

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

SR 49—Expressing the best wishes of the Senate of the 123rd General Assembly to Senator Reynolds DuPont on his birthday. Adopted by voice vote.

Sen. Manning moved the Senate recess to the call of the chair at 4:00 P.M.

The Senate returned to order at 4:30 P.M., Lt. Gov. Tribbitt presiding.

Sen. Davidson reported the following bill from committee: **SB 87**, 2 favorable, 2 merits.

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

SB 89—An act to amend Section 2507, Title 14, Delaware Code, entitled "New High School Districts" by allowing for appointments by the Governor.

Sen. Holloway introduced the following amendment, **SA 1 to SB 30**, which was given first reading and placed with the bill.

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

HB 137 to Finance.

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

SS 1 for **SB 84**—An act to amend Chapter 55, Title 29, Delaware Code, relating to State Employees' Pension Plan.

SS 1 for **SB 84** was adopted by voice vote in lieu of original bill.

The Chair presented the following Concurrent Resolution which was given first and second readings and referred to Committee as follows:

HCR 9 to Claims.

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

HB 55 to Corporations Municipal.

HB 115 to Revised Statutes.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HB 152**. Motion carried.

On motion of Mr. Cook, **HB 152** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 152—An act authorizing the Levy Court of Kent County to borrow on the credit of the County a sum of money not exceeding \$27,000 to be expended for the acquisition of equipment for the Board of Assessors, Receiver of

Taxes and County Treasurer and Family Court, including Addressograph machines.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—14.

NOT VOTING—Bookhammer, DuPont, Hoey—3.

ABSENT: McGinnes—1.

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

Sen. Cook moved that the Senate adjourn until Monday, April 12, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:50 P.M.

25TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on April 12, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

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

Senators absent: McCullough—1.

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

A message from Mrs. John W. Burris was read thanking the Senate for **SR 42**.

The Governor's veto message, which had been delivered to the Senate along with **SB 42** with **HA 1**, was presented by the Chair and read into the Record.

Sen. Hoey reported the following bills from committee: **HB 137**, 3 merits, **HB 91**, 3 merits.

Sen. Dineen introduced the following resolution which was given first reading. Adopted by voice vote.

SR 50—In reference to election of officers.

On motion of Mr. Steen, **SB 79** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Du-

Pont, Hoey, Holloway, Kinahan, Manning, Martin, Moore, Robbins, Schlör, Steen—15.

ABSENT: Bookhammer, McCullough, McGinnes—3.

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

Sen. Davidson reported the following bills from committee: **HB 37**, 4 favorable, 1 merits; **HB 32**, 4 favorable, 1 merits.

Sen. Schlör reported the following bills from committee:

HB 54, 5 favorable, **HB 75**, 5 favorable, **HB 127**, 5 favorable.

Sen. Connor moved to table action on **SB 44**. Motion lost by voice vote.

On motion of Mr. Moore, **SB 44** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Carney, Cook, Davidson, Dineen, Hoey, Holloway, Martin, Moore, Schlör, Steen—10.

NAYS: Conner, DuPont, Kinahan, Manning, McGinnes—5.

NOT VOTING—Bookhammer, Robbins—2.

ABSENT: McCullough—1.

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

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

HB 7 to Revised Statutes

Sen. Steen moved the Senate recess to the call of the Chair at 3:00 P.M.

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

Sen. Holloway introduced the following bill, (co-sponsor Sen. Hoey), which was given first reading and referred to the Committee on Revised Statutes.

SB 90—An act to require departmental identification of motor vehicle passenger cars as owned by the State of Delaware.

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

SB 91—An act to amend Section 2713, Chapter 27,

Title 29, Delaware Code, relating to the State Treasurer, by providing that the salaries of State Officials and employees be paid bi-weekly.

Sen. Carney introduced the following amendment, **SA 1** to **SB 49** which was given first reading and placed with the bill.

Sen. Dineen reported the following bills from committee: **SB 45**, 3 favorable; **SB 53**, 2 favorable, 1 merit; **SB 81**, 3 favorable; **SB 82**, 3 favorable; **SB 86**, 1 favorable, 2 merits; **SS 1** to **SB 84**, 1 favorable, 2 merits; **SB 88**, 2 favorable, 1 merit; **HB 13**, 2 favorable, 1 unfavorable, **HB 35**, 3 unfavorable; **HB 125** with **HA 1**, 2 favorable, 1 merits; **HB 115**, 3 merits; **HCR 9**, 2 favorable, 2 merits.

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

SR 51—Authorizing payment for services rendered by attaches and employees of the Senate of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Dineen introduced the following resolution which was given first reading. Adopted by voice vote.

SR 52—Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly.

Sen. Steen introduced the following bill, (co-sponsor, Sen. Bookhammer), which was given first reading and referred to the committee on Corporations Municipal.

SR 53—Authorizing payment for services rendered by an attache and employee of the Senate of the present session of the 123rd General Assembly.

Sen. Steen introduced the following bill (co-sponsor, Sen. Bookhammer), which was given first reading and referred to the Committee on Corporations Municipal.

SB 94—An act to amend an act being Chapter 197, Volume 54, Laws of Delaware, as amended, entitled "An Act Revising the prior Charter of the City of Rehoboth Beach and establishing a new charter therefor and prescribing the powers and duties of the Commissioners of Rehoboth Beach" by increasing the amount of money which may be raised by taxation of Real Estate.

Sen. Cook moved that the Senate adjourn until Wednesday, April 13, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:18 P.M.

MEMORANDUM #4

April 6, 1965

TO: Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders,

FROM: William T. Quillen

The Governor signed the following legislation on the dates indicated:

March 25, 1965

HJR 3, (RR Service) ; **SCR 19**, (Farmers Bank Directors) ;
SB 3 with **SA 1**, (Van Buren Street Bridge).

March 26, 1965

HB 17, (Exclusive Name Use of Political Parties) ; **HB 28** with **SA 1**, (Additional Registration Days) ; **SB 39**, (Abolishing Collector of Delinquent Taxes in N.C. County).

March 30, 1965

HB 39 with **SA 4, 5, 6, 8**, (Minimum Wage) ; **HB 40**, (Wage Payment and Collection Law).

March 31, 1965

HB 107 with **HA 1**, (Justices of the Peace) ; **HB 108**, (Constable).

April 1, 1965

SB 75, (Mosquito) ; **SB 16**, (Murray Schwartz — \$1,420 supplemental) ; **SB 68** with **SA 1**, (Smyrna Home Financing Procedures) ; **HB 52**, (Raccoon Season).

April 5, 1965

HB 16, (Police Pensions—Bridge Service) ; **HB 23** (Sussex Levy Court Authorized to Appropriate Money for Return Day) ; **HB 24**, (Return Day—Holiday in Sussex) ; **HB 60**, (Dogs in New Castle County) ; **HB 119**, (Kent County Borrowing Authority for Courtroom) ; **HB 120**, (Kent County Borrowing Authority for Outside Assessors) ; **SJR 6**, (Astronaut Flight).

On April 5, 1965, the Governor returned **SB 42** with **HA 1** (\$9,500 Supplementary Appropriation to Family Court of Kent and Sussex Counties without his approval.

On March 24, 1965, **HB 109**, a Constitutional Amendment dealing with Justices of the Peace, passed the Senate, completing the first leg.

26TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:42 P.M., on Tuesday, April 13, 1965. Lt. Gov. Tribbit presiding.

Prayer by the Chaplain, Arthur James.

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

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

President Tribbitt welcomed the 7th Grade Class of Holy Cross School, Dover.

Sen. Carney introduced **SA 1** to **SB 45** and moved the amendment be placed with the bill. Adopted by voice vote.

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

SB 95—An act to amend Chapter 3, Title 11, Delaware Code, by adding a new sub-chapter relating to debt adjusting.

Sen. Carney introduced the following bill which was given first reading and referred to the Committee on Banking & Insurance.

SB 96—An act to amend Chapter 5, Section 931, Delaware Code, as amended, so as to permit Savings Banks or Savings Societies, under certain conditions, to have more latitude in respect to the terms of their retirement plans and to have the right to carry life insurance protection for officers, clerks and employees.

The Chair presented the following Concurrent Resolution which was given first reading. Adopted by voice vote.

HCR 11—An act making an appropriation to the Diamond State Telephone Company for Services rendered through January 11, 1965.

The Chair presented the following House Concurrent Resolution which was given first reading. Adopted by voice vote.

HCR 10—Authorizing payment to Addressograph-Multigraph Corporation for supplies furnished the 122nd General Assembly.

The Chair presented the following House Bill which was given first reading and referred to the Judiciary Committee.

HB 89—An act to amend Section 2101, Chapter 21, Title 21, of the Laws of Delaware, by providing penalties.

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

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

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Steen—14.

NAYS: None.

ABSENT: Dineen, Hoey, McGinnes, Schlör—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.

Sen. Martin asked for the privilege of the floor for Mr. Balick to explain **SB 57**. No objections heard; privilege was then granted.

Sen. Manning asked for the privilege of the floor for Mr. George Fisher, Register of Chancery, regarding **SR 57**. No objections heard; privilege was then granted.

On motion of Sen. Martin, **SB 57** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 57—An act to amend Section 2503, Title 10, Delaware Code, relating to the appointment of Deputies and Clerks in the Office of Register in Chancery and Clerk of the Orphans' Court.

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

YEAS: Carney, Cook, Davidson, DuPont, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Schlör, Steen—12.

NAYS: Bookhammer, Manning—2.

NOT VOTING: Conner—1.

ABSENT: Dineen, Hoey, Robbins—3.

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

Sen. McCullough asked for the privilege of the floor. No objections heard; privilege was then granted.

Sen. McCullough introduced the following bill which was given first reading and referred to the committee on Elections: **SB 97**.

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

SB 98—An act to amend Chapter 41, Title 21, Delaware Code, relating to interference with the operation and control of the motor vehicle.

Sen. Schlör reported the following bills from committee: **SB 93**—4 favorable; **SB 94**—4 favorable.

On motion of Sen. Steen, **SB 94** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Steen moved that Rule 9 be suspended for the purpose of considering **SB 94**. Motion carried.

SB 94—An act to amend an act entitled "An Act Re-

vising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" being Chapter 197, Volume 54, Laws of Delaware, as amended, to establish the procedure and form for the printing of ballots for use in the annual election.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—15.

NAYS: None.

ABSENT: Dineen, Hoey, McGinnes—3.

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

On motion of Sen. Steen, **SB 93** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Steen moved that Rule 9 be suspended for the purpose of considng **SB 93**.

SB 93—An act to amend an act entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" being Chapter 197, Volume 54, Laws of Delaware, as amended, to establish the procedure and form for the printing of ballots for use in the annual election.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—15.

NAYS: None.

ABSENT: Dineen, Hoey, McGinnes—3.

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

The Chair presented the following House Joint Resolution, which was given first reading:

HJR 5—Relating to support of the Agricultural Conservation Program and the Soil Conservation Service.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HJR 5**.

On motion of Sen. Cook, **HJR 5** with title as follows

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

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

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

NAYS: None.

NOT VOTING: DuPont—1.

ABSENT: Bookhammer, Dineen, Hoey, McGinnes—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.

Sen. Steen named Senators Hoey, Dineen, Manning and Cook, to the Governor's Revenue Raising Committee.

On motion of Sen. Schlör, **HB 127** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 127—An act to increase the salary of the Superintendent of the Public Building Commission for the City of Wilmington 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: Bookhammer, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör, Steen—15.

NAYS: None.

ABSENT: Carney, Dineen, McGinnes—3.

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

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

SB 99—An act making a supplementary appropriation to the State Park Commission for the improvement, operation and administration of a State Park located on public lands in Sussex County, Delaware.

The Chair presented the following House Joint Resolution, which was given first reading:

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HJR 4**. Adopted by voice vote.

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

HJR 4—In reference to the 20th Anniversary of the

passing of Franklin Delano Roosevelt, President of the United States.

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

YEAS: Bookhammer, Conner, Cook, Davidson, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Schlör—14.

NAYS: None.

ABSENT: Carney, Dineen, McGinnes, Steen—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.

Sen. Holloway reported the following bill from committee: **HB 11**—4 favorable, 1 merits.

Sen. Cook moved the Senate recess to the call of the Chair at 4:00 P.M.

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

The Chair presented the following House Concurrent Resolutions which were given first reading: **HCR 12**; **HCR 13**. Adopted by voice vote.

On motion of Sen. Schlör, **HB 75** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 75—An act to amend an act entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford," being Chapter 42, Volume 53, Laws of Delaware, as amended, by permitting the imposition of a collection charge on delinquent taxes.

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

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

NAYS: None.

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

On motion of Sen. Schlör, **HB 54** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 54—An act to amend an act being Chapter 42 of Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising, and Consolidating the Charter

of the City of Seaford" by permitting certain persons to vote and by exempting certain persons from being assessed a capitation tax.

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

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

NAYS: None.

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

On motion of Sen. Cook, **SS 1 to SB 84** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SS 1 to SB 84—An act to amend Chapter 55, Title 29, Delaware Code, relating to State Employees' pension plan.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—15.

NAYS: DuPont—1.

NOT VOTING: Bookhammer, Manning—2.

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

On motion of Sen. Cook, **SB 81** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 81—An act to repeal Section 4317, Title 9, Delaware Code, entitled "Deduction on Account of Social Security Payments; Duty to Report Payments."

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

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

NAYS: None.

ABSENT: Manning—1.

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

On motion of Sen. Cook, **SB 82** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 82—An act to amend Section 4302, Title 9, Delaware Code, relating to the definition of covered employee under the pension for Kent County Employees.

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

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

NAYS: None.

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

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

SB 100—An act making a supplementary appropriation to the Delmar School District to pay off the Building Program account.

Sen. Conner introduced the following joint resolution (co-sponsors, Senators Holloway, Martin and Kinahan), which was given first reading and referred to the committee on Education:

SJR 7—Requesting the Governor to appoint a committee to study and report on the financing of public education in Delaware and school districting in our state.

On motion of Sen. Hoey, **SB 74** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 74—An act authorizing the State of Delaware to borrow money to be used for construction of sanitary sewage disposal systems and empowering the State Board of Health to administer, regulate and distribute such funds and to issue bonds and notes therefore and appropriating the money borrowed to the Board of Health.

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

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

NAYS: McCullough—1.

ABSENT: Manning, Steen—2.

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

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

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

SR 53—Authorizing payment for services rendered by an attache and employee of the Senate of the present session of the 123rd General Assembly. Adopted by voice vote.

Sen. Hoey reported the following bill from committee: **SB 78**—5 merits.

Sen. Robbins reported the following bill from committee: **SS 1** for **SB 18**—4 favorable, 1 unfavorable.

Sen. Conner introduced **SA 1** to **SB 53** and moved it be placed with bill. Adopted by voice vote.

On motion of Sen. Hoey, **HB 137** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 137—An act to amend Chapter 291, Volume 54, Laws of Delaware, entitled "An Act Making Appropriations to the Amount of \$110,230,550.00 for the Expense of the State Government for the Fiscal Year Ending June 30, 1965, and Making a Supplemental Appropriation in the Amount of \$200,000.00 for the Proposed Amendment."

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—16.

NAYS: None.

ABSENT: Manning, Steen—2.

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

Sen. McCullough moved that **SB 87** be brought up for final reading and vote.

On motion of Sen. Cook, **SB 87** with title as follows to table **SB 87**.

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

YEAS: Bookhammer, Cook, DuPont, Hoey, Kinahan, Robbins—6.

NAYS: Carney, Conner, Davidson, Dineen, Holloway, Manning, Martin, McCullough, McGinnes, Moore, Schlör—11.

ABSENT: Steen—1.

On motion of Sen. McCullough, **SB 87** with title as fol-

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

SB 87—An act to repeal that part of Section 8323, Subchapter II, Chapter 83, Title 11, Delaware Code, relating to employment of pension beneficiaries and exceptions.

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

YEAS: Carney, Conner, Davidson, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör—11.

NAYS: Cook, Hoey, Robbins—3.

NOT VOTING—Bookhammer, Dineen, DuPont—3.

ABSENT: Steen—1.

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

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

SB 101—An act to amend Section 4346, Title 11, Delaware Code, relating to eligibility for parole.

Sen. Cook moved that the Senate adjourn until Wednesday, April 14, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 6:15 P.M.

27TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:00 P.M. on Wednesday, April 14, 1965, Lt. Gov. Tribbitt presiding. Prayer by the Chaplain, Arthur James.

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

Absent: Schlör—1.

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

Sen. Cook moved the Senate recess to the call of the Chair at 2:05 P.M. to attend Joint Session.

Rep. Isaacs moved that the House and Senate convene in Joint Session. Motion prevailed.

Rep. Isaacs moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

Rep. Isaacs moved that the Chief Clerk of the House and the Secretary of the Senate act as Secretaries for the Joint Session. Motion prevailed.

The Chair appointed the following committee to escort the Governor to the House: Senators Carney and Manning, Representatives DiEleuterio and Heckert.

The Joint Session recessed at 2:45 P.M.

Message

By

THE HONORABLE CHARLES L. TERRY, JR.

Governor of Delaware

To The

FIRST REGULAR SESSION OF THE

ONE HUNDRED TWENTY-THIRD GENERAL ASSEMBLY

Of The

STATE OF DELAWARE

Recommending Reorganization

Of The

Government in New Castle County

DOVER

April 14, 1965

Mr. Speaker

Mr. President

Mr. President Pro Tem

Members of the 123rd General Assembly

Citizens of Delaware:

Once again it is my privilege to address a Joint Session of the Legislature and I am delighted today to have the opportunity to speak in the House Chambers for the first time during my term of office as Governor.

On three previous occasions since January 19 I have stood before you to speak on matters of great import to the people of Delaware, subjects in which we shared responsibility and a mutual desire to see achievement.

I am grateful that your response on each of those occasions was such that we enjoyed a meeting of minds and were able to enact into law some of the most significant legislation of our time. Additional results in the financial field are still pending but I am certain we will do what it is necessary to do.

I am equally grateful that we were able to accomplish our ends in the way that men of good will should show progress, that the problem was recognized by each individual who searched his own conscience and voted freely for the well-being of his constituents and posterity without any promise

of favors from me or anyone in the Executive Department, and without any coercion or persuasion except those of reason and logic.

Members of the Assembly, the bill I am supporting here today is a good bill that will give stable government to the state's most populous county for many decades to come.

I have read this bill and I support it freely. I emphasize that point because never at anytime have I agreed to support this particular bill in return for a vote from any Senator or Representative for any bill that has been before this session, or any bill that will be before this session.

It was my great pleasure to inform the people of this state on January 19 that I stood before them without political obligations that would encumber my work as their Governor. I am proud to say that I could repeat those same words and take that same oath today.

Furthermore, my confidence in the General Assembly is positive. I am certain we will continue to examine and act upon each bill as it comes forth with full regard for our solemn commitments to the people of this wonderful state.

I propose today, as I indicated earlier, to speak on the reorganization of the government of New Castle County. A bill, designed to carry out the campaign pledge made to the people of this state, has been carefully prepared and will be introduced by the Speaker of the House with the co-sponsorship of all of his Democratic colleagues from the County affected.

The basic problem which gives rise to the demand for reorganization is simple. The growth and shift of population in New Castle County, and particularly in its unincorporated areas, has been phenomenal. As a result about two-thirds of the total population of the County resides outside the incorporated areas. These new and transferred residents live almost entirely in single family units and require a multitude of services for their tax dollar which only a sound and efficient County Government can adequately provide.

The Levy Court system is designed for a rural or semi-rural society. Three men elected to serve both as the executive and legislative arm of the county cannot even with great dedication, effectively serve an urban county with its peculiar and complicated problems. The need in this urban situation is obvious. The legislative and executive functions of government must be separated. The legislator of the county government must devote his time as a lawmaker and as a representative of his constituents. The executive branch of county government must be headed by a county executive elected at large. The operational functions must be clearly channeled.

As you all know, former Governor Carvel appointed a bipartisan committee to study county government reorganiza-

tion. That committee made a comprehensive report which has been reviewed and thoroughly analyzed. Specific legislation was recommended.

I recognized the value of that report during the campaign. On October 12, 1964, I devoted one of my major campaign addresses to the subject of county reorganization. I said the findings and proposals of the Governor's committee were "well considered" and "thought provoking." In regard to Governor Carvel's committee, I further stated on the occasion of that Wilmington address that: "I agree with them in general principle and, if elected Governor of the State of Delaware, I will make every effort to encourage legislation designed to replace the antiquated Levy Court system which now governs this county and spends its taxpayers' money."

It was not my campaign position that I was in any way bound by every detail of the legislation proposed by Governor Carvel's committee. I appreciate the fine public service that citizen committees render. But the ultimate authority for enacting laws rests with the General Assembly, and the responsibility for suggesting and approving legislation rests with the Governor. The General Assembly and the Governor cannot and should not delegate their responsibility, even if a committee is composed of their own appointees. Consistent with this view, the bill that I support has been changed in some respects from the bill proposed by the Governor's committee.

For example, I believe, as a matter of guiding principle, that it is improper to legislate elected officials out of office. The report of Governor Carvel's committee would have done just that to certain elected officials of New Castle County. Now I could not support such legislation, and the administration bill preserves the office of such officials, as consistent as possible with the new system of government, until the expiration of their terms.

But the substantive reforms recommended by Governor Carvel's committee are preserved. I supported three principles in particular during the campaign and all three are contained in this bill. First, this bill creates an executive council type government to replace the plural executive-legislative concept of the present Levy Court system. Second, this bill regroups county agencies by function.

Third, this bill requires the government of New Castle County to have a merit system for county employees along specific guidelines. Consistent with the general principle of home rule, it leaves the details of such a system of personnel administration up to the representatives of the residents of the County. The bill leaves the present merit system, as adopted by the Levy Court last year, in effect until further

legislative action is taken by the Court Council.

There are many important changes in the law contained in this bill which runs one hundred and four pages. I will not attempt to summarize all its provisions. There are, in addition to the areas touched upon by Governor Carvel's committee, vital forward steps in the field of taxation, including the elimination of the custom that the General Assembly should fix a maximum tax rate and recognition of the double taxation that has hampered development of incorporated areas.

There has been some indication that the provision of the bill empowering the executive to name special and emergency policemen may not be entirely satisfactory. The citizens crime commission of this state expressed an objection in its annual report and law enforcement officers have called the section to my attention. It is for you to determine if it should be changed.

While these substantive changes are complex and may cause some disagreement, I anticipate no major objection to them that cannot be overcome by minor amendment.

The only loud objection that has been raised has been political. This bill creates six county council districts by serially combining the twelve senatorial districts that now exist in New Castle County. It gives every voter in New Castle County the right to vote for the president of the county council since he is elected at large.

I have read in the paper where certain Republicans have indicated that the district provisions favor the Democrats.

In a recent letter to one of those Republican leaders I commented:

"It would be ideal, as I have said on numerous occasions, if we could carve out six districts in New Castle County in which neither party would have any undue advantage and in which the best and most able candidate would, all other things being equal, emerge victorious.

"Unfortunately, the residential patterns that exist in our northernmost and most populous county, preclude such a possibility. It is inevitable that one party or the other is going to have some slight political advantage. I cannot conceive of the possibility of a General Assembly so heavily dominated by Democrats as is the 123rd enacting a law which would give partisan political advantage to the Republican Party."

The basic question in any event is not which party gets the advantage. The basic question is the reasonableness of these districts. Democrats outnumber Republicans by registration, not only in the City of Wilmington, but in outer New Castle County as well. It is said that these six districts will normally produce four Democratic districts and two Republican districts. Under the circumstances, given the composition of this General Assembly and the current registration figures in New Castle County, I feel that the districts are patently

fair. Even if the speculation as to election outcome proves correct, bipartisanship on the council will be assured.

Furthermore, it should be remembered that the Governor's committee made its report before the redistricting of the General Assembly. It is obviously easier to administer a county council district election if the established political boundaries are recognized. It also makes more sense to follow established lines as a matter of intelligent communication to the voter. Finally, it should be remembered that the districts established will never satisfy everyone and, since the legislation requires redistricting every ten years, the political dispute and machinery for resolving it is to some extent built into the system.

In view of all the speculation about election outcome, there is another point that should be stressed. I do not believe that any positive statement can be made in advance concerning the outcome of any election. We live in an era where both Houses of the Maine Legislature are Democratic, where Vermont has a Democratic Governor, and where South Carolina and Georgia were carried by the Republican presidential nominee. In Delaware, you can see more voter independence in every general election. Let us trust the people to exercise their franchise with sound judgement and high principle.

The legislation being introduced today does the job that needs to be done. It gives New Castle County a system of government that can supply the services needed and demanded by the residents of New Castle County. Everyone interested in the legislation will have an opportunity to study it between today and the date of the legislature's return to Dover. I urge each of you to consider it carefully and to enact this legislation as promptly upon your return. If you do, you will once again demonstrate your intention to keep faith with the people.

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

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

SB 102—An act to amend Sections 555 and 556, Title 28, Delaware Code, by increasing the state tax on Harness Racing pari-mutuel and totalizator pools and adjusting the Licensee's commissions.

Sen. Cook moved the Senate recess to the call of the Chair at 5:05 P.M.

The Senate returned to order at 5:40 P.M., Lt. Gov. Tribbitt presiding.

Sen. Dineen asked for the privilege of the floor for Mr. John Daniello to explain **HB 125**. No objections heard; privilege was then granted.

On the motion of Sen. Dineen, **HB 125** with **HA 1** with title as follows was taken up for consideration and read a

second time by title to pass the Senate.

HB 125 with **HA 1**—An act to regulate subdivision and land development in New Castle County.

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

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

ABSENT: Schlör—1.

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

Sen. McGinnis introduced the following bill (co-sponsor Steen), which was given first reading and referred to the Committee on Banking and Insurance.

SB 103—An act to amend Title 5 Delaware Code entitled "Banking" by adding thereto a new chapter 22 relating to Installment Loans.

Sen. DuPont asked for the privilege of the floor. No objections heard; privilege was then granted.

On motion of Sen. Hoey, **HB 91** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 91—An act appropriating money to the Delaware Commission for the Blind for direct payments to the needy blind of the State of Delaware.

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

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

ABSENT: Schlör—1.

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

Sen. Dineen introduced the following bill, (co-sponsors: Hoey, McGinnes, Davidson), which was given first reading and referred to the Committee on Revised Statutes.

SB 104—An act proposing amendments to the Constitution of the State of Delaware, by providing for reapportionment of the General Assembly.

Sen. Cook moved that **SB 87** with title as follows be retained by the Secretary of the Senate until the majority orders it delivered to the House or disposes of it as the majority wishes.

On the question "Shall the Bill pass the Senate?" the

yeas and nays were ordered which being taken were as follows:

YEAS: Bookhammer, Cook, Dineen, DuPont, Hoey, Kinahan, McGinnes, Robbins, Steen—9.

NAYS: Conner, Davidson, Manning, Martin, McCullough—5.

NOT VOTING: Carney, Holloway, Moore—3.

ABSENT: Schlör—1.

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

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

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

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

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

ABSENT: Schlör—1.

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

On motion of Sen. Moore, **HS 1** for **HB 18** 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 18**—An act to amend Section 4101, Title 15, Delaware Code, relating to the definition of political parties.

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

YEAS: Carney, Cook, Davidson, Dineen, Hoey, Manning, Martin, McCullough, Moore, Robbins, Steen—11.

NAYS: Conner—1.

NOT VOTING: Bookhammer, DuPont, Holloway, Kinahan, McGinnes—5.

ABSENT: Schlör—1.

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

Sen. Manning asked for the privilege of the floor for Senate Attorney, Mr. Sidney Balick. No objections heard;

privilege was then granted.

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

SB 105—An act to amend Section 667, Title 11, Delaware Code, entitled "Keeping of Slot Machines" by excluding pinball machines.

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

SB 106—An act to amend Chapter 5, Title 24, Delaware Code, entitled Chiropody, by including "Podiatry" as an alternative within said Chapter and by adding a new section after Section 515 dealing with the Right to Compensation from Insurance and Related Programs.

On motion of Sen. DuPont, **SB 88** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 88—An act to amend Section 1525, Title 9, Delaware Code, relating to Dumping of Garbage, Rubbage, Ashes, or other Waste Material.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Steen—16.

ABSENT: Hoey, Schlor—2.

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

On motion of Sen. Cook, **HB 161** with title as follows was taken up for consideration and read a first time by title in order to pass the Senate.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **HB 161**. Motion carried.

HB 161—An act to amend Chapter 130, Volume 54, Laws of Delaware, entitled "An Act Making a Supplementary Appropriation 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: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Steen—16.

ABSENT: Hoey, Schlor—2.

So the question was decided in the affirmative and the

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

Sen. Cook moved that the Senate adjourn until Monday, April 26, 1965. Motion carried and Senate adjourned at 7:15 P.M.

28TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Monday, April 26, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

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

Absent: None.

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

A communication to President Tribbitt was read inviting all Senators to the Policeman's Ball from the Delaware Association of Police, William Fischer, President.

A communication was read from Joseph Donald Craven enclosing a letter he was sending to President Johnson stating his personal position and advice on the Vietnam situation.

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

HB 31 with HA 1—Labor Committee

HCR 14—Adopted by voice vote.

HB 43—Elections Committee

HB 144—Banking and Insurance Committee

HB 136—Finance Committee

HB 53 with HA 1—Agriculture Committee

HB 153—Temperance Committee

HS 1 for HB 18—Elections Committee

Sen. Steen moved the Senate recess to the call of the Chair at 2:28 P.M.

The Senate returned to order at 4:28 P.M., Pres. Pro Tem Steen presiding.

Sen. DuPont introduced the following bill, (co-sponsors: Connor, Manning, Bookhammer, Kinahan), which was given first reading and referred to the Committee on Banking and Insurance.

SB 107—An act agreeing to a proposed amendment to Article VIII of the Constitution of the State of Delaware

relating to Revenue and Taxation and the State's borrowing money and pledging credit.

Sen. Martin reported the following bill from committee: **HB 31** with **HA 1**, 2 favorable, 3 merits.

Sen. McCullough reported the following bills from committee: **HB 27**, 2 favorable, 3 merits; **HB 29**, 2 favorable, 3 merits; **HB 144**, 3 favorable, 2 merits.

Sen. Dineen introduced the following **SA 2** to **SB 45** and asked that it be placed with bill.

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

SB 108—An act to amend Chapter 21, Title 24, Delaware Code, relating to Optometry.

Sen. Robbins reported the following bills from committee: **SB 89**, 4 favorable, 1 unfavorable; **HB 53**, 5 favorable.

Sen. Dineen moved the following House Concurrent Resolution, **HCR 9** which was given second reading. Adopted by voice vote.

Sen. Holloway reported the following bill from committee: **SB 7**, 3 favorable, 2 merits.

Sen. Bookhammer introduced the following bill which was given first reading and referred to the Committee on Fish, Oyster and Game.

SB 109—An act to amend Title 7, Delaware Code, Chapter 25, Relating to the Taking of Lobsters.

Sen. Steen moved the Senate recess to the call of the Chair at 4:52 P.M.

The Senate returned to order at 5:00 P.M., Pres. Pro Tem Steen presiding.

Sen. Cook introduced the following amendment, **SA 1** to **SB 35**, and asked for a roll call.

On motion of Sen. Cook **SA 1** to **SB 35** with title 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: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—18.

NAYS: None.

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

On motion of Sen. Bookhammer, **SB 35** with **SA 1** with

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

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

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

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

NAYS: None.

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

Sen. Cook moved that the Senate adjourn until Tuesday, April 27, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:07 P.M.

April 23, 1965

MEMORANDUM #5

TO: Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

FROM: William T. Quillen

The Governor signed the following legislation on the dates indicated:

April 15, 1965

SB 66, (Homebound Education Program); **HB 152**, (Assigned Chapter 32), (Kent County Borrowing Authority for Equipment)

April 19, 1965

SB 10, (Method of Pension Payment), **SB 33**, (Holt's Borrow Pit); **SB 34**, (Uniform Deceptive Trade Practices Act); **SB 69**, (Transfer—Budget Director's Accounts)

April 22, 1965

HB 32, (Consolidation of Registers in Chancery and Clerks of Orphans' Court); **HB 37**, (Salaries of Registers in Chancery and Clerks of Orphans' Court); **HB 37**, (Salaries of Registers in Chancery and Clerks of Orphans' Court); **HB 54**, (Seaford—Voting and Taxes); **HB 75**, (Seaford—Delinquent Taxes); **HB 127**, (Salary—Superintendent Public Building Commission); **HB 137**, (Emergency Fund for Boilers); **HJR 4**, (Roosevelt Resolution); **HJR 5**, (Agricultural Conservation Program and Soil Conservation Service)

29TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:27 P.M. on Tuesday, April 27, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Arthur James.

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

Senators absent: Martin—1.

The Secretary proceeded to read the Journal of the previous days session.

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

President Tribbitt introduced former Senator Evelyn Lord.

Sen. Hoey reported the following bills from committee: **SB 55**, 5 merits; **SB 100**, 5 merits.

Sen. Dineen moved that **SB 89** be brought up for final reading and vote.

Sen. DuPont moved for a 15 minute recess to caucus on **SB 89**. Motion was withdrawn by the maker.

Sen. Dineen moved to defer action on **SB 89**. Adopted by voice vote.

Sen. Steen moved that **SB 51** be stricken from the calender. Adopted by voice vote.

Sen. Steen moved the Senate recess to the call of the Chair at 2:48 P.M.

The Senate returned to order at 3:54 P.M. Pres. Pro Tem Steen presiding.

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

SB 110—An act to amend Title 31, Delaware Code, by redefining the financial participation of the Counties and the State in the State Public Assistance Code.

Sen. Connor introduced the following resolution which was given first reading and referred to the Committee on Public Health.

SR 54—Relating to employment of Game Law violators by the Board of Game and Fish Commissioners.

Sen. Dineen moved the following bill, **SB 89** be brought up for final reading and vote. Sen. DuPont moved for a 15 minute recess to caucus on **SB 89**. Motion was withdrawn by the maker. Sen. Dineen moved to defer action on **SB 89**. Adopted by voice vote.

Sen. Steen requested that **SB 51** be stricken from the calendar. Adopted by voice vote.

Sen. Steen moved the Senate recess to the call of the Chair at 2:48 P.M.

Sen. Bookhammer introduced the following resolution.

SR 54—Relating to employment of Game Law violators by the Board of Game and Fish Commissioners.

Sen. Cook moved to table **SR 54**. Adopted by voice vote.

Sen. Bookhammer asked for the privilege of the floor for personal reasons. No objections heard; privilege was then granted.

On motion of Sen. Dineen, **SB 89** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 89—An act to amend Section 2507, Title 14, Delaware Code, entitled "New High School Districts" by allowing for appointments by the Governor.

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

YEAS: Carney, Cook, Davidson, Dineen, Hoey, Hollo-way, McCullough, Moore, Robbins, Schlör, Steen—11.

NAYS: Bookhammer, Conner, DuPont—3.

NOT VOTING: Kinahan—1.

ABSENT: Manning, Martin, McGinnes—3.

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

Sen. Hoey introduced the following bill which was given first reading and referred to the Committee on Fish, Oyster and Game.

SB 112—An act to amend Section 4702, Title 7, Delaware Code, relating to the appointment and qualifications of the Members of the State Park Commission.

Sen. Dineen introduced the following bill, (co-sponsor: Sen. Carney), which was given first reading and referred to the Committee on Education.

SB 113—An act to amend Section 1403, Title 14, Delaware Code, relating to "Education" by redefining the application of Chapter 14.

Sen. Cook moved that the Senate adjourn until Wednesday, April 28, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:15 P.M.

30TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:37 P.M. on Wednesday, April 28, 1965, Lt. Gov. Tribbitt presiding. Prayer by the Chaplain, Arthur James.

By roll call the following Senators were present—

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

Absent: None.

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

Sen. Dineen thanked Reverend Arthur L. James for serving as Senate Chaplain and introduced the new Senate Chaplain, Reverend Zoltan Szucs.

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

HB 123—Temperance

HB 151—Miscellaneous

HB 121—Education

HB 154—Education

HCR 15—Claims

Sen. Dineen moved that **SB 45** with **SA 1** and **SA 2** be brought up for final reading and vote. Sen. Dineen presented a letter from Governor Terry and asked that it be read. Sen. Dineen moved to adopt **SA 2** to **SB 45**. Sen. Dineen moved to withdraw his motion to adopt **SA 2** to **SB 45**. Sen. Dineen asked for the privilege of the floor for Mr. Lawrence Pont, Assistant Director of Surplus Food for Schools and Needy Persons. Granted. Sen. Dineen asked for the privilege of the floor for Mrs. Alice Rupert, Chairman of the Legislative Committee of the Surplus Committee for the School Lunch Program. Granted. Sen. Cook asked for the privilege of the floor for Mrs. Irene Kersey, School Lunch Manager for the Caesar Rodney School District. Granted. Sen. Cook asked for the privilege of the floor for Mrs. Helen LeKates, Manager of the Greenwood School Cafeteria. Granted. Sen. Dineen moved to defer action on **SB 45**. Adopted by voice vote.

Sen. Connor asked for the privilege of the floor for personal reasons. No objections heard; privilege was then granted.

Sen. Steen asked for a communication from H. A. Kelley, Supervising Principal and Clerk of the Board of Trustees of Delmar Public Schools, be read. Communication was read.

Sen. Steen asked for the privilege of the floor for Mr. Hugh A. Kelly. No objections heard; privilege was then granted.

On motion of Sen. Steen, **SB 100** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 100—An act making a supplementary appropriation to the Delmar School District to pay off the Building Program Account.

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

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

NAYS: Hoey—1.

ABSENT: Martin—1.

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

Sen. McCullough asked for the privilege of the floor for Randolph Hughes. No objections heard; privilege was then granted.

On motion of Sen. McCullough, **HB 27** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 27—An act to amend Chapter 9 of Title 5 of the Delaware Code relating to regulations governing business of Banks and Trust Companies.

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

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

ABSENT: Davidson—1.

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

On motion of Sen. McCullough, **HB 22** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 22—An act making a supplementary appropriation to Gumboro School No. 37 for the fiscal year ending June 30, 1964.

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

YEAS: Bookhammer, Carney, Conner, Cook, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NAYS: None.

ABSENT: Davidson, Hoey—2.

So the question was decided in the affirmative and the

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

Sen. McGinnes reported the following bill from committee: **HB 26**—3 favorable, 2 merits.

On motion of Sen. McGinnes, **HB 26** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. McGinnes moved that Rule 9 be suspended for the purpose of considering **HB 26**. Motion carried.

HB 26—An act to amend Chapter 5 of Title 1 of the Delaware Code, relating to legal holidays.

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

YEAS: Bookhammer, Carney, Conner, Cook, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NAYS: None.

ABSENT: Davidson, Hoey—2.

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

Sen. Bookhammer asked for the privilege of the floor to discuss **SR 54**. No objections heard; privilege was then granted.

On motion of Sen. Bookhammer, **SR 54** with title as follows be lifted from table and acted upon.

SR 54—Relating to employment of game law violators by the Board of Game and Fish Commissioners.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NAYS: Carney, Cook, Dineen, Martin, McCullough, McGinnes, Moore, Schlör, Steen—9.

NOT VOTING: Holloway, Robbins—2.

ABSENT: Davidson—1.

So the question was decided in the negative and the bill was lost.

President Tribbitt introduced Mrs. Kinahan, wife of Sen. Kinahan, and Mrs. Fowle, mother-in-law of Sen. Kinahan, to the Senate.

On motion of Sen. Robbins, **HB 54** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 54—An act to amend an act being Chapter 42 of

Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising, and Consolidating the Charter of the City of Seaford" by permitting certain persons to vote and by exempting certain persons from being assessed a capitation tax.

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

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

NAYS: None.

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

Sen. Steen moved the Senate recess to the call of the Chair at 4:45 P.M.

The Senate returned to order at 5:20 P.M., Lt. Gov. Tribbitt presiding.

Sen. Holloway introduced the following bill (co-sponsored by Senators Moore and Martin), which was given first reading and referred to the committee on Temperance.

SB 114—An act to amend Section 555, Title 4, Delaware Code, relating to license fees for the sale of alcoholic liquor.

Sen. Hoey reported the following bill from committee: **HB 20**—5 merits.

Sen. Hoey introduced **SA 1** to **SB 113** and moved it be placed with the bill. Adopted by voice vote.

Sen. Cook moved that the Senate adjourn until Thursday, April 29, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:25 P.M.

August 17, 1961

Certificate of Necessity issued for Delmar School Construction

States Share	\$278,400.00
Local Share	\$185,600.00
Total	<u>\$464,000.00</u>

November 4, 1961

Referendum for School Construction approved by the Delmar voters.

August 15, 1962

Bids for School Construction opened

The Delmar Board of School Trustees was assured by the Delaware School Auxiliary Association and the School Architect that the correct wage scale was used in determining specifications for the project and that all other regulations were complied with.

August 15, 1962

John L. Briggs determined to be the low bidder for basic construction.

September 10, 1962

Advised by the Labor and Industrial Relations Board that the issuance of a contract was not legal because new wage rates had been established.

September 27, 1962

Request for an opinion from the Attorney General made.

New specifications drawn up using the new wage rates
November 28, 1962

Bids opened and John L. Briggs determined the low bidder. The increase caused by the change in rates results in the following deficit:

John L. Briggs, Contractor, Georgetown, Del.	\$11,192.04
W. Ellis Preston, R.A., Wilmington, Del.	\$ 6,319.74

Total amount	\$17,511.78
--------------	-------------

The Delmar, Delaware and Delmar, Maryland operate their schools jointly. All children in the elementary grades attend the elementary school located in Maryland. All students in grades seven through twelve attend the school located in Delaware. Delaware pays \$200.00 tuition to Maryland for each Delaware Elementary child attending school in Maryland. Maryland pays \$240.00 tuition to Delaware for each Maryland student attending grades seven through twelve in Delaware. The financial balance due to the tuition exchange amounts to \$113,015.00 in Delaware's favor—during the years 1953-1954 through the 1964-65 term. Mr. Royd Mahaffey, County Superintendent of the Wicomico County School District furnished the financial information concerning tuition balance on this date April 28, 1965.

We request that from this amount, \$113,015.00, the sum of \$17,511.78 be appropriated to the Delmar School District to pay the balance due on this construction account.

EXECUTIVE DEPARTMENT

Dover, Delaware

To: The Members of the 123rd General Assembly

After careful study and consideration, I endorse Senate Bill 45 which has been introduced by Sen. Russell D. F. Dineen and Sen. James D. McGinnes. I also support the amendment of Sen. Dineen.

The Bill provides for the creation of a State Distribution Agency to handle: the Surplus Commodity Program for needy families; the School lunch program, summer camp program, and the institutional programs under Section 416 of Agricultural Act; and the Special Milk Programs

of the United States Department of Agriculture. It seems to me to be highly desirable to have these various programs administered by a single agency.

The agency would also become the State Agency for Surplus Property. The present statute directs that this function shall be performed by the State Board of Trustees of the Delaware State Hospital. The Surplus Property function is unrelated to the policy decisions of the Mental Health Program and, in my opinion, should be separated from it.

Moreover, the Bill provides that the Distribution Agency may inaugurate a system of central purchasing for those agencies of the State desiring to participate. I feel that experience has shown that bulk purchasing can result in major savings for the State. Therefore I endorse this further step.

I would appreciate it if the General Assembly would give careful consideration to Senate Bill 45. It is my opinion that its enactment would be a prudently progressive step forward.

Sincerely,
Charles L. Terry, Jr.

31ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:12 P.M. on April 29, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zolton Szucs.

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

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

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

Sen. Manning submitted a communication from the City of Newark containing a copy of the City of Newark's proposed Charter as adopted by referendum on April 13, 1965 and a proclamation by Joseph A. Shields, Mayor of Newark.
Office of Secretary
April 27, 1965

The Honorable Curtis W. Steen
President Pro Tem of the Senate
State of Delaware
Dover, Delaware

Dear Sir:

Pursuant to Section 813 (c), Chapter 260, Vol. 53, Laws of Delaware, and as directed by the Mayor of the

City of Newark, I am hereby submitting a complete and exact copy of the City of Newark's proposed Charter as adopted by referendum on April 13, 1965, and as certified by the Chairman of the City of Newark Charter Commission, Mr. Samuel Handloff, as truly conforming to the vote of the majority of the citizens of Newark.

Also enclosed is an executed proclamation by Mayor Joseph A. Shields attesting the adoption of this Charter.

Yours truly

Charles D. Long

Secretary of the Council
of the City of Newark

CDL:bjs

Enc.

PROCLAMATION

WHEREAS, the Council of the City of Newark, at a regular meeting held September 28, 1964, voted to present the proposed Charter to the citizens of Newark at a referendum to be held on the second Tuesday in April, 1965, and

WHEREAS, a referendum was held on April 13, 1965, at which time, the citizens of Newark voted on the proposed Charter and four alternates, and

WHEREAS, pursuant to Chapter 260, Vol. 53, Section 813 (b), Laws of Delaware, the City of Newark election officials have certified the results of the referendum to the Chief Executive Officer of the City of Newark, and

WHEREAS, Section 303, Section 306, Section 702.1 and Section 702.2 of the proposed Charter have been changed to conform to the majority vote of the citizens of the City of Newark on the four alternates, and

WHEREAS, the Chairman of the Newark Charter Commission has certified to the Chief Executive of the City of Newark that the proposed Charter with above sections changed, does truly conform to the majority vote of the citizens of Newark at said referendum election;

NOW, THEREFORE, BE IT RESOLVED that I, Joseph A. Shields, Mayor of the City of Newark, in the State of Delaware, do hereby proclaim that the proposed Charter with Section 303, Section 306, Section 702.1 and Section 702.2 changed to conform to the majority vote of the citizens of the City of Newark is hereby adopted. I further direct, pursuant to Chapter 260, Vol. 53, Section 813(c), Laws of Delaware, that copies thereof be filed forthwith with the Governor, President Pro Tem of the Senate, Speaker of the House, Secretary of State, and the Director of the Legislative Reference Bureau.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the City of Newark

to be affixed and attested this 26th day of April, 1965.

J. A. SHIELD

Mayor, City of Newark, Delaware

Attest:

CHARLES D. LONG

Secretary—City of Newark

**CITY CHARTER
FOR THE
CITY OF NEWARK
DELAWARE**

April, 1965

PREAMBLE

We, the people of Newark, in the County of New Castle and the State of Delaware, in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self-government under the Constitution and laws of the State of Delaware, pursuant to the provisions of Chapter 8 of Title 2, Delaware Code, and as defined by Section 801 (d) of said Chapter 8 of Title 22, Delaware Code, do hereby adopt this Charter amendment which shall amend, codify and replace as applicable the present Charter of the City of Newark, said Charter being Chapter 152 of volume 48, Laws of Delaware, as amended.

TABLE OF CONTENTS

ARTICLE I—INCORPORATION

	Page
Sec. 101—Incorporation	1
Sec. 102—Boundaries	1
Sec. 103—Annexation	4
Sec. 104—Districts	4
104.1—District 1	4
104.2—District 2	4
104.3—District 3	4
104.4—District 4	5
104.5—District 5	5
104.6—District 6	5
104.7—Reapportionment	5

ARTICLE II—POWERS OF THE CITY

Sec. 201—Powers of the City	7
Sec. 202—Intergovernmental Relations	8

ARTICLE III—STRUCTURE OF GOVERNMENT

Sec. 301—Form of Government	9
-----------------------------------	---

Sec. 302—Composition of Government	9
Sec. 303—Qualifications for Council	9
Sec. 304—Election and Term of Office	10
304.1—Election of Mayor	10
304.2—Election of Councilmen	10
304.3—Day for Regular Elections	10
304.4—Term of Office	10
Sec. 305—Council Prohibitions	10
Sec. 306—Vacancies and Forfeitures of Office	11
Sec. 307—Judge of Qualifications of Members	12
Sec. 308—Council Compensation and Expenses	12
Sec. 309—Meetings of Council	13
Sec. 310—Mayor's Relationship to Council	13
Sec. 311—Rules of Procedure	14
Sec. 312—Quorum and Majority Requirement	14

ARTICLE IV—POWERS OF COUNCIL

Sec. 401—General Powers	15
Sec. 402—Ordinance Procedure	17
402.1—When Required	17
402.2—Enacting Procedure	17
402.3—Emergency Ordinances	18
402.4—Codes of Technical Regulations	19
402.5—Authentication and Codification ...	19
Sec. 403—Investigations	20
Sec. 404—Power to Raise Revenue	20
Sec. 405—The City May Engage in Business	21
Sec. 406—Borrowing for Current Expenses	22
Sec. 407—Power to Incur Bonded Indebtedness	23
407.1—Power to Borrow Money	23
407.2—Method of Borrowing Money	25
Sec. 408—Acquisition of Property	27
Sec. 409—Power of City Over Streets	28
Sec. 410—Sewer and Water Improvements	28
Sec. 411—Construction of Sidewalks	30

ARTICLE V—PROPERTY AND SPECIAL ASSESSMENTS

Sec. 501—Property Assessments	31
501.1—Property Assessment Procedure	31
501.2—Collection of Taxes	33
Sec. 502—Levying of Special Assessments	39
502.1—Municipal Lien Docket	41
502.2—Assessments Payable in Installments	41

ARTICLE VI—COUNCIL APPOINTMENTS

Sec. 601—Solicitor	42
Sec. 602—Alderman	42
Sec. 603—Board of Health	44

ARTICLE VII—CITY ADMINISTRATION

Sec. 701—City Manager	46
701.1—Appointment	46
701.2—Removal of the City Manager	46
701.3—Acting City Manager	47
701.4—Powers and Duties of City Manager ..	47
Sec. 702—Creation of Departments	49
702.1—City Secretary	49
702.2—Finance Department	50
702.3—Police Department	51
702.4—Planning Department	51
Sec. 703—Administrative Policy	52
703.1—Personnel Provisions	52
703.2—Retirement Plan	53
703.3—Purchasing and Contracting	53

ARTICLE VIII—FINANCIAL PROCEDURE

Sec. 801—Fiscal Year	55
Sec. 802—Submission of Budget	55
802.1—Budget Message	55
802.2—Budget	55
Sec. 803—Council Action on the Budget	56
Sec. 804—Budget Amendments After Adoption	57
Sec. 805—Prohibited Budgetary Actions	58
Sec. 806—Capital Program	59
806.1—Submission to Council	59
806.2—Council Action on Capital Program ..	60
806.3—Definition of "Capital"	60
806.4—Perpetuation of Program	60
Sec. 807—Independent Audit	60

ARTICLE IX—PLANNING

Sec. 901—Planning Commission	62
Sec. 902—Comprehensive Development Plan	62
902.1—Development	62
902.2—Adoption of the Development Plan ..	63
902.3—Implementation of the Development Plan	64
Sec. 903—Official Map	64
903.1—Adoption	64
903.2—Enforcement of Official Map	66
Sec. 904—Limitations on Planning	66

ARTICLE X—NOMINATIONS AND ELECTIONS

Sec. 1001—Council Nominations	67
Sec. 1002—Election Procedure	67
1002.1—Voting Qualifications	67
1002.2—Election Officers	68
1002.3—Absentee Voting	69

1002.4—Polling Places and Regulations . . .	69
1002.5—Ballots	69

ARTICLE XI—GENERAL PROVISIONS

Sec. 1101—Performance Bonds	71
Sec. 1102—Oath of Office	71
Sec. 1103—Charter Amendments	71
Sec. 1104—General Prohibitions	72
Sec. 1105—Transfer of Powers	74
Sec. 1106—Severability	74

ARTICLE XII—TRANSITIONAL PROVISIONS

Sec. 1201—Former Government in Force	75
Sec. 1202—Continuance in Office	75
Sec. 1203—Effective Date	75

CHARTER

OF THE

CITY OF NEWARK

ARTICLE I—INCORPORATION

101—INCORPORATION—The inhabitants of the City of Newark within the corporate limits as defined in Section 102 of this act or subsequently altered by annexation procedures shall be known as the "City of Newark" and continue to be a municipal body politic and corporate in perpetuity.

102—BOUNDARIES—The Boundaries of the City of Newark are hereby established and declared to be as follows:

Beginning at the intersection of the northerly side of White Clay Creek and the center line of Old Capitol Trail (Delaware Route 2) ; thence, due south 1982.94 feet to the center line of the Baltimore and Ohio Railroad ; thence by the said center line of the Baltimore and Ohio Railroad S. 84 degrees 15 minutes 20 seconds W. 1170.98 feet to the westerly line, extended, of property now or formerly of Frank Stafford ; thence, by the said westerly line of property now or formerly of Frank Stafford S .05 degrees 03 minutes 40 seconds E. 239.39 feet to the point of intersection of the said westerly line, extended, of property now or formerly of Frank Stafford and the center line of the Newark-Ogletown Road (Delaware Route 273) ; thence, westerly along the said center line of the Newark-Ogletown Road the following courses and distances :

- (1) along an arc of radius 1432.69 feet curving to the left a distance of 446.76 feet to a point.
- (2) S. 76 degrees 24 minutes 50 seconds W. 1046.50 feet to a point,
- (3) along an arc of radius 2864.93 feet curving to the

left a distance of 296.70 feet to a point,

- (4) S. 70 degrees 28 minutes 30 seconds W. 405.80 feet to a point,
- (5) along an arc of radius 2864.93 feet curving to the right a distance of 509.20 feet to a point.
- (6) S. 80 degrees 39 minutes 30 seconds W. 93.82 feet to the point of intersection of the said center line of the Newark-Ogletown Road and the easterly line, extended, of property now or formerly of Etta J. Wilson;

hence, southerly along the said easterly line of property now or formerly of Etta J. Wilson S. 06 degrees 07 minutes 40 seconds E. 1028.45 feet to a point in the northerly right of way line of Delaware Avenue Extension; thence, S. 05 degrees 31 minutes 50 seconds E. 1171.01 feet to the northerly line of property now or formerly of the Manor Real Estate and Trust Company; thence along the said northerly line of property now or formerly of the Manor Real Estate and Trust Company N. 68 degrees 09 minutes 20 seconds E. 1827.29 feet to the point of intersection of said northerly line, extended, of property now or formerly of the Manor Real Estate and Trust Company and the center line of Marrow's Road; thence southeasterly along the said center line of Marrow's Road the following courses and distances:

- (1) S. 19 degrees 46 minutes 00 seconds E. 666.32 feet to a point,
- (2) along an arc of radius 5729.65 feet curving to the left a distance of 208.34 feet to a point,
- (3) S. 21 degrees 51 minutes E. 325.82 feet to the point of intersection of the said center line of Marrow's Road and the Pennsylvania Railroad main line southerly right of way line;

thence, westerly along the said southerly right of way line of the Pennsylvania Railroad the following courses and distances:

- (1) S. 68 degrees 09 minutes W. 375.00 feet to a point,
- (2) S. 71 degrees 00 minutes W. 801.00 feet to a point,
- (3) S. 68 degrees 09 minutes 20 seconds W. 1399.78 feet to the westerly line of property now or formerly of W. C. Carter;

thence, S. 36 degrees 53 minutes 50 seconds E. 876.61 feet to the southerly line of property now or formerly of W. C. Carter; thence, N. 83 degrees 57 minutes E. 1349.85 feet along the said southerly line of property now or formerly of W. C. Carter; thence, S. 25 degrees 42 minutes 40 seconds W. 4849.43 feet crossing South Chapel Street, extended to the point of intersection of the center line of the Delaware City Branch of the Pennsylvania Railroad and the northerly side of the Chestnut Hill-Ogletown Road; thence, westerly

along the said northerly side of Chestnut Hill-Ogletown Road the following courses and distances:

- (1) S. 63 degrees 30 minutes 05 seconds W. 1662.29 feet to a point,
 - (2) along an arc of radius 3779.83 feet curving to the right a distance of 1209.86 feet to a point;
- thence, crossing this said road along the northwesterly side of Old Chestnut Hill Road S. 47 degrees 34 minutes 30 seconds W. 1150.50 feet to a point in the easterly right of way line of Route 896; thence, along this easterly right of way line by an arc of radius 3779.83 feet curving to the left a distance of 916 feet more or less to a point in the intersection of Old Cooch's Bridge Road; thence, partially around the perimeters of the areas annexed under Ordinances 64-9 and 64-32, the following courses and distances:

- (1) North 84 degrees 30 minutes East 300 feet to a point,
- (2) North 87 degrees 42 minutes East 22.98 feet to a point,
- (3) South 44 degrees 38 minutes 40 seconds East along the rear property line of lots 1, 2 and 3 of Yorkshire,
- (4) crossing Edjil Drive South 79 degrees 38 minutes 40 seconds East to a point,
- (5) South 8 degrees 20 minutes East 95 feet along the rear property line of lot 11 of Yorkshire,
- (6) South 73 degrees 16 minutes 50 seconds East 181.02 feet to a point,
- (7) North 67 degrees 10 minutes East 137.38 feet to a point on the southwesterly right of way line of Janice Drive,
- (8) by the said southwesterly right of way line of Janice Drive curving to the left an arc distance of 34.08 feet to a point,
- (9) still along this right of way line South 35 degrees 51 minutes East 543.10 feet to a point,
- (10) North 71 degrees 9 minutes East 53 feet across Janice Drive to a point on the northeasterly right of way line,
- (11) North 54 degrees 9 minutes East 80 feet to a point,
- (12) South 85 degrees 15 minutes East 46.10 feet to a point,
- (13) North 13 degrees 33 minutes East 46.10 feet to a point,
- (14) North 54 degrees 9 minutes East 80 feet to a point in the Southwesterly right of way line of Dona Drive,
- (15) North 57 degrees 39 minutes East 50 feet across said Dona Drive to a point in its northeasterly right of way line,

- (16) North 54 degrees 9 minutes East 80 feet to a point,
- (17) North 70 degrees 14 minutes 20 seconds East 184.89 feet to a point,
- (18) North 2 degrees 18 minutes West 194.43 feet to a point,
- (19) North 43 degrees 56 minutes West 60.21 feet to a point,
- (20) North 2 degrees 18 minutes West 85 feet to a point in the southerly right of way line of Edjil Drive,
- (21) North 31 degrees 18 minutes West 69 feet to a point in the northerly right of way line of said Edjil Drive,
- (22) North 2 degrees 18 minutes West 115 feet to a point in the line of lands now or late of Frank Moody,
- (23) by said lands now or late of Moody North 87 degrees 42 minutes East 370 feet to a point being a corner of lands now or late of Robert Reed, Jr.,
- (24) by said lands now or late of Reed South 2 degrees 18 minutes East 1090 feet more or less to a point in the right of way of Janice Drive,
- (25) by a new course along the lands of Reed North 89 degrees 45 minutes East 2987.78 feet to a point in the westerly right of way line of the Pennsylvania Railroad (Newark, Delaware City Branch),
- (26) by the said westerly right of way line South 6 degrees 00 minutes East 460.62 feet to a point,
- (27) continuing by the said westerly right of way line curving to the left a distance of 670.94 feet along an arc of radius 7669.49 feet to a point being a corner of lands now or late of Joseph W. Cooch and William Cooch,
- (28) by said lands of Cooch South 83 degrees 00 minutes West 1803.20 feet to a point of being the corner of lands now or late of Dorothy W. Milliken,
- (29) by the said lands of Milliken North 29 degrees 55 minutes West 284.34 feet to another corner point,
- (30) by a new course along the lands of Milliken and crossing Old Cooch's Bridge Road South 49 degrees 37 minutes West 199.88 feet more or less to the southwesterly right of way line of Old Cooch's Bridge Road,
- (31) along this right of way line North 40 degrees 23 minutes West 398.20 feet to a point,
- (32) North 40 degrees 19 minutes West 170 feet more or less to the northerly corner of lands now or late of Carl H. Dobrindt and wife;
- (33) by the said lands of Carl H. Dobrindt, South 47 degrees 38 minutes 12.5 seconds West 184.12 feet

- to a point in the newly established right of way line for the Delaware Turnpike;
- (34) by the said right of way line, the following courses and distances:
 - (1) North 53 degrees 40 minutes 42 seconds West 7.16 feet to a point;
 - (2) North 57 degrees 58 minutes 42 seconds West 69.02 feet to a point;
 - (3) North 74 degrees 43 minutes 18 seconds West 33.00 feet to a point in the line of lands now or late of William Trush and wife;
 - (35) by the said lands of William Trush North 34 degrees 17 minutes 05 seconds West 78.88 feet to a corner of lands now or late of Cloyce H. Heegard and wife;
 - (36) by the said lands of Cloyce H. Heegard North 76 degrees 17 minutes 05 seconds West 212.97 feet to a point in the newly established right of way for the Delaware Turnpike where it crosses the line of lands now or late of William Reed and wife;
 - (37) by the said right of way line, the following courses and distances:
 - (1) North 63 degrees 46 minutes 41 seconds West 87.83 feet to a point;
 - (2) North 65 degrees 27 minutes 58 seconds West 140.78 feet to a point;
 - (3) North 69 degrees 09 minutes 13 seconds West 109.19 feet to a point;
 - (4) North 78 degrees 47 minutes 49 seconds West 82.69 feet to a point;
 - (5) North 43 degrees 34 minutes 37 seconds East 11.66 feet to a point;
 - (6) Along an arc of radius 665.00 feet curving to the left a distance of 111.56 feet to a point;
 - (7) North 35 degrees 19 minutes 18.7 seconds West 372.85 feet to a corner of lands now or late of Howard Johnson Restaurant, Inc.;
 - (38) along said line of lands of Howard Johnson Restaurant, Inc., South 54 degrees 05 minutes 20 seconds West 534.80 feet to a point in the easterly right of way of Route 896,
 - (39) crossing the said right of way South 44 degrees 30 minutes West 85 feet more or less to a point on the westerly right of way of Route 896,
 - (40) along the southerly property line of lands now or formerly of Commonwealth Realty Company South 50 degrees 32 minutes 56 seconds West 280 feet more or less to the center line of the Christiana Creek,
 - (41) along the said center line of the Christiana Creek

by its various meanderings a distance of 720 feet more or less to a point in the said Creek on the northerly side of Welsh Tract Church Road; thence, continuing along the center line of the said Creek the following two courses and distances:

(1) N. 38 degrees 23 minutes 25 seconds W. 193.86 feet to a point;

(2) N. 43 degrees 41 minutes 32 seconds W. 105.00 feet to a point;

thence, S. 81 degrees 28 minutes 48.9 seconds W. 33.19 feet to a point on the westerly bank of the said creek; thence along another line S. 82 degrees 09 minutes 56.9 seconds W. 965.19 feet to a point in the easterly line of lands of Rolling Green; thence along the south property line of said Rolling Green S. 82 degrees 11 minutes 38.3 seconds W. 744.37 feet to a point in the westerly property line of Rolling Green; thence, along the said westerly property line of Rolling Green N. 11 degrees 50 minutes 50 seconds W. 130.52 feet to a point in line of lands known as Norfolk Manor; thence, along the said line of lands of Norfolk Manor S. 81 degrees 37 minutes 25 seconds W. 803.34 feet to a point in line of the westerly right of way line, extended, of Arbour Drive; thence, N. 06 degrees 10 minutes 13.1 seconds W. 826.17 feet crossing Old Chestnut Hill Road and along the said westerly right of way line of Arbour Drive to a point in line with the southerly property line of Arbour Park; thence, along the said southerly property line of Arbour Park the following three courses and distances:

(1) S. 79 degrees 21 minutes 50 seconds W. 673.48 feet to a point,

(2) N. 14 degrees 42 minutes 00 seconds W. 288.01 feet to a point,

(3) S. 77 degrees 48 minutes 51.9 seconds W. 1455.77 feet to a point in line with the westerly property line of Arbour Park;

thence, along said westerly property line of Arbour Park N. 05 degrees 05 minutes 45.5 seconds W. 452.09 feet to a point in line of lands now or formerly of the Delaware Water Company; thence, by the westerly line of property now or formerly of the Delaware Water Company the following two courses and distances:

(1) N. 05 degrees 05 minutes 50 seconds W. 401.02 feet to a point,

(2) N. 28 degrees 28 minutes 20.7 seconds W. 300.09 feet to a point in another westerly line of property of Arbour Park;

thence, by the said westerly line of property of Arbour Park N. 28 degrees 26 minutes 50.3 seconds W. 926.52 feet to the point of intersection of the said westerly line and the northerly line of property of Arbour Park; thence, continuing, N. 28 degrees 26 minutes 50.3 seconds W. 1482.10 feet to a

point on the southwesterly side of the Christiana Creek; thence, northwesterly, by the various courses of the said southwesterly side of the Christiana Creek 3300 feet more or less to the point of intersection of said southwesterly side of the Christiana Creek and the center line of the Newark-Elkton Road (Delaware Route 2); thence, northeasterly along the said center line of the Newark-Elkton Road the following two courses and distances:

- (1) N. 41 degrees 42 minutes 10 seconds E. 807.41 feet to a point,
- (2) N. 41 degrees 16 minutes 40 seconds E. 70.48 feet to the point of intersection of the northeasterly line, extended, of property now or formerly of A. Hallier Johnson and the said center line of the Newark-Elkton Road;

thence, crossing the said Newark-Elkton Road N. 25 degrees 33 minutes 30 seconds W. 709.54 feet to a point in the line of property of Westfield; thence, by the said line of property of Westfield the following three courses and distances:

- (1) S. 49 degrees 04 minutes 10 seconds W. 343.44 feet to a point;
- (2) N. 76 degrees 57 minutes 50 seconds W. 518.74 feet to a point;
- (3) N. 04 degrees 15 minutes 10 seconds E. 382.29 feet to a point of intersection of the easterly side of Casho Mill Road and the northeasterly line of property now or formerly of Edward Wilson;

thence, N. 42 degrees 21 minutes 10 seconds E. 1849.96 feet to a point in the center line of the Baltimore and Ohio Railroad right of way; thence, along the said center line of the Baltimore and Ohio Railroad right of way S. 68 degrees 24 minutes 40 seconds W. 1483.80 feet to the point of intersection of the said center line of the Baltimore and Ohio Railroad right of way and the easterly side of Casho Mill Road; thence, along the said easterly side of Casho Mill Road N. 20 degrees 44 minutes 50 seconds W. 1018.14 feet to the point of intersection of the said easterly side of Casho Mill Road and the center line of Barksdale Road; thence, westerly by the said center line of Barksdale Road the following two courses and distances:

- (1) S. 78 degrees 31 minutes W. 28.19 feet to a point,
- (2) S. 77 degrees 51 minutes 10 seconds W. 438.94 feet to the point of intersection of the said center line of Barksdale Road and line of property, extended, now or formerly of Godwin;

thence, crossing Barksdale Road by the said line of property now or formerly of Godwin N. 10 degrees 08 minutes 50 seconds W. 177.00 feet to a point in the southerly line of property of Cherry Hill S. 79 degrees 15 minutes 10 seconds W. 1032.61 feet to a point in the line of property now or

formerly of F. P. Adams; thence, along the said line of property now or formerly of F. P. Adams N. 28 degrees 27 minutes 50 seconds W. 192.57 feet to a point on the easterly side of the Christiana Creek; thence, northerly by the various courses of the said easterly side of the Christiana Creek 2350 feet more or less to a point in the southerly line, extended, of property of Timber Creek Development; thence partially around the perimeter of Timber Creek Development, the following courses and distances:

- (1) by the lands now or formerly of Ella F. Cranston the following four courses and distances:
 - (a) crossing the Chrisitana Creek S. 86 degrees 49 minutes 43 seconds W. 130 feet more or less to a point,
 - (b) S. 03 degrees 10 minutes 17 seconds E. 137.00 feet to a point,
 - (c) S. 05 degrees 04 minutes 93 seconds W. 70.50 feet to a point,
 - (d) S. 44 degrees 49 minutes 43 seconds W. 191.00 feet to a point in the easterly line of Christine Manor Development;
- (2) by the said easterly line of Christine Manor Development N. 25 degrees 40 minutes 17 seconds W. 1723.57 feet to a point in the line of lands now or formerly of Archie Peele;
- (3) by the said lands now or formerly of Archie Peele, the following five courses and distances:
 - (a) N. 43 degrees 31 minutes 42 seconds E. 164.99 feet to a point,
 - (b) N. 60 degrees 16 minutes 42 seconds E. 85.80 feet to a point,
 - (c) N. 01 degrees 46 minutes 42 seconds E. 271.92 feet to a point,
 - (d) N. 03 degrees 01 minute 42 seconds E. 181.50 feet to a point,
 - (e) N. 07 degrees 46 minutes 42 seconds E. 125.46 feet to a point in Church Road;
- (4) along the said Church Road the following three courses and distances:
 - (a) N. 81 degrees 11 minutes 55 seconds W. 347.70 feet to a point,
 - (b) N. 80 degrees 59 minutes 09 seconds W. 46.72 feet to a point,
 - (c) N. 77 degrees 32 minutes 09 seconds W. 53.57 feet to a corner point in the lands now or formerly of Albert L. Lackman;
- (5) by the said lands now or formerly of Albert L. Lackman N. 11 degrees 16 minutes 40 seconds E. 634.98 feet to the point of intersection with the line of lands now or formerly of John T. Steele;

- (6) by the said line of lands now or formerly of John T. Steele the following two courses and distances:
 - (a) S. 78 degrees 43 minutes 18 seconds E. 624.62 feet to a point,
 - (b) N. 12 degrees 57 minutes 30 seconds E. 349.59 feet to the point of intersection with the southerly right of way line of Nottingham Road;
- (7) by the said southerly right of way line of Nottingham Road S. 63 degrees 33 minutes 36 seconds E. 551.48 feet to a corner point of the lands now or formerly of Van Pelt;
- (8) by the said lands now or formerly of Van Pelt the following two courses and distances:
 - (a) S. 22 degrees 14 minutes 20 seconds W. 155.81 feet to a point,
 - (b) S. 67 degrees 18 minutes 55 seconds E. 125.01 feet passing along the lands now or formerly of Marpede, Inc., to a point in the line of lands now or formerly of Ralph E. Vannoy,
- (9) by the said lands now or formerly of Ralph E. Vannoy the following three courses and distances:
 - (a) S. 22 degrees 06 minutes 08 seconds W. 240.13 feet to a point,
 - (b) N. 75 degrees 27 minutes 37 seconds E. 164.12 feet to a point,
 - (c) N. 57 degrees 15 minutes 59 seconds E. 47.62 feet to a corner point in the lands now or formerly of Wendell Dunn;
- (10) by the said lands now or formerly of Wendell Dunn the following two courses and distances:
 - (a) S. 77 degrees 46 minutes 01 second E. 370.85 feet to a point in the westerly bank of the Christiana Creek,
 - (b) by the said westerly bank of the Christiana Creek N. 19 degrees 20 minutes 59 seconds E. 147.53 feet to a point in the aforementioned southerly right of way line of Nottingham Road;
- (11) by the southerly right of way line of Nottingham Road S. 64 degrees 36 minutes 41 seconds E. 20 feet more or less to the center of the aforementioned Christiana Creek;

thence, northerly along the various courses of the said center line of the Christiana Creek 606 feet more or less to the point of intersection of said center line of Christiana Creek and the southerly line of property now or formerly of William J. Lawler; thence, by this line and other lines of the property now or formerly of William J. Lawler the following four courses and distances:

- (1) N. 52 degrees 00 minutes 35 seconds E. 250 feet more or less to a point,

- (2) along an arc of radius 213.73 feet curving to the right a distance of 115.41 feet to a point,
- (3) N. 82 degrees 56 minutes 57 seconds E. 364.80 feet to a point,
- (4) N. 04 degrees 45 minutes 49 seconds E. 2468.00 feet to a point in line of lands now or formerly of Samuel Lindsey;

thence, by the said lands now or formerly of Samuel Lindsey the following two courses and distances:

- (1) N. 78 degrees 26 minutes 49 seconds E. 373.43 feet to a point,
- (2) N. 08 degrees 45 minutes 22 seconds W. 1168.98 feet to a point in line of lands now or formerly of Samuel H. Lane;

thence, by the said lands now or formerly of Samuel H. Lane N. 80 degrees 53 minutes 53 seconds E. 739.32 feet to a point in the center line of New London Road (Delaware Route 896); thence southerly, by the said center line of New London Road the following four courses and distances:

- (1) S. 22 degrees 20 minutes 55 seconds E. 224.20 feet to a point,
- (2) S. 25 degrees 53 minutes 17 seconds E. 962.76 feet to a point,
- (3) S. 34 degrees 03 minutes 43 seconds E. 403.19 feet to a point,
- (4) S. 41 degrees 03 minutes 46 seconds E. 322.16 feet to the point of intersection of the southerly line, extended, of property now or formerly of Martin Fenton;

thence, by the said southerly line of property now or formerly of Martin Fenton the following two courses and distances:

- (1) N. 82 degrees 52 minutes 28 seconds E. 1403.22 feet to a point,
- (2) N. 82 degrees 13 minutes 34 seconds E. 766.51 feet to a point in the line of lands now or formerly of Andrew J. Hance;

thence, by the said lands now or formerly of Andrew J. Hance S. 03 degrees 15 minutes 54 seconds E. 1031.72 feet to a point; thence, by a new line through the said lands of Andrew J. Hance S. 75 degrees 30 minutes 34 seconds E. 2154.04 feet to the southerly line of property now or formerly of Herman Cook; thence, easterly by the said southerly line of property now or formerly of Herman Cook N. 70 degrees 21 minutes E. 286.10 feet to a point in the center line of Paper Mill Road (Delaware Route 72); thence, northerly along the said center line of Paper Mill Road the following two courses and distances:

- (1) along an arc of radius 636.62 feet curving to the right a distance of 435.93 feet to a point,
- (2) N. 22 degrees 01 minutes E. 191.61 feet to the point

of intersection of the said center line of Paper Mill Road and the northerly line, extended, of property now or formerly of Samuel Stradley;
 thence, S. 60 degrees 23 minutes 50 seconds E. 1154.43 feet to the point of intersection of the said northerly line of property now or formerly of Samuel Stradley and the westerly line of property now or formerly of Oliver J. Koelig; thence along the said westerly line of property now or formerly of Oliver J. Koelig the following five courses and distances:

- (1) S. 20 degrees 27 minutes 50 seconds W. 1563.68 feet to a point,
- (2) N. 89 degrees 21 minutes E. 58.41 feet to a point,
- (3) S. 11 degrees 03 minutes W. 396.00 feet to a point,
- (4) S. 85 degrees 48 minutes W. 45.50 feet to a point in the easterly right of way of Paper Mill Road,
- (5) S. 20 degrees 19 minutes E. 228.00 feet along the said easterly right of way line of Paper Mill Road to the northerly side of White Clay Creek;

thence, by the said northerly side of White Clay Creek in an easterly direction by its various courses 8300 feet more or less to the point and place of beginning.

The Council of the City of Newark may, at any time hereafter, cause a survey and plot to be made of the said City and the said plot, when made and approved by the Council, shall be recorded in the office of the Recorder of Deeds in and for New Castle County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

103—ANNEXATION — The Council of the City of Newark shall have power to annex, by ordinance, any territory contiguous to the City of Newark whenever requested to do so by the owners of two-thirds or more of the area included within the territory proposed to be annexed.

Said ordinance shall provide for the zoning of the annexed territory and shall further specify of which of the six districts, hereinafter mentioned, the annexed territory shall become a part.

104—DISTRICTS—The City of Newark shall be divided into six districts as follows:

104.1—DISTRICT ONE shall consist of all that part of the City bounded on the west by Chapel Street and on the north, east and south by the City limits.

104.2—DISTRICT TWO shall consist of all that part of the City bounded on the west by South College Avenue, on the north by East Main Street, on the east by South Chapel Street, and on the south by the City limits.

104.3—DISTRICT THREE shall consist of all that part of the City bounded on the west by the City limits and Elkton Road, on the north by West Park Place, on the east by South College Avenue, and on the south by the City limits.

104.4—DISTRICT FOUR shall consist of all that part of the City bounded on the west by the City limits on the north by Barksdale Road Elkton Road and West Main Street, on the east by South College Avenue and on the south by West Park Place and Elkton Road.

104.5—DISTRICT FIVE shall consist of all that part of the City bounded on the west by the City limits, on the north-east by New London Road, on the southeast by Elkton Road, and on the south by Barksdale Road.

104.6—DISTRICT SIX shall consist of all that part of the City bounded on the west by New London Road, on the north by the City limits, on the east by North Chapel Street, and on the south by Main Street.

104.7—REAPPORTIONMENT—Commencing not later than 1971, and thereafter not less than once in every ten years, the aforesaid six districts shall be reapportioned and redistricted either by the Council or by amendment to this Charter, or as otherwise provided by law, in accordance with the following rules:

1. Current Federal Decennial Census population statistics, to the extent possible and practicable, shall be used as guides so that each District shall be nearly equal in population.

2. In no case shall any District be so formed as to have a population which is more than one and one-half ($1\frac{1}{2}$) times the population of any other District.

3. Each District shall be formed of continuous territory and as little change as practically possible shall be made in prior boundary lines.

4. Each District shall be so created as not to favor unduly any person or group of persons.

ARTICLE II—POWERS OF THE CITY

201—POWERS OF THE CITY — The City of Newark shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The City of Newark shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The City of Newark, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal, or mixed, and all the rights, privileges, franchises, powers and immunities now or heretofore belonging to, possessed by, or enjoyed by the City of Newark.

The City of Newark may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condem-

nation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas or electric system, or other municipal purposes and may sell, lease mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware, or restricted by this Charter, the City of Newark shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the City of Newark shall have, and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council. This Charter shall be construed liberally in favor of the City.

202—INTERGOVERNMENTAL RELATIONS — The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III—STRUCTURE OF GOVERNMENT

301—FORM OF GOVERNMENT—The form of government established by this Charter shall be known as the "Council-Manager" form.

302—COMPOSITION OF GOVERNMENT—The government of the City and the exercise of all powers conferred by this charter, except as otherwise provided herein, shall be vested in an elective body called the Council, consisting of a Mayor and six Councilmen. Whenever the word "Council" is used in this Charter, it shall include the Mayor. Whenever the words "Councilman" and "Councilmen" are used, they shall not include the Mayor.

303—QUALIFICATIONS FOR COUNCIL—Any qualified voter of the City of Newark who has not been convicted of a crime involving moral turpitude and who has resided in the City for at least two years next preceding his election, shall be eligible to hold the office of Mayor or Councilman; provided that "qualified voter" as used herein shall mean a person who is a registered voter at the time his nominating petition is filed. In addition to the foregoing qualifications, the Mayor shall be a real property taxpayer of the City of

Newark or the spouse of a real property taxpayer of the City of Newark.

Each Councilman shall live in the district he represents. Whenever a Councilman shall cease to reside in the district from which he was elected, or the Mayor shall cease to reside in the City of Newark, the position shall be deemed vacant, and the Council shall proceed to fill such vacancy as set forth in Section 306.

Residence in any area annexed to the City by virtue of the adoption of this Charter or pursuant to Section 103, shall constitute, for the purpose of this Section, residence in the City of Newark.

304—ELECTION AND TERM OF OFFICE

304.1—ELECTION OF MAYOR—The election for a Mayor shall be held in even numbered years and he shall be elected by the qualified voters of the City at Large.

304.2—ELECTION OF COUNCILMEN—One Councilman shall be elected from each district. The elections for Councilmen from the third, fifth and sixth districts shall be held in even numbered years. The elections for Councilmen from the first, second and fourth districts shall be held in odd numbered years.

304.3—DAY FOR REGULAR ELECTIONS—The day for regular elections shall be the second Tuesday in April.

304.4—TERM OF OFFICE—The Mayor and Councilmen shall be elected to serve terms of two years, effective with the organization meeting following their election.

305—COUNCIL PROHIBITIONS—Except where authorized by law, no Mayor or Councilman shall hold any other City office or City employment during the term for which he was elected to the Council, and no former Mayor or Councilman shall hold any compensated appointive City office or employment until one year after the expiration of the term for which he was elected to Council.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, but the Council, while in session, may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiries as specified herein, the Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

306—VACANCIES AND FORFEITURE OF OFFICE—The office of Mayor or a Councilman shall become vacant upon

his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

The Mayor or a Councilman shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; violates any express prohibition of this Charter; is convicted of a crime involving a felony or moral turpitude.

A vacancy in the Council, including the office of Mayor, shall be filled for the remainder of the unexpired term, if any, at a special election to be held, in the same manner in every respect as a regular election, on a date fixed by the Council not less than sixty days nor more than ninety days after the occurrence of a vacancy.

The Council, by a majority vote of all its members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. A vacancy shall be announced at a regular Council meeting and a vote on a person to fill the vacancy shall not be held before the next following regular Council meeting. Despite the quorum provisions hereof, if at any time, the membership of the Council is reduced to less than four, the remaining members may, by majority action, appoint additional members to raise the membership to seven.

307—JUDGE OF QUALIFICATIONS OF MEMBERS—

The Council shall be the judge of the election and the qualifications of its members and of the grounds for forfeiture of their office, and for such purposes, shall have power to subpoena witnesses, take testimony, and require the production of records. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand; and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the courts.

308—COUNCIL COMPENSATION AND EXPENSES

—The Council shall determine the annual salary of the Mayor and the Councilmen by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of members of the Council elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Members of the Council shall receive reimbursement for actual and necessary expenses incurred in traveling when on official business. The salary of the Mayor may exceed that of Councilmen.

309—MEETINGS OF COUNCIL—The Council shall hold an organization meeting in the evening of the first Tuesday following the regular municipal election and shall meet regularly at least once a month thereafter. Special meetings may

be called by the Mayor, the City Manager, or by written request of any three members of the Council and, whenever practicable, upon no less than eight hours' notice to each member. All meetings shall be open to attendance by the public, provided, however, the Council may recess for the purpose of discussing in an executive session limited to its own membership any question which would tend to defame or prejudice the character or reputation of any person, or would tend to jeopardize the position of the City in any action under consideration, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda.

310—MAYOR'S RELATIONSHIP TO COUNCIL—The Mayor shall preside at meetings of the Council and shall have a full voice and vote in the proceedings thereof. He shall appoint all committees, subject to confirmation by Council. He shall be recognized as the head of the City Government, but shall have no administrative duties.

The Council shall, at the organization meeting, also elect from among its members a Deputy Mayor who shall act as Mayor during the temporary absence or inability of the Mayor, and while so acting, shall be vested with all the powers and authority of the Mayor.

311—RULES OF PROCEDURE—The Council shall determine its own rules of procedure and order of business and shall provide for keeping a journal of its proceedings, which journal shall be a public record and open to public inspection. Voting, except on procedural motions, may be by roll call but in any event the ayes and nays shall be recorded in the journal.

312—QUORUM AND MAJORITY REQUIREMENT—A majority of the members of the Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No ordinance shall be valid unless it shall have the affirmative vote of a majority of the members of the Council. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of the members of Council present. No member shall be excused from voting on ordinances, resolutions, orders or motions except where a member of Council has a conflict of interest, in which event, said member shall disqualify himself from voting. The member involved shall be the sole judge of whether or not there is such conflict of interest.

ARTICLE IV—POWERS OF COUNCIL

401—GENERAL POWERS—All powers of the City shall

be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and this Charter.

The Council shall constitute the legislative body of the City of Newark and shall have the power to adopt ordinances relating to the health of the population of the City, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the City, which power shall extend to the area outside the City limits and within one mile from said limits. The Council may also pass ordinances to ascertain and fix boundaries of streets, squares, lanes and alleys, or repair and amend the same, and provide for the paving thereof, or to alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys; to fix the building lines upon the same; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the City, and generally to prescribe and regulate the use of the streets, lanes and alleys of the City and to have and exercise control over the same; subject to the provisions in that behalf hereinafter contained, and to the general supervision and control of the General Assembly, to provide for the regulations of auctions, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the height, thickness of walls and materials of buildings and the mode of erecting the same within said City; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcement of such regulations; to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and sidewalks within the City of Newark, and fix the license fee therefor and the penalty for not paying said fee or the breach of any other provision of such ordinance or regulation and in all other respects regulate the markets within the City; to provide against the adulteration of milk and cream sold or sought to be sold in the City, and to provide for the proper inspection of the same; to provide for the measuring or weighing of coal, lime, grain, or other matter sold in said City; to regulate the storage of gunpowder or any other dangerous matter. The Council also shall have power to lay and collect fines on the owners of any horse, cow, dog or other animal which may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general, shall have power to do all those matters and things for the well-being of the City which shall

not be in contravention of any existing laws of this State of the Constitution thereof. The Council shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the City to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering, the amount of the annual fee thereof, and the penalty for not registering by ordinance. The Council shall have the power to invest in securities of the United States, and/or in insured savings accounts, funds of the City not required for immediate use by the City.

The Council shall not have power to exempt any individual from the operation of any general ordinance or municipal regulation.

The Council shall have all other powers requisite to and appropriate for the government of the City of Newark, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well-being of its population, and for the protection and preservation of public and private property.

402—ORDINANCE PROCEDURE

402.1—WHEN REQUIRED—In addition to such acts of the Council as are required by this Charter or by law to be by ordinance, every act of the Council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be "THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS."

402.2—ENACTING PROCEDURE—Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have had at least one reading at a previous meeting. After passage on first reading, notice shall be published in at least one paper of general circulation in the City of Newark, at least ten (10) days prior to the established hearing date, stating the time and place where said ordinance will be given public hearing and be considered for final passage. At the time of the stated meeting and public hearing, the proposed ordinance shall be read in full or abstract and considered for passage. After the public hearing and consideration, the Council may finally pass the proposed ordinance, or a substitute version thereof which is substantially similar thereto. Amendments of existing ordinances making substantive changes, and ordinances enacted to repeal existing ordinances, are subject to the same procedural requirements as herein prescribed for the enactment of a new ordinance.

402.3—EMERGENCY ORDINANCES—To meet a public emergency affecting life, health, property or the public peace, the Council may adopt emergency ordinances, but such ordi-

nances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by the City for any of its utilities, or authorize the borrowing of money, except as provided in Section 804 hereof. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members of Council shall be required for adoption. After its adoption, the ordinance shall become effective upon adoption or at such later time as it may specify; but every emergency ordinance, including any amendments made therein after its adoption, shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, unless extended by regular ordinance action by Council, and it shall be the duty of the City Secretary to so notify the Council.

402.4—CODES OF TECHNICAL REGULATIONS—The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that a copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Secretary pursuant to the requirements of the next Section.

402.5—AUTHENTICATION AND CODIFICATION —The City Secretary shall authenticate by his signature and record in full a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the Council.

At least every ten years the Council shall provide for the preparation of a codification of all City ordinances and resolutions having the force of law. The codification shall be adopted by the Council by ordinance and shall be published promptly, together with this Charter and any amendments thereto.

403—INVESTIGATIONS—The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency, and for this purpose, may subpoena witnesses, administer oaths, take testimony and require the production of pertinent evidence of any kind. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and be punishable by a fine or by imprisonment, or both.

404—POWER TO RAISE REVENUE—The Council shall have the power to levy and collect taxes on real property within the City, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than 2% of the assessed valuation of the assessable and taxable real estate within the City in any year clear of all delinquencies and expenses of collection; provided, however, in addition thereto, the Council shall have the power to levy the taxes necessary to service the bonded indebtedness of the City.

The Council shall have the right to grant or refuse, and to charge fees for licenses or permits for traveling shows and other businesses of any description within the City and to control their use of any property within the City.

The Council shall have the power to levy and collect franchise fees and to impose sewer rentals on sanitary sewers.

The Council shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

The Council shall have the power to fix the rates for utilities operated by the City and to collect and utilize revenues from such utilities for the benefit of the City.

405—THE CITY MAY ENGAGE IN BUSINESS—The City shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, and shall have the right and power to acquire, own and maintain, within or without the corporate limits of the City, all real estate for municipal purposes, for sites and rights-of-ways for public utility and general welfare purposes, and for the location, erection and maintenance thereon of municipal utility plants and public facilities.

The City shall have the right to acquire the properties and rights of utility companies, and further shall have, if it wishes to so exercise, the exclusive right to provide water, sewer and electrical utility service within the corporate limits of the City as they presently exist or shall in the future be extended by annexation; provided, however, that in acquiring such utility properties, whether by purchase, condemnation or other means, the City shall, in all respects, adhere to the general laws of the State of Delaware; and provided further that nothing in this Section shall authorize the acquisition by the City of any through electric transmission lines.

The City may, in its discretion, distribute water throughout all that territory included within ten miles of the City limits. The Council shall determine the person or persons, firm or firms, corporation or corporations, to which the City shall distribute water throughout said territory; shall fix the rates therefor, shall regulate the use of said water, and shall

supply the same upon such terms and conditions as may be agreed upon by the Council and said person or persons, firm or firms, corporation or corporations. The City shall have and exercise all the powers and authority necessary to the accomplishment of said distribution of water throughout said territory as it now has and possesses in the installation, operation and maintenance of its water system in the City and in the distribution by it of water within the City limits, including the authority and power to acquire by purchase or condemnation such land, and real and personal property as may be necessary therefor.

406—BORROWING FOR CURRENT EXPENSES —

Whenever the needs of the City shall require more money than is, at the time, in the City treasury from current receipts, the Council may, and it is hereby authorized and empowered, to anticipate current revenue by borrowing such amounts as are needed; provided, however, the amount of such indebtedness shall not at any time exceed 1% of the assessed valuation of the assessable and taxable real property within the limits of the City.

Whenever the City shall require money for the construction or installation of sewers, paving, or other municipal improvements, the cost of which is assessable directly to the owners of property to be benefited by such construction or installation, the Council shall be authorized and empowered to anticipate the receipt of such assessments by borrowing such amounts as are needed; provided, however, the amount of such indebtedness shall not at any time exceed the sum of five hundred thousand dollars (\$500,000.00).

To exercise the power aforesaid, the Council shall adopt an ordinance to that effect by the affirmative vote of five of the members of Council. The indebtedness created under this provision shall be evidenced by notes of the City, and the full faith and credit of the City shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the City when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

407—POWER TO INCUR BONDED INDEBTEDNESS

407.1—POWER TO BORROW MONEY—The City may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the City, or by issuing revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the supply and distribution of electricity or gas; for the furnishing of water; for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along

the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the City in the cost of any permanent municipal improvement; or to fund notes issued by the City pursuant to the preceding Section to finance any one or more of such projects, or to replace any moneys advanced from current funds of the City of finance any one or more of such projects; or to carry out any capital improvement project deemed by the Council to be necessary to the proper execution of any function or power of the City.

If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed 10 percentum of the assessed value of all the real estate subject to taxation located within the City.

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the City of Newark within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the City may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the City of revenue subsequently received from the undertaking. If revenue bonds are issued, the Council shall prescribe and have collected reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient to pay, when due, all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and to provide for all expenses of operation and maintenance of such undertaking, payments in lieu of taxes, depreciation and other reserves.

No capital improvement bonds, notes or certificates of indebtedness may be authorized, which bonds are payable more than 30 years from the date of issuance thereof.

407.2—METHOD OF BORROWING MONEY—Before the City may incur indebtedness by the issuance of bonds as set out in the preceding Section, the borrowing of money shall have been authorized by the Council and shall have been approved in the manner set out in this Section.

(1) The Council shall by resolution propose to the freeholders of the City the purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all

other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the City at least one week prior to the hearing date.

(2) A public hearing shall be held, at which time, all interested persons shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Council.

(3) If the Council desires to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than 30 days, nor more than 60 days after the date of such resolution.

(4) The notice of the time and place for holding said special election shall be printed in a newspaper of general circulation in the City once a week for three consecutive weeks prior to the election. The special election shall be conducted by the Election Board as herein established and provided for regular Council elections.

(5) The Council shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum, all freeholders of the City of Newark shall be entitled to one vote. Each corporation owning property in the City of Newark shall be entitled to one vote under this Section.

(6) The Election Board shall count votes for and against the proposed bond issue and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed issue; and shall deliver the same to the Council, which certificate shall be entered on the Council minutes and the original thereof filed by the City Secretary. No bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

(7) The form of the bonds or certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to any registration thereof, shall be determined by the Council. The bonds shall be sold to the highest bidder after at least one month's notice, published at least twice in a newspaper of general circulation in the City, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Council shall provide, in the budget, for revenues sufficient to pay the interest and principal on said bonds or certificates at the maturity or maturities thereof. The full faith and credit of the City shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued

within the prescribed debt limitation when the same have been properly executed and delivered for value.

408—ACQUISITION OF PROPERTY—The City is hereby authorized and empowered whenever it shall deem it necessary or expedient for any municipal purpose, to obtain or acquire property either within or without the City limits and to acquire title to such property by agreements with the owner or owners thereof. If the City fails to reach agreement with the owner or owners of said property, it shall have the power to take such property by condemnation proceedings in conformity with the law of the State of Delaware applicable to condemnation proceedings; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof.

409—POWER OF CITY OVER STREETS—The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of the City, as well as all such other posts and mark stones and monuments and benchmarks as shall, from time to time, be set and fixed in the earth by the City shall, in all cases and in all courts of law within the State be deemed, taken and allowed as land marks.

The Council shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, whenever they shall deem it for the best interests of the City, provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State Agency involved.

All actions taken under this Section shall be duly recorded on the official map of the City.

The City shall be empowered to provide by ordinance for the vacation and abandonment of streets or portions thereof; provided that opportunity for public hearing shall be had.

410—SEWER AND WATER IMPROVEMENTS—The City shall have exclusive jurisdiction and control within the City of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the City, and may pass ordinances for the construction of water mains, storm drains and sanitary sewers within the City. The City also shall have the power and authority to regulate, maintain and operate such water mains, storm drains and sanitary sewers and the natural water courses, runs and rivulets within the City open, clear and obstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same and by regulation prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, closed and kept open

and unobstructed, and shall bear the expenses thereof and may, in its discretion, assess the costs of sanitary sewers, water lines, and storm drains upon the property particularly benefited thereby, except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; provided, however, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

The City is hereby authorized and empowered to construct or acquire by condemnation, agreement, purchase, or gift such sewage disposal plants, pumping stations, sewers or sewer systems within the City or adjacent thereto as may seem by the Council to be necessary to meet the requirements of the City. The City likewise is authorized to make agreements with the Levy Court of New Castle County to permit inter-connection of the City and County sewer systems.

Whenever the Council shall determine that construction, improvement, alteration or repair of sanitary sewers is required, it shall be empowered and authorized to direct that the necessary survey and other work be undertaken and costs be determined. Necessary construction, improvement, alteration or repair work may be done by contract or by City forces.

The Council shall have the right to compel the owner of any building or structure requiring sewage disposal facilities to connect to any sewer main that is available.

411—CONSTRUCTION OF SIDEWALKS — Whenever the Council shall determine that public convenience or necessity requires the construction of sidewalks abutting, lying alongside of, or forming a part of any public street, it shall cause said sidewalks to be constructed.

The City Manager may, upon application of any property owner, grant him permission to construct a sidewalk on or abutting his property; provided, however, that any such construction must comply with City uniform standards of materials, workmanship, and time of commencement and completion.

Nothing in this or the preceding two sections shall authorize assessment against the rights-of-way or roadbeds of railroad corporations exempted by provisions of State law for the construction of sidewalks abutting said exempted rights-of-way or roadbeds.

ARTICLE V—PROPERTY AND SPECIAL ASSESSMENTS

501—PROPERTY ASSESSMENTS

501.1—PROPERTY ASSESSMENT PROCEDURE — There annually shall be made a true, just and impartial valuation and assessment of all real estate within the City except such real estate as is exempt from municipal assessment and taxation by virtue of any State law, and also of such personal

property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed.

It shall be lawful for the City to enter into an agreement with the Board of Assessment for New Castle County to inspect and copy, or to obtain copies of the assessments made for County purposes. Annually, the Council shall make a judgment regarding whether the City will utilize such County assessments and whether said County assessments are a true, just and impartial evaluation. The Council then shall order the adoption of such County assessment for municipal purposes or the adoption of assessments as determined by the City assessment authority; provided, however, that adoption of the County assessment for municipal purposes shall not preclude the City from modifying the County assessment list to take into account new construction or changes in ownership or use not reflected in the County assessment list, or clear cases of inequitable assessment.

Each year, there shall be prepared and submitted to Council, at least 60 days before the beginning of the tax year, two or more copies of the assessment roll, which shall show the location of each parcel of taxable real and personal property by street and number or other suitable description. When the Council approves the roll as prepared, or as modified by the Council, then a full and complete transcript thereof shall be posted in a place in the City designated by the Council. Such posting shall take place at least 45 days before the beginning of the tax year and shall remain posted up to, but not including, the appeal day as herein set out. Notice of the time and place where the assessment list may be viewed, and the time and place of hearing appeals shall be advertised in a newspaper of general circulation in the City, and notice shall be given by posting such announcement in at least ten public places throughout the City.

Each year, at least 30 days before the beginning of the tax year, the Council shall hold a court of appeals, which court shall continue open from 1:00 P.M. to 8:00 P.M., during which time the Council shall hear and determine appeals from assessments and shall make such corrections and additions as may be deemed necessary and proper. The decision of a majority of the Council sitting on appeals shall be final and conclusive in respect to all appeals.

No Councilman shall sit on his own appeal, but the same shall be heard and determined by the other members of Council. After the said valuation and assessment shall be examined and adjusted by the Council, all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

501.2—COLLECTION OF TAXES—A list containing the names of the taxables and, opposite the name of each, the amount of his real and personal property assessment, and the total amount of the tax, shall be prepared as soon as practicable after the beginning of the tax year. All taxes shall be paid to the City Treasurer, subject to such discounts and penalties and rules as the Council may direct.

It shall be the duty of the City Treasurer to proceed forthwith to collect all taxes in the calendar year in which assessed. In the collection of said taxes, he shall have all the powers conferred upon or vested in the Receiver of Taxes and the County Treasurer for New Castle County.

The provisions of Sections 2901 through 2905, inclusive, of Title 25 of the Annotated Code of Delaware, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter, except that any such lien for taxes imposed shall continue for ten years from the date such lien commences.

501.21—ADDITIONAL COLLECTION METHODS—In addition to all other existing methods and authority for the collection of taxes or special assessments due the City, the authority and methods set out in this Section shall be granted to the City.

The City may file, or cause to be filed, a praecipe in the office of the Prothonotary of the Superior Court in and for New Castle County, which praecipe shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the tax or assessment was laid, and a statement of the lot number or numbers of the particular section in which said property is located. For the purpose of this and the next section, the street number or numbers also shall be sufficient identification and description of said property.

The Prothonotary shall make a record of the same on the judgment records of said Superior Court against the property mentioned or described in said praecipe. Thereafter, upon a praecipe for monition filed in the office of said Prothonotary by the City, a monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien. Said monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes

or assessments stated herein is paid within twenty days after the date hereof, or within such period of twenty days, evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing the date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the City of Newark may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated: Name of Person in whose name property is assessed; Description of Property; Year or Years; Amount of Judgment.

Said monition, or copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessments is a lien. The Sheriff shall make due and proper return of his proceedings under said monition to said Prothonotary within ten days after the posting of said copy of monition as aforesaid. Alias or Pluries Monition may issue upon like praecipe. The posting of said Monition shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days following the return of the Sheriff upon such monition, unless before the expiration of said twenty days, the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof, bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon praecipe filed by the City of Newark, through its attorney or any other person authorized on its behalf to collect taxes or assessments due to the City of Newark, a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff, commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of Venditioni Exponas issued out of the said Superior Court.

Said writ shall be substantially in the following form:
NEW CASTLE COUNTY)
) ss
THE STATE OF DELAWARE)
TO THE SHERIFF OF NEW CASTLE COUNTY
GREETINGS

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the day of A.D. 19...., IT WAS COMMANDED, that you should post the said

Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting. That on the day of A.D. 19, you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the day of A.D. 19.....

We therefore now command you to expose to public sale real estate mentioned and described in said monition as follows:

And that you should cause to be made as well a certain debt of Dollars (\$) lawful money of the United States, which to the said City of Newark, a municipal corporation of the State of Delaware, is due and owing, as also the sum of Dollars (\$) lawful money as aforesaid for its costs, which it has sustained by the detaining of that debt, whereof the said was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday, the day of next, to render to the said City of Newark, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ;

WITNESSETH, the Honorable at
Wilmington, the day of A.D. 19.....

Prothonotary

Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or courtesy or statutory right, in the nature of a dower or courtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrances held by persons and corporations against said property.

The owner of any such real estate sold under the provisions of this Charter or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount

of the purchase price and fifteen per cent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representative, successors, or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Newark, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this Charter and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the petitioner; and thereupon, the said Superior Court shall have power, after a hearing upon said petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said petition, and a description of said property by street number or by lot number or numbers of the particular section in which said property is located, together with a description of said property by metes and bounds.

If the owner of any real estate sold under an order of sale, or his legal representative, shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon, the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the judgment under which said real estate was sold, a memorandum that the real estate described in the proceeding upon which said judgment was entered has been redeemed, and thereafter, the said owner shall hold such redeemed real estate subject to the same liens and the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

No monition proceedings shall be brought under this Charter unless the tax or assessment sought to be collected hereunder shall, at the time of the filing of said petition in the office of the Prothonotary, be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for City purposes which may hereafter be lawfully assessed on real estate shall constitute a prior lien thereon for a period of ten years from the first day of the City tax year succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax lien and

costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. The City of Newark shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Charter and in the event that such person or persons is the highest and best bidder or bidders therefor, the title thereto shall be taken in the name of the City of Newark. The Council, by resolution duly adopted, is authorized and empowered to sell and convey any real estate purchased under the provisions of this and the preceding Section.

Whenever the Superior Court is mentioned in this or the preceding Section of this Charter, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this or the preceding Section may be done by the said Superior Court or any Judge thereof is vacation thereof, as well as in term time.

The fees and costs to be fixed in all motion proceedings under this and the preceding Section, where not otherwise provided for, shall be set by the Council by ordinance. All other charges not covered by this and the preceding Section shall be the same as are provided by law.

502—LEVYING OF SPECIAL ASSESSMENTS — The City shall have the authority and power to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

When the term owner or owners are used in respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter in respect to special assessments.

The Council shall have the power to enact ordinances providing for levying and collection of assessments against property owners of the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights and other public improvements.

Such ordinances shall prescribe: (1) the basis used to determine the amount which will be assessed upon the properties abutting the public work or improvement; (2) what portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage; (3) payment provisions providing

for payment in installments except that assessments for current services or service connections shall be payable within one year; and (4) rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the Municipal Lien Docket as liens.

502.1—MUNICIPAL LIEN DOCKET—A docket known as the "City of Newark Municipal Lien Docket" shall be prepared and maintained by the Finance Department. The docket shall be in substantially the same form as the judgment docket for New Castle County, shall contain all liens for municipal improvements for which special assessments are levied, and shall contain an index according to the name of the owner against whom such lien has been assessed. On and after July 1, 1953, no municipal lien shall be valid unless duly recorded in said docket. All liens so recorded shall continue in full force and effect until said liens have been satisfied by payment, and when such liens are satisfied by payment, it shall be the duty of the Finance Department to enter therein the date of the final payment and the words, "satisfied in full."

502.2 — ASSESSMENTS PAYABLE IN INSTALLMENTS—The Council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and assessments for current services shall be payable within one year.

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

ARTICLE VI—COUNCIL APPOINTMENTS

601—SOLICITOR—The Council shall appoint an officer of the City who shall have the title of City Solicitor. He shall be a member of the Bar of the State of Delaware. It shall be his duty to give legal advice to the Council, City Manager, department heads, other officers of the City, and to all City departments, offices and agencies. He shall represent the City in all legal proceedings and shall perform such other legal services as may be required of him by Council, City Manager, this Charter, by law or by ordinance. Council may procure such additional legal services as it may deem to be required.

602—ALDERMAN—At the annual organization meeting, or as soon thereafter as practical, the Council shall appoint an Alderman of the City to serve as such until the next organization meeting, or until his successor shall be duly appointed; subject, however, to be removed from office at any time by a vote of five (5) Council members. He may or may not be a Justice of the Peace or Magistrate, but shall not be a member

of the Council or the City Solicitor. The Alderman shall be paid a salary to be fixed by ordinance, and shall not retain any fines or fees levied by the Court, but must pay such fines and fees into the City treasury within five days of collection. Before entering upon the duties of his office, he shall be sworn or affirmed by the Mayor or by any one of the Councilmen, or by any Justice of the Peace, to perform the duties honestly, faithfully, and diligently. He shall have jurisdiction of all violations of ordinances of the City and of all misdemeanors prescribed by any law of the State of Delaware committed within the boundaries of the City. He shall have power and authority to hold for bail, fine or imprison offenders, compel the attendance of persons accused of violation of City ordinances by service of process either within or without the limits of the City, compel the attendance of witnesses, and hold or punish for contempt. Provided that in the case of a violation of an ordinance, he shall impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than 30 days in default of the payment of a fine imposed by him. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all his official acts. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by Council at any meeting thereafter for the residue of the term. If any Alderman shall be removed from his office by the Council as herein provided, he shall deliver to his successor in office within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the Treasurer of the City all moneys in his hand belonging to the said City within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon neglect or failure to pay over to the Treasurer of the City, within the time aforesaid, all moneys belonging to the City, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred nor more than Five Hundred Dollars.

The Alderman, at every stated meeting of the Council, shall report to it all fines and penalties imposed by him since their last meeting, and to pay to the Treasurer of the City all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Twenty Dollars nor more than One Hundred Dollars.

603—BOARD OF HEALTH—The Council shall appoint a Board of Health consisting of five members, one of whom

shall be the City Manager serving ex-officio, but having a voice and a vote in the proceedings of the Board. One member of the Board shall be a practicing physician in the City of Newark. All members of the Board except the City Manager shall serve for one year terms.

The Board shall have cognizance of the interests of the health of the people of the City and living within one mile of the boundaries thereof. The Board shall report in writing at least quarterly to the Council regarding whatever is deemed by the Board to be injurious to the health of the people of the City, and also shall make recommendations which may contribute to the sanitation of the community. Such reports and recommendations shall be submitted through the City Manager to the Council, but he shall have no authority to modify such reports or recommendations. Any employees of the City exercising powers and duties of the Board shall be appointed by and responsible to the City Manager.

The Board shall have all powers and duties enumerated by the laws of the State of Delaware for local Boards of Health which are not in conflict with this Charter.

ARTICLE VII—CITY ADMINISTRATION

701—CITY MANAGER

701.1—APPOINTMENT—The Council shall appoint a City Manager for an indefinite term and fix his compensation. The City Manager shall be appointed solely on the basis of his municipal administrative qualifications. He need not be a resident of the City or State at the time of his appointment, but may reside outside the City while in office only with the written approval of the Council.

701.2—REMOVAL OF THE CITY MANAGER — The Council may move the City Manager from office in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of five or more of all its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the City Manager.

(2) Within five days after a copy of the resolution is delivered to the City Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal which may be made effective immediately by affirmative vote

of five or more of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The City Manager shall continue to receive his salary until the effective date of the final resolution of removal. The action of the Council in suspending or removing the City Manager shall not be subject to review by any court, but shall be in the sole discretion of the Council.

701.3—ACTING CITY MANAGER—By letter filed with the City Secretary, the City Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of the Manager during his temporary absence of disability. The Council may revoke such designation at any time.

701.4—POWERS AND DUTIES OF THE CITY MANAGER—The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this Charter. He shall have the powers and duties enumerated in this Charter and by ordinance or resolution, and,

(1) He shall appoint and when he deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. However, in the case of the removal of any employee who has five or more years of service, said employee shall have the option of requesting a hearing and designating whether he or she wants a public or private hearing. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law;

(3) He shall attend all Council meetings and shall have the right to take part in discussion but may not vote;

(4) He shall see that all laws, provisions of this Charter, franchises, and acts of the Council, subject to enforcement by him or by the officers subject to his direction and supervision, are faithfully executed;

(5) He shall prepare and submit the annual budget and capital program to the Council;

(6) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) He shall make such other reports as the Council may require concerning the operations of City departments, offices

and agencies subject to his direction and supervision;

(8) He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable;

(9) He shall perform such other duties as are specified in this Charter or as may be required by the Council in the legal exercise of its duties and functions, and

(10) He shall execute on behalf of the City, when authorized by Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. He shall countersign all orders, checks and warrants authorized by Council and drawn on the treasury for payment of money, which signature may be facsimile.

702—CREATION OF DEPARTMENTS—The Council may establish City departments, offices, or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices and agencies; provided, however, that there shall be no more than twelve departments, offices and agencies, each of which shall be headed by and under the direction and supervision of a single executive who shall be appointed and removed by, and directly responsible to, the City Manager; provided, however, that offices, commissions, committees and boards appointed or selected by the Council shall not be included in the above numerical limitation. The City Manager may recommend the creation or abolition of departments, offices and agencies and the transfer of functions between departments, offices and agencies, but where the reassignment of functions does not involve the creation or abolition of a department, office or agency or the transfer of functions between departments, offices or agencies, he may reassign such functions by written administrative order, a copy of which shall be presented to the Council at its next regular meeting.

702.1—CITY SECRETARY—The Council shall appoint and supervise an officer of the City who shall have the title of City Secretary. He shall give notice of Council meetings to its members and the public, keep the minutes of its proceedings, file and keep in a safe place the Seal of the City, attest the same when authorized by Council, keep all papers and documents relative to the affairs of the City which shall be deemed to be appropriate to be kept in his office, and perform such other duties as are assigned to him by this Charter and the City Manager. The position and duties of the City Secretary may be assigned to or combined with another office or department of the City government upon the recommendation of the City Manager and approval of the Council.

702.2—FINANCE DEPARTMENT—There shall be a City Finance Department which shall be directed and super-

vised by an officer of the City who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of Assessor and chief financial officer of the City, but may delegate such duties to subordinates under his direction. He shall not pay out any moneys except upon check signed by the City Treasurer and countersigned by the City Manager, which signatures may be facsimile. He shall keep a true, accurate and detailed account of all moneys received and all moneys paid out by the City in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the City. The books and accounts of the Finance Department shall be open at all times to inspection by the members of the Council and the public under such regulations as the Council may prescribe.

Within the Finance Department there shall be a City Treasurer who shall be under the supervision of the Finance Director, but who shall be elected by Council at the annual organization meeting for a term of one year, or until his successor shall have been duly elected and qualified. The City Treasurer shall have such powers, duties and functions as may be prescribed by this Charter, by law, or by ordinance. He shall be the custodian of all funds of the City and shall deposit them daily in banking institutions located in the City as designated by the Council.

702.3—POLICE DEPARTMENT—There shall be a Police Department which shall be directed and supervised by an officer of the City who shall have the title of Chief of Police. He shall be appointed, supervised, and may be removed by the City Manager. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State, and shall have such other duties as the Council shall from time to time prescribe.

Each member of the police force shall be vested, within the City and within three miles outside the City limits, with all powers and authority of a constable of New Castle County, and may carry firearms, and in case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

702.4—PLANNING DEPARTMENT—There shall be a Planning Department which shall be directed and supervised by an officer of the City who shall have the title of Planning Director. The Planning Director shall be appointed, supervised and removed by the City Manager. The Planning Director shall

have the following responsibilities:

(1) To advise the City Manager on any matter affecting the physical development of the City;

(2) To formulate and recommend to the City Manager a comprehensive plan and modifications thereof;

(3) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;

(4) To participate in the preparation and revision of the capital program;

(5) To advise and seek advice from the Planning Commission in the exercise of its and his responsibilities,, and in connection therewith, to provide it necessary staff assistance.

703—ADMINISTRATIVE POLICY

703.1—PERSONNEL PROVISIONS—All appointments and promotions of City officers and employees under the direction of the City Manager shall be made solely on the basis of merit and fitness for the position concerned.

The City Manager shall prepare personnel rules which shall be adopted by the Council by ordinance, with or without amendment. The ordinance shall provide for the following:

703.11—The classification of all positions under the supervision of the City Manager, which classification shall be based on the duties, authority and responsibility of each position, with adequate provision for reclassification whenever warranted;

703.12—A pay plan for all City positions, which when adopted by the Council, shall be administered by the City Manager within the provisions of the personnel rules;

703.13—Methods for determining the merit and fitness of candidates for appointment or promotion;

703.14—Hours of work, attendance regulations and provisions for sick and vacation leave;

703.15—Policies and procedures governing relationships with employee organizations;

703.16—Grievance procedures;

703.17—A code of ethics which shall apply to all employees and officers of the City, be they appointed, elected, part-time or full-time, and shall also apply to members of boards and commissions. Such code shall define and establish criminal penalties for: conflicts of interest; the conduct of business with the City; having direct or indirect interest in contracts with the City; attempting to unduly influence policy or administrative decisions made by the City; and other such mat-

ters deemed not to be in the best interests of the City; and

703.18—Other practices and procedures necessary to the administration of the City personnel system and allied thereto.

703.2—RETIREMENT PLAN—The Council may provide by ordinance for a retirement plan for any or all groups of employees in the service of the City.

703.3—PURCHASING AND CONTRACTING—The City Manager shall, subject to any regulations which the Council may prescribe by ordinance and within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the City. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the Council. The City Manager also may transfer to or between departments, offices and agencies, or sell surplus or obsolete supplies, materials and equipment, subject to such regulations as the Council may prescribe by ordinance.

Ample opportunity for competitive bidding shall be allowed before the purchase of or contract for any supplies, materials, equipment or services, but with such exceptions and within such regulations as the Council shall determine by ordinance.

The Council, by ordinance, may transfer some or all of the power granted to the City Manager by this Section to an administrative officer subordinate to the City Manager.

The City shall have the power to require all bidders to post bonds to secure the performance of any contract and all claims for labor and material used in the work. The City shall have the power to reject any supplies, as well as any other public work, and buy supplies on the open market at a price less than the lowest bid received, or if no bids are received, it may direct the purchase of supplies in the open market. The provisions of this Section shall be carried into effect by ordinance.

ARTICLE VIII—FINANCIAL PROCEDURE

801—FISCAL YEAR—The fiscal year of the City shall be as set by ordinance. Such fiscal year shall also constitute the budget and accounting year, but need not constitute the tax year.

802—SUBMISSION OF BUDGET—Annually, and not later than 45 days before the beginning of the fiscal year, the City Manager shall submit to Council a budget for the ensuing fiscal year and an accompanying message.

802.1—BUDGET MESSAGE—The City Manager's message shall explain the budget both in terms of work programs and in fiscal terms. It shall describe the important features

of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Manager deems desirable.

802.2—BUDGET—The budget shall present the financial plan for conducting the affairs of the City for the ensuing fiscal year and shall comprehend all departments, offices and agencies, and all funds and moneys anticipated to be realized by and expended by the City during said fiscal year. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

- (2) proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

- (3) anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; and subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated income.

803—COUNCIL ACTION ON THE BUDGET — The Council shall cause to be published in a newspaper of general circulation in the City the general summary of the budget and a notice stating the times and places where copies of the budget message and budget are available for inspection by the public, and the time and place for a public hearing on the budget. Such notice shall be published not less than two weeks prior to such hearing.

After the public hearing, the Council may adopt the budget with or without amendment. The Council may insert new items of expenditure or may increase, decrease or strike out items of expenditure, except that no item of appropriation

for debt service shall be reduced.

The budget and tax rate for the ensuing fiscal year shall be adopted by the Council not later than December 31st of the fiscal year currently ending. If it fails to so adopt, the budget submitted by the City Manager for operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Also, during such period, Council may appropriate amounts requested by the City Manager for specific capital improvement projects, provided that the City Manager and the Finance Director certify that the necessary funds are available therefor.

804—BUDGET AMENDMENTS AFTER ADOPTION—

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations must be approved by at least five Council members. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by ordinance, authorize the issuance of emergency notes within the limits specified in Section 804 hereof. The emergency notes may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid out not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose, it may reduce one or more appropriations.

The City Manager may at any time during the fiscal year transfer part of all of any unencumbered appropriation balance among programs within a department, office or agency; and at any time during the fiscal year, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

All actions taken under the provisions of this Section shall be at regular Council meetings and shall be recorded in the Council minutes.

805—PROHIBITED BUDGETARY ACTIONS —

No transfer or payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made, and unless the City Manager or Finance

Director first states in writing that there is a sufficient unencumbered balance in such appropriation to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligations in violation of the provisions of this Charter shall be void, and any payment so made illegal. Such illegal action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he also shall be liable to the City for any amount so paid. Provided, however, that except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

806—CAPITAL PROGRAM

806.1—SUBMISSION TO COUNCIL—The City Manager shall prepare and submit to the Council a five-year capital program at least four months prior to the final date for submission of the budget. The capital program shall include the following elements and information:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, methods of financing, and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

806.2—COUNCIL ACTION ON CAPITAL PROGRAM—The Council shall hold such deliberations and hearings as it deems desirable concerning the proposed capital program. It shall adopt the final program, with or without amendments, deletions or additions, no later than the first meeting in October of the current fiscal year.

The City Manager shall incorporate the approved capital program and projects for the current year into the budget.

806.3—DEFINITION OF "CAPITAL"—For the purpose of this Section, "capital" shall be defined as any project or equipment, including any extension or addition thereto or thereof, having a life expectancy in excess of, or to be financed over a period greater than six years, or a value exceeding twenty thousand (\$20,000) dollars.

806.4—PERPETUATION OF PROGRAM—The capital program shall be revised and extended each year with regard

to capital improvements still pending or in process of construction or acquisition. New projects will be added as their need becomes apparent.

807—INDEPENDENT AUDIT—Annually, the Council shall designate a firm of certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of fiscal transactions of the City government and shall submit their report to the Council. Such accountants shall have no direct or indirect personal interest in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts for the City, but shall, within specifications approved by the Council, audit the books and documents of all appropriate officers and employees of the City government in all departments, offices and agencies. Designation of the accountants shall be made by the Council not later than thirty days after the beginning of the fiscal year for which the audit is to be conducted. When received, the audit report shall become part of the Council minutes.

ARTICLE IX—PLANNING

901—PLANNING COMMISSION—The Council shall appoint a Planning Commission consisting of seven members, one from each of the six districts and one at large. Appointments shall be made at the first Council meeting in September. All appointments shall be for terms of three years. Appointments during the transition period shall be fixed by ordinance, but terms shall not exceed three years. The compensation of the Planning Commission, if any, shall be determined by the Council. They shall receive reimbursement for actual and necessary expenses incurred in traveling on official business approved by the Council.

The powers, duties and scope of activities of the Planning Commission shall be determined by ordinance. The Commission shall advise the Council on zoning and land subdivision matters, on the comprehensive development plan, on the official map of the City, and on such matters as shall be contained in said ordinance.

The Commission shall have no authority to employ persons, disburse moneys, make contracts, or to exercise administrative authority in any manner whatsoever, but all such employees engaged in planning matters, and all disbursements, contracts and administrative duties shall be under the direct supervision of the City Manager.

902—COMPREHENSIVE DEVELOPMENT PLAN

902.1—DEVELOPMENT—The Council shall adopt, and may from time to time, modify a comprehensive development

plan setting forth in graphic and textual form policies to govern the future physical development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas. Such comprehensive development plan shall show, among other things, existing and proposed public ways, streets, bridges, tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, pierhead and bulkhead lines, waterways, routes of railroads and buses, locations of sewers, water mains, and other public utilities, and other appurtenances of such a plan, including certain private ways. Such plan shall be adopted and have the effect as set out herein.

902.2—ADOPTION OF THE DEVELOPMENT PLAN—

Upon receipt from the City Manager of the proposed comprehensive plan, portions thereof, or proposed modifications thereto, the Council shall refer such proposal to the Planning Commission, which shall, within a time specified by the Council, report its recommendations thereon. After receipt of the recommendations of the Planning Commission, the Council shall hold a public hearing on the proposed comprehensive plan or modification thereof, and may thereafter adopt it by ordinance with or without amendment.

The comprehensive development plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

902.3—IMPLEMENTATION OF THE DEVELOPMENT PLAN—

The Council may, by ordinance, adopt land use and development regulations, including, but not limited to zoning and subdivision regulations. The Council may, by ordinance, provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight, or other conditions of deterioration, and the achievement of the most appropriate use of land.

Before acting on any proposed ordinance concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive development plan or the official map, the Council shall refer the proposal to the Planning Commission, which shall, within a time specified by the Council and prior to the public hearing on the proposed ordinance, report its recommendations thereon. Upon adopting any such ordinance, the Council shall make findings and report on the relationship between the ordinance and the comprehensive plan, and in the event that the ordinance does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such findings and report.

903—OFFICIAL MAP

903.1—ADOPTION—The Council shall have the authority to adopt an official map showing the public ways and parks within the City as therefore laid out and established by law and the private ways then existing and used in common by more than two owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general welfare. Upon the adoption of such a map, and upon any change therein or addition thereto made, as hereinafter provided, the City Secretary shall forthwith file with the Recorder of Deeds in and for New Castle County a certificate of such action and a copy of such map as adopted or as changed or added to.

The Council may, whenever and as often as it may deem it for the public interest, change or add to such map so as to place thereon lines and notations showing existing or proposed locations not theretofore mapped of new or widened public ways and new or enlarged parks and proposed discontinuances in whole or in part of existing or mapped public ways and parks. No such change or addition shall become effective until after a public hearing in relation thereto before the Council at which parties in interest shall have an opportunity to be heard. At least ten days' notice of such a public hearing shall be given by advertisement in a newspaper of general circulation in the City.

After the Council has adopted an official map as herein provided, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears. After such adoption, no person shall open a way for public use, except as provided under this Charter, unless the location of such way is in accordance with the official map as it then appears, and the grading, surfacing and draining of such way have been approved by the City Manager.

Upon final action by the proper authorities in laying out, altering or relocating a proper way, or in the discontinuing the whole or any part thereof, or in establishing or enlarging a public park or closing thereof in whole or in part, the lines and notations showing such improvements, discontinuance or closing as so established or effected shall, without further action by the Council, be made a part of the official map.

903.2—ENFORCEMENT OF OFFICIAL MAP—Officers and employees of the City may, so far as they deem it necessary in carrying out the provisions of the preceding Section, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks.

The Council may petition the Court of Chancery for the State of Delaware to enforce any of the provisions of the

preceding two Sections, and any ordinance made thereunder, by restraining by injunction violations thereof.

904—LIMITATIONS ON PLANNING—The provisions of the preceding three Sections shall not be construed to authorize the taking of land nor the authorization of the City to lay out or construct any way which may be indicated on any plan or plot until such way has been laid out as a public way in the manner prescribed by law; nor shall any of the provisions of the preceding three Sections be construed to render the City liable for damages except as may be sustained under Section 38 hereof by reason of changes in the official map.

ARTICLE X—NOMINATIONS AND ELECTIONS

1001—COUNCIL NOMINATIONS—All nominations for Mayor and Councilmen shall be by petition, and there shall be no party designation on any such petition beside the name of any candidate or on any ballot in any municipal election. Each nomination petition shall be signed by the candidate and shall, in addition, bear the signatures of ten qualified voters. The ten qualified voters who sign a petition for Mayor may be from the City at large, but the ten qualified voters who sign a petition for Councilman must reside in the district from which the candidate seeks election. "Qualified voters," as used in this Section, shall mean voters who are registered to vote in the election for which said petitions are filed at the time of the filing of the petition on which their names appear. The nominating petition for each candidate shall be filed at the office of the City Secretary between the hours of 9:00 A.M. and 5:00 P.M. not later than the Monday which is 29 days before the election.

Upon receipt of said petitions, they shall be checked forthwith for the validity of the names signed thereto.

1002—ELECTION PROCEDURE

1002.1—VOTING QUALIFICATIONS — Every person domiciled in the City of Newark who shall have reached the age necessary to vote in an election held under the laws of the State of Delaware, who is a citizen of the United States, and who has been domiciled in the State of Delaware for at least one year and in the City for at least three months next preceding the day of the election, and whose name is recorded in the registration book of the City, shall be entitled to vote at all regular and special municipal elections and referenda, except as otherwise provided in this Charter. Domicile in any area annexed to the City by virtue of any action taken under this Charter or general State law shall constitute, for the purpose of this Section, domicile in the City.

The Council shall provide by ordinance for the registration of voters and shall provide for at least three registration

days per year, the last one of which shall be not more than thirty days prior to any election or referendum. Hours of registration shall be determined by ordinance. The ordinance may provide for permanent registration lists.

1002.2—ELECTION OFFICERS — All municipal elections shall be held by an Election Board consisting of three qualified voters, not Councilmen, appointed by the Council. The Board may appoint official representatives to supervise election administration at each polling place. Should the members or representatives of the Board be absent from any polling place at 7:00 A.M. on the day of the election, or fail or neglect to act in the conduct of such election during all the time the polls are open, the voters present shall choose such number of persons as shall be necessary to fill the places vacant due to the absence of the proper officials.

When the polls shall have been closed, the election officers shall publicly count the ballots and shall certify the result of the election to each of the persons elected and to the Council.

1002.3—ABSENTEE VOTING—The Council may prescribe by ordinance for the casting of absentee ballots by persons, including members of the armed forces of the United States, who may be absent from the City during the time of a municipal election or referendum. Such provisions also may provide for the casting of absentee ballots by persons who, because of sickness or physical disability, cannot appear at the polling place on the day of the election or referendum.

1002.4—POLLING PLACES AND REGULATIONS — The Council shall designate the polling places which shall be open from 7:00 A.M. until 7:00 P.M. on all municipal election and referendum days. The Council also shall, by ordinance, make all necessary regulations not inconsistent with this Charter or with State laws, for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

1002.5—BALLOTS—The ballots provided for municipal elections shall contain the names of all candidates for the office of Mayor, listed alphabetically under a heading reading, "NOMINEES FOR MAYOR." There shall be separate headings on the ballot reading, "NOMINEES FOR COUNCIL DISTRICT (No.)," and the names of the nominees for each district listed alphabetically under such headings.

The Election Board shall supply only one ballot to each voter as he enters the polls to vote. In the event of spoilage of a ballot, the spoiled ballot must be returned by the voter to entitle him to a new ballot. No ballot other than those supplied by the Election Board shall be used at any municipal election or referendum, and ballots shall contain only the

names of the candidates duly nominated as hereinbefore prescribed, or the issue at referendum. Anything to the contrary herein notwithstanding, the Election Board may, in its discretion, use voting machines in any municipal election or referendum.

ARTICLE XI—GENERAL PROVISIONS

1101—PERFORMANCE BONDS—The City Manager, Finance Director, City Treasurer, City Secretary, and such officers and employees of the City as the Council may require shall give bonds for the faithful performance of their duties in such amounts and with such surety as may be approved by the Council. The premiums on such bonds shall be paid by the City.

1102—OATH OF OFFICE—Every member of the Council, the City Manager, the Finance Director, the City Treasurer, the City Secretary, the Alderman, the heads of all departments, and such other officers or employees as Council may by ordinance require shall, before entering upon the duties of their office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of according to the best of my ability.”

The Mayor, members of Council, Alderman, and City Secretary shall have the power to administer oaths required by this Charter.

1103—CHARTER AMENDMENTS—The Council may by ordinance provide a procedure by which it may propose to the voters an amendment to this Charter, but said procedure shall, in all respects, comply with applicable State law. Referendum on such amendments proposed may be held at regular or special election, as determined by the Council by resolution. Amendments to this Charter to be voted on at referendum shall be presented for voting by ballot title. The ballot title may differ from its legal title and shall be a clear, concise statement describing the substance of the proposed amendment without argument or prejudice. Below the ballot title shall appear the following question: “Shall the Above-described Amendment be Adopted?.” Immediately below such question shall appear in the following order the words, “YES” and “NO,” and to the left of each, a square in which, by making a mark, the voter may cast his vote. Votes shall be counted and results determined in the same manner as for Council elections. Amendments receiving a majority of the votes cast on the question shall be processed and adopted in accordance with State law.

1104—GENERAL PROHIBITIONS—No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of sex, race or political or religious opinions or affiliations.

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions and regulations.

No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment, proposed appointment, promotion or proposed promotion.

No officer or employee of the City, whether elected or appointed, shall promise an appointment to any City position as a reward for any political activity.

No person who holds any appointive City position shall make, solicit or receive, or be in any manner concerned in the making, soliciting or receiving of any assessment, subscription or contribution to any candidate for public office in the City government; nor shall any such person take any part in political campaigns for said offices; nor shall any such person within the boundaries of the City take any part in the political campaign for any public office whatsoever.

Any person who by himself or with others willfully violates any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and shall further be ineligible for a period of five years thereafter, to hold any City office or position, and if any officer or employee of the City, shall immediately forfeit his office or position.

1105—TRANSFER OF POWERS—If a City department, office or agency is abolished by this Charter and Charter amendments, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter amendment, or if said amendment makes no provision, than as designated by the Council. All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this Charter and Charter amendments, and in each case, shall be maintained, carried on, or dealt with by the City department, office or agency appropriate under this Charter and Charter amendments.

1106—SEVERABILITY—If any provision of this Charter and Charter amendments, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Charter are declared to be severable.

ARTICLE XII—TRANSITIONAL PROVISIONS

1201—FORMER GOVERNMENT IN FORCE—All ordinances, resolutions, orders, rules or regulations in force in the City of Newark at the time this Charter and amendments thereto take effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provides by ordinance, resolution, order, rule or regulation, whichever may be appropriate, notwithstanding any change in organization effected by this Charter and Charter amendments.

1202—CONTINUANCE IN OFFICE—All persons holding any non-elective office or employment with the City at the time this Charter and Charter amendments take effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter and Charter amendments until removed or until the compensation is changed.

1203—EFFECTIVE DATE — This Charter and the amendments thereto contained herein which are not already in force by virtue of State law, shall take effect as provided in Chapter 8 of Title 22, Delaware Code, which also may be cited as Chapter 260, Volume 53, Laws of Delaware.

Sen. McCullough moved that **HB 144** be brought up for final reading and vote.

Sen. McCullough moved to defer action on **HB 144**. Adopted by voice vote.

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

SB 115—An act relating to a pension for Winifred E. Przybylek, widow of John F. Przybylek, a former employee of the City of Wilmington and New Castle County.

Sen. Holloway asked for the privilege of the floor for personal reasons. No objections heard; privilege was then granted.

Sen. McCullough asked for the privilege of the floor for Mr. Vaughn, House Attorney to explain **HB 144**. No objections heard; privilege was then granted.

Senators Martin and Hoey asked to be marked present. On motion of Sen. McCullough, **HB 144** with title as

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

HB 144—An act to amend Section 1708, Title 18, Delaware Code by increasing maximum benefits as to amount and duration payable by any mutual benefit association.

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

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

ABSENT: Steen—1.

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

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

SCR 21—Providing for a joint committee to meet with the State Welfare Home and Hospital for the Chronically Ill at Smyrna.

On motion of Sen. Dineen, **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 making a supplementary appropriation to the Delaware State Hospital for the Surplus Food for Needy Families Program.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—14.

NAYS: Bookhammer, Manning—2.

NOT VOTING: Kinahan—1.

ABSENT: Steen—1.

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

Sen. Hoey introduced the following resolution which was given first reading. Adopted by voice vote.

SR 55—Relating to amount due for expenses incurred by the 123rd General Assembly.

Sen. Davidson introduced the following amendment which was given first reading and placed with the bill. **SA 1 to HB 89.**

The Chair presented the following House Bill which was given first and second reading and referred to commit-

tee as follows: **HB 146** referred to Fish, Oyster & Game.

Sen. McCullough asked for the privilege of the floor for personal reasons. No objections heard; privilege was then granted.

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

SB 116—An act to appropriate funds to the State Treasurer's Office.

Sen. Cook moved that the Senate adjourn until May 3, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 4:03 P.M.

32ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:00 P.M. on May 3, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zolton Szucs.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Pres. Pro Tem Steen—15.

Senators absents: DuPont, McGinnes, Schlor—3.

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

Sen. Steen submitted 4 communications accompanying petitions opposing the bill to lengthen the hour which establishments who sell alcoholic beverages can stay open. Made part of the record.

April 26, 1965

The Hon. Curtis W. Steen
c/o Legislative Hall
Dover, Delaware

Dear Senator Steen:

As citizens of Dover, interested in the moral and physical welfare of our youth, as well as the safety of all of our citizens, we, the undersigned, oppose the bill now before Legislature, designed to extend the closing hours of liquor establishments in our State:

Francis L. Turner
 Hugbett K. McDaniel
 George Ehruger
 Lawrence C. Frard
 Ralph C. Wilson
 Joshua M. Lewilley
 Zita S. Baisel
 Arlie Q. Downes
 Nelson J. Tormey
 Melville Warren
 H. T. Mott
 J. L. Rush

Sarah E. Hevolon
 Elizabeth N. Artis
 Phyllis N. Sheffer
 Edna A. Bice
 Alma M. Sutton
 Betty L. Warren
 Jane G. Geiger
 W. R. Hickman
 Mrs. F. W. Kimamon
 Mrs. Leslie Buckson
 Chas. B. Conner
 Chas. V. Raubacher

A PETITION TO OUR REPRESENTATIVES

The 123rd Delaware Assembly

We, the undersigned citizens, believe that it is unwise and against the public interest to extend the nighttime hours for the sale of intoxicating liquors throughout the State of Delaware.

We respectfully request the exercise of your influence and vote as a member of the Delaware Assembly toward the defeat of all bills which propose to extend the late hours for the sale of intoxicating liquors or beverages.

Eva McCabe, Dagsboro, Del.
 John T. McCabe, Jr., Dagsboro, Del.
 Laurie Lowe, Frankford, Del.
 Ann Taylor, Millsboro, Del.
 Emma Moore, Millsboro, Del.
 Laurence Noutten, Laurel, Del.
 Roddy Moore, Millsboro, Del.
 John O. Mumford, Millsboro
 Oscar W. McCabe, Millsboro
 Emma R. McCabe, Millsboro
 Burtie Mumford, Millsboro
 Flo Mootten, Millsboro
 Mabel Mitchell, Millsboro
 Marie Mitchell, Millsboro
 Naomi Nissley, Millsboro
 Wilbur Mitchell, Millsboro
 Norris W. Hearn, Millsboro
 Alma Hearn, Millsboro
 Emma Atkins, Millsboro
 Hazel Hudson, Dagsboro, Del.
 Preston Hudson, Dagsboro, Del.
 Myrtle Parker, Millsboro, Del.
 Harvey Parker, Millsboro, Del.
 Janie Johnson, Millsboro, Del.
 Minnie F. Goff, Georgetown, Del.
 Andrew Hudson, Millsboro, Del.

Mattie Outten, Millsboro, Del.
 Joyce LeCates, Millsboro, Del.
 Pauline S. Cordrey, Millsboro, Del.
 Anna McCabe, Millsboro, Del.
 Vernon B. Cordrey, Millsboro, Del.
 Clarence McCabe, Millsboro, Del.
 Ivan B. LeCates, Millsboro, Del.
 Elizabeth Mumford, Millsboro, Del.
 Irene LeCates, Millsboro, Del.
 John Hudson, Dagsboro
 Louise Mumford, Millsboro, Del.
 Lloyd C. Mumford, Millsboro
 Estella Adkins, Millsboro
 Martha Mumford, Millsboro
 Madelyn Mitchell, Frankford
 Maggie Mumford, Millsboro
 James Mumford, Millsboro
 Dallas J. Hudson, Millsboro
 Hettie M. Hudson, Millsboro
 Janie Stevens, Millsboro
 William Hitchens, Dagsboro
 Della M. Hitchens, Dagsboro
 V. Hudson, Millsboro
 Dorothy Hudson, Millsboro
 Beverly W. Mitchell, Millsboro
 Don Mitchell, Millsboro
 Betty Ann Donaway, Millsboro
 Rollie N. Lewis, Millsboro
 George R. Donaway, Millsboro
 Margaret Hudson, Millsboro
 Norman Hudson, Millsboro
 George Allen Adkins, Millsboro
 Nancy E. Adkins, Millsboro
 Mildred Lawson, Millsboro
 Albert Lawson, Millsboro
 Yvonne Parker, Millsboro
 Jack Parker, Millsboro

The Honorable Curtis W. Steen
 Legislative Hall
 Dover, Delaware

Dear Senator Steen:

We, the undersigned, as citizens of Delaware, wish you to know that we strongly oppose extending the hours during which alcoholic beverages may be sold in Delaware. The danger, accidents, waste, and crime already directly attributable to excessive drinking will only be increased by the passage of such a law.

If you should allow yourself to be swayed by those few businessmen selfishly interested in the passage of this bill, we feel you will be sacrificing concern for the many citizens of this state.

Madelyn Kennedy, Milford
 Barbara Gallagher, Pa. Ave., Milford, Del.
 Kathryn Morse
 Elizabeth V. Sigler
 Edith J. Baynum, 305 So. Walnut St., Milford
 Lillian M. Burris, 6 E. Clarke, Milford
 Marge W. Steiner, Milford
 Myrtle Rust, Rt. 2, Box 75, Milton, Del.
 Beulah Schneider, Milford, Del.
 Tom MacLaird, Box 106, Milford
 Helen W. Hickman, 411 S. Walnut St., Milford
 Ray P. McFaul, 10 N.W. Sec. St., Milford
 Grace R. Montgomery, 204 S. Walnut St., Milford, Del.

Dover, Delaware
 April 27, 1965
 Senator Curtis Steen
 Legislative Hall
 Dover, Delaware

Dear Senator Steen

We, the undersigned, as citizens of Delaware, wish you to know that we strongly oppose extending the hours during which alcoholic beverages may be sold in Delaware. The danger, accidents, waste, and crime already attributable to excessive drinking will only be increased by the passage of such a law.

If you should allow yourself to be swayed by those few businessmen selfishly interested in the passage of this bill, we feel you will be sacrificing concern for the many citizens of this state.

A. Bailey Thomas	Patricia Rodriguez
John L. Hill	N. James Maney
Clayton C. Heishberger	Florence V. Raubacher
R. A. Smith	Paul Scotton
Edwin F. Englebart	Richard E. Collin
Gilbert Hutchins	Donna Jean Starcher

Sen. Cook asked for the privilege of the floor for Sidney Balick to speak on Law Day. No objections heard; privilege was then granted.

Sen. Robbins reported the following bill from committee: **SB 113**—3 favorable, 2 merits.

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

SB 117—An act to amend Chapter 208, Volume 54, Delaware Code, relating to "Education" by providing scholarships for students pursuing courses of higher education not available in state institutions.

Sen. Robbins introduced the following amendment which was given first reading and placed with the bill. **SA 1** to **HB 31**.

Sen. Hoey announced a meeting of the Finance Committee.

Sen. Dineen announced a meeting of the Revised Statutes Committee.

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

SB 118—An act to amend Section 101, Title 22, Delaware Code, to allow the extension of the boundaries of a city or town to include lands owned by the annexing city or town without an election.

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

SB 119—An act to amend Section 6102, Title 29, Delaware Code, relating to the disposition of monies received by an agency pursuant to the sale of equipment.

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

The Senate returned to order at 5:45 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: McGinnes and DuPont.

Sen. Martin introduced the following amendment which was given first reading and placed with the bill. **SA 2** to **HB 31**.

Sen. Martin asked for the privilege of the floor for Joshua Twilley to explain **HB 31** as amended by **HA 1**. No objections heard; privilege was then granted.

Sen. Martin moved to defer action on **HB 31** with **HA 1** until Wednesday, May 5, 1965. Adopted by voice vote.

On motion of Sen. Kinahan on question to hold a public hearing on **HB 31** with **HA 1**.

YEAS: Bookhammer, Conner, Cook, DuPont, Hoey, Holloway, Kinahan, Manning, McGinnes, Robbins, Steen—11.

NAYS: Carney, Davidson, Dineen, Martin, Moore—5.

ABSENT: McCullough, Schlör—2.

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

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

SB 120—An act to amend Title 29, Delaware Code, by establishing procedures for the sale of state owned materiel.

Sen. McGinnes reported the following bill from committee: **HB 151**—2 favorable, 3 merits.

Sen. Dineen reported the following bills from committee: **HB 7**—1 favorable, 2 merits; **SB 98**—1 favorable, 2 merits; **SB 104**—1 favorable, 2 merits; **SB 106**—3 merits; **SB 110**—3 merits.

Sen. McGinnes introduced the following bill (co-sponsors, Senators Cook and Robbins), which was given first reading and referred to the committee on Finance:

SB 121—An act making a supplementary appropriation to the Board of Game and Fish Commissioners of the State of Delaware to be used for the Kent County S.P.C.A.

The Chair presented the following House Bill which was given first and second reading and referred to the committee on Revised Statutes.

HB 171—An act providing for the reorganization of the government of New Castle County and amending and repealing existing laws pertaining thereto.

On motion of Sen. DuPont, **SR 56** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SR 56—Requesting the Senate Committee to hold a public hearing on **HB 171**.

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

YEAS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

NAYS: Carney, Cook, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Steen—11.

ABSENT: Hoey, Schlor—2.

So the question was decided in the negative and the bill was lost.

Sen. Dineen introduced the following resolution which was given first reading. Adopted by voice vote.

SR 57—In reference to election of officers: New attaches were sworn in by President Tribbitt.

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

SB 122—An act to amend Section 2611, Title 9, Delaware Code, relating to changes in zoning districts by restricting the number of rezoning applications.

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

SB 123—An act to amend Section 1303, Title 15, Delaware Code, relating to transfer of names when election district divided; procedure.

Sen. Cook moved that the Senate adjourn until Tuesday, May 4, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 6:40 P.M.

33RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:50 P.M. on May 4, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zolton Szucs.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore—14.

Senators absent: Martin, Robbins, Schlor, Pres. Pro Tem Steen—4.

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

The Chair presented the following House Bills which were given first and second reading and referred to committees as follows: **HB 83** to Elections; **HB 178** to Elections; **HB 162** to Elections; **HB 167** to Corporations Private; **HB 48** to Corporations Municipal.

The Chair presented the following House Joint Resolution which was given first and second reading and referred to committee as follows: **HJR 6** to Judiciary.

Sen. Cook introduced the following House Concurrent Resolution which was given first reading. Adopted by voice vote:

HCR 16—Relating to the establishment of a research and field laboratory for water pollution in the Middle Atlantic Region.

Senators Robbins and Steen asked to be marked present.

On motion of Sen. McGinnes, **HB 151** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 151—An act to amend Title 30, Delaware Code, providing for license fees for real estate brokers and agents.

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

YEAS: Bookhammer, Carney, Conner, Cook, David-

son, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Robbins—14.

NAYS: None.

ABSENT: Dineen, Martin, Schlör, Steen—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.

Sen. Robbins introduced the following resolution which was given first reading. Adopted by voice vote.

SR 58—Providing for the recall and reconsideration of a bill because of a typographical error therein.

On motion of Sen. Dineen, **HB 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 3—An act to amend Chapter 51, Title 31, Delaware Code, relating to the Youth Services Commission.

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

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

NAYS: None.

ABSENT: Martin, Schlör—2.

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

Sen. Carney reported the following bills from committee: **HB 46**—5 favorable; **SB 108**—4 favorable, 1 merit.

Sen. Hoey asked for the privilege of the floor for Mr. Earl McGinnes, Budget Director, to explain **HB 20**. No objections heard; privilege was then granted.

On motion of Sen. Hoey, **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 to amend Section 6520, Title 29, Delaware Code, relating to advances to state agencies.

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

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

NAYS: None.

ABSENT: Martin, McGinnes, Schlör—3.

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

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

On motion of Sen. Dineen, **HB 7**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 7—An act to amend Chapter 67, Title 16, Delaware Code, by providing for police duties at all fire company functions.

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

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

NAYS: None.

ABSENT: Martin, McGinnes, Schlör—3.

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

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

SB 124—An act to amend an act entitled "An Act to Authorize the Commissioners of Millsboro to borrow \$600,000.00 and to issue bonds to secure the payment thereof for the purpose of improving and extending the water system and of providing a sewage disposal plant and system in the town of Millsboro and to control and regulate the same" being Chapter 27, Volume 54, Laws of Delaware, as amended, by providing for disposition of excess funds of construction.

Sen. Steen moved that **SB 124** not be assigned to Committee. Adopted by voice vote.

Sen. Steen moved the Senate recess to the call of the chair at 3:36 P.M.

The Senate returned to order at 5:20 P.M., Lt. Gov. Tribbitt presiding.

Sen. Davidson introduced the following amendment, **SA 1** to **HB 171** which was given first reading and placed with bill.

Sen. McCullough reported the following bill from committee: **SB 103**, 3 merits, 1 unfavorable.

Elisha C. Dukes delivered a message from the Governor.

GOVERNOR'S MESSAGE

May 4, 1965

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

In conformity with the Constitution and Laws of the

State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

John R. Doherty, Jr.

8 Maplewood Lane

Wilmington 3, Delaware

to be a member of the Delaware Industrial Building Commission, to fill the unexpired term of Daniel F. Shields, resigned, expiring February 20, 1968.

Respectfully submitted,

CHARLES L. TERRY, JR., Governor

GOVERNOR'S MESSAGE

May 4, 1965

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

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

Walter S. Carpenter, Jr.

18th and Rising Sun Lane

Wilmington, Delaware

to be a member of the Board of Trustees of the University of Delaware, for a term of six years from date of confirmation.
(Reappointment)

Respectfully submitted,

CHARLES L. TERRY, JR., Governor

Dover, Delaware, May 11, 1965

The Honorable Charles L. Terry, Jr.

Governor of Delaware

Dear Sir:

This is to certify that the name of John R. Doherty, Jr., 8 Maplewood Lane, Wilmington 3, Delaware, to be a member of the Delaware Industrial Building Commission, to fill the unexpired term of Daniel F. Shields, resigned, expiring February 20, 1968, was received in the Senate on May 4, 1965, and was confirmed by the Senate meeting in Executive Session on the 6th day of May, 1965.

Respectfully submitted,

JOSEPH F. TONER

Secretary of the Senate

OFFICE OF SECRETARY OF THE SENATE

Dover, Delaware, May 11, 1965

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

The name of John R. Doherty, Jr. of Wilmington, New Castle County, to be a member of the Delaware Industrial Building Commission to expire February 20, 1968 was received in the Senate May 4, 1965, and certificate of confirma-

tion was sent to the office of the Governor on the 11th day of May, 1965.

JOSEPH F. TONER
Secretary of the Senate

May 11, 1965

The Honorable Charles L. Terry, Jr.
Governor of Delaware
Dear Sir:

This is to certify that the name of Walter S. Carpenter, Jr., 18th and Rising Sun Lane, Wilmington, Delaware, to be a member of the Board of Trustees of the University of Delaware, for a term of six years from date of confirmation (Reappointment), was received in the Senate on May 4, 1965, and was confirmed by the Senate meeting in Executive Session on the 6th day of May, 1965.

Respectfully submitted,
JOSEPH F. TONER
Secretary of the Senate

OFFICE OF SECRETARY OF THE SENATE

Dover, Delaware, May 11, 1965

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

The name of Walter S. Carpenter, Jr. of Wilmington, New Castle County, to be a member of the Board of Trustees of the University of Delaware for the term of six years from date of confirmation (reappointment) was received in the Senate May 4, 1965, and certificate of confirmation was sent to the office of the Governor on the 11th day of May 1965.

JOSEPH F. TONER
Secretary of the Senate

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

HB 176 to Corporations Municipal.

HB 187 to Judiciary.

Sen. Robbins moved to rescind the original roll on **HB 53** with **HA 1**. Adopted by voice vote.

Sen. Robbins introduced the following amendment, **SA 1** to **HB 53** with **HA 1** which was given first reading and adopted by voice vote.

On motion of Mr. Robbins, **HB 53** with **HA 1** and **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 53 as amended by **HA 1** as amended by **SA 1**—An act to amend title 3, Delaware Code, by adding thereto Chapter 16 relating to Grain Testing Devices.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson,

Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McGinnes, Robbins—13.

NAYS: Steen—1.

NOT VOTING: McCullough, Moore—2.

ABSENT: Martin, Schlor—2.

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

Sen. Holloway reported the following bills from committee: **SB 97**, 4 favorable, 1 merits; **HB 83**, 3 favorable, 2 merits; **HB 162**, 3 favorable, 2 merits; **HB 178**, 3 favorable, 2 merits.

Sen. Cook moved that the Senate adjourn until Wednesday, May 5th, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:53 P.M.

34TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:07 P.M. on Wednesday, May 5, 1965, Lt. Gov. Tribbitt presiding.

Prayer by Sen. Davidson.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, Robbins, Schlor, Pres. Pro Tem. Steen—13.

Senators absent: Cook, DuPont, McCullough, McGinnes, Moore—5.

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

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

HB 132 with **HA 1** to Revised Statutes.

Sen. Steen moved the Senate recess to the call of the chair at 2:12 P.M. for the purpose of a public hearing on **HB 31** to be held in the Senate chambers.

The Senate returned to order at 3:45 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Senators Moore, DuPont, McGinnes, Cook and McCullough.

On motion of Mr. Dineen, **SB 110** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 110—An act to amend Title 31, Delaware Code, by redefining the Financial Participation of the Counties and the State in the State Public Assistance Code.

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

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

NOT VOTING: DuPont—1.

ABSENT: Manning, Steen—2.

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

Sen. McGinnes asked for the privilege of the floor for Dr. Berman to discuss **SB 108**. No objections heard; privilege was then granted.

Sen. McGinnes moved to defer action on **SB 108** to prepare for an amendment.

On motion of Mr. Kinahan, **SB 98** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 98—An act to amend Chapter 41, Title 21, Delaware Code, relating to interference with the operation and control of the motor vehicle.

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

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

NOT VOTING: Schlör—1.

ABSENT: Robbins, Steen—2.

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

Sen. Davidson reported the following bill from committee: **HJR 6**, 4 favorable, 1 merits.

Sen. McCullough reported the following bill from committee: **SB 96**, 4 favorable, 1 merits.

Sen. McCullough moved that **SB 97** be brought up for final reading and vote.

Sen. Robbins moved to defer action on **SB 97**—Roll call on the motion to defer.

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

YEAS: Bookhammer, Cook, Davidson, Dineen, DuPont, Hoey, Kinahan, McGinnes, Robbins, Schlör—10.

NAYS: Carney, Conner, Holloway, Manning, Martin, McCullough, Moore—7.

ABSENT: Steen—1.

So the question was decided in the negative and the motion was lost.

Sen. Manning asked for the privilege of the floor for personal reasons. No objections heard; privilege was then granted.

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

SB 125—An act to amend Chapter 5, Title 18, Delaware Code, relating to Cancellation of Automobile Liability Insurance Policies.

Sen. Holloway asked for the privilege of the floor for Mr. E. Hutchinson to discuss **HB 178**. No objections heard; privilege was then granted.

Sen. DuPont moved to defer action on **HB 178**. Lost by voice vote.

Sen. Holloway asked for the privilege of the floor for Mr. E. Hutchinson, Secretary of the Board of Elections to discuss **HB 162**. No objections head; privilege was then granted.

On motion of Mr. Holloway, **HB 178** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 178—An act to amend Chapter 17, Title 15, Delaware Code, relating to Registration Procedure.

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

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

NOT VOTING: Bookhammer, Conner, DuPont, Manning—4.

ABSENT: Hoey—1.

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

On motion of Sen. Holloway, **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 repeal Section 1730 and Section 1731, Title 15, Delaware Code, relating to issuance of voter identification card and the defacing and misuse of voter identification card.

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

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

NOT VOTING: DuPont—1.

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

Sen. Carney reported the following bill from committee: **HB 123**, 2 favorable, 1 merit, 2 unfavorable.

Sen. Carney submitted **SA 3** to **SB 45** and asked it be placed with the bill.

Sen. Dineen introduced the following resolutions which were given first reading. Adopted by voice vote.

SR 59—Authorizing payment for services rendered by attaches and employees of the Senate of the present session of the 123rd General Assembly.

SR 60—Appropriating money out of the General Fund of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly.

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

SB 126—An act to amend Chapter 69, Title 29, Delaware Code, relating to the procurement of material and competitive bids.

Sen. McGinnes reported the following bill from committee: **SB 102**, 2 favorable, 2 merits.

Sen. Cook moved that the Senate adjourn until Thursday, May 6, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:35 P.M.

35TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 3:04 P.M. on Thursday, May 6, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Robbins, Pres. Pro Tem. Steen—15.

Senators absent: Cook, McGinnes, Schlor—3.

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

The following communication was read: To Sen. Moore, from the Governor advising the Senate of bills that had been signed by the Governor.

May 6, 1965

MEMORANDUM #6

TO: Senator Anthony C. Moore, Representative Maurice Adams, Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis,

Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

FROM: William T. Quillen

The Governor signed the following legislation on the dates indicated:

May 3, 1965

SB 4—(Smyrna Home—Name Change); **SB 38**, (Consumer Fraud); **SB 77**—(New Castle Historic Buildings Comm.); **SJR 5**, (Protocol Committee); **HB 161**, (Amending Chapter 150, Volume 54).

May 4, 1965

HB 125 with **HA 1**—(New Castle County Subdivision).

May 6, 1965

SB 50 with **SA 1**—(Child Abuse Reporting by Physicians); **HB 91**—(\$10,000 Appropriation to Blind Com.)

On April 14, 1965, the Senate passed the Women's Suffrage amendment to the State Constitution completing the second leg necessary for adoption.

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

HB 206—Judiciary

HB 47—Corporations Municipal

HB 189—Miscellaneous

HB 25—Revised Statutes

HS 1 for **HB 92**—Revised Statutes

Sen. McGinnes introduced the following Senate Amendment, **SA 1** to **SB 13** which was given first reading and placed with the bill.

Sen. Steen moved the Senate recess to the call of the chair at 3:35 P.M.

The Senate returned to order at 4:25 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: McGinnes, Cook.

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

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

Sen. Schlör introduced the following bill, (co-sponsors: Senators Holloway, Dineen, Martin), which was given first reading and referred to the Committee on Corporations and Municipal.

SB 127—An act to amend Chapter 92, Volume 23, Laws of Delaware, as amended, being an act entitled "An Act to provide for the organization and control of the Public Schools of the City of Wilmington" by providing for the appointment of the Members of the Board of Public Educa-

tion in Wilmington; qualifications of members; powers and duties of board.

Sen. Carney asked for the privilege of the floor for Mr. Hennessey of Delaware State Hospital. No objections heard; privilege was then granted.

On motion of Mr. Carney, **HB 46** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 46—An act to amend Chapter 270, Laws of Delaware 1963.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör, Steen—16.

ABSENT: Cook, Robbins—2.

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

On motion of Mr. Steen, **SB 124** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Steen moved that Rule 9 be suspended for the purpose of considering **SB 124**. Motion carried.

SB 124—An act to amend an act entitled "An Act to authorize the Commissioners of Millsboro to borrow \$600,00.00 and to issue bonds to secure the payment thereof for the purpose of improving and extending the water system and of providing a sewage disposal plant and system in the town of Millsboro and to control and regulate the same" being Chapter 27, Volume 54, Laws of Delaware, as amended by providing for disposition of excess funds of construction.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore, Schlör, Steen—15.

NOT VOTING: DuPont—1.

ABSENT: Cook, Robbins—2.

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

Sen. Dineen reported the following bill from committee:

HB 171 with **HA 1** and **SA 1**—2 favorable, 1 merit, 1 unfavorable.

Sen. Carney reported the following bill from committee:

HB 153, 3 favorable, 1 merit.

Sen. Davidson reported the following bill from committee: **HB 146**, 1 favorable, 3 merits.

Sen. McCullough reported the following bill from committee: **HB 167**, 3 favorable, 2 merits.

Sen. Dineen moved that Senator Connor be allowed to sign the committee report on **HB 171** with **HA 1** and **SA 1**. Adopted by voice vote.

Sen. Connor signed the committee report unfavorably.

Sen. Martin introduced the following resolution which was given first reading. Adopted by voice vote.

SR 61—Expressing the best wishes of the Senate of the 123rd General Assembly to Sidney Balick, Esq. on his birthday.

Sen. Davidson asked for the privilege of the floor for Mr. Sidney Balick for personal reasons. No objections heard; privilege was then granted.

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

HJR 6—Establishing a joint committee of the House of Representatives and Senate of the 123rd General Assembly for the purpose of studying and making report on Law Enforcement in the State of Delaware.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör, Steen—16.

ABSENT: Cook, Robbins—2.

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

Sen. McGinnes asked for the privilege of the floor for Mr. Sidney Balick to discuss **SJR 4**. No objections heard; privilege was then granted.

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

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

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör—13.

NAYS: Hoey—1.

NOT VOTING: Holloway—1.

ABSENT: Cook, Robbins, Steen—3.

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

On motion of Sen. DuPont (co-sponsors: Kinahan, Manning, Connor, Bookhammer), **SR 62** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SR 62—Requesting the Revised Statutes Committee to hold a public hearing on **HB 171**.

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

YEAS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

NAYS: Carney, Davidson, Dineen, Hoey, Holloway, Martin, McCullough, McGinnes, Moore, Schlör, Steen—11.

ABSENT: Cook, Robbins—2.

So the question was decided in the negative and the resolution was lost.

Sen. Martin introduced the following resolution which was given first reading. Adopted by voice vote.

SR 63—Expressing the best wishes of the Senate of the 123rd General Assembly to Sen. Russell D. F. Dineen on his birthday.

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

SB 128—An act to amend Title 6, Delaware Code, by protecting the public welfare, entitling all persons to full and equal rights and access to real property offered to the public for sale, lease or rent, making it unlawful for any person to deny or refuse the same to any person on account of race, creed, color or national origin or to publish any communication to that effect, empowering and directing the State Human Relations Commission to administer effectuation thereof and providing criminal penalties for the violations thereof.

Sen. Connor introduced the following joint resolution which was given first reading and referred to the Committee on Education.

HJR 8—Authorizing the Legislative Reference Bureau to furnish stationery and other supplies.

Sen. Steen moved that the Senate adjourn until Monday, May 10, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:55 P.M.

36TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:00 P.M.

on Monday, May 10, 1965, Pres. Pro Tem Steen presiding.
Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present: Carn-
ey, Conner, Davidson, Dineen, DuPont, Holloway, Kinahan,
Manning, Schlör, Pres. Pro Tem Steen—10.

Senators absent: Bookhammer, Cook, Hoey, Martin,
McCullough, McGinnes, Moore, Robbins—8.

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

The following communication was read from the Blood
Bank of Delaware:

Secretary
State Senate
Dover, Delaware

Dear Sir:

The members of the State Senate of Delaware are in-
vited to attend the dedication of the new building of the
Blood Bank of Delaware, Inc. 2:00 P.M. on May 16, 1965
at 301 E. Matson Run Parkway, Wilmington, Delaware,
located near 40th and Washington Street.

We will dedicate this building in the memory of the
late James F. McCloskey, Sr., founder and first President of
the Blood Bank of Delaware, Inc., and the same time ob-
serve the Tenth Anniversary of the founding of the organi-
zation.

Sincerely,
Raymond B. Phillips
President

Sen. Dineen reported the following bill from committee:
SB 30 with **SA 1**—1 favorable, 3 merits.

Sen. Schlör moved the Senate recess to the call of the
Chair at 2:15 P.M.

The Senate returned to order at 4:35 P.M., Pres. Pro
Tem Steen presiding.

The following Senators asked to be marked present:
Senators Moore, Bookhammer, Hoey, McGinnes and Rob-
bins.

Sen. Schlör introduced the following bill which was
given first reading and referred to the committee on Cor-
porations Municipal.

SB 129—An act to amend Chapter 207, Volume 17,
Laws of Delaware, as amended by Chapter 118, Volume 30,
Laws of Delaware, relating to the taxation of utilities in the
City of Wilmington.

Sen. Dineen reported the following bill from committee:
SB 71—2 merits, 2 unfavorable.

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

SR 64—Congratulating Sen. Anthony C. Moore and Mrs. Moore on their 25th Wedding Anniversary.

On motion of Sen. Davidson, **HB 146** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 146—An act to amend Chapter 25, Part II, Title 7, Delaware Code, relating to lobsters.

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

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

NAYS: None.

ABSENT: Cook, Martin, McCullough—3.

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

Sen. Schlör reported the following bill from committee: **HB 55**—4 favorable, 1 merit.

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

SB 130—An act to amend Section 1401, Title 14, Delaware Code, entitled "Procedures for Termination of Services of Professional Employees" by providing for inclusion of school nurses and certified secretaries within the definition of the word teacher.

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

SR 65—Expressing the gratitude of the Senate of the 123rd General Assembly to the Senate Attaches.

On motion of Sen. Carney, **HB 153** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 153—An act to amend Chapter 5, Chapter 7, Chapter 9, and Chapter 11, Title 4, Delaware Code, relating to alcoholic liquors.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, McGinnes, Moore, Robbins, Schlör, Steen—14.

NAYS: None.

ABSENT: Cook, Manning, Martin, McCullough—4.

So the question was decided in the affirmative and the

bill having received the required constitutional majority passed the Senate.

Sen. DuPont (Co-sponsors, Senators Manning, Conner, Bookhammer and Kinahan), introduced the following Senate Amendments which were given first reading and placed with the bill.

SA 2 to HB 171 with HA 1 and SA 1.

SA 3 to HB 171 with HA 1 and SA 1.

SA 4 to HB 171 with HA 1 and SA 1.

SA 5 to HB 171 with HA 1 and SA 1.

SA 6 to HB 171 with HA 1 and SA 1.

SA 7 to HB 171 with HA 1 and SA 1.

SA 8 to HB 171 with HA 1 and SA 1.

The Chair presented the following House Bills which were given first and second reading and referred to committees as follows: **HB 156** to Education; **HB 183** to Revised Statutes; **HB 184** to Finance; **HB 86** to Building and Highways; **HB 99** to Building and Highways; **HB 129** with **HA 1** to Judiciary.

Sen. Schlor moved that the Senate adjourn until Tuesday, May 11, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:12 P.M.

37TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:50 P.M. on Tuesday, May 11, 1965, Pres. Pro Tem Steen presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present: Carney, Conner, Davidson, Dineen, Holloway, Kinahan, Martin, McGinnes, Moore, Robbins, Schlor, Pres. Pro Tem Steen—12.

Senators absent: Bookhammer, Cook, DuPont, Hoey, Manning, McCullough—6.

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

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

SB 131—An act making a supplementary appropriation to the State Highway Department to be used for the repair of the Van Buren Street Bridge.

Sen. McGinnes introduced Mr. Dale Hess, Majority Floor Leader of Maryland. Mr. McGinnes asked that Rule 9 be suspended to give Mr. Hess the privilege of the floor. Adopted by voice vote.

Sen. Dineen moved that **SB 45** be brought up for final reading and vote.

Sen. Carney moved to strike **SA 1** to **SB 45** from the record. Adopted by voice vote. Sen. Dineen moved to adopt **SA 2** to **SB 45**. Adopted by voice vote.

Sen. Manning asked to be marked present.

Sen. Dineen moved to adopt **SA 3** to **SB 45**. Adopted by voice vote.

Senators DuPont, Bookhammer, and Hoey asked to be marked present.

Roll call on **SB 45** with **SA 2** and **SA 3** was tabled by Sen. Dineen.

Sen. McGinnes introduced the following amendment which was given first reading and adopted by voice vote. **SA 1** to **SB 108**.

On motion of Sen. McGinnes, **SB 108** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 108—An act to amend Chapter 21, Title 24, Delaware Code, relating to optometry.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Manning, Martin, McGinnes, Moore, Schlör, Steen—12.

NAYS: None.

NOT VOTING: Kinahan—1.

ABSENT: Cook, Hoey, Holloway, McCullough, Robbins—5.

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

Sen. Dineen moved to lift from the table the roll call on **SB 45** with **SA 2** and **SA 3**. Adopted by voice vote.

On motion of Sen. Dineen, **SB 45** with **SA 2** and **SA 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

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

YEAS: Carney, Davidson, Dineen, Holloway, Kinahan, Martin, McCullough, McGinnes, Moore, Schlör, Steen—11.

NAYS: Bookhammer, Conner, DuPont, Manning—4.

ABSENT: Cook, Hoey, Robbins—3.

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

Sen. McCullough asked to be marked present.

Sen. Schlör moved the Senate recess to the call of the Chair at 2:35 P.M.

The Senate returned to order at 3:45 P.M., Pres. Pro Tem Steen presiding.

Sen. Dineen moved that **HB 171** with **HA 1** be brought up for final reading and vote.

On motion of Sen. Davidson that **SA 1** to **HB 171** with **HA 1** be taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS: Carney, Davidson, Dineen, Hoey, Holloway, Martin, McCullough, Moore, Robbins, Schlör, Steen—11.

NAYS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

ABSENT: Cook, McGinnes—2.

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

Sen. Dineen asked for the privilege of the floor for Mrs. Henry Aughey, representing Civic League of New Castle County. No objections heard; privilege was then granted.

Sen. DuPont introduced **SA 9** to **HB 171** with **HA 1** and asked that it be placed with the bill.

Sen. DuPont moved to adopt **SA 2** to **HB 171** with **HA 1** and **SA 1**.

Sen. Dineen moved to table **SA 2** to **HB 171** as amended by **HA 1** and **SA 1**.

On motion of Sen. Dineen to table **SA 2** to **HB 171** as amended by **HA 1** and **SA 1**.

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

YEAS: Carney, Davidson, Dineen, Holloway, Martin, McGinnes, Moore, Robbins, Schlör, Steen—10.

NAYS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NOT VOTING: McCullough—1.

ABSENT: Cook—1.

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

On motion of Sen. DuPont to adopt **SA 3** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NAYS: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—11.

ABSENT: Cook—1.

So the question was decided in the negative and the bill was lost.

On motion of Sen. DuPont to adopt **SA 4** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning, McCullough—7.

NAYS: Carney, Davidson, Dineen, Holloway, Martin, McGinnes, Moore, Robbins, Schlör, Steen—10.

ABSENT: Cook—1.

So the question was decided in the negative and the bill was lost.

Sen. DuPont moved to adopt **SA 5** to **HB 171** with **HA 1** and **SA 1**.

On motion of Sen. Dineen to table **SA 5** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—11.

NAYS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

ABSENT: Cook, Hoey—2.

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

Sen. Dineen asked for the privilege of the floor for Mr. Secor, representing the Committee of 39. No objections heard; privilege was then granted.

On motion of Sen. DuPont to adopt **SA 6** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NAYS: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—11.

ABSENT: Cook—1.

So the question was decided in the negative and the bill was lost.

On motion of Sen. DuPont to adopt **SA 7** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NAYS: Carney, Davidson, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—11.

ABSENT: Cook—1.

So the question was decided in the negative and the bill was lost.

On motion of Sen. DuPont to adopt **SA 8** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Hoey, Kinahan, Manning—6.

NAYS: Carney, Dineen, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—10.

ABSENT: Cook, Davidson—2.

So the question was decided in the negative and the bill was lost.

On motion of Sen. DuPont to adopt **SA 9** to **HB 171** with **HA 1** and **SA 1**.

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

YEAS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

NAYS: Carney, Davidson, Dineen, Hoey, Holloway, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—12.

ABSENT: Cook—1.

So the question was decided in the negative and the bill was lost.

On motion of Sen. Dineen, **HB 171** with **HA 1** and **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 171—An act providing for the reorganization of the government of New Castle County and amending and repealing existing laws pertaining thereto.

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

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

NAYS: Bookhammer, Conner, DuPont, Kinahan, Manning—5.

ABSENT: Cook—1.

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

Sen. Schlör moved that the Senate adjourn until Wednesday, May 12, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:40 P.M.

38TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on May 12, 1965, Pres. Pro Tem Steen presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present—Carney, Conner, Cook, Davidson, Holloway, Martin, Moore, Pres. Pro Tem. Steen—8.

Senators absent: Bookhammer, Dineen, DuPont, Hoey, Kinahan, Manning, McCullough, McGinnes, Robbins, Schlör—10.

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

The Senate returned to order at 4:15 P.M., Pres. Pro Tem Steen presiding.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Holloway, Kinahan, Martin, McCullough, Moore, Schlör, Pres. Pro Tem Steen—14.

Senators absent: Hoey, Manning, McGinnes, Robbins—

4.

The Secretary proceeded to read the Journal of the previous day's session when Sen. Cook moved that so much

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

The following communication was read:

A resignation from Thomas R. Taylor, Senate attache, was read and made part of the record.

April 27, 1965

To the Senate:

Please accept my resignation as an attache of the State Senate—as a telephone messenger—as of the close of business on Thursday, May 12, 1965, the 38th Legislative Day.

Thomas R. Taylor

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

SR 66—In reference to Election of Officers:

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

SB 132—An act making a supplementary appropriation to the Library Commission for the State of Delaware.

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

HB 227—An act to amend Chapter 86, Title 9, Delaware Code, relating to Collection of Taxes.

Sen. Dineen moved that Rule 9 be suspended for the purpose of considering **HB 222**. Motion carried.

On motion of Sen. Dineen, **HB 227** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 227—An act to amend Chapter 86, Title 9, Delaware Code, relating to Collection of Taxes.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, Moore, Schlör, Steen—12.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Bookhammer, DuPont, Hoey, McGinnes, Robbins—5.

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

The Chair presented the following House Bill which

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

HB 228—An act to amend Chapter 80, Title 9, Delaware Code, relating to County Tax Rate.

Sen. Dineen moved that Rule 9 be suspended for the purpose of considering **HB 228**. Motion carried.

On motion of Sen. Dineen, **HB 228** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 228—An act to amend Chapter 80, Title 9, Delaware Code, relating to County Tax Rate.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Martin, McCullough, Moore, Schlör, Steen—11.

NAYS: Manning—1.

NOT VOTING: Kinahan—1.

ABSENT: Bookhammer, DuPont, Hoey, McGinnes, Robbins—5.

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

Sen. McCullough introduced the following amendment, **SA 1** to **SB 96** which was given first reading and adopted by voice vote.

Senators Hoey and Manning asked to be marked present.

On motion of Sen. Carney, **SB 96** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 96—An act to amend Chapter 5, Section 931, Delaware Code, as amended, so as to permit Savings Banks or Savings Societies, under certain conditions, to have more latitude in respect to the terms of their retirement plans and to have the right to carry life insurance protection for officers, clerks and employees.

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

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

NAYS: None.

ABSENT: Bookhammer, DuPont, Hoey, McGinnes, Robbins—5.

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

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

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

HB 15 to Revised Statutes.

HB 15—An act to amend Chapter 13, Title 13, Delaware Code, relating to Inheritances by Illegitimate Children.

HB 36 to Judiciary.

HB 36—An act to amend Title 10, Delaware Code, Section 8705(a) relating to fees and costs.

HB 104 to Banking and Insurance.

HB 104—An act to amend Chapter 27, Title 18, Delaware Code, relating to Taxes and Fees for Insurance Companies, Agents and Brokers by granting the Insurance Commissioner the authority to make refunds.

HB 130 to Judiciary.

HB 130—An act to amend Section 9524, Title 10 of the Delaware Code relating to Service of Summons.

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

HB 214 to Labor.

HB 214—An act to amend Chapter 23, Title 19, Delaware Code, relating to Workmen's Compensation.

HB 207 to Finance.

HB 207—An act making appropriations to the amount of \$122,707,827.00 for the expense of the State Government for the fiscal year ending June 30, 1966.

Sen. Martin moved that Rule 9 be suspended for the purpose of considering **HB 214**. Motion carried.

On motion of Sen. Martin, **HB 214** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 214—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: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Martin, McCullough, Moore, Schlör, Steen—12.

NOT VOTING: Hoey—1.

ABSENT: Bookhammer, DuPont, Manning, McGinnes, Robbins—5.

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

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

The Chair presented the following House Concurrent Resolutions, which were given first and second reading.

HCR 19. Sen. Cook made a motion to adopt **HCR 19.** **HCR 19** was adopted by voice vote.

HCR 19—That the two Houses of the 123rd General Assembly meet in Joint Session to hear a message from the Governor.

Sen. Schlor reported the following bills from committee: **HB 48**, 4 favorable, 1 merit; **HB 176**, 4 favorable, 1 merit.

Sen. Cook moved that the Senate adjourn until Thursday, May 13, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:40 P.M.

39TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Thursday, May 13, 1965, Pres. Pro Tem Steen presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, McGinnes, Moore, Robbins, Pres. Pro Tem Steen—14.

Senators absent: Manning, Martin, McCullough, Schlor—4.

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

Sen. Manning asked to be marked present.

Sen. Cook moved the Senate recess to attend a Joint Session in the House.

MESSAGE

by

THE HONORABLE CHARLES L. TERRY, JR.

GOVERNOR OF DELAWARE

To The

FIRST REGULAR SESSION OF THE
ONE HUNDRED TWENTY-THIRD GENERAL SESSION

Of The

STATE OF DELAWARE

Recommending Increased Revenue

For

Budget Balancing Purposes

DOVER

May 13, 1965

Mr. Speaker

Mr. President Pro Tem

Members of the 123rd General Assembly

Ladies and Gentlemen:

No one could be prouder than I that in unity of spirit we have embarked with zeal and courage to fulfill our commitments.

Yet a trouble spot remains.

Sometimes, it does not seem that over three months have passed since I made my first appearance before a Joint Session of the 123rd General Assembly. And sometimes, it seems even longer, in fact, as though it was years ago that I stood here and informed you that in respect to the State's fiscal situation I had come to "sound the alarm."

We have known fruitful days since then and a record of progress has been written in which all of us can take just pride.

But our tasks are not done and we cannot rest until they are.

In that speech on February 1 of this year I announced that several things would be done to put the State's financial House in order. I would like to review some of these suggestions now.

First: I called for a general tightening of the budgetary allocations and the General Assembly has responded in a very positive way. The supplementary appropriations, in accordance with my request, have been held to an essential minimum and none have been passed and approved that could not be fully justified by both usefulness and necessity. You should continue your conscientious effort in this regard.

Second: I requested that the Joint Finance Committee make an attempt to cut the budget recommended last January. That committee studied the situation with great care after patient days of hearing testimony and sorting facts. The bill presented represents the considered judgment of these dedicated legislators as to the needs of our state. If bookkeeping adjustments are eliminated, the bill does achieve a slight reduction of the January recommendations of our former Governor. We should commend the Joint Finance Committee for a job well done.

Third: I announced by intention of naming a bipartisan ad hoc committee to study the tax pattern of the state and to make recommendations. That committee, under the able chairmanship of Robert W. Tunnel of Georgetown, has also come up with an outstanding performance, one which must certainly guide us as we seek a way out of a threatening economic condition.

But while these constructive efforts have been taken, neither they nor time has altered the impending financial problem we are facing. Indeed, the detailed study of the Joint Finance Committee has indicated that the State of Delaware needs a budget in the neighborhood of one hundred and twenty-seven million dollars. Consequently, on current revenue trends, eliminating extraordinary estate and inheritance taxes, we still face not only an operating deficiency in the neighborhood of ten million dollars in fiscal 1965, but a similar deficiency in 1966 and an even greater deficiency in future years.

The greatest disservice that can be done to the people of this state is for us to permit a financial situation that will lead to deficit in our general fund. Fiscal integrity is the cornerstone of sound government and the prerequisite to progress.

The answer is simple. It follows like the night follows the day. We must balance our operating budget. I am here to recommend that we do just that.

It would please me beyond words if I could report to you that the increased revenue I am about to recommend would solve the State's revenue problems for decades to come. But no such guarantees are possible. Our aim now is to assure the state there will be no rude awakening in fiscal 1967 when we find our reserves exhausted and our income insufficient to meet even the bare and essential demands of the day.

All of my recommendations are taken from the report of the Governor's revenue study committee. I have eliminated only those taxes which were not designed primarily as revenue measures and those taxes which may, in the long run, cost more money than they would raise. Some of the recommendations have been slightly modified.

Since the receipt of that comprehensive report, I have spent several hours of fruitful and congenial discussion with a bipartisan committee of legislators designated by the speaker of the House and the President Pro Tem of the Senate. We reached a full accord on all matters. By-and-large our sessions were remarkable for their amicability and general agreement. I should certainly also mention that the legislators, most of them long experienced in government and all of them aware of our needs and our limitations, have also met without me.

After carefully weighing their viewpoint and considering their opinions, both individually and collectively, I have reached the following conclusions:

First: I recommend that we eliminate the deduction now allowed for federal income taxes paid. While there is no question that this step will affect the overwhelming

number of our citizens, we cannot deceive ourselves or our constituents in believing that the cost of increased services does not have to be generally shared. It should be noted also that this step places the greater burden on those who may best bear it.

Second: I recommend that we enact a real estate transfer tax of one per cent. This tax is a proven revenue raiser as the experience of neighboring Pennsylvania will attest. Nor should it in any respect be considered as a threat or rival to local taxation. The right of school districts, counties and municipalities to rely upon real estate revenue is a principal long established in fact. This proposal would not interfere with the freedom of subdivisions of the state to continue that time-honored tradition since it is a "one-shot" tax with no provision for annual repetition.

Third: I recommend that the gasoline tax be increased by one per cent per gallon, and that passenger car registration be increased to twenty dollars. In the interest of uniformity, I also suggest that the registration fee for station wagons be fixed at twenty dollars and that a minimum registration of twenty dollars be established on commercial and farm vehicles. These recommendations are obviously justified by our expanding highway construction and maintenance costs.

Fourth: I recommend that the tax on cigarettes be increased by two cents per package, that other tobacco products be taxed and, that the parimutuel tax be increased by one per cent on both flat and harness racing. The rationale for placing additional burden on these luxury items is obvious. Liquor revenue also should be increased but this recommendation is being withheld pending further evaluation of whether the increase should be in the tax or the license fees.

Fifth and Finally: I recommend that the interest rates on deficiencies in the payment of state income taxes be raised to six per cent and that out-of-state contractors be required to give bond for the payment of taxes withheld from employees. Both of these miscellaneous measures are prudent improvements in tax administration as well as being easily enforceable revenue raisers.

While it is always difficult to accurately estimate revenue in advance, the program I have outlined, according to the best available information, when fully effective, should add over eleven million dollars per year to our state revenue. While this is not as much as I feel we might need, I have concluded that we should attempt to get along with this amount until it is shown by necessity that additional action is required.

I feel compelled to make one additional policy state-

ment. Delaware's prosperity has traditionally depended on its welcome to corporate enterprise. Because we are the home of corporations, fourteen and one half per cent of our revenue comes from our corporate franchise tax. This compares with two and one tenth per cent for the rest of the states if they are considered as a whole. Because we have maintained a favorable business climate, many giants of industry have traditionally made Delaware not only their nominal home but operational base. Three important reasons contribute to this atmosphere:

1. Our tax structure.
2. Judicial interpretation of our corporate law; and
3. Willingness of the Legislature to amend our corporate law to meet the needs of progress in corporate enterprise.

I could not sponsor or approve any short-sighted tax measures which could possibly change the corporate atmosphere. We now enjoy and I feel certain that I speak for the overwhelming majority of all our people, regardless of party, in this respect. I make this comment because, quite frankly, some of our discussions of increased taxes have created great concern among the business leaders of our state, and indeed, of the nation. I hope this statement will put to rest such fears.

It is obviously not pleasant to come before you on this subject. But the program I have outlined is both reasonable and necessary. Legislation has already been introduced in regard to the tax on flat racing. I endorse House Bill 212. The additional bills will be introduced as a package early next week. It has been one month since I distributed the report of the Governor's revenue study committee to the members of this body. The report was made public at the same time.

I am reluctant to close. Full days jammed with action have pulled us close together and we have shared responsibilities in a way that cannot help but be personally rewarding to each of us.

Yet all we have done will be limited if we fail to meet this additional responsibility.

The time for action has arrived since the problem of our budget is perennial and cannot go away. Immediate action now is required and it is relatively painless when compared to the inevitable emergency alternatives caused by delay.

Let's do the job and face tomorrow confident that the needs of the state will not be neglected.

The Senate returned to order at 4:35 P.M., Pres. Pro Tem Steen presiding.

Sen. DuPont reported that he received three telegrams and moved that they be made part of the record.
 Senator Reynolds DuPont:

We the undersigned, representing a substantial number of citizens of New Castle County do request that an evening hearing be held in New Castle County to discuss **HB 171** with amendment **HA 1** concerned with the reorganization of the government of New Castle County. We make this request to insure that the people most directly affected will have had the opportunity to discuss the details and make their desires known on this important legislation.

Lyle G. Hartmann, Pres., North Mill Creek Hundred Civic Assn.; Leonard T. Haag, Pres., Polly Drummond Hill Civic Assn.; Everett Wilson, Pres., Council of Civic Organization of Brandywine Hundred; Neil F. Hardy, President, Civic League of New Castle County; James A. Sample, Pres., Council of Civic Organization of Millcreek Hundred.

Sen. Reynolds DuPont:

The Kennett Pike Association, representing hundreds of people in Christiana Hundred, wishes to join other civic associations of New Castle County in requesting public hearings on **HB 171** and **HA 1** at a time and place convenient to the citizens of New Castle County before passage of that bill.

Arthur K. Orne, President

Sen. Carney (co-sponsor, Sen. Conner), introduced the following bills which were given first reading and referred to the committee on Public Health.

SB 133—An act to amend Title 16, Delaware Code, relating to Delaware State Hospital by providing for the discharge and release of patients at Delaware State Hospital, rehospitalization, return of patients escaped or on unauthorized leave.

SB 134—An act amending the Delaware Code by striking out the words "Delaware State Hospital at Farnhurst" wherever used in said code and substituting in lieu thereof the words "Delaware State Hospital."

SB 135—An act to provide penalties for causing unwarranted hospitalization in Delaware State Hospital or denial of rights accorded in Chapter 51, Title 16, Delaware Code.

SB 136—An act to amend Section 5123, Title 16, Delaware Code, relating to voluntary hospitalization of patients at Delaware State Hospital, authority to receive, procedure, and discharge.

SB 137—An act to amend Section 5125, Title 16, Delaware Code, relating to involuntary detention in Delaware State Hospital for an indeterminate period of time.

Senators Martin, McCullough, and Robbins requested that they be marked present.

Sen. McCullough asked for the privilege of the floor for Honorable Elisha C. Dukes to discuss **HB 167**. No objections heard; privilege was then granted.

On motion of Sen. McCullough, **HB 167** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 167—An act to amend Chapter 5, Title 8, Delaware Code, relating to the corporation franchise tax.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NAYS: None.

ABSENT: Bookhammer, Holloway—2.

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

On motion of Sen. Dineen, **SB 86** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 86—An act to amend Chapter 51, Title 16, Delaware Code, relating to the disposition of certain funds received by the State Department of Mental Health.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—15.

NAY: DuPont—1.

ABSENT: Bookhammer, Hoey—2.

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

On motion of Sen. Steen, to suspend Rule 9 to act on **HB 225**.

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

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

NAYS: Conner, DuPont, Manning—3.

NOT VOTING: Kinahan—1.

ABSENT: Bookhammer, Hoey—2.

On motion of Sen. Steen, **HB 224** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Steen moved that Rule 9 be suspended for the purpose of considering **HB 224**. Motion carried.

HB 224—An act making appropriations from the capital investment fund to the State Park Commission to construct a recreation area.

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

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

NAYS: Conner, DuPont, Manning—3.

NOT VOTING: Kinahan—1.

ABSENT: Bookhammer, Hoey—2.

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

Sen. Carney introduced the following amendment which was given first reading and placed with the bill: **SA 1** to **HB 156**.

Sen. McCullough reported the following bill from committee: **SB 125**—4 favorable.

Sen. Robbins reported the following bill from committee: **HB 156**—2 favorable, 3 unfavorable.

Sen. Holloway (co-sponsors, Senators Martin, Dineen, Carney, Moore, and McCullough), introduced the following bill which was given first reading and referred to the committee on Judiciary:

SB 139—An act to amend Rule 35, rules of criminal procedure for the Superior Court of the State of Delaware by eliminating the time requirement within which a sentence may be reduced by the court.

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

SB 140—An act to amend Section 101, Title 26, Delaware Code, to confer upon the Public Service Commission authority to regulate sewage systems, their rates and franchises.

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

SB 142—An act concerning the regulation of proxies of domestic insurance companies.

On motion of Sen. Schlör, **HB 55** with title as follows

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

HB 55—An act to amend Chapter 42, Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" by permitting non-resident property owners to vote in the annual municipal election.

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

YEAS: Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—15.

NAYS: None.

ABSENT: Bookhammer, Dineen, Hoey—3.

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

Sen. Schlör moved that **HB 176** be brought up for final reading and vote. Sen. Schlör moved to defer action on **HB 176**. Adopted by voice vote.

Sen. Schlör moved that **HB 48** be brought up for final reading and vote. Sen. Schlör moved to defer action on **HB 48**. Adopted by voice vote.

Pres. Pro Tem Steen swore in Christine Phillips.

On motion of Sen. Cook, **SB 78** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 78—An act making a supplementary appropriation to the State Highway Department for the establishment, operation and administration of recreation areas located on public lands in Sussex County, Delaware.

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

YEAS: Carney, Conner, Cook, Davidson, Dineen, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—15.

NAYS: None.

NOT VOTING: DuPont—1.

ABSENT: Bookhammer, Hoey—2.

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

Sen. Schlör introduced the following amendment which was given first reading and moved it be placed with the bill: **SA 1** to **HB 176**.

Sen. Cook moved that the Senate adjourn until Monday, May 17, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:48 P.M.

40th LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M. Monday, May 17, 1965 at 1:00 P.M. Senate adjourned at 5:10 P.M.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, DuPont, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Pres. Pro Tem Steen—13.

Senators absent: Dineen, Hoey, McGinnes, Robbins, Schlör—5.

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

Sen. Steen read a communication from the Young Democrats of Mill Creek Hundred endorsing **HB 95**, **HB 96** and **HB 131**. Sen. Steen read a communication from Governor Tawes of Maryland with a copy of Resolution No. 10 as adopted and signed by the Governor and the Secretary of State of Maryland.

Sen. Steen read a communication from Mrs. Margaret S. Dick asking to keep capital punishment law on the books.

Sen. Cook read a communication from Mr. Charles R. Harris, Executive Secretary of the Delaware State Education Association inviting all Senators to attend their dinner meeting.

Sen. Cook moved the Senate recess to the call of the chair at 2:50 P.M.

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

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

On motion of Sen. Dineen, **SB 89** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 89 as amended by **HA 1**—An act to amend Section 2507, Title 14, Delaware Code, entitled "New High School Districts" by allowing for appointments by the Governor.

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

YEAS: Bookhammer, Carney, Cook, Davidson, Dineen, Holloway, Martin, McCullough, Moore, Schlör, Steen—11.

NAYS: Conner, DuPont, Manning—3.

NOT VOTING: Hoey, Kinahan—2.

ABSENT: McGinnes, Robbins—2.

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

Sen. Schlör introduced the following amendment, **SA 1** to **HB 176** which was adopted by voice vote.

On motion of Sen. Schlör, **HB 176** and **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 176—An act to amend an act, being "An Act amending, revising and consolidating the Charter of the City of Seaford," being Chapter 42, Volume 53, Laws of Delaware, as amended, by providing for the appointment of an Assistant City Manager.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Schlör, Steen—16.

NAYS: None.

ABSENT: McGinnes, Robbins—2.

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

On motion of Sen. Schlör, **HB 48** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 48—An act to amend Chapter 302, Volume 49, Laws of Delaware, being an act entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" by authorizing the borrowing of money and issuing of bonds therefor, and the borrowing for current expenses.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, Moore, Schlör, Steen—16.

NAYS: None.

ABSENT: McGinnes, Robbins—2.

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

currence.

Sen. Hoey reported the following bills from committee: **HB 136**—4 merits; **HB 207**—3 favorable, 1 merits; **SB 141** 4 favorable.

Sen. McCullough reported the following bills from committee: **SB 63**—1 favorable, 3 merits; **SB 142**—1 favorable, 3 merits.

Sen. Cook moved that the Senate adjourn until Tuesday, May 18, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:10 P.M.

May 14, 1965

MEMORANDUM No. 7

TO: Senator Anthony C. Moore, Representative Maurice Adams, Mrs. Belle Everett, Dr. Charles Moore, Mr. G. Francis Downs, Mr. F. Earl McGinnes, Mr. Ned Davis, Clerk of the House, Secretary of the Senate, Mrs. Teresa Messick, Legislative Reference Bureau for all folders.

FROM: William T. Quillen

The Governor signed the following legislation on the dates indicated:

May 10, 1965

HB 97—Laurel Special School District.

May 11, 1965

HB 26—Legal Holidays.

HB 27—Banks—Amending Title 5, Section 925.

HB 29—Negotiable Instruments.

May 13, 1965

HB 227—Eliminating New Castle County Tax Discount.

HB 228—Increasing New Castle County Tax Ceiling.

SB 81—Repeal Title 9, Section 4317.

SB 82—Kent County Pensions.

SS 1 for SB 84—Amending State Pension Law.

May 14, 1965

HB 3—Youth Services Commission.

HB 7—Police Duties—Fire Companies.

HB 20—Advances to State Agencies.

HB 144—Mutual Benefit Association.

HB 151—License Fees—Real Estate Brokers.

SB 28—Notary Commissions.

SB 46—Amending Title 15, Section 4946 (c).

HB 53 with HA 1 and SA 1—Grain Testing Devices.

HCR 16—Water Pollution Laboratory.

SS 1 for SB 18—School Capitation Taxes.

SB 93—Rehoboth Charter Amendment.

SB 94—Rehoboth Charter Amendment.

41ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:50 P.M. on Tuesday, May 18, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present: Bookhammer, Conner, Cook, Dineen, DuPont, Holloway, Kinnahan, Manning, Martin, McCullough, Moore, Schlör—12.

Senators absent: Carney, Davidson, Hoey, McGinnes, Robbins, Pres. Pro Tem Steen—6.

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

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

HB 210—An act to amend an act entitled "An Act to Reincorporate the Town of Laurel" being Chapter 277, Volume 49, Laws of Delaware, as amended, to prescribe rules for regulating the vehicular and pedestrian traffic and to establish penalties for violation thereof. (To Corporations Municipal).

HB 198—An act to amend Chapter 51, Title 15, Delaware Code, relating to criminal offenses concerning elections. (To Elections).

HB 200—An act to amend Section 4505, Title 15, Delaware Code, relating to award of contract for printing ballots in Kent County. (To Elections).

HB 218—An act authorizing the State Board of Education to pay certain expenses from the public education, growth and upgrading, educational contingency funds. (To Finance).

HB 138—An act amending Title 11, Chapter 59 of the Delaware Code, relating to the collection and disposition of fines and costs by Justices of the Peace. (To Judiciary).

HB 221—An act to amend Chapter 3, Title 9, Delaware Code, authorizing the distribution of copies of the Delaware Code to elected officials of New Castle County. (To Miscellaneous).

HB 192—An act to amend Chapter 45, Title 10, Delaware Code, relating to summoning of jurors in New Castle, Kent and Sussex Counties. (To Judiciary).

HB 199—An act to amend Section 5510, Title 15, Delaware Code, relating to absentee voting. (To Elections).

HB 190—An act to amend Chapter 89, Title 10, Delaware Code, relating to payments of mileage to jurors. (To Judiciary).

HB 240—An act to amend Chapter 52, Volume 55, Laws of Delaware, relating to authorization of the Laurel

Special School District to replace a roof on the Junior-Senior High School building. (To Education).

HB 81—An act to amend Chapter 3, Title 25, Delaware Code, relating to titles and conveyances. (To Judiciary).

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

HCR 20—Relative to the death of Raymond B. Phillips, a former member of the House of Representatives and of the Senate. Adopted by voice vote.

The following Senators asked to be marked present: Carney, Davidson, Hoey, Steen.

Sen. Schlör introduced the following amendment which was given first reading and placed with the bill: **SA 1 to SB 43**—1 favorable, 2 merits, 2 unfavorable; **HS 1** for **HB 18** with **HA 1**—2 merits, 2 unfavorable.

Sen. Holloway reported the following bills from committee: **HB 41**—1 favorable, 2 merits, 2 unfavorable; **HB 127**.

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

SB 143—An act to amend Chapter 1, Title 24, Delaware Code, entitled "Accountant (Certified Public)" by repealing said chapter and enacting a new chapter regulating the practice of certified public accounts.

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

SR 67—Appropriating money out of the general fund of the State Treasury to pay certain expenses of the present session of the 123rd General Assembly.

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

HB 209—An act to amend Chapter 39, Title 7, Delaware Code, relating to soil conservation districts. (To Fish, Oyster, and Game).

As per **SCR 21**, Sen. Steen named the following committee: Chairman: Sen. Cook; Members: Senators Conner and Hoey.

On motion of Sen. Martin, **SB 106** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 106—An act to amend Chapter 5, Title 24, Delaware Code, entitled Chiropractic, by including "Podiatry" as an alternative within said Chapter and by adding a new section after Section 515 dealing with the right to compensation from insurance and related programs.

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

YEAS: Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Martin, Moore, Steen—13.

NAY: Manning—1.

ABSENT: McCullough, McGinnes, Robbins, Schlör—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.

Sen. Cook moved the Senate recess to the call of the Chair at 3:40 P.M.

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

Sen. McGinnes asked to be marked present.

Sen. Davidson reported the following bills from committee: **SB 112**—2 favorable, 1 merit, 1 unfavorable; **HB 129** with **HA 1**—3 favorable, 2 merits.

On motion of Sen. Hoey, **HB 207** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 207—An act making appropriations to the amount of \$122,707,827.00 for the expense of the state government for the fiscal year ending June 30, 1966.

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

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

NAYS: None.

ABSENT: Robbins—1.

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

Sen. Carney introduced the following amendment which was given first reading and adopted by voice vote: **SA 1** to **HB 156**.

On motion of Sen. Schlör, **HB 156** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 156—An act to amend Title 14, Delaware Code, relating to "Education" by redefining the application of Chapter 14.

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

YEAS: Bookhammer, Carney, Cook, Davidson, Dineen, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Schlör, Steen—15.

NAYS: Conner, DuPont—2.

ABSENT: Robbins—1.

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

On motion of Sen. Cook, **SJR 9** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

SJR 9—To commemorate the Twenty-Fifth Anniversary of the founding of the Alfred I. DuPont Institute of the Nemours Foundation.

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

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

NAYS: None.

ABSENT: Robbins—1.

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

Sen. McCullough introduced the following bill (co-sponsors, Senators Holloway, Moore, Carney, Schlör, Martin, Dineen and Davidson), which was given first reading and referred to the committee on Buildings and Highways.

SB 144—An act to amend Chapter 6, Title 17, Delaware Code, entitled toll express highways; "Delaware Turnpike" by reorganizing and reconstituting the Delaware Turnpike Division of the State Highway Department as the John F. Kennedy Turnpike Commission; by authorizing said commission to issue revenue bonds to finance, construct, reconstruct, maintain, repair, improve and operate self-liquidating express highways from a point in the vicinity of the Westerly approach of the Delaware Memorial Bridge to points at or near the Pennsylvania and Maryland State lines known as the John F. Kennedy Turnpike; and to transfer to the John F. Kennedy Turnpike Commission the status, powers, duties and authority now vested in the State Highway Department with respect to such express Highways; and to transfer to the John F. Kennedy Turnpike Commission the authority to provide for the financing of such highways by revenue bonds and all other powers and duties formerly vested in the Turnpike Division of the State Highway Department.

Sen. Dineen introduced the following resolution, which

was given first reading and adopted by voice vote.

SR 68—Authorizing payment for services rendered by attaches and employes of the Senate of the present session of the 123rd General Assembly.

Sen. McGinnes introduced the following bill, (co-sponsor: Sen. Cook) which was given first reading and referred to the Committee on Revised Statutes.

SB 145—An act to impose limitations on the amount of county support for welfare.

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

SB 146—An act to amend Section 2301, Title 30, Delaware Code, relating to occupational license taxes by providing certain partial exemptions.

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

SR 69—Relating to amount due Young and Revel, Inc. for expenses incurred by the 123rd General Assembly.

Sen. Cook moved that the Senate adjourn until Wednesday May 19, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 6:05 P.M.

42ND LEGISLATIVE DAY

May 19, 1965

The Senate met pursuant to adjournment at 2:55 P.M. on Wednesday, May 19, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present—Carney, Davidson, Dineen, DuPont, Holloway, Kinahan, Manning, Martin, Moore, Schlör, Pres. Pro Tem. Steen—12.

Senators absent: Conner, Cook, Hoey, McCullough, McGinnes, Robbins—6.

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

Sen. Schlör moved that **SB 127** with **SA 1** be brought up for final reading and vote. Sen. Schlör moved that **SA 1** be stricken from the record. Sen. Schlör moved to defer action on **SB 127** when it was discovered that **SB 127** had not been reported out of committee.

The Chair presented the following House Bills which were given first reading and referred to Miscellaneous Committee.

HB 212—An act to amend Chapter 3, Title 28, Delaware Code, relating to Horse Racing, by increasing the tax on pari-mutuel and totalizator pools and by increasing the Licensee's commission on pari-mutuel and totalizator pools.

On motion of Sen. Martin, **HA 1** to **SB 57** was taken up for consideration and read by title in order to pass the Senate.

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

YEAS: Carney, Davidson, Dineen, DuPont, Holloway, Kinahan, Martin, Moore, Schlör, Steen—10.

NAYS: Bookhammer, Manning—2.

ABSENT: Conner, Cook, Hoey, McCullough, McGinnes, Robbins—6.

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

Sen. Schlör moved that **SB 127** be brought up for final reading and vote. Sen. Steen moved to suspend rule 9 so action could be taken on **SB 127**. Sen. Steen moved to withdraw his motion. Sen. Schlör submitted a committee report on **SB 127**—3 favorable.

Sen. Steen moved the Senate recess to the call of the chair at 3:10 P.M.

The Sen. returned to order at 4:25 P.M., Lt. Gov. Tribbitt presiding.

The following Senators asked to be marked present: Cook, Connor, McCullough, Hoey and McGinnes.

On motion of Sen. Dineen, **SB 141** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 141—An act making a supplementary appropriation to the Office of the Secretary of State for the overtime salaries of telephone operators.

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

YEAS: Bookhammer, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Steen—14.

ABSENT: Carney, Conner, Robbins, Schlör—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.

Sen. Dineen introduced **SA 1** to **HB 92**. Sen. Dineen moved to withdraw **SA 1** to **HB 92**. Adopted by voice vote.

Sen. Dineen introduced **SA 1** to **SB 144** and moved it be placed with bill.

Sen. McGinnes moved that **SB 13** with **SA 1** be brought up for final reading and vote.

Sen. McGinnes asked for the privilege of the floor for

Joshua Twilley, to discuss **SB 13** with **SA 1**. No objections heard; privilege was then granted.

Sen. McGinnes moved that **SA 1** to **SB 13** be adopted. Adopted by voice vote.

Sen. McGinnes moved to table the roll call on **SB 13** with **SA 1**.

Sen. Manning (co-sponsors: Senators Moore, Bookhammer and McGinnes) introduced the following bill which was given first reading and referred to the Committee on Miscellaneous.

SB 147—An act to amend Title 29, Delaware Code, relating to use of automobiles owned by state agencies.

Sen. McGinnes reported the following bill from committee: **SB 146**, 3 favorable, 1 merit.

On motion of Sen. Cook, **SB 146** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

Sen. Cook moved that Rule 9 be suspended for the purpose of considering **SB 146**. Motion carried.

SB 146—An act to amend Section 2301, Title 30, Delaware Code, relating to occupational license taxes by providing certain partial exemptions.

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

YEAS: Bookhammer, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Steen—14.

NAYS: None.

ABSENT: Carney, Conner, Robbins, Schlör—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 Sen. Moore, roll call on **HA 1** to **SB 44**.

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

YEAS: Bookhammer, Cook, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Steen—13.

NAYS: Davidson—1.

ABSENT: Carney, Conner, Robbins, Schlör—4.

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

Sen. Holloway reported the following bill from committee: **SB 43**, 3 favorable, 2 merits.

Sen. Carney reported the following bills from com-

mittee: **SB 111**, 3 favorable, 2 merits; **SB 133**, 5 favorable; **SB 134**, 5 favorable; **SB 135**, 5 favorable; **SB 136**, 5 favorable; **SB 137**, 5 favorable.

Sen. Dineen introduced **SA 1** to **HS 1** for **HB 92** and moved it be placed with bill.

On motion of Sen. Hoey, **HB 136** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 136—An act to appropriate funds to the Family Court of the State of Delaware, in and for New Castle County for the fiscal year ending June 30, 1965.

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

YEAS: Bookhammer, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, McCullough, McGinnes, Moore—12.

NAYS: Steen—1.

ABSENT: Carney, Conner, Martin, Robbins, Schlör—5.

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

Sen. Davidson introduced **SA 1** to **HB 187** and moved it be placed with the bill.

Sen. Steen announced that the Delaware River Pilots Association had planned a trip for the legislatures on June 11 and June 12.

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

SR 70—Relative to the death of Mame C. McSherry, sister of Mr. Harry C. McSherry.

Lt. Governor Tribbitt welcomed the daughter and son-in-law of Senator Kinahan to the Senate Chambers.

Sen. Hoey reported the following bills from committee: **SB 121**, 1 favorable, 4 merits; **HB 87**, 5 merits.

Sen. Cook moved that the Senate adjourn until Thursday May 20, 1965 at 1:00 P.M. Motion carried and Senate adjourned at 5:25 P.M.

43RD LEGISLATIVE DAY

May 20, 1965

The Senate met pursuant to adjournment at 3:15 P.M. on May 20, 1965, Lt. Gov. Tribbitt presiding.

Prayer by the Chaplain, Zoltan Szucs.

By roll call the following Senators were present—Bookhammer, Carney, Conner, Cook, Davidson, Dineen, DuPont, Hoey, Holloway, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör—17.

Senators absent: Steen—1.

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

Sen. Robbins reported the following bill from committee: **HB 240**, 5 favorable.

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

Sen. Robbins moved that Rule 9 be suspended for the purpose of considering **HB 240**. Motion carried.

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

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

ABSENT: Steen—1.

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

On motion of Sen. McGinnes, **SB 13** with **SA 1** as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

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

NOT VOTING: Moore—1.

ABSENT: Carney, 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 the motion of Sen. McGinnes the bill was lifted from the table.

Sen. Carney reported the following bill from committee: **SB 138**, 5 favorable.

Sen. Davidson reported the following bill from committee: **HB 187** with **SA 1**, 5 favorable; **HB 206**, 5 favorable.

Sen. Schlör moved that **SB 127** be brought up for final reading and vote.

Sen. Steen asked to be marked present.

Sen. Schlör moved to table roll call on **SB 127**. Adopted by voice vote.

Sen. McCullough moved that **SB 63** and **SA 1** be

brought up for final reading and vote.

Sen. McCullough moved that **SA** to **SB 63** be adopted. Adopted by voice vote.

Sen. McCullough asked for the privilege of the floor for Mr. Max S. Bell and Edward Dempster to discuss **SB 63** with **SA 1**. No objections heard; privilege was then granted.

On motion of Sen. McCullough, **SB 63** with **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 63—An act concerning insider trading of Domestic Stock Insurance Company equity securities.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NOT VOTING: Cook, Holloway—2.

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

On motion of Sen. McCullough, **SB 142** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 142—An act concerning the regulation of proxies of domestic insurance companies.

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

YEAS: Bookhammer, Carney, Conner, Davidson, Dineen, DuPont, Hoey, Kinahan, Manning, Martin, McCullough, McGinnes, Moore, Robbins, Schlör, Steen—16.

NOT VOTING: Cook, Holloway—2.

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

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

SB 148—An act making a supplementary appropriation to the Governor for a Federal Government Liaison Office.

Sen. Carney (co-sponsor Sen. McCullough), introduced the following bill which was given first reading and referred to the committee on Revised Statutes:

SB 149—An act to make real property held by the Levy Court of New Castle County within the New Castle Special School District from which revenue is derived in rents not connected with airport operations subject to the