to convene for the 53rd Day.

53RD LEGISLATIVE DAY

The Senate convened at 12:23 p.m. June 30, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Elliott.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Secretary announced that a message received from

the House informed the Senate that the House defeated **SJR 28**.

HB 617 was reported out of Revenue and Taxation Committee: 6 Merits.

The following Bills were reported out of the Education Committee: **SB 306** — 1 Favorable, 5 Merits; **SB 471** — 3 Favorable, 2 Merits.

HR 100 which requested that the Senate return **SB 248** to the House for further reconsideration was read; however, the Bill had already been sent to the Governor for his signature.

The following legislation was introduced:

SB 489 — "An Act to amend Chapter 54, Title 30, Delaware Code, relating to Realty Transfer Tax." Sponsor: Senator Adams. Assigned to Revenue and Taxation Committee.

SB 490 — "An Act to amend Chapter 233, Volume 59, Laws of Delaware 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 monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts.'" Sponsors: Senators Steele and Cordrey. On motion of Senator Steele, the Bill was tabled.

SB 491 — "An Act to amend an Act known as House Bill No. 711 of the 128th General Assembly 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 monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on Behalf of Local School Districts.'" Sponsors: Senators Cook and Hale. On motion of Senator Cook, the Bill was tabled.

SA 1 to HB 419 was introduced by Senator Schlör and placed with the Bill.

SA 1 to HB 657 was introduced by Senator Cicione and placed with the Bill.

HJR 26 was lifted for consideration on motion of Senator McCullough and the roll call vote taken which revealed 15

Senators voting YES, 5 Senators (Castle, Hale, Hughes, Manning and Steele) voting NO and 1 Senator (Elliott) ABSENT.

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

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **SB 480** and the roll call vote on the Bill taken which revealed 21 Senators voting YES.

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

HB 513 was taken up for consideration on motion of Senator Isaacs.

The privilege of the floor was extended to Frederick Van Sant of the Controller General's Office, to speak on the Bill.

On motion of Senator Cook, the roll call vote on the Bill was taken which revealed 18 Senators voting YES, 1 Senator (Steele) NOT VOTING and 2 Senators (Hughes and Zimmerman) ABSENT.

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

HB 304 was taken up for consideration on motion of Senator Isaacs and the privilege of the floor extended to Secretary Bryson, to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 21 Senators voting YES.

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

On motion of Senator Steele, the necessary rules were suspended for the lifting for consideration of **SB 490**. The roll call vote on the Bill was taken and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Isaacs, **HB 336 w HA 2, 3** was taken up for consideration and the privilege of the floor extended to Peter Geldof, Department of Parks and Recreation, to speak on the Bill. The roll call vote on the Bill was then taken and revealed 20 Senators voting YES and 1 Senator (Elliott) voting NO. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **HB 529**. The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 Senator (Hale) NOT VOTING. Therefore, the Bill passed the

Senate and was returned to the House.

HB 230 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 288 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 373 was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 17 Senators voting YES, 1 Senator (Elliott) voting NO, 1 Senator (Hughes) NOT VOTING and 2 Senators (Isaacs and Kearns) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 392 w HA 1, 2 was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (Steele) voting NO and 1 Senator (Isaacs) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **HB 679 w HA 1** and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Knox) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 478 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 15 Senators voting YES, 2 Senators (Hale and Steele) voting NO and 4 Senators (Berndt, Hughes, Manning and Sharp) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House.

Consideration of **HB 227** was temporarily deferred on motion of Senator Cicione.

HB 451 was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Kearns) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 151 was taken up for consideration on motion of Senator Schlör and the roll call vote taken which revealed 15 Senators voting YES, 3 Senators (Berndt, Elliott and Steele) voting NO, 2 Senators (Castle and Hughes) NOT VOTING and 1 Senator (Hale) ABSENT. Therefore, the Bill passed the

Senate and was returned to the House.

On motion of Senator Adams, the necessary rules were suspended for the lifting and consideration of **HB 542**.

At the request of Senator Steele, the privilege of the floor was extended to Jack Paradee, United Transportation Union, to speak on the Bill.

The roll call vote on the Bill was taken on motion of Senator Adams; however, on his further motion the roll call vote was tabled before being announced.

HB 368 was taken up for consideration on motion of Senator Isaacs, and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Castle and Hale) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HJR 24 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 16 Senators voting YES, 2 Senators (Cordrey and Steele) voting NO, 2 Senators (Castle and McCullough) NOT VOTING and 1 Senator (Hale) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

On motion of Senator Zimmerman, the necessary rules were suspended for the introduction and consideration of **HB 713**:

HB 713 — "An Act authorizing the transfer of the Free Public Library of the Capital School District known as the Dover Public Library to the City of Dover, providing that the City of Dover shall assume the outstanding obligations of the Library and the obligations of the Capital School District and its District Library Commission relating to such Library upon the transfer thereof and authorizing the City of Dover, to levy, assess and collect a Library Tax."

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 Senator (Schlor) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 714**:

HB 714 — "An Act making an appropriation to the Gumboro Volunteer Fire Company to cover the Company's landfill."

The roll call vote on the Bill was taken; however, on motion of Senator Cordrey, the roll call vote was tabled before being announced.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 617**:

HB 617 — "An Act to amend Chapter 96, Title 9, of the Delaware Code relating to the recording of deeds or other instruments conveying Title to Real Estate and requiring the execution of an Affidavit of Residence and Gain and the transmission of information to the State Division of Revenue to assist in collecting taxes due the State."

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 Senators (Hughes and Schlor) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 581 w HA 1, 2 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 15 Senators voting YES, 1 Senator (Hale) voting NO, 4 Senators (Berndt, Castle, Hughes and Knox) NOT VOTING and 1 Senator (Schlor) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 672** and yield the floor to Senator Cicione.

HB 672 — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled 'An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1975 and to amend certain pertinent Statutory provisions' also known as the 1975 Budget Appropriation Act." Senator Cicione requested roll call on the Bill:

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 Senators (Murphy and Schlor) ABSENT. Therefore, the Bill passed the Senate and returned to the House. On motion of Senator Cicione, the necessary rules were suspended for the consideration of **HB 559** Senator Hughes requested the floor for Secretary John E. Babiarez. The roll call vote was taken which revealed 14 Senators voting YES, 6 Senators (Elliott, Hale, Hughes, Isaacs, Manning and Sharp) voting NO and 1 Senator (Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Holloway, the necessary rules were suspended for the consideration of **SB 479** and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Cordrey, the roll call vote on **HB 714** was lifted and revealed 16 Senators voting YES, 2 Senators (Hale and Hughes) voting NO and 3 Senators (Berndt, Castle and Knox) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Steele, the necessary rules were suspended for the consideration of **SB 471** and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Holloway, the roll call vote on **HB 63 w HA 1** was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Holloway, Hughes, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 11.

NO: Senators Castle, Cook, Cordrey, Elliott, Hale, Isaacs, Knox, Manning, Sharp and Steele — 10.

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

At 2:55 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 4:25 p.m., Lt. Governor Bookhammer still presiding.

HB 591 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES, 1 Senator (Sharp) NOT VOTING and 3 Senators (Elliott, Hale and Manning) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

The Secretary announced that a message from the House informed the Senate that it had adopted **SJR 35**.

On motion of Senator Zimmerman, the necessary rules were suspended for the consideration of **HB 47** and the privilege of the floor extended to Representative McGinnis, to speak on the Bill.

The roll call vote on the Bill was taken but before being announced, Senator Zimmerman moved that it be tabled. The roll call vote on his tabling motion was taken and revealed:

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

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

NOT VOTING: Senators Elliott and Hale — 2.

Therefore, the motion prevailed and the roll call vote on **HB 47** was tabled.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **HB 205** and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Steele) voting NO and 2 Senators (Hughes and McCullough) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

SR 93, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 93 — “To debit Senate Travel Account for Legislators’ mileage of the present Session of the 128th General Assembly.”

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

SR 94, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 94 — “Authorizing payments for services rendered by the Staff for the 128th General Assembly.”

The Resolution was adopted with 21 Senators voting YES.

SR 90, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 90 — “Saluting the Senate Staff and the Legislative Council Staff for their cooperative and indefatigable efforts in serving the needs of the Senate during the First Session of the 128th General Assembly.”

The Resolution was adopted with 21 Senators voting YES.

SR 91, sponsored by Senators Isaacs and Cordrey and all the Senators, was introduced and considered for adoption:

SR 91 — “Expressing the appreciation of the Senate to Lieutenant Governor Eugene D. Bookhammer for his able leadership while presiding over the Senate during the First Session of the 128th General Assembly.”

The Resolution was adopted with 21 Senators voting YES.

SB 467 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Castle and Hale) voting NO. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Schlör, the necessary rules were suspended for the introduction and consideration of **HB 297 w HA 1**:

HB 297 w HA 1 — “An Act to amend Chapter 297, Volume 17, Laws of Delaware entitled ‘An Act to revise and

consolidate the Statues relating to the City of Wilmington: by giving the Mayor and Council the authority to release certain property from tax liability, and also an Act to amend Chapter 119, Volume 28, Laws of Delaware, entitled 'An Act providing for collection of Taxes for the City of Wilmington' by removing collection provisions for City and School Taxes."

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

HB 499 w HA 1 was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Cicione and Isaacs) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

SB 437 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 16 Senators voting YES, 2 Senators (Hale and Manning) voting NO and 3 Senators (Berndt, Castle and Knox) NOT VOTING. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Schlör, **HB 297** was lifted for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Sharp) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Zimmerman, the necessary rules were suspended for the consideration of **HB 566** and the roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Berndt, Elliott, Hale and Hughes) voting NO. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator McCullough, the necessary rules were suspended for the consideration of **HB 310** and the roll call vote taken and announced:

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

NO: Senators Hale, Manning and Martin — 3.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Holloway, Kearns and Sharp — 3.

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

On motion of Senator Cicione, the necessary rules were suspended for the consideration of **HB 31** and the roll call vote

taken which revealed 20 Senators voting YES and 1 Senator (Sharp) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 448 was taken up for consideration on motion of Senator Schlör who then yielded to Senator Cook. The roll call vote on the Bill was taken on motion of Senator Cook and revealed 20 Senators voting YES and 1 Senator (Sharp) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cicione, the necessary rules were suspended for the consideration of **HB 453** and the roll call vote taken which revealed 18 Senators voting YES, 2 Senators (Elliott and Hale) voting NO and 1 Senator (Schlör) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Isaacs, the necessary rules were suspended for the lifting and consideration of **HB 442**. The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 Senator (Hale) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Schlör, the necessary rules were suspended for the lifting and consideration of **HB 582**. Senator Schlör then yielded to Senator Cook on whose motion the roll call vote on the Bill was then taken and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 716**:

HB 716 — "An Act to amend Title 3, Delaware Code, relating to exotic avial species."

The roll call vote on the Bill was taken and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

SR 95, sponsored by Senator Castle and all the Senators, was introduced and adopted with 21 Senators voting YES:

SR 95 — "Wishing former State Senator Ralph S. Keenan of Wilmington a speedy recovery from his current illness."

SR 96, sponsored by Senators Holloway, Elliott and Manning, was introduced and considered for adoption:

SR 96 — "Expressing congratulations and thanks to the Majority and Minority Leadership for their competent and capable leadership during the First Session of the 128th General Assembly."

The Resolution was adopted with 16 Senators voting YES and 5 Senators (Castle, Cordrey, Hughes, Isaacs and Kearns) NOT VOTING.

At 6:07 p.m. on motion of Senator Cordrey, the Senate recessed for dinner.

The Senate reconvened at 8:09 p.m., Lt. Governor Bookhammer still presiding.

HB 590 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Berndt, Elliott, Hughes and McCullough) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 593 was taken up for consideration on motion of Senator Cicione and the privilege of the floor was extended to Brian Kirchoff, Division of Social Services, at the request of Senator Manning.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES with 1 Senator (McCullough) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House.

HB 595 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 597 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 598 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 603 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 592 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

HB 657 was taken up for consideration on motion of Senator Cicione but on his further motion was tabled before final action was taken.

HB 607 was taken up for consideration on motion of Senator Cicione.

The roll call vote on **SA 1** to the Bill was taken on motion of Senator Cicione and revealed 14 Senators voting YES, 3 Senators (Castle, Holloway and McCullough) voting NO and 4 Senators (Hale, Hughes, Steele and Zimmerman) NOT VOTING. Therefore, the Amendment was adopted.

On motion of Senator Cicione, the roll call vote on **HB 607 w SA 1** was then taken and revealed 20 Senators voting YES and 1 Senator (McCullough) NOT VOTING.

Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendment.

HB 657 was lifted for consideration on motion of Senator Cicione and the privilege of the floor was extended to Representative Sincock at the request of Senator Manning.

SA 1 to the Bill was stricken on motion of Senator Cicione and the roll call vote on **HB 657** was then taken and revealed 20 Senators voting YES and 1 Senator (McCullough) voting NO. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cicione, the necessary rules were suspended for the consideration of **HB 594**.

SA 1 to the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Isaacs, McCullough, Murphy, Sharp, Steele, Zimmerman — 11.

NO: Senators Berndt, Castle, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Schlor — 10.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Berndt, Castle, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Schlor — 10.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, McCullough, Murphy, Sharp, Steele, Zimmerman — 10.

NOT VOTING: Senator Isaacs — 1.

Therefore, the Amendment was declared lost.

The roll call vote on **HB 594 w SA 1** was taken on motion of Senator Cicione, but before being announced, Senator Manning moved that it be tabled.

The roll call vote on the motion to table the roll call vote on

the Bill was taken and revealed:

YES: Senators Berndt, Castle, Cook, Hale, Kearns, Knox, Manning, Martin, Murphy — 9.

NO: Senators Adams, Cicione, Cordrey, Elliott, Isaacs, McCullough, Sharp, Steele — 8.

NOT VOTING: Senators Holloway, Hughes, Schlör and Zimmerman — 4.

Therefore, the motion failed and the roll call vote on **HB 594 w SA 1** was announced:

YES: Senators Adams, Berndt, Isaacs, Manning, McCullough, Murphy — 6.

NO: Senators Cicione, Cook, Cordrey, Elliott, Martin, Sharp, Steele, Zimmerman — 8.

NOT VOTING: Senators Castle, Hale, Holloway, Hughes, Kearns, Knox, Schlör — 7.

Therefore, the Bill was declared lost.

Senator Martin moved that the Bill be restored and the roll call vote on the motion revealed:

YES: Senators Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp — 15.

NO: Senators Adams, McCullough, Steele and Zimmerman — 4.

NOT VOTING: Senators Cicione and Elliott — 2.

Therefore, the motion prevailed and the Bill was restored.

Senator Isaacs moved that **SA 1** to **HB 594 w SA 1** be rescinded and stricken.

At 9:05 p.m. on motion of Senator Cordrey the Senate recessed for 10 minutes and reconvened at 10:10 p.m., Lt. Governor Bookhammer still presiding.

Senator Isaacs' motion to rescind the roll call vote on **SA 1** to **HB 594** was still before the Senate and Senator Sharp moved that Senator Isaacs motion be tabled. The roll call vote on tabling the motion was taken and revealed:

YES: Senators Adams, Elliott, McCullough, Sharp, Steele — 5.

NO: Senators Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Zimmerman — 16.

Therefore, the motion was defeated and the Chair ruled that **SA 1** to **HB 594** was rescinded.

Senator Isaacs moved that **SA 2** to the Bill which had previously been lost now be adopted. The roll call vote on the adoption of **SA 2** was taken and announced:

YES: Senators Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Zimmerman — 15.

NO: Senators Adams, Sharp, Steele — 3.

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

Therefore, the Amendment was adopted.

The roll call vote on **HB 594 w SA 2** was then taken and revealed 17 Senators voting YES, 3 Senators (Adams, Sharp and Steele) voting NO and 1 Senator (McCullough) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendment.

HB 203 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 20 Senators voting YES and 1 Senator (Hale) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

Senator Adams moved that the roll call vote on **HB 542** be lifted. The roll call vote on the motion was taken and announced:

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

NO: Senators Castle, Hale, Knox, Manning, Sharp and Steele — 6.

NOT VOTING: Senators Berndt and Hughes — 2.

Therefore, the motion prevailed and the roll call vote on **HB 542** was ordered lifted; however, before it was announced, Senator Adams moved that it again be tabled. The roll call vote on the motion to retable the roll call vote on **HB 542** was taken and announced:

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

NO: Senators Castle, Hale, Hughes, Knox, Manning, Sharp and Steele — 7.

NOT VOTING: Senator Berndt — 1.

Therefore, the motion prevailed and the roll call vote on **HB 542** was tabled.

On motion of Senator Hughes, the necessary rules were suspended for the introduction and consideration of **SJR 37**:

SJR 37. — "Authorizing the Governor to designate the

Secretary of State to negotiate the purchase of 'Bellevue', the estate of the late William du Pont, Jr., immediately on passage by the 128th General Assembly of the necessary appropriation therefor."

Before final consideration of the Resolution was taken, Senator Isaacs moved that the Resolution be laid on the table. The roll call vote on the motion was taken and revealed

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

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Martin, McCullough, Sharp, Steele — 10.

Therefore, the motion prevailed and the Resolution was tabled.

On motion of Senator Berndt, the necessary rules were suspended for the introduction and consideration of **HS 1** for **HB 599**:

HS 1 for **HB 599** — "An Act to permit the Board of Public Education of the Mount Pleasant reorganized School District to transfer certain funds from its Local Debt Service Funds Account to a Special Local Current Operating Funds Account."

The roll call vote on the Bill revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Adams, the necessary rules were suspended for the introduction and consideration of **HB 545**:

HB 545 — "An Act to amend Chapter 45, Title 21, Delaware Code, relating to vehicle weights."

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

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

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Martin, Sharp and Steele — 9.

ABSENT: Senator Holloway — 1.

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

Senator Zimmerman moved that the roll call on **HB 47** be lifted. The roll call vote on his motion was taken and revealed 15 Senators voting YES and 6 Senators (Berndt, Castle, Hale, Knox, Manning and Steele) voting NO.

Therefore, the motion prevailed and the roll call vote on **HB 47** was announced to be:

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

Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Berndt, Cordrey, Hale, Knox, Manning, Steele — 6.

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

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

On motion of Senator Holloway, the necessary rules were suspended for the introduction and consideration of **HB 706 w HA 1**:

HB 706 w HA 1 — “An Act making a supplementary appropriation to the Department of Health and Social Services to be used for payment of certain obligations of the Blackman’s Development Center.”

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 2 Senators (Sharp and Steele) NOT VOTING and 1 Senator (Hughes) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Isaacs, the necessary rules were suspended for the introduction and consideration of **HB 740**:

HB 740 — “An Act authorizing the State of Delaware to borrow money and issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control, to be utilized in the improvement and restoration of Pea Patch Island and the Old Canal Lock facilities at Delaware City.”

On motion of Senator Isaacs, the roll call vote on the Bill was tabled before it was announced.

SJR 37 was lifted for consideration on motion of Senator Hughes; however, Senator Isaacs moved that it again be tabled and the roll call vote was taken on the motion which revealed:

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

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

NOT VOTING: Senators Elliott and Sharp — 2.

Therefore, the motion prevailed and the Resolution was tabled.

Senator Cordrey moved that the Senate recess to the call of the President Pro Tempore; however, he then withdrew his

motion and yielded to Senator Murphy.

On motion of Senator Murphy, the necessary rules were suspended for the introduction and consideration of **HB 625**:

HB 625 — "An Act to amend Chapters 1, 7, 17, 20, 21, 29, Title 5, Delaware Code, relating to certain Statutory Fee charges by the Office of State Bank Commissioner."

The roll call vote on the Bill revealed 21 Senators voting YES; therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cook, the roll call vote on **HB 454** was lifted and announced:

YES: Senators Berndt, Castle, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Steele, Zimmerman — 15.

NO: Senators Cordrey and Murphy — 2.

NOT VOTING: Senators Adams, Cicione and Sharp — 3.

ABSENT: Senator Schlör — 1.

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

HB 255 w HA 1 was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed 18 Senators voting YES, 2 Senators (Hale and Steele) voting NO and 1 Senator (Murphy) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator McCullough, **SB 422** was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES, 1 Senator (Steele) voting NO and 1 Senator (Martin) ABSENT. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Hughes, **SJR 37** was again lifted for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Cicione and Cordrey) voting NO. Therefore, the Resolution was adopted by the Senate and ordered to the House for concurrence.

The roll call vote on **HB 740** was lifted on motion of Senator Isaacs and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

Senator Manning moved that the necessary rules be suspended for the lifting and consideration of **SS 1** for **SB 372**. The roll call vote on the motion revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Martin, Steele — 9.

NO: Senators Adams, Cordrey, Holloway, Isaacs, Kearns, Murphy, Schlor — 8.

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

ABSENT: Senator Cicione — 1.

Therefore, the motion failed.

On motion of Senator Cicione, **SS 1** for **SB 372** was then lifted for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill passed the Senate and was ordered to the House for concurrence.

The following Bills were introduced:

SB 494 — "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments to issue Bonds and Notes therefor and appropriating the monies to Delaware State College." Sponsors: Senators Zimmerman and Kearns and Representative Miller. Placed in Finance Committee.

SB 496 — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act, originally designated Senate Bill 431, and to amend Chapter 5, Title 28 of the Delaware Code." Sponsors: Senator Cicione and Representative George. Assigned to Finance Committee.

Senator Isaacs introduced **SR 92** and moved that it be adopted:

SR 92 — "Expressing thanks to the members of the Senate for their cooperative efforts in assisting the President Pro Tempore in carrying out his duties."

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 2 Senators (Isaacs and Steele) NOT VOTING and 1 Senator (Hale) ABSENT. Therefore, the Resolution was adopted.

SB 415 was reported out of the Agriculture Committee — 4 Merits.

At 11:53 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the President Pro Tempore.

ADOV

WUOO SPECIAL SESSION

Pursuant to the following Proclamation of the Governor, the Senate convened at 1:45 p.m. July 28, 1975, Lt. Governor Bookhammer presiding:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION**

I, Sherman W. Tribbitt, Governor of the State of Delaware, pursuant to Article III, Section 16, of the Constitution of the State of Delaware, do hereby convene the House of Representatives and Senate of the 128th General Assembly of the State of Delaware into Special Session on Monday, July 28, 1975, at 1:00 p.m., to consider, inter alia, an Omnibus Amendment to the 1976 Budget Appropriation Act originally designated Senate Bill 431, and accompanying matters supporting same.

IN WITNESS WHEREOF, I, SHERMAN W. TRIBBITT, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 22nd day of July in the year of our Lord, one thousand nine hundred and seventy-five and of the Independence of the United States of America, the two hundredth.

* * * * *

The Proclamation was signed by Governor Tribbitt and Robert A. Reed, Secretary of State.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

By roll call there were 20 Senators PRESENT with 1 Senator (Knox) ABSENT.

The following communication from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 9, 1975

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

On June 28, 1975, I received Senate Bill No. 206 with Senate Amendment No. 4 entitled:

“AN ACT TO AMEND CHAPTER 26 OF TITLE 14, DELAWARE CODE RELATING TO VOCATIONAL SCHOOL TAX FUNDS IN NEW CASTLE COUNTY.”

I am returning this bill without my signature for the following reasons:

The legislation, as written, will not allow a sharing of

funds collected under the Chapter amended since this Chapter would not, if signed, go into effect until the spring of 1976.

It is necessary that the legislature re-evaluate the needs of the three vocational-technical schools, one of which is operating presently, one of which will be operating in the fall of 1975, and third operating in the fall of 1976.

This legislation does not affect the tax rate for the school year 1975-1976 since it was not passed by the legislature prior to the month of June, the month in which the tax rate must have already been set for the forthcoming school year.

It is important that this entire fiscal situation be reconsidered by the General Assembly at the earliest possible time.

If this legislation was approved at this time, during the fall of 1976 the additional four cents would be insufficient to support two vocational-technical schools in addition to the one presently operating, especially in light of the knowledge that the present three-cents rate is inadequate to support the single vocational-technical school operating now.

It would be my suggestion that the legislature appoint a committee to look into this problem which will be acute in the fall of 1975 as well as the fall of 1976.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

The following communication from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 3, 1975

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

On June 24, 1975 I received Senate Bill No. 373 entitled:
"AN ACT TO AMEND CHAPTER 52 OF TITLE 30,
DELAWARE CODE, RELATING TO PENALTY
ASSESSMENTS PAYABLE BY MAIL."

I am returning this bill without my signature for the following reasons:

The second page of the Act entitled "Penalty Assessment Misdemeanors" is not referable to the section the Act attempts

to amend. In addition, there are injected section numbers which were not mentioned in the only section in the bill.

If this bill was signed in its present form, the courts of jurisdiction would have difficulty in interpretation.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

The following communications from the President Pro Tempore were read:

**SENATE
STATE OF DELAWARE
LEGISLATIVE HALL**

TO: Members of the Senate of
the 128th General Assembly
FROM: Senator J. Donald Isaacs,
President Pro Tempore
DATE: July 21, 1975
SUBJECT: House Joint Resolution No. 21.

Pursuant to the provisions of the House Joint Resolution No. 21 signed by the Governor on July 8, 1975, I hereby appoint the following Senators to serve on the committee to study school desegregation proposals effective immediately.

Senator Calvin McCullough, Senator Robert Berndt, Senator Herman Holloway, Senator Everette Hale, Senator Nancy Cook, Senator George Schlör.

Respectfully submitted,
J. Donald Isaacs
President Pro Tempore

* * * * *

**SENATE
STATE OF DELAWARE
LEGISLATIVE HALL**

TO: Members of the Senate of
the 128th General Assembly
FROM: Senator J. Donald Isaacs,
President Pro Tempore
DATE: July 21, 1975
SUBJECT: House Concurrent Resolution No. 38.

Pursuant to the provisions of House Concurrent Resolution No. 38, signed by the Governor on July 2, 1975, I

hereby appoint the following Senator to the Committee to evaluate the need for a merit system for employees of the Family Court of Delaware: Senator Francis Kearns.

Respectfully submitted,
J. Donald Isaacs
President Pro Tempore

* * * * *

**SENATE
STATE OF DELAWARE
LEGISLATIVE HALL**

July 21, 1975

TO: Members of the Senate of
the 128th General Assembly
FROM: Senator J. Donald Isaacs,
President Pro Tempore
SUBJECT: Senate Joint Resolution No. 32

Pursuant to the provisions of Senate Joint Resolution No. 32, signed by the Governor on July 2, 1975, I hereby appoint the following Senators to be members of the committee to study and report on the advantages of creating a Bicentennial Park near Legislative Hall.

Senator Jacob Zimmerman, Senator J. Donald Isaacs,
Senator David H. Elliott.

Respectfully submitted,
J. Donald Isaacs
President Pro Tempore

* * * * *

**SENATE
STATE OF DELAWARE
LEGISLATIVE HALL**

July 21, 1975

TO: Members of the Senate of
the 128th General Assembly
FROM: Senator J. Donald Isaacs,
President Pro Tempore
DATE: July 21, 1975
SUBJECT: House Joint Resolution No. 24

Pursuant to the provisions of House Joint Resolution No. 24, signed by the Governor on July 9, 1975, I have today appointed the following Senators to serve on the committee to study and evaluate the present status and future of collective

bargaining for all public employees in the State of Delaware: Senator Thomas B. Sharp, Senator George F. Schlör and Senator Everette Hale.

Respectfully submitted,
J. Donald Isaacs
President Pro Tempore

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the introduction and consideration of **SJR 38**:

SJR 38 — "Extending the reporting date of the Committee to study and report on the advantages of creating a Bicentennial Park on the plot known as Capitol Square bounded by Federal Street, Duke of York Street, William Penn Street and Legislative Avenue."

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Knox, McCullough and Schlör) ABSENT and ordered to the House for concurrence.

The following communications from the Governor were read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

William M. Killen, 2618 Tanager Drive, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, succeeding Raymond A. Clay.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The appointment was laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board:

J. Bruce Bredin, Greenville, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring June 1, 1981. (Reappointment)

Elbert N. Carvel, 107 Clayton Avenue, Laurel, Delaware, to be member of the Board of Trustees, University of Delaware, for a six-year term expiring June 10, 1981. (Reappointment)

Luna I. Mishoe, Delaware State College, Dover, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring June 7, 1981. (Reappointment)

Mrs. Madalin W. James, 805 Plaza Apartments, Wilmington, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring June 30, 1978. (Reappointment)

Dr. Samuel Lenher, 1900 Woodlawn Avenue, Wilmington, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring June 19, 1980. (Reappointment)

G. Burton Pearson, Jr., Montchanin, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring August 8, 1980. (Reappointment)

John E. Burris, 6 East Clark Avenue, Milford, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring May 31, 1981, succeeding Joseph L. Marshall, resigned.

E. Norman Veasey, Esq., 316 Center Hill Road, Wilmington, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term expiring May 31, 1981, succeeding Daniel L. Herrmann, resigned.

The above names are not gubernatorial appointments.

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The communication was laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

Henry F. Hill, 112 Washington Street, Lewes, Delaware, to be a Justice of the Peace for Sussex County for a four-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The communication was laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

Mrs. Carol S. Wright, 510 East Sixth Street, Wilmington, Delaware, to be a member of the Bingo Control Commission, filling the unexpired term ending September 1, 1978 of Mrs. Margaret M. Draper, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The communication was laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

Ronald E. Cheeseman, River Road and Sellers Estates, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation. (Reappointment)

John P. McLaughlin, 119 Compass Drive, Claymont, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The communication was laid on the table on motion of Senator Isaacs.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of all of the various appointments; therefore,

The appointment of Ronald E. Cheeseman was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Knox and Zimmerman) ABSENT.

The appointment of John P. McLaughlin was confirmed by the Senate with 17 Senators voting YES, 1 Senator (Castle) NOT VOTING and 3 Senators (Kearns, Knox and Zimmerman) ABSENT.

The appointment of Henry F. Hill was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Knox and Zimmerman) ABSENT.

The appointment of William M. Killen was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Knox and Zimmerman) ABSENT.

The appointment of Carol S. Wright was confirmed by the Senate with 19 Senators voting YES and 2 Senator (Knox and Zimmerman) ABSENT.

At the request of Senator Isaacs, the appointments to the Board of Trustees of the University of Delaware were voted on as a block. The names of the appointees were J. Bruce Bredin, Elbert N. Carvel, Luna I. Mishoe, Madalin W. James, Dr. Samuel Lenher, G. Burton Pearson, Jr., John E. Burris, E. Norman Veasey.

The appointments were all confirmed (en block) with 19 Senators voting YES and 2 Senators (Knox and Zimmerman) ABSENT.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of **SB 285** and the roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Holloway, Knox, Manning and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was ordered to the House for concurrence.

On motion of Senator Murphy, the necessary rules were suspended for consideration of **HB 126 w HA 2**.

SA 2 to the Bill was stricken on motion of Senator Schlör.

The roll call vote on **HB 126 w HA 2** was then taken and revealed 16 Senators voting YES, 1 Senator (Steele) voting NO and 4 Senators (Cook, Knox, Manning and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for the consideration of **HB 564** and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Knox, Manning and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey the necessary rules were suspended for the consideration of **HB 712** and the privilege of the floor extended to Secretary of Finance, John E. Malarkey, to speak on the Bill. The roll call vote on the Bill was taken and revealed 18 Senator voting YES and 3 Senators (Knox, Manning and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for the consideration of **HB 708** and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Knox and Zimmerman) ABSENT. Therefore, the Bill

passed the Senate and was returned to the House.

Senator Cicione introduced **SJR 39** and moved that the necessary rules be suspended for the consideration of the Resolution:

SJR 39 — “Authorizing and creating a Committee to study the feasibility of the leasing of a Food Warehouse and Semi-processing Plant by the State.”

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

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

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

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Kearns, Knox and Zimmerman — 3.

Therefore, the motion prevailed and the Resolution was before the Senate.

Before final consideration of the Resolution, however, it was laid on the table on motion of Senator Cicione.

Senator Murphy introduced **SJR 40** and on his motion the necessary rules were suspended for the purpose of consideration of the Resolution:

SJR 40 — “Establishing a Medical Injury Insurance Reparations Commission to provide prompt and equitable compensation to the victims of medical injury, at reasonable cost.”

The roll call vote on the Resolution was tabled before being announced on motion of Senator Murphy.

Senator Holloway introduced **SJR 41** and on his motion the necessary rules were suspended for consideration of the Resolution:

SJR 41 — “Providing for the appointment of a Women’s Coordinating Council and making an appropriation thereto.”

Senator Holloway introduced **SA 1** to the Resolution and moved that it be adopted.

The roll call vote the Amendment was taken and revealed 18 Senators voting YES and 3 Senators (Cicione, Knox and Zimmerman) ABSENT. Therefore, the Amendment was adopted.

The roll call vote on **SJR 41 w SA 1** was then taken and revealed 17 Senators voting YES, 1 Senator (Steele) voting NO and 3 Senators (Cicione, Knox and Zimmerman) ABSENT. Therefore, the Resolution was adopted by the Senate and sent

to the House for concurrence.

On motion of Senator Adams, the necessary rules were suspended for the reconsideration of **SB 270 w SA 1, 2** as now further amended by **HA 1, 3, 4**. The privilege of the floor was extended to Austin C. Chidester and James E. Turner, Jr., both of Delaware Safety Council, to speak on the Bill.

The roll call vote on the Bill (as so further amended) was taken; however, it was tabled before being announced on motion of Senator Adams.

On motion of Senator Adams, the necessary rules were suspended for the consideration of **HB 464 w HA 1**. The roll call vote on the Bill was taken; however, before it was announced, it was tabled on motion of Senator Adams.

Senator Adams moved that the roll call on **HB 542 w HA 1** be lifted from the table. The roll call vote on the motion was taken and announced:

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

NO: Senators Castle, Hale, Hughes, Manning, Sharp and Steele — 6.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Holloway, Knox and Zimmerman — 3.

Therefore, the motion prevailed and the roll call was lifted. The roll call was then rescinded on further motion of Senator Adams.

Senator Adams introduced **SA 1** to the Bill and moved for its consideration.

The following communication was made part of the record at the request of Senator Steele:

WESTERN UNION TELEGRAM

Robert J. Berndt
312 Beverly Place
Wilmington, Delaware

Urge you to reject **HB 542** if brought to another vote in the Senate. Increase in truck weights will add to present unfair competitive advantages of trucks and imperil profitability of rail operations in Delaware. Similar legislation has been rejected in Maryland, Pennsylvania, and New York. Passage of this legislation will necessarily adversely affect value to Southern of the Delmarva Lines. Graham Claytor, President Southern Railway.

* * * * *

The two following letters are made part of this Journal at the request of Senator Hughes:

**PENN CENTRAL TRANSPORTATION COMPANY
SIX PENN CENTER PLAZA
PHILADELPHIA, PENNSYLVANIA**

July 23, 1975

Honorable Charles E. Hughes
1406 Lincoln Avenue
Wilmington, Delaware

Dear Senator Hughes:

The future of rail transportation on the eastern seaboard and, more particularly, on the Delmarva peninsula, in the movement of general freight traffic, is directly challenged by Delaware H.B. 542.

Penn Central is strongly opposed to the proposed 9% increase in the legal weight limit for trucks to 80,000 pounds, and the 11% increase in allowable loads on tandem axles to 40,000 pounds. If this bill is passed, the competitive balance between truck and rail, already grossly uneven, will tip even further in favor of the truck. Railroads would have to be heavily subsidized to continue in business in Delaware.

Your neighboring States of New York, Maryland and Pennsylvania have rejected or failed to act on similar "big truck" legislation before them this year.

I appreciate the stand you have taken by not voting for this bill and hope that you will continue to stand in opposition to H.B. 542.

Sincerely,
Jervis Langdon, Jr., President.

* * * * *

**DELAWARE MOTOR TRANSPORT ASSOCIATION,
INC.
DOVER, DELAWARE**

July 22, 1975

The Honorable Charles Evans (Pete) Hughes
Senator, State of Delaware
Wilmington, Delaware

Dear Senator Hughes:

I am writing to ask you, on behalf of our Association, to reconsider your vote on **HB 542** which we hope will be lifted

from the table on July 28th.

You will recall that **HB 542** increases allowable gross weight for tractor-trailers to 80,000 pounds and length to 60 feet and provides a new scale of fines for overweight.

We know of your concern for highway safety. You may be sure the trucking industry shares this concern and is constantly striving through various programs to make our highways safer for all who use it.

Will you please take time out from your, I am sure, very busy schedule to read the enclosed letter to the Wilmington Evening Journal. It explains in as concise a way as we can our rationale in support to **HB 542**.

Thank you for your consideration in this matter. We hope we can count on your support of this bill on July 28th.

Very truly yours,
Ralph T. Baker
President

PS. **HB 515** is also deserving of your support. It will provide more revenue for the state. It provides for 5 year registration of trailers for fleets which are approved for self-inspection. Registrations will still be paid on an annual basis.

* * * * *

On motion of Senator Adams, the roll call vote was taken on **SA 1** to **HB 542 w HA 1** but before it was announced, it was tabled on motion of Senator Adams.

HB 542 w HA 1 was then tabled on motion of Senator Adams.

The following communications were read from the Governor:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 28, 1975

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

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

Charles M. Stump, 8 Railroad Avenue, Wyoming, Delaware, to be a Justice of the Peace for Kent County, for a

four year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,

Sherman W. Tribbitt

Governor

* * * * *

The nomination was laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

William Steller, R.D. 1, Townsend, Delaware, to be a member of the Wetlands Appeals Board, for a three-year term effective May 7, 1975 to expire 1978. (Reappointment)

George Wharton, Houston Street, Millsboro, Delaware, to be a member of the Wetlands Appeals Board, for a three-year term effective May 7, 1975 to expire May 7, 1978. (Reappointment)

Joseph Reagan, 21 South Cliffe Drive, Wilmington, Delaware, to be a member of the Wetlands Appeals Board, for a three-year term from date of confirmation. (New)

Your consideration of these nominations will be appreciated.

Respectfully submitted,

Sherman W. Tribbitt

Governor

* * * * *

The nominations were laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

and confirmation of the Senate, the following:

Dr. Donald F. Crossan, 155 Woodshade Drive, Newark, Delaware, to be Chairman of the State Coastal Zone Industrial Control Board, to serve during the pleasure of the Governor, succeeding George M. Worrilow, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

Robert Spencer Wood, 56 Welsh Track Road #311, Newark, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, to succeed Mrs. Mary C. Frey.

Frederic H. Kenney, 109 Simca Lane, No. 4, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, to succeed Anthony Ferrara.

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The nominations were laid on the table on motion of Senator Isaacs.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

and confirmation of the Senate, the following:

Harold N. Green, Esq., 4009 Bryon Road, Wilmington, Delaware, to be a member of the Council on Highways, for a three-year term from date of confirmation, succeeding Robert A. Fulwiler, Jr., Esq.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The nomination was laid on the table on motion of Senator Isaacs.

STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 28, 1975

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

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

Roger D. Kelsey, 146 Crescent Drive, Dover, Delaware, to be an Associate Judge of the Family Court of the State of Delaware, for a twelve-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The nomination was laid on the table on motion of Senator Isaacs.

STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 28, 1975

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

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

Mrs. Louise Marie Lamberta, Route 2, Box 326, Smyrna Delaware, to be a member of the Board of Trustees, Delaware

Technical and Community College, for a three-year term from date of confirmation, succeeding William C. Wright.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The nomination was laid on the table on motion of Senator Isaacs.

STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 28, 1975

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

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

Mrs. Annabel E. Moore, 110 Pine Street, Seaford, Delaware, to be a member of the Board of Trustees, Delaware Technical and Community College, for a three-year term from date of confirmation, succeeding Mrs. Elsie M. Truitt.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The nomination was laid on the table on motion of Senator Isaacs.

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of the above nominations for appointment which had been tabled.

The appointment of Annabel E. Moore was confirmed by the Senate with 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

The appointment of Louise M. Lamberta was confirmed by the Senate with 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

The appointment of Roger D. Kelsey was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Holloway and Knox) ABSENT.

The appointment of Harold N. Green was confirmed by the Senate with 19 Senators voting YES and 2 Senators

(Holloway and Knox) ABSENT..

The appointment of Robert S. Wood was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Holloway and Knox) ABSENT.

The appointment of Frederic Kenney was confirmed by the Senate with 18 Senators voting YES, 1 Senator (Berndt) voting NO, 1 Senator (Castle) NOT VOTING and 1 Senator (Knox) ABSENT.

The appointment of Dr. Donald F. Crossan was confirmed by the Senate with 20 Senators voting YES and 1 Senator (Knox) ABSENT.

At the request of Senator Isaacs, the following nominations for appointment were voted for as a block: William Steller, George Wharton and Joseph Reagan.

The appointments were confirmed by the Senate with 20 Senators voting YES and 1 Senator (Knox) ABSENT.

The appointment of Charles M. Stump was confirmed by the Senate with 19 Senators voting YES, 1 Senator (Castle) NOT VOTING and 1 Senator (Knox) ABSENT.

At 5:35 on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 7:22 p.m., Lt. Governor Bookhammer presiding.

HB 424 was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Castle, Knox, Manning and McCullough) ABSENT. Therefore, the Bill passed the Senate and was ordered back to the House.

HB 741 was taken up for consideration on motion of Senator Cordrey and roll call vote taken which revealed 17 Senators voting YES and 4 Senators (Knox, Manning, McCullough and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 624 was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 15 Senators voting YES, 2 Senators (Hale and Steele) voting NO, 1 Senator (Castle) NOT VOTING and 3 Senators (Knox, Manning and McCullough) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Murphy, the roll call on **SJR 40** was lifted and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman

— 12.

NO: Senators Kearns and McCullough — 2.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Hughes and Steele — 6.

ABSENT: Senator Knox — 1.

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

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of **HB 465**:

HB 465 — “An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Division of Highways of the Department of Highways and Transportation, to be utilized in the Maryland Avenue, Broom Street, and Lancaster Avenue Projects.”

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

Senator Isaacs moved that the necessary rules be suspended for the introduction and consideration of **SB 505**, sponsored by Senators Cordrey and Isaacs.

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

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

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

NOT VOTING: Senators Elliott and Steele — 2.

ABSENT: Senator Knox — 1.

Therefore, the motion prevailed and the Bill was before the Senate:

SB 505 — “An Act to amend Chapter 113, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act, originally designated Senate Bill No. 431, and to amend Chapter 5, Title 28, Delaware Code.”

On motion of Senator Isaacs, the roll call vote on the Bill was taken and announced:

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

NO: Senator Castle — 1.

NOT VOTING: Senators Berndt, Elliott, Hale, Hughes, Manning and Steele — 6.

ABSENT: Senator Knox — 1.

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

House for concurrence.

Senator Isaacs moved that the necessary rules be suspended for the introduction and consideration of **HB 737** and the roll call vote on motion revealed 14 Senators voting YES, 2 Senators (Berndt and Hale) voting NO, 4 Senators (Castle, Hughes, Manning and Steele) NOT VOTING and 1 Senator (Knox) ABSENT. Therefore, the motion prevailed and the Bill was before the Senate:

HB 737 — “An Act to amend Chapter 103, Volume 60, Laws of Delaware entitled ‘An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police officers assisting State Police.’”

On motion of Senator Isaacs, the roll call vote on the Bill was taken and revealed 18 Senators voting YES, 2 Senators (Manning and Steele) NOT VOTING and 1 Senator (Knox) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

Senator Schlör moved that the necessary rules be suspended for the introduction and consideration of **SB 502**. The roll call vote on motion was taken and announced:

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

NO: Senators Castle, Hale, Hughes and Steele — 4.

NOT VOTING: Senators Berndt and Manning — 2.

ABSENT: Senators Elliott and Knox — 2.

Therefore, the motion prevailed and the Bill was before the Senate:

SB 502 — “An Act to amend Chapter 31 of Title 19, Delaware Code, relating to licensing the regulating employment agencies.”

On motion of Senator Schlör, the roll call vote on the Bill was taken and announced:

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

NO: Senators Castle, Hale, Hughes and Steele — 4.

NOT VOTING: Senators Berndt and Manning — 2.

ABSENT: Senators Cicione, Elliott and Knox — 3.

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

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 28, 1975

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

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

Harry Strusowski, 104 New Amstel Avenue, New Castle, Delaware, to be a member of the Delaware Alcoholic Beverage Control Commission, for a three-year term from date of confirmation, to replace James C. Harkins.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of the appointment of Harry Strusowski and the roll call vote taken which revealed 16 Senators voting YES, 3 Senators (Castle, Manning and Steele) NOT VOTING and 2 Senators (Cicione and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

SR 97 was introduced by Senator Cordrey and considered for adoption:

SR 97 — "Expressing the sincere hope of the Senate for the full and speedy recovery of Debbie Hudson, a Senate Attache, injured in a Highway accident."

The Resolution was adopted by the Senate with 20 Senators voting YES and 1 Senator (Knox) ABSENT.

SR 98, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 98 — "To debit Senate Travel Account for legislators' mileage of the present Session of the 128th General Assembly."

The Resolution was adopted with 17 Senators voting YES, 1 Senator (Manning) NOT VOTING and 3 Senators (Berndt, Cicione and Knox) ABSENT.

The following communication was read:

**SENATE
STATE OF DELAWARE**

June 30, 1975

TO: Members of the Senate of the
128th General Assembly
FROM: J. Donald Isaacs,
President Pro Tempore
SUBJECT: Appointment to the Joint Finance Committee

Please be advised that as President Pro Tempore of the 128th General Assembly I have today appointed Senator Everette Hale to replace Senator Michael Castle on the Joint Finance Committee effective July 1, 1975.

* * * * *

SR 99, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 99 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Cicione, Knox and McCullough) ABSENT.

SJR 42, sponsored by Senator Manning and Representative Plant, was read:

SJR 42 — "Authorizing a study to determine the current 'Standard of Need', based upon the latest cost-of-living formula."

Senator Manning moved that the necessary rules be suspended for the consideration of the Resolution and the roll call vote on the motion was taken; however, on motion of Senator Manning, the roll call vote was tabled before being announced.

At 9:12 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the President Pro Tempore.

The Senate reconvened at 3:07 p.m. August 11, 1975, Lt. Governor Bookhammer presiding.

Senator Knox was marked PRESENT.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

The roll call of attendance was taken and revealed 17 Senators PRESENT, and 4 Senators (Cicione, Isaacs, Manning and McCullough) ABSENT.

Senator Isaacs moved that the roll call of attendance be rescinded since this was not a new Legislative Day but a continuation of the Day which recessed on July 28.

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

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

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

ABSENT: Senators Cicione and Manning — 2.

Therefore, the motion prevailed and the roll call of attendance was rescinded.

On motion of Senator Isaacs, the necessary rules were suspended for the introduction and consideration of **SB 508**, sponsored by Senator Isaacs and Representative Spence:

SB 508 — “An Act to aid certain Fire Companies who maintain Rescue Trucks and making an appropriation therefor.”

The roll call vote on the Bill revealed 19 Senators voting YES and 2 Senators (Cicione and Manning) ABSENT. Therefore, the Bill passed the Senate and was sent to the House for concurrence.

SR 100, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 100 — “Directing the Secretary of the Department of Natural Resources and Environmental Control to proceed forthwith to have the deadly trenches in Rehoboth Bay near Dewey Beach filled prior to September.”

The Resolution was adopted by the Senate with 18 Senators voting YES, 1 Senator (Berndt) NOT VOTING and 2 Senators (Cicione and Manning) ABSENT.

On motion of Senator Cordrey, **HB 457 w SA 1** which had previously passed the Senate was reconsidered as further amended by **HA 1**. Therefore, the roll call vote on **HB 457 w HA1, SA 1** was taken and announced:

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

NO: Senators Elliott, Hale, Knox and Steele — 4.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Holloway, Manning, Martin and Zimmerman — 5.

Therefore, the Bill passed the Senate.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 693 w HA 1**:

HB 693 w HA 1 — “An Act to amend Chapter 44 and Chapter 63, Title 9, Delaware Code, and Chapter 83, Title 16, Delaware Code, providing additional requirements prior to issuance of Building Permits.”

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

HB 515 was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Holloway, Manning and McCullough) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

At the request of Senator Kearns, **HB 701 w HA 1**, sponsored by Representative Worthen, was introduced:

HB 701 w HA 1 — “An Act to amend Title 10, Title 11, and Title 31, Delaware Code, relating to the custody, care and treatment of children in need of services, and the transfer of Juvenile Detention facilities from the Division of Juvenile Corrections to the Family Court.”

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

HCR 44, sponsored by Representative Derrickson and Ferguson, was introduced and considered for adoption on motion of Senator Isaacs:

HCR 44 — “Expressing the sympathy of the Delaware General Assembly over the death of Representative Francis M. Jornlin.”

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

Pursuant to the above Resolution, the Senate observed a minute of silent meditation.

HB 661 was taken up for consideration and rules suspended on motion of Senator Kearns and the privilege of the floor extended to John E. Malarkey, Department of Finance, to speak on the Bill.

The roll call vote on the Bill revealed 20 Senators voting YES and 1 Senator (Manning) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 630 was taken up for consideration and rules suspended on motion of Senator Zimmerman and and privilege of the floor extended to Willard J. Thomson, Jr., Division of Highways, to speak on the Bill.

The roll call vote on the Bill revealed 19 Senators voting YES and 2 Senators (Holloway and Manning) ABSENT.

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

On motion of Senator Sharp, the necessary rules were suspended for the introduction and consideration of **SJR 43**:

SJR 43 — "Congratulating the team representing Mill Creek, Delaware, in the 'Babe Ruth Baseball League' upon winning the 1975 Babe Ruth League Middle Atlantic Regional Tournament."

The Resolution was adopted by the Senate with 19 Senators voting YES and 2 Senators (Manning and Zimmerman) ABSENT.

On motion of Senator Cordrey, **HB 693** was lifted for consideration.

SA 1 to the Bill was introduced by Senator Cordrey and adopted by the Senate with 19 Senators voting YES and 2 Senators (Manning and Zimmerman) ABSENT.

The roll call vote on **HB 693 w HA 1, SA 1** was taken and revealed 18 Senator voting YES and 3 Senators (Manning, McCullough and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendment.

SCR 49, sponsored by Senators Isaacs and Adams, Representatives Harrington and Derrickson, was introduced and considered for adoption on motion of Senator Isaacs:

SCR 49 — "Commending the Milton Historical Society and the Town's citizens in recognition of their efforts to establish a Museum to preserve the social and cultural history of their community."

The Resolution was adopted by the Senate with 18 Senators voting YES and 3 Senators (Manning, McCullough and Zimmerman) ABSENT.

The necessary rules were suspended on motion of Senator Isaacs for the introduction and consideration of **HJR 27**:

HJR 27 — "Authorizing and requesting the Governor of the State of Delaware to issue a proclamation designating September 14, 1975, as 'Saint Elizabeth Ann Seton Day' in the State of Delaware."

The Resolution was adopted by the Senate with 19 Senators voting YES and 2 Senators (Holloway and Manning) ABSENT.

On motion of Senator Kearns, **HB 701** was lifted for consideration and the privilege of the floor extended to Representative Worthen to speak on the Bill.

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

At 5:19 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 8:12 p.m., President Pro Tempore Isaacs presiding.

SCR 48, sponsored by Senator Kearns, was introduced and considered for adoption on motion of Senator Cordrey in the absence of Senator Kearns:

SCR 48 — "Expressing thanks to the Delaware Commission on Interstate Cooperation on a successful conference and congratulating Representative Kenneth Boulden on being elected President of the Eastern Regional Conference of the Council of State Governments for 1975-76."

The Resolution was adopted by the Senate with 15 Senators voting YES and 6 Senators (Cook, Elliott, Hughes, Kearns, Manning and McCullough) ABSENT.

Senator Elliott, with all the Senators as co-sponsors introduced **SR 101**:

SR 101 — "Wishing a speedy recovery to Warren J. Gehrt, Superintendent of the Hospital of the Mentally Retarded, Stockley."

The Resolution was adopted by the Senate with 19 Senators voting YES and 2 Senators (Kearns and Manning) ABSENT.

On motion of Senator Adams, the necessary rules were suspended for the introduction and consideration of **HB 745**, sponsored by Representative McGinnis:

HB 745 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to Registration of Vehicles."

The roll call vote on the Bill revealed 19 Senators voting YES and 2 Senators (Kearns and Manning) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

Senator Adams moved that the necessary rules be suspended for the introduction and consideration of **HB 747**. The roll call vote on the motion was taken and announced:

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

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

NOT VOTING: Senator Schlor — 1.

ABSENT: Senators Kearns and Manning — 2.

Therefore, the motion prevailed and the Bill was read by title only:

HB 747 — “An Act to amend Chapter 45, Title 21, Delaware Code, relating to size and weight of vehicles and loads.”

During discussion of the Bill, the privilege of the floor was extended to Jack Paradee, Lemuel H. Hickman and U. H. McFadden, to speak on the Bill.

SA 1 to the Bill was introduced by Senator Hughes but then stricken on his motion.

The roll call vote on **HB 747** was then taken but before being announced, Senator Adams moved that it be tabled. The roll call vote on the motion to table the roll call was taken and announced:

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

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

NOT VOTING: Senators Berndt and Schlor — 2.

ABSENT: Senators Manning, McCullough and Sharp — 3.

Therefore, the motion prevailed and the roll call on **HB 747** was tabled.

The following proposed legislation was introduced:

SB 492 — “An Act to amend Chapter 113, Volume 60, Laws of Delaware, the 1976 Budget Appropriation Act, originally designated Senate Bill No. 431.” Sponsor: Senator Cook. Assigned to Finance Committee.

SB 493 — “An Act to amend Title 22, Chapter 9, Delaware Code by eliminating the Municipal User Tax.” Sponsors: Senators Hughes and Manning. Assigned to Revenue and Taxation Committee.

SB 495 — “An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to the Department of Administrative Services.” Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 497 — “An Act to amend Chapter 45, Title 10, Delaware Code, by providing for the impaneling of a Statewide Grand Jury.” Sponsor: Senator Hughes. Assigned to Judiciary Committee.

SB 498 — “An Act to amend Subchapter I, Chapter 83,

Title 11, Delaware Code, relating to disposition of proceeds received from the sale of lost or stolen property." Sponsors: Senators Elliott and Holloway. Assigned to Judiciary Committee.

SB 499 — "An Act to amend Chapter 23 of Title 30, Delaware Code, relating to Occupational and Business Licenses." Sponsor: Senator Murphy. Assigned to Revenue and Taxation Committee.

SB 500 — "An Act making a supplementary appropriation to the Board of Public Education in Wilmington for the purpose of operating the Howard Career Center during Fiscal Year ending June 30, 1976." Sponsors: Senators Schlor, Holloway and Castle. Assigned to Finance Committee.

SB 501 — "An Act to amend Chapter 29, Title 14 of the Delaware Code relating to the transportation of secondary Public School students." Sponsor: Senator Elliott. Assigned to Education Committee.

SB 503 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Department of Natural Resources and Environmental Control, to be utilized in the construction of a Dam to replace the present Craig's Pond Dam." Sponsors: Senator Elliott, Representatives Gordy and Temple. Assigned to Natural Resources and Environmental Control Committee.

SB 504 — "An Act to amend Chapter 66 of Title 16, Delaware Code, relating to Volunteer Fire Companies who purchase and maintain a rescue boat of recommended size and containing certain equipment to perform dangerous rescue operations." Sponsors: Senators Murphy, Zimmerman and Representative Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 506 — "An Act to relieve certain employees of the State of Delaware from the obligation of repaying to the State certain excess salary payments unknowingly received by such employees." Sponsor: Senator Cook. Assigned to Executive Committee.

SB 507 — "An Act making a supplementary appropriation to the Department of Administrative Services for the purpose of paying employees who failed to receive their annual increment." Sponsor: Senator Cook. Assigned to Finance Committee.

SB 509 — "An Act making a supplementary

appropriation to the Department of Administrative Services, Division of Business and Occupational Regulation for the purpose of implementing the Landscape Architects Act.” Sponsors: Senators Isaacs and Hughes.

Senator Hughes moved that the necessary rules be suspended for the consideration of **SB 509**. The roll call vote on the motion was taken but before it was announced, Senator Hughes moved that it be tabled. The roll call vote on the tabling motion was then taken and revealed:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Martin, McCullough, Steele — 8.

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

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and the roll call to suspend the rules for consideration of **SB 509** was announced:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Martin, McCullough, Steele — 8.

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

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and **SB 509** was assigned to Finance Committee.

SB 510 — “An Act to appropriate funds from the Capital Investment Fund to the Board of Public Education in Wilmington for the operation of the Howard Career Center.” Sponsors: Senators Holloway, Schlör, Castle, Hale and Berndt.

Senator Holloway moved that the necessary rules be suspended for the consideration of **SB 510**. The roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Castle, Hale, Holloway, Knox, Schlör, Steele — 7.

NO: Senators Adams, Cook, Cordrey, Kearns, McCullough — 5.

NOT VOTING: Senators Cicione, Elliott, Hughes, Isaacs, Martin, Murphy, Sharp, Zimmerman — 8.

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and the Bill was assigned to Finance Committee.

SA 1 to SB 496 was introduced by Senator Castle and placed with the Bill.

SA 1 to HJR 17 was introduced by Senator Holloway and placed with the Bill.

SA 1 to HB 227 was introduced by Senator Berndt and placed with the Bill.

HJR 17 w HA 2 — "Establishing a Committee to study the interrelationship of the State of the Courts of Delaware, School Administrations, Faculty and Students and pertaining to discipline problems within our Public Schools." Sponsor: Representative Leshner. Assigned to Education Committee.

HJR 28 — "Establishing a Committee to administer and oversee all aspects in the State purchase of the Bellevue Estate." Sponsor: Representative Darling.

Senator Cordrey moved that the Resolution be laid on the table. The roll call vote on the motion was taken and revealed:

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

NO: Senators Berndt, Castle, Hale, Holloway, Hughes, Knox, Martin, McCullough, Sharp, Steele — 10.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and the Resolution was assigned to Natural Resources and Environmental Control Committee.

HCR 43 — "Recognizing and commending the success, hard work, and spirit of dedication shown by Delaware Volunteers for the Democratic National Telethon." Sponsors: Representatives Jonkiert, LeGates, Maxwell and Kelly.

The Resolution was tabled on motion of Senator Cordrey.

HCR 45 — "Expressing congratulations to the managers, coaches, parents and team members of the New Castle Little League Girls (Major Division) all-star team." Sponsors: Representatives Connor and Boulden; Senator McCullough and all the Senators.

On motion of Senator McCullough the roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 Senators (Cicione, Manning, Murphy, Zimmerman) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

HB 34 w HA 1 — "An Act to amend Title 13 of the Delaware Code relating to Domestic Relations; and providing for a uniform Child Custody Jurisdiction Law." Sponsor: Representative Worthen. Assigned to Judiciary Committee.

Senator Kearns moved that the necessary rules be

suspended for the consideration of **HB 701**. The roll call vote on the motion was taken and revealed:

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

NO: Senators Berndt, Castle, Hughes and Steele — 4.

NOT VOTING: Senators Elliott and McCullough — 2.

ABSENT: Senators Cicione, Hale and Manning — 3.

Therefore, the motion prevailed and the Bill was before the Senate.

SA 1 to the Bill was considered for adoption on motion of Senator Knox and the roll call vote taken which revealed 16 Senators voting YES, 3 Senators (Schlör, Sharp and Steele) NOT VOTING and 2 Senators (Cicione and Manning) ABSENT. Therefore, the Amendment was adopted.

At 10:39 p.m. on motion of Senator Cordrey, the Senate recessed for 15 minutes and reconvened at 11:30 p.m., President Pro Tempore Isaacs presiding.

HB 701 w SA 1 was laid on the table on motion of Senator Cordrey.

At 11:30 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the President Pro Tempore.

SECOND SPECIAL SESSION

The Senate convened at 3:30 p.m., October 30, 1975, Lt. Governor Bookhammer presiding.

At the request of Senator Isaacs, the following letter was read into the record:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

October 23, 1975

The Honorable Eugene D. Bookhammer
President

Delaware State Senate

The Honorable J. Donald Isaacs
President Pro Tempore

Delaware State Senate

Gentlemen:

I respectfully request that the Senate be called in session Thursday, October 30, 1975, at 3:00 p.m. for the purpose of receiving various gubernatorial nominations.

Sincerely,
 Sherman W. Tribbitt
 Governor

* * * * *

Chair ruled the Senate was in session at 3:32 p.m.

A Prayer was offered by Senator Berndt.

Pledge of Allegiance to the Flag.

By roll call, there were 19 Senators PRESENT with 2 Senators (Holloway and Knox) ABSENT.

At 3:35 p.m. on motion of Senator Cordrey, the Senate recessed for a few minutes and reconvened at 4:12 p.m.

Lt. Governor Bookhammer presented the following letters to be introduced in the record:

**STATE OF DELAWARE
 EXECUTIVE DEPARTMENT**

July 9, 1975

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

On June 28, 1975, I received Senate Bill No. 206 with Senate Amendment No. 4 entitled:

"AN ACT TO AMEND CHAPTER 26 OF TITLE 14, DELAWARE CODE RELATING TO VOCATIONAL SCHOOL TAX FUNDS IN NEW CASTLE COUNTY."

I am returning this bill without my signature for the following reasons:

The legislation, as written, will not allow a sharing of funds collected under the Chapter amended since this Chapter would not, if signed, go into effect until the spring of 1976.

It is necessary that the legislature reevaluate the needs of the three vocational-technical schools, one of which is operating presently, one of which will be operating in the fall of 1975, and the third operating in the fall of 1976.

This legislation does not affect the tax rate for the school year 1975-1976 since it was not passed by the legislature prior to the month of June, the month in which the tax rate must have already been set for the forthcoming school year.

It is important that this entire fiscal situation be reconsidered by the General Assembly at the earliest possible time.

If this legislation was approved at this time, during the fall of 1976 the additional four cents would be insufficient to

support two vocational-technical schools in addition to the one presently operating, especially in light of the knowledge that the present three-cents rate is inadequate to support the single vocational-technical school operating now.

It would be my suggestion that the legislature appoint a committee to look into this problem which will be acute in the fall of 1975 as well as the fall of 1976.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 3, 1975

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

On June 24, 1975, I received Senate Bill No. 373 entitled:
"AN ACT TO AMEND CHAPTER 52 OF TITLE 30,
DELAWARE CODE, RELATING TO PENALTY
ASSESSMENTS PAYABLE BY MAIL."

I am returning this bill without my signature for the following reasons:

The second page of the Act entitled "Penalty Assessment Misdemeanors" is not referable to the section the Act attempts to amend. In addition, there are injected section numbers which are not mentioned in the only section in the bill.

If this Bill was signed in its present form, the courts of jurisdiction would have difficulty in interpretation.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

The following letter from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 9, 1975

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

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

and confirmation of the Senate, the following:

Mrs. Alta C. Harrington, Commerce Street, Harrington, Delaware, to be a member of the Department of Elections for Kent County, for a four-year term from date of confirmation. (Reappointment)

Mr. C. Robert Downham, 13 East Street, Camden, Delaware, to be a member of the Department of Elections for Kent County, for a four-year term from date of confirmation. (Reappointment)

Mr. Robert L. Zook, Sr., Milford-Canterbury Road, Milford, Delaware, to be a member of the Department of Elections for Kent County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above-named nominations for appointment.

The roll call vote on the appointment of Alta C. Harrington was taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Knox and Manning) ABSENT. Therefore, the appointment was confirmed by the Senate.

The roll call vote on the appointment of Robert C. Downham was taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Knox and Manning) ABSENT. Therefore, the appointment was confirmed by the Senate.

The roll call vote on the appointment of Robert L. Zook, Sr., was taken and revealed 18 Senators voting YES with 3 Senators (Holloway, Knox and Manning) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 14, 1975

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

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

and confirmation of the Senate, the following:

Robert B. Hopkins, 310 Laws Street, Bridgeville, Delaware, to be a member of the Department of Elections for Sussex County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination for appointment.

Therefore, the roll call vote on the appointment was taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 14, 1975

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

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

Thomas O. Hoxter, 38 Read Martin Farms, Seaford, Delaware, to be a member of the Department of Elections for Sussex County, for a four-year term from date of confirmation, succeeding Richard I. Merrill. (New)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination.

Therefore, the roll call vote was taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 14, 1975

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

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

Mrs. Verdie B. West, R.D. 1, Box 55, Frankford, Delaware, to be a member of the Department of Elections for Sussex County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above appointment. Therefore, the roll call vote was taken and revealed 19 Senators voting YES with 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

John M. Maiorano, 1626 West 10th Street, Wilmington, Delaware, to be a member of the Board of Trustees of Delaware Technical and Community College, for a three-year term from date of confirmation, succeeding Nicholas J. Letang.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination and the roll call vote was taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Mr. Newlin E. Wood, Sr., R.D. Box 50, Hartly, Delaware, to be a member of the Bingo Control Commission, for a five-year term from September 1, 1975 to expire September 1, 1980, succeeding Don Concilio.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The letter of nomination was placed in the Executive Committee at the request of Senator Isaacs.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

W. Pierce Ellis, M.D., Meadow Branch Drive, Laurel, Delaware, to be a member of the Board of Trustees of the Delaware Institute of Medical Education and Research for a three-year term from date of confirmation, succeeding Dr. Judith G. Tobin.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Mrs. Emilie E. Tugend, 309 Hamilton Street, Delaware City, to be a member of the Unemployment Insurance Appeal Board, to fill the unexpired term ending May 1, 1979, of Carl J. Scott, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Ruffin N. Noisette, 507 West 19th Street, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County, for a four-year term from date of confirmation. (Reappointment)

Howard J. Rudge, Esq., 3201 Tanya Drive, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County, for a four-year term from date of

confirmation. (Reappointment)

Lawrence T. Messick, 1 Plover Court, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County, for a four-year term from date of confirmation. (Reappointment)

Harry S. Thomas, 1001 Walnut Street, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County, for a four-year term from date of confirmation. (Reappointment)

Joseph S. Czerwinski, 204 South Franklin Street, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nominations.

The roll call vote on the appointment of Ruffin N. Noisette was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The roll call vote on the appointment of Howard J. Rudge was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The roll call vote on the appointment of Lawrence T. Messick was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The roll call vote on the appointment of Harry S. Thomas was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The roll call vote on the appointment of Joseph S. Czerwinski was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Frederick D. Thomas, P.O. Box 40, Nassau, Delaware, to be a member of the Board of Pension Trustees, for a four-year term from September 29, 1975 to expire September 29, 1979. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for consideration of the above appointment and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Hale) voting NO and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

John P. Greene, 697 Roberta Avenue, Dover, Delaware, to be a Justice of the Peace for Kent County, for a four-year term from date of confirmation, succeeding John D. Holler.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for consideration of the above nomination and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Holloway and

Knox) ABSENT. Therefore, the appointment was confirmed.
The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

John H. Fillmore, 24 Voshell Mill Road, Dover, Delaware, to be a Justice of the Peace for Kent County, for a four-year term from date of confirmation, succeeding Mrs. Elizabeth C. Henry.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the above nomination and the roll call vote taken which revealed 18 Senators voting YES, 1 Senator (Castle) NOT VOTING and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Mrs. Margaret G. Scrivens, 215 West 20th Street, Wilmington, Delaware, to be a member of the Board of Parole, for a four-year term from date of confirmation.
(Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were

suspended for the consideration of the above nomination and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Mrs. Patricia Derrickson, 2 Hazel Road, Dover, Delaware, to be a member of the Environmental Appeals Board, for a three-year term from September 18, 1975 to expire September 18, 1978. (Reappointment)

Mr. Earl Benjamin Tull, R.D. 3 - Box 9A, Seaford, Delaware, to be a member of the Environmental Appeals Board, for a three-year term from September 18, 1975 to expire September 18, 1978. (Reappointment)

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of the above nominations.

Therefore, the roll call vote on the appointment of Mrs. Patricia Derrickson was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The roll call vote on Earl Benjamin Tull was taken and revealed 18 Senators voting YES and 3 Senators (Hale, Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

In conformity with the Constitution and Laws of the State

of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Jeffery J. Corti, 1003 Central Avenue, New Castle, Delaware, to be a Commissioner of the State Personnel Commission, for a three-year term from date of confirmation, succeeding the Reverend Maurice J. Moyer.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for consideration of the above nomination and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was approved by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Cyric W. Cain, Jr., 161 Devonshire Road, Wilmington, Delaware, to be a member of the Tax Appeal Board, for a three-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for the consideration of the above nomination and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed by the Senate.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

John W. Green, 195 Fairways Circle East, Smyrna, Delaware, to be State Bank Commissioner for a four-year term from September 8, 1975 to expire September 8, 1979. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the nomination was placed in the Executive Committee.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

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

Maurice A. Hartnett, III, Esq., 324 South State Street, Dover, Delaware, to be a member of the Tax Appeal Board, for a three-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for consideration of the above nomination and the roll call vote taken which revealed 18 Senators voting YES and 3 Senators (Holloway, Hughes and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

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

In conformity with the Constitution and Laws of the State

of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Robert F. Handy, 420 West 4th Street, Lewes, Delaware, to be a Justice of the Peace for Sussex County, for a four-year term from date of confirmation. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Isaacs, the necessary rules were suspended for consideration of the above nomination and the roll call vote taken which revealed 17 Senators voting YES, 1 Senator (Castle) NOT VOTING and 3 Senators (Holloway, Hughes and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 30, 1975

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

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

William G. Adkins, Selbyville, Delaware, to be Chairman of the Delaware Solid Waste Authority, to serve during the pleasure of the Governor. (New)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the above appointment and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The following letter was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

October 30, 1975

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

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

The Hon. Robert J. Berndt, 312 Beverly Place, Wilmington, Delaware, to be a director of the Delaware Solid Waste Authority, for a three-year term from date of confirmation. (New)

The Hon. J. Donald Isaacs, R.D. 2, Levels Road, Townsend, Delaware, to be a director of the Delaware Solid Waste Authority, for a three-year term from date of confirmation. (New)

The Hon. Casimir S. Jonkiert, 403 South Broom Street, Wilmington, Delaware, to be a director of the Delaware Solid Waste Authority, for a two-year term from date of confirmation. (New)

Hart Tiller Mankin, 1101 Westover Road, Wilmington, Delaware, to be a director of the Delaware Solid Waste Authority, for a one-year term from date of confirmation. (New)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the above nominations.

The roll call vote on the appointment of the Honorable Robert J. Berndt was taken and revealed 17 Senators voting YES, 2 Senators (Berndt and Castle) NOT VOTING and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The roll call vote on the nomination of the Honorable J. Donald Isaacs was taken and revealed 17 Senators voting YES, 2 Senators (Castle and Isaacs) NOT VOTING and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

The roll call vote on the nomination of the Honorable Casimir S. Jonkiert was taken and revealed 17 Senators voting YES, 1 Senator (Castle) NOT VOTING and 3 Senators (Holloway, Knox and Zimmerman) ABSENT. Therefore, the appointment was confirmed.

The roll call vote on the nomination of Hart Tiller Mankin was taken and revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT. Therefore, the appointment was confirmed.

Senator Isaacs introduced **SR 102** and moved that it be adopted:

SR 102 — "In reference to Temporary Rules of the Delaware State Senate."

The Resolution was adopted by a roll call vote which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

At the request of Senator Isaacs, the following letter is made part of this record:

**SENATE
STATE OF DELAWARE**

MEMORANDUM:

MEMBERS OF THE 128TH
GENERAL ASSEMBLY

FROM: SENATOR J. DONALD ISAACS,
PRESIDENT PRO TEMPORE

DATE: OCTOBER 30, 1975

SUBJECT: SENATE RESOLUTION NO.
102 (rule 19, SR 4)

In accordance with Senate Resolution No. 102, I am today appointing Senator Thomas B. Sharp as Chairman of the Committee on Adult and Juvenile Corrections and the following Senators as members of this committee:

Senator Nancy Cook, Senator Anthony J. Cicione, Senator Calvin R. McCullough, Senator David H. Elliott, Senator Charles E. Hughes.

* * * * *

SR 103, sponsored by Senators Isaacs and Sharp, was introduced and considered for adoption:

SR 103 — "Requesting the Senate Standing Committee on Adult and Juvenile Corrections to investigate the Delaware Correctional Center at Smyrna with respect to the large number of escapes and walkaways."

The Resolution was adopted by a roll call vote which revealed 18 Senators voting YES, 1 Senator (Manning) voting NO and 2 Senators (Holloway and Knox) ABSENT.

SR 104, sponsored by Senators Hughes and Elliott, was introduced:

SR 104 — "Requesting Governor Sherman W. Tribbitt to

dismiss the Acting Commissioner of Corrections because of the failure of the Department of Corrections to protect the citizens from escaping hardened criminals."

The Resolution was laid on the table.

Senator Isaacs, with the Lt. Governor and all the Senators as co-sponsors, introduced **SR 105**:

SR 105 — "Expressing the sympathy of the Delaware State Senate to the family of the late Clair John Killoran, a former Attorney General of Delaware."

The Resolution was adopted by roll call vote which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

SR 106, sponsored by Senators Elliott, Isaacs, Adams and Cordrey was introduced and considered for adoption:

SR 106 — "Memorializing the Delaware Congressional Delegation to support and to use the influence of their offices to secure the enactment of legislation which will protect acquiring Railroads from deficiency judgements."

The Resolution was adopted by roll call vote which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

SR 107, sponsored by Senators Isaacs, Sharp, Martin, Hale, Manning, Kearns and Elliott was introduced and considered for adoption:

SR 107 — "Memorializing each member of the Delaware Congressional Delegation to support and use the influence of their office in establishing a Branch Office of the Division of Unemployment Insurance in the Newark Area."

The Resolution was adopted by roll call vote which revealed 19 Senators voting YES and 2 Senators (Holloway and Knox) ABSENT.

SR 108, sponsored by Senators Isaacs and Cordrey, was introduced and considered:

SR 108 — "To debit Senate Travel Account for legislators' mileage of the present Session of the 128th General Assembly."

The Resolution was adopted by roll call vote which revealed 18 Senators voting YES and 3 Senators (Holloway, Knox and Zimmerman) ABSENT.

SR 109, sponsored by Senators Isaacs and Cordrey was introduced and considered:

SR 109 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

The Resolution was adopted by roll call vote which

revealed 18 Senators voting YES and 3 Senators (Holloway, Knox and Zimmerman) ABSENT.

Legislative Advisories No. 46 through 60 informed that the Governor had **approved** the following legislation:

SB 32 w HA 1 — June 26, 1975; **SB 289** — June 26, 1975; **SB 40** — June 26, 1975; **SB 103** — June 26, 1975; **SB 163** — June 26, 1975; **SJR 21** — June 26, 1975; **SB 108 w SA 1** — June 27, 1975; **SB 79 w SA 1** — June 30, 1975; **SB 298** — June 30, 1975; **SB 324 w HA 1** — June 30, 1975; **SB 363** — June 30, 1975; **SB 283** — June 30, 1975; **SB 118 w SA 3, HA 1** — June 30, 1975; **SS 1 for SB 295** — June 30, 1975; **SB 395 w SA 3** — June 30, 1975; **SB 341** — July 2, 1975; **SB 211** — June 2, 1975; **SS 1 for SB 85 w SA 2** — July 2, 1975; **SB 144** — July 2, 1975; **SB 152** — July 2, 1975; **SB 161** — June 2, 1975; **SB 84 w SA 1** — July 2, 1975; **SB 214 w SA 1** — July 2, 1975; **SJR 32** — July 2, 1975; **SCR 45** — July 2, 1975; **SCR 46** — July 2, 1975; **SB 293** — July 2, 1975; **SB 159** — July 2, 1975; **SB 302** — July 2, 1975; **SB 110** — July 2, 1975; **SB 432** — July 2, 1975; **SB 313 w SA 1** — July 3, 1975; **SB 238** — July 3, 1975; **SB 348** — July 8, 1975; **SB 300** — July 8, 1975; **SS 1 for SB 83** — July 8, 1975; **SB 248** — July 8, 1975; **SB 263 w SA 1** — July 9, 1975; **SB 347 w HA 1** — July 9, 1975; **SB 203 w SA 1** — July 9, 1975; **SB 210 w SA 1** — July 9, 1975; **SB 290 w SA 1** — July 9, 1975; **SB 245 w HA 1** — July 9, 1975; **SB 436** — July 9, 1975; **SB 480** — July 9, 1975; **SB 476** — July 9, 1975; **SB 334** — July 9, 1975; **SJR 25** — July 9, 1975; **SJR 35** — July 9, 1975; **SCR 47** — July 9, 1975; **SB 487** — July 10, 1975; **SB 481** — July 11, 1975; **SB 488** — July 11, 1975; **SB 417** — July 11, 1975; **SB 479** — July 11, 1975; **SB 133 w SA 1** — July 11, 1975; **SB 223** — July 11, 1975; **SB 111 w SA 3** — July 11, 1975; **SB 382** — July 11, 1975; **SB 224** — July 11, 1975; **SB 447** — July 29, 1975; **SB 435** — August 4, 1975; **SB 434** — August 4, 1975; **SB 433** — August 4, 1975; **SB 420** — August 6, 1975; **SB 315** — August 7, 1975; **SB 410** — August 12, 1975; **SB 505** (with several line items vetoed) — August 12, 1975; **SB 285** — August 19, 1975; **SCR 49** — August 19, 1975; **SJR 36** — August 19, 1975; **SJR 38** — August 19, 1975; **SB 475** — August 21, 1975.

The Governor **vetoed** the following:

SB 373 — July 3, 1975; **SB 206 w SA 4** — July 9, 1975.

SJR 44, sponsored by Senators Isaacs, Sharp and Martin was introduced and assigned to Executive Committee:

SJR 44 — "Memorializing each member of the Delaware Congressional Delegation to support and use the influence of

their office in establishing a Branch Office of the Division of Unemployment Insurance in the Newark Area."

At the request of Senator Hughes, the Senate stood for a minute of silent prayer for Gerard McSherry, veteran reporter of the State Senate, who was reported seriously ill in the hospital.

At 6:34 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the Chair.

The Senate reconvened at 1:20 p.m. January 13, 1976, Lt. Governor Bookhammer presiding and immediately adjourned the special session on motion of Senator Isaacs and informed the House the Senate is ready for regular session.

**128TH GENERAL ASSEMBLY
SECOND SESSION
1ST LEGISLATIVE DAY
JANUARY 13, 1976**

The Senate was called to order at 1:21 p.m. January 13, 1976 by Lt. Governor Bookhammer

A Prayer was offered by the Chaplain, Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call there were 21 Senators PRESENT.

The Sergeant-at-Arms from the House appeared to inform the Senate that the House is ready to begin the 2nd Session of the 128th General Assembly.

Senator Isaacs, President Pro Tempore of the Senate, was granted the personal privilege of the floor and spoke on the aims of the General Assembly for the coming Session.

Lt. Governor Bookhammer also addressed the Senate in the same vein.

A message from the House informed the Senate that it had passed SB 111 w SA 3; SB 480; SB 475; SB 395 w SA 3; SB 476; SB 436; SB 488; SB 270 w SA 1, 2, HA 3; SB 481; SB 224; SB 487; SB 382; SB 479; SB 133; SB 223; SB 417; SB 334; SB 336 w SA 1, HA 2; SJR 25; SB 447; SB 420; SB 315; SB 505; SB 410; SJR 28.

The following Committee reports were announced:

From the Judiciary Committee: SB 53 — 2 Favorable, 2 Merits; SB 371 — 3 Merits; HB 34 w HA 1 — 4 Merits.

The following veto messages from the Governor were read into the record:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 3, 1975

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

On June 24, 1975, I received Senate Bill No. 373 entitled:
"AN ACT TO AMEND CHAPTER 52 OF TITLE 30,
DELAWARE CODE, RELATING TO PENALTY
ASSESSMENTS PAYABLE BY MAIL."

I am returning this bill without my signature for the
following reasons:

The second page of the Act entitled "Penalty Assessment
Misdemeanors" is not referable to the section the Act attempts
to amend. In addition, there are injected section numbers which
were not mentioned in the only section in the bill.

If this bill was signed in its present form, the courts of
jurisdiction would have difficulty in interpretation.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

July 9, 1975

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

On June 28, 1975, I received Senate Bill No. 206 with Senate
Amendment No. 4 entitled:

"AN ACT TO AMEND CHAPTER 26 OF TITLE 14,
DELAWARE CODE RELATING TO VOCATIONAL
SCHOOL TAX FUNDS IN NEW CASTLE COUNTY."

I am returning this bill without my signature for the
following reasons:

The legislation, as written, will not allow a sharing of
funds collected under the Chapter amended since this Chapter
would not, if signed, go into effect until the spring of 1976.

It is necessary that the legislature reevaluate the needs of
the three vocational-technical schools, one of which is
operating presently, one of which will be operating in the fall of
1975, and the third operating in the fall of 1976.

This legislation does not affect the tax rate for the school year 1975-1976 since it was not passed by the legislature prior to the month of June, the month in which the tax rate must have already been set for the forthcoming school year.

It is important that this entire fiscal situation be reconsidered by the General Assembly at the earliest possible time.

If this legislation was approved at this time, during the fall of 1976 the additional four cents would be insufficient to support two vocational-technical schools in addition to the one presently operating, especially in light of the knowledge that the present three-cents rate is inadequate to support the single vocational-technical school operating now.

It would be my suggestion that the legislature appoint a committee to look into this problem which will be acute in the fall of 1975 as well as the fall of 1976.

Sincerely,
 Sherman W. Tribbitt
 Governor

* * * * *

The following House legislation was introduced:

HB 106 w HA 1 — "An Act to amend Chapter 71, Title 29 of the Delaware Code by increasing the mileage rates for employees of the State of Delaware." Sponsor: Representative Matushefske. Assigned to Finance Committee.

HB 308 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing for the employment of pensioners receiving two thousand dollars or less per year." Sponsors: Representatives Connor and Gilligan. Assigned to Finance Committee.

HB 340 w HA 1 — "An Act to amend an Act being Chapter 197, Volume 54, Laws of Delaware, as amended, entitle 'An Act revising the prior Charter of the City of Rehoboth Beach and prescribing a New Charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach to provide for a one-man one-vote voting in annexation elections, to provide for appeals from the assessments, to provide for notice of elections other than the Annual Municipal Election, to provide a new time for filing petitions for nominations, to increase the amount that can be raised by taxation, to provide a procedure for borrowing money and issuing Bond, to increase the amount for which contracts may be awarded without competitive bidding." Sponsor: Representative Derrickson.

Assigned to Community Affairs Committee.

HB 378 — “An Act to provide a supplemental appropriation to the Department of Highways and Transportation, to pay a prior year’s obligation for under payments of salaries to certain employees.” Sponsor: Representative Lynch. Assigned to Highways and Transportation Committee.

HB 398 — “An Act to amend Chapter 21, Title 21, of the Delaware Code, relating to new residents obtaining Delaware Registration.” Sponsor: Representative LeGates. Assigned to Public Safety Committee.

HB 401 w HA 1 — “An Act to amend an Act, being Chapter 504, Volume 57, Laws of Delaware, entitled ‘An Act to incorporate the Town of Henlopen Acres’ to provide for the organizational meeting of the Commissioners of Henlopen Acres, to provide for the selection of Officers, to provide for a Town Meeting, to provide for the appointment of a Town Clerk, to provide for the payment of a Town Clerk, to provide for the appointment of a Treasurer, to provide for the Bond of the Treasurer, and to provide for the appointment of Auditors of Accounts and to provide for reports at regular meetings.” Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 413 — “An Act to amend Chapter 212, Volume 25, Laws of Delaware, entitled ‘An Act to incorporate the Town of Bethany Beach and giving it authority to issue Bonds’, as amended, to give the Commissioners of the Town of Bethany Beach the power to borrow up to \$100,000.” Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 429 — “An Act to amend Chapter 23, Title 30, Delaware Code, relating to occupational licenses for Nurseries and Florists.” Sponsors: Representatives Jornlin and Clendaniel. Assigned to Revenue and Taxation Committee.

HB 469 — “An Act to amend ‘An Act to reincorporate the Town of Bowers’, being Chapter 279, Volume 53, Laws of Delaware relating to the date of the regular meetings of the Town Council” Sponsor: Representative Minner. Assigned to Community Affairs Committee.

HB 533 w HA 1 — “An Act to provide a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the intersection of Greenbank Road and

Old Capitol Trail in Marshallton." Sponsor: Representative Arnold. Assigned to Finance Committee.

HB 540 — "An Act to amend the Corporate Charter of the Town of Bethel, as amended; providing a minimum voting age of eighteen years; requiring valuation and assessment of property within the Town; and removing tax exemption status from farmland within the Town boundaries." Sponsors: Representative Gordy and Senator Elliott. Assigned to Community Affairs Committee.

HB 543 w HA 1 — "An Act to amend Chapter 45, Title 7, Delaware Code, relating to destruction of Public or State Property." Sponsor: Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

HB 605 — "An Act to amend Chapter 15, Title 13, of the Delaware Code, relating to divorce and annulment to provide a new definition of 'Voluntary Separation'. Sponsors: Representatives Jornlin, Jonkiert, Smith, Connor, Ambrosino, McKay, Gilligan, Kelly and Senator Holloway. Assigned to Judiciary Committee.

HB 606 — "An Act to amend Chapter 5, Title 13 of the Delaware Code relating to desertion and support." Sponsors: Representatives Jornlin, Jonkiert, Arnold, Leshner, Smith, Connor, Ambrosino, McKay, Gilligan, Kelly and Senator Holloway. Assigned to Judiciary Committee.

HB 717 — "An Act to amend Chapter 55, Part IV, Title 30, Delaware Code, relating to Tobacco Products Tax Licenses and the fee for a cigarette vending machine identification stamp." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 736 — "An Act making a supplementary appropriation to the Conrad School District (95-30-000) for the proposed payment of certain back pay." Sponsors: Representative Arnold and Senator Manning. Assigned to Finance Committee.

HB 738 — "An Act establishing a Transportation Commission for Highway and Transportation within New Castle County providing authority thereto describing responsibilities and duties and petitioning certain congressional delegates to transfer certain Federal Funds and authority to the Commission." Sponsors: Representatives Ferguson, Boulden, Worthen, Billingsley, Sincok. Assigned to Highways and Transportation Committee.

HB 739 — "An Act to amend Volume 59, Chapter 545,

Laws of Delaware relating to residual funds for establishing an efficient system of operation in the Division of Revenue." Sponsors: Representatives McGinnis and Billingsley. Assigned to Finance Committee.

HB 748 — "An Act to amend Chapter 45, Title 21, Delaware Code, relating to size and weight of vehicles and loads and providing for penalties." Sponsor: Representative Gordy. Assigned to Judiciary Committee.

HB 752 — "An Act to amend Chapter 30, Title 30, Delaware Code, relating to the handling fee on sales of motor vehicles, trailers, truck tractors, motorcycles, and mobile homes." Sponsor: Representative McGinnis. Assigned to Public Safety Committee.

The following Senators were marked PRESENT: Senators Manning, Elliott, Hughes, Martin and Hale.

The following Senate legislation was introduced:

SB 511 — "An Act to provide for the transfer of certain funds originally allocated to the State Board of Education and the State Board for Vocational Education to the Marshallton-McKean School District." Sponsors: Senator Cicione; Representatives Maxwell and Gilligan. Assigned to Education Committee.

SB 512 — "An Act to amend Chapter 1 of Title 15, Delaware Code, pertaining to compensation of members." Sponsor: Senator Murphy. Assigned to Finance Committee.

SB 513 — "An Act to amend Chapter 3 of Title 15, Delaware Code, pertaining to the State Election Commissioner." Sponsor: Senator Murphy. Assigned to Finance Committee.

SB 514 — "An Act to amend Chapter 1 of Title 15, Delaware Code, pertaining to the definition of 'Party' or 'Political Party.'" Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 515 — "An Act to amend Chapter 49, Title 15, Delaware Code, relating to the custody of voting machines." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 516 — "An Act to amend Chapter 33, Title 15, Delaware Code, relating to Party Titles." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 517 — "An Act to amend Chapter 61, Title 29, Delaware Code, relating to daily deposit of General Fund

money." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 518 — "An Act making a supplementary appropriation to Legislative Council for the purpose of purchasing additional sets of the Delaware Code Annotated, 1974." Sponsor: Senator Isaacs. Assigned to Finance Committee.

SB 519 — "An Act to amend Chapter 19, Part II, Title 29 of the Delaware Code relating to fiscal projections; and determining the time when the three-year fiscal projection must be attached to a Bill or Resolution." Sponsor: Senator Kearns. Assigned to Finance Committee.

SB 520 — "An Act making a supplementary appropriation to the Bethany Beach Volunteer Fire Company for the maintenance of aerial or platform trucks." Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 521 — "An Act to amend Chapter 7, Title 14, Delaware Code, relating to authority of teachers and administrators of Sussex County Public Schools to administer corporal punishment." Sponsor: Senator Cordrey. Assigned to Education Committee.

SB 522 — "An Act to authorize and approve the transfer of certain real property being Warwick School No. 225 and all attachments thereto to the Pot-Nets American Legion Post." Sponsor: Senator Cordrey. Assigned to Executive Committee.

SA 1 to HB 738 was introduced by Senator Zimmerman and placed with the Bill.

SJR 44 was reported out of the Executive Committee — 5 Favorable.

On motion of Senator Isaacs, and without objection, the necessary rules were suspended to consider **SJR 44** for adoption. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT. Therefore, the Resolution was adopted by the Senate and sent to the House.

SR 110, sponsored by Senators Zimmerman and Cook, was introduced and considered for adoption:

SR 110 — "Expressing sympathy over the death of former Representative Leonard A. Covell."

The roll call vote on the Resolution revealed 20 Senators voting YES and 1 (McCullough) ABSENT. Therefore, the Resolution was declared adopted.

Senator Holloway was marked PRESENT.

SR 111, sponsored by Senator Isaacs, was introduced and considered for adoption:

SR 111 — “Providing a supplementary appropriation to the Senate to fund total salaries for Fiscal Year 1976.”

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Resolution after which the roll call vote was taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT. Therefore, the Resolution was declared adopted.

SR 112, sponsored by Senators Isaacs and Cordrey, was introduced:

SR 112 — “In reference to temporary rules of the Delaware State Senate.”

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

The following Senate legislation was introduced:

SB 523 — “An Act to amend an Act being Chapter 143, Volume 57, Laws of Delaware, as amended, entitled ‘An Act to incorporate the Town of South Bethany.’ Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 524 — “An Act to amend Subchapter 1 of Chapter 27, Title 21, Delaware Code, relating to information on licenses.” Sponsor: Senator Cordrey. Assigned to Public Safety Committee.

SB 525 — “An Act to amend Chapter 7 of Title 29, Delaware Code, relating to the establishment of a Legislative Internship Program.” Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 526 — “An Act to amend Chapters 13, 19, 31, 45, 49 and 55 of Title 15, Delaware Code, relating to registration records, supplies, and places, registration for members of military forces and related organizations, sample ballots for Primary Elections, Poll Lists for Primary Elections, Poll Lists for General Elections, grounds for refusing to accept a ballot, and Absentee Voting.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 527 — “An Act to amend Chapter 50 of Title 15, Delaware Code, pertaining to the preparation of voting machines.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 528 — “An Act to amend Chapters 31 and 33 of Title 15, Delaware Code, relating to Primary Elections and nominations of candidates.” Sponsor: Senator Murphy.

Assigned to Banking, Insurance and Elections Committee.

SB 529 — "An Act to amend Chapter 65, Title 29, Delaware Code, relating to coverage of certain employees under the Cost of Living Salary Supplement." Sponsor: Senator Martin. Assigned to Finance Committee.

SR 113, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 113 — "Authorizing the Legislative Council to furnish postage for the Second Session of the 128th General Assembly of the State of Delaware."

The roll call vote on the Resolution revealed 19 Senators voting YES and 2 (Cordrey and McCullough) ABSENT. Therefore, the Resolution was adopted.

SR 112 was lifted from the table for consideration on motion of Senator Isaacs and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT. Therefore, the Resolution was adopted.

Senator McCullough was marked PRESENT.

Senator Cordrey introduced **HJR 31**;

HJR 31, sponsored by Representative Jonkiert, — "In reference to election of Officers."

On motion of Senator Cordrey, the necessary rules were suspended for consideration of **HJR 31** and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING. Therefore, the Resolution was adopted by the Senate and returned to the House.

Senator Cordrey introduced **HCR 46**:

HCR 46, sponsored by Representatives McGinnis, Jonkiert, Harrington, Derrickson, Sincock; Senators Isaacs, Cordrey, Kearns, Castle, Hughes — "Providing that a Joint Session of the House of Representatives and the Senate be convened to commemorate the Bicentennial Year 1976."

The roll call vote on the Resolution revealed 21 Senators voting YES. Therefore, the Resolution was adopted by the Senate and returned to the House.

The following legislation was introduced:

SJR 45 — "Providing for the call of a United States Constitutional Convention for the purpose of proposing an Amendment to prohibit busing of public school pupils." Sponsors: Senators Isaacs, Cordrey, Kearns; Representatives McGinnis and Harrington.

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

SJR 46 — “Requesting the Chief Judge of the Third Circuit Court of Appeals to initiate an inquiry.” Sponsors: Senators Isaacs, Cordrey, Kearns; Representatives McGinnis, Harrington, Jonkiert.

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

SJR 47 — “Directing the Acting Commissioner of the Department of Corrections to cease the letting of a formal contract for the construction of a Women’s Prison until the Committee on Adult and Juvenile Corrections renders its final recommendations to the General Assembly.” Sponsors: Senators Sharp, McCullough, Cicione, Cook, Hughes, Elliott.

On motion of Senator Sharp, the necessary rules were suspended for consideration of **SJR 47** and the roll call vote taken which revealed 19 Senators voting YES, 1 (Knox) voting NO and 1 (Manning) NOT VOTING. Therefore, the Resolution was adopted by the Senate and ordered to the House.

SR 114 — “Extending the reporting date of the Senate Standing Committee on Adult and Juvenile Corrections which was requested to investigate the Delaware Correctional Center at Smyrna.” Sponsors: Senators Sharp, McCullough, Cicione, Cook, Hughes and Elliott.

The Resolution was adopted with 21 Senators voting YES.

SR 115 — “Expressing the condolences of the Delaware State Senate to the family of the late Clayton S. Harrison, Jr.” Sponsors: Senator Hughes and all the Senators.

The Resolution was adopted with 21 Senators voting YES.

SA 2 to HB 701 was introduced by Senator Cicione and placed with the Bill.

SCR 50 — “Extending congratulations to the Caesar Rodney High School Football Team and their Coach, Joe Purzycki, on becoming the No. 1 Interscholastic Football Team in the State.” Sponsors: Senators Murphy, Zimmerman, Hughes and Hale; Representatives Morris, Darling and Minner.

The Resolution was adopted with 21 Senators voting YES and the Resolution was ordered to the House.

The following Senate legislation was introduced:

SB 530 — “An Act to amend Chapter 69, Part VI, Title 29 of the Delaware Code relating to the procurement of material and award contracts for Public Works by State Agencies.” Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 531 — “An Act to amend Chapter 34, Volume 58, Laws

of Delaware, being an Act entitled: 'An Act to reincorporate the Town of Blades', relating to provisions for voting in an annexation election." Sponsors: Senator Elliott and Representative Temple. Assigned to Community Affairs Committee.

SB 532 — "An Act to amend Subchapter II of Chapter 5, Title 29, Delaware Code, relating to reproduction by photographing records." Sponsors: Senator Cordrey and Representative Harrington. Assigned to Executive Committee.

SB 533 — "An Act to amend Chapter 6, Title 31, Delaware Code, relating to the misuse of Food Stamps." Sponsor: Senator Adams. Assigned to Health and Social Services Committee.

SB 534 — "An Act to amend Chapter 31, Title 15, Delaware Code relating to the payment of filing fees by candidates for election." Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 535 — "An Act to amend Chapter 31 of Title 19, Delaware Code relating to Employment Agencies." Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

On motion of Senator Cicione, **HB 701 w HA 1**, which had been laid on the table, was assigned to the Judiciary Committee.

At 2:57 p.m. on motion of Senator Cordrey, the Senate recessed for the Joint Bicentennial Session with the House.

JOINT SESSION

At 3:00 p.m. on January 13, 1976 Representative McGinnis moved that the Senate and House convene in Joint Session. The motion prevailed.

Representative McGinnis moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

The Speaker appointed the following Committee to escort the Governor to the Senate Chamber: Senators Kearns and Knox; Representatives Cain and Ambrosino.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

A Bicentennial Observance Program was offered by members of the Faculty and Student Body of the University of

Delaware.

At 4:30 p.m. the previously named Committee escorted the Governor from the Chamber.

Representative McGinnis moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Representative McGinnis moved that the two Houses now separate to reconvene in their respective Chambers. The motion prevailed.

* * * * *

The Senate adjourned at 4:35 p.m. on motion of Senator Isaacs for lack of a quorum.

The Senate reconvened at 1:54 p.m. January 14, 1976, Lt. Governor Bookhammer presiding.

Senator Isaacs withdrew his motion for adjournment from the day before.

The Senate then immediately recessed and at 1:55 p.m. January 14, 1976, adjourned on motion of Senator Isaacs.

2ND LEGISLATIVE DAY

The Senate convened at 1:55 p.m. January 14, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT and 1 (Elliott) ABSENT.

The Journal of the previous day was approved as read.

SR 116, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 116 — "In reference to election of Staff Members."

The roll call vote on the Resolution revealed 18 Senators voting YES and 3 (Elliott, Holloway and Manning) ABSENT. Therefore, the Resolution was declared adopted.

Senator Holloway was marked PRESENT.

SB 53 was taken up for consideration on motion of Senator Berndt:

SB 53 — "An Act to amend Subchapter 1, Chapter 5, Title 13 of the Delaware Code relating to Domestic Relations; and providing for an extension of Child support payments until completion of the child's education." Sponsors: Senators

Berndt, Kearns and Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 (Elliott and Isaacs) ABSENT. Therefore, the Bill passed the Senate and was ordered to the House.

At 2:10 p.m. the Senate recessed on motion of Senator Cordrey and reconvened at 3:37 p.m.

The following Committee reports were announced:

From the Education Committee: **SB 511** — 2 Favorable, 4 Merits.

From the Finance Committee: **SB 520** — 3 Favorable, 2 Merits.

From the Public Safety Committee: **SB 524** — 4 Merits.

From the Labor and Industrial Relations Committee: **SB 535** — 4 Merits.

From the Revenue and Taxation Committee: **SB 499** — 5 Merits.

From the Community Affairs Committee: **SB 523** — 4 Merits; **HB 340 w HA 1** — 5 Merits; **HB 401 w HA 1** — 4 Merits; **HB 413** — 1 Favorable, 3 Merits.

SJR 48 was introduced by Senator Cook:

SJR 48 — "Extending the reporting date of the Committee to Study the Changes to the State Employees' Pension plan proposed by House Bill No. 431 of the 128th General Assembly." Sponsors: Senators Cook and Berndt.

On motion of Senator Cook, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 18 Senators voting YES and 3 (Elliott, Isaacs and Martin) ABSENT. Therefore, the Resolution was adopted by the Senate and sent to the House.

SCR 51, sponsored by Senators Murphy, Zimmerman and Cook, was introduced and considered for adoption on motion of Senator Murphy:

SCR 51 — "Appointing a Director on the part of the State of Delaware for the Farmers Bank of the State of Delaware to replace the late Julius E. Tudor."

The roll call vote on the Resolution revealed 20 Senators voting YES and 1 (Elliott) ABSENT. Therefore, the Resolution was adopted by the Senate and sent to the House.

SB 371 was taken up for consideration on motion of Senator Zimmerman:

SB 371 — "An Act to amend Subchapter III, Chapter 5, Title 11, Delaware Code, establishing criminal offenses for the pirating of recordings and establishing penalties therefor.

Sponsor: Senator Zimmerman and the roll call vote taken which revealed 20 Senators voting YES and 1 (Elliott) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

HB 34 w HA 1 was taken up for consideration on motion of Senator Kearns and the privilege of the floor was extended to Representative Worthen and Tom Shiels of Legislative Council to speak on the Bill.

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

SB 536, sponsored by Senator Adams, was introduced and placed in Public Safety Committee:

SB 536 — "An Act to amend Chapter 27, Title 21, relating to fees for reinstatement of driver licenses." Sponsor: Senator Adams.

At 4:15 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. January 15, 1976.

3RD LEGISLATIVE DAY

The Senate convened at 2:02 p.m., January 15, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the previous day's Session were approved as read.

A message from the House informed the Senate that it had passed **SB 384, 254; 403; SCR 50; SJR 44; SJR 48.**

SA 1 to SB 18 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to HB 187 was introduced by Senator Kearns and placed with the Bill.

The following legislation was introduced:

HB 522 — "An Act to amend Chapter 27, Title 21, Delaware Code, relating to a fee for issuing a School Bus Driver's License." Sponsor: Representative Boulden. Assigned to Public Safety Committee.

HB 562 — "An Act to amend Chapter 21, Title 21, Delaware Code, relating to requirement of insurance for motor vehicles." Sponsors: Representatives Gordy and Boulden. Assigned to Public Safety Committee.

SB 537 — "An Act to provide a Grant-in-aid to

Wilmington Senior Center, the West Center City Senior Center, and to the People Settlement Program." Sponsors: Senator Cicione; Representatives Jonkiert, Rispoli, Plant, Johnson and George. Assigned to Finance Committee.

SB 538 — "An Act to amend Chapter 237, Volume 60, Laws of Delaware, by authorizing an additional use for the funds appropriated therein." Sponsor: Senator Cordrey. Assigned to Finance Committee.

The following Committee reports were announced:

From the Public Safety Committee: **SB 536** — 2 Favorable, 1 Merits.

From the Community Affairs Committee: **HB 469** — 5 Merits.

From the Natural Resources and Environmental Control Committee: **HB 149** — 4 Favorable.

HB 249 was taken up for consideration on motion of Senator Kearns:

HB 249 — "An Act to amend Chapter 98 Title 10, Delaware Code, relating to costs in proceedings before Justices of the Peace" and roll call vote taken which revealed 17 Senators voting YES and 4 (Elliott, McCullough, Murphy and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

SB 18 was taken up for consideration on motion of Senator Isaacs.

The roll call vote on **SA 1** to **SB 18** was taken on motion of Senator Isaacs and revealed:

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

NO: Senators Hale, Knox and Manning — 3.

NOT VOTING: Senators Hughes and Steele — 2.

ABSENT: Senator Elliott — 1.

Therefore, the Amendment was adopted.

On further motion of Senator Isaacs, **SB 18 w SA 1** was then tabled.

SB 35 was taken up for consideration on motion of Senator Isaacs and the privilege of the floor was extended to Tom Shiels of Legislative Council at the request of Senator Berndt.

The roll call vote on the Bill was taken but tabled before being announced on motion of Senator Isaacs.

At 3:30 p.m. Senator Isaacs presiding,

SB 511 was taken up for consideration on motion of Senator Cicione:

SB 511 — "An Act to provide for the transfer of certain Funds originally allocated to the State Board of Education and the State Board for Vocational Education to the Marshallton-McKean School District and the roll call vote taken which revealed 18 Senators voting YES and 3 (Elliott, McCullough and Schlor) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SR 118, sponsored by Senator Holloway, was introduced and considered for adoption:

SB 118 — "Marking the 47th Anniversary of the birth of Martin Luther King, Jr., President of the Southern Christian Leadership Conference at the time of his assassination, in 1968."

The roll call vote on the Resolution revealed 16 Senators voting YES and 5 (Cicione, McCullough, Schlor, Sharp, Steele) ABSENT. Therefore, the Resolution was adopted.

SR 117, sponsored by Senator Holloway, was introduced and considered for adoption:

SR 117 — "Expressing the sympathy of the Senate to the family of the late Paul E. Shockley, a member of the House for sixteen years and a leading citizen of the City of Wilmington."

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, McCullough, Schlor and Sharp) ABSENT. Therefore, the Resolution was adopted.

SB 499 was taken up for consideration on motion of Senator Murphy but final consideration of the Bill was deferred on further motion of Senator Murphy.

At 3:40 p.m. on motion of Senator Cordrey, the Senate recessed for caucus and reconvened at 4:43 p.m. President Pro Tem Isaacs presiding.

HCR 48, sponsored by Representative Jonkiert and Senator Isaacs, was introduced and considered for adoption on motion of Senator Cordrey:

HCR 48 — "Commending the University of Delaware Concert Choir on its superb performance in the House Chambers on the First Day of the Second Session of the 128th General Assembly, January 13, 1976."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Elliott and Knox) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

The President Pro Tem announced that **SB 401** was reassigned from the Executive Committee to the Judiciary Committee.

SB 331 was taken up for consideration on motion of Senator Schlör:

SB 331 — "An Act to amend Chapter 39, Part XI, Title 11 of the Delaware Code relating to concurrent sentences and consecutive sentences." and the roll call vote taken which revealed 16 Senators voting YES, 4 (Castle, Hale, Holloway and Manning) voting NO and 1 (Knox) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 461 was laid on the table on motion of Senator Adams.

SB 524 was taken up for consideration on motion of Senator Cordrey:

SB 524 — "An Act to amend Subchapter 1 of Chapter 27, Title 21, Delaware Code, relating to Information on License and the roll call vote taken which revealed 20 Senators voting YES and 1 (Knox) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 520 was taken up for consideration on motion of Senator Cordrey:

SB 520 — "An Act making a supplementary appropriation to the Bethany Beach Volunteer Fire Company for the maintenance of aerial of platform trucks." and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway and Knox) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 523 was taken up for consideration on motion of Senator Cordrey but was laid on the table on further motion of the Senator.

SB 303 was taken up for consideration on motion of Senator Martin.

SA 1 to the Bill was considered for adoption and the roll call vote taken which revealed:

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

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

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

ABSENT: Senator Knox — 1.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion

of Senator Martin and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Isaacs, Kearns, Martin, McCullough, Schlor — 9.

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

NOT VOTING: Senators Elliott, Holloway, Murphy, Sharp and Zimmerman — 5.

ABSENT: Senators Cicione and Knox — 2.

Therefore, the Amendment was declared defeated.

Final consideration of **SB 303 w SA 1** was then deferred on motion of Senator Martin.

On motion of Senator Cordrey, the necessary rules were suspended for the consideration of **SB 523**:

SB 523 — “An Act to amend an Act being Chapter 143, Volume 57, Laws of Delaware, as amended entitled ‘An Act to Incorporate the Town of South Bethany’ and the roll call vote taken which revealed 18 Senators voting YES, 1 (McCullough) NOT VOTING and 2 (Cicione and Knox) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SR 119, sponsored by Senator Elliott, was introduced and considered for adoption:

SR 119 — “Expressing the sympathy of the members of the Delaware State Senate to the family of Senator Thomas L. Johnson, a former member of the Senate.”

The roll call vote on the Resolution revealed 19 Senators voting YES and 2 (Knox and McCullough) ABSENT. Therefore, the Resolution was adopted.

SA 1 to HB 522 was introduced by Senator Adams and placed with the Bill.

The following proposed legislation was introduced:

SB 539 — “An Act to amend Title 10 and Title 11 of the Delaware Code relating to crimes and criminal procedure; and establishing a flat-time sentencing system.” Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 540 — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of school employees by authorizing the employment of additional aides in the School Districts and setting a minimum salary.” Sponsor: Senator Elliott. Assigned to Education Committee.

SB 541 — “An Act authorizing the State of Delaware to borrow money and to issue bonds and notes therefor; and appropriating the funds thus obtained to the Department of Natural Resources and Environmental Control, to be utilized in

the construction of a Dam to replace the present Record's Pond Dam." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 542 — "An Act to authorize certain persons to apply to the State of Delaware for sums due them by law and to make an appropriation therefor." Sponsor: Senator Isaacs. Assigned to Executive Committee.

HJR 22 was reported out of the Executive Committee: 1 Favorable, 5 Merits.

HB 773 w HA 1, sponsored by Representatives Minner and Morris, was introduced and assigned to the Administrative Services Committee:

HB 773 w HA 1 — "An Act to authorize and approve the transfer of certain real property by the State Board of Education to the Department of Administrative Services for sale to a charitable organization for a nominal fee."

The following Bills were stricken at the request of Senator Kearns: **SB 160; SB 237; SB 329.**

At 5:45 p.m. on motion of Senator Cordrey, the Senate recessed until Tuesday, January 20 at 1:30 p.m.

The Senate reconvened at 1:54 p.m. January 20, 1976, Lt. Governor Bookhammer presiding.

The following Bills were reported back to the Senate from the Executive Committee: **SB 525** — 1 Favorable, 5 Merits; **SB 517** — 4 Favorable, 2 Merits; **SB 486** — 2 Favorable, 4 Merits; **SB 380** — 2 Favorable, 2 Merits, 2 Unfavorable; **SB 532** — 4 Favorable, 2 Merits.

At 1:55 p.m. on motion of Senator Isaacs the Senate adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY

The Senate convened at 1:55 p.m. January 20, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

SR 120, sponsored by Senators Isaacs, Kearns and Cordrey, was introduced and considered for adoption:

SR 120 — "Establishing and defining the position of Public Information Assistant to the Senate Majority and Minority."

The roll call vote on the Resolution revealed 15 Senators voting YES, 4 (Cook, Elliott, Hale and Steele) voting NO and 2 (Holloway and Manning) ABSENT. Therefore, the Resolution was declared adopted.

The following proposed legislation was introduced:

SB 543 — "An Act to amend Chapter 21, Title 29, Delaware Code, relating to Senate and public notification of Gubernatorial appointments." Sponsor: Senator Elliott. Assigned to Executive Committee.

SB 544 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the intersection of Grove Street and Bi-State Boulevard in Delmar, Delaware." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 545 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Department of Natural Resources and Environmental Control, to be utilized in the construction of an indoor-outdoor pavilion for Trap Pond State Park." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 546 — "An Act to amend Chapter 36 of Title 24, Delaware Code, by providing for certain registration exemptions of Geologists." Sponsors: Senators Isaacs and Berndt. Assigned to Natural Resources and Environmental Control Committee.

SB 547 — "An Act to amend Chapter 68 of Title 7, Delaware Code, relating to the establishment of User Fees for Surf Fishing vehicles." Sponsor: Senator Elliott. Assigned to Natural Resources and Environmental Control Committee.

SB 548 — "An Act authorizing a supplemental appropriation to the State Board of Examiners and Registration of Architects, Division of Business and Occupational Regulation, Department of Administrative Services, for the purpose of reimbursement for the expenses of the 1974 Middle Atlantic Regional Conference of the National Council of Architectural Registration Boards." Sponsor: Senator Murphy. Assigned to Finance Committee.

SCR 52 — "Establishing the Legislative Committee on School Desegregation and providing for the funding of such Committee." Sponsors: Senators Cicione, Isaacs and Sharp. The Resolution was laid on the table on motion of Senator

Cicione.

HB 773 w HA 1 was reported out of the Administrative Services Committee: 2 Favorable, 4 Merits.

HB 178 w HA 1 was taken up for consideration on motion of Senator Kearns:

HB 178 w HA 1 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the possession of a deadly weapon during the commission of a felony.” The privilege of the floor was extended to Representative Riddagh at the request of Senator Isaacs.

The roll call vote on **HB 178 w HA 1** was then taken and revealed:

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

NO: Senators Castle, Hale, Holloway, Kearns, Knox, Manning — 6.

ABSENT: Senator Martin — 1.

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

HB 217 w HA 1 was taken up for consideration on motion of Senator Isaacs:

HB 217 w HA 1 — “An Act to amend Chapter 7, Title 7 of the Delaware Code relating to wearing hunter orange in the hunting of deer” and the roll call vote taken which revealed 19 Senators voting YES, 1 (Kearns) voting NO and 1 (Martin) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HJR 22 was laid on the table on motion of Senator Isaacs.

SS 1 for SB 52 was taken up for consideration on motion of Senator Kearns.

The roll call vote on **SA 1** to the Bill was taken on motion of Senator Kearns and revealed 19 Senators voting YES, 1 (Elliott) NOT VOTING and 1 (McCullough) ABSENT. Therefore, the Amendment was adopted.

The roll call vote on **SS 1 for SB 52 w SA 1** was then taken but before it was announced it was tabled on motion of Senator Kearns.

HJR 22 was lifted for consideration on motion of Senator Isaacs and the privilege of the floor extended to Representative Sincock to speak on the Resolution. On further motion of Senator Isaacs, the Resolution was again tabled.

HB 401 w HA 1 was taken up for consideration on motion

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

HB 413 was taken up for consideration on motion of Senator Schlor:

HB 413 — “An Act to amend Chapter 212 Volume 25, Laws of Delaware entitled ‘An Act to Incorporate the Town of Bethany Beach and giving it authority to Issue Bonds’, as amended, to give the Commissioners of the Town of Bethany Beach the power to borrow up to \$100,000” and the roll call vote taken which revealed 19 Senators voting YES, 1 (Isaacs) NOT VOTING and 1 (McCullough) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 469 was taken up for consideration on motion of Senator Schlor:

HB 469 — “An Act to amend ‘An Act to Reincorporate the Town of Bowers’, being Chapter 279, Volume 53, Laws of Delaware, relating to the date of the regular meetings of the Town Council”, and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was returned to the House.

SB 536 was taken up for consideration on motion of Senator Adams:

SB 536 — “An Act to amend Chapter 31 of Title 19, Delaware Code relating to Fees for reinstatement of Drivers Licenses” and the roll call vote which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was sent to the House.

HB 141 was taken up for consideration on motion of Senator Cordrey who then moved for a roll call vote on the Bill; however, Senator Isaacs moved that the Bill be tabled and the roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Castle, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Knox, Manning, McCullough, Murphy — 13.

NO: Senators Berndt, Cordrey, Kearns, Martin, Schlor, Sharp, Steele — 7.

ABSENT: Senator Zimmerman — 1.

Therefore, the motion prevailed and **HB 141** was tabled.

On motion of Senator Cook, the roll call vote on **SB 56** was lifted:

SB 56 — “An Act proposing an Amendment to Article 4, Section 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." The roll call was taken and revealed 18 Senators voting YES, 2 (Schlor and Steele) voting NO and 1 (Castle) NOT VOTING. Therefore, the Bill passed the Senate and was sent to the House.

The following Committee reports were announced:

From the Education Committee: **SB 521** — 6 Merits.

From the Health and Social Services Committee: **SB 533** — 5 Merits.

SB 52 was stricken at the request of Senator Kearns.

HCR 49, sponsored by Representative Gordy and Senator Kearns, was introduced and considered for adoption on motion of Senator Kearns:

HCR 49 — "Extending the reporting date of the Committee to Evaluate the need for a Merit System for employees of the Family Court of the State of Delaware."

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES, 1 (Zimmerman) voting NO and 6 (Holloway, Hughes, Murphy, Schlor, Sharp and Steele) NOT VOTING. Therefore, the Resolution was adopted and returned to the House.

HCR 50, sponsored by Representative Plant, was introduced and considered for adoption on motion of Senator Isaacs:

HCR 50 — "Calling attention to the fact that as we enter our Bicentennial Year Delaware's Black Minority is represented in both Houses of the General Assembly."

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (Steele) NOT VOTING and 2 (Holloway and McCullough) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

HCR 51, sponsored by Representatives McGinnis, Jonkiert and Harrington; Senators Isaacs, Cordrey and Kearns, was introduced and laid on the table on motion of Senator Isaacs:

HCR 51 — "Providing for the establishment of a Special Legislative Committee to study the function which the Legislature should assume in the desegregation case of Evans vs. Buchanan and further providing a supplementary appropriation therefor."

At 4:31 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. January 21, 1976.

5TH LEGISLATIVE DAY

The Senate was called to order at 1:47 p.m. January 21, 1976 by Lt. Governor Bookhammer.

A Prayer was offered by the Chaplain, Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

Legislative Advisory No. 61 received from William C. Bradley, Jr., Esq., Counsel to the Governor, informed the Senate that the Governor had approved the following legislation: On January 13, 1976. - **SJR 43**; on January 20, 1976 - **SB 403**; **SB 384**; **SB 254**; **SCR 50**; **SJR 48**.

* * * * *

The following proposed legislation was introduced:

SB 549 — "An Act to amend Chapter 29 of Title 14, Delaware Code, relating to transportation of Public School students." Sponsors: Senators Zimmerman and Kearns. Assigned to Education Committee.

SB 550 — "An Act to amend Chapter 25, Title 29 of the Delaware Code, relating to defense of State officers in proceeding or actions brought against them or their spouses in their individual capacity." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 47 was laid on the table on motion of Senator Cordrey.

SB 535 was laid on the table on motion of Senator Cordrey.

SB 301 was laid on the table on motion of Senator Zimmerman.

HB 773 was tabled on motion of Senator Isaacs.

SB 517 was taken up for consideration on motion of Senator Isaacs.

SB 517 — "An Act to amend Chapter 6 Title 29, Delaware Code, relating to Daily Deposit of General Fund Money", and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and Holloway) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 525 was taken up for consideration on motion of Senator Isaacs.

SB 525 — "An Act to amend Chapter 7, of Title 29, Delaware Code, relating to the establishment of a Legislative Internship Program", and the privilege of the floor was extended to Don Coker of Legislative Council to speak on the

Bill. The roll call vote on the Bill was then taken and revealed 19 Senators voting YES and 2 (Murphy and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 380 was taken up for consideration on motion of Senator Steele.

SB 380 — “An Act to amend Laws of Delaware, Volume 57, Chapter 797 relating to the Delaware State Arts Council”, and the roll call vote taken which revealed:

YES: Senators Adams, Cicione, McCullough, Sharp and Steele — 5.

NO: Senators Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Schlor — 13.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Murphy and Zimmerman — 2.

Therefore, the Bill was declared lost.

HB 773 w HA 1 was lifted for consideration on motion of Senator Cook.

HB 773 w HA 1 — “An Act to authorize and approve the transfer of certain real property by the State Board of Education to the Department of Administrative Services for sale to a charitable organization for a nominal fee”, and the roll call vote taken which revealed 18 Senators voting YES, 2 (Manning and McCullough) NOT VOTING, and 1 (Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 171 was reported out of the Education Committee: 5 Merits.

SA 1 to HCR 51, sponsored by Senators Berndt and Castle, was introduced and placed with the Bill.

SA 1 to SB 533 was introduced by Senator Adams and placed with the Bill.

SR 121, sponsored by Senator Isaacs, was introduced and considered for adoption:

SR 121 — “In reference to election of Staff members.”

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT. Therefore, the Resolution was adopted.

SCR 53, sponsored by Senators Elliott, Hale and Holloway, was introduced:

SCR 53 — “Directing that each Standing Committee of the 128th General Assembly shall review the Governor’s

recommended budget for FY 1977 and provide such review, in writing, to the members of the Joint Finance Committee and the Controller General during February 1976."

A motion was made to place the Resolution in the Executive Committee and the roll call vote on the motion was taken and revealed:

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

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

NOT VOTING: Senator Holloway — 1.

Therefore, the motion prevailed and the Resolution was assigned to the Executive Committee.

SB 551, sponsored by Senator Cordrey, was introduced and assigned to Executive Committee:

SB 551 — "An Act directing the Secretary of State to execute and deliver Deeds to certain persons for land in Baltimore Hundred, Sussex County, Delaware."

HCR 52, Sponsored by Representatives McGinnis, Jonkiert and Harrington; Senators Isaacs, Cordrey and Kearns was introduced and considered for adoption:

HCR 52 — "Providing that a Joint Session of the Senate and the House of Representatives be convened to hear the Governor's Annual State of the State Address."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (Sharp) voting NO and 1 (McCullough) NOT VOTING. Therefore, the Resolution was adopted by the Senate and returned to the House.

HJR 34, sponsored by Representatives LeGates and Hebner, was introduced and placed in the Executive Committee:

HJR 34 — "Declaring that the people shall have the right to alter or abolish State Government and Federal Government; and affirming that it is not only their right, but their duty, to throw off abusive and oppressive government."

HCR 51 was lifted for consideration on motion of Senator Isaacs.

At 3:40 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 4:10 p.m., President Pro Tempore Isaacs presiding.

At 4:14 p.m. Lt. Governor Bookhammer presiding.

HCR 51 was still before the Senate.

Senator Berndt requested that **SA 1** to the Resolution be deferred.

The following communication was presented by Senator Holloway in reference to the Resolution and is included in this Journal at his request:

Respectfully submitted by Senator H. M. Holloway
Delaware State Senate

Author - Donald J. Hayman

SCHOOL BUSING: AN EDUCATIONAL OR POLITICAL ISSUE?

There are certain issues that should remain outside of the political arena. Good schools should not be a matter or partisan politics. Most parents want the best education possible for their children. Most Americans want the best schools possible for their country. This should be true regardless of political affiliation.

The primary goal of school busing is quality education, not racial balance. As long as America's great pluralistic society is separated by it's "public" schools, then the strength that comes from the diversity of our citizenry will never be fully realized. As long as some schools are for the rich, some for the middle-class, and some for the poor, American schools will continue to represent hypocrisy and separatism.

How can there be understanding and harmony among different races and beliefs in our society when our schools practice racial and socio-economic separatism. Our present public school system contributes directly to the continuance of the racism and violence that is so prevalent in America. We can never have a generation without intolerance and ignorance until our youth are able to attend schools that are truly public. Public means for the use or benefit of all. A school where poor and rich, black and white, and all ethnic groups can be together. This kind of school will breed understanding and tolerance, not misunderstanding and hatred.

School busing has already been successful in communities that want it to succeed. Awakening earlier and riding some miles on a bus is a cheap price to pay for a generation that will not be characterized by racism and violence. This can happen for the first time in American history.

William Serrin, in the June 24, 1972, Education issue of Saturday Review reported, "In Pontiac (Michigan) the first large northern city to be ordered by a Federal Court to bus

children to achieve school integration, busing goes much better than expected. The children seem happy. For the first time in several years, the city, which has approximately 23,000 Blacks and Mexican-Americans, has not had to close a school because of racial strife. The President may oppose busing; most congressmen may oppose it, including Blacks. But two facts remain: First, Pontiac schools would not be integrated without a busing program, and second, that program is working. "The majority of our kids seem to get along fine," says Pontiac School Superintendent Dana Witmer. "We got a lot of love going on," adds Andrew Petress, Director of the city's Human Relations Commission. Mr. Serrin also reported that the Detroit area's suburban congressmen, most of them whites, opposed busing. But evidently the majority of students disagreed. When a fifth grader was asked about busing, he said, "It's great". Another white student said, "We've got a lot of friends who are black . . . I don't want to stay out. I want to see my friends."

A major report, the widely publicized Coleman Report, a nationwide survey of public educational opportunities in the United States that was required by the Civil Rights Act of 1964, showed without doubt, that school achievement in a racially balanced school did not deter the educational achievement of economically advantaged students and the racially balanced school did enhance and improve the educational achievement of economically disadvantaged students. Legally, there is no dispute, the *Brown v. Topeka* U. S. Supreme Court decision of 1954 ruled that racially segregated schools are a violation of the Constitution of the United States.

Learning that comes from daily personal association with different races and beliefs is a lesson that is contained in no textbook, nor taught by any teacher. Understanding and respecting our differences can only be learned by being with each other. This can happen when the student population of each and every public school is truly representative of all races, nationalities, and beliefs.

Abraham Lincoln said, "I am for . . . the greatest good to the greatest number." The attainment of that worthy goal can begin when our schools are really a place for public education.

* * * * *

The roll call vote on **HCR 51** was then taken and revealed 19 Senators voting YES, 1 (Holloway) voting NO and 1 (Schlor) NOT VOTING. Therefore, the Resolution was adopted by the