

On motion of Mr. Hoey **HB 213** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 213—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in New Castle County."

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. McCullough, Nechay, Steen, Williams—4.

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

On motion of Mr. Hoey **HB 244** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 244—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. McCullough, Nechay, Steen, Williams—4.

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

On motion of Mr. Hoey **HB 6** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 6—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware."

Mr. duPont introduced **SA 1** to **HB 6** and moved for its adoption.

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer—5.

NAYS—Messrs. Mayhew, McCullough, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—7.

NOT VOTING—Messrs. Hickman, Hoey—2.

ABSENT—Messrs. Nechay, Steen, Williams—3.

So the question was decided in the negative and the Amendment not having received the required constitutional majority was lost.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Steen, Williams—3.

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

On motion of Mr. Hoey **HB 19** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 19—"An Act Appropriating Money to the Disabled American Veterans of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Steen, Williams—3.

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

On motion of Mr. Hoey **HB 284** entitled "An Act Appropriating Money to Ellendale School District No. 125," was taken up for consideration and read a second time by title in order to pass the Senate:

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Steen, Williams—3.

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

Mr. Snowden introduced the following Bills which were given first reading and referred to Committee:

SB 248—"An Act Making a Supplementary Appropriation to the State Geological Survey for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Miscellaneous.

SB 249—"An Act Amending Chapter 57, Volume 52, Laws of Delaware," to Revised Statutes.

SB 250—"An Act Making an Appropriation for a General Contingent Funds for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of Budget Commission in Relation Thereto," to Revised Statutes.

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

HB 400—"An Act to Provide for the Appointment by the Resident Judge of New Castle County of Certain School Board Members in Certain School Districts in New Castle County for a Term Ending June 30, 1963," to Education.

HB 293—"An Act to Amend Chapter 11, Title 30, Delaware Code, Entitled 'Income Tax'," to Finance.

HB 187—"An Act Appropriating Money to Delmar School District No. 163," to Finance.

On motion of Mr. Snowden **SB 209** entitled "An Act Making a Supplementary Appropriation to the Department of Public Welfare for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," was taken up for consideration and read a second time in order to pass the Senate.

Mr. Snowden introduced **SA 1** to **SB 209** and on his further motion the Amendment was adopted by voice vote.

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

YEAS—Messrs. Correll, duPont, McCullough, Reilly, Simpson, Spicer—6.

NAYS—Messrs. Hoey, Mayhew, Price, Snowden, Mr. Pres. Pro Tem Cook—5.

NOT VOTING—Messrs. Hickman, Tull, Watson—3.

ABSENT—Messrs. Nechay, Steen, Williams—3.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

Mr. Reilly introduced the following Resolutions which on further motion by him were adopted.

SR 79—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

SR 80—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

Mr. Snowden introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 251—"An Act Making a Supplementary Appropriation to the Adjutant General's Office of the State of Delaware for the Acquisition and Distribution of Surplus Foods for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

On motion of Mr. Hoey **HB 9** as amended entitled "An Act Appropriating Moneys for Education and Training of Children of Veterans of World War I, World War II and Korean Conflict Who Dies While in the Service of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States or Who Dies from Disease, Wound or Disabilities Resulting from Such Service," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams—15.

ABSENT—Messrs. Steen, Mr. Pres. Pro Tem Cook—2.

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

The following Bills were reported from Committee: **HB 389**, 4 merits; **HB 400**, 4 favorably.

On motion of Mr. McCullough **HB 400** entitled "An Act to Provide for the Appointment by the Resident Judge of New Castle County of Certain School Board Members in Certain School Districts in New Castle County for a Term Ending June 30, 1963," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. duPont, Snowden, Spicer—3.

NOT VOTING—Mr. Simpson—1.

ABSENT—Messrs. Steen, Watson—2.

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

On motion of Mr. Tull **SB 242** entitled "An Act to Amend Sections 2301 and 2307, Title 19, Delaware Code Relating to Workmen's Compensation," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Mc-

Cullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. duPont, Spicer, Steen—3.

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

On motion of Mr. Price **HB 322** entitled "An Act to Amend Chapter 1, Title 8, Para. 274 of the Delaware Code Relating to Surrender of Corporate Rights Before Payment of Capital and Beginning Business," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. Williams—1.

NOT VOTING—Mr. Hickman—1.

ABSENT—Messrs. Spicer, Steen—2.

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

Mr. Watson introduced the following Bills which were given first reading and referred to the Committee on Claims:

SB 252—"An Act Appropriating Certain Money to Mary Jester, Widow of Daniel Jester, in the Death of Her Husband While in the Performance of Official Duties in Line of Service of the State of Delaware."

SB 253—"An Act Appropriating Certain Moneys to Elsie Warner, Mother of Charles H. Warner, in the Death of Her Son, While in the Performance of Official Duties in Line of Service of the State of Delaware."

On motion of Mr. Reilly **HB 238** entitled "An Act Authorizing the Mayor and Council of Wilmington to Compile, Revise, Amend and Codify Existing Ordinances and Regulations Adopted By Any Department, Board, or Agency of Said the Mayor and Council of Wilmington," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres Pro Tem Cook—16.

ABSENT—Mr. Steen—1.

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

On motion of Mr. McCullough **SB 59** entitled "An Act to Amend Section 1933, Title 14, Delaware Code Relating to the Collection of a Tax on House Trailers," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. Correll, Snowden—2.

ABSENT—Messrs. Spicer, Steen—2.

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

On motion of Mr. Correll **SB 26** entitled "An Act to Amend Part 111, Title 6, Delaware Code, Entitled 'Weights, Measures and Standards' by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Correll introduced **SA 1** to **SB 26** and on his further motion the Amendment was adopted.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. Mayhew—1.

NOT VOTING—Messrs. Price, Watson—2.

ABSENT—Mr. Steen—1.

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

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

HS 1 for **HB 270**—"An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission and Its Charges and Fees, and Reimbursement by Utilities for Certain Costs and Expenses, and the Establishment of a Revolving Fund and the Appropriation Therefor," to Finance.

HB 179—"An Act to Amend Title 6, Delaware Code by Creating and Establishing a Consumer Protection Department," to Miscellaneous.

Mr. duPont introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 254—"An Act Making a Supplementary Appropriation to Increase the Salaries and Wages of the Employees of Various Departments of the State of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

Mr. Spicer moved that **SB 173** be restored to the Calendar.

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

YEAS—Messrs. Correll, duPont, Hoey, Hickman, Nechay, Price, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. Hickman, McCullough, Reilly—3.

ABSENT—Mr. Steen—1.

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

On motion of Mr. Simpson **SB 173** was again taken up for consideration and read a second time by title in order to pass the Senate.

Mr. Reilly moved that **SB 173** be deferred.

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

YEAS—Messrs. Hickman, McCullough, Reilly, Mr. Pres. Pro Tem Cook—4.

NAYS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, Tull, Williams—11.

NOT VOTING—Mr. Watson—1.

ABSENT—Mr. Steen—1.

So the question was decided in the negative and the Motion not having received the required constitutional majority was lost.

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

YEAS—Messrs. Correll, duPont, Snowden, Simpson, Williams—5.

NAYS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Mr. Pres. Pro Tem Cook—8.

NOT VOTING—Messrs. Hoey, Tull, Watson—3.

ABSENT—Mr. Steen—1.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

Mr. Simpson moved that **SB 173** be restored to the Calendar. Motion prevailed.

The following Bills were reported from Committee: **SB 252**, 4 favorably; **SB 253**, 4 favorably; **HB 18**, 1 favorably, 3 merits; **HB 343**, 2 favorably, 3 merits; **SB 244**, 5 merits; **HS 2** for **HB 270**, 4 merits.

On motion of Mr. Snowden **SB 211** with **HA 1** entitled "An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," was taken up for consideration in order to pass the Senate as amended in the House.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Steen—1.

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

On motion of Mr. Hickman **HB 389** entitled "An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 288, Volume 51, Laws of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Mr. Hoey—1.

NOT VOTING—Messrs. Mayhew, Watson—2.

ABSENT—Messrs. Spicer, Steen—2.

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

On motion of Mr. Hoey **HS 2** for **HB 270** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HS 2 for **HB 270**—"An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commis-

sion and Its Charges and Fees, and Reimbursement by Utilities for Certain Costs and Expenses, and the Establishment of a Revolving Fund and the Appropriation Therefor."

Mr. Reilly introduced **SA 1** to **HS 2** for **HB 270** which on his further motion was adopted.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Steen—1.

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

Mr. McCullough reported **SB 247** from Committee with 2 favorably, 3 merits.

On motion of Mr. Watson **SB 252** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 252—"An Act Appropriating Certain Money to Mary Jester, Widow of Daniel Jester, in the Death of Her Husband While in the Performance of Official Duties in Line of Service of the State of Delaware."

Mr. Cook moved to defer **SB 252**.

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

YEAS—Messrs. Correll, duPont, Nechay, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Watson, Williams—8.

ABSENT—Mr. Steen—1.

There being a tie Lt. Gov. Buckson voted "Nay".

So the question was decided in the negative and the Motion not having received the required constitutional majority was lost.

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Mr. Spicer—1.

NOT VOTING—Messrs. Correll, Snowden—2.

ABSENT—Messrs. McCullough, Nechay, Steen, Williams—4.

So the question was decided in the affirmative and the

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

On motion of Mr. Snowden the Senate recessed until 8 P.M. at 7 P.M. The Senate met at the expiration of the recess at 8:50 P.M., Pres. Pro Tem Cook presiding.

The Chair announced that he had signed SS 1 for **SB 95, SCR 29, SB 211, SR 79, SR 80.**

On motion of Mr. Watson **SB 253** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 253—"An Act Appropriating Certain Moneys to Elsie Warner, Mother of Charles H. Warner, in the Death of Her Son, While in the Performance of Official Duties in Line of Service of the State of Delaware."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Mr. Spicer—1.

NOT VOTING—Messrs. Correll, Snowden—2.

ABSENT—Messrs. McCullough, Nechay, Steen, Williams—4.

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

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

HB 395—"An Act Appropriating Money to the Mayor and Council of Wilmington For Use of its Fire Companies," to Finance.

HB 331—"An Act to Appropriate Certain Funds to the John M. Clayton School District to Enable It to Complete Its Building Program," to Finance.

On motion of Mr. Reilly **HB 240** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 240—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Tull, Watson, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Correll, duPont, Reilly, Simpson, Snowden, Spicer, Williams—7.

ABSENT—Messrs. Nechay, Steen—2.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

On motion of Mr. McCullough **SB 247** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 247—"An Act to Create an Act Entitled 'A Boat Registration and Safety Act' Providing for the Registration of Motor Boats; Classification and Required Equipment; Exemptions; Boat Liveries; Collisions, Accidents and Casualties; Transmittal of Information; Skis and Aqua-Planes; Regattas, Races, Marine Parades, Tournaments or Exhibitions; Local Regulations; Owner's Civil Liability; Enforcement and Penalties."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Steen—2.

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

On motion of Mr. Mayhew **HB 18** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 18—"An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Steen—2.

So the question was decided in the affirmative and the Bill having received the required three-fourths constitutional majority passed the Senate and was returned to the House.

On motion of Mr. Hoey **HB 343** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 343—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' By Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining Its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies Repealing

Contrary Provisions and Appropriating Funds."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Watson, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—Messrs. Nechay, Tull—2.

ABSENT—Mr. Steen—1.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

On motion of Mr. Reilly **HB 321** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 321 with **SA 1**—"An Act to Amend Chapter 428, Volume 50, Laws of Delaware, Relating to the Town of Elsmere."

Mr. Reilly introduced **SA 2** to **HB 321** which on his further motion was adopted.

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

YEAS—Messrs. Hickman, McCullough, Watson, Mr. Pres. Pro Tem Cook—4.

NAYS—Messrs. Correll, duPont, Reilly, Simpson, Snowden, Spicer, Williams—7.

NOT VOTING—Messrs. Hoey, Mayhew, Nechay, Price, Tull—5.

ABSENT—Mr. Steen—1.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

The following Bills were reported from Committee: **SB 248**, 4 merits; **SB 225**, 3 favorably, 1 merits; **SB 220**, 3 merits; **HB 395**, 4 merits.

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

HB 78 with **HA 1**—"An Act to Amend Title 30, Chapter 19, Entitled 'Corporation Income Tax' by Providing for Refunds," to Finance.

HB 43—"An Act Appropriating Money to Selbyville American Legion Post No. 39, at Selbyville, Delaware, with which to Operate and Maintain an Ambulance," to Miscellaneous.

HS 1 for HB 159—"An Act Adding a New Chapter 9 to Title 19, Delaware Code, Entitled 'Labor' and Relating to Emigrant Labor Agents; Application for License; License Fees; Clerk of the Peace of Each County to Issue Licenses; Penalty for Violations," to Labor.

HS 1 for HB 99—"An Act Appropriating Certain Funds to the Selbyville School District to Enable it to Purchase Certain Lands Adjoining Selbyville School No. 32," to Education.

On motion of Mr. Hoey **HB 395** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 395—"An Act Appropriating Money to the Mayor and Council of Wilmington For Use of its Fire Companies."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. duPont—1.

ABSENT—Messrs. Spicer, Steen—2.

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

Mr. Reilly moved that **HB 240** and **HB 321** be restored to the Calendar. Motion prevailed.

On motion of Mr. Nechay **SB 225** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 225—"An Act to Amend Section 2128, Title 21, Delaware Code Relating to the Status of Plates Upon a Transfer of Title to a Motor Vehicle."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. duPont—1.

NOT VOTING—Mr. Watson—1.

ABSENT—Mr. Steen—1.

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

On motion of Mr. Snowden **SB 248** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 248—"An Act Making a Supplementary Appropriation to the State Geological Survey for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Steen—2.

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

Mr. Simpson introduced the following Resolution and moved for its adoption:

SCR 30—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 120th General Assembly of the State of Delaware."

Mr. Reilly moved that **SCR 30** be deferred.

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. Simpson—1.

ABSENT—Messrs. Correll, Nechay, Steen—3.

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

On motion of Mr. Spicer **SB 234** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 234—"An Act Making an Appropriation to the Delaware State Development Department for Advertising to Induce Industry to Locate in Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. McCullough, Nechay, Steen—3.

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

On motion of Mr. Nechay **HB 204** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 204—"An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. McCullough, Steen, Williams—3.

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

Mr. Reilly moved that the Senate adjourn in accordance with **SCR 28**. Motion prevailed and the Senate adjourned at 10:20 P.M. until Monday, August 3, 1959, at 1 P.M.

76TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:55 P.M. on Monday, August 3, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson—12.

Members absent—Messrs. Mayhew, McCullough, Steen, Williams, Mr. Pres. Pro Tem Cook—5.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

The Sergeant at Arms announced the messenger from the Governor, who upon being admitted delivered the following messages from the Governor to the Chair, which the Chair directed be read to the Senate:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover

August 3, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

I am having introduced a bill for the creation of a Department of Public Safety, and I am issuing a statement with respect to the purposes and implementation of this very much needed agency. A copy of this statement is attached and is being made available to the individual members of the General Assembly.

It is my hope that prompt action will be taken on this proposal.

Respectfully submitted,
J. CALEB BOGGS, Governor

STATEMENT BY
GOV. J. CALEB BOGGS
DEPT. OF PUBLIC SAFETY
AUGUST 3, 1959

With the population of the State of Delaware continuing to expand at a dramatic rate, the problems of providing public safety services to our citizens is becoming more important, more complex and more difficult. We are currently spending more than two million dollars a year on these public safety services. Under present conditions, the citizens of Delaware are not receiving two million dollars worth of service in this vital area.

There is no question as to the importance of such programs. Our citizens do not want to live in fear of fires which claim the lives of their loved ones and spread financial ruin through property loss or damage. They do not want to drive their cars harboring the thought that they may not reach home safely. Public Safety is an everyday thing to all our people. It is as much a part of their lives as three meals a day.

That is why it is urgent for us to beef up our statewide safety programs.

We have been trying to do this in piecemeal fashion over the past several years through such improvements as a statewide communications system financed partially by the federal government; a new statewide fire code; and a proposed law to insure the safety of small boats. But this patchwork method means patchwork results which won't hold up in the long run.

There are other flaws in our safety program which are actually the result of flaws in our overall state government. These safety programs are hampered by a lack of direct line of responsibility to the public, because the men who are in charge of most of these programs are not appointed by the Governor, the chief elected official. They are not responsible to the Governor because of the antiquated and cumbersome structure of our Executive Department. The result is duplication of efforts in some cases, gaps in the chain of command in others, and the opportunity for the influence of politics in some public safety programs which should not be politically controlled because of their very nature and importance to the life and property of our citizens.

In a situation like this, the citizens suffer. They suffer through high taxes for inadequate services; they are deprived of fully effective safety services because of political considerations; and they have no direct way of voicing their wishes because there is no one individual who is completely in charge.

On May 20 of this year, I addressed a joint session of the General Assembly to explain my plans for a total reorganization of our overgrown and inefficient state government.

I pointed out at that time that our present state government consists of more than one hundred agencies, boards and commissions which are far removed from the people. The overall plan I have proposed will eliminate this government-by-commission and will give us a cabinet-type government which will be compact, efficient, economical and responsive to the people.

A new Department of Public Works was the first new department I recommended to consolidate activities of the state government. It is described in Senate Bill 187, which I hope the Legislature will consider as soon as possible. The second department which I believe is essential for a modern state government is a Department of Public Safety. Appropriate legislation to create this department will be introduced in the General Assembly this afternoon.

In all, I plan to recommend about ten new, separate departments to establish a modern state government for the people of Delaware. Each will be headed by a qualified director who will be appointed by the Governor and directly responsible to him. In that way, the people of this state will have control over their state government through their Governor.

I want to emphasize right here that this new reform plan will not become effective until July 1, 1961. That means there will be a new Governor in office by then, and no one can tell now which party will win next year's election. So this reorganization plan has no hidden political benefits. It is a plan which will benefit only the people of this state.

The new Department of Public Safety which I am recommending will include nearly all of the various state functions relating to the protection of life, property, and general safety of our citizens, centralizing these responsibilities under one director instead of having them spread throughout a number of agencies as they are now. The result will be greater efficiency, elimination of overlapping activities, and more economy in operation.

In addition, this new Department of Public Safety will include nearly all of the functions of the present Highway Department which are not included in the new Department of Public Works.

To carry out its assigned responsibilities, the Department of Public Safety will have a director appointed by the Governor with the advice and consent of the Senate. The director will be paid a salary of \$17,500 a year in order that

a man of high caliber and experience can be attracted to the job. The Director will serve at the pleasure of the Governor.

I propose a department which will have 9 divisions. The division managers will be appointed by the department director, with one exception, and will receive not more than \$12,500 a year.

The one exception will be the State Police Division, which, although a section of the Department of Public Safety, will be a virtually independent division insulated against the possibility of political domination and free of any possible conflict of interest. The State Police Division will be subject to the authority of the Department director only insofar as its housekeeping problems are concerned. The Director of the Department of Public Safety will be responsible for the record-keeping, purchasing and other routine functions of the State Police. The personnel and policies of the State Police Division will be directed by a State Police Authority, composed of four members, two from each political party, appointed by the Governor with the advice and consent of the Senate. These four members of the State Police Authority will serve without compensation, except for reimbursement of expenses.

The State Police Authority will appoint a Superintendent of State Police to serve as manager of the State Police Division. He will serve at the pleasure of the Authority.

In addition to the State Police Division, there will be these divisions in the Department of Public Safety:

The administration and Control Division will provide the so-called housekeeping functions of the entire department and will provide close control of all expenditures under the budget appropriated for the department by the General Assembly. It will provide centralized record-keeping, purchasing and other common functions which are now handled separately by six different agencies.

The Alcoholic Beverage Control Division will assume the responsibilities of the present Alcoholic Beverage Control Commission. It will provide increased safety for the public in this area, and will have separate offices for issuing licenses, and for inspection and control. Most important, it will once and for all remove this responsibility from any possibility of political manipulation or control.

The Civil Defense Division will be responsible for developing plans and programs of civil defense, and for assembling and maintaining a volunteer organization, trained and equipped to deal with any emergency upon the order of the Department Director or the Governor. The manager of this division will be known as the State Civil Defense Director, in accordance with federal statute.

The Communications Division will be responsible for all such statewide communications systems as those used now by the State Police, our fire companies, the Highway Department, and Civil Defense. The division will have offices charged with the operation and servicing of this communications equipment.

The Fire Safety Division will be responsible for enforcing the statewide fire code which should be established by the effective date of this government reorganization. It will also have the responsibility of recommending revisions in the code to keep it up to date. The office of the Fire Marshall will be located in this division, as will the office of boiler rules, which is responsible for formulating rules and regulations for the sale, proper construction and safe use of boilers.

The Highway safety division will coordinate activities of the State Police, highway engineers of the Public Works Department, and all other highway safety efforts for the public safety of citizens using our excellent highway system. This Highway Safety Division will be primarily responsible for improving our highway safety ranking and for coordinating efforts to solve increasing highway safety problems.

The Motor Vehicle Division, now a part of the Highway Department, will become a part of this new Department of Public Safety. It will have five offices: one for issuing operators' licenses; one to handle the registration of motor vehicles; a third to provide for the inspection of motor vehicles; another to regulate the state's financial responsibility laws; and a fifth office responsible for the licensing and registration of small boats, as is required under the provisions of the recently-enacted small boat safety law. The duty of inspecting such boats for licensing will be assumed by the Motor Vehicle Division.

The ninth and final division of the Department of Public Safety will be the Post Mortem Examination Division, which will be responsible for the state's legal duties in cases of questionable causes of death. This division will replace the present Board of Post Mortem Examiners. It is extremely to the protection of the public in providing safeguards against undetected death by crime. Its function will include the investigation of all cases of unexplained or violent deaths, brought to the Division's attention by the State Police and others.

This new modern Department of Public Safety will have a number of benefits in providing the kind of services the citizens of Delaware should have:

1. It will save money by consolidating in one department a number of allied activities which are now

scattered throughout several state agencies. It will mean more efficient handling of the two million dollars now being spent on public safety by six separate agencies.

2. It will provide better safety services by centralizing planning, inspection and enforcement activities, thereby coordinating the talents of experts in these fields.
3. It will eliminate six of our more than 100 agencies. It will eliminate 63 specific, top-level posts in the executive branch of the state government: These are the Alcoholic Beverage Control Commission with 5 members; the Board of Boiler Rules with 5 members; the Civil Defense Advisory Council with 21 members; the State Fire Prevention Commission with 19 members; and the Board of Post Mortem Examiners with 7 members.
4. It will provide the citizens with greater control over nearly all the public safety activities of the state by having the director of the department responsible to the Governor, an elected official.
5. It will place the State Police under a separate Authority where it will be free from the possibility of political influence and conflict of interest. It will remove the responsibility for alcoholic beverage control from any possible political abuse.

This is the second of about ten departments which I believe should make up the streamlined, efficient state government Delaware must have to move ahead. The other department are still in the planning stages and as each is developed, I will make it public and have it ready for the General Assembly when it is in session.

I cannot overemphasize the importance of serious consideration of this reorganization plan by the public and by the Legislature. Political differences should not hinder this reform program. A modern state government will benefit **all** the people, and the General Assembly should consider it in this light.

A New Day for Delaware is dependent on a modern state government that will be responsive to the people in providing services efficiently and economically. Anything less will mean the delay of a new day, and the citizens will continue to pay a high price in taxes and inadequate services.

There can't be any question of politics in this new Department of Public Safety. But there will be a political question before the voters next fall if it isn't enacted.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
Dover

July 29, 1959

To the Senate of the State of Delaware:

I have today advised the House of Representatives of the 120th General Assembly as follows:

"On February 12, 1959, I vetoed the following bills:

"House Bill No. 7, entitled, 'An Act To Appropriate Money To The Belvedere Volunteer Fire Company'

"House Bill No. 14, entitled, 'An Act Appropriating Money To Layton Home For Aged Colored Persons'.

"I vetoed these two bills because under the law the General Appropriation Bill should be enacted before supplemental appropriation bills.

"The General Appropriation Bill has now been enacted, and I urgently recommend that these two bills be passed by the General Assembly by over-riding the vetoes which I necessarily made in order to comply with existing law."

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Snowden moved that **SB 209** be restored to the Calendar. There being no objections, the Chair so ordered.

The following bills were introduced, given first reading, and referred to committee:

SB 255—"An Act Making a Supplementary Appropriation to the Delaware State Board of Corrections for Equipment, Repairs and Replacements, Salaries and Wages and Food for the New Castle County Correctional Institution, Kent County Correctional Institution, and Sussex County Correctional Institution for the Fiscal Year Ending June 30, 1960," by Messrs. Snowden and Reilly, to Revised Statutes.

SB 256—"An Act to Repeal Chapter 90, Volume 52, Laws of Delaware," by Messrs. Snowden and Tull, to Judiciary.

SB 257—"An Act Making an Appropriation to the Youth Services Commission for Rehabilitative Program at First Offenders Building, for Fiscal Year Ending June 30, 1960," by Messrs. Snowden and Tull, to Judiciary.

SB 258—"An Act to Amend Chapter 11, Title 30, Delaware Code, Entitled 'Income Tax' and Relating to the Examination of Returns," by Mr. Snowden, to Revised Statutes.

SB 259—"An Act Establishing a Department of Public Safety, Defining its Organization, Powers and Duties," by Messrs. duPont and Spicer, to Revised Statutes.

The following Bills were reported from Committee: **HB**

336, 1 merits, 1 unfavorably, 1 favorably; **HB 212**, 2 merits, 1 favorably; **SB 218**, 1 merits, 1 unfavorably, 1 favorably; **SB 249**, 1 merits, 1 unfavorably, 1 favorably; **SB 246**, 1 merits, 1 unfavorably, 1 merits.

On motion of Mr. Hoey **HB 7** was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto. The governor's veto message was again read to the Senate:

HB 7—"An Act to Appropriate Money to the Belvedere Fire Company."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson—12,

ABSENT—Messrs. Mayhew, McCullough, Steen, Williams, Mr. Pres. Pro Tem Cook—5.

So the question was decided in the affirmative and the Bill having received the required constitutional majority passed the Senate over the Governor's veto and was returned to the House.

On motion of Mr. Hoey **HB 14** was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto:

HB 14—"An Act Appropriating Money to Layton Home for Aged Colored Persons."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson—12.

ABSENT—Messrs. Mayhew, McCullough, Steen, Williams, Mr. Pres. Pro Tem Cook—5.

So the question was decided in the affirmative and the Bill having received the required constitutional majority passed the Senate over the Governor's veto and was returned to the House.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 3:10 P.M. The Senate met at the expiration of the recess at 5:10 P.M., Lt. Gov. Buckson presiding.

Messrs. Cook and Mayhew asked to be marked present.

Mr. Reilly reported the following Bills from Committee: **SB 257**, 4 favorably; **HB 355**, 4 favorably; **SB 256**, 4 favorably.

On motion of Mr. Reilly the Senate adjourned until Thursday, August 6, 1959, at 1 P.M.

77TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 4:00 P.M., on Thursday, August 6, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present: Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook 15.

Members absent—Messrs. Hoey, Reilly—2.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Messrs. duPont, Spicer, Simpson and Correll introduced the following Bills which were given first reading and referred to the Committee on Education:

SB 260—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor."

SB 261—"An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus at Newark, Delaware."

SB 262—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions."

Mr. Reilly asked to be marked present.

Messrs. Snowden and Reilly introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 263—"An Act to Authorize the Governor, the Secretary of State and the State Treasurer to Borrow Money and Issue Notes of the State of Delaware and Appropriating the Monies so Borrowed to the State Highway Department for Use in Paying that Portion of the Liabilities Incurred by the State Highway Department for the Construction or Reconstruction of Roads, Highways and Bridges which is to be Paid from Federal Aid Contributed by the United States."

Messrs. Snowden and Reilly introduced the following Con-

current Resolution which on further motion by them was Adopted:

SCR 31—"Relative to the Appointment of the Honorable J. Caleb Boggs as Chairman of the National Governors' Conference."

Lt. Gov. Buckson stepped down from the Chair and Mr. Cook stepped up to the rostrum to preside at 4:15 P.M.

Messrs. Reilly, Snowden, Williams and Hickman introduced the following Resolution which on further motion by them was adopted:

SR 81—"Congratulating the Honorable Jesse F. Watson of New Castle County Upon His Recent Marriage to Mary Kathleen Dobson of Sussex County."

The following Bills were introduced, given first reading and referred to Committee:

SB 264—"An Act Making a Supplementary Appropriation to the State Tax Department for the Fiscal Year Ending June 30, 1960," by Mr. Price by request, to Finance.

SB 265—"An Act to Amend Chapter 95, Title 9, Delaware Code, Relating to Coroners," by Messrs. Reilly and Steen, to Revised Statutes.

SB 266—"An Act Appropriating Money to the Delaware Commission for the Blind for Salaries and Travel," by Mr. Reilly, to Finance.

SB 267—"An Act Making Certain Supplementary Appropriations to the Supreme Court of the State of Delaware and the Court of Chancery of the State of Delaware, for the Fiscal Year Beginning July 1, 1959," by Mr. Reilly, to Finance.

SB 268—"An Act Appropriating Funds to the State Park Commission for the Purchase of Certain Lands for a Park or Recreational Area and for Expenses in Connection Therewith," by Mr. Snowden, to Finance.

Mr. Hickman introduced the following Resolution which on further motion by him was adopted:

SR 82—"Appropriation for Postage Stamps for the Senate of the 120th General Assembly."

Mr. Hoey asked to be marked present.

On motion of Mr. Nechay **HB 311** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 311—"An Act to Amend Titles 9, 10, and 12, Delaware Code by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Members of the Board of Assessment, Receiver of Taxes, Prothonotary, Sheriff, Register in Chancery, and Clerk of the Orphans' Court, and Register of Wills, in and for Sussex County."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—16.

NOT VOTING—Mr. Watson—1.

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

Mr. Nechay introduced the following Resolution which on further motion by him was adopted:

SR 83—"An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered through July 11, 1959."

Mr. Cook stepped down from the Chair and Mr. Reilly stepped up to the rostrum and presided.

The following Bills were introduced by Mr. Cook, given first reading, and referred to Committees as follows:

SB 269—"An Act to Increase the Salaries of Certain County Officers in Kent County by Amending Titles 9, 10 and 12, Delaware Code," to Revised Statutes.

SB 270—"An Act to Appropriate Money for the Delaware Commission of Shell Fisheries," to Fish, Oyster and Game.

SB 271—"An Act Making a Supplementary Appropriation to the Medical Council of Delaware for the Fiscal Year Ending June 30, 1960," to Public Health.

SB 272—"An Act to Appropriate Certain Funds to the State Highway Department for the Use of the Mosquito Control Division During the Fiscal Year Ending June 30, 1960," to Buildings and Highways.

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

HB 21—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware which Maintain and Operate a Rescue Truck."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Steen, Watson—2.

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

On motion of Mr. McCullough **SB 193** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 193—"An Act to Amend Section 5403, Title 7, Delaware Code Relating to the Purposes of the Delaware Archaeological Board."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Watson—1.

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

The Chair directed that a communication inviting the Senators to greet the Governor on his return from Puerto Rico be read.

On motion of Mr. Cook the Senate adjourned at 4:50 P.M. until August 10, 1959 at 1 P.M.

78TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:35 P.M., on Monday, August 10, 1959, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain Rev. Ray W. Kirwan.

Members present—Messrs. Correll, Hickman, Hoey, Mayhew, Price, Reilly, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. duPont, McCullough, Nechay, Simpson, Snowden—5.

Without objection the chair dispensed with the reading of the journal of the previous day's session.

Communications:

Letter from the Maryland House of Delegates explaining the need for tax relief for Maryland residents working in Delaware.

Messrs. McCullough and Simpson asked to be marked present.

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

SB 273—"An Act Making A Supplementary Appropriation to the Board of Game and Fish Commissioners for the Fiscal Year Ending June 30, 1960, for the Purchase of Record's Pond."

Messrs. Snowden and duPont asked to be marked present.

On motion of Mr. Mayhew **HB 199** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 199—"An Act to Amend Title 7, Delaware Code, Relating to the Accidental Killing of Deer by a Motor Vehicle Upon a Public Highway."

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

YEAS—Messrs. Correll, Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. duPont, Hoey, Snowden—3.

NOT VOTING—0.

ABSENT—Mr. Nechay—1.

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

On motion of Mr. Reilly the Senate recessed at call of the chair at 2:55 P. M. The Senate met at the expiration of the recess at 5:30 P. M. Lt. Gov. Buckson presiding.

Mr. Nechay asked to be marked present.

Mr. Correll introduced the following bills which were given first reading and referred to the committee on Corporation Municipal:

SB 274—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property Upon Footways in the Town of Middletown."

SB 275—"An Act to Amend Section 5, Chapter 128, Volume 33, Laws of Delaware, Relating to Compensation of the Mayor and Members of Council of Middletown."

Messrs. Steen and Hickman introduced the following Bill which was given first reading and referred to the committee on Fish, Oysters and Game:

SB 276—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel VIA Pepper's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State Contribution to Said Improvement.

The chair granted the request of Mr. Steen that **SB 230** be stricken.

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

SB 277—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing Dates."

The following bills were reported from committee: **HB 187** from Finance, 2 Favorable, 2 Merits; **SB 245** from Finance, 3 Favorable, 2 Merits; **HB 331** from Finance, 3 Favorable, 2 Merits; **HB 99** from Education, 4 Favorable, 1 Merits; **SB 237** from Finance, 2 Favorable, 3 Merits.

Mr. Steen moved that Rule 9 be suspended for the purpose of bringing up 3 Bills. Motion prevailed.

On motion of Mr. Steen **SB 245** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 245—"An Act Appropriating Money to the Millsboro School District No. 23."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Pres. Pro Tem Cook—16.

NAYS—0.

NOT VOTING—0.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Steen **HB 331** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 331—"An Act to Appropriate Certain Funds to the John M. Clayton School District to Enable It to Complete Its Building Program."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Pres. Pro Tem Cook—16.

NAYS—0.

NOT VOTING—0.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Hoey **HB 198** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 198—"An Act to Authorize the Milford Special School

District to Make Certain Tax Refunds."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Pres. Pro Tem Cook—16.

NAYS—0.

NOT VOTING—0.

ABSENT—Mr. Watson—1.

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

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

HB 106—"An Act to Amend Chapter 9, Title 10, Delaware Code by Increasing the Salary of the Judges of the Family Court In and For New Castle County", to Judiciary.

HB 399—"An Act to Amend Section 731, Title 4, Delaware Code by Deleting the Provisions Therefor Relating to Retaliatory Beer Tax and Regulations", to Revised Statutes.

HB 369—"An Act Making a Supplementary Appropriation to Paul Podolsky, President-Director of the Former Delaware Veterans' Military Pay Commission for Services Rendered", to Finance.

The Chair presented the following House Concurrent Resolution which was given first and second reading and adopted by voice vote:

HCR 20—"An Act Making Appropriations to Various Companies for Supplies and Services Rendered the 120th General Assembly.

On motion of Mr. Steen **HB 187** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 187—"An Act Appropriating Money to Delmar School District No. 163."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Williams—5.

NOT VOTING—0.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Hoey **SB 14** with title as follows was taken up for consideration and the roll call which was tabled on January 23, 1959 was directed to be read:

SB 14—"An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NOT VOTING—Messrs. Correll, duPont, Simpson, Snowden—4.

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

On motion of Mr. Hoey **HB 249** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 249—"An Act to Authorize the Levy Court of Kent County to appropriate Money to the Kent County Volunteer Fireman's Association."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, William, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Steen **SB 162** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 162—"An Act Appropriating Certain Moneys to the State Highway Department to Conduct an Educational Campaign on Street and Highway Safety."

On motion of Mr. Steen **SA 1** which had previously been introduced was adopted by voice vote.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, William, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Reilly **HB 240** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

HB 240—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment."

Mr. Snowden moved that **HB 240** be deferred. Motion prevailed.

On motion of Mr. Reilly **HB 177** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

HB 177—"An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Bars to Divorce."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. Spicer—1.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Snowden, Watson—2.

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

Messrs. Hickman and Steen introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 278—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Government."

Mr. Hickman introduced the following Resolution which on further motion by him was adopted:

SR 84—"Relating to Amount Due the Harrington Journal for Printing and Butler's, Inc., Incurred by the 120th General Assembly."

On motion of Mr. Steen **HB 130** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

HB 130—"An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Income Taxes by Exempting Certain Non-Residents From the Application Thereof."

Mr. Spicer moved that **HB 130** be deferred. Motion prevailed.

The following Bill was reported from Committee: **SB 276**, 1 favorably, 4 merits.

On motion of Mr. Reilly the Senate adjourned at 6:55 P.M.. until Wednesday, August 12, 1959 at 1 P.M.

79TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 4:15 P.M. on Wednesday, August 12, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

Members absent—Messrs. Hickman, Nechay—2.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Hickman asked to be marked present.

On motion of Mr. Reilly **HB 240** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 240—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment."

Mr. Reilly introduced **SA 1** and **SA 2** to **HB 240** which on further motion by him were adopted.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Nechay—1.

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

The following Bills were introduced, given first reading, and referred to Committees:

SB 279—"An Act Appropriating Money to Caesar Rod-

ney Special School District," by Mr. Simpson, to Revised Statutes.

SB 280—"An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation," by Messrs. Snowden and Reilly, to Labor.

SB 281—"An Act Relating to Salaries of Certain Public Officials," by Messrs. Snowden and Reilly, to Miscellaneous.

SB 282—"An Act Authorizing the Sale of the Delaware National Guard Armory in Claymont, Delaware, to The Cedra Holding Company," by Mr. duPont, to Miscellaneous.

SB 283—"An Act Appropriating Money to The Frederick Douglas School in the Seaford Special School District," by Messrs. Tull and Simpson, to Education.

SB 284—"An Act Making a Supplementary Appropriation to the Lord Baltimore School District No. 28 for the Fiscal Year Ending June 30, 1960," by Mr. Hickman, to Finance.

SB 285—"An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Powers and Duties of the Highway Department, and Providing Restrictions on Acquisition and Condemnation of Property, on Incurring Obligations and Disbursement of Funds for the Construction of Roads, Bridges and Highways Involving Grants-in-Aid," by Mr. Reilly to Buildings and Highways.

On motion of Mr. Steen **SB 276** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 276—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel Via Pepper's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirement of the United States Government Relative to the State's Contribution to Said Improvement."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Nechay—1.

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

On motion of Mr. McCullough **SB 141** with title as fol-

lows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 141—"An Act to Amend Section 106, Title 7, Delaware Code Relating to Powers and Duties of the Board of Game and Fish Commissioners."

Mr. duPont moved that **SB 141** be deferred.

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Steen, Williams, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Tull, Watson—8.

ABSENT—Mr. Nechay—1.

So the question was decided in the negative and the Motion not having received the required constitutional majority was lost.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Reilly Steen, Watson, Williams—7.

NAYS—Messrs. Correll, duPont, McCullough, Price, Simpson, Snowden, Spicer, Mr. Pres. Pro Tem Cook—8.

NOT VOTING—Mr. Tull—1.

ABSENT—Mr. Nechay—1.

So the question was decided in the negative and the Bill not having received the required constitutional majority was lost.

On motion of Mr. Watson **SB 244** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 244—An Act Making a Supplementary Appropriation to the State Highway Department for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

ABSENT—Mr. Nechay—1.

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

The Chair presented the following House Bills, which

were given first and second reading and referred to Committees as follows:

HB 416—"An Act to Incorporate The Town of Oak Orchard, in the County of Sussex, State of Delaware," to Corporations Municipal.

HS 1 for HB 355—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," to Education.

The Chair presented **HCR 22** with title as follows which was taken up for consideration in order to pass the Senate:

HCR 22—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware."

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

YEAS—Messrs. Hickman Hoey, Mayhew, McCullough, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

ABSENT—Messrs. Nechay, Steen—2.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was returned to the House.

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

HB 373—"An Act Making Supplementary Appropriation to the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, for Delaware State Hospital and Hospital for the Mentally Retarded at Stockley, Delaware," to Public Health.

HB 403—"An Act to Amend Title 28, Section 522, Delaware Code Relative to Application and Rejection and Award of Dates and Maximum Racing Days and Qualifications for License for Harness Horse Racing," to Miscellaneous.

Mr. duPont introduced **SA 1** to **SB 262** which was assigned to the Education Committee.

The following Bills were reported from Committee: **HB 106**, 3 favorably, 2 merits; **SB 233**, 5 favorably; **SB 270**, 3 favorably, 2 merits; **HB 416**, 4 favorably.

On motion of Mr. Correll **HB 212** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

HB 212—"An Act to Make Water Rents and Sewer Service Charges Liens in Newark."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Mayhew, Nechay—2.

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

On motion of Mr. Hoey **SB 235** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

SB 235—"An Act Making a Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District No. 90."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Simpson—2.

ed the Senate and was ordered to the House for concurrence.

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

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering **SB 233**. Motion prevailed.

On motion of Mr. Hoey **SB 233** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 233—"An Act Relating to the Purchase of the Railroad Station of the Delaware Railroad Company at Dover, Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Snowden—2.

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

The following Bills were reported from Committees: **SB 284**, 1 favorably, 3 merits; **SB 278**, 1 favorably, 3 merits;

HB 369, 4 merits; **HB 403**, 1 favorably, 3 merits, 1 unfavorably; **HS 1** for **HB 335**, 1 favorably, 4 merits.

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

HB 398—"An Act to Amend Title 30, Delaware Code by Providing for Additional Trade or Business Licenses," to Miscellaneous.

HB 421—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," to Finance.

Mr. Steen moved that Rule 9 be suspended for the balance of the Legislative Day. Motion prevailed.

On motion of Mr. Steen **HB 416** with title as follows was taken into consideration and read a second time by title in order to pass the Senate:

HB 416—"An Act to Incorporate The Town of Oak Orchard in the County of Sussex, State of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Snowden—2.

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

On motion of Mr. Hickman **SB 284** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 284—"An Act Making a Supplementary Appropriation to the Lord Baltimore School District No. 28 for the Fiscal Year Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Nechay, Snowden—2.

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

On motion of Mr. Reilly **HB 369** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 369—"An Act Making a Supplementary Appropriation to Paul Podolsky, President-Director of the Former Delaware Veterans' Military Pay Commission for Services Rendered."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough Price, Reilly, Spicer, Steen, Tull, Watson, Williams—12.

ABSENT—Messrs. duPont, Nechay, Simpson, Snowden, Mr. Pres. Pro Tem Cook—5.

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

The Chair granted the request of Mr. McCullough that **SB 141** be restored to the Calendar.

On motion of Mr. Hickman **SB 278** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 278—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvements of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Government."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

ABSENT—Messrs. Correll, duPont, Nechay, Simpson, Snowden, Spicer—6.

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

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted:

SR 85—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

SR 86—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being

Expenses Connected with the Present Session of the 120th General Assembly."

SCR 32—"An Act Making Appropriations to the Following Named Companies for Services and Supplies Rendered the 120th General Assembly."

On motion of Mr. Reilly **HB 106** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 106—"An Act to Amend Chapter 9, Title 10, Delaware Code by Increasing the Salary of the Judges of the Family Court in and For New Castle County."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

ABSENT—Messrs. Correll, duPont, Nechay, Simpson, Snowden, Spicer—6.

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

The following Bills were reported from Committees: **SB 283**, 4 favorably; **HB 421**, 3 merits.

On motion of Mr. Tull **SB 283** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 283—"An Act Appropriating Money to The Frederick Douglas School in the Seaford Special School District."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

ABSENT—Messrs. Correll, duPont, Nechay, Simpson, Snowden, Spicer—6.

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

On motion of Mr. Hoey Rule 9 was restored.

The Chair declared a three minute recess at 6:50 P. M.

The Senate met at the expiration of the recess, Mr. Mayhew presiding. On motion of Mr. Hoey the Senate recessed at 6:53 until 8 P. M.

The Senate met at the expiration of the recess at 10:20 P. M., Pres. Pro Tem Cook presiding.

Mr. Reilly reported **HB 306** from Committee with four

favorable and one on merits.

On motion of Mr. Reilly **HB 341** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 341—"An Act to Amend Title 10, Delaware Code Relating to the Jurisdiction of and the Procedure Upon Arrest of a Child for Criminal Violations in the Family Court in and for New Castle County and the Jurisdiction of the Juvenile Court for Kent and Sussex Counties in Motor Vehicle Violations By Children."

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

YEAS—Messrs. duPont, McCullough, Nechay, Price, Reilly, Simpson, Tull, Watson, Williams—9.

NAYS—Messrs. Spicer, Steen, Mr. Pres. Pro Tem Cook—3.

NOT VOTING—Messrs. Correll, Hickman, Hoey, Mayhew, Snowden—5.

So the question was decided in the negative and the Bill not having received the required two-thirds constitutional majority was lost.

Mr. Nechay asked to be marked present.

On motion of Mr. Snowden **SB 257** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 257—"An Act Making an Appropriation to the Youth Services Commission for Rehabilitative Program at First Offenders Building for Fiscal Year Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NOT VOTING—Messrs. Hoey, Mayhew, Watson—3.

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

On motion of Mr. McCullough **HS 1** for **HB 355** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HS 1 for **HB 355**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Nechay, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Messrs. Hoey, Price, Watson—3.

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

On motion of Mr. Steen **HB 269** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 269—"An Act to Amend an Act to Incorporate the Town of Fenwick Island, Delaware, and Relating to the Town Council."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—17.

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

The following Bills were reported from Committees: **HB 43**, 2 favorably, 3 merits; **HB 373**, 2 favorably, 1 merits; **SB 265**, 4 favorably; **SB 259**, 2 favorably, 1 merits; **SB 279**, 4 favorably.

At the request of Mr. McCullough and without objection the Chair assigned **HS 1** for **HB 99** to the Finance Committee, the Bill having been previously taken in error by the Finance Committee and reported.

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **HB 43** and **HB 403**. Motion prevailed.

On motion of Mr. Mayhew **HB 43** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 43—"An Act Appropriating Money to Selbyville American Legion Post No. 39, at Selbyville, Delaware, with which to Operate and Maintain an Ambulance."

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the Bill having received the required three-fourths constitutional majority passed the Senate and was returned to the House.

On motion of Mr. Mayhew **HB 403** with title as follows

was taken up for consideration and read a second time by title in order to pass the Senate:

HB 403—"An Act to Amend Title 28, Section 522, Delaware Code Relative to Application and Rejection and Award of Dates and Maximum Racing Days and Qualifications for License for Harness Horse Racing."

Mr. Steen moved that action on **HB 403** be deferred.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Snowden, Spicer, Steen, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Messrs. Hoey, Mayhew, Nechay, Simpson, Tull—5.

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

The Chair directed that **HB 350** with title as follows be given its first reading by title only and assigned to the Finance Committee:

HB 350—"An Act to Appropriate Funds to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Purpose of Replacing Steam Boiler and Making Other Repairs to Existing Facilities in the Boiler Plant."

On motion of Mr. McCullough **HS 1** for **HB 99** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HS 1 for **HB 99**—"An Act to Appropriate Certain Funds to the Selbyville School District to Enable It to Purchase Certain Lands Adjoining Selbyville School No. 32."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Correll—1.

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

Mr. Simpson moved that Rule 9 be suspended for the purpose of considering **SB 279**. Motion prevailed.

On motion of Mr. Simpson **SB 279** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 279—"An Act Appropriating Money to Caesar Rodney Special School District."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson—13.

NAYS—Mr. Williams—1.

NOT VOTING—Messrs. Snowden, Mr. Pres. Pro Tem Cook—2.

ABSENT—Mr. Correll—1.

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

Mr. Reilly moved that the Senate adjourn until January 4, 1960 at 1 P.M.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. duPont, Nechay, Simpson, Snowden, Spicer, Williams—6.

ABSENT—Mr. Correll—1.

So the question was decided in the affirmative and the Motion having received the required constitutional majority passed the Senate, whereupon the Chair declared the Senate adjourned at 11:10 P.M. until January 4, 1960 at 1 P.M.

80TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:10 P. M. on Monday, September 14, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Hoey, Nechay, Reilly, Williams—4.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

The following messages from the Governor were received and read to the Senate:

September 14, 1959

To the Senate of the 120th 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 S. Zerby, Rehoboth, to be a member of the Bingo Control Commission for a term to expire September 1, 1964.

Norman B. Baylis, Lewes, to be a member of the Public Service Commission for a term to expire September 1, 1965.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 219, entitled:

RELATING TO THE TRANSFER OF LANDS TO THE INTERSTATE HIGHWAY DIVISION OF THE STATE HIGHWAY DEPARTMENT OF THE STATE OF DELAWARE BY THE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL.

I respectfully return this bill without my approval for the following reason:

This bill intended to transfer property for the use of the State Highway Department. The language used in the bill does not do that. Instead, it would transfer the property to the Delaware Memorial Bridge Authority.

The bill should be redrawn to correct this mistake.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 235, entitled:

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMPLETION OF THE ATHLETIC FIELD OF THE BRIDGEVILLE CONSOLIDATED SCHOOL DISTRICT NO. 90.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue.

The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 245, entitled:

AN ACT APPROPRIATING MONEY TO THE MILLSBORO SCHOOL DISTRICT NO. 23.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 247, entitled:

AN ACT APPROPRIATING MONEY TO THE BOOKER T. WASHINGTON SCHOOL.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenues shall not be passed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the
State of Delaware:

On August 18, 1959, I received Senate Bill No. 253, entitled:

AN ACT APPROPRIATING CERTAIN MONEYS
TO ELSIE WARNER, MOTHER OF CHARLES H.
WARNER, IN THE DEATH OF HER SON, WHILE
IN THE PERFORMANCE OF OFFICIAL DUTIES
IN LINE OF SERVICE OF THE STATE OF DEL-
AWARE.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

It is regrettable, indeed, that the state finances are such that this measure cannot be signed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the
State of Delaware:

On August 18, 1959, I received Senate Bill No. 276, entitled:

AN ACT MAKING AN APPROPRIATION TO THE
DELAWARE COMMISSION OF SHELL FISHER-
IES FOR THE STATE'S SHARE OF THE INITIAL
COSTS OF THE IMPROVEMENT OF THE INDIAN
RIVER BAY CHANNEL VIA PEPPER'S CREEK
IN SUSSEX COUNTY, AND AUTHORIZING AND
EMPOWERING THE SAID COMMISSION TO ACT
AS THE AGENCY OF THE STATE OF DELA-
WARE TO DO ALL THINGS NECESSARY TO
COMPLY WITH THE REQUIREMENTS OF THE
UNITED STATES GOVERNMENT RELATIVE TO
THE STATE'S CONTRIBUTION TO SAID IM-
PROVEMENT.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appro-

priation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 283, entitled:

AN ACT APPROPRIATING MONEY TO THE
FREDERICK DOUGLAS SCHOOL IN THE SEA-
FORD SPECIAL SCHOOL DISTRICT.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

Respectfully submitted,

J. CALEB BOGGS, Governor

August 28, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received Senate Bill No. 244, entitled:

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 1959 AND ENDING JUNE 30, 1960.

I respectfully return herewith this bill without my approval.

This bill provides for an appropriation of \$785,000 to the State Highway Department for salary and wage increases to the State Highway Department for employees.

I find it necessary to withhold my signature from this bill for the following reasons:

(1) The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This ap-

propriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

(2) At the present time the State of Delaware owes a substantial sum to certain contractors on work being done for the Highway Department of the State of Delaware which certainly should be paid before other obligations are made.

(3) Until the Legislature determines what, if any, highway construction program will continue in the future, this appropriation seems like putting the cart before the horse, in my opinion.

(4) There are other state agencies and services which are even more pressing in terms of the general public good for adequate appropriations not only for salaries but also for operations which I feel should be given consideration along with this proposal or even priority consideration.

Respectfully submitted,

J. CALEB BOGGS, Governor

Messrs. Cook and Snowden introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 286—"An Act to Amend § 1120, Title 28, Delaware Code, Relating to Bingo Control Commission."

Messrs. Reilly and Nechay asked to be marked present.

Messrs. Snowden and Cook introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

SB 287—"An Act to Authorize the Governor, the Secretary of State and the State Treasurer to Borrow Money for Liabilities and Expenses of the State Highway Department and Issue Notes of the State of Delaware and Appropriating the Monies so Borrowed to the State Highway Department."

Mr. Watson introduced the following Resolution which on further motion by him was adopted:

SR 87—"In Reference to Election of Officers."

Whereupon the Lt. Governor administered the oath of office to Mr. Newnom, as Sergeant-at-Arms.

Messrs. Williams and Hoey asked to be marked present.

On motion of Mr. Cook the Senate recessed at call of the Chair at 3:30 P.M. The Senate met at the expiration of the recess at 5:40 P.M., Lt. Gov. Buckson presiding.

On motion of Mr. Steen **HB 282** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 282—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Bridge over the Delaware River, by Increasing the Aggregate of the Bonds That May Be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor to the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, from Time to Time, to Improve and Make Additions to the Bridge, its Appurtenances and Approaches As May Be Deemed Appropriate by Such Division at a Cost not to Exceed in the Aggregate Fifty-Two Million Five Hundred Fifty Thousand Dollars (\$52,550,000) and to Issue Additional Revenue Bonds Not to Exceed Said Amount for Such Purposes, and to Authorize the Division to Enter into Agreement With the State Highway Department, Among Others, to Construct Such Additions and Improvements and to Pay, or Reimburse Said Department, In Whole or Part, the Costs Thereof."

At the request of Mr. Williams the Chair declared a five minute recess. The Senate met at the expiration of the recess, Lt. Gov. Buckson presiding at 6:15 P.M.

Mr. Simpson moved that **HB 282** be deferred.

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

So the question was decided in the negative and the Motion not having received the required constitutional majority was lost.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer—6.

Mr. Reilly moved that the vote be tabled. Motion prevailed.

On motion of Mr. Mayhew **HB 403** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 403—"An Act to Amend Title 28, Section 522, Delaware Code Relative to Application and Rejection and Award

of Dates and Maximum Racing Days and Qualifications for License for Harness Horse Racing."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Messrs. Spicer, Steen—2.

NOT VOTING—Mr. Hickman—1.

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

On motion of Mr. Reilly the Senate adjourned at 6:20 P.M. until Thursday, Sept. 17 at 1 P.M.

81ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:15 P. M., on Thursday, September 17, 1959, Lt. Gov. Buckson, presiding.

Prayer by the Chaplain Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem Cook—11.

Members absent—Messrs. Hickman, McCullough, Nechay, Steen, Watson, Williams—6.

Without objection the chair dispensed with the reading of the journal of the previous day's session.

On motion the Senate recessed at call of the chair at 2:20 P. M. The Senate met at the expiration of the recess at 5:30 P. M. Pres. Pro Tem Cook presiding.

Messrs. McCullough, Williams, Watson, Hickman, Nechay and Steen asked to be marked present.

Mr. Reilly introduced the following bill which was given first reading and referred to the committee on Building & Highways.

SB 288—"Relating to the Transfer of Lands to the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital."

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

SB 289—"An Act Authorizing the State Board of Education to Assign Students of Wiley's and Rose Valley Schools to Any School District where Transportation Facilities are Available."

Mr. Snowden introduced the following resolution which on further motion by him was adopted:

SR 88—"Relative to the Death of Former Justice of the Peace Harry Berger."

WHEREAS, the Senate of the 120th General Assembly of the State of Delaware has learned with regret of the passing of Harry Berger, a former Justice of the Peace for New Castle County; and

WHEREAS, Harry Berger served his State faithfully and well during his terms as Justice of the Peace of the State of Delaware; and

WHEREAS, the members of the Senate desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware; NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 120 General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Harry Berger, a prominent figure in his community and a former Justice of the Peace of the State of Delaware; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the Senate of the 120th General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 120th General Assembly of the State of Delaware.

The following Bills were reported from Committees: **SB 287**, 4 Favorable; **HJR 7**, 1 Favorable, 4 Merits; **SB 289**, 3 Favorable, 2 Merits.

Mr. Nechay introduced the following resolution which on further motion by him was adopted.

SR 89—"An Act Making An Appropriation to the Diamond State Telephone Company for Services Rendered Through August 11, 1959."

Mr. Hickman introduced the following resolution which on further motion by him was adopted.

SR 90—"Authorizing Payment of Amount Due The Sussex Countian for Printing Senate Calendar."

On motion the Senate recessed at call of the Chair at 5:45 P. M. The Senate met at the expiration of the recess at 9:40 P. M., Pres. Pro Tem Cook, presiding.

The Chair presented the following House Bill which was given first reading.

HB 431—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Depart-

ment's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department," to Buildings and Highways.

Mr. Snowden moved that Rule 9 be suspended for the purpose of considering **SB 287**. Motion Prevailed.

On motion of Mr. Snowden **SB 287** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 287—"An Act to Authorize the Governor, the Secretary of State and the State Treasurer to Borrow Money for Liabilities and Expenses of the State Highway Department and Issue Notes of the State of Delaware and Appropriating the Monies so Borrowed to the State Highway Department."

Messrs. Snowden and Cook introduced **SA 1** to **SB 287** which on their further motion was adopted.

Mr. McCullough moved that **SB 287** be deferred.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Pres. Pro Tem Cook—11

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—0.

ABSENT—0.

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

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

HB 68—"An Act Appropriating Money to the Delaware Society for the Prevention of Cruelty to Animals," to Finance.

HB 424—"An Act Appropriating Funds to the Milford Special School District for the Purchase of Lands for the Benjamin Banneker School and for Improvement Thereof and for Alterations and Repairs to the Benjamin Banneker School Building," to Finance.

HB 432—"An Act to Amend Chapter 57, Volume 52, Laws of Delaware," to Revised Statutes.

The following bills were introduced, given first reading, and referred to committee:

SB 290—"An Act to Amend Section 791, Title 7, Delaware Code, Relating to Raccoon and Opossum," by Mr. Watson to Fish, Oyster and Game.

SB 291—"An Act to Provide for the Enlargement and Improvement of the system of Free Public Schools of Delaware and the University of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and By Contributions From Certain School Districts; Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts for the Purpose of Raising Money to Make Such Contributions; Authorizing the Acceptance of Federal Funds for Building Purposes; and Creating Local School Building Commissions," by Mr. Hoey to Education.

SB 292—"An Act to Amend An Act Entitled "An Act to Incorporate the Town of Slaughter Beach", Being Chapter 167, Volume 37, Laws of Delaware, as amended, by Extending the Corporate Limits of the Town of Slaughter Beach", by Mr. Hoey to Corporations Municipal.

The following bill was reported from committee: **HB 431**, 5 Favorable

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 431**.

Lt. Governor Buckson entered the Chamber and presided, whereupon Mr. Cook stepped down from the Chair.

On motion of Mr. Steen **HB 431** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 431—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—17.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

On motion of Mr. Snowden **SB 287** previously deferred was taken up for consideration and read a second time by title in order to pass the Senate.

Mr. Hoey introduced SA 2 to SB 287.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—0.

ABSENT—0.

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

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—17.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

Mr. Cook moved that Rule 9 be suspended in order to consider **SB 289**.

On motion of Mr. Cook **SB 289** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 289—"An Act Authorizing the State Board of Education to Assign Students of Wiley's and Rose Valley Schools to Any School District Where Transportation Facilities Are Available."

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

YEAS—Messrs. Nechay, Reilly, Spicer, Steen, Tull, Watson—6.

NAYS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Simpson, Williams, Mr. Pres. Pro Tem—9.

NOT VOTING—Mr. Hickman—1.

ABSENT—Mr. Snowden—1.

So the question was decided in the negative and the bill not having received the required constitutional majority was lost.

Mr. Tull moved that Rule 9 be suspended in order to consider **HJR 7**.

On motion of Mr. Tull **HJR 7** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HJR 7—"Appointing Directors on the Part of The State for the Farmers Bank for the State of Delaware."

On motion of Mr. Simpson the Senate recessed for 5 minutes. The Senate met at the expiration of the recess at 12:15 A. M. Lt. Gov. Buckson presiding.

On the question "Shall the Resolution pass the Senate?" the yeas and nays were ordered.

On motion of Mr. Reilly and without objection the roll call was tabled.

Mr. Steen introduced the following resolution.

SJR 11—"Appointing Directors on the Part of the State for The Farmers Bank of the State of Delaware."

Mr. Steen moved that Rule 9 be suspended in order to consider **SJR 11**. Motion prevailed.

On motion of Mr. Simpson the Senate recessed for 5 minutes. The Senate met at the expiration of the recess at 12:25 A. M. Lt. Gov. Buckson presiding.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Simpson, Snowden, Spicer, Steen, Watson, Williams, Mr. Pres. Pro Tem—11.

NAYS—Messrs. Hoey, Nechay, Price, Tull—4.

NOT VOTING—Messrs. Mayhew, Reilly—2.

ABSENT—0.

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

Mr. Hoey moved that the Senate adjourn until September 21, 1959. Motion lost.

Mr. Reilly introduced the following resolution which on further motion by him was adopted.

SR 91—"Congratulating Allen J. Cook, President Pro Tempore of the Senate of the State of Delaware."

Mr. Nechay reported **HB 432** from committee with 4 Favorable.

Mr. Nechay moved that Rule 9 be suspended in order to consider **HB 432**. Motion prevailed.

On motion of Mr. Nechay **HB 432** with title as follows

was taken up for consideration and read a second time by title in order to pass the Senate.

HB 432—"An Act to Amend Chapter 57, Volume 52, Laws of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—17.

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

On the motion of Mr. Steen the Senate adjourned at 1 A. M. until Monday, September 21, 1959 at 1 P. M.

82ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P. M., on Monday, September 21, 1959. Mr. Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. duPont, Hickman, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

Members absent—Messrs. Correll, Hoey, Mayhew, McCullough, Nechay, Watson—6.

Without objection the chair dispensed with the reading of the journal of the previous day's session.

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

SB 293—"An Act Making An Appropriation to the State Custodian for Janitorial Services in Legislative Hall."

Mr. Simpson introduced the following bill which was given first reading and referred to the committee on Revised Statutes.

SB 294—"An Act Proposing an Amendment to Section 14, Article 2 of the Constitution of the State of Delaware."

Mr. Steen reported **HB 109** from committee with 3 Favorable, 1 Merits.

Messrs. Watson, McCullough, Hoey, Nechay and Mayhew asked to be marked present.

Mr. Hickman introduced the following resolution which on further motion by him was adopted.

SR 92—"Authorizing Payment of Amount Due the Harrington Journal for Printing Incurred by the Senate of the 120th General Assembly."

Mr. Reilly moved that **HB 341** be restored to the calendar. Motion prevailed.

Mr. Cook stepped down from the Chair and Mr. Reilly stepped up to the Chair and presided.

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

HCR 23—"An Act Making an Appropriation to Various Companies for Service and Supplies Rendered the 120th General Assembly."

On motion of Mr. Nechay **HCR 23** was adopted.

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

SB 295—"An Act Amending Chapter 134, Volume 52, Laws of Delaware, Relating to Tuition Charges."

Mr. Cook moved that **SB 289** be restored to the calendar. Motion prevailed.

On motion of Mr. Cook **SB 289** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 289—"An Act Authorizing the State Board of Education to Assign Student of Wiley's and Rose Valley Schools to Any School District Where Transportation Facilities Are Available."

Mr. Simpson moved to defer **SB 289**.

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

YEAS—Messrs. duPont Simpson, Snowden, Spicer, Williams—5.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—11.

NOT VOTING—0.

ABSENT—Mr. Correll—1.

So the question was decided in the negative and the motion not having received the required constitutional majority was lost.

Mr. Snowden moved that **SB 289** be tabled until the 2nd legislative day after the present day and be made the first order of business then.

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

YEAS—Messrs. duPont, Price, Simpson, Snowden, Spicer, Steen, Williams—7.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Reilly, Tull, Watson, Mr. Pres. Pro Tem—9.

NOT VOTING—0.

ABSENT—Mr. Correll—1.

So the question was decided in the negative and the motion not having received the required constitutional majority was lost.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Reilly, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem—11.

NAYS—Messrs. duPont, Price, Simpson, Snowden, Williams—5.

NOT VOTING—0.

ABSENT—Mr. Correll—1.

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

On motion the Senate recessed at call of the Chair at 3:45 P. M. The Senate met at the expiration of the recess at 5:15 P. M. Mr. Pres. Pro Tem Cook presiding.

Mr. Reilly introduced **SA 1** for **HB 282** and moved for its adoption.

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—Mr. Spicer—1.

ABSENT—Messrs. Correll, Nechay—2.

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

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

SB 296—"An Act to Amend Section 122, Title 20, Delaware Code Relating to the Adjutant General."

The following Bills were reported from Committees:

SB 290, 2 Merits, 3 Favorable (Fish, Oyster and Game); **SB 291**, 3 Merits, 1 Favorable (Education).

Mr. Steen introduced the following bills which were given first reading and referred to the committee on Judiciary:

SB 297—"An Act to Amend Section 1151, Title 10, Delaware Code Relating to the Jurisdiction of the Juvenile Court of Kent and Sussex County."

SB 298—"An Act to Amend Section 951, Title 10, Delaware Code Relating to the Jurisdiction of the Family Court of New Castle County."

SB 299—"An Act to Amend Section 704, Title 21, Delaware Code Relating to Jurisdiction of Offenses."

On motion of Mr. Reilly the Senate adjourned at 5:25 P. M. until Tuesday, September 22, 1959 at 1 P. M.

83RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P. M., on Tuesday, September 22, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain Rev. Ray W. Kirwan.

Members present—Messrs. Correll duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Simpson, Spicer, Steen, Williams—4.

Without objection the Chair dispensed with the reading of the journal of the previous day's session.

Messrs. Spicer and Williams asked to be marked present.

On motion of Mr. Mayhew **HB 304** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 304—"An Act Relating to the Use of Certified Mail in Lieu of Registered Mail by the State of Delaware, Its Various Offices, Departments and Agencies."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS—0.

ABSENT—Messrs. Simpson, Steen—2.

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

On motion of Mr. Mayhew **HB 174** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 174—"An Act to Amend Chapter 11, Title 28, Delaware Code, Entitled 'Bingo' by Repealing Section With Advertising and Relating to Transportation to and from Authorized Game Locations."

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

YEAS—Messrs. Hickman, Reilly, Watson, Mr. Pres. Pro Tem—4.

NAYS—Messrs. Correll, duPont, Hoey, Price, Snowden, Spicer, Williams—7.

NOT VOTING—Messrs. Mayhew, McCullough, Nechay, Tull—4.

ABSENT—Messrs. Simpson, Steen—2.

So the question was decided in the negative and the bill not having received the required constitutional majority was lost.

On motion of Mr. Spicer **HB 174** was restored to the calendar.

On motion of Mr. Reilly **HB 335** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 335—"An Act to Amend Title 19, Section 3315, Delaware Code, Relating to Disqualification for Benefits of Unemployment Compensation."

On motion of Mr. Snowden **HB 335** was deferred.

Messrs. Cook, Spicer and Hickman introduced the following bill which was given first reading and referred to the committee on Judiciary.

SB 300—"An Act to Amend Section 1108, Title 10, Delaware Code Relating to the Juvenile Court of Kent and Sussex Counties."

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

SB 301—"An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary."

The following Bills were reported from Committees:

SB 192, 2 Favorable, 3 Merits; **SB 299**, 1 Favorable, 2 Merits, 2 Unfavorable; **SB 298**, 1 Favorable, 2 Merits, 2 Unfavorable; **SB 297**, 1 Favorable, 2 Merits, 2 Unfavorable; **HB 372**, 1 Favorable, 4 Merits; **HB 250**, 1 Favorable, 4 Merits; **SB 280**, 4 Favorable; **SB 301**, 2 Favorable, 3 Merits; **SB 300**, 4 Favorable, 1 Merits.

Messrs. Simpson and Steen asked to be marked present.

Mr. Cook moved to suspend Rule 9 for the purpose of considering **SB 300** and **SB 301**. Motion prevailed.

On motion of Mr. Cook **SB 300** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 300—"An Act to Amend Section 1108, Title 10, Dela-

ware Code Relating to the Juvenile Court of Kent and Sussex Counties."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

On motion of Mr. Reilly **SB 301** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 301—"An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—17.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

On motion the Senate recessed at call of the Chair at 3:45 P. M. The Senate met at the expiration of the recess at 4:00 P. M. Mr. Pres. Pro Tem Cook presiding.

Mr. Steen moved to suspend Rule 9 for the purpose of considering **SB 297**, **SB 298** and **SB 299**. Motion prevailed.

On motion of Mr. Steen **SB 297** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 297—"An Act to Amend Section 1151, Title 10, Delaware Code Relating to the Jurisdiction of the Juvenile Court of Kent and Sussex County."

Mr. Williams moved to defer **SB 297**.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, May-

hew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

On motion of Mr. Steen **SB 299** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 299—"An Act to Amend Section 704, Title 21, Delaware Code Relating to Jurisdiction of Offenses."

Mr. Cook introduced **SA 1** to **SB 299**. Mr. Steen moved to defer **SB 299**. Motion prevailed.

On motion of Mr. Steen **HB 109** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 109—"An Act Amending Title 17, Delaware Code, Entitled 'Highways' Relating to Increasing the Penalty for Disposing Trash Within a Certain Distance of the Highway."

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

YEAS—Messrs. duPont, Hickman, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams—9.

NAYS—Messrs. Correll, Mayhew, McCullough, Nechay, Price, Mr. Pres. Pro Tem—6.

NOT VOTING—Messrs. Hoey, Watson—2.

ABSENT—0.

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

The following bill was introduced by Mr. Nechay, given first reading, and referred to the committee on Revised Statutes.

SB 302—"An Act to Establish a Merit System of Personnel Administration in the State Government of the State of Delaware: To Provide for the Implementation and Operation of Such System and to Appropriate Funds."

On motion of Mr. Reilly **SB 265** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 265—"An Act to Amend Chapter 95, Title 9, Delaware Code, Relating to Coroners."

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

YEAS—Messrs. Hickman, Mayhew, Nechay, Price, Reilly, Steen, Watson, Williams, Mr. Pres. Pro Tem—9.

NAYS—Messrs. duPont, Hoey, McCullough, Simpson, Snowden, Spicer—6.

NOT VOTING—Mr. Correll—1.

ABSENT—Mr. Tull—1.

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

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

HB 417—"An Act to Amend Title 9, Delaware Code, By Adding Thereto a New Chapter 27 Concerning Trenches and Excavation in the State of Delaware," to Building and Highways.

HB 412—"An Act to Amend Title 15, Delaware Code, Entitled, 'Elections' by Providing A Voter With the Right to Vote if He Moves His Residence to Another Election District in the Same Hundred Within Thirty Days Prior To A General Election," to Revised Statutes.

SB 288 was reported from committee with 4 Favorable and 1 On Merits.

On motion of Mr. McCullough **SB 20** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 20—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, Credit for Other Employment."

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered.

Mr. McCullough moved that the roll call be tabled. Motion prevailed.

On motion of Mr. Hoey the Senate adjourned at 5:30 P. M. until Wednesday, September 23, 1959 at 1 P. M.

84th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:45 P.M., on Wednesday, Sept. 23, 1959, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Mayhew, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

Members absent—Messrs. Hickman, Hoey, McCullough, Nechay, Snowden, Steen, Williams—7.

Without objection the Chair dispensed with the reading

of the Journal of the previous day's session.

Messrs. Snowden, McCullough, and Hoey asked to be marked present.

On motion of Mr. Reilly **SB 31** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 31—"An Act Proposing Amendments to Article IV of Constitution of the State of Delaware Relating to the Judiciary."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Hickman, Nechay, Steen, Williams—4.

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

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

SB 32—"An Act Proposing Amendments to Article V of the Constitution of the State of Delaware, Relating to the Superior Court Acting as Board of Canvass."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem Cook—12.

ABSENT—Messrs. Hickman, Nechay, Steen, Watson, Williams—5.

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

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

HB 441—"An Act to Amend Chapter 63, Title 29, Delaware Code, Entitled 'Budget Appropriation Bill' and Relating to Estimated State Revenue," to Revised Statutes.

Mr. Steen asked to be marked present.

On motion the Senate recessed at call of the Chair at 3:15 P.M. The Senate met at the expiration of the recess at 3:25 P. M., Pres. Pro Tem Cook presiding.

Messrs. Hickman and Nechay asked to be marked present.

On motion of Mr. Reilly **SB 288** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 288—"Relating to the Transfer of Lands to the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital."

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

YEAS—Messrs. Correll, Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Mr. duPont—1.

NOT VOTING—Messrs. Hoey, Spicer—2.

ABSENT—Messrs. Simpson, Snowden, Tull, Williams—4.

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

HB 412 was reported from Committee with 1 favorable and 2 on merits.

On motion the Senate recessed at call of the Chair at 3:40 P.M. The Senate met at the expiration of the recess at 5:15 P. M., Pres. Pro Tem Cook presiding.

Mr. Mayhew introduced the following Bill which was given first reading and referred to the Committee on Corporations Municipal:

SB 303—"An Act to Reincorporate the Town of Magnolia."

Mr. Snowden requested the privilege of the floor to read a communication from the Governor, to be inserted in the Journal. Privilege granted.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover

September 23, 1959

Honorable James H. Snowden
State Senate, Legislative Hall
Dover, Delaware

Dear Senator Snowden:

It is my understanding that House Bill No. 441, an Act to Amend Chapter 63, Title 29, Delaware Code, entitled "Budget Appropriation Bill", and relating to estimated State revenue will be coming up in the Senate for consideration.

The purpose of this bill, I am sure, is to overcome tempor-

arily the effect of existing statutes relating to appropriations and revenue estimates.

The discussions held in my office with the Legislative leaders of both parties reached, I believe, general agreement that action should be taken to temporarily overcome the limitations of Section 6337 and 6339 of Title 29. There was no agreement as to the specific method or bill to accomplish this, but the following methods were proposed:

1. Legislative resolution increasing the estimate of revenue, if warranted, for the current year.
2. Legislative resolution estimating the revenue for the biennium.
3. Enactment of additional revenue legislation.

In the course of the meetings there was discussion as to whether encumbering and continuing balances and deficiency notes could be omitted in arriving at the sum total of appropriations. My own thinking on this method is that such an approach goes further than a temporary measure to meet the immediate problem and would result in the establishment of permanent policy recognizing and condoning deficit financing which is a very dangerous policy to set for the State. In addition, this bill goes even further than any previous discussions may have mentioned in that it also excludes automatic appropriations from total appropriation calculations.

I am forced, therefore, to oppose strongly House Bill No. 441 because of the foregoing objections.

I recommend consideration of the proposals mentioned above; either of the first two as a temporary measure and the third as a permanent solution.

Sincerely yours,

J. CALEB BOGGS, Governor

Mr. Cook introduced the following Concurrent Resolution which was referred to the Committee on Education:

SCR 33—"Requesting the State Board of Education to Submit to the Present Session of the 120th General Assembly a Statement of the Specific Projects in Each School District for Which the Proceeds of the Bonds to be Authorized by Senate Bill No. 291 Will Be Expended."

Mr. Cook introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 304—"An Act Making an Appropriation to James B. Messick, Esquire, for Services Rendered from July 22, 1957 to January 6, 1959."

The following Bills were reported from Committees:

From Education: **SB 260**, 2 favorably, 2 merits; from Education: **SB 261**, 2 favorably, 2 merits.

Mr. duPont moved to suspend Rule 9 for the purpose of considering **SB 260** and **SB 261**. Motion prevailed.

Mr. duPont announced that Messrs. McCullough, Mayhew, Price and Reilly were added as co-sponsors of **SB 260** and **SB 261**.

On motion of Mr. duPont **SB 260** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 260—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Watson, Williams—2.

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

On motion of Mr. duPont **SB 261** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 261—"An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus at Newark, Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Watson, Williams—2.

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

Mr. Cook introduced the following Resolution and moved for its adoption:

SR 93—"An Act Appropriating Money to the Secretary of the Senate to Attend the Twelfth Annual Legislative Conference to be Held in Denver, Colorado."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres Pro Tem Cook—14.

NAYS—Mr. Hoey—1.

NOT VOTING—0.

ABSENT—Messrs. Watson, Williams—2.

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

On motion of Mr. Reilly the Senate adjourned at 5:45 P.M. until Thursday, September 24, 1959 at 1 P.M.

85th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:00 P.M., on Thursday, September 24, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

Members absent—Messrs. Nechay, Reilly, Steen—3.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Cook requested that the following letter be read to the Senate and entered into the Journal:

September 4, 1959

Honorable Allen J. Cook

President of the Senate

Dover, Delaware

Dear Senator Cook:

Attached is a Resolution adopted by the Legislative Council of Maryland at its meeting on September 2, 1959. You will see that in this Resolution I was directed to send a copy to you.

The Resolution concerns the question of reciprocity in the collection of income taxes. I know you are familiar with the problem involved, and that legislation on this subject is currently pending in the Delaware Legislature.

Very sincerely yours,

CARL N. EVERSTINE, Secretary

LEGISLATIVE COUNCIL RESOLUTION urging the General Assembly of the State of Delaware to give consideration to an income tax exemption in their law for non-residents of that state on salary and wages received by them from employment within the State of Delaware, similar to

the exemption provided in the Maryland income tax law which is applicable to residents of Delaware who are employed within the State of Maryland.

WHEREAS, both the States of Delaware and Maryland impose income taxes on both residents and non-residents and many of the residents of these two states commute back and forth across the state lines in the pursuit of employment; and

WHEREAS, both states having withholding income tax provisions require employers to withhold income tax from both states from the wages of employees who work in one state and live in the other; and

WHEREAS, both states have reciprocal provisions under which tax credits are allowed by the non-resident state for the income tax paid to state of residence, thus making refundable part if not all of the tax withheld; and

WHEREAS, the State of Maryland has already recognized the impracticability of this dual withholding by amending its income tax law to provide exemption for wages paid to a non-resident for employment in Maryland when such non-resident resides within a state imposing an income tax law and under which Maryland residents receive a reciprocal tax credit; now, therefore, be it

RESOLVED BY THE LEGISLATIVE COUNCIL OF MARYLAND, That the General Assembly of the State of Delaware be urged to give careful consideration to an amendment to the income tax law of the State of Delaware, which will provide an exemption to non-residents of Delaware employed within that state, similar to the exemption now enjoyed by residents of Delaware who are employed within the State of Maryland; and be it further

RESOLVED, That the Secretary of the Legislative Council be directed to send copies of this Resolution to the presiding officers of the two Houses of the Legislature of the State of Delaware and also to the Governor of the State of Delaware.

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

HB 433—"An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Howard H. Dickerson to the General Fund of the State of Delaware," to Finance.

On motion the Senate recessed at call of the Chair at 3:15 p. m. The Senate met at the expiration of the recess at 5:10 p. m., Lt. Gov. Buckson presiding.

Messrs. Reilly and Steen asked to be marked present.

The Chair presented the following House Resolution, which was given first reading and adopted by the Senate.

HCB 24—"Appropriating Money out of the General Fund of the State Treasury to pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly."

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

HB 440—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," to Finance.

On motion of Mr. Simpson **SB 173** was taken up for consideration and read by title in order to pass the Senate:

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

Mr. Reilly moved that **SB 173** be deferred.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—9.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—0.

ABSENT—Messrs. Hoey, Nechay—2.

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

Mr. McCullough moved that the roll call on **SB 20** be lifted. Motion prevailed.

On the question "Shall the Bill pass the Senate" the yeas and nays were as follows:

YEAS—Messrs. Correll, duPont, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams—11.

NAYS—Mr. Pres. Pro Tem—1.

NOT VOTING—Messrs. Hoey, Mayhew, Nechay, Watson—4.

ABSENT—Mr. Hickman—1.

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

The following Bills were reported from committees as follows: **SB 274**, 4 Favorable, 1 Merits; **SB 303**, 5 Favorable; **SB 292**, 5 Favorable; **SB 275**, 4 Favorable, 1 Merits.

On motion of Mr. Hoey the Senate adjourned at 5:30 p. m. until Monday, September 28, 1959 at 1 p. m.

86TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:15 p. m., on Monday, September 28, 1959, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

Members Absent—Messrs. Hickman, Hoey, McCullough, Reilly, Steen, Tull—6.

Without objection the Chair dispensed with the reading of the journal of the previous day's session.

Messrs. Hoey, Reilly and Tull asked to be marked present.

On motion of Mr. Spicer **SB 173** was taken up for consideration and read again by title in order to pass the Senate:

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

Mr. Reilly moved that **SB 173** be deferred. Motion lost.

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Williams—5.

NAYS—Messrs. Mayhew, Nechay, Price, Reilly, Spicer, Watson—6.

NOT VOTING—Messrs. Hoey, Tull, Pres. Pro Tem—3.

ABSENT—Messrs. Hickman, McCullough, Steen—3.

So the question was decided in the negative and the bill not having received the required constitutional majority was lost.

Mr. Simpson moved to restore **SB 173**. Without objection the chair so ordered.

On motion of Mr. Correll **SB 274** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 274—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property Upon Footways in the Town of Middletown."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hickman, McCullough, Steen—3.

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

On motion of Mr. Correll **SB 275** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 275—"An Act to Amend Section 5, Chapter 128, Volume 33, Laws of Delaware, Relating to Compensation of the Mayor and Members of Council of Middletown."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hickman, McCullough, Steen—3.

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

On motion of Mr. Nechay **SB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 303—"An Act to Reincorporate the Town of Magnolia."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hickman, McCullough, Steen—3.

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

On motion of Mr. Nechay **HB 412** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 412—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' by Providing A Voter With the Right to Vote If He Moves His Residence to Another Election Dis-

trict in the Same Hundred Within Thirty Days Prior To A General Election."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly Simpson, Tull, Watson, Williams, Mr. Pres. Pro Tem—12.

NAYS—Mr. Snowden—1.

NOT VOTING—0.

ABSENT—Messrs. Hickman, McCullough, Spicer, Steen—4.

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

Mr. McCullough asked to be marked present.

On motion of Mr. Hoey **SB 292** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 292—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Slaughter Beach,' Being Chapter 167, Volume 37, Laws of Delaware, as Amended, by Extending the Corporate limits of the Town of Slaughter Beach."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hickman, Steen—2.

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

On motion of Mr. Reilly the Senate recessed at call of the Chair at 3:45 p. m. The Senate met at the expiration of the recess at 6 p. m., Pres. Pro Tem Cook presiding.

Mr. Hickman asked to be marked present.

On motion of Mr. Reilly **HB 372** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 372—"An Act to Amend Title 10, Delaware Code, Entitled 'Courts and Judicial Procedure' Relating to Procedure in the Court of Common Pleas for New Castle County."

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

YEAS—Messrs. duPont, Hickman, McCullough, Nechay,

Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem—11.

NAYS—Mr. Spicer—1.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Correll, Mayhew, Price, Steen—4.

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

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

HB 456—"An Act to Amend Chapter 63, Title 29, Delaware Code, Entitled, 'Budget Appropriation Bill' and Relating to Estimated State Revenue," to Finance.

Messrs. Simpson, Spicer, Hoey, Mayhew, Price, Nechay, Cook and Tull introduced the following bill which was given first reading and referred to the committee on Finance:

SB 305—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts; Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts for the Purpose of Raising Money to Make Such Contributions; Authorizing the Acceptance of Federal Funds for Building Purposes; and Creating Local School Building Commissions."

On motion of Mr. Reilly **SB 280** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 280—"An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation."

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

YEAS—Messrs. duPont, Hickman, McCullough, Nechay, Reilly, Snowden, Watson, Williams, Mr. Pres. Pro Tem—9.

NAYS—Mr. Spicer—1.

NOT VOTING—Messrs. Hoey, Mayhew, Price, Simpson, Tull—5.

ABSENT—Messrs. Correll, Steen—2.

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

The following Bills were reported from Committees:

From Finance: **HB 433**, 4 Favorable; **HB 78**, 4 Favorable;

HB 456, 4 Favorable. From Revised Statutes: **SB 296**, 2 Merits, 1 Unfavorable.

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering **HB 456**. Motion prevailed.

On motion of Mr. Hoey **HB 456** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 456—"An Act to Amend Chapter 63, Title 29, Delaware Code, Entitled 'Budget Appropriation Bill' and Relating to Estimated State Revenue."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem—9.

NAYS—Messrs. duPont, Simpson, Snowden, Spicer, Williams—5.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Correll, Steen—2.

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

Mr. Reilly introduced the following resolution, which on further motion by him was adopted.

SR 94—"Congratulating Senator Calvin R. McCullough upon his Birthday."

The Chair directed that **HCR 25** with title as follows be read to the Senate and on motion of Mr. Reilly it was adopted.

HCR 25—"Relative to the Death of William K. Paton, President of the Farmers Bank of the State of Delaware."

WHEREAS, the Members of the 120th General Assembly of the State of Delaware have learned with deep regret of the untimely passing of William K. Paton, President of the President, Directors and Company of the Farmers Bank of the State of Delaware, and

WHEREAS, William K. Paton has for many years faithfully and diligently served as President of the Farmers Bank of the State of Delaware whose capital stock is partly owned by the State of Delaware, and

WHEREAS, William K. Paton has in addition to his duties as President of the Farmers Bank of the State of Delaware taken time to be a leader in many diverse business and civic functions, and

WHEREAS, William K. Paton has unselfishly given many hours to charity organizations in the State of Delaware, and

WHEREAS, William K. Paton, has on many occasions given financial advice to the General Assembly and to the public officials of this State, and

WHEREAS, the Members of the House of Representatives and the Members of the Senate, in conjunction with the people of the State of Delaware, desire to express in this public manner their feelings of sorrow and regret and their deep sense of loss of this worthy public figure, NOW THEREFORE

BE IT RESOLVED by the House of Representatives, with the Concurrence of the Senate, that the members hereby give public expression of their deep regret at the passing of William K. Paton, and

BE IT FURTHER RESOLVED that the family of the deceased has the full sympathy of the members of the House of Representatives and of the Senate of the 120th General Assembly of the State of Delaware and the people of Delaware, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the immediate family of William K. Paton and that the text of this resolution be made a permanent part of the Journal of the House of Representatives and of the Journal of the Senate of the 120th General Assembly of the State of Delaware.

Mr. McCullough introduced **SR 95** and moved for its adoption.

SR 95—"Relating to the Air Pollution Authority of the State of Delaware."

On the question "Shall the Motion pass the Senate" the yeas and nays were ordered, and taken.

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—17.

NAYS—0.

NOT VOTING—0.

ABSENT—0.

On the motion of Mr. McCullough the roll call was tabled.

On motion of Mr. Reilly the Senate adjourned at 7:15 p. m. until Wednesday, September 30 at 1 p. m.

87TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:25 p. m., on Wednesday, September 30, 1959, Pres. Pro Tem Cook, presiding.

Prayer by the Chaplain Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, May-

hew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem Cook—12.

Members Absent—Messrs. Hickman, Nechay, Steen, Watson, Williams—5.

Without objection the Chair dispensed with the reading of the journal of the previous day's session.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:30 p. m.

The Senate met at the expiration of the recess at 7:00 p. m., Mr. Pres. Pro Tem Cook, presiding.

Messrs. Williams, Steen, Hickman and Nechay asked to be marked present.

Messrs. Steen, Reilly, Tull, Spicer and Cook introduced the following bill which was given first reading and referred to the committee on Miscellaneous:

SB 306—"An Act Making an Appropriation to the State Revenue Collector for the Biennium Ending June 30, 1961."

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

HCR 26—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware."

On motion of Mr. Reilly the resolution was adopted by the Senate.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **SB 306**. Motion prevailed.

On motion of Mr. Steen **SB 306** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 306—"An Act Making an Appropriation to the State Revenue Collector for the Biennium Ending June 30, 1961."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NAYS—0.

NOT VOTING—Mr. Nechay—1.

ABSENT—Messrs. Hoey, McCullough, Watson—3.

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

The Chair presented **SB 300** previously passed by the Senate and returned from the House, passed as amended by **HA 1**.

On motion of Mr. Cook, **SB 300** with **HA 1** was taken up for consideration and read in order to pass the Senate:

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hoey, McCullough, Watson—3.

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

The Chair presented **SB 261** previously passed by the Senate and returned from the House, passed as amended by **HA 1**.

On motion of Mr. duPont **SB 261** with **HA 1** was taken consideration and read in order to pass the Senate:

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hoey, McCullough, Watson—3.

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

Mr. Nechay introduced the following resolution which on further motion by him was adopted.

SR 96—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses connected with the Present Session of the 120th General Assembly."

Mr. Hickman introduced the following resolution which on further motion by him was adopted.

SR 97—"Authorizing Payment of Amount Due The Sussex Countian for Printing Senate Calendar."

On motion of Mr. Steen **HB 283** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 283—"An Act Relating to the Reimbursement of Funds Received by the State of Delaware or Any Agency

Thereof for the Cost of Construction of Interstate Roads or Highways."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Williams, Mr. Pres. Pro Tem—12.

NAYS—Mr. Spicer—1.

NOT VOTING—Mr. Pres. Pro Tem—1.

ABSENT—Messrs. Hoey, McCullough, Watson—3.

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

On motion of Mr. Steen **HB 282** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 282—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of the State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Bridge Over the Delaware River, by Increasing the Aggregate of the Bonds That May Be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor of the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, from Time to Time, to Improve and Make Additions to the Bridge, Its Appurtenances and Approaches As May Be Deemed Appropriate by Such Division at a Cost Not to Exceed in the Aggregate Fifty-Two Million Five Hundred Fifty Thousand Dollars (\$52,550,000) and to Issue Additional Revenue Bonds Not to Exceed Said Amount for Such Purposes, and to Authorize the Division to Enter Into Agreement With the State Highway Department, Among Others, to Construct Such Additions and Improvements and to Pay or Reimburse Said Department, In Whole or Part, the Costs Thereof."

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered.

On motion of Mr. Steen the roll call was tabled.

Mr. Nechay introduced the following resolution which on further motion by him was adopted.

SR 98—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

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

HB 436—"An Act to Amend Chapter 17, Title 10, Dela-

ware Code, Relating to the Judges of the Municipal Court for the City of Wilmington," to Judiciary.

HB 446—"An Act to Amend Sections 6913, 6914 and 6915, Title 29, Delaware Code, Relating to Wages," to Labor.

HB 458—"An Act to Amend Chapter 161, Volume 41, Laws of Delaware, Entitled 'An Act Changing the Name of 'The Town of Rehoboth' to 'City of Rehoboth Beach', Establishing A Charter Therefor, and Repealing Chapter 247 of Volume 27, Laws of Delaware, Being Entitled 'An Act Creating A Board of Public Works for the Town of Rehoboth, Which Shall Establish, Control and Regulate A Water Works System for Said Town, Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors', as Amended", to Corporations Municipal.

HB 453—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," to Education.

HB 450—"An Act to Amend Chapter 184 of Volume 43, Laws of Delaware, Being an Act Entitled 'An Act Changing the Name of the Town of Seaford to the City of Seaford', as Amended, by Giving Authority to the Mayor to Appoint an Assistant Alderman and His Powers and Duties," to Corporations Municipal.

HB 449—"An Act to Amend Chapter 184 of Volume 43, Laws of Delaware, Being an Act Entitled 'An Act Changing the Name of the Town of Seaford to the City of Seaford,' as Amended by Chapter 265 of Volume 49, Laws of Delaware, by Giving Authority to the City Council of Seaford to Increase the Annual Service Charges for the Use of the Municipal Sewers," to Corporation Municipal.

On motion of Mr. Reilly the Senate adjourned in accordance with **HCR 26** at 7:48 p. m.

88th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 12:15 P.M. on Wednesday, December 2, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Hickman, Mayhew, McCullough, Steen, Watson—5.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. duPont presented a communication from Wilming-

ton Lodge No. 470 inviting the Senators to attend a Delaware Day meeting.

A messenger from the Governor was admitted who presented three messages to the Chair. The Chair announced that they would be read later.

On motion of Mr. Cook the Senate recessed until 2 P.M. at 12:30 P.M. The Senate met at the expiration of the recess at 4:45 P. M., Lt. Gov. Buckson presiding.

The Governor's veto message, which had been delivered to the Senate along with Senate Bill 265, was presented by the Chair and read into the Record.

October 9, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

On October 1, 1959, I received Senate Bill No. 265, entitled:

AN ACT TO AMEND CHAPTER 95, TITLE 9,
DELAWARE CODE, RELATING TO CORONERS.

I respectfully return herewith this bill without my approval.

This bill adds a new section to the statute which provides for other duties of the Coroners in the investigation of deaths. It provides for sharing with the Coroners some of the duties placed upon the Medical Examiner under the Act which created "The Board of Post-Mortem Examiners".

The existing situation in Delaware amounts to a dual system involving the Medical Examiner through the Board of Post-Mortem Examiners Act and the Coroner system.

In the creation of the Medical Examiner system, it was contemplated that the Coroner system would be eventually abolished. To continue the dual system is not in the interest of economy or efficiency. The Medical Examiner system is the modern, scientific method. The concept of the Coroner system, which I am sure served its purpose in years gone by, is now obsolete.

Senate Bill No. 265 herein under consideration does not meet the problem of doing away with a dual system. This bill appears to be a step backward in further entrenching the old Coroner system.

I would recommend that the Board of Post-Mortem Examiners make every effort to strengthen the Medical Examiner system and make such recommendations to the General Assembly as may be necessary to accomplish this. I would recommend to the General Assembly that the Coroner system be abolished.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Governor's second message which had been delivered to the Senate was presented by the Chair.

Messrs. Steen, Hickman and Watson asked to be marked present.

Mr. Steen moved that the Governor's message be tabled. The Chair ruled that the motion was out of order.

The reading clerk proceeded to read the message when Mr. Reilly moved that so much be considered the reading of the message. The Chair ruled that the motion was out of order.

Mr. Reilly moved to override the ruling of the Chair.

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

YEAS—Messrs. Hickman, Hoey, Nechay, Price, Steen, Tull, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—0.

ABSENT—Messrs. Mayhew, McCullough—2.

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

MESSAGE OF GOVERNOR J. CALEB BOGGS TO 120TH GENERAL ASSEMBLY DECEMBER 2, 1959

The State of Delaware is confronted by two major problems: One is the need for reform in our state government to provide new and stronger safeguards for taxpayers through a modern state government that will bring about greater efficiency, lower costs and direct responsibility to the people. The second problem is the need for revenue to met the necessary increase in state services during the coming years.

The only way we will really solve these problems is by tackling them one at a time, in their proper order. It is for this reason that I am presenting to you at this a program to deal with the first and more pressing problem, the need for basic reforms that will bring about a better and more efficient state government. It is obvious that we need reforms before taxes, and I would consider it unwise for the General Assembly to place any new taxes on our people before it takes proper steps to modernize our government.

The latest reports of the staff of the Joint Revenue Committee estimate deficits of nearly \$5,000,000 by the end of this fiscal year, another \$10,000,000 by the end of the

next fiscal year, and an aggregate deficit of nearly \$100,000,000 five years from now. This should be sufficient to convince those who would like to write off our financial crisis as a political dream. These figures were prepared by a staff of independent experts, hired by the General Assembly's own Committee.

After next June 30, the General Assembly cannot legally, under present law, appropriate more money than the tax dollars the state expects to receive. Therefore, unless the General Assembly enacts revenue legislation to meet the state's future needs, the vital services we provide the citizens will be drastically affected.

However, I am absolutely opposed to placing the burden of one additional dollar of taxes on any of our citizens until we have done everything we can to reform our government and insure the taxpayer greater protection. Unless the General Assembly brings about reforms before taxes, the taxpayer can only expect that the state will face a continuing crisis and that his tax burden will be even heavier than it would without reforms.

On the other hand, I am certain that the citizens of Delaware are willing to pay the costs of vital state services if they know their tax money is being handled in the most efficient manner possible.

It is for the purpose of achieving this climate of public confidence through a more efficient government that I am submitting for your immediate consideration this specific program of reforms:

(1) A Department of Finance, as outlined in Senate Bill 5. This is the keystone of my reform program. In addition to providing the basic new safeguards the taxpayers want, it sets up a full-scale central purchasing system for all state agencies. This alone will save the state an estimated half-million dollars a year. Senate Bill 5 has been before the Legislature since January.

Let me make it clear that I will not approve any weak imitation of Senate Bill 5, especially if it omits central purchasing, deprives the Executive of the right to appoint the department director, or otherwise injects political considerations to destroy the long-range objectives of this or any other measure in my reform program.

This does not mean that I am unwilling to discuss any honest differences of opinion with members of the General Assembly. I am ready and willing to work with the members of the Legislature at any time to speed action on the reform program listed here.

(2) A State Department of Public Works, Senate Bill 187. This would reorganize and streamline the state's public

works activities, which are now costing the state about \$30,000,000 a year.

(3) A State Department of Public Safety, Senate Bill 259. This would reorganize and strengthen the state's public safety activities.

(4) A Department of Natural Resources. I recommended plans for this department last month, during your recess. The legislation to create it will be offered for introduction in the House at today's session.

(5) A Department of Justice, Senate Bill 129. This would centralize all of the state's legal activities in one department under the Attorney General and would eliminate the practice of various agencies hiring their own legal counsel. This would save the state about \$100,000 a year.

Each of these new departments is a complete self-contained unit and there is no sound reason they can't be considered individually, on their merits, and be acted upon by the General Assembly at this time.

(6) A Constitutional Convention, House Bill 22. This bill would give the voters a voice in strengthening our governmental machinery.

(7) Reduce Highway Department appropriations by \$1,700,000.

(8) Eliminate election expenses at the state level.

There are other measures affecting the financial and governmental structures of the State of Delaware which have been before the General Assembly since January. Although quick legislative action on these measures is desirable, the eight items I have listed are "musts" in meeting Delaware's growing financial crisis.

There are a number of important reasons why action on these reform measures must be taken now, before the end of the calendar year.

Organization of a new Department of Finance could be started within 30 days after enactment of Senate Bill 5 and it would be in operation by the start of the next fiscal year.

In addition, the central purchasing system provided in Senate Bill 5 would bring about greater savings, an important consideration in preparing the new budget in January.

Another reason for action now is that the two budget cuts I am recommending could bring about additional savings of about \$2,000,000. This would also figure in budget considerations in January.

Also to be considered is the importance of strengthening public confidence, before the next budget is prepared, by demonstrating that we have laid the groundwork for a future sound financial situation.

Action on this reform program now would also insure that it would not be put aside in the rush of new legislative business in January, nor would it be confused with other matters.

The most important reason why the General Assembly should act now on this program of reforms is that too much time has already been lost in providing basic protection for the taxpayers. Every day these reforms are delayed causes an additional drain on the pocketbooks of our citizens.

The choice is clearly drawn by the report of the Joint Revenue Committee's staff of experts. We can either resort to increasing the tax burden on the citizens, almost on an annual basis, or we can get to the heart of the problem now and help reduce the future tax burden by eliminating the weak spots in our financial operations and our governmental structure. The situation cries out for immediate action on a condition which will have to be dealt with eventually.

I am convinced that the reform program I propose will put us on the road to financial stability. Each of these reform measures hinges on a handful of votes. This is the time and the place to demonstrate true bipartisanship.

I think our citizens at least have the right to expect the General Assembly to bring these bills out of committee for a fair vote so that we may know who is and who isn't for reforms that will provide new and stronger protection for the taxpayers.

I hope the General Assembly will act without further delay and adopt the reform program I have proposed.

On motion of Mr. duPont **SB 259** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 259—"An Act Establishing a Department of Public Safety, Defining its Organization, Powers and Duties."

Mr. Cook moved to defer **SB 259**.

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

YEAS—Messrs. Hickman, Hoey, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—0.

ABSENT—Messrs. Mayhew, McCullough—2.

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

The Governor's third message which had previously been

delivered to the Senate was presented by the Chair and read into the record.

STATE OF DELAWARE
Executive Department

December 2, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

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

James S. Clark, Fenwick Island, to be a Justice of the Peace in and for Sussex County for a term to expire November 30, 1963.

David Hollett, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire October 1, 1963.

Frank M. Heal, Wilmington, to be a member of the Delaware State Advisory Council of the Unemployment Compensation Commission for a term to expire October 20, 1965.

Charles H. Gant, Wilmington, to be a member of the Delaware State Advisory Council of the Unemployment Compensation Commission for a term to expire October 20, 1965.

Harold L. Jacobs, Wilmington, to be a member of the Water Pollution Commission of the State of Delaware for a term to expire August 1, 1962.

Elmer C. Taylor, Hockessin, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1964.

Samuel C. Pierce, Jr., Seaford, to be a member of the Water Pollution Commission of the State of Delaware for a term to expire August 1, 1961.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Cook introduced the following Resolution which on further motion by him was adopted.

SR 99—"Expressing the Sympathy of the Senate on the Illness of the Honorable Harry E. Mayhew."

Mr. Cook introduced the following Bills which were given first reading and referred to the Committee on Judiciary:

SB 307—"An Act to Amend Chapter 43, Title 11, Delaware Code Entitled 'Probation' and Relating to Assistant Probation Officers."

SB 308—"An Act to Appropriate Funds to the Juvenile Court of Kent and Sussex Counties for the Purpose of Car-

rying Out the Provisions of Chapter 203, Volume 52, Laws of Delaware Relating to Masters of Said Court."

Mr. Williams introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 309—"An Act Relating to the State Board of Corrections and the Dispositions of Funds Received from the Hire of Prison Labor, Repairing of Furniture and the Selling of Farm Produce."

At the request of Mr. Cook the Chair introduced the following House Concurrent Resolution:

HCR 27—"Relating to the Joint Revenue Committee."

Mr. Reilly moved that the Resolution be adopted.

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

YEAS—Messrs. Hickman, Hoey, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

NOT VOTING—0.

ABSENT—Messrs. Mayhew, McCullough, Snowden—3.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was returned to the House.

Mr. Hickman introduced the following Resolution which on further motion by him was adopted:

SR 100—"Relating to Amount Due International Business Machines Corporation for Repairs on Typewriters Incurred by the 120th General Assembly."

A memorandum received from the Governor's Secretary advised that the Governor had approved legislation on the dates indicated:

September 18, **SB 222** as amended; September 24, **SB 233**, **SB 289**; October 1, **SB 149**, **SB 260**, **SB 261** as amended, **SB 288**, and **SB 300** as amended.

Mr. Reilly introduced the following Bill which was given first reading and referred to the Committee on Labor:

SB 310—"An Act to Amend Chapter 7, Title 19, Delaware Code by Adding a New Section to the Chapter Relating to Unfair Job Discrimination Because of Age and Providing for a Penalty in the Event of Such Discrimination."

Mr. Reilly introduced the following Bill which was given first reading and referred to the Committee on Public Health:

SB 311—"An Act to Amend Chapter 5, Title 24, Delaware Code Relating to Chiropody."

On motion of Mr. Reilly the Senate recessed at the call

of the Pres. Pro Tem at 5:20 P.M.

The Senate met pursuant to the following proclamation at 11:45 A.M. on December 10, 1959:

PROCLAMATION

WHEREAS, the State of Delaware is facing a severe financial crisis; and

WHEREAS, the estimated deficit of the State forecast by the Joint Revenue Committee at about \$100,000,000 by 1965 demands that definite and specific economies be affected through reorganization of the governmental operations of the State; and

WHEREAS, legislative action on this basic problem of financial and governmental reforms should be accomplished before consideration of the next budget of the State of Delaware; and

WHEREAS, certain phases of governmental reorganization should be put into operation before the start of the next fiscal year; and

WHEREAS, only the General Assembly can pass upon legislation to meet this serious situation, and

WHEREAS, a provision of Section 16, Article III of the Constitution of the State of Delaware, authorizes and empowers the Governor of the State of Delaware by proclamation to convene the General Assembly on extraordinary occasions; and

WHEREAS, I find by reason of the foregoing that there does exist an extraordinary occasion; now

THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware by virtue of the authority vested in me do hereby proclaim the following: That the 120th General Assembly of the State of Delaware shall convene at Legislative Hall in the City of Dover, Capital of the State of Delaware, on Thursday the tenth day of December, A. D., 1959 at 11:00 a. m. Eastern Standard Time, for the purpose of meeting in joint session to hear a message of the Governor at 12:00 noon; and to then consider and act upon such legislation as recommended by the Governor to bring about basic governmental reforms and specific economies which would provide new protection for the taxpayers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, 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 seventh day of December in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

GOVERNOR

Secretary of State

Lt. Governor Buckson presided.

Prayer by the Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Spicer, Steen, Tull Watson, Williams, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Nechay, Reilly, Simpson, Snowden—4.

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

JOINT SESSION

Mr. Reilly moved that the House and Senate convene in Joint Session. Motion prevailed.

Mr. Reilly moved that the President of the Senate preside over the Joint Session. Motion prevailed.

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Messrs. Reilly, Williams, King and Richards.

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

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

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

MESSAGE BY GOV. J. CALEB BOGGS TO JOINT SESSION OF 120TH GENERAL ASSEMBLY THURSDAY, DEC. 10, 1959

Mr. President. Mr. Speaker. Members of the 120th General Assembly of the State of Delaware:

I have exercised my Constitutional authority to call this special session because I believe there is a critical need for urgent action on the serious problems facing the State today.

The report of the Joint Revenue Committee, which estimates the State's deficit at about \$100,000,000 by 1965, is convincing proof that we must tighten up and reform our governmental operations to provide new protection for the taxpayers of this state. Our present agency administrators are doing the best they can with our outdated system. Reforms would also provide long-range economies. Imposing additional taxes on the people without bringing about great-

er efficiency, more economy, and new safeguards against future crisis would certainly not be the fairest way of dealing with this problem.

This brings us to the message which I prepared and submitted for your consideration last week. I understand that it was the feeling of the leaders of the General Assembly that my program of specific and definite financial and governmental reforms might be considered more favorably if I present it in person. With the sincere hope that this might be accomplished, I would now like to read that message.

The State of Delaware is confronted by two major problems: One is the need for reform in our state government to provide new and stronger safeguards for taxpayers through a modern state government that will bring about greater efficiency, lower costs and direct responsibility to the people. The second problem is the need for revenue to meet the necessary increase in state services during the coming years.

The only way we will really solve these problems is by tackling them one at a time, in their proper order. It is for this reason that I am presenting to you a program to deal with the first and more pressing problem, the need for basic reforms that will bring about a better and more efficient state government. It is obvious that we need reforms before taxes, and I would consider it unwise for the General Assembly to place any new taxes on our people before it takes proper steps to modernize our government.

The latest reports of the staff of the Joint Revenue Committee estimate deficits of near \$5,000,000 by the end of this fiscal year, another \$10,000,000 by the end of the next fiscal year, and an aggregate deficit of nearly \$100,000,000 five years from now. This should be sufficient to convince those who would like to write off our financial crisis as a political dream. These figures were prepared by a staff of independent experts, hired by the General Assembly's own Committee.

After next June 30, the General Assembly cannot legally, under present law, appropriate more money than the tax dollars the state expects to receive. Therefore, unless the General Assembly enacts revenue legislation to meet the state's future needs, the vital services the state provides the citizens will be drastically affected.

However, I am absolutely opposed to placing the burden of one additional dollar of taxes on any of our citizens until we have done everything we can to reform our government and insure the taxpayer the greatest possible protection. Unless the General Assembly brings about reforms before taxes, the taxpayer can only expect that the state will face a continuing crisis and that his tax burden will be even heavier than it would be without reforms.

On the other hand, I am certain that the citizens of Delaware are willing to pay the costs of vital state services if they know their tax money is being handled in the most efficient manner possible.

It is for the purpose of achieving this climate of public confidence through a more efficient government that I am submitting for your immediate consideration this specific program of reforms at this time:

(1) A Department of Finance, as outlined in Senate Bill 5. This is the keystone of my reform program. In addition to providing the basic new safeguards the taxpayers want, it sets up a full-scale central purchasing system for all state agencies. This alone will save the state an estimated half-million dollars a year or more. Senate Bill 5 has been before the Legislature since January.

Let me make it clear that I will not approve any weak imitations of Senate Bill 5, especially if it omits central purchasing, deprives the Executive of the right to appoint the department director, or otherwise injects political considerations to destroy the long-range objectives of this or any other measures of this reform program.

This does not mean that I am unwilling to discuss any honest differences of opinion with members of the General Assembly. I am ready and willing and welcome the opportunity to work with the members of the Legislature at any time to speed action on the reform program listed here.

(2) A State Department of Public Works, Senate Bill 187. This would reorganize and stream line the state's public works activities, which are now costing the state about \$30,000,000 a year.

(3) A State Department of Public Safety, Senate Bill 259. This would reorganize and strengthen the state's public safety activities.

(4) A Department of Natural Resources, House Bill 463. I recommended plans for this department last month, during your recess. The legislation to create it will be offered for introduction in the House at today's session.

(5) A Department of Justice, Senate Bill 129. This would centralize all of the state's legal activities in one department under the Attorney General and would eliminate the practice of various agencies hiring their own legal counsel. This would save the state about \$100,000 a year.

Each of these new departments is a complete self-contained unit and there is no sound reason they can't be considered individually, on their merits, and be acted upon by the General Assembly at this time.

(6) A Constitutional Convention, House Bill 22. This

bill would give the voters a voice in strengthening our basic governmental machinery.

(7) Reduce Highway Department appropriations by \$1,700,000.

(8) Eliminate election expenses at the state level.

There are other measures affecting the financial and governmental structure of the State of Delaware which have been before the General Assembly since January, early part of the year. Although quick legislative action on these measures is desirable, the eight items I have listed are "musts" in meeting Delaware's growing financial crisis.

There are a number of important reasons why action on these reform measures must be taken now, before the end of the calendar year.

Organization of a new Department of Finance could be started within 30 days after enactment of Senate Bill 5 and it would be in operation by the start of the next fiscal year.

In addition, the central purchasing system provided in Senate Bill 5 would bring about greater savings, an important consideration in preparing the new budget in January.

Another reason for action now is that the two budget cuts I am recommending could bring about additional savings of about \$2,000,000. This would also figure in budget considerations in January.

Also to be considered is the importance of strengthening public confidence, before the next budget is prepared, by demonstrating that we have laid the groundwork for a future sound financial situation.

Action on this reform program now would also insure that it would not be put aside in the rush of new legislative business in January, nor would it be confused with other important matters.

The most important reason why the General Assembly should act now on this program of reforms is that too much time has already been lost in providing basic protection for the taxpayers. Every day these reforms are delayed causes an additional drain on the pocketbooks of our citizens.

The choice is clearly drawn by the report of the Joint Revenue Committee's staff of experts. We can either resort to increasing the tax burden on the citizens, almost on an annual basis, or we can get to the heart of the problem now and help reduce the future tax burden by eliminating the weak spots in our financial governmental operations and structure. The situation cries out for immediate action on a condition which will have to be dealt with eventually.

I am convinced that the reform program I propose will put us on the road to financial stability. Each of these re-

form measures hinges on a handful of votes. This is the time and the place to demonstrate true bipartisanship.

I think our citizens at least have the right to expect all of us to bring these bills out of committee for a fair vote so that we may know who is and who isn't for reforms that will provide new and stronger protection for the taxpayers.

I hope the General Assembly will act without further delay and adopt the reform program I have proposed.

That is the message I submitted to the General Assembly last week.

I would now like to make a few comments regarding your action last week in suspending the activities of the Joint Revenue Committee.

When the General Assembly created the Joint Revenue Committee, you, as members of the Assembly, charted its course of action.

I would like to quote from the resolution, passed by this General Assembly earlier in the year, which said the Joint Revenue Committee "is hereby empowered and directed to make a careful study and consideration of various new sources of revenue for meeting the financial needs of the State of Delaware, and to submit its report with recommendations to the current General Assembly."

The "careful study" you requested has now been completed, through the untiring efforts of the fine staff of financial experts which the Committee itself engaged. I believe its report has been or will soon be submitted to the General Assembly. However, the assignment of the Joint Revenue Committee has been only half-completed. You directed it to make recommendations to the General Assembly. Unfortunately, it was decided to suspend the Committee's activities before this task was fully accomplished.

I regret that there were attempts by certain members of that Committee to read new meanings into the resolution which created it. Nowhere in that resolution was there any suggestion that the Governor approve or disapprove of its recommendations before they were submitted to and acted upon by the General Assembly.

Furthermore, contrary to the implications of your resolution suspending the activities of the Joint Revenue Committee, I have never said that I will not support any of the Committee recommendations. In fact, I have strongly urged in several public statements, that the Joint Revenue Committee move ahead with the assignment given it by the General Assembly in developing recommendations for necessary new revenue legislation.

I believe that certain basic reforms in our present structure of government and in the way we handle the taxpayers'

money must be accomplished BEFORE the revenue measures are taken up by the General Assembly. However, I believe the original assignment of the Joint Revenue Committee must be accomplished and I hope that the General Assembly may reverse its decision suspending the Committee's activities.

I regret that some members of the General Assembly have expressed the feeling that an atmosphere of bipartisan cooperation no longer exists. The spirit of bipartisanship is a state of mind, and I can assure you that the spirit of bipartisanship still exists as far as I am concerned.

I am ready, and always have been ready, to sit down with any members of the General Assembly to discuss the reform program I have proposed. The door of the Governor's office has never been closed to anyone.

We are agreed that there is a need for additional revenue to meet the rising costs of providing services to the citizens. However, we must first face the serious need for governmental and financial reforms to provide greater efficiency, greater economy, and greater protection for the taxpayers. I urge you to enact this program without delay.

I urge you to provide new protection for the taxpayers.

I urge you to provide a modern government for Delaware that can meet the citizens' needs as we grow in the future.

I urge you to bring each of these reform measures out of committee so that it can be voted upon on the floor of the Senate and the House. If these measures are defeated, then at least we will know where we stand. But by keeping them in committee, refusing to permit a vote, we are accomplishing nothing.

If no action is taken by the General Assembly, I feel it my responsibility to follow a non-legislative course. I am prepared to carry this program of "reforms before taxes" to the taxpayers of this State. If this program isn't enacted, the taxpayers have a right to know why.

I will ask them just one question: Do you want to pay more taxes BEFORE sound reforms have been made to provide a more efficient, economical government?

This is not a partisan question or program. It cannot benefit me because almost all of the reforms will not become effective until July 1, 1961, after I am no longer privileged to be Governor of this State.

The interests of the taxpayers are at stake here.

If bipartisanship is the desire of this General Assembly, the time to demonstrate it is now.

The previously named committee escorted the Governor from the Chamber.

Mr. Reilly moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Mr. Reilly moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

On motion of Mr. Reilly the Senate adjourned.

89TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 12:30 P.M. on Thursday, December 10, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

Members absent—Messrs. Nechay, Snowden—2.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 12:35 P.M. The Senate met at the expiration of the recess at 3:15 P.M., Lt. Gov. Buckson presiding.

Communications:

Letter from Judge Stevenson expressing appreciation for legislation concerning the appointment of masters.

Letter from Governor Buck concerning smells from the Tidewater Refinery.

The Chair presented House Bill, which was given first reading and referred to the committee on Public Lands.

HB 461—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of the State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Bridge over the Delaware River, by Increasing the Aggregate of Bonds That May be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor of the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, to Acquire at a Cost Not in Excess of Three Hundred Thousand Dollars (\$300,000.00) Land Adjacent to Said Bridge and Approaches for use as Additions, Improvements, Maintenance and Operation of said Bridge and to Issue Additional Revenue Bonds Not to Exceed Said Amount for That Purposes."

Messrs. Williams, duPont, Reilly and Cook introduced the following Resolution which on further motion by them was adopted.

SR 101—"Expressing the Sympathy of the Senate on the Illness of Senator James Snowden."

WHEREAS, Senator James Snowden has recently announced that due to ill health he will be unable to attend sessions, and

WHEREAS, Senator Snowden has devoted time and his physical energy in the cause of better government and the general welfare of the people of this STATE, and

WHEREAS, such devotion to duty may have been a contributing factor in his illness, and

WHEREAS, Senator Snowden has been an articulate and understanding member of the General Assembly, and

WHEREAS, all the members of the Senate of the 120th General Assembly of the State of Delaware desire to express their regrets and sympathy to Senator Snowden.

NOW THEREFORE

BE IT RESOLVED that the members of the Senate of the 120th General Assembly of the State of Delaware do hereby express their best and sincere wishes for the complete and speedy recovery of Senator James Snowden.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 120th General Assembly of the State of Delaware and a copy be forwarded to Senator Snowden by the Secretary of the Senate and a further copy be delivered to the Press.

Mr. Steen reported **HB 461** from Committee with 4 favorable. Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 461**. Motion prevailed.

On motion of Mr. Steen **HB 461** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 461—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of the State Highway Department to Issue Bonds to Defray the Cost of Construction of a Bridge Over the Delaware River, by Increasing the Aggregate of Bonds That May Be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor of the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, to Acquire at a Cost Not in Excess of Three Hundred Thousand Dollars (\$300,000.00) Land Adjacent to Said Bridge and Approaches for Use as Additions, Improvements, Maintenance and Operation of Said Bridge and to Issue Additional Revenue Bonds Not to Exceed Said Amount for That Purpose."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, May-

hew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams—14.

NAYS—0.

NOT VOTING—Mr. Pres. Pro Tem Cook—1.

ABSENT—Messrs. Nechay, Snowden—2.

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

Mr. Mayhew reported **HB 20** from committee with 3 favorable, 1 merits, and 1 unfavorable.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 4 P.M. The Senate met at the expiration of the recess at 6 P.M., Lt. Gov. Buckson presiding.

Mr. Steen moved that the roll call on **HB 282** be lifted. Motion prevailed. Messrs. Hoey, Watson and Cook changed their vote to "yea".

On the question "Shall the Bill pass the Senate?" the yeas and nays having been previously taken on Sept. 30, 1959, were as follows:

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Messrs. Simpson, Spicer—2.

NOT VOTING—0.

ABSENT—Mr. McCullough—1.

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

The following Bills were introduced by Mr. Steen, given first reading, and referred to committee as follows:

SB 312—"An Act to Amend Section 6525, Title 11, Delaware Code Relating to Appointment of the Director of Corrections," to Judiciary.

SB 313—"An Act to Amend Section 1903, Title 9, Delaware Code Relating to County Police, Qualifications," to Revised Statutes.

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted:

SR 102—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

SR 103—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

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

HS 1 for HB 347—"An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year Ending June 30, 1960," to Judiciary.

HS 1 for HB 347 was reported from the Judiciary Committee with 4 favorable and **SB 312** with 3 favorable and one on merits.

Mr. Reilly moved to suspend Rule 9 to consider **SB 312** and **HS 1 for HB 347**. Motion prevailed.

On motion of Mr. Reilly **HS 1 for HB 347** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HS 1 for HB 347—"An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Mr. Hoey—1.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. McCullough, Nechay, Snowden, Spicer—4.

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

On motion of Mr. duPont the Senate recessed for ten minutes. The Senate met at the expiration of the recess at 6:45 P.M., Lt. Gov. Buckson presiding.

On motion of Mr. Steen **SB 312** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 312—"An Act to Amend Section 6525, Title 11, Delaware Code Relating to Appointment of the Director of Corrections."

Mr. Simpson moved that **SB 312** be deferred. Motion lost.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Williams—4.

NOT VOTING—0.

ABSENT—Messrs. McCullough, Nechay, Snowden, Spicer—4.

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

On motion of Mr. Mayhew **HB 20** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 20—"An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. McCullough, Nechay, Snowden, Spicer—4.

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

Mr. Cook requested the privilege of the floor to comment upon the Governor's message.

Mr. Reilly moved that the Senate recess at call of the President Pro Tem at 7:10 P.M. Motion prevailed.

The Senate met pursuant to recess at 1:35 P.M. on Monday, January 4, 1960, Lt. Gov. Buckson presiding.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

Members absent—Messrs. Hickman, Nechay, Reilly, Simpson, Snowden, Steen—7.

On motion of Mr. Cook the Senate adjourned until Monday, January 4, 1960 at 1:45 P.M.

90TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:40 P.M. on Monday, January 4, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

Members absent—Messrs. Hickman, Nechay, Simpson, Snowden, Steen, Watson—6.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Cook requested the privilege of the floor to read the following message:

STATE OF DELAWARE
HOUSE OF REPRESENTATIVES
Dover, Del.

SHERMAN W. TRIBBITT
Speaker of the House
Odessa, Delaware

December 30, 1959

Honorable J. Caleb Boggs
State House
Dover, Delaware
Dear Governor Boggs:

This is to advise you that the General Assembly has reconvened on Monday, January 4, 1960, for its regular session and is now ready for business.

Since your message to the Legislature of December 10th, the members have had a further opportunity to consider your announced program for the reorganization of the State Government and we are sure that the members have noted with interest the news accounts of your recent remarks before the Delaware State Chamber of Commerce appearing on December 28th in which you further elaborated upon your program. Because you have made it quite clear that your program for a sweeping reorganization of the executive branch of our State Government must precede any equitable solution to the major problem which our State faces, namely, finding additional revenue to meet the necessary increase in State services during the coming years, it is apparent that the Legislature will desire to give prompt and intelligent consideration to your suggested program in the light of the best public interest.

We feel you must be aware of the enormity of the far-reaching changes in our form of government which your recommendations embody. Consequently, we are of the opinion that the citizenry of this State will also want to be afforded an opportunity to be heard on this program and the members of the Legislature will, of course, need to be advised in detail of its implications and effects. Thus, we contemplate that some appropriate committee or committees of the Legislature will be directed to conduct public hearings upon those bills which present your program. Your full cooperation in hastening that matter to that point will be greatly appreciated, we are sure, not only by the members of the Legislature but by the general public. We note that according to your recent public remarks that bills creating six new

departments have been introduced to date into one or the other Houses of the Legislature, that you intend to recommend the creation of five additional departments in the near future and that you intend to submit some revisions or further refinements of those bills already pending involving the creation of the labor and finance departments.

We believe that the most intelligent consideration to be given to your program would be to view it as a whole package rather than on a piece meal basis. Therefore, we respectfully suggest that your complete program be introduced into the General Assembly as soon as possible within the first three weeks of January in order to eliminate any further or unnecessary delay. We are convinced that, when your program in its entirety has been introduced, the Legislature through public committee hearings will immediately give it the prompt consideration to which such an important and far-reaching program is entitled. In this connection, since your reorganization program is primarily based upon the economy to be gained in governmental operations, it is desired, in order to speed any committee hearings to be held, that you provide the Legislature within the next three weeks a detailed analysis of the tax-dollar saving which each of your reorganization bills will insure. We anticipate this to be one of the most important factors to be considered by the Legislature and we believe that it would save a great deal of time to have this information before the Legislature at the time your complete reorganization bills are introduced.

Our suggestions are simply made in a spirit of legislative cooperation with the executive to insure a prompt and full consideration of the reorganization legislation which you have recommended. We believe that you are aware that further delay in meeting the equally important revenue problem may, as you pointed out in your message to the Legislature, entail further deficit financing. There is no question but that this over-all financial problem must be faced realistically as soon as possible. Accordingly, we believe the Legislature will want to fully consider your reorganization program as soon as possible especially since you have declared no revenue recommendations would be forthcoming from you until the Legislature first considers your program to abolish the commission form of government in our State.

Sincerely yours,

ALLEN J. COOK, President Pro Tem
SHERMAN W. TRIBBITT, Speaker

On motion of Mr. Cook the Senate recessed at call of the Chair at 1:50 P.M. The Senate met at the expiration of the recess at 4:35 P.M., Pres. Pro Tem Cook presiding.

Messrs. Hickman, Nechay, Simpson, Steen and Watson asked to be marked present.

Mr. Steen introduced **SR 104** which on further motion by him was adopted.

SR 104—"In Reference to Election of Officers."

Mr. McCullough presented the committee report on **HB 453** with 5 favorable.

Mr. McCullough moved that Rule Nine be suspended for the purpose of considering **HB 453**. Motion prevailed.

The President administered the oath of office to the new attachees: Harry R. Ayres, Jr., Gladys B. Anderson, Carl Prettyman, Richard Norwood and William Cook.

Messrs. Steen and Hickman introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 314—"An Act to Amend an Act Entitled 'An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1960', Being Chapter 57, Volume 52, Laws of Delaware, in Respect to Appropriations to Millsboro School No. 23."

On motion of Mr. McCullough **HB 453** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 453—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Mayhew, Snowden—2.

So the question was decided in the affirmative and the Bill having received the required three-fourths constitutional majority passed the Senate and was returned to the House.

The Chair presented the following House Concurrent Resolution, which was given first reading and on motion by the Chair was adopted by the Senate and returned to the House:

HCR 24—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly."

Mr. Nechay reported **SB 251** with 1 merits, 1 favorable, and 1 unfavorable.

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

HB 467—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Castle Hills Civic Association, from Assessment and Taxation," to Revised Statutes.

Mr. Hoey reported **SB 314** with 3 favorable, 1 merits from the Finance Committee.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **SB 314**. Motion prevailed.

On motion of Mr. Steen **SB 314** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 314—"An Act to Amend an Act Entitled 'An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1960', Being Chapter 57, Volume 52, Laws of Delaware, in Respect to Appropriations to Millsboro School No. 23."

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

YEAS—Messrs. Correll, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. duPont—1.

NOT VOTING—0.

ABSENT—Messrs. Mayhew, Snowden—2.

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

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

HB 462—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Absentee Ballots," to Elections.

Mr. Steen presented a communication from Mr. Gordy resigning as an attache.

Mr. Reilly presented a communication from the father of a sick boy and announced that a Resolution would be drawn up in response thereto, containing the signatures of the Senators.

On motion of Mr. Reilly the Senate adjourned at 5:35 P.M. until Tuesday, January 5, 1960, at 1:00 P.M.

91ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:50 P.M. on Tuesday, January 5, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Hickman, Simpson, Snowden, Spicer, Steen—5.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 1:55 P.M. The Senate met at the expiration of the recess at 4:50, Pres. Pro Tem Cook presiding.

Messrs. Steen, Hickman, Simpson and Spicer asked to be marked present.

The Chair directed that the following House Bill be given its first reading, whereupon it was referred to the Elections Committee:

HB 419—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Preparation of Lists of Registered Voters; Timing and Dating of Documents; Applications for Ballots and Communications; Removal of Records of Deceased Persons From Registration Records; Removal of Records of Persons Convicted of a Felony; Certification of Vote."

Mr. Nechay introduced the following Resolution which on further motion by him was adopted:

SR 105—"In Reference to Election of Officers."

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted:

SR 106—"Authorizing Payment of Amount Due The Sussex Countian for Printing Senate Calendar."

SR 107—"Appropriation for Postage Stamps for the Senate of the 120th General Assembly."

SR 108—"An Act Making an Appropriation to International Business Machines Corporation for Repairs to IBM Typewriter."

Mr. Reilly introduced the following Concurrent Resolution which on further motion by him was adopted:

SCR 34—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

Mr. Reilly (by request) introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 315—"An Act to Amend Section 717, Title 4, Dela-

ware Code, Relating to the Sale of Alcoholic Liquors on Sundays."

Mr. Watson reported **HB 462** from the Elections Committee with 4 favorable, 1 merits.

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

HB 410—"An Act Appropriating Money to the State Highway Department, State Police Division," to Buildings and Highways.

The Pres. Pro Tem administered the oath of office to Mildred Savage and James Harrison.

The Chair announced that he had signed **SB 275, 274,** and **SR 104.**

Mr. Reilly moved that the Senate adjourn at 5:05 P. M. until Wednesday, January 6, 1960 at 1:00 P.M.

92ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on Wednesday, January 6, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Nechay, Price, Snowden, Spicer—4.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

The Chair announced that he had signed **SR 107, SR 105, SR 106,** and **SR 108.**

Mr. Reilly moved that Rule 23 be suspended for the balance of the Legislative Day. Motion prevailed.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Buckson invited the Speaker of the House and the President Pro-Tem to a seat on the Rostrum.

Mr. Reilly moved that the House and Senate convene in Joint Session. Motion prevailed.

JOINT SESSION

Mr. Reilly moved that the President of the Senate preside over the Joint Session. Motion prevailed.

Mr. Reilly moved that the Secretar yof the Senate and the Chief Clerk of the House act as Secretaries of the Joint Session. Motion prevailed.

Mr. Reilly moved that a Committee of 4 members be appointed to notify the Governor that the Joint Session is organized and ready to receive any message he may care to convey and to escort the Governor to the Senate Chamber. Motion prevailed. The Chair appointed Messrs. Tull, Simpson, Paskey and Bartleson.

The Sergeant-at-Arms announced His Excellency, the Honorable J. Caleb Boggs, Governor of the State of Delaware.

The Governor was escorted to the Rostrum and seated. At the time appointed the Governor delivered the following message:

ADDRESS BY

GOV. J. CALEB BOGGS

TO 120TH GENERAL ASSEMBLY

JANUARY 6, 1960

Mr. President

Mr. Speaker

Members of the 120th General Assembly of the State of Delaware.

It is once again my privilege to meet with you in joint session and place before you a program of action which is required by the General Assembly to meet the needs of the people of this state.

Although this is not the opening session of a new General Assembly, it is the start of a new year. Perhaps the experiences we have shared during the past 12 months will help us find the solutions to our pressing problems during the days ahead. It is my hope that you will move rapidly to meet these problems.

This will be my last year as Governor of the State of Delaware, and I am going to do everything I can to see that the state government is improved to the point where it can meet the great challenges and opportunities which we will all face in this new decade. There is only one test which I will apply to every recommendation that I shall make to you during this legislative session: what is best for all of the people of this state.

To really understand the problems that Delaware faces, it is necessary to look at the growth that is taking place in the state today. Delaware is the fifth fastest growing state in the nation. Officials who will conduct the national census this year believe that this state's population has grown to about 480,000 people, an increase of 181,000 since 1947. To meet this growth, we must have better education facilities at the elementary, secondary and college level, greater economic development and job opportunities, better public health

programs, greater assistance for our older citizens, stronger natural resources programs, and an overall improvement in other state services which the people want from the government.

The only way in which these demands can be met adequately and on a long-range basis is to provide a government organization that can do the job. This is the first of four broad legislative recommendations which must have your attention and action during this session.

When I appeared before you just a year ago today, I said to you that the business at this session is as urgent as any that has ever confronted a General Assembly in Delaware. I said, at that time, that we are trying to meet the needs of a growing state with an antiquated governmental system and that we are in the midst of a serious financial crisis. I added that these problems must be solved without delay.

I made several preliminary recommendations for meeting this problem, and since that message last January, I have developed a broad program for reforming and reorganizing the entire state government. Legislative action by the General Assembly is required to enact these governmental reforms which will equip the State to move ahead in the new decade, to provide the services which our rapidly-growing population will need in increasing measure, to improve efficiency, and to strengthen the responsibility to the people. This will enable the State to give our taxpayers more for their tax dollars in the future. Most of all, these reforms will give the taxpayers greater protection and provide the sound financial basis on which our state can flourish.

I am convinced that we must tackle this reform program in earnest before an attempt is made to solve the revenue problem. We must have reforms before taxes to give the taxpayer a fair break, and I want to repeat that I am absolutely against placing any new taxes on our citizens until the General Assembly acts on the reform program to modernize the government.

I am pleased at the recent reaction to this reform program which has been publicly expressed by the leaders and other members of the General Assembly. This is right in line with the strong expressions of public support for the program which I have found as I have travelled about the State.

On Monday, I received a letter from the President Pro Tem and the Speaker of the House which outlined a plan of legislative action on this reform program, and I would like to reply to the General Assembly as a whole on this letter. I have always been in favor of extensive public hearings on each of these reorganization proposals. I would like to suggest that the hearings begin with the new Department of

Finance bill which I will submit to you in the next few days. This is not only the keystone of the reform program, but is absolutely essential to cleaning up the financial situation in the state. This bill will essentially follow the substance of Senate Bill 5.

On the question of timing, it has been requested that the complete program be introduced within the first three weeks of the month. This request will be met. I would also like to suggest that the General Assembly set a target date before the end of February to complete action on the reform program.

In addition, a presentation on the savings to be realized through this reorganization will be ready when the hearings get underway and testimony is provided on the bills. However, I want to emphasize that immediate savings are only one of the important benefits the taxpayers will receive from this reorganization. There are many other sound reasons for reforms, and this letter may misconstrue the situation by saying that my reorganization is primarily based on the economy to be gained in governmental operations.

Without getting into any details of the individual reform bills at this time, I do want to emphasize all the benefits this reorganization will provide for the people.

1. It will provide government that is truly responsible to the people.

2. It will reduce the size of our government so that it can be administered effectively.

3. It will give taxpayers better services for their tax dollars through greater efficiency.

4. It will provide substantial economy in operating the government, especially through centralizing purchasing and other service functions for our state activities.

5. It will make possible much better control of our financial responsibilities to the taxpayers and help head off financial crisis in the future.

6. It will create a true executive branch of the government and enable the Governor to fulfill the Constitutional provision which assigns to him "supreme executive authority".

7. It will enable the Governor to carry out fully the laws enacted by the General Assembly.

8. It will establish a civil service and compensation program to attract high-caliber personnel to government service and to prevent massive changes in the governmental agencies every time political control is altered.

I hope that these bills will be approached on a bi-partisan basis, and I pledge to you that I will do everything I can

to foster bipartisanship in this and other legislative matters facing the State.

The second broad legislative recommendation which needs your action is the budget for Fiscal Year 1961. My budget recommendations for this biennium have been before the General Assembly since last January. My recommendations for supplemental appropriations are also before the General Assembly. I suggest that the Joint Finance Committee turn its attention to those recommendations immediately and work out its budget bill for the next fiscal year.

It seems to me that work on the budget can and should proceed while the reform program is being considered so that there will be no delay in providing funds for our state services. Also, I think that it is absolutely necessary that the procedure adopted last year be followed again this year to act on the budget bill before any supplemental appropriations, except deficiency and emergency supplementals, are passed.

The third area of legislative action is on the matter of new revenue which is required to meet the needs of the state. It is my sincere hope that the General Assembly will direct the Joint Revenue Committee to resume its deliberations and complete the task which you assigned to it last year. I would like to quote from your resolution which said the Joint Revenue Committee "is hereby empowered and directed to make a careful study and consideration of various new sources of revenue for meeting the financial needs of the state of Delaware, and to submit its report with recommendations to the current General Assembly".

The recent staff report of the Joint Revenue Committee specified the magnitude of the revenue problem facing our taxpayers this next year and in the years ahead. It seems to me that not only is this the most recent study of the problem, but also considering the outside staff experts who prepared it, there can be no question as to its objectivity. However, this is only one half of the job given to the Joint Revenue Committee. The second part of its mission is to draft truly bi-partisan, sound, and objective recommendations for the revenue needs of the State.

I was pleased to note in the letter from your legislative leaders a pledge of legislative cooperation. In view of this, the best place to demonstrate bi-partisanship on the revenue problem is in the bi-partisan Joint Revenue Committee. This is why the Committee was established, and it is therefore my hope that you will immediately put the committee back in business.

The fourth broad area requiring legislative action concerns several important bills on constitutional reforms, consumer protection, and public safety.

Specifically, I refer to the following measures:

House Bill 22, authorizing a referendum in 1960 on the question of holding a Constitutional Convention. This is an extremely important bill since it will give the voters a chance to decide the question of modernizing our 63-year-old constitution during the election this year. Failure to act on this measure will delay the referendum until 1962. House Bill 22 has been in a House committee since last January.

House Bill 4, providing Home Rule for our towns and municipalities. This self-government bill, which would also reduce the legislative burden of the General Assembly, has also been in a House committee for a year.

House Bill 164, providing for reapportionment of representation in the General Assembly. This measure has been in a House committee since March.

Senate Bill 26, providing a new weights and measures law for the protection of housewives, other consumers, business and agriculture. This measure was approved by the Senate but is still awaiting House action.

House Bills 77 and 100, providing zoning authority for Kent and Sussex Counties to cope with the problems resulting from, and to encourage the development of industrial growth. These measures also offer protection to owners of existing properties.

The package of anti-crime bills proposed by the Attorney General. Many of these measures have been approved by the Senate but are still awaiting House action. Others are still in Senate committee. The Attorney General has made a strong case for these bills to strengthen law enforcement in Delaware and the widespread public support for these measures is a matter of record.

Each one of these bills, from a Constitutional Convention to the anti-crime measures, has direct benefits for the people of this state.

It is obvious to everyone that we have a job to do in Dover this year. The people know what that job is, and they expect it to be done. If we all pull together, working to strengthen our government, we can provide a government which in turn can provide the services demanded by the citizens of this state.

Let a new day for Delaware begin right now in this new year.

Mr. Reilly moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Mr. Reilly moved the two Houses now separate to re-

convene in their respective chambers. Motion prevailed.

Messrs. Reilly and duPont introduced the following Resolution which on further motion by them was adopted:

SR 109—"Sending Greetings and Sympathy of the Senators of the 120th General Assembly of the State of Delaware to the Young Son of N. R. Aronowitz Upon His Illness, and Affixing Their Signatures Thereto."

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:55 P.M. The Senate met at the expiration of the recess at 4:35 P.M., Lt. Gov. Buckson presiding.

Mr. Reilly introduced the following Concurrent Resolution which on further motion by him was adopted by the Senate and ordered to the House for concurrence.

SCR 35—"Providing for Adjournment of the Senate and House until Monday, January 18, 1960."

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

HB 442—"An Act Making a Supplementary Appropriation to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Finance.

HB 438—"An Act Making a Supplementary Appropriation to the State Board of Accountancy for the Fiscal Year Ending June 30, 1960," to Finance.

HB 435—"An Act Making a Supplementary Appropriation to the Lewes Memorial Commission for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Finance.

Mr. Steen reported **HB 410** from Committee with 3 favorable. Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 410**. Motion prevailed.

On motion of Mr. duPont the Senate recessed at call of the Chair at 5 P.M. The Senate met at the expiration of the recess at 5:10 P.M., Lt. Gov. Buckson presiding.

On motion of Mr. Steen **HB 410** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 410—"An Act Appropriating Money to the State Highway Department, State Police Division."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—0.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Nechay, Price, Snowden—3.

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

Mr. Watson introduced the following Resolution and moved for its adoption. Mr. duPont moved that **SR 110** be deferred.

SR 110—"Relating to Probation Officers."

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

YEAS—Messrs. Correll, duPont, McCullough, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook, President—8.

NAYS—Messrs. Hickman, Hoey, Mayhew, Reilly, Simpson, Steen, Watson—7.

NOT VOTING—0.

ABSENT—Messrs. Nechay, Price, Snowden—3.

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

On motion of Mr. Reilly the Senate adjourned at 5:25 P.M. in accordance with **SCR 35** until January 18, 1960.

93RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:15 P.M. on Monday, January 19, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

Members absent—Messrs. Nechay, Snowden, Steen—3.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Watson requested that a communication from the probation officers of Kent County be read to the Senate.

The messenger from the Governor delivered the following messages to the Senate which the Chair directed to be read:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

January 13, 1960

To the Senate of the 120th 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. Henry V. P. Wilson, Dover, to be a member of the Board of Trustees of the University of Delaware for a term to expire December 5, 1965.

Frederic A. Walls, Harbeson, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1963.

Frank J. Carello, Jr., Minquadale to be a Justice of the Peace in and for New Castle County for a term to expire January 18, 1964.

Walter A. Gebhart, New Castle, to be a Justice of the Peace in and for New Castle County for a term to expire January 13, 1964.

Respectfully submitted,

J. CALEB BOGGS, Governor

January 18, 1960

To the Senate of the 120th General Assembly of the State of Delaware:

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

J. Ward Hurley, Dover, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1963.

Respectfully submitted,

J. CALEB BOGGS, Governor

January 18, 1960

To the Senate of the 120th General Assembly of the State of Delaware:

On April 29, 1959, I nominated and appointed Mr. D. Elwood Nuckols, Smyrna, for the consent and confirmation of the Senate to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 2, 1963.

In accordance with Mr. Nuckols' request, I hereby withdraw his name from nomination for this appointment.

Respectfully,

J. CALEB BOGGS, Governor

Messrs. duPont and Correll introduced the following Concurrent Resolution which was given first reading:

SCR 36—"Establishing a Joint Legislative Reorganization Committee to be Composed of Four Members of Each House and to be Concerned with the Reorganization of the Executive Branch of the Government of the State of Delaware in the Manner Hereinafter Set Forth."

Mr. Hoey moved that action on **SCR 36** be deferred. Motion prevailed.

Messrs. Simpson and Correll introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 316—"An Act Establishing an Executive Department, Defining its Organization, Powers and Duties."

Mr. Williams introduced the following Bill which was given first reading and referred to the Committee on Public Health:

SB 317—"An Act Establishing a Department of Mental Health and Rehabilitation Defining its Organization, Powers and Duties."

Mr. Cook introduced the following Bill which was given first reading and referred to the Committee on Elections:

SB 318—"An Act to Amend Section 5505, Title 15, Delaware Code, Relating to Absentee Voting."

Mr. Spicer requested the privilege of the floor to speak on the Delaware Memorial Bridge.

Mr. Steen asked to be marked present.

On motion of Mr. Cook the Senate adjourned at 4:00 P.M. until Tuesday, January 19, 1960 at 1:00 P.M.

94TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on Tuesday, January 19, 1960, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Kay W. Kirwan.

Members present—Messrs. McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

Members absent—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Snowden—7.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Watson reported **HB 419** from Committee on Elections with 4 favorable.

Mr. Reilly reported **SB 308** from the Judiciary Committee with 3 favorable.

On motion of Mr. Reilly the Senate adjourned at 2:30 P.M. until Wednesday, January 20, 1960 at 1 P.M.

95TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M. on Wednesday, January 20, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. duPont, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

Members absent—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Reilly, Snowden—7.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Nechay asked to be marked present.

Mr. Steen requested that **SB 297**, which had previously been deferred be taken up for consideration. Mr. Price introduced **SA 1** to **SB 297**. Mr. Steen moved that **SA 1** to **SB 297** be deferred. Motion prevailed.

Messrs. duPont and Simpson introduced the following Bill which was given first reading and referred to Committee on Judiciary :

SB 319—"An Act to Amend Title 29, Chapter 25, and Title 11, Chapter 87 of the Delaware Code, Relating to the Attorney General and State Detectives, by Repealing Said Chapter and by Substituting in Lieu Thereof a New Chapter 25, Title 29, Creating a State Department of Justice and Prescribing the Duties, Authority and Organization Thereof."

On motion of Mr. Cook **SB 308** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 308—"An Act to Appropriate Funds to The Juvenile Court of Kent and Sussex Counties for the Purpose of Carrying Out the Provisions of Chapter 203, Volume 52, Laws of Delaware Relating to Masters of Said Court."

Messrs. Reilly and Correll requested to be marked present. Mr. Cook moved that **SB 308** be deferred. Motion prevailed.

Messrs. Spicer, Williams, duPont, Snowden and Correll introduced the following Substitute Bill which was given first reading adopted in lieu of the original and referred to the Committee on Revised Statutes:

SS 1 for **SB 5**—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' by Providing for a Department of Finance, Transferring Certain Functions There-to, Defining its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds."

On motion of Mr. Price **SB 55** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 55—"An Act to Amend Title 31, Delaware Code, Entitled 'Welfare' by Revising the Definition of Aid to Dependent Children to Conform with Federal Legislation."

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—0.

NOT VOTING—Messrs. Hoey, Mayhew, Mr. Pres. Pro Tem Cook—3.

ABSENT—Messrs. Nechay, Snowden—2.

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

Messrs. Hickman, Hoey, Mayhew asked to be marked present.

On motion of Mr. Cook SB 308 was again taken up for consideration and read a second time by title in order to pass the Senate:

SB 308—"An Act to Appropriate Funds to The Juvenile Court of Kent and Sussex Counties for the Purpose of Carrying Out the Provisions of Chapter 203, Volume 52, Laws of Delaware Relating to Masters of Said Court."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Snowden, Watson—2.

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

Mr. McCullough requested that **SB 247** be considered in order to override the Governor's veto.

On motion of Mr. duPont the Senate recessed at call of the Chair at 3:00 P.M. The Senate met at the expiration of the recess at 4:05 P.M., Lt. Gov. Buckson presiding.

Mr. duPont moved that **SB 247** be deferred. Motion prevailed.

The following communication from Mr. Snowden was received by the Senate and directed to be read into the Journal:

STATE OF DELAWARE

SENATE

Dover, Del.

January 11, 1960

Honorable David P. Buckson
Lt. Governor, State of Delaware
Dover, Delaware

Dear Sir:

I have today given a letter of authorization to Senator Reynolds duPont to handle any and all bills or resolutions of

which I am the sponsor or co-sponsor. Would you kindly have this notification read into the Senate Journal for purposes of the record.

Sincerely,

JAMES H. SNOWDEN

Senator, 1st District of
New Castle County

On motion of Mr. Cook the Senate adjourned at 4:15 P.M. until Thursday, January 21, 1960 at 1 P.M.

96TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:55 P.M. on Thursday, January 21, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Hickman, Hoey, Snowden, Steen, Tull—5.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Messrs. Hickman and Steen asked to be marked present.

Mr. Cook presented the following communication from the Governor which was directed by the Chair to be read to the Senate:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover

January 21, 1960

The Honorable Allen J. Cook
President Pro Tem
Senate of the 120th General Assembly
Legislative Hall
Dover, Delaware

Dear Mr. President Pro Tem:

I am deeply disappointed by the newspaper reports of your decision to hold hearings on my reorganization program before individual existing committees of the Senate and House of Representatives.

Your letter to me dated December 30, 1959, clearly indicated your desire to consider my reorganization program "as a whole package rather than on a piece meal basis." You also declared that you wanted to consider this program without any "further or unnecessary delay and speed any committee hearings to be held." You promised "a spirit of legis-

lative cooperation with the executive to insure prompt and full consideration of the reorganization legislation." Finally, you have clearly indicated in the past your desire to approach this question on a bipartisan basis in the best interests of the taxpayers.

In view of these earlier statements, I respectfully urge that you reconsider your decision. By establishing hearings by each committee, it will be impossible to have this program considered as a "whole package rather than an a piece meal basis", because each bill is part of a total reorganization concept and it will be impossible for these individual committees to get a complete understanding.

Under the procedure you are considering, this program cannot receive "prompt and full consideration". The start of hearings will be delayed for almost another month, and my presentation on the whole program will require perhaps 40 or 50 hours of testimony including the questions which committee members will want to ask and the testimony of dozens of other witnesses who will undoubtedly want to express their opinions. If this testimony is to be spread among a number of committees, it will substantially increase the time required to give the program the thorough consideration that you desire.

Under your projected plans for these hearings, bipartisanship will be almost impossible because of the very makeup of the committees which are composed of four members of the majority party and only one members of the minority party.

I realize that the authority to establish procedures for legislative hearings is entirely yours and I do not intend to question this authority in any way. My only interest in making the following suggestions is to provide hearings on this reorganization plan that will give the taxpayers of this state a fair, complete and orderly presentation of the facts.

Therefore, I ask you to consider providing an opportunity to carry out these legitimate objections. This could be accomplished through a joint, bipartisan committee to hear all the bills as a "package." There is ample precedent in Delaware for joint committees. This committee should have an accepted procedure for taking testimony and providing a full public record of the proceedings. This would give the citizens a fair-play procedure for consideration of these critical matters. Above all, I respectfully suggest that the hearings move ahead without any "further delay" as you originally asked. I am anxious to do everything I can to meet the requests you made in the letter of December 30, and I sincerely hope you will consider the suggestions I have made here.

Respectfully,

J. CALEB BOGGS, Governor

On motion of Mr. duPont **SCR 36** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SCR 36—"Establishing a Joint Legislative Organization Committee to be Composed of Four Members of Each House and to be Concerned with the Reorganization of the Executive Branch of the Government of the State of Delaware in the Manner Hereinafter Set Forth."

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

YEAS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NOT VOTING—0.

ABSENT—Messrs. Snowden, Steen—2.

So the question was decided in the negative and the Resolution not having received the required constitutional majority was lost.

Messrs. Tull and Hoey asked to be marked present.

The following Bill was introduced by Messrs. Reilly and Williams, given first reading, and referred to Committee on Finance:

SB 320—"An Act Transferring Certain Sums from the Fund Titled 'Old Age Assistance Grants' to Funds Titled 'Aid to the Disabled Grants' and 'Aid to Dependent Children Grants.'"

Mr. Spicer introduced the following Resolution which on further motion by him was adopted:

SR 111—"Expressing the Sympathy of the Senate on the Illness of Colonel John P. Ferguson, Superintendent of the Delaware State Police."

WHEREAS, it has come to the attention of the Senate of the 120th General Assembly of the State of Delaware that Colonel John P. Ferguson, Superintendent of the Delaware State Police has been confined due to illness, and

WHEREAS, Colonel Ferguson has administered his office efficiently and untiringly, and

WHEREAS, all the members of the Senate of the 120th General Assembly of the State of Delaware desire to express and extend their regret and sympathy to Colonel Ferguson,
NOW, THEREFORE

BE IT RESOLVED that the members of the 120th General Assembly of the State of Delaware do hereby express

their best and sincere wishes for the complete and speedy recovery of Colonel John P. Ferguson.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 120th General Assembly of the State of Delaware and a copy be forwarded to Colonel Ferguson by the Secretary of the Senate and a further copy be delivered to the Press.

Mr. Cook introduced the following Bill which was given first reading and referred to Committee on Labor:

SB 321—"An Act to Amend Section 5521 (b), Title 29, Delaware Code, Entitled 'Employees' Pension Plan' and Providing an Exception to Mandatory Retirement."

On motion of Mr. Watson **SB 290** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 290—"An Act to Amend Section 791, Title 7, Delaware Code, Relating to Raccoon and Opossum."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. McCullough—1.

NOT VOTING—Messrs. Correll, duPont—2.

ABSENT—Mr. Snowden—1.

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

Messrs. Nechay and Hoey reported the following Bills from Committee: **HB 320** (Finance) 4 favorable, 1 merits; **SB 313** (Revised Statutes) 2 favorable, 1 merits. Mr. Reilly reported **SB 321** from Labor with 3 favorable.

Mr. Cook moved that Rule 9 be suspended in order to consider **SB 321**. Motion prevailed.

On motion of Mr. Cook **SB 321** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 321—"An Act to Amend Section 5521 (b), Title 29, Delaware Code, Entitled 'Employees' Pension Plan' and Providing an Exception to Mandatory Retirement."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Messrs. Hoey, McCullough—2.

NOT VOTING—0.

ABSENT—Mr. Snowden—1.

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

On motion of Mr. Cook the Senate recessed at call of the Chair at 3:55 P. M. The Senate met at the expiration of the recess at 5:10 P.M., Pres. Pro Tem Cook presiding.

Mr. McCullough introduced **SCR 37** which on further motion by him was adopted by the Senate and ordered to the House for concurrence:

SCR 37—"Relating to a Joint Committee for Highway Safety."

On motion of the Chair **HCR 29** with title as follows was taken up for consideration and read in order to pass the Senate.

HCR 29—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

NOT VOTING—0.

ABSENT—Messrs. Nechay, Snowden—2.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was returned to the House.

On motion of Mr. Reilly **HB 369** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto and the veto message was read to the Senate:

HB 369—"An Act Making a Supplementary Appropriation to Paul Podolsky, President-Director of the Former Delaware Veterans' Military Pay Commission for Services Rendered."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

NOT VOTING—0.

ABSENT—Mr. Snowden—1.

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

Mr. Hoey reported **HB 442** with 2 favorable and 3 merits.

The following House matters were directed to be read by the Chair and referred to Committee as follows:

HB 491—"An Act Relating to Coleman DuPont Road, Inc., the Transfer of Shares of Stock Thereof to the State of Delaware and the Disposition Thereof," to Miscellaneous.

HB 469—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of West View Maintenance Corporation and Suburban Century Club from Assessment and Taxation," to Buildings and Highways.

HJR 10—"Expressing Appreciation to Frank V. DuPont for His Generous Gift to the State of Delaware," to Buildings and Highways.

The Roll Call on **HB 89** which had previously been tabled was lifted.

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

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Williams—3.

NOT VOTING—0.

ABSENT—Messrs. Simpson, Snowden, Spicer—3.

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

Mr. Mayhew reported **HB 491** from Committee with 5 favorable.

Mr. Mayhew moved that Rule 9 be suspended in order to consider **HB 491**. Motion prevailed.

On motion of Mr. Mayhew **HB 491** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 491—"An Act Relating to Coleman DuPont Road, Inc., the Transfer of Shares of Stock Thereof to the State of Delaware and the Disposition Thereof."

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull,

Watson, Williams, Mr. Pres. Pro Tem Cook—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Simpson, Snowden—2.

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

Mr. Steen reported **HJR 10** from Committee with 5 favorable.

Mr. Nechay reported **HB 467** from Committee with 1 unfavorable, 1 merits and 1 favorable.

Mr. Steen moved that Rule 9 be suspended in order to consider **HJR 10**. Motion prevailed.

On motion of Mr. Steen **HJR 10** was adopted by the Senate.

Mr. McCullough introduced **SR 112** and moved for its adoption.

SR 112—"Relating to the Air Pollution Authority of the State of Delaware."

Mr. Watson moved that **SR 112** be deferred.

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

YEAS—Messrs. Correll, duPont, Price, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—8.

NAYS—Mr. Reilly—1.

NOT VOTING—0.

ABSENT—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Simpson, Snowden, Steen—8.

So the Chair announced that the question was decided in the affirmative and the Motion having received the required constitutional majority passed the Senate.

Mr. Reilly for Mr. Nechay introduced the following Resolutions which on further motion by him were adopted:

SR 113—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

SB 114—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

On motion of Mr. Reilly the Senate adjourned in accordance with **HCR 29** at 6:35 P.M. until Monday, February 15, 1960.

97TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Friday, February 5, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

Members absent—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—12.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

On motion the Senate recessed at call of the Chair at 2:15 P.M. The Senate met at the expiration of the recess at 2:25 P.M., Lt. Gov. Buckson presiding.

Messrs. Reilly, Cook, Tull, Watson, McCullough, Hoey, Hickman, Price, Mayhew asked to be marked present.

Messrs. duPont, Spicer and Correll introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 322—"An Act to Establish a Merit System of Personnel Administration in the State Government of the State of Delaware; to Provide for the Implementation and Operation of Such System and to Appropriate Funds."

Messrs. Williams and duPont introduced the following Bill which was given first reading and referred to the Committee on Judiciary:

SB 323—"An Act Establishing a Department of Corrections, Defining its Organization, Powers and Duties."

Mr. Reilly introduced the following Bill which was given first reading and referred to the Committee on Corporations Municipal:

SB 324—"An Act to Authorize and Empower the Wilmington Parking Authority, a 'Parking Authority' Created by 'The Mayor and Council of Wilmington' Pursuant to the Provisions of Chapter 369, Volume 48, Laws of Delaware, to Surrender and Transfer, Grant and Convey unto 'The Mayor and Council of Wilmington', a Municipal Corporation, All of its Right Title, and Interest in and to Certain of the Real Property Situate Between and Bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware."

The following message was received from the Governor and read to the Senate and referred to the Executive Committee:

February 5, 1960

To the Senate of the 120th 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:

Hazel M. Harrington, Felton, to be a member of the Department of Elections of Kent County for a term to expire January 15, 1963.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Mayhew for Mr. Hoey introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 325—"An Act Stating the Powers of Committees of the Senate and the House of the General Assembly."

Mr. Tull introduced the following Bill which was given first reading and referred to the Committee on Public Lands:

SB 326—"An Act Authorizing the Youth Services Commission to Sell 0.540 Acres of Land to the State Highway Department and to Use the Funds Derived Therefrom."

Messrs. Reilly and Williams introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 327—"An Act Making a Supplementary Appropriation to the Department of Public Welfare for the Fiscal Year Ending June 30, 1960."

Mr. McCullough introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 328—"An Act Appropriating Money to the Booker T. Washington School."

At the request of Mr. McCullough **SR 112** was stricken from the Calendar.

Mr. Nechay asked to be marked present.

The following Bills were reported from the Revised Statutes Committee by Mr. Nechay: **HB 399**, 1 favorable, 2 merits; **SB 255**, 1 favorable, 2 merits; **SB 286**, 3 merits; **SB 294**, 3 merits; **SB 302**, 1 favorable, 1 merits, 1 unfavorable; **SB 325**, 2 favorable, 1 merits.

Mr. Hickman introduced the following Resolution which on further motion by him was adopted:

SR 115—"Authorizing Payment of Amount Due the Sussex Countian for Printing Senate Calendar."

Mr. Hoey moved that Rule 9 be suspended in order to consider **SB 325**. Motion prevailed.

On motion of Mr. Hoey **SB 325** with title as follows was

taken up for consideration and read a second time by title in order to pass the Senate:

SB 325—"An Act Stating the Powers of Committees of the Senate and the House of the General Assembly."

Mr. Hoey requested the privilege of the floor for Mr. Stewart Lynch. Privilege granted.

On motion of Mr. duPont the Senate recessed at call of the Chair at 2:55 P.M. The Senate met at the expiration of the recess at 3:55 P.M., Lt. Gov. Buckson presiding.

SB 325 was deferred at the request of Mr. Hoey.

The Chair introduced the following Resolution which was adopted:

HCR 31—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware."

The Chair introduced the following House Concurrent Resolution, which on motion of Mr. Cook was tabled:

HCR 30—"Relating to Proposed Committee Hearings of the General Assembly of the State of Delaware, Concerning Legislation Proposed by the Honorable J. Caleb Boggs, Governor of the State of Delaware, Relating to Proposed Reorganization of the Commission and Agency Form of Government in the State of Delaware."

On motion the Senate recessed at call of the Chair at 5:05 P.M. The Senate met at the expiration of the recess at 5:45 P.M., Lt. Gov. Buckson presiding.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

NOT VOTING—0.

ABSENT—Messrs. Snowden, Watson—2.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was returned to the House.

Mr. Cook introduced the following Resolution which on further motion by him was adopted:

SR 116—"Relating to a Bronze Plaque for the Senate Chamber."

Mr. McCullough introduced **SR 117** and moved for its adoption:

SR 117—"Relating to the Air Pollution Authority of the State of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—0.

NOT VOTING—Mr. Simpson—1.

ABSENT—Messrs. Snowden, Steen, Watson—3.

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

On motion of Mr. Cook the Senate adjourned at 6:25 P.M. until Monday, February 15, 1960 at 1 P.M.

98TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:10 P.M. on Monday, February 15, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson—14.

Members absent—Messrs. Snowden, Williams, Mr. Pres. Pro Tem Cook—3.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. Mayhew presented a communication from members of the Calvary Methodist Church opposing **SB 315**.

The following Bills were introduced, given first reading, and referred to Committee:

SB 329—"An Act to Amend Chapter 47, Title 29, Delaware Code, Entitled Board of Post Mortem Examiners," by Messrs. Reilly and duPont, to Miscellaneous.

SB 330—"An Act Making Certain Additional and Supplemental Appropriations for the Expenses of the Board of Post-Mortem Examiners for the Fiscal Year Ending June 30, 1960," by Messrs. Reilly and duPont, to Finance.

On motion of Mr. Hoey **HB 442** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 442—"An Act Making a Supplementary Appropriation to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson—13.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. McCullough, Snowden, Williams, Mr. Pres. Pro Tem Cook—4.

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

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted:

SR 118—"Relating to Amount Due the Harrington Journal for Printing Incurred by the 120th General Assembly."

SR 119—"An Act Making an Appropriation to International Business Machines Corporation for Repairs to IBM Typewriters."

SCR 38—"An Act Making an Appropriation to Butler's Inc. to Cover Cost of Masters and Paper."

Mr. DuPont introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 331—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Woman's Club of Claymont from Assessment and Taxation."

Mr. duPont introduced the following Bill which was given first reading and referred to Committee on Judiciary:

SB 332—"An Act Proposing an Amendment to Sections 11 and 22, Article 3 and Section 1, Article 15, of the Constitution of the State of Delaware, Relating to Coroners."

On motion of Mr. Watson **HB 462** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 462—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Absentee Ballots."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Tull, Watson—9.

NAYS—Mr. Spicer—1.

NOT VOTING—Messrs. Correll, McCullough, Simpson—3.

ABSENT—Messrs. Snowden, Steen, Williams, Mr. Pres. Pro Tem Cook—4.

So the question was decided in the affirmative and the Bill having received the required constitutional majority pass-

ed the Senate and was returned to the House.

On motion of Mr. Watson **HB 419** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 419—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Preparation of Lists of Registered Voters; Timing and Dating of Documents; Applications for Ballots and Communications; Removal of Records of Deceased Persons From Registration Records; Removal of Records of Persons Convicted of a Felony; Certification of Vote."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson—13.

NAYS—0.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Snowden, Williams, Mr. Pres. Pro Tem Cook—3.

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

Mr. Reilly moved that **SB 296** be given its final reading, but after the same had been done and questions raised from the floor, at his request the Bill was deferred.

Mr. Hickman introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 333—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing by Granting the Delaware Harness Racing Commission Jurisdiction and Power Over All Drivers, Grooms, Owners, and Their Employees."

Mr. Reilly introduced the following Resolution which on further motion by him was adopted and ordered to the House for concurrence:

SCR 39—"Providing for Adjournment of the Senate and House until Wednesday, February 24, 1960."

On motion of Mr. Hickman **HB 28** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 28—"An Act to Amend Title 1, Delaware Code, Relating to a Contract for the Compilation, Revision, Annotation, Printing and Binding of the Pocket Parts."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, May-

hew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson—13.

NAYS—0.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Snowden, Williams, Mr. Pres. Pro Tem Cook—3.

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

Messrs. McCullough and Williams introduced the following Bill which was given first reading and referred to the Committee on Education:

SB 334—"An Act to Appropriate Funds to the School Boards for the Maintenance and Repair of Public School Buildings of the State."

Mr. McCullough introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 335—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Dual Office Holding; Penalties."

On motion of Mr. Reilly **HB 161** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 161—"An Act Agreeing to the Proposed Amendments to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary."

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered and taken.

Mr. Reilly moved that the roll call be tabled. Motion prevailed.

Mr. Williams asked to be marked present.

On motion of Mr. Steen **HB 331** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate; and the Governor's veto message was read to the Senate:

HB 331—"An Act to Appropriate Certain Funds to the John M. Clayton School District to Enable It to Complete Its Building Program."

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

YEAS—Messrs. Correll, Hickman, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams—9.

NAYS—Messrs. Nechay, Steen—2.

NOT VOTING—Messrs. duPont, Hoey, Mayhew, McCullough—4.

ABSENT—Messrs. Snowden, Mr. Pres. Pro Tem Cook—2.
(Mr. Steen having changed his vote from yea to nay).

So the question was decided in the negative and the Bill

not having received the required constitutional majority was lost.

On motion of Mr. Reilly **HB 162** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 162—"An Act to Amend Subchapter 11, Chapter 45, Title 10, Delaware Code, Relating to Special Juries."

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered and taken.

Mr. Reilly moved that the roll call be tabled. Motion prevailed.

Mr. Steen introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 336—"An Act to Amend the Charter of the Town of Dagsboro, Being Chapter 161, Volume 43, Laws of Delaware, by Authorizing the Town Council to Raise by Taxation a Sum Not to Exceed Ten Thousand Dollars (\$10,000.00) Yearly."

On motion of Mr. Hoey **HB 320** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 320—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Hillside Civic Association from Assessment and Taxation."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Williams—13.

NAYS—Mr. Nechay—1.

NOT VOTING—0.

ABSENT—Messrs. Snowden, Watson, Mr. Pres. Pro Tem Cook—3.

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

Mr. Reilly introduced the following Joint Resolution which was given first reading and referred to the Committee on Judiciary:

SJR 12—"In Reference to the Election of a Bill Clerk for the House of Representatives to Serve During the 120th Session of the General Assembly."

On motion of Mr. Steen and without objection **HB 331** was restored to the Calendar.

Mr. Reilly reported **SJR 12** from Committee with 2 merits, 2 favorable.

Mr. Reilly moved that Rule 9 be suspended in order to consider **SJR 12**.

On motion of Mr. Reilly **SJR 12** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SJR 12—"In Reference to the Election of a Bill Clerk for the House of Representatives to Serve During the 120th Session of the General Assembly."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Williams—13.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Hickman, Snowden, Watson, Mr. Pres. Pro Tem Cook—4.

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

On motion of Mr. Reilly the Senate adjourned at 5:40 P.M. until Tuesday, February 16, 1960 at 1 P.M.

99TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 5:10 P.M. on Tuesday, February 16, 1960, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. McCullough, Snowden, Watson, Williams—4.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

The Chair presented the following communication from Mr. Snowden:

STATE OF DELAWARE
SENATE
Dover, Del.

February 3, 1960

Allen J. Cook, President Pro Tem
Delaware State Senate
Dover, Delaware
My dear Senator Cook:

In view of the impending hearings on a number of important bills, I believe the business of the Senate would be expedited by my resignation from all committee assignments. It is herewith tendered.

It is my request that Senator duPont be appointed to the Committee on Revised Statutes in my place, because of his familiarity with a number of my bills that are in that committee and with which he is quite prepared to present my points of view.

May I also thank you for your kind offer to supply with me with any papers or documents. At the present moment my doctors still forbid any participation in political affairs.

Yours very truly,

JAMES H. SNOWDEN

Mr. Reilly introduced the following Resolution which on further motion by him was adopted:

SR 120—"Relating to Committee Assignments."

On motion of Mr. Reilly **SB 296** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 296—"An Act to Amend Section 122, Title 20, Delaware Code Relating to the Adjutant General."

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered and taken. Mr. Reilly moved that the roll call be tabled. Motion prevailed.

Mr. McCullough asked to be marked present.

Mr. Steen reported **HB 469** from Buildings and Highways with 3 favorable, 1 unfavorable, 1 merits.

The following bill was reported from Committee: **SB 333**, 3 merits (Revised Statutes).

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

HB 465—"An Act to Authorize the Kent County Levy Court to Make Certain Tax Refunds," to Miscellaneous.

HB 466—"An Act to Authorize the Caesar Rodney Special School District to Make Certain Tax Refunds," to Miscellaneous.

The Chair presented the following House Concurrent Resolution which was given first reading, and adopted by the Senate and ordered returned to the House:

HCR 34—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware."

Mr. McCullough introduced **SS 1** for **SB 194** and on further motion by him the substitute was adopted in lieu of the original.

Mr. Williams asked to be marked present.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 469**. Motion prevailed.

On motion of Mr. Steen **HB 469** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 469—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of Westview Maintenance Corporation and Suburban Century Club From Assessment and Taxation."

At the request of Mr. Steen action on **HB 469** was deferred.

The Chair announced that he had signed **SR 115, 117, 118, 119.**

Mr. Hickman introduced the following Resolution which on further motion by him was adopted:

SR 121—"Authorizing Payment of Amount Due the Harrington Journal for Printing Incurred by the Senate of the 120th General Assembly."

On motion of Mr. Reilly **HB 43** was taken up for consideration and read by title in order to pass the Senate over the Governor's veto. The Governor's veto message was read in full:

HB 43—"An Act Appropriating Money to Selbyville American Legion Post No. 39, at Selbyville, Delaware, with which to Operate and Maintain an Ambulance."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams—12.

NAYS—0.

NOT VOTING—Messrs. McCullough, Mr. Pres. Pro Tem Cook—2.

ABSENT—Messrs. Snowden, Spicer, Watson—3.

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

Mr. Nechay introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 337—"An Act to Amend Section 8206, Title 9, Delaware Code, Relating to Expenses of Members and Employees of the Board of Assessment of Kent County."

Mr. Reilly moved that Rule 8 be suspended in order to consider a duplicate copy of **HCR 33** in lieu of the original. Motion prevailed.

The Chair directed that the duplicate copy of **HCR 33**

be read to the Senate with title as follows:

HCR 33—"Amending House Concurrent Resolution No. 30 Relating to Proposed Committee Hearings of the General Assembly of the State of Delaware, Concerning Legislation Proposed by the Honorable J. Caleb Boggs, Governor of the State of Delaware, Relating to Proposed Reorganization of the Commission and Agency Form of Government in the State of Delaware."

The Speaker of the House was granted the privilege of the floor and explained that the duplicate was correct and that the Chief Clerk had locked the original in the safe and returned home.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. Snowden, Spicer, Watson—3.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority passed the Senate and was returned to the House.

On motion of Mr. Reilly the Senate adjourned at 5:35 P.M. until Tuesday, February 23, 1960.

100TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:25 P.M. on Tuesday, February 23, 1960, Pres. Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Hickman, McCullough, Simpson, Snowden—4.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Communications:

Letter from the Insurance Commissioner advising that the General Assembly had not appropriated funds to renew the insurance on state facilities (**HB 443**) and submitting the following report:

August 27, 1959

STATE OF DELAWARE BLANKET FIRE AND EXTENDED COVERAGE

Fire and extended Coverage insurance is provided for buildings, contents and stock of the State of Delaware under blanket policy at the following locations:

EMILY P. BISSELL HOSPITAL, - 3000 Newport Gap Pike, -
Wilmington, Delaware

STATE HOSPITAL, New Castle Hd., New Castle County

YOUTH SERVICE COMMISSION -

Bridge House - 25 9th Avenue, Wilmington

Kruse School - Marshallton, New Castle County

Ferris School for Boys ,Christiana Hundred, New Castle
County

Woods Haven School for Girls, Brandywine Hundred,
New Castle County, Delaware

GOV. BACON HEALTH CENTER, - Delaware City, - New
Castle County

STATE RIFLE RANGE, - New Castle Hd., New Castle
County

STATE CAPITOL BUILDINGS, - Dover, Kent County

DEPARTMENT OF WELFARE -

300 E. 30th Street, Wilmington

State Welfare Office, - Legislative Ave., and Loockerman
Sts., Dover

State Welfare Home, Smyrna, Duck Creek Hundred, Kent
County

New Building (1956), Georgetown, Sussex County

148 West Market Street, Georgetown, Sussex County

DELAWARE STATE COLLEGE, - East Dover Hd., - Kent
County

PUBLIC ARCHIVES MUSEUM, -

300-04 S. Governors Ave., Dover, Kent County

S/E Cor. North & New Sts., Dover, Kent County

STATE FORESTRY DEPT. -

Redden-Georgetown Hd.

DuPont Hgwy., 4 mi. N. of Georgetown, - Georgetown Hd.

Blackbird, - Blackbird Hd., - New Castle County

BOARD OF FISH AND GAME -

Port Penn, New Castle County

Petersburg, Kent County

Woodland Beach, Kent County

NATIONAL GUARD CAMP, - Bethany Beach, - Sussex
County

NATIONAL GUARD ARMORIES OR VEHICLE STORAGE BLDGS. -

Wilmington - New Castle County
 Claymont - New Castle County
 New Castle - New Castle County
 Middletown - New Castle County
 Newark - New Castle County
 Marshallton - New Castle County
 Dover - Kent County
 Smyrna - Kent County
 Harrington - Kent County
 Milford - Sussex County
 Georgetown - Sussex County
 Laurel - Sussex County
 Dagsboro - Sussex County
 Seaford - Sussex County

UNIVERSITY OF DELAWARE, - Newark, - New Castle
 County, except Evans Hall and P. S. du Pont Hall

UNIVERSITY OF DELAWARE EXPERIMENTAL FARM, -
 Newark, - New Castle County

UNIVERSITY OF DELAWARE, - Extension Service, - Route
 28, - Laurel, - Sussex County

HOSPITAL FOR THE MENTALLY RETARDED, - Stock-
 ley, - Sussex County

STATE BOARD OF HEALTH -

ADMINISTRATIVE OFFICES, - Dover

State House - The Green
 317 S. State Street
 Alden Building - North Street
 42 S. State Street
 Corner Division Street and Governors Avenue

CLINICS

Kent County -

414 S. State Street, - Dover
 7 E. Commerce Street, - Smyrna
 Shore Theatre Building, Milford

New Castle County -

3000 Newport Gap Pike, - Wilmington

Old Academy Building, - Middletown

Sussex County -

615 E. Market St., - Georgetown
 Main Street, - Frankford
 504 Pine Street, - Laurel
 110 Market Street, - Bridgeville
 110 W. 3rd Street, - Lewes
 Nanticoke Memorial Hospital

Wilmington

800 West Street

800 East 7th Street
 D and Buttonwood Sts.
 710 Lincoln Street
 4th & West Streets
 23rd and Bowers Streets
 2403 Thatcher Street
 7th and Walnut Streets
 26th and Locust Streets
 Elm and Jackson Streets
 1303 Delaware Avenue
 1130 E. 15th Street

STATE BOARD OF CORRECTION -

Greenbank, - New Castle County
 S/Sw. Walter St., - Dover, - Kent County
 Sussex Correctional Institution, - E/S US 13, - Georgetown
 Hd., - Sussex County

STATE PARK COMMISSION -

Headquarters Area, and Jason's Beach, Trap Pond, Sussex
 County
 Brandywine Springs Park, Mill Creek Hundred, New Castle
 County

STATE HIGHWAY DEPARTMENT -

New Castle County

Wilmington

7th St. Bridge, - Dwelling & Storage Bldg.

3rd St. Bridge, - Storage Buildings

Faulk Road, - Brandywine Hd., - Storage Buildings

Bellefonte - Police Station No. 1 - and Garage - Radio
 Tower

State Road, - New Castle Hd., - Maintenance Buildings

Du Pont Highway - Police Station No. 2 - Garage - Scale

House - Storage Bldg., Radio Tower Headquarters -
 Scale House

New Castle - Foot of Chestnut St., - Office and Ware-
 houses

Kiamensi - Christiana Hd., - Dwelling and Garage

St. Georges - St. Georges Hd., - Storage Building

Odessa - St. Georges Hd., - Garage

Clayton - 148 West Ave., - Garage

Flemmings Landing - Duck Creek Hd., - Dwellings

Drawyers Creek - Appoquinimink Hd., Dwelling

Fennimore Bridge - Dwelling

Fort Christiana Park - Comfort Station

8th & Bancroft Parkway - Inspection Lane

KENT COUNTY

Dover

State Police Headquarters, Garage, E/S Du Pont
 Highway

Repair Center - Inspection Lane
 152 South State St., - Planning Division
 E. Front Street - Administration Building
 E. Front Street - Testing Laboratory
 Police Station No. 3 - and Radio Tower
 Moores Mill - Route No. 113A - Storage Building and
 Garage
 St. Jones River - S. Murderkill Hd., - Bridge House and
 Garage
 Frederica - S. Murderkill Hd., - Garage
 Felton - S. Murderkill Hd., - Garage
 Harrington - Mispillion Hd., - Garage

SUSSEX COUNTY

Mispillion River Bridge - Milford - Bridge House
 Georgetown - Police Station No. 4 - Garage and Radio
 Tower
 Pine Street - Repair Center and Office
 Laurel Street - Inspection Lane
 Gravel Hill - Georgetown Hd., - Storage - Paint-Oil
 House and Office Bldg.
 Indian River Inlet - Indian River Hd., - Restaurant -
 Utility Bldg.
 Lewes - Mosquito Control - Office - Oil House - Wash
 House - Repair Shop - Storage Bldgs. and Dwelling
 Bridgeville - Police Station No. 5 - and Radio Tower
 Woodland Ferry - Seaford Hd., - Dwelling
 Blades - Broad Creek Hd., - Garage
 Laurel - Broad Creek Hd., - Oil Storage Building

MISCELLANEOUS

John Dickenson Mansion - 5 miles S. of Dover, - Brick,
 approved roof
 Historical Buildings - New Castle
 Old Court House - New Castle
 Old Sheriffs Residence - New Castle
 Academy Bldg., - New Castle
 Arsenal Bldg., - New Castle
 Portraits & Furniture
 Court House - Georgetown, Delaware
 Court House - Dover, Delaware
 Public Service Commission
 Penn. Bldg., - Wilmington
 100-14 E. Market Street, - Georgetown, Delaware
 Lewes Memorial Commission
 102 King Street, Lewes, Delaware
 Soil Conservation - Office - Georgetown, Delaware
 House of Detention
 (Prisoners Aid Society) - 308 West Street, Wilmington,
 Delaware

Alcoholic Beverage Commission

Penn. Bldg., 104 S. French Street, Wilmington, Delaware
State Fire Marshall

Office - State Police Bldg., - E/S Du Pont Blvd., N. of
Dover

Labor Commission - 823 West Street, Wilmington, Delaware
Delaware Commission For The Blind

Education Institution - 305-307 W. 8th St., Wilmington,
Delaware

Industrial Accident Board

Odd Fellows Bldg., - 10th & King Streets, Wilmington,
Delaware

907 Shipley Street, Wilmington, Delaware

Department of Elections - Storage of Voting Machines

CB Bldg. cement floor - Georgetown - Laurel Hgwy., Old
Furnace, Sussex County

CB Bldg. cement floor - Ellendale - Greenwood Hgwy.,
Owens Station, Sussex County

Statement of Values with the Middle Department of Fire
Underwriters for locations are as follows:

Buildings	\$51,612,390.
Contents	6,378,237.
Stock	114,900.
<hr/>	
Grand Total	\$58,105,527.

Amount of insurance necessary to comply with 90% co-
insurance: \$52,294,974.

Following rates promulgated by the Middle Department of
Fire Underwriters apply:

Fire	.196	- 3 yr.	.529
E.C.E. No. 4	.051	- 3 yr.	.137

Policies written to cover above under this Blanket have been
written for a 3 year pre-paid period, however, consideration
is being given to revise this procedure and have policies writ-
ten for a 5 year period with premium payments annually. It
is felt this could enable this Department in conjunction with
the now annual appropriation, to better present budget re-
quests for this item and be in position to give actual premium
cost figures at anytime.

Buildings, Contents and Stock have just been re-appraised
during past year at no cost to State of Delaware. This being
accomplished by personnel of this Department together with
engineers furnished by the Home Insurance Company. This
feature of the State Insurance Program if contracted out to
private concerns would amount to several thousand of dollars.

FIRE AND EXTENDED COVERAGE INSURANCE PREMIUMS FOR FISCAL YEAR ENDING JUNE 30, 1960:

State of Delaware Blanket Policy

Amount Paid thru 8-18-59	\$ 94,675.63
Amount to be paid thru 6-30-60	45,341.28
Installments to be paid thru 6-30-60	1,100.00

Total State of Delaware Blanket Policy for fiscal year	\$141,116.91
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BLANKET POLICY - STATE SCHOOLS

STATE BOARD OF EDUCATION

All of State Board of Education insurance is written under a blanket form, covering blanket on buildings and contents for fire and lightning. The coverage is subject to a 90% co-insurance clause, the same as blanket form for other State Buildings, which means the state agrees to carry insurance representing 90% of the insurable value. Under blanket insurance with the 90% co-insurance clause, there is a decided advantage to the State. This type of coverage means that the Board of Education has 100% insurance to value on each and every school in the schedule. In other words, they are not limited to recovery of 90% of value, but in event of a total loss on anyone building, they can receive 100% of the total insurable value of that particular building.

Periodic inspection and valuation service is maintained. Several times during the past two years this property has been re-rated to secure a lower cost.

STATE BOARD OF EDUCATION

DESCRIPTION AND LOCATION

NEW CASTLE COUNTY

JOHN G. LEACH	WILMINGTON
FAULK ROAD No. 7	WINDSOR HILLS
CHRISTIANA No. 44	CHRISTIANA
HENRY C. CONRAD No. 131	FIVE POINTS
A. P. MOTE No. 77	DUNLINDEN
NEWPORT No. 21	NEWPORT
ODESSA No. 61	ODESSA
RICHARDSON PARK No. 20	RICHARDSON PARK
MINQUADALE No. 47	MINQUADALE
STANTON No. 38	STANTON
YORKLYN No. 91	YORKLYN
LEES'S CHAPEL No. 124-C	ROUTE No. 71
MILLSIDE No. 132-C	MILLSIDE
NEWPORT No. 106-C	BELVEDERE
11 CONCORD AVE.	WILMINGTON
COMMUNITY CENTER	ODESSA

MARSHALLTON HIGH COOPER FARMS
 OAK GROVE No. 130 ELSMERE
 COLWYCK LANDERS LANE SWANWYCK
 A. I. DuPONT No. 7 TALLEYVILLE
 ARDEN No. 3 ARDEN
 COM. McDONOUGH No. 53 ST. GEORGES
 DELAWARE CITY No. 52 DELAWARE CITY
 MARSHALLTON No. 77 MARSHALLTON
 MIDDLETOWN No. 60 MIDDLETOWN
 OAK GROVE No. 130 ELSMERE
 PORT PENN No. 63 PORT PENN
 ROSE HILL No. 47 HOLLOWAY TERRACE
 COLWYCK No. 47 SWANWYCK
 TOWNSEND No. 81 TOWNSEND
 DELAWARE CITY No. 118-C DELAWARE CITY
 IRON HILL No. 112-C IRON HILL
 LOUIS C. REDDING No. 120-C MIDDLETOWN
 TOWNSEND No. 125-C TOWNSEND
 DELAWARE TRUST BLDG. WILMINGTON
 900-A W. 8TH ST. WILMINGTON
 A. I. DuPONT HIGH No. 7 SHIPLEY ROAD
 A. I. DuPONT BRANDY WINE HIGH No. 7 FAULK ROAD

KENT COUNTY

CLAYTON No. 119 CLAYTON
 FELTON No. 54 FELTON
 HARTLEY No. 96 HARTLEY
 KENTON No. 9 KENTON
 LITTLE CREEK No. 85 LITTLE CREEK
 OAK POINT No. 20 WEST DOVER HD.
 WILEY'S No. 93 EAST DOVER HD.
 FORK BRANCH No. 145 DuPONT STATION
 KENTON No. 140-C FRIENDSHIP ROAD
 MT. OLIVE No. 155-C MURDERKILL ROAD
 VIOLA No. 156-C VIOLA
 MURPHY SCHOOL DOVER
 FARMINGTON No. 39 FARMINGTON
 FREDERICA No. 32 FREDERICA
 HOUSTON No. 125 HOUSTON
 LEIPSIC No. 11 LEIPSIC
 MAGNOLIA No. 50 MAGNOLIA
 ROSE VALLEY No. 79 EAST DOVER HD.
 CHESWOLD No. 143-C CHESWOLD
 WM. W. M. HENRY No. 133 WEST DOVER HD.
 LOCKWOOD No. 142-C WEST DOVER HD.
 UNION No. 158-C MURDERKILL ROAD
 STATE HOUSE DOVER
 313 S. STATE ST. DOVER

SUSSEX COUNTY

BETHEL No. 99 BETHEL
 BRIDGEVILLE No. 90 BRIDGEVILLE
 DELMAR No. 163 DELMAR
 GREENWOOD No. 91 GREENWOOD
 LINCOLN No. 3 LINCOLN
 MILLSBORO No. 23 MILLSBORO
 ROXANNA No. 31 ROXANNA
 BROADKILL No. 7 BROADKILL
 BRIDGEVILLE No. 220-C BRIDGEVILLE
 BRIDGEVILLE No. 220-C GREENWOOD ROAD
 DELMAR No. 212½-C PROVIDENCE ROAD
 FRANKFORD No. 206-C FRANKFORD
 GREENWOOD No. 22-C GREENWOOD
 MILLSBORO No. 204-C DAGSBORO HD.
 NANTICOKE INDIAN 5 MI. E. MILLSBORO
 OWEN'S CORNER No. 213-C DELMAR
 RABBITS FERRY No. 201-C 6 MI. S/W LEWES
 ROSS POINT No. 215 LAUSCH
 SLAUGHTER NECK No. 193-C 5 MI. S/E OF MILFORD
 WARWICK No. 225 6 MI. E. OF MILLSBORO
 DRAWBRIDGE No. 197-C COOL SPRING
 BLADES No. 172 BLADES
 JOHN M. CLAYTON No. 97 NEAR DAGSBORO
 ELLENDALE No. 125 ELLENDALE
 GUMBORO No. 37 GUMBORO
 LORD BALTIMORE No. 28 OCEAN VIEW
 MILTON No. 8 MILTON
 SELBYVILLE No. 32 SELBYVILLE
 BLOCKSOM No. 218-C 4 MI. N/W OF SEAFORD
 CONCORD No. 216-C CONCORD
 ELLENDALE No. 195- ELLENDALE
 WM. . JASON No. 192-C GEORGETOWN
 LINCOLN No. 194-C CEDAR CREEK
 MILTON No. 196-C MILTON
 NASSAU No. 198-C NASSAU
 REHOBOTH No. 200-C REHOBOTH
 SELBYVILLE No. 210-C SELBYVILLE
 WARWICK No. 203-C 4 MI. EAST OF MILLSBORO
 WILLIAMSVILLE No. 226-C WILLIAMSVILLE
 CHERRY STREET GEORGETOWN

AMT. INS. CO-INS. PREM. 1959 PREM. 1960 PREM. 1961
 BLKT. FORM
 BLDG. & CNTS.

\$40,505,324 90% \$48,757.88 \$55,747.49 \$55,775.34

STATE HIGHWAY DEPARTMENT

Manufacturers and Contractors Annual Prem. - \$14,887.48
 Liability Insurance

Auto Public Liability Insurance, Annual Prem. - \$27,755.05
 Fire and Combined Additional
 Coverage

Workmen's Compensation Annual Prem. - \$65,589.25
 Insurance

It must be remembered that the contracts are written under a retrospective plan whereby the above premiums are merely estimates with a file premium to determine by the actual payrolls and vehicles involved subject to a further adjustment depending upon the actual experience developed. This program has developed a very satisfactory retrospective adjustment during the past several years in the form of sizable return premiums.

FLEET AUTOMOBILE

Fleet Automobile Insurance is provided for the State of Delaware by The Home Indemnity Company and The Home Insurance Company. Policy No, C G A 5977019.

The Fleet Policy covers \$100/\$300,000 Bodily Injury, \$10,000 Property Damage, Comprehensive and \$100.00 Deductible on cars worth \$500.00 or more that are used off premises. This policy has been written with an experience credit of 25% and a fleet credit of over 21%. It is also based on a retrospective rating plan by which an additional saving will accrue to the State in the event that the loss ratio is favorable.

The policy covers locations as follows:

The State of Delaware and/or various agencies
 named herein

Board of Health
 Hospital for the Mentally Retarded
 Governor Bacon Health Center
 Department of Public Welfare
 Water Pollution Commission
 State Park Commission
 Board of Game & Fish Commissions
 State Tax Department
 Board of Agriculture
 Delaware Commission For the Blind
 Budget Commission
 State Forestry Department
 Youth Services Commission
 State Board of Corrections
 Delaware State Hospital

Initial Premium - 7-1-59 - 6-30-60 - \$13,377.04

This Fleet Program already shows a savings of over \$5,000.00 while in many instances the coverages afforded are much broader.

STEAM BOILER INSURANCE

Steam Boiler Insurance is provided for The State of Delaware by Hartford Steam Boiler Inspection and Insurance Co. policy No. 86-15053. This policy covers damage to the property of the insured and of others and injuries to members of the public resulting from explosion of steam boilers subject to a limit of \$100,000. per accident. The policy covers steam boilers and also fired hot water storage heaters at the following locations:

Emily P. Bissell Hospital near Brandywine Springs
New Castle, Delaware

Governor Bacon Health Center
Delaware City, Delaware
New Legislative Building
Dover, Delaware

Delaware State Hospital
Farnhurst, Delaware

Industrial School for Colored Girls
Marshallton, Delaware

University of Delaware
Newark, Delaware

excluding T. S. DuPont Hall and Evans Hall
New Agricultural Building

South College Ave.
Newark, Delaware

Delaware State Old Age Welfare
Smyrna, Delaware

Hospital for the Mentally Retarded
1½ miles South of Stockley, Stockley, Delaware
excluding any building used wholly for residential purposes

Sussex County Levy Court Jail
near Georgetown, Georgetown, Delaware

New Castle County Workhouse
Plant of Assured, Greenbank, Delaware
Delcastle Farm, 2½ miles South of New Castle
County Workhouse, Greenbank, Delaware

Delaware Commission for the Blind
305 West 8th Street
Wilmington, Delaware

The Ferris School for Boys
Ferris Road, Wilmington, Delaware

Kent County Jail
300 Water Street, Dover, Delaware
Old State House
Dover, Delaware

The term of the policy is for three years from November 21, 1958 to November 21, 1961 and the three year premium was \$7,706.62.

In 1959 all of the steam boilers and fired hot water storage heaters within the State Board of Education System were added to this policy and the additional cost until November 21, 1961 was \$7,330.74 and this amount was charged in July 1959. The Premium for steam boiler insurance of course varies as a result of new objects and locations to be added as occasion may demand. The reason for combining as many locations as possible under one policy is that there is a substantial reduction in premium based upon the size of the policy.

An important feature of steam boiler insurance is the fact that inspections of the objects insured are made by the insurance company and the premium includes the charge for such service. This service is designed to prevent, as far as possible, an accident before it occurs and it relieves the insured of pay for State inspections which are required by law.

MISCELLANEOUS COVERAGES

(not under Blanket Policy)

FIRE & E. C. (DEPARTMENT OF CIVIL DEFENSE) On emergency hospital units and all supplies and equipment pertaining thereto while in storage in the Newark Junior High School, situated E/S Academy Street, Newark, Delaware and Dover High School, situated N/S Delaware Avenue, Dover, Delaware - amount of insurance \$52,000. Premium 3 year \$471.64.

FIRE & E. C. SUPREME COURT - On all contents of Supreme Court Office situated King Street, between 9th & 10th, Wilmington, Delaware (\$20,000.) and \$10,000. to apply as 100-14 E. Market St., Georgetown, Delaware - Total amount - \$30,000. - \$304.50 (3 yr. Prem.)

NUCLEAR ENERGY PROPERTY INSURANCE - Amount \$2,754,720. - Premium \$6,941.89 annually - Rate \$.252 coverage on all real and personal property consisting principally of P. S. duPont and Evans Hall situated in Newark, Delaware.

REGISTERED MAIL & EXPRESS POLICY - covering shipments of securities - shipments last year \$550,705.72 @ 12c - \$66.08 premium.

SPECIAL FLOATER POLICY - Amount \$2,000.00 - Premium \$50.00 3-yr. on books and cases of State Library Commission of the State of Delaware while anywhere within the State of Delaware, excluding, however, while in or on any premises owned, leased or controlled by the assured.

HULL POLICY - Amount \$20,000.00 - Premium \$1,000.00 per year - on Vessel 1946, 52' Cabin Cruiser "Delaware".

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY POLICY - Employees of Insurance Department, 3 yr. - Estimated Premium \$60.75.

FINE ARTS FLOATER - Amount of insurance \$3,500.00 - Premium \$61.57 3-yr. covering Fine Arts of Dover Armory and Armories of the State of Delaware and one Painting by Gale Hoskins depicting Soldiers coming out of trench, located at Delaware Officers Club, New Castle County Air Base, New Castle County, Delaware.

Messrs. Hickman, McCullough and Simpson asked to be marked present.

The Chair directed that the original copy of **HCR 33** be read to the Senate with title as follows, and on motion of Mr. Reilly it was adopted:

HCR 33—"Amending House Concurrent Resolution No. 30 Relating to Proposed Committee Hearings of the General Assembly of the State of Delaware, Concerning Legislation Proposed by The Honorable J. Caleb Boggs, Governor of the State of Delaware, Relating to Proposed Reorganization of the Commission and Agency Form of Government in the State of Delaware."

On motion of Mr. Hickman **SB 333** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 333—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing by Granting the Delaware Harness Racing Commission Jurisdiction and Power Over all Drivers, Grooms, Owners, and Their Employees."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. McCullough, Simpson, Snowden—3.

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

On motion of Mr. Hickman **HB 373** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 373—"An Act Making Supplementary Appropriations to the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, for Delaware State Hospi-

tal and Hospital for the Mentally Retarded at Stockley, Delaware."

Mr. Hickman introduced **SA 1** to **HB 373** and moved for its adoption. Motion prevailed.

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams—12.

NAYS—Mr. Nechay—1.

NOT VOTING—Messrs. Hoey, Mr. Pres. Pro Tem Cook—2.

ABSENT—Messrs. McCullough, Snowden—2.

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

The Chair introduced **HCR 35** which was read to the Senate and on motion was adopted:

HCR 35—"Relating to Designating a 40 Acre Track or parcel of Land Owned by the State of Delaware and Adjoining the Delaware River Memorial Bridge as the Garrett E. Lyons Memorial Park."

WHEREAS, the Delaware Interstate Highway Division has under its control and supervision a 40 acre tract or parcel of land owned by the State of Delaware and adjoining the Delaware River Memorial Bridge; and

WHEREAS, the late Chairman of the Delaware Interstate Highway Division, Garrett E. Lyons, was greatly interested in the public welfare and devoted all his efforts and energies to secure said parcel of land in behalf of the State of Delaware for use of recreational facilities; and

WHEREAS, Garrett E. Lyons was recognized by the citizens of the State of Delaware as one of its outstanding spokesman, who devoted all his strength, energy and determination to further their interests; and

WHEREAS, the citizens of the State of Delaware desire to honor the late Garrett E. Lyons and create a memorial in his memory, **NOW THEREFORE**

BE IT RESOLVED, by the House of Representatives of the 120th General Assembly of the State of Delaware, the Senate concurring therein, that the proper authorities take the necessary measures to hereinafter have designated the 40 acre tract or parcel of land owned by the State of Delaware, presently under the supervision and control of the Delaware Interstate Highway Division and adjoining the Delaware River Memorial Bridge as the Garrett E. Lyons Memorial Park; and

FURTHER RESOLVED, that copies of this Resolution be spread upon the minutes of the Journal of the respective Houses, copies be sent to the Delaware Interstate Highway Division, The Delaware State Highway Department and members of the press and radio.

The following Bills were reported from Committee by Messrs. Steen and Nechay: **SB 324**, 4 favorable, 1 merits (corporations Municipal); **SB 336**, 3 favorable, 1 merits (Revised Statutes); **SB 337**, 2 favorable, 2 merits (Revised Statutes).

Mr. Reilly moved that Rule 9 be suspended in order to consider **SB 324**. Motion prevailed.

On motion of Mr. Reilly **SB 324** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 324—"An Act to Authorize and Empower the Wilmington Parking Authority, a 'Parking Authority' Created by 'The Mayor and Council of Wilmington' Pursuant to the Provisions of Chapter 369, Volume 48, Laws of Delaware, to surrender and Transfer, Grant and Convey unto 'The Mayor and Council of Wilmington', a Municipal Corporation, All of its Right, Title and Interest in and to Certain of the Real Property Situate Between and Bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware."

On motion of Mr. duPont the Senate recessed at call of the Chair at 3:30. The Senate met at the expiration of the recess at 4:00 P.M., Pres. Pro Tem Cook presiding.

Mr. Reilly moved that **SB 324** be deferred. Motion prevailed.

Messrs. Reilly and Cook introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes:

SB 338—"An Act to Amend Chapter 26, Title 9, Delaware Code Relating to Zoning in New Castle County."

Mr. Hickman introduced the following Bill which was given first reading and referred to the Committee on Finance:

SB 339—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel Via White's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Improvement."

Mr. Nechay introduced the following Resolution which

on further motion by him was adopted:

SR 122—"Relating to Amount Due the Radio Electric Service Company of Delaware, Inc. for Services Incurred by the 120th General Assembly."

Mr. Steen moved that Rule 9 be suspended in order to consider **SB 336**. Motion prevailed.

On motion of Mr. Steen **SB 336** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 336—"An Act to Amend the Charter of the Town of Dagsboro, Being Chapter 161, Volume 43, Laws of Delaware, by Authorizing the Town Council to Raise by Taxation a Sum Not to Exceed Ten Thousand Dollars (\$10,000.00) Yearly."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—15.

NAYS—0.

NOT VOTING—0.

ABSENT—Messrs. McCullough, Snowden—2.

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

The Chair announced that he had signed **SB 321** and **SR 121**, and **120**.

Mr. Reilly moved that the Senate adjourn at 4:20 P.M. until Wednesday, February 24, 1960 at 1 P.M.

101ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:20 P.M., on Wednesday, February 24, 1960, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present—Messrs. duPont, Hoey, Mayhew, McCullough, Price, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—9.

Members absent—Messrs. Correll, Hickman, Nechay, Reilly, Simpson, Snowden, Steen, Watson—8.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

Mr. duPont introduced the following Resolution and moved for its adoption:

SCR 40—"Relating to Senate Substitute No. 1 for Senate Bill No. 5 Being the First Order of Business of the Joint