

**STATE OF DELAWARE
SENATE**

February 13, 1975

Honorable Richard R. Wier, Jr.
Attorney-General of the State of Delaware
Wilmington, Delaware

RE: 29 Delaware Code, Chapter 89 — "State Lottery"

Dear Sir:

After reading the above captioned law, it appears unclear to me whether or not "slot machines" come within the definition of "lottery" as defined in Section 8903 (b).

Legal opinions expressed to me are of the clear belief that slot machines are lotteries and therefore no further legislation is necessary to further define "lottery." This conclusion is supported by the opinions in *Affiliated Enterprises, Inc. vs Waller*, 5A.2d 257 (Delaware, 1939) and *State vs Eckerd's Suburban, Inc.*, 164 A.2d 873 (Delaware, 1960).

However, I desire further clarification at this point. I do realize the existing law would need to be revised to accomplish the regulation of slot machines.

My question is: "Do slot machines fall within the definition of lottery as defined in Title 29 Delaware Code, Section 8903(b)."

Very respectfully yours,
Herman M. Holloway, Sr.

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**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

February 28, 1975

OPINION TO: The Honorable M. Holloway, Sr.
Senator

OPINION BY: Richard S. Gebelein
State Solicitor

QUESTION: Do Slot machines fall within the definition of lottery as contained in 29 Del. C. §8903(b)?

REQUEST NO: IW-015

ANSWER: Yes.

DISCUSSION:

It is the generally accepted rule that a "slot machine" is a form of lottery. See *State v. Coats*, 158 Dr. 102, 74 P. 2D 1120; *State ex rel. Evans v. Brotherhood of Friends*, 41 Wash. 2d 133,

247 P. 2d 787; Lee v. City of Miami, 121 Fla. 93, 163 So. 486, 101 A.L.R. 1115; State v. Marck, 124 Mont. 178, 220 P. 2d 1017; and Moore v. Atlanta Athletic Club, 79 Ga. App. 41, 52 S.E. 2d 628. It would appear from the decision in those cases that the general term "lottery" includes in its definition many games of chance one of which is a slot machine.

It is a rule of statutory construction that where a term is used in a statute that term will be given its sound usage or meaning unless specifically defined to mean something different within that statute. In 29 Del. C. §8903(b) the term lottery is defined as follows:

"Lottery" or 'State Lottery' or 'system' shall mean the public gaming systems or games established and operated pursuant to this Act and including all types of lotteries." (Emphasis added).

Since a "slot machine" is generally accepted as a type of lottery, it would be included within the definition contained in Title 29 as a type of lottery which could be operated by the State under Art. II, Sect. 17 of the Constitution and 29 Del. C., Chapter 89.

Yours very truly,
Richard S. Gebelein
State Solicitor

APPROVED BY:
Richard R. Wier, Jr.
Attorney General

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At 5:40 p.m. on motion of Senator Isaacs the Senate adjourned until March 19, 1975.

13TH LEGISLATIVE DAY

The Senate convened at 1:47 p.m. March 19, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Charles E. Covington.

Pledge of Allegiance to the Flag.

By roll call, 21 Senators were Present.

The Journal was approved as read.

A message from the House informed the Senate that the House passed **SJR 15** and **SCR 22**.

SB 157 was reported back from the Finance Committee: 3 Favorable, 2 Merits.

SJR 17, sponsored by Senator Elliott, was introduced and laid on the Table on motion of Senator Elliott:

SJR 17 — "Praising the Delaware Agricultural Industry for its value to the State and thanking all groups and individuals responsible for the Industry's outstanding Fifth Annual Dinner, honoring the Governor and members of the 128th General Assembly."

SR 33, sponsored by Senator Isaacs and all the Senators, was introduced:

SR 33 — "Expressing Best Wishes to Walt Rykiel on his recent transfer from the Dover Bureau to the Wilmington Offices of the News Journal Papers and wishing Ron Williams, the new Dover Bureau Chief, a constructive and pleasant assignment in his new post."

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Holloway, Manning and McCullough) being ABSENT.

SR 34, sponsored by Senator Isaacs, was introduced:

SR 34 — "Congratulating Tim Kwasnieski of Middletown High School on winning the State Wrestling Championship on Saturday, March 1, at St. Marks High School."

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Holloway, Manning and McCullough) being ABSENT.

The Chair introduced **HCR 12**, sponsored by Representative Clendaniel, Senator Cordrey and all the Senators:

HCR 12 — "Expressing the appreciation of the 128th General Assembly for the contribution of Delaware's Agriculture Industry to the State's Commerce and thanking the sponsors of the Fifth Annual Agri-Dinner."

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Holloway, Manning and McCullough) being ABSENT.

The Chair introduced **HCR 13**, sponsored by Representative George:

HCR 13 — "Urging the Medical Society of Delaware to adopt a policy that member Physicians accept Medicare Cards presented to them for services."

On motion of Senator Schlör, the roll call vote on adoption of the Resolution was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Martin,

McCullough, Murphy, Schlör, Sharp — 17.

NO: Senator Steele — 1.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senators Holloway and Manning — 2.

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

The Chair introduced **HCR 11**, sponsored by Representative Clendaniel and Senator Adams:

HCR 11 — “Expressing the sympathy of the members of the 128th General Assembly of the State of Delaware to the family of the late Ralph M. Collison, a former member of the House.”

The Resolution was adopted by the Senate with 19 Senators voting YES and 2 Senators (Holloway and Manning) being ABSENT.

The Chair introduced **HB 16 w HA 1**, sponsored by Representative Morris:

HB 16 w HA 1 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled “An Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1975, and to amend certain pertinent statutory provisions,” also known as the 1975 Appropriation Bill.” Assigned to Finance Committee.

The Chair introduced **HB 68**, sponsored by Representatives McGinnis and Connor, Senators Holloway and Hughes:

HB 68 — “An Act to amend Sections 8903 and 8915 (a), Chapter 89, Title 29, Delaware Code, relating to monies received from the sale of Lottery Tickets.”

On motion of Senator Cordrey, the Bill was laid on the Table.

The following legislation was introduced and assigned:

SB 165 — “An Act authorizing the Division of State Police of the Department of Public Safety to purchase a second Helicopter so as to enable the State to continue to provide Rescue and other important Safety Services; and providing a supplementary appropriation therefor.” Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 166 — “An Act amending Chapter 736, Volume 57, Laws of Delaware, entitled “An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital investments and to issue Bonds and Notes therefor and

appropriating the monies to various Agencies of the State.” Sponsor: Senator Isaacs. Assigned to Finance Committee.

SB 167 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the intersection of Glenwood Avenue and North Main Street, Smyrna, Delaware.” Sponsors: Senators Isaacs and Cook. Assigned to Highways and Transportation Committee.

SB 168 — “An Act to amend Chapter 29, Title 5, Delaware Code, relating to Finance Charge limitations on the sale of motor vehicles.” Sponsor: Senator Murphy. Assigned to Public Safety.

SB 169 — “An Act to amend Chapter 45, Title 21, Delaware Code, relating to truck weights.” Sponsor Senator Hughes. Assigned to Public Safety Committee.

SB 170 — “An Act to amend Chapter 5 of Title 31, Delaware Code, relating to prompt payment of providers of Health Care Services under the Medicaid Program.” Sponsor Senator Elliott. Assigned to Health and Social Services Committee.

SB 171 — “An Act to amend Chapter 50 of Title 15, Delaware Code, relating to requirements on voting machines.” Sponsor Senator Isaacs. Assigned to Banking, Insurance and Elections Committee.

SB 172 — “An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the intersection of Wrangle Hill Road and Route 40, New Castle County, Delaware.” Sponsor: Senator Isaacs. Assigned to Finance Committee.

SB 173 — “An Act to amend Chapter 381, Volume 59, Laws of Delaware, an Act entitled “Act making appropriations for the expense of the State Government for the Fiscal Year ending June 30, 1975, and to amend certain pertinent statutory provisions.” Sponsors: Senators Kearns and Isaacs. Assigned to Finance Committee.

SA 1 to SB 39 was introduced by Senator Murphy and placed with the Bill.

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of lifting and considering **HB 68**.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Martin, Murphy, Sharp,

Steele — 14.

NO: Senators Elliott, Isaacs, Manning, McCullough and Zimmerman — 5.

NOT VOTING: Senator Schlor — 1.

ABSENT: Senator Holloway — 1.

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

On motion of Senator Zimmerman, **SB 61** was taken up for consideration and read by title only.

The privilege of the floor was extended to Mayor Crawford J. Carroll of Dover and Timothy P. Mullaney of the Kent County Fraternal Order of Police to speak on the Bill.

Senator Hale moved that the Bill be tabled before final consideration.

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

YES: Senators Adams, Berndt, Castle, Cook, Hale, Knox, Manning, Steele — 8.

NO: Senators Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 11.

NOT VOTING: Senator Hughes — 1.

ABSENT: Senator Elliott — 1.

Therefore, the motion was defeated and the Bill was still before the Senate.

On motion of Senator Zimmerman, the roll call vote on the Bill was taken but Senator Zimmerman moved that it be tabled.

The motion to table the roll call was then taken and announced:

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

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

NOT VOTING: Senators Elliott and Hughes — 2.

Therefore, the motion prevailed and the roll call vote on **SB 61** was tabled.

At 3:53 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 5:53 p.m., Lt. Governor Bookhammer presiding.

SB 170 was reported back from Health and Social Services Committee: 1 Favorable, 4 Merits.

The following Bills were reported back from Community Affairs Committee: **SB 117** — 5 Merits; **SB 118** — 5 Merits.

The following legislation was reported back from the Executive Committee: **SJR 16** — 3 Merits, 3 Unfavorable; **SJR 10** — 1 Favorable, 4 Merits, 1 Unfavorable; **SJR 14** — 1 Favorable, 5 Merits.

SA 1 to SB 126 was introduced by Senator Isaacs and placed with the Bill.

SA 3 to SB 123 was introduced by Senator McCullough and placed with the Bill.

SA 2 to SB 157 was introduced by Senator Isaacs and placed with the Bill.

SB 174, Sponsored by Senator Cicione was introduced and assigned to Finance Committee:

SB 174 — “An Act to amend Sections 1305, 1306, 1307, and 1321 of Chapter 13, Title 14 of the Delaware Code by postponing certain annual salary increases or salary incremental increases previously authorized by the General Assembly of the State of Delaware.”

SCR 24, sponsored by Senator Holloway was introduced:

SCR 24 — “Providing for the establishment of a Committee to study the feasibility and ramification of slot machines for Delaware.”

Senator Elliott moved that the Resolution be tabled.

The roll call vote on the tabling motion was taken and announced:

YES: Senators Berndt, Castle, Elliott, Hale, Manning — 5.

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

NOT VOTING: Senator Steele — 1.

ABSENT: Senators Hughes, Knox and Zimmerman — 3.

Therefore, the motion was defeated and the Resolution was still before the Senate.

On motion of Senator Holloway, the roll call vote on adoption of the Resolution was taken but tabled before being announced on his further motion.

SB 115 was reported back from Public Safety Committee: 4 Merits.

At 6:25 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. March 20, 1975.

14TH LEGISLATIVE DAY

The Senate convened at 1:45 p.m. March 20, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Charles E. Covington.

Pledge of Allegiance to the Flag.

By roll call, 21 Senators were PRESENT.

The Journal was approved as read.

HCR 14, sponsored by Representative Gilligan and Senator Sharp, was introduced and on motion of Senator Sharp considered for adoption:

HCR 14 — "Congratulating the Marching Band of John Dickinson High School on being chosen to represent the State of Delaware in the national "Festival of States" Marching Band Competition in St. Petersburg, Florida."

The roll call vote on the Resolution revealed:

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

ABSENT: Senators Castle, Cicione, Elliott, Hale and Hughes — 5.

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

HCR 15, sponsored by Representative Gilligan and all House Members, Senator Cicione and all Senate Members, was introduced and on motion of Senator Kearns considered for adoption:

HCR 15 — "CONGRATULATING WILLIAM JULIUS (JUDY) JOHNSON OF MARSHALLTON, DELAWARE, FOR HAVING BEEN VOTED INTO BASEBALL'S HALL OF FAME LOCATED AT COOPERSTOWN, NEW YORK.

WHEREAS, the members of the 128th General Assembly are elated to learn that William Julius (Judy) Johnson has been elected to baseball's Hall of Fame located at Cooperstown, New York, the first Delawarean ever to be chosen to the Hall of Fame; and

WHEREAS, Judy Johnson started playing baseball in 1918 when he began playing on Saturdays for the Chester Giants at \$5.00 a game and subsequently became a charter member of the Negro Eastern League in 1922 which was really the start of his baseball career; and

WHEREAS, during Judy's baseball career, he was an excellent fielder and a consistent batter with outstanding speed

as a base runner; and

WHEREAS, in 1969 Jet Magazine honored him as the greatest third baseman ever to play in Negro baseball; and

WHEREAS, Judy played with and against such great names as Satchel Paige, Josh Gibson, Buck Leonard, Monte Irvin and Bell, all of which have been inducted into baseball's Hall of Fame; and

WHEREAS, Judy Johnson, at 74, has achieved his life long ambition which he narrowly missed in 1973 when James (Cool Papa) Bell was voted into the Hall of Fame; and

WHEREAS, Judy Johnson, a modest, soft-spoken man never once in his long baseball career expressed resentment or bitterness about his exclusion from the major leagues, but simply remarked "I was born too soon"; and

WHEREAS, the members of the Delaware General Assembly wish to congratulate Judy Johnson for such an excellent career in baseball, plus the honor of having been the first Delawarean ever to be elected to baseball's Hall of Fame.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 128th General Assembly of the State of Delaware, the Governor concurring therein, that congratulations are hereby extended to William Julius (Judy) Johnson for the highest honor one can receive from a career in baseball, namely election to the Hall of Fame.

BE IT FURTHER RESOLVED that the members of the 128th General Assembly express their highest gratitude for the honor you not only brought to yourself and family, but the honor you also bestowed upon Delaware by having been the first Delawarean ever elected to baseball's Hall of Fame.

BE IT FURTHER RESOLVED that the Governor of the State of Delaware is hereby requested to designate the day on which William Julius (Judy) Johnson is inducted into Baseball's Hall of Fame in Cooperstown, New York, that such day be proclaimed by the Governor as Judy Johnson Day.

BE IT FURTHER RESOLVED that this Resolution be made a part of the House and Senate Journals and that a copy be forwarded to the residence of William Julius (Judy) Johnson, Marshallton, Delaware."

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The roll call vote on adoption of the Resolution revealed:

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

ABSENT: Senators Castle, Cicione, Elliott, Hale and Hughes — 5.

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

The following legislation was introduced:

SJR 18 — “Memorializing the Delaware Congressional Delegation to support measures pending in Congress regarding the six percent mortgage rate and prevention of mass foreclosures.” Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 175 — “An Act to approve the transfer of an abandoned School and land used therewith to the Town of Kenton.” Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SB 176 — “An Act authorizing the State of Delaware to borrow money to be used for the purpose of constructing a new bridge and water control device on Route 485, the Smyrna Landing Road, and to issue Bonds and Notes therefor and appropriating the monies to the Department of Natural Resources and Environmental Control.” Sponsor: Senator Isaacs. Assigned to Finance Committee.

SB 177 — “An Act to amend Chapter 25, Title 29 of the Delaware Code, relating to the State Department of Justice; and to amend Chapter 6, Title 29, Delaware Code, providing for appointing lawyers by State Agencies.” Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

SB 178 — “An Act to amend Chapter 13, Title 14, Delaware Code, relating to salaries and working conditions of School Employees and to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriation Act, originally designated House Bill No. 750, and to amend Chapter 523, Volume 59, Laws of Delaware, the Omnibus Amendment to the 1975 Budget Appropriation Act, originally designated House Bill No. 1113.” Sponsor: Senator Isaacs.

On motion of Senator Kearns, the Bill was laid on the Table.

At 2:10 p.m. Senator Cordrey presiding.

SA 1 to SB 114 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 124 was introduced by Senator Cicione and placed with the Bill.

SB 157 was stricken on motion of Senator Isaacs.

On motion of Senator Isaacs, the necessary rules were

suspended for the purpose of lifting **SB 178** from the table and considering the Bill for passage.

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp — 18.

NO: Senator Steele — 1.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senator Manning — 1.

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

SB 124 was taken up for consideration on motion of Senator Cicione.

SA 1 to SB 124 was taken up for consideration on motion of Senator Cicione, the roll call vote taken and announced:

YES: Senators Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp — 15.

NO: Senator Adams — 1.

NOT VOTING: Senators Knox and Steele — 2.

ABSENT: Senators Castle, Manning and Zimmerman — 3.

Therefore, the Amendment was adopted.

On motion of Senator Cicione, the roll call vote on **SB 124 w SA 1** was then taken; however, on further motion of Senator Cicione, the roll call was tabled before being announced.

On motion of Senator Elliott, **HB 11 w HA 1** was taken up for consideration, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele — 17.

NOT VOTING: Senators Isaacs and Schlor — 2.

ABSENT: Senators McCullough and Zimmerman — 2.

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

Senator Cicione moved that the roll call on **SB 61** be lifted.

Senator Castle raised the question as to whether Senator Cicione had the authority to lift the roll call since the sponsor of the Bill, Senator Zimmerman, was not present in the Chamber.

There were several motions and counter motions in regards to the manner and on motion of Senator Isaacs, the Senate recessed at 3:39 p.m.

The Senate reconvened at 3:53 p.m., Lt. Governor Bookhammer presiding.

On motion of Senator Cordrey, and without objection, the roll call on **SB 61** was laid on the table in its original form.

The following communication from Senator Cicione was read into the record:

**SENATE
LEGISLATIVE HALL
DOVER, DELAWARE**

March 20, 1975

J. Donald Isaacs
President Pro Tempore
Legislative Hall
Dover, Delaware, 19901
Dear Senator Isaacs,

In my absence, I authorize Senator Herman Holloway to floor manage House Bill 13, Senate Bill 119 and Senate Bill 120, which are on the agenda.

Very truly yours,
(Signed) Anthony J. Cicione
Senator

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HB 13 was taken up for consideration on motion of Senator Holloway (acting for Senator Cicione in his absence).

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Elliott and McCullough — 3.

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

SB 119 was taken up for consideration on motion of Senator Holloway (acting for Senator Cicione in his absence).

The privilege of the floor was extended to Earl McGinnis, Secretary of Department of Health and Social Services, to speak on the Bill, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Elliott — 2.

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

SB 120 was taken up for consideration on motion of Senator Holloway (acting for Senator Cicione in his absence).

The privilege of the floor was extended to Secretary of Health and Social Services, Earl McGinnis, to speak on the Bill.

The roll call vote was then taken and revealed 20 Senators voting YES with 1 Senator (Cicione) being ABSENT. Therefore, the Bill passed the Senate and was sent to the House for concurrence.

SJR 8 was taken up for final consideration on motion of Senator Isaacs, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cicione and Holloway — 2.

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

SB 116 was taken up for consideration on motion of Senator Isaacs, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Holloway — 2.

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

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 23**.

SB 168 was reported back to the Senate from the Public Safety Committee: 1 Favorable, 2 Merits, 1 Unfavorable.

SA 1 to SB 83 was introduced by Senator Hughes and placed with the Bill.

SA 2 to SB 83 was introduced by Senator Hughes and placed with the Bill.

SA 4 to SB 123 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to SS 1 for SB 85 was introduced by Senator Elliott and placed with the Bill.

The following House legislation was introduced:

HB 130 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to the motor fuel tax by increasing the

tax on special fuel." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

HB 137 — "An Act to amend Chapter 11 and Chapter 19, Title 30, Delaware Code, to disallow deductions for percentage depletion of oil and gas wells in computing taxable income." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

At 5:00 p.m. on motion of Senator Isaacs, the Senate recessed until March 25, 1975.

The Senate reconvened at 1:50 p.m. March 25, 1975, Lt. Governor Bookhammer presiding.

The following legislation was introduced:

HB 155 w HA 1 — "An Act to amend Chapter 5, Title 28, Delaware Code, relating to a tax on any pari-mutual and totalizator special pools other than Win, Place and Show Pools." Sponsor: Representative McGinnis. Assigned to Revenue and Taxation Committee.

SB 179 — "An Act to amend Chapter 5, Part I, Title 31 of the Delaware Code relating to the administration of State Public Assistance." Sponsor: Senator Elliott. Assigned to Health and Social Services.

SB 180 — "An Act to amend Chapter 35, Part II, Title 11 of the Delaware Code relating to criminal procedure; and providing for preliminary hearing and trial notice to certain persons." Sponsor: Senator Elliott. Assigned to Judiciary.

SB 181 — "An Act to amend Chapter 6, Title 24 of the Delaware Code relating to Cosmetologists and the State Board of Cosmetology." Sponsors: Senator Holloway and Cook. Assigned to Administrative Services Committee.

SB 182 — "An Act to amend Chapter 17, Title 24, Delaware Code, relating to exceptions to examinations required for a Certificate to practice medicine in State Institutions." Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 183 — "An Act to amend Chapter 71, Title 29, Delaware Code, relating to mileage rates for privately owned vehicles." Sponsor: Senator Sharp. Assigned to Executive Committee.

SB 184 — "An Act to provide a supplementary appropriation to the Division of State Police, of the Department of Public Safety." Sponsors: Senators Isaacs and Cicione and Representative Ferguson. On motion of Senator Isaacs, the Bill was tabled.

SB 185 — "An Act to amend Chapter 59, Part V, Title 29 of

the Delaware Code relating to the Merit System of Personnel Administration; and exempting persons employed by the Legislative Council of Delaware." Sponsor: Senator Zimmerman. Assigned to Executive Committee.

The following legislation was reported back to the Senate from the Revenue and Taxation Committee: **HB 137** — 5 Merits; **HB 155 w HA 1** — 5 Merits; **HB 130** — 1 Favorable, 4 Merits.

At 1:57 p.m. on motion of Senator Isaacs the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY

The Senate convened at 1:57 p.m. March 25, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Charles E. Covington.

Pledge of Allegiance to the Flag.

By roll call, all 21 Senators were Present.

The Journal was approved as read.

SB 153 was reported back from the Agriculture Committee: 5 Favorable, 1 Merits.

On motion of Senator Cordrey, the Senate recessed for half an hour.

The Senate reconvened at 3:33 p.m., President Pro Tempore Isaacs presiding.

The Chair was then taken over by Senator Cordrey at the invitation of Senator Isaacs.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of lifting **SB 184** for consideration.

The privilege of the floor was extended to Colonel James L. Ford, Jr., Delaware State Police, to speak on the Bill. All the members of the Senate were added as co-sponsors of the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senator Elliott — 1.

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

On motion of Senator Isaacs, **SB 77** was taken up for consideration and read by title only.

Senator Isaacs moved that **SA 1** to the Bill which had been placed with the Bill, now be adopted.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Elliott and Manning — 2.

Therefore, the Amendment was adopted.

On motion of Senator Isaacs, the roll call vote on **SB 77 w SA 1** was then taken and announced:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

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

SB 76 was taken up for consideration and given its final reading on motion of Senator Isaacs.

The privilege of the floor was extended to Tom Shiels, Legislative Council, to speak on the Bill and before the roll call vote was taken, final consideration was deferred on motion of Senator Isaacs.

SB 46 was tabled on motion of Senator Isaacs.

SB 21 was stricken on motion of Senator Isaacs.

SB 102 was taken up for consideration on motion of Senator Murphy but final consideration of the Bill was deferred on his further motion.

SB 128 was taken up for consideration on motion of Senator Cordrey and given its final reading by title only.

The following communication was included in the record at the request of Senator Cordrey:

**American Legion
Pot Nets Post #25**

March 6, 1975

Senator Richard Cordrey
River Road
Millsboro, Del.
Dear Senator Cordrey:

The American Legion, Pot Nets Post #25, District #4 of the Department of Delaware, requests the vacant building known as Warwick School #225, located on Rt. #24 and #4 South.

Our desire is to relocate the building to an area near Pot Nets. It will be used for our permanent Post Home, and, after renovation we hope to use as a social center for the many retired senior citizens or other interested civic groups for dinners, dances or other social activities. This building will also be designated as a relief shelter in time of disaster.

Very truly yours,
(Signed) John P. Cochran
Commander, Pot Nets Post #25,
Dept. of Delaware

* * * * *

The privilege of the floor was extended to Tom Runnels, Senate Attorney, to speak on the Bill and the roll call vote on the Bill was taken and announced:

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

ABSENT: Senator Schlör — 1.

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

SB 65 was taken up for consideration on motion of Senator Kearns and read by title only.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Steele — 18.

NO: Senators Cordrey and Zimmerman — 2.

NOT VOTING: Senator Sharp — 1.

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

SB 42 was taken up for consideration on motion of Senator Kearns, the roll call vote taken and announced:

YES: Senators Berndt, Castle, Cordrey, Elliott, Hale, Hughes, Kearns, Knox, Manning, Martin, McCullough, Schlör, Steele — 13.

NO: Senators Adams, Cook, Isaacs, Sharp, Zimmerman — 5.

ABSENT: Senators Cicione, Holloway and Murphy — 3.
Therefore, the Bill passed the Senate and was sent to the

House for concurrence.

On motion of Senator Holloway, the necessary rules were suspended for the purpose of the introduction and consideration of **HB 92**; however, on further motion of Senator Holloway, the Bill was laid on the table.

SB 66 was taken up for consideration on motion of Senator Martin, and then deferred for final consideration on his further motion.

The following Bills were reported back to the Senate out of the Revenue and Taxation Committee: **HB 137** — 5 Merits; **HB 130** — 1 Favorable, 4 Merits; **HB 155** — 5 Merits.

HB 122 was reported back to the Senate from the Finance Committee — 2 Favorable, 3 Merits.

The following Bills were reported back from the Executive Committee: **SB 64** — 1 Favorable, 3 Merits; **SB 35** — 1 Favorable, 3 Merits; **SB 51** — 1 Favorable, 3 Merits; **SB 44** — 1 Favorable, 3 Merits; **SB 54** — 1 Favorable, 3 Merits; **SB 75** — 1 Favorable, 3 Merits; **SB 34** — 1 Favorable, 3 Merits.

The following Bills were reported back from the Judiciary Committee: **SB 90** — 3 Merits, 2 Unfavorable; **SB 163** — 1 Favorable, 3 Merits.

SB 63 was reported back from the Education Committee: 5 Merits.

The following Bills were reported back from the Administrative Services Committee: **SB 182** — 4 Merits; **SB 159** — 5 Merits; **SB 126** — 3 Favorable, 2 Merits; **SB 181** — 4 Merits.

SB 142 was reported back from the Community Affairs Committee — 4 Merits.

SS 1 for **SB 125** was introduced by Senator Hale and on his motion adopted in lieu of the Original and placed in the Finance Committee.

The following Bills were introduced:

SB 186 — "An Act to amend Title 16, Delaware Code, relating to the procedure for the involuntary commitment of mentally ill persons to the Delaware State Hospital and other Hospitals and discharge therefrom and providing a supplemental appropriation therefor." Sponsors: Senator Holloway and Representative Ambrosino. Assigned to Health and Social Services Committee.

SB 187 — "An Act to amend Title 5, Section 125, by permitting disclosure of information to the Council on Banking." Sponsor: Senator Holloway. Assigned to Banking,

Insurance and Elections Committee.

SB 188 — "An Act to amend Title 29, Section 8812, of the Delaware Code, relating to the Council on Banking concerning disclosure of information by Council members and corrections." Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 189 — "An Act to modify Chapter 1, Title 26 of the Delaware Code in regard to provisions for financing of utility facility extensions." Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 190 — "An Act to provide a supplementary appropriation to the Justice of the Peace Courts to enable certain constables to receive unpaid travel money." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 191 — "An Act to amend Chapter 647, Volume 57, Laws of Delaware, relating to the use of the State Helicopter." Sponsor: Senator McCullough. Assigned to Public Safety Committee.

SA 1 to SB 168 was introduced by Senator Murphy and placed with the Bill.

SA 1 to SB 50 was introduced by Senator Kearns and placed with the Bill.

SA 1 to HB 92 was introduced by Senator Isaacs and placed with the Bill.

SR 35, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption.

SR 35 — "In reference to the election of Staff Members."

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

At 6:05 p.m. on motion of Senator Isaacs, the Senate recessed until March 26, 1975.

The Senate reconvened at 1:50 p.m., President Pro Tempore Isaacs presiding.

Senator Cordrey introduced and the Chair welcomed students from the Indian River P. O. D. Class.

The privilege of the floor was extended to Joe Gibson, Treasurer of F. F. A. who made a short address of appreciation to the Senators and each Senator and the Lt. Governor were presented with a lily from the members of the F. F. A.

HB 16 was reported back from the Finance Committee — 3 Favorable, 3 Merits.

The Secretary announced that a message from the House informed the Senate that it has passed **SB 178**.

The following House legislation was introduced:

HB 125 — "An Act increasing the salaries of employees of Delaware State College and Delaware Technical and Community College, and providing a supplementary appropriation therefor." Sponsors: Representatives McGinnis and Harrington. Laid on the table on motion of Senator Cordrey.

HB 131 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax." Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 132 — "An Act to amend Chapter 41, Title 30, Delaware Code, to change the date of payment of the Telephone and Telegraph Excise Tax." Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 135 — "An Act to amend Section 1154, Title 30, Delaware Code, to require monthly deposit of Income Taxes withheld by employers where the amount exceeds \$10.00." Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 183 w HA 2 — "An Act to amend Chapter 55, Title 30, Delaware Code relating to Public Utility Taxes on residential users and customers." Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 204 — "An Act to amend Chapter 5, Title 28, Delaware Code, also being Chapter 4, Volume 60, Laws of Delaware relating to Pari-Mutual and Totalizator Pools at Harness Racing Tracks." Sponsor: Representative Ridings. Laid on the table on motion of Senator Cordrey.

HB 219 — "An Act to amend Chapters 25, 27 and 29 of Title 30, Delaware Code, relating to a change in method of payment of Quarterly Business Taxes." Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 220 — "An Act to amend Chapter 27 of Title 30, Delaware Code, relating to a revision of Manufacturer's License requirements and Taxes." Sponsors: Representatives Miller and Risopli. Laid on the table on motion of Senator Cordrey.

HB 221 — "An Act to amend Chapter 29 of Title 30, Delaware Code, relating to a revision of Food Processor, Grain and Feed Dealer and Farm Machinery Retailer License requirements, License Fee on Aggregate Gross Receipts."

Sponsors: Representatives Lynch and Rispoli. Laid on the table on motion of Senator Cordrey.

HB 222 w HA 2, 3 — “An Act to amend Chapters 21, 23, 25 and 29 of Title 30, Delaware Code, relating to a general revision of Occupational and Business Licenses and Taxes.” Sponsor: Representative McGinnis. Laid on the table on motion of Senator Cordrey.

HB 224 — “An Act to amend Chapter 29 of Title 30, Delaware Code relating to a revision of Wholesaler License requirements and License Fees.” Sponsors: Representatives McGinnis and Rispoli. Laid on the table on motion of Senator Cordrey.

HB 225 — “An Act to amend Chapter 13, Title 14 of the Delaware Code relating to salary schedules for School Employees.” Sponsor: Representative George. Laid on the table on motion of Senator Cordrey.

At 2:05 p.m. the Senate adjourned on motion of Senator Cordrey to immediately convene for the 16th Day.

16TH LEGISLATIVE DAY

The Senate convened at 2:05 p.m. March 26, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Charles E. Covington.

Pledge of Allegiance to the Flag.

By roll call, 21 Senators were Present.

The Journal was approved as read.

SR 36, sponsored by Senator Isaacs, was introduced and laid on the table on motion of Senator Cordrey:

SR 36 — “Expressing the gratitude of the members of the Senate to Mr. Franklin W. Kinnamon for his manufacture and presentation of a Gavel and Block to this Body.”

SR 37, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 37 — “In reference to the Election of Staff Members.”

The Resolution was adopted with 18 Senators voting YES and 3 Senators (Manning, McCullough and Zimmerman) being ABSENT.

The following legislation was introduced:

SB 192 — “An Act to amend Chapter 21, Title 3, Delaware Code, relating to penalties for Plant Food deficiency in Commercial Fertilizer.” Sponsor: Senator Isaacs. Assigned to Agriculture Committee.

SB 193 — “An Act to grant approval to the Department of

Natural Resources and Environmental Control to purchase six parcels of land within Lums Pond State Park, Pencader Hundred, New Castle County, Kirkwood, Delaware." Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SB 194 — "An Act making a supplemental appropriation to the University of Delaware for the purpose of supporting the Delaware Sea Grant Program." Sponsors: Senators Kearns and Isaacs. Assigned to Education Committee.

SB 195 — "An Act to amend Section 8302, Title 11, Delaware Code, to give the Delaware State Police sole authority, aside from Federal Regulations, to use a Helicopter for Air Patrol over Delaware." Sponsor: Senator Holloway. Assigned to Public Safety Committee.

SB 186 was reported back to the Senate from Health and Social Services Committee — 5 Merits.

On motion of Senator Murphy, **SB 102**, final consideration of which had been deferred was again taken up for consideration and Senator Zimmerman was added as co-sponsor of the Bill.

The privilege of the floor was extended to Edward F. Gliwa, M.D., Division of Public Health, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman — 19.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator McCullough — 1.

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

HB 92 was lifted from the table on motion of Senator Holloway.

The privilege of the floor was extended to John L. Sullivan, Division of Health and Social Services, to speak on the Bill.

3:07 p.m. Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, **SA 1** to **HB 92** was taken up for consideration, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele — 17.

NO: Senator Hale — 1.

ABSENT: Senators Castle, Schlör and Zimmerman — 3.

Therefore, the Amendment was adopted.

SA 2 to the Bill was then introduced by Senator Cicione who moved for its adoption.

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

YES: Senators Adams, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, Murphy, Sharp, Zimmerman — 12.

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

NOT VOTING: Senators McCullough and Schlor — 2.

Therefore, the Amendment was adopted.

The roll call vote on **HB 92 w SA 1, 2** was then taken on motion of Senator Holloway and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 17.

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

Therefore, the Bill passed the Senate and was returned to the House for concurrence with the Senate Amendments.

SR 36 which had been laid on the table, was now taken up for consideration on motion of Senator Isaacs and was adopted with 20 Senators voting **YES** and 1 Senator (Hale) being **ABSENT**.

The privilege of the floor was extended to F. W. Kinnamon who carved the gavel and the gavel was presented to the Lt. Governor by Senator Isaacs.

SR 38, sponsored by Senator Cicione, was introduced and adopted by the Senate with 18 Senators voting **YES** and 3 Senators (Isaacs, Kearns and Martin) being **ABSENT**.

SR 38 — “Commending Janet Saunders, of McKean High School, for attaining Recognition as Student of the Year by the Delaware Chapter of Distributive Education Clubs of America.”

At 3:57 p.m. the Senate recessed for an hour on motion of Senator Cordrey.

The Senate reconvened at 5:23 p.m., Lt. Governor Bookhammer presiding.

SR 39, sponsored by Senators Isaacs and Cordrey, was introduced and adopted with 15 Senators voting **YES** and 6 Senators (Berndt, Elliott, Holloway, Schlor, Sharp and Zimmerman) being **ABSENT**.

SR 39 — “To Debit Senate Travel Account for Legislators’

mileage of the present Session of the 128th General Assembly."

SR 40, sponsored by Senators Isaacs and Cordrey, was introduced and adopted with 17 Senators voting YES and 4 Senators (Berndt, Elliott, Schlör and Zimmerman) being ABSENT:

SR 40 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering the following legislation: **HB 130, HB 137, HB 155, HB 131, HB 132, HB 135, HB 137, HB 155, HB 204, HB 219, HB 220, HB 221, HB 222, HB 224, HB 125, HB 225, HB 183, SB 135, SB 136, SB 137, SB 138, SB 139.**

The Bills were brought up and considered as follows:

HB 130 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to the Motor Fuel Tax by increasing the Tax on Special Fuel." Sponsor: Representative McGinnis.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 16.

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

NOT VOTING: Senator Schlör — 1.

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

HB 137 — "An Act to amend Chapter 11 and Chapter 19, Title 30, Delaware Code, to disallow deductions for percentage depletion of Oil and Gas Wells in computing taxable income." Sponsor: Representative McGinnis.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NO: Senators Berndt, Knox and Manning — 3.

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

HB 155 w HA 1 — "An Act to amend Chapter 5, Title 28, Delaware Code, relating to a Tax on any Pari-mutuel and Totalizator Special Pools other than Win, Place and Show Pools." Sponsor: Representative McGinnis.

The roll call vote was taken on motion of Senator Cordrey

and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NO: Senators Castle and Knox — 2.

NOT VOTING: Senator Hughes — 1.

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

HB 204 — “An Act to amend Chapter 5, Title 28, Delaware Code, also being Chapter 4, Volume 60, Laws of Delaware relating to Pari-mutuel and Totalizator Pools at Harness Racing Tracks.” Sponsor: Representative Ridings.

The roll call vote was taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 17.

NO: Senators Berndt, Knox and Steele — 3.

NOT VOTING: Senator Castle — 1.

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

HB 219 — “An Act to amend Chapters 25, 27 and 29 of Title 30, Delaware Code, relating to a change in method of payment of Quarterly Business Taxes.” Sponsor: Representative McGinnis.

The privilege of the floor was extended to Representative McGinnis and Tom Runnels, Senate Attorney, to speak on the Bill.

The roll call vote was taken on motion of Senator Cordrey and revealed:

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

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

NOT VOTING: Senator Berndt — 1.

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

HB 222 w HA 2, 3 — “An Act to amend Chapters 21, 23, 25 and 29 of Title 30, Delaware Code, relating to a general revision of Occupational and Business Licenses and Taxes.” Sponsor: Representative McGinnis.

Senator Hughes introduced **SA 1** to the Bill.

Senator Kearns moved that **SA 1** be laid on the table. The roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

Therefore, the motion prevailed and the Amendment was tabled.

On motion of Senator Cordrey, the roll call vote on **HB 222 w HA 2, 3** was then taken and revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning and Steele — 8.

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

HB 220 — “An Act to amend Chapter 27 of Title 30, Delaware Code relating to a revision of Manufacturers’ License requirements and taxes.” Sponsors: Representatives Miller and Rispoli.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

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

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

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

HB 221 — An Act to amend Chapter 29 of Title 30, Delaware Code, relating to a revision of Food Processor, Grain and Feed Dealer and Farm Machinery Retailer License Requirements, License Fee on Aggregate Gross Receipts.” Sponsors: Representatives Lynch and Rispoli.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 15.

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

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

HB 224 — "An Act to amend Chapter 29 of Title 30, Delaware Code relating to a revision of wholesaler License Requirements and License Fees." Sponsors: Representatives McGinnis and Rispoli.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

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

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

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

HB 132 — "An Act to amend Chapter 41, Title 30, Delaware Code, to change the date of payment of the Telephone and Telegraph Excise Tax." Sponsor: Representative McGinnis.

The roll call vote on the Bill was taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NO: Senators Castle, Elliott and Knox — 3.

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

HB 131 — "An Act to amend Chapter 19, Title 30, Delaware Code, relating to the Corporation Income Tax." Sponsor: Representative McGinnis.

The roll call vote was taken on motion of Senator Cordrey and revealed:

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

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

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

HB 135 — "An Act to amend Section 1154, Title 30, Delaware Code, to require monthly deposit of Income Taxes withheld by employers where the amount exceeds \$10.00." Sponsor: Representative McGinnis.

On motion of Senator Cordrey, the roll call vote on the Bill

was taken and revealed:

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

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

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

At 7:33 p.m. on motion of Senator Cordrey, the Senate recessed for 20 minutes.

The Senate reconvened at 8:04 p.m., Lt. Governor Bookhammer presiding.

Senator Castle introduced **SB 198**:

SB 198 — "An Act to amend Chapter 55, Title 30 of the Delaware Code relating to Public Utilities Tax."

Senator Castle requested that the necessary rules be suspended for the purpose of considering the Bill.

Senator Kearns moved that the motion to suspend rules be tabled.

The roll call vote on the motion to table the motion for suspension of rules was taken and revealed:

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

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

Therefore, the motion prevailed and on motion of Senator McCullough, **SB 198** was then assigned to Revenue and Taxation Committee.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of **HB 241**:

HB 241 — "An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utilities Taxes."

On motion of Senator Cordrey, the roll call vote on the Bill was taken and revealed:

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

NO: Senator Berndt — 1.

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

Acting under the suspension of rules earlier in the session,

the following Bills were then taken up for consideration.

HB 125 — “An Act increasing the salaries of employees of Delaware State College and Delaware Technical and Community College, and providing a supplementary appropriation therefor.” Sponsors: Representatives McGinnis and Harrington.

On motion of Senator Cordrey, the roll call vote on the Bill was taken and unanimously passed the Senate — 21 Senators PRESENT and voting YES.

Therefore, the Bill was returned to the House.

Senator McCullough moved that **SB 135** be lifted for consideration.

Senator Hale moved that the Bill remain on the table.

The roll call vote on Senator Hale’s motion was taken and revealed:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Martin — 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 13.

NOT VOTING: Senators Elliott and Manning — 2.

Therefore, the motion was defeated and **SB 135** was taken up for consideration.

The following co-sponsors were added to the Bill: Senators Isaacs, Holloway, Murphy, Steele.

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

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

NO: Senators Hale, Knox and Martin — 3.

NOT VOTING: Senators Berndt, Castle, Elliott, Hughes and Manning — 5.

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

On motion of Senator McCullough, **HB 225** was taken up for consideration:

HB 225 — “An Act to amend Chapter 13, Title 14 of the Delaware Code relating to salary schedules for School Employees.” Sponsor: Representative George.

The privilege of the floor was extended to Thelma G. Thompson, President of the D.S.E.A., in connection with the Bill.

The roll call vote on the Bill was then taken and the Bill

unanimously passed the Senate with 21 Senators being PRESENT and voting YES.

Therefore, the Bill was returned to the House.

SB 17 was lifted from the table for consideration on motion of Senator Isaacs with the permission of Senator Schlör, the sponsor of the Bill.

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

YES: Senators Adams, Berndt, Cicone, Cook, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

NO: Senators Castle, Cordrey, Elliott, Manning and Martin — 5.

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

On motion of Senator Cicone, **HB 122** which had also been included in the blanket suspension of rules, was now taken up for consideration, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 20.

NOT VOTING: Senator Steele — 1.

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

Senator Cicone moved for the consideration of **HB 16 w HA 1**, which had already been reported out of Committee and was on the Agenda for the Day.

Senator Manning moved that the Senate recess to the call of the Chair.

The roll call vote on Senator Manning's motion was taken and revealed:

YES: Senators Elliott, Hale, Hughes, Knox, Manning, Steele — 6.

NO: Senators Adams, Berndt, Cicone, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Zimmerman — 13.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator McCullough — 1.

Therefore, the motion was defeated.

On motion of Senator Isaacs, **HB 16** was laid on the table.

At 9:20 p.m. on motion of Senator Isaacs, the Senate recessed until April 8, 1975.

The Senate reconvened at 2:18 p.m. April 8, 1975, Lt.

Governor Bookhammer presiding.

The Secretary informed the Senate that the House had passed **SB 184; SB 119; SB 116; SB 9; SB 120; SB 71.**

SJR 13 was reported back to the Senate from the Public Safety Committee: 1 Favorable, 2 Merits, 1 Unfavorable.

SB 111 was reported back from the Administrative Services Committee: 4 Merits.

SB 164 was reported back from the Labor and Industrial Relations Committee: 4 Favorable, 2 Merits.

At 2:20 p.m. the Senate adjourned on motion of Senator Isaacs to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY

The Senate convened at 2:20 p.m. April 8, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Elliott.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

SR 41, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption.

SR 41 — "In reference to Election of Officers."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Cicione, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

ABSENT: Senators Castle, Cook, Holloway, Manning, McCullough — 5.

Therefore, the Resolution was adopted.

SCR 25 was introduced by Senator Berndt. At the request of Senator Knox, his name was added as co-sponsor to the Resolution, the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Castle, Cicione, Holloway and McCullough — 4.

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

The following legislation was introduced:

SJR 19 — "Authorizing and creating a Special Committee to study the feasibility of instituting a Division of Sciences as a

State Agency." Sponsors: Senators Berndt and Adams. Assigned to Executive Committee.

SB 196 — "An Act to amend Title 6, Section 5117, of the Delaware Code, relating to the method of sale of commodities by making weighing devices available to purchasers." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 197 — "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the local share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts." Sponsors: Senators Isaacs, Cordrey and Kearns. Assigned to Finance Committee.

SB 199 — "An Act to amend Chapter 17 of Title 7, Delaware Code, relating to immunization of dogs for rabies." Sponsor: Senator Murphy. Assigned to Natural Resources and Environmental Control Committee.

SB 200 — "An Act to amend Chapter 88, Title 29, Delaware Code, to authorize the State Bank Commissioner to declare a moratorium on the payment of mortgage principal for unemployed persons." Sponsor: Senator Martin. Assigned to Judiciary Committee.

SB 201 — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and placing municipally-owned Electric Utilities under the jurisdiction of said Commission." Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 202 — "An Act to amend Chapter 1, Title 26 of the Delaware Code relating to the Public Service Commission; and providing for jurisdiction of the Commission over relationships between municipally-owned Electric Utilities and consumers located beyond the boundaries of the municipality wherein such utility is located." Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SA 1 to SB 76 was introduced by Senator Zimmerman and placed with the Bill.

SA 3 and SA 4 to HB 92 were introduced by Senator Isaacs and placed with the Bill.

SA 5 to HB 92 was introduced by Senator Cicione and placed with the Bill.

SA 1 to SB 97 was introduced by Senator Holloway and placed with the Bill.

SA 5 to SB 123 was introduced by Senator Schlör and placed with the Bill.

SA 7 to SB 186 was introduced by Senator Holloway and placed with the Bill.

HB 25 — "An Act to provide a Supplementary Appropriation to the Delaware National Guard." Sponsor: Representative Ferguson. Assigned to Finance Committee.

HB 65 — "An Act making a supplementary appropriation to the Office of Commissioner of Elections to carry out the provisions of Chapter 580, Volume 59, Laws of Delaware the Campaign Financing and Disclosure Act." Sponsor: Representative Darling. Assigned to Finance Committee.

SA 1 to SB 142 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 194 was introduced by Senator Isaacs and placed with the Bill.

HB 110 — "An Act relating to a pension for George Rassiter, a former employee of the De La Warr School District." Sponsor: Representative Minner. Assigned to Finance Committee.

HB 121 — "An Act making a supplemental appropriation to the Department of Highways and Transportation for the Delaware Authority for Regional Transit." Sponsor: Representative Matushefske. Assigned to Finance Committee.

HB 139 — "An Act amending Chapter 736, Volume 57, Laws of Delaware entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditure in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State." Sponsor: Representative George. Assigned to Finance Committee.

HB 163 — "An Act to amend Chapter 19, Part II, Title 29 of the Delaware Code relating to Fiscal Projections; and determining the time when the three-year Fiscal Projections must be attached to a Bill or Resolution." Sponsor: Representative George. Assigned to Executive Committee.

HJR 7 — "Directing the State Personnel Commission and the State Personnel Director to establish an equitable and realistic position Classification and pay plan for State Psychiatrists, Physicians and Dentists." Sponsor:

Representative Ambrosino and Senator Isaacs. Assigned to Executive Committee.

On motion of Senator Kearns, the roll call vote on **SB 69** was lifted and announced:

YES: Senators Berndt, Cook, Elliott, Hale, Hughes, Kearns, Knox, Martin, Murphy, Schlor, Sharp, Isaacs — 12.

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

NOT VOTING: Senators Cordrey, Holloway, Manning and Zimmerman — 4.

ABSENT: Senator Castle — 1.

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

Senator Elliott moved that the necessary rules be suspended to consider **SB 63**.

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

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Steele — 14.

NO: Senator Zimmerman — 1.

NOT VOTING: Senators Holloway, McCullough, Schlor and Sharp — 4.

ABSENT: Senators Castle and Murphy — 2.

Therefore, the motion prevailed and **SB 63** was before the Senate for consideration.

On motion of Senator Elliott, the roll call vote on the Bill was taken and announced:

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlor, Sharp, Steele — 18.

NO: Senator McCullough — 1.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senator Castle — 1.

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

SB 117 was taken up for consideration on motion of Senator Kearns; however, final consideration of the Bill was then deferred on his further motion.

SR 42, sponsored by Senator Cordrey, all the Senators and the Lt. Governor, was introduced and considered for adoption:

SR 42 — "Extending the best wishes of the Senate of the 128th General Assembly to Senator J. Donald Isaacs, President Pro Tempore, on his 43rd Birthday, April 8, 1975."

The roll call vote on the Resolution revealed 19 Senators

voting YES with one Senator (Isaacs) voting NOT VOTING and 1 Senator (Castle) being ABSENT.

Therefore, the Resolution was adopted.

At 3:21 p.m. on motion of Senator Cordrey, the Senate recessed and was called back to order at 4:31 p.m. by the Lt. Governor.

Senator Holloway moved that **HB 92 w SA 1, 2** which had previously passed the Senate be taken up for reconsideration as further amended by **HA 1, 2**.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 18.

NO: Senator Steele — 1.

ABSENT: Senators Berndt and Castle — 2.

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

The privilege of the floor was extended to Earl McGinnes, Department of Health and Social Services, to speak on the Bill.

SA 3, 4 to the Bill was stricken on motion of Senator Isaacs.

SA 5 to the Bill was stricken on motion of Senator Cicione.

The roll call vote on **HB 92 w SA 1, 2, HA 1, 2** was then taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 15.

NO: Senators Elliott, Isaacs, Steele — 3.

NOT VOTING: Senators Hughes and Manning — 2.

ABSENT: Senator Castle — 1.

Therefore, the Bill (as so amended) passed the Senate and was ordered back to the House.

SB 168 was taken up for consideration on motion of Senator Murphy.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Murphy, the roll call vote taken and revealed:

20 Senators voting YES with 1 Senator (Castle) being ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 168 w SA 1** was then taken on motion of Senator Murphy and revealed:

20 Senators voting YES with 1 Senator (Castle) being ABSENT.

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

On motion of Senator Zimmerman, **SB 159** was taken up for consideration, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 17.

NO: Senators Berndt, Manning and Steele — 3.

ABSENT: Senator Castle — 1.

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

On motion of Senator Zimmerman, **SB 132** was taken up for consideration, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Castle, Cordrey and Isaacs — 3.

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

On motion of Senator Holloway, **SB 186** was taken up for consideration and given its final reading by title only.

SA 1 to the Bill was stricken on motion of Senator Holloway and **SA 2** was introduced and considered for adoption after the privilege of the floor had been extended to Dr. Lowell D. Streiker, Mental Health Association of Delaware, to speak on the Amendment.

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

YES: Senators Adams, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlor, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Castle, Cicione, Cook and McCullough — 4.

Therefore, the Amendment was adopted.

The privilege of the floor was extended to Dr. Streiker and Duane Olsen, Controller General, to speak on the Bill as amendment and final consideration was deferred on the Bill on motion of Senator Holloway.

At 6:17 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 9, 1975.

The Senate reconvened at 2:04 p.m. April 9, 1975, Lt. Governor Bookhammer presiding.

Legislative Advisories received from William C. Bradley, Jr., Counsel to the Governor informed the Senate that the Governor approved the following legislation: **HB 68** - 3-19-75; **SJR 15** - 3-19-75; **HB 76** - 3-24-75; **HB 13** - 3-24-75; **HCR 15** - 3-24-75; **HCR 14** - 3-24-75; **HCR 12** - 3-24-75; **HCR 11** - 3-24-75; **HCR 9** - 4-24-75; **SCR 22** - 3-24-75; **SCR 23** - 3-24-75; **HCR 13** - 3-25-75; **HB 11 w HA 1** - 3-26-75; **HB 122** - 3-27-75; **HB 130** - 3-27-75; **HB 131** - 3-27-75; **HB 132** - 3-27-75; **HB 135** - 3-27-75; **HB 137** - 3-27-75; **HB 155 w HA 1** - 3-27-75; **HB 204** - 3-27-75; **HB 219** - 3-27-75; **HB 220** - 3-27-75; **HB 221** - 3-27-75; **HB 222 w HA 2, 3** - 3-27-75; **HB 224** - 3-27-75; **SB 9** - 3-31-75; **SB 116** - 3-31-75; **SB 184** - 3-31-75; **SB 119** - 3-31-75; **SB 120** - 3-31-75; **HB 225** - 4-2-75; **HB 125** - 4-2-75; **SB 178** - 4-2-75; **SB 71** - 4-2-75; **HB 241** - 4-3-75.

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HB 121 was reported back from the Finance Committee — 1 Favorable, 3 Merits.

SB 191 was reported back from Public Safety Committee — 2 Favorable, 3 Merits.

The following legislation was introduced and assigned:

SB 203 — “An Act to amend Chapter 1, Title 24, Delaware Code, relating to the practice of Certified Public Accountancy in this State.” Sponsors: Senators Adams and Cook. Assigned to Administrative Services Committee.

SB 204 — “An Act to amend Chapter 51, Title 29 of the Delaware Code to require all elected officials in Delaware to publish their names, addresses and telephone numbers.” Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 205 — “An Act to amend Chapter 51, Title 29, Delaware Code, relating to public officers and employees by guaranteeing employees the right to freedom of speech.” Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 206 — “An Act to amend Chapter 26 of Title 14, Delaware Code relating to Vocational School Tax funds in New Castle County.” Sponsors: Senators Schlor and Holloway. Assigned to Community Affairs Committee.

SB 207 — “An Act to repeal Chapter 302, Volume 59, Laws of Delaware, relating to the conveyance of certain lands by the State Board of Education to the Department of Administrative Services and further providing that said property be conveyed from the State Board of Education to the Department of

Administrative Services and authorizing the Department of Administrative Services to lease said property to the First State Society, Inc. a Charitable Organization." Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 208 — "An Act to amend Chapter 55 of Title 14, Delaware Code, providing for Optometry Scholarships and further providing a supplementary appropriation therefor." Sponsors: Senators Cicione and Sharp. Assigned to Education Committee.

SB 209 — "An Act to amend Chapter 33, Part II, Title 7 of the Delaware Code relating to Commerce and Trade; and providing for the Registration and Protection of Trademarks, Brands and Labels." Sponsors: Senators Manning and Kearns. Assigned to Judiciary Committee.

SB 210 — "An Act to amend 59 Delaware Laws, Chapter 384, being the New Probate Code for the State of Delaware, by offering certain Omnibus Amendments thereto." Sponsors: Senator Berndt and Kearns. Assigned to Judiciary Committee.

SB 211 — "An Act to repeal Section 7920, Chapter 79, Title 29, Delaware Code." Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 212 — "An Act to amend Chapter 6 of Title 31, Delaware Code relating to the Federal Food Stamp Program." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 213 — "An Act to amend Part V, Title 16 of the Delaware Code by adding a new Chapter to be designated Chapter 56 relating to compensation for vandalism on State Property by residents of State Hospitals or Institutions." Sponsor: Senator Cordrey. Assigned to Labor and Industrial Relations Committee.

SB 214 — "An Act to amend Subchapters 1 and III, Chapter 85, Title 3, Delaware Code relating to Corporate Law for Cooperatives." Sponsor: Senator Isaacs. Assigned to Agriculture Committee.

SA 1 to SB 197 was introduced by Senators Cook and Adams and placed with the Bill.

SA 2 to SB 197 was introduced by Senator Adams and placed with the Bill.

SA 3 to SB 197 was introduced by Senator Adams and placed with the Bill.

SA 4 to SB 197 was introduced by Senator Cordrey and placed with the Bill.

SA 5 to SB 197 was introduced by Senator Holloway and placed with the Bill.

SA 6 to SB 197 was introduced by Senators Holloway and Schlor. Placed with the Bill.

SA 7 to SB 197 was introduced by Senators Holloway and Schlor, Representative George. Placed with the Bill.

SA 6 to SB 123 was introduced by Senator Holloway and placed with the Bill.

SA 7 to SB 123 was introduced by Senator Holloway and placed with the Bill.

SA 8 to SB 123 was introduced by Senator Adams. Placed with the Bill.

SA 2 to SB 126 was introduced by Senator Isaacs. Placed with the Bill.

SA 1 to SB 181 was introduced by Senator Hale. Placed with the Bill.

SA 2 to SB 76 was introduced by Senator Hughes. Placed with the Bill.

SA 2 to SB 181 was introduced by Senator Holloway. Placed with the Bill.

HB 25 was reported back from the Finance Committee: 1 Favorable, 5 Merits.

SB 59 was reported back from the Public Safety Committee: 1 Favorable, 1 Merits, 3 Unfavorable.

SCR 26 was introduced by Senator Adams and laid on the table on his motion:

SCR 26 — "Commending Robert Haigh, of Milford, for winning State honors in the American Legion Annual Oratorical Contest."

At 2:18 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 18th Day.

18TH LEGISLATIVE DAY

The Senate convened at 2:18 p.m. April 9, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. William L. Lyght.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

SB 183 was reported back from the Executive Committee — 5 Merits.

The Chair introduced **HB 61**:

HB 61 — "An Act to amend Chapter 10, Title 20, Delaware

Code by increasing State Pension Benefits paid to paraplegic veterans." Sponsors: Representatives Powell and Ferguson, Senator Cicione. Assigned to Finance Committee.

The Chair introduced **HCR 16**:

HCR 16 — "Commending the Marching Band, Color Guard, and Baton Twirlers of John Dickinson High School for their outstanding performances in the 1975 "Festival of States" National Competition, and for the excellent manner in which each student conducted himself in representing this State." Sponsors: Representatives Arnold and Powell, Senator Manning. The names of the following Senators were also added as co-sponsors: Senators Isaacs, Martin, Hughes, Elliott, Sharp. The Resolution was then adopted by roll call which revealed 20 Senators voting YES and 1 Senator (Zimmerman) being ABSENT.

SB 190 was reported back from the Finance Committee: 6 Merits.

SB 175 was reported back from Administrative Services Committee: 3 Favorable, 1 Merits.

HB 121 was taken up for consideration on motion of Senator Cicione and the privilege of the floor was extended to Gerald T. Haugh, representing DART, and J. B. Wallace of the Division of Transportation to speak on the Bill.

At 3:50 p.m. President Pro Tempore Isaacs presiding.

The roll call vote on **HB 121** was taken and announced:

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

NO: Senators Castle, Cordrey, Elliott, Isaacs, Steele — 5.

NOT VOTING: Senator Sharp — 1.

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

HB 16 w HA 1 was taken up for consideration on motion of Senator Cicione. The privilege of the floor was extended to Ron A. Strawley, Division of Juvenile Corrections, and Representative Morris to speak on the Bill.

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

YES: Senators Berndt, Castle, Cicione, Cook, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 17.

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

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

SB 133 was taken up for final reading and consideration on motion of Senator Zimmerman. The privilege of the floor was extended to Tom Shiels of Legislative Council to speak on the Bill.

On motion of Senator Zimmerman, final consideration of the Bill was then deferred.

At 5:11 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 10, 1975.

The Senate reconvened at 1:56 p.m. April 10, 1975, Lt. Governor Bookhammer presiding.

SCR 26 which had been laid on the table was lifted for consideration on motion of Senator Adams and read in full.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Sharp, Steele — 16.

ABSENT: Senators Castle, Elliott, Hughes, Martin and Zimmerman — 5.

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

Pursuant to the above Resolution the privilege of the floor was extended to William W. Craig, Department of Delaware American Legion, who introduced Robert Haigh who delivered his address to the Senate.

SB 56 was reported back from the Judiciary Committee — 2 Favorable, 2 Merits.

SB 103 was reported back from the Community Affairs Committee — 5 Merits.

The following Bills were reported back from the Administrative Services Committee: **SB 140** — 6 Merits; **SB 203** — 6 Merits; **SB 207** — 6 Merits.

SB 212 was reported back from the Health and Social Services Committee — 5 Merits.

SB 214 was reported back from the Agriculture Committee — 2 Favorable, 3 Merits.

SB 213 was reported back from the Labor and Industrial Relations Committee — 5 Favorable, 1 Merits.

At 2:16 p.m. on motion of Senator Isaacs, the Senate adjourned to convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY

The Senate convened at 2:16 p.m. April 10, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. William L. Lyght.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 25**.

HB 139 was reported back from the Finance Committee: 1 Favorable, 5 Merits.

SR 43 was introduced by Senator Sharp and laid on the table on his motion:

SR 43 — "Commending members of the Student Council of the Forest Oak Elementary School, Stanton School District, who are studying Parliamentary Procedure."

SR 44 sponsored by Senators Murphy, Cook and Zimmerman was introduced and considered for adoption:

SR 44 — "EXPRESSING SYMPATHY OVER THE DEATH OF FORMER STATE SENATOR A. BAILEY THOMAS

WHEREAS, the Senate of the 128th General Assembly of the State of Delaware has regretfully learned of the death of former State Senator A. Bailey Thomas of Camden, Delaware, who died on April 9, 1975, and who served in the Delaware State Senate from 1936 to 1938; and

WHEREAS, in addition to A. Bailey Thomas' service to the State of Delaware as a Senator, he served in numerous other capacities some of which are: Master of Fruitland Grange 1929-1930, also in 1948; State Grange Lecturer for 9 years; Master State Grange 1942-1946; Past High Priest, Kent Chapter of the Masons; and

WHEREAS, A. Bailey Thomas was commissioned 2nd Lieutenant in the U. S. Army during World War I and was subsequently appointed a member of the Selective Service Board during World War II; and

WHEREAS, A. Bailey Thomas, father of Samuel Thomas, Kent County Levy Court Commissioner, was a dedicated politician who served actively in the Democrat Party for 60 years and who enjoyed helping people; and

WHEREAS, the members of the Senate of the 128th General Assembly of the State of Delaware wish to publicly express their deep sorrow over the passing of a former colleague, A. Bailey Thomas.

NOW, THEREFORE,

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware that the members hereby express publicly their sympathy and regret upon hearing of the death of former Senator A. Bailey Thomas.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate Journal and that a copy be sent to the immediate family."

The Resolution was unanimously adopted by the Senate.

SCR 27 sponsored by Senators Berndt, Sharp and Representative George was introduced:

SCR 27 — "Providing for the establishment of a bipartisan Committee for the purpose of investigating all possible alternatives and making recommendations relative to the disposition of school buildings that are no longer in use as a result of the decline in student enrollment."

On motion of Senator Berndt, the Resolution was stricken.

The following proposed legislation was introduced:

SB 215 — "An Act proposing an Amendment to the Constitution of the State of Delaware." Sponsors: Senators Steele, Hughes and Sharp. Assigned to Executive Committee.

SB 216 — "An Act proposing an Amendment to the Constitution of the State of Delaware." Sponsors: Senators Steele, Hughes and Sharp. Assigned to Executive Committee.

SB 217 — "An Act to amend Title 7, Chapter 60, Delaware Code, relating to ambient Air Quality Standards, fuel quality standards and air emission standards, and their applicability to fuel burning equipment, and charges to the public." Sponsors: Senators Elliott, Isaacs, Berndt, Holloway and Hughes. Assigned to Natural Resources and Environmental Control Committee.

SB 218 — "An Act to amend Chapter 1, Title 26, Delaware Code, relating to regulation of cable television systems." Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 219 — "An Act to amend Volume 57, Chapter 320, Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education" by extending the date on sales of the Bonds and Notes." Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 220 — "An Act to amend Volume 57, Chapter 299,

Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to the various Agencies of the State" by extending the date on sales of the Bonds and Notes." Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 221 — "An Act to amend Volume 57, Chapter 736, Laws of Delaware, entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State" by extending the date on sales of the Bonds and Notes." Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 222 — "An Act to amend Chapter 70, Title 6 of the Delaware Code relating to Economic Development and Environmental Facilities to provide for public hearings and to prevent unfair competition." Sponsors: Senators Cordrey and Adams. Assigned to Agriculture Committee.

SB 223 — "An Act to amend Chapter 80, Title 29, Delaware Code, relating to grants to qualified Agencies for the construction of Treatment Works." Sponsor: Senator Murphy. Assigned to Natural Resources and Environmental Control.

SB 224 — "An Act to amend Chapter 83 of Title 29 of the Delaware Code relating to the coverage of a full time employee of the Delaware State Employees Credit Union." Sponsors: Senators Cook and Zimmerman. Assigned to Labor Committee.

SA 1 to SB 34 introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 133 introduced by Senator Zimmerman and placed with the Bill.

SA 2 to SB 142 introduced by Senator Isaacs and placed with the Bill.

SA 8 to SB 197 introduced by Senator McCullough and placed with the Bill.

SA 2, SA 3, SA 4, SA 5, SA 6, SA 7, SA 8, SA 9 to SB 50 introduced by Senator Steele and placed with the Bill.

HCR 17 sponsored by Representative Clendaniel and Senator Adams was introduced and considered for adoption:

HCR 17 — "Commending the Young Democratic and Young Republican Organizations of Sussex County for

combining their talents in a Basketball Game to raise funds for the Hospital for the Mentally Retarded at Stockley."

The Resolution was adopted by the Senate with 18 Senators voting YES and 3 Senators (Martin, Murphy and Schlör) being ABSENT.

HCR 18 sponsored by Representative George was introduced:

HCR 18 — "Commending Public-spirited Citizens and Organizations of the Wilmington Metropolitan Area for assisting the City in the development of the proposed Market Street Plaza."

The roll call vote on the Resolution was taken on motion of Senator Holloway, however, before it was announced, Senator Berndt moved that it be tabled. The roll call vote on the motion was taken and revealed:

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

NO: Senators Adams, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Sharp, Steele, Zimmerman — 10.

ABSENT: Senators Cicione and Schlör — 2.

Therefore, the motion failed and the roll call on **HCR 18** was announced:

YES: Senators Berndt, Castle, Knox, Martin, McCullough — 5.

NO: Senators Cordrey, Holloway, Hughes, Isaacs, Zimmerman — 5.

NOT VOTING: Senators Adams, Cook, Elliott, Hale, Kearns, Manning, Murphy, Sharp, Steele — 9.

ABSENT: Senators Cicione and Schlör — 2.

Therefore, the Resolution was defeated and returned to the House.

HB 15 w HA 1, 2, sponsored by Representative Gordy was introduced and assigned to Judiciary Committee:

HB 15 w HA 1, 2 — "An Act to amend Chapter 41, Part II, Title 11 of the Delaware Code by providing for the suspension of driving privileges for failure to pay traffic fines and costs."

SB 225, sponsored by Senator Cicione, was introduced and assigned to Education Committee.

SB 225 — "An Act directing the State Board of Education to submit any and all desegregation proposals to the General Assembly for approval prior to submission to the Federal District Court."

SB 133 was taken up for consideration of motion of

Senator Zimmerman and read by title only:

The roll call vote on **SA 1** to the Bill was taken on motion of Senator Zimmerman and revealed:

20 Senators voting YES with 1 Senator (McCullough) voting NOT VOTING.

Therefore, the Amendment was adopted.

Senator Hale moved that final consideration of the Bill be deferred for a week.

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

YES: Senators Castle, Hale, Kearns, Knox — 4.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senator Elliott — 1.

Therefore, the motion was defeated and the Bill was still before the Senate.

On motion of Senator Zimmerman the roll call vote on **SB 133 w SA 1** was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NO: Senators Castle, Kearns and Knox — 3.

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

At 3:34 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 4:41 p.m.

SB 182 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to Jo Anne Bryant, Mental Health Association of Delaware to speak on the Bill.

The roll call vote was then taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 17.

NO: Senator Hughes — 1.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senators Hale and Kearns — 2.

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

SB 142 was taken up for consideration on motion of Senator Isaacs and read by title only.

SA 1 to the Bill was considered for adoption on motion of Senator Isaacs, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Hale, Kearns and Knox — 3.

Therefore, the Amendment was adopted.

SA 2 and **SA 3** to **SB 142** were stricken on motion of Senator Isaacs.

The roll call vote on **SB 142 w SA 1** was then taken and revealed:

19 Senators voting **YES** with 2 Senators (Hale and Kearns) being **ABSENT**.

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

SB 163 was taken up for consideration on motion of Senator Isaacs and read by title only:

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 16.

NO: Senators Castle and Knox — 2.

NOT VOTING: Senator Berndt — 1.

ABSENT: Senators Hale and Kearns — 2.

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

SJR 20 was stricken on motion of Senator Isaacs.

SB 222 was reported back from the Agriculture Committee: 4 Favorable, 2 Merits.

The Banking, Insurance and Elections Committee reported back the following Bills: **SB 187** — 5 Merits; **SB 40** — 1 Favorable, 4 Merits; **SB 49** — 3 Favorable, 2 Merits.

SB 195 was reported back from the Public Safety Committee: 4 Merits, 1 Unfavorable.

SB 225 was reported back from the Education Committee — 2 Favorable, 2 Merits, 1 Unfavorable. The name of Senator Sharp was added as co-sponsor to the Bill.

SB 188 was reported back from the Executive Committee — 6 Merits.

SR 45, sponsored by Senators Adams and Cordrey, was introduced and considered for adoption:

SR 45 — "Congratulating Steve Bastianelli of Sussex Central High School for his great string of victories as a National Junior Wrestling Champion."

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

18 Senators voting YES with 3 Senators (Hale, Kearns and Knox) being ABSENT.

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

The following proposed legislation was introduced:

SB 226 — "An Act to amend Chapter 588, Volume 59, Laws of Delaware, relating to involuntary commitment of mentally ill persons." Sponsor: Senator Holloway. Assigned to Health and Social Services.

SB 227 — "An Act to authorize the lease of Warwick School No. 203 to the Johnson Community Center." Sponsor: Senator Cordrey. Assigned to Administrative Services.

SB 228 — "An Act to amend Section 2911 of Title 18 of the Delaware Code relating to Life Insurance Policy Loans; and providing for fixed and variable interest rates on policy loans." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Election Committee.

SA 1 to SB 209 was introduced by Senators Kearns and Manning and placed with the Bill.

SA 9 to SB 197 was introduced by Senators Cordrey and Cicione and placed with the Bill.

At 5:23 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 15, 1975.

The Senate reconvened at 1:53 p.m. April 15, 1975, President Pro Tempore Isaacs presiding.

SB 194 was reported back from the Education Committee: 1 Favorable, 4 Merits.

At 1:55 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY

The Senate convened at 1:55 p.m. April 15, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. William L. Lyght.

Pledge of Allegiance to the Flag.

By roll call, 21 Senators were PRESENT.

The Journal was approved as read.

SJR 21, sponsored by Senators Sharp, Murphy, Elliott, Kearns, Holloway and Martin, was introduced and assigned to Labor and Commerce Committee.

SJR 21 — "Relating to contracts and purchases made by

Agencies of this State.”

SCR 28, sponsored by Senators Kearns and Cicione was introduced and considered for adoption:

SCR 28 — “Directing the Public Service Commission to adopt regulations requiring Utility Companies of this State to institute and publish a Customer Bill of Rights establishing certain procedures for resolving customer complaints.”

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

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

NO: Senators Manning and Steele — 2.

NOT VOTING: Senators Berndt, Castle, Hale, Hughes, Knox, McCullough, Murphy, Zimmerman — 8.

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

SR 46, sponsored by Senator Cook, was introduced and adopted by unanimous vote of the Senate:

SR 46 — “EXPRESSING SYMPATHY OVER THE DEATH OF FORMER STATE SENATOR NELSON M. HAMMOND OF FELTON, DELAWARE.

WHEREAS, the Senate of the 128th General Assembly of the State of Delaware has regretfully learned of the death of former State Senator Nelson M. Hammond of Felton, Delaware, who died March 28, 1975; and

WHEREAS, Nelson M. Hammond represented the 5th Senatorial District in Kent County from 1946 to 1950 and during his tenure he served as Chairman twice of the Senate Finance Committee; and

WHEREAS, in addition to Mr. Hammond’s service to the State of Delaware, he was also President of the Felton Bank and was affiliated with many civic and community groups to include the Masonic Lodge; and

WHEREAS, the members of the Senate of the 128th General Assembly of the State of Delaware wish to publicly express their deep sorrow over the passing of a former colleague, Nelson M. Hammond.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware that the members hereby express their profound sympathy upon hearing of the death of former Senator Nelson M. Hammond of Felton, Delaware.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate Journal and that a copy be sent to his wife Mrs. Naomi H. Hammond of Felton, Delaware."

* * * * *

SR 47, sponsored by Senator Elliott, was introduced and on his motion assigned to Executive Committee:

SR 47 — "In reference to Temporary Rules of the Delaware State Senate."

SR 48, sponsored by Senator Isaacs and all the other Senators, was introduced and considered for adoption:

SR 48 — "Extending the best wishes of the Senate of the 128th General Assembly to Senators Holloway, Martin and Sharp on the celebration of their birthdays."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Murphy, Steele, Zimmerman — 16.

NOT VOTING: Senators Holloway, Martin and Sharp — 3.

ABSENT: Senators McCullough and Schlor — 2.

Therefore, the Resolution was adopted.

SR 49 was introduced by Senator Holloway and considered for adoption:

SR 49 — "Extending the life of the Small Business Opportunities Committee created by Senate Resolution No. 220 of the 127th General Assembly."

The roll call vote on the Resolution revealed 20 Senators voting YES with one Senator (Zimmerman) being ABSENT.

SJR 22, sponsored by Senators Berndt and Sharp, Representatives George and Connor, was introduced and assigned to Education Committee.

SJR 22 — "Providing for the Establishment of a Committee for the purpose of Investigating All Possible Alternatives and Making Recommendations relative to the Disposition of School Buildings that are no longer in use as a result of the decline in Student Enrollment."

SB 229, sponsored by Senators Holloway and Cicone, was introduced and assigned to Energy Committee:

SB 229 — "An Act to amend Subchapter I of Chapter 1, Title 26, Delaware Code, relating to payment of Utility Bills by check."

SB 230, sponsored by Senator Holloway, was introduced and assigned to Administrative Services Committee:

SB 230 — "An Act to amend Chapter 70, Title 29, Delaware Code, relating to the sale of State-owned vehicles used for law enforcement."

SA 3 to SB 126 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 201 was introduced by Senator Murphy and placed with the Bill.

SA 1 to SB 202 was introduced by Senator Murphy and placed with the Bill.

SA 3 to SB 181 was introduced by Senator Hale and placed with the Bill.

SB 226 was reported back to the Senate from Health and Social Services Committee — 5 Merits.

The following House legislation was introduced by the Chair:

HB 14 — "An Act to authorize the transfer of the Owens Corner School No. 213 to the Mount Nebo Methodist Church." Sponsor: Representative Gordy. Assigned to Administrative Committee.

HB 81 — "An Act to amend Chapter 41, Part III, Title 21 of the Delaware Code relating to actual physical control of a motor vehicle; and removing same from motor vehicle statutes dealing with the operation of a vehicle while under the influence of intoxicating liquor or drugs." Sponsor: Representative Matushefske. Assigned to Public Safety Committee.

HB 235 — "An Act to amend an Act entitled "An Act authorizing the State of Delaware to borrow money to be used for Capital Improvements and Expenditures in the nature of Capital Investments and to issue Bonds and Notes therefor and appropriating the monies to various Agencies of the State and to borrow money to be used for the Local Share of School Construction Programs and to issue Bonds and Notes therefor and appropriating the monies to the State Board of Education on behalf of Local School Districts" as the same appears in Chapter 223 of Volume 59, Laws of Delaware." Sponsors: Representatives Rispoli and Johnson, Senator Holloway. Assigned to Education Committee.

HB 248 — "An Act to amend Chapter 45, Title 21, Delaware Code, relating to the weight and loads of vehicles equipped with four axles." Sponsor: Representative Boulden. Assigned to Highways and Transportation Committee.

SJR 21 was reported back from the Labor Committee — 1 Favorable, 5 Merits.

On motion of Senator Holloway, the necessary rules were suspended for the purpose of considering **SB 226**.

By roll call, the Bill passed the Senate unanimously.

At the request of Senator Isaacs, Senator Cordrey took the Chair.

SB 126 was taken up for consideration on motion of Senator Isaacs.

SA 1 to the Bill was then taken up for adoption on motion of Senator Isaacs, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman — 19.

NOT VOTING: Senator Steele — 1.

ABSENT: Senator McCullough — 1.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator Isaacs, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 18.

NOT VOTING: Senators Manning and Steele — 2.

ABSENT: Senator Cicione — 1.

Therefore, the Amendment was adopted.

SA 3 to the Bill was taken up for consideration on motion of Senator Isaacs.

The roll call vote on the Amendment revealed 20 Senators voting YES with 1 Senator (Cicione) being ABSENT.

Therefore, the Amendment was adopted.

The privilege of the floor was extended to H. Hummel Sapp, Delaware Power and Light Company, and George Hudson, Senate Attorney, to speak on the Bill.

The roll call vote on **SB 126 w SA 1, 2, 3** was then taken and revealed:

YES: Senators Adams, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Zimmerman — 15.

NO: Senators Berndt, Manning and Steele — 3.

NOT VOTING: Senators Hughes and McCullough — 2.

ABSENT: Senator Cicione — 1.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

SB 153 was taken up for consideration on motion of Senator Cook and by roll call passed the Senate unanimously and was ordered to the House for concurrence.

SB 164 was taken up for consideration on motion of Senator Isaacs and the privilege of the floor was extended to the following employees of Delaware Power and Light Company: George Tinarelli, J. E. Hobbs and William Phillips.

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

YES: Senators Cicione, Cook, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp — 11.

NO: Senators Cordrey and Steele — 2.

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

ABSENT: Senator Zimmerman — 1.

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

At 4:10 p.m. the Senate recessed on motion of Senator Isaacs and reconvened at 5:02 p.m., Senator Cordrey, still presiding.

SB 115 was taken up for consideration on motion of Senator Isaacs, the roll call taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

NO: Senator Hale — 1.

NOT VOTING: Senator Castle — 1.

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

SB 181 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to E. I. Slacum, Sr., Office of Health Related Professional Liscensing, to speak on the Bill and the several Amendments.

SA 1 to the Bill was taken up for consideration on motion of Senator Hale. The roll call vote on the Amendment was taken and revealed that 20 Senators voted YES with one Senator (Cicione) being ABSENT.

Therefore, the Amendment was adopted.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin,

McCullough, Schlor, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Manning and Murphy — 3.

Therefore, the Amendment was adopted.

SA 3 to the Bill was taken up on motion of Senator Hale, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Schlor, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Manning and Murphy — 2.

Therefore, the Amendment was adopted.

The roll call vote on **SB 181 w SA 1, 2, 3** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Schlor, Sharp, Steele — 18.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Murphy and Zimmerman — 2.

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

SB 227 was reported back from the Administrative Services Committee: 6 Merits.

The following Bills were reported back from the Judiciary Committee: **SB 127** — 5 Merits; **SB 14** — 4 Merits, 1 Unfavorable; **SB 205** — 3 Merits, 1 Unfavorable; **SB 196** — 5 Merits; **SB 10** — 5 Merits; **SB 52** — 1 Favorable, 3 Merits.

HB 163 was reported back from the Executive Committee — 6 Merits.

At 5:37 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 16, 1975.

The Senate reconvened at 2:00 p.m. April 16, 1975, President Pro Tempore Isaacs presiding.

SJR 23, sponsored by Senators Holloway, Berndt, Hale and Knox, was introduced and assigned to Banking, Insurance and Elections Committee:

SJR 23 — "Providing for the appointment of a Committee to obtain information leading to solution of the medical malpractice problem with full assurance of Public Protection."

SA 1 to **SB 117** was introduced by Senator McCullough and placed with the Bill.

SA 11 to **SB 197** was introduced by Senator McCullough and placed with the Bill.

SA 10 to **SB 197** was introduced by Senator McCullough

and placed with the Bill.

The following legislation was introduced:

SB 231 — "An Act to amend Chapter 59, Title 29 of the Delaware Code relating to the appointment of temporary and emergency employees to State Service." Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 232 — "An Act to amend Chapter 92, Part VII, Title 10 of the Delaware Code relating to Justices of the Peace; and increasing the number of Justices in each County." Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 233 — "An Act to amend Chapter 84, Part V, Title 14 of the Delaware Code relating to the Delaware Institute of Medical Education and Research; and requiring the return to Delaware of Medical personnel who have received State assistance." Sponsor: Senator Cicione. Assigned to Education Committee.

SB 234 — "An Act to amend Chapter 5 and Chapter 27, Title 11 of the Delaware Code relating to the carrying of concealed deadly weapons and the carrying of concealed dangerous instruments; and changing the present court jurisdiction for such offenses." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 235 — "An Act to amend Title 10 and Title 11 of the Delaware Code relating to Court Practice and Procedure; and providing legal representation for public officers and employees under certain circumstances." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

At 2:05 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY

The Senate convened at 2:05 p.m. April 16, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. William L. Lyght.

Pledge of Allegiance to the Flag.

By roll call, 21 Senators were present.

The Journal was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 72** and **SB 226**.

HCR 19, sponsored by Representative Gordy and all Sussex County Members of the 128th General Assembly, was

introduced and considered for adoption on motion of Senator Cordrey:

HCR 19 — "Expressing the regrets of the members of the 128th General Assembly at the death of former State Auditor James Woodrow Wilson Baker."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES with 2 Senators (Hale and McCullough) being ABSENT.

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

HCR 20, sponsored by Representatives LeGates and Temple, was introduced and on motion of Senator Cordrey considered for adoption:

HCR 20 — "To commemorate the United States Armed Forces Bicentennial Band and Chorus for their fine performance of April 9, 1975 and to wish them well on their nationwide tour."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES with 2 Senators (McCullough and Zimmerman) being ABSENT.

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

HB 24 w HA 1, sponsored by Representative Clendaniel, was introduced and assigned to Health and Social Services Committee.

HB 24 w HA 1 — "An Act to amend Chapter 79, Part VII, Title 29 of the Delaware Code relating to the Department of Health and Social Services; and providing qualifications for the position of Director of the Division of Adult Corrections."

HB 152, sponsored by Representatives McGinnis, was introduced and assigned to Revenue and Taxation Committee.

HB 152 — "An Act authorizing the State Treasurer to transfer certain balances in Accounts of the State of Delaware to the Credit of the General Fund of the State of Delaware."

HB 154, sponsored by Representative McGinnis, was introduced and assigned to Revenue and Taxation Committee:

HB 154 — "An Act authorizing the State Treasurer to transfer certain balances in Accounts of the State of Delaware to the Credit of the General Fund of the State of Delaware."

SB 170 was taken up for consideration on motion of Senator Elliott.

The privilege of the floor was extended to Mr. Sullivan to speak on the Bill, the roll call vote taken and announced:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Schlör, Sharp, Steele — 16.

NO: Senator Adams — 1.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators McCullough, Murphy and Zimmerman — 3.

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

SB 28 was taken up for consideration on motion of Senator Cicione and then deferred for final consideration on his further motion.

At 2:57 p.m. Lt. Governor Bookhammer presiding.

HB 25 was taken up for consideration on motion of Senator Cicione. The roll call vote on the Bill was taken and revealed 20 Senators voting YES with 1 Senator (Zimmerman) being ABSENT.

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

SB 190 was laid on the table on motion of Senator Cicione.

SB 175 was taken up for consideration on motion of Senator Cook.

At the request of Senator Cook, the following letter is spread on these pages:

**SMYRNA SCHOOL DISTRICT
SMYRNA, DELAWARE**

March 6, 1975

The Honorable Nancy W. Cook
Kenton, Delaware
Dear Nancy:

Enclosed you will find a bill prepared by Attorney N. Maxson Terry, Jr., on behalf of the Town of KENTON, TO PERMIT THE TRANSFER OF THE Kenton School from the Smyrna School District to the Town of Kenton.

The State Board of Education at its regular meeting held on February 20, 1975, approved the transfer.

We would appreciate your assistance in now getting us legislative approval as provided in Section 4520 of Title 7.

Any assistance we might be in this matter awaits your call.

Sincerely,
(Signed) Charles V. Williams
Superintendent

* * * * *

The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Castle and Manning) NOT VOTING.

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

SB 190 was lifted from the table on motion of Senator Cicione.

The roll call vote on **SA 1** to **SB 190** was taken on motion of Senator Cicione and revealed 19 Senators voting YES with 2 Senators (Elliott and Isaacs) being ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 190 w SA 1** was then taken on motion of Senator Cicione and revealed 20 Senators voting YES with 1 Senator (Elliott) being ABSENT.

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

At 3:30 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes.

The Senate reconvened at 4:48 p.m., Lt. Governor Bookhammer presiding.

SB 76, final consideration of which had been deferred, was again taken up for consideration on motion of Senator Isaacs.

SA 1 to the Bill was taken up for consideration on motion of Senator Zimmerman, the roll call vote taken and announced:

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

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Steele — 6.

NOT VOTING: Senators Elliott and Manning — 2.

ABSENT: Senator Cicione — 1.

Therefore, the Amendment was adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator Hughes, the privilege of the floor was extended to Tom Runnels, Senate Attorney, to speak on the Amendment.

The roll call vote on the Amendment was taken; however, Senator Hughes moved that the roll call be tabled before being announced.

The roll call vote on Senator Hughes' motion to table the roll call was taken and announced:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Isaacs,

Kearns, McCullough, Murphy, Schlör, Zimmerman — 10.

NOT VOTING: Senators Holloway, Martin and Sharp — 3.

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and the roll call vote on **SA 2 to SB 76** was announced to be:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Steele — 6.

NO: Senators Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 10.

NOT VOTING: Senators Adams, Cicione, Cook and Elliott — 4.

ABSENT: Senator Manning — 1.

Therefore, the Amendment was defeated.

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

SA 4 to the Bill was introduced by Senator Isaacs and on his motion immediately stricken.

However, on further motion of Senator Isaacs, **SA 4 to SB 76** was reinstated.

At 5:36 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 17.

The Senate reconvened at 1:53 p.m. April 17, 1975, President Pro Tempore Isaacs presiding.

At the request of Senator Isaacs, Senator Cordrey took the Chair.

SB 76 w SA 1 was still before the Senate for consideration.

On motion of Senator Isaacs, the roll call vote on the adoption of **SA 4 to SB 76** was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cordrey, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp — 12.

NO: Senator Castle — 1.

NOT VOTING: Senators Hughes and Steele — 2.

ABSENT: Senators Cook, Elliott, Hale, Holloway, McCullough and Zimmerman — 6.

Therefore, the Amendment was adopted.

SA 5 to SB 76 was stricken on motion of Senator Isaacs.

The roll call vote on **SB 76 w SA 1, 4** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele — 16.

ABSENT: Senators Elliott, Hale, Holloway, McCullough, Zimmerman — 5.

Therefore, the Bill passed the Senate and was ordered to

the House for concurrence.

At 2:00 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY

The Senate convened at 2:00 p.m., April 17, 1975, Senator Cordrey presiding.

A Prayer was offered by the Chaplain, Rev. William L. Lyght.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Secretary announced that a message from the House revealed that it had passed: **SB 182; SCR 28; SB 17, SB 24, SB 153 and SB 100.**

SB 88 was stricken on motion of Senator Kearns.

SA 1 to SB 231 was stricken on motion of Senator Cicione.

SR 43 was lifted from the table for consideration on motion of Senator Sharp and the roll call taken which revealed 19 Senators voting YES and 2 Senators (Holloway and Zimmerman) being ABSENT.

Therefore, the Resolution was adopted.

The following Committee Reports were read:

From the Judiciary Committee: **SB 204** — 3 Merits; **SB 232** — 1 Favorable, 2 Merits, 1 Unfavorable.

From the Natural Resources and Environmental Control Committee: **SB 199** — 4 Merits.

From the Highways and Transportation Committee: **SB 248** — 1 Favorable, 5 Merits.

From the Finance Committee: **SB 173** — 1 Favorable, 4 Merits; **SB 160** — 6 Merits; **SB 113** — 6 Merits; **HB 110** — 6 Merits.

From the Education Committee: **HB 235** — 4 Favorable, 2 Merits.

SJR 24, sponsored by Senator Holloway, was introduced and assigned to Banking, Insurance and Elections Committee:

SJR 24 — "Requesting the Federal Housing Authority to use its good offices during the recession to obtain leniency from Mortgage Bankers for reputable borrowers who may lose their homes because of their unemployment."

SS 1 for SB 186, sponsored by Senator Holloway and Representative Ambrosino, was introduced and assigned to

Health and Social Services Committee in the absence of Senator Holloway:

SS 1 for SB 186 — "An Act to amend Title 16, Delaware Code, relating to the procedure for the involuntary commitment of mentally ill persons to the Delaware State Hospital and other Hospitals and discharge therefrom and providing a supplemental appropriation therefor."

SB 236, sponsored by Senator Knox and Representative Worthen, was introduced and assigned to Natural Resources and Environmental Control Committee:

SB 236 — "An Act to amend Part VII, Title 7 of the Delaware Code relating to the control and abatement of noise."

SB 237, sponsored by Senator Kearns, was introduced and assigned to Judiciary Committee:

SB 237 — "An Act to amend Chapter 1, Title 1, Delaware Code, relating to distribution of Code and Supplements."

SA 1 to SB 214 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to SB 233, sponsored by Senator Cicione, was introduced and placed with the Bill.

SA 1 to SB 118, sponsored by Senator McCullough, was introduced and placed with the Bill.

SA 2 to SB 117, sponsored by Senator McCullough, was introduced and placed with the Bill.

SA 1 to SS 1 for SB 186, sponsored by Senator Holloway, was introduced and placed with the Bill.

SA 1 to SB 191, sponsored by Senator McCullough, was introduced and placed with the Bill.

SA 12 to SB 197, sponsored by Senator Cordrey, was introduced and placed with the Bill.

SB 191 was lifted for consideration on motion of Senator McCullough, however, final consideration of the Bill was deferred on his further motion. Together with **SA 1** to the Bill introduced by Senator McCullough.

SB 207 was taken up for consideration on motion of Senator Murphy.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES with one (Holloway) being ABSENT.

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

On motion of Senator Murphy, **SB 103** was taken up for consideration.

The roll call vote on the Bill was taken and revealed 19

Senators voting YES with 2 Senators (Holloway and McCullough) being ABSENT.

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

On motion of Senator Isaacs, **SB 214** was taken up for consideration and given final reading:

SA 1 to SB 214 was introduced by Senator Isaacs who moved that it be adopted.

The roll call vote on **SA 1 to SB 214** was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Holloway and McCullough — 2.

Therefore, the Amendment was adopted.

At 3:15 p.m. on motion of Senator Isaacs, the Senate recessed for a half hour.

The Senate reconvened at 4:50 p.m., President Pro Tempore Isaacs presiding.

At the request of Senator Isaacs, Senator Adams took the Chair.

SB 214 w SA 1 which was before the Senate at the time of the recess was considered for passage on motion of Senator Isaacs, the roll call taken and announced:

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

NOT VOTING: Senators Castle, Elliott, Hale, Hughes, Knox, Manning — 6.

ABSENT: Senators Martin, McCullough and Schlör — 3.

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

SB 140 was taken up for consideration on motion of Senator Cordrey and read by title only.

At the request of Senator Cordrey, the following communication is included in this record:

TOWN OF SOUTH BETHANY
Office of the Mayor

March 4, 1975

The Honorable Richard S. Cordrey
Dover, Delaware

Dear Senator Cordrey:

In my letter to you of January 24, 1975, I enclosed a draft of a bill providing for certain amendments to the South Bethany Charter. In the letter I requested that you introduce the bill.

I neglected to state, although it was implied, that these amendments to the Charter were approved by the seven members of the Town Council at its meeting on January 11, 1975.

Appreciating very much your consideration of this request, I am.

Sincerely yours,
John C. Williamson
Mayor

* * * * *

The roll call vote on the Bill was taken and revealed 20 Senators voting YES with 1 Senator (Schlor) being ABSENT.

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

At 4:57 p.m. on motion of Senator Cordrey, the Senate recessed for ten minutes.

The Senate reconvened at 5:14 p.m. with Senator Adams still presiding.

SB 213 was taken up for consideration and given its final reading on motion of Senator Cordrey. The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Manning and Schlor) being ABSENT.

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

On motion of Senator Cicione, acting with the permission of Senator Adams, **SB 203** was laid on the table.

SB 183 was taken up for consideration and given its final reading on motion of Senator Sharp.

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

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

SB 40 was taken up for consideration on motion of Senator Murphy, the roll call vote taken and announced:

YES: Senators Adams, Elliott, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 11.

NO: Senators Berndt, Cicione, Cook, Cordrey, Hale, Knox,

Steele — 7.

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

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

On motion of Senator Castle, the necessary rules were suspended for the purpose of the introduction and consideration of **SB 242**:

SB 242 — “An Act to allow John E. Szothiewicz, a minor, to marry Bernadette M. Tucker.”

All the Senators were added as co-sponsors to the Bill, the roll call vote taken and revealed 20 Senators voting YES with 1 Senator (Murphy) being absent.

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

Legislative Advisory No. 16 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor had approved the following legislation:

HB 92 w SA 1, 2, HA 1, 2 — 4-11-75; **HCR 16** — 4-11-75; **HCR 17** — 4-11-75; **SCR 25** — 4-11-75; **SCR 26** — 4-11-75.

Legislative Advisory No. 17 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved the following legislation: **HB 16 w HA 1** — 4-14-75; **HB 121** — 4-14-75.

* * * * *

SS 1 for **SB 186** was reported back from the Health and Social Services Committee — 5 Merits.

SS 1 for **SB 186** was adopted in lieu of the Original on motion of Senator Holloway.

At 6:00 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 22, 1975.

The Senate reconvened at 1:55 p.m. April 22, 1975. Lt. Governor Bookhammer presiding.

HB 14 was reported out of Administrative Services Committee: 4 Merits.

SB 230 was reported out of Administrative Services Committee — 1 Favorable, 3 Merits.

At 1:56 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 23rd Day.

23RD LEGISLATIVE DAY

The Senate reconvened at 1:56 p.m., April 22, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Ellsworth B.

Jackson.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The following communication was read into the record at the request of the Chair:

**WESLEY CHURCH
UNITED METHODIST
DOVER, DELAWARE**

10 April 1975

The Honorable Eugene D. Bookhammer
Legislative Hall
Dover, Delaware

Dear Lt. Governor Bookhammer:

The Administrative Board of Wesley United Methodist Church in Dover, Delaware, at its April 1st meeting, acted in regard to the pending legislation having to do with slot machines and casino gambling, the bills in question being House Bills Nos. 114 and 120 and Senate Concurrent Resolution No. 24. The Administrative Board of Wesley Church opposes the passage of such bills on two basic principles in addition to its opposition to gambling.

(1) The Administrative Board feels that the State of Delaware has other more reasonable and honest ways of approaching its fiscal problems than resorting to gambling bills to raise necessary revenues. While taxation is not a welcome solution, we recognize that the problems of our State must be faced in a way that deals realistically with the issues and we feel that the gambling bills do not do that.

(2) Secondly, Wesley Church is deeply involved in providing assistance to those who are economically pressed and are victims of the present economy and inequality in terms of distribution of necessary funds, and the board feels that these very persons are the ones most apt to be victims of methods to quickly secure funds by means of games of chance. The very nature of gambling is that the losers have to outdistance the winners and therefore the intensity of the economic problems of those seeking these methods will be increased. We therefore urge you and both houses of the legislature to reject these bills.

As senior minister of Wesley Church, I would ask that this letter be spread in the minutes of both houses of the legislature with my personal endorsement added to that of the Administrative Board of Wesley Church.

Respectfully,
Dr. Robert P. Whitlock
Senior Minister, Wesley Church

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The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 6 w SA 1, 2, 3, HA 1**.

The following legislation was introduced and assigned:

SB 240 — "An Act to amend Chapter 69 of Title 29, Delaware Code, relating to the establishment of a Contract Compliance Act and providing a supplementary appropriation therefor." Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 238 — "An Act directing the Board of Pension Trustees to recompute the pension paid Katherine Episcopo, widow of Rocco A. Episcopo, a former State Employee." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 239 — "An Act authorizing the Division of Public Health of the Department of Health and Social Services to assume the Streptococcal Detection Program and providing a supplemental appropriation therefor." Sponsors: Senator Holloway and Representative McGinnis. Assigned to Finance Committee.

SB 241 — "An Act to modify Chapter 1, Title 26 of the Delaware Code relating to the jurisdiction of the Public Service Commission over municipally owned and county owned Public Utilities." Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 243 — "An Act to amend Volume 36, Laws of Delaware, Chapter 158 entitled An Act changing the name of the Town of Dover to the City of Dover and establishing a Charter therefore by changing the method of filling vacancies for Council by submitting the same to special election." Sponsor: Senator Zimmerman. Assigned to Community Affairs Committee.

SB 244 — "An Act to amend Part V, Title 29 of the Delaware Code relating to State Government; and providing for a State Compensation Commission." Sponsor: Senator Berndt. Assigned to Executive Committee.

SA 1 to SJR 19 was introduced by Senator Berndt and placed with the Bill.

SA 2 to SS 1 for SB 186 was introduced by Senator Holloway and placed with the Bill.

HB 79 — “An Act to amend an Act entitled: “An Act to reincorporate the Town of Delmar”, relating to the authority to enact Ordinances.” Sponsor: Representative Gordy. Assigned to Community Affairs Committee.

HB 178 — “An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to the possession of a deadly weapon during the commission of a felony.” Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

HB 232 — “An Act to amend Section 3125(a), Title 19, Delaware Code, relating to obtaining information from the Department of Labor.” Sponsors: Representatives Gilligan, Cain, Morris, Plant, Hebner and Smith. Assigned to Labor and Industrial Relations Committee.

HB 299 — “An Act to adopt the Delaware Code annotated, revised 1974, as the Laws of the State of Delaware.” Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HCR 21 — (Sponsored by Representatives Gilligan, Ferguson and Maxwell, Senators Cicione, Knox and Manning) “Congratulating the Thomas McKean High School and the winners of the nineteenth Annual Delaware State D.E.C.A. Leadership Conference.”

On motion of Senator Manning, the roll call vote on the Resolution was taken and revealed 18 Senators voting YES with 3 Senators (Cicione, Elliott and Hughes) being ABSENT.

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

HJR 8 — (Sponsor: Representative Lynch) “Congratulating Mrs. Pearl Townsend of Frankford, upon her selection as Delaware’s Mother of the Year.”

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of considering the Resolution, the roll call taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Elliott, Hughes and Schlör — 3.

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

SS 1 for SB 186 was taken up for consideration on motion of Senator Holloway and the Bill read by title only.

SA 2 to the Bill was introduced by Senator Holloway, the roll call vote on its adoption taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Hale, Holloway, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 14.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cordrey, Elliott, Hughes, Isaacs, Kearns, Schlör — 6.

Therefore, the Amendment was adopted.

SA 1 to SS 1 for SB 186 was taken up for consideration on motion of Senator Holloway, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Hale, Holloway, Knox, Manning, McCullough, Murphy, Sharp, Steele, Zimmerman — 14.

ABSENT: Senators Cordrey, Elliott, Hughes, Isaacs, Kearns, Martin, Schlör — 7.

Therefore, the Amendment was adopted.

The roll call vote on **SS 1 for SB 186 w SA 1, 2** was then taken on motion of Senator Holloway and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Elliott, Hale, Holloway, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 15.

NO: Senator Cook — 1.

ABSENT: Senators Cordrey, Hughes, Isaacs, Kearns and McCullough — 5.

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

HB 139 was taken up for consideration on motion of Senator Cicione, the privilege of the floor extended to Earl McGinnis, Secretary of the Health & Social Services Department, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators McCullough and Schlör — 2.

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

SB 49 was taken up for consideration on motion of Senator Murphy, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Hughes, Isaacs, Kearns, Manning, Murphy, Schlör, Sharp and Zimmerman — 12.

NO: Senators Berndt, Castle and Knox — 3.

NOT VOTING: Senators Elliott and Steele — 2.

ABSENT: Senators Hale, Holloway, Martin and McCullough — 4.

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

At 3:13 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes.

The Senate reconvened at 4:11 p.m., Lt. Governor Bookhammer presiding.

SB 246 was introduced at the request of Senator Schlör:

SB 246 — “An Act to amend Chapter 7 of Title 29, Delaware Code, relating to compensation and expenses of members of the General Assembly.”

On motion of Senator Schlör, the necessary rules were suspended for the purpose of considering the Bill, the roll call vote on the Bill taken and announced:

YES: Senators Cicione, Hale, Holloway, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 13.

NO: Senators Adams, Castle, Cook, Cordrey, Elliott, Hughes, Manning — 7.

NOT VOTING: Senator Berndt — 1.

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

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of consideration of **SB 173**, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 19.

NO: Senators Elliott and Steele — 2.

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

SB 225 was taken up for consideration on motion of Senator Cicone.

The Bill was then laid on the table on further motion of Senator Cicone.

SR 50, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 50 — “To Debit Senate Travel Account for Legislators’ mileage of the present Session of the 128th General Assembly.”

The roll call vote on the Resolution was taken and revealed 19 Senators voting **YES** with 2 Senators (Cicone and Murphy) being **ABSENT**.

Therefore, the Resolution was adopted.

SR 51, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 51 — “Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly.”

The roll call vote on and Resolution was taken and revealed 20 Senators voting **YES** with 1 Senator (Murphy) being **ABSENT**.

Therefore, the Resolution was adopted.

SB 250 was introduced at the request of Senator McCullough:

SB 250 — “An Act to amend Chapter 647, Volume 57, Laws of Delaware, relating to use of State-owned Helicopters, and providing a supplementary appropriation therefor.”

Senator McCullough moved that the necessary rules be suspended for the purpose of considering the Bill.

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

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

Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 14.

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

Therefore, the motion prevailed and the Bill was considered, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

NO: Senator Castle — 1.

NOT VOTING: Senators Elliott, Hughes and Manning — 3.

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

Legislative Advisory No. 18 received from William C. Bradley, Jr., Counsel to the Governor indicated that the Governor approved **SB 226** on April 15, 1975.

Legislative Advisory No. 19 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved **SB 242** — 4-18-75.

Legislative Advisory No. 20 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved **SB 3** — 4-21-75; **SB 63** — 4-21-75; **SB 72** — 4-21-75.

At 5:35 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 April 23, 1975.

The Senate reconvened at 2:04 p.m., April 23, 1975, Lt. Governor Bookhammer presiding.

The following Bills were reported out of Finance Committee: **SB 154** — 6 Merits; **SB 239** — 1 Favorable, 5 Merits; **SB 240** — 1 Favorable, 5 Merits.

SB 193 was reported out of Natural Resources and Environmental Control Committee: — 5 Merits.

HB 299 was reported out of Judiciary Committee — 2 Favorable, 3 Merits.

SS 1 for **SB 187** was introduced by Senator Holloway and

adopted in lieu of the Original Bill.

At 2:07 p.m. on motion of Senator Isaacs, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY

The Senate convened at 2:07 p.m. April 23, 1975, Lt. Governor Bookhammer presiding.

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

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The Secretary announced that a message from the House indicated that **SB 42** was defeated in the House; also, the House passed **SB 69** and adopted **SCR 22**.

SR 52, sponsored by Senator Sharp, was introduced and considered for adoption:

SR 52 — "Congratulating the students from Heritage Elementary School and Stanton Elementary School for having won honors in Literature, Music and Visual Arts in a contest conducted by the National P.T.A. entitled "Reflections: Our Heritage and our Hopes".

The Resolution was adopted by the Senate with 20 Senators voting YES and 1 Senator (Elliott) being ABSENT.

SCR 29, sponsored by Senator Sharp was introduced and adopted (by roll call) unanimously by the Senate and ordered to the House for concurrence:

SCR 29 — "Expressing the sorrow of the members of the 128th General Assembly at the passing of former Delaware Insurance Commissioner William R. Murphy, of Milford."

The following legislation was introduced:

SB 245 — "An Act to amend Chapter 60, Title 7 of the Delaware Code to provide the Environmental Appeals Board with the ability to promulgate rules and regulations governing procedures before that Board and to allow for a Fee to be charged for appeals costs." Sponsor: Senator Isaacs. Assigned

to Natural Resources and Environmental Control Committee.

SB 247 — “An Act to amend Titles 21 and 30 of the Delaware Code relating to certain penalty assessments payable by mail.” Sponsor: Senator Adams. Assigned to Revenue and Taxation Committee.

SB 248 — “An Act to amend Section 2911 of Title 18 of the Delaware Code relating to Life Insurance Policy Loans.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 249 — “An Act to amend Titles 14 and 29, Delaware Code, relating to pensions for State Employees.” Sponsors: Senators Zimmerman, Murphy and Cook. Assigned to Finance Committee.

SB 251 — “An Act to amend Chapter 305, Volume 59, Laws of Delaware, being entitled: “An Act to increase the salaries of employees classified under the Merit System and the salaries of certain non-classified employees.” Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 252 — “An Act to amend Part V of Chapter 33, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police Officers assisting State Police.” Sponsor: Senator McCullough. Assigned to Judiciary Committee.

SB 253 — “An Act to amend Chapter 27, Title 21, Delaware Code, relating to assessing a fee for changing type or general class driver's license.” Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 254 — “An Act to repeal Chapter 314, Volume 49, Laws of Delaware; and to repeal Chapter 136, Volume 52, Laws of Delaware, and to amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware entitled “An Act changing the name of the Town of Dover to the City of Dover and establishing a Charter therefore: and to abolish the weighted voting provisions for an annexation referendum and to apply the one-man one-vote principal to said annexation election.” Sponsor: Senator Zimmerman. Assigned to Community Affairs Committee.

SB 255 — “An Act to amend Chapter 41, Subchapter IX, Title 21 of the Delaware Code relating to careless and

inattentive driving.” Sponsor: Senator Hale. Assigned to Public Safety Committee.

SA 13 to SB 197 was introduced by Senator Hughes and placed with the Bill.

SA 14 to SB 197 was introduced by Senator Elliott and placed with the Bill.

SA 15 to SB 197 was introduced by Senator Berndt and placed with the Bill.

SA 16 to SB 197 was introduced by Senator Hughes and placed with the Bill.

SA 1 to SB 222 was introduced by Senator Elliott and placed with the Bill.

SA 1 to SB 205 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 227 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to SB 225 was introduced by Senator Castle and placed with the Bill.

HCR 22, sponsored by Representatives Worthen, Morris and LeGates, was introduced and considered for adoption on motion of Senator Martin.

HCR 22 — “Recognizing and supporting deaf and hearing impaired people in Delaware by establishing the week of April 20, 1975, as Deaf Awareness Week in Delaware.”

The Resolution was adopted by unanimous vote of the Senate.

HB 226 — “An Act to amend Title 7, Chapter 17, Delaware Code, relating to dog licenses and proof of current rabies immunization.” Sponsor: Representative Gordy. Assigned to Agriculture Committee.

HB 275 — “An Act to amend §5528, Chapter 55, Title 29, Delaware Code, relating to Survivor’s Pensions by providing for such pensions to be paid to widowers on an equal basis with widows.” Sponsors: Representatives George and Worthen. Assigned to Judiciary Committee.

HB 300 w HA 1 — “An Act establishing a Committee to

plan with the Delaware Agriculture Museum Association, Inc., the creation of a State Agriculture Museum; prescribing certain powers and responsibilities for such Committee; and providing a supplementary appropriation for the expenses incurred by such Committee." Sponsors: Representative Minner and Senator Isaacs. Assigned to Agriculture Committee.

HB 243 — "An Act to amend Chapter 74, Title 29, Delaware Code, relating to the reversion of unexpended State Funds borrowed pursuant to any Capital Improvement Act." Sponsor: Representative McGinnis. Assigned to Finance Committee.

HCR 23, sponsored by Representative Smith, was introduced and considered for adoption on motion of Senator Manning:

HCR 23 — "Recognizing the State of Delaware's support for International Women's Year."

The Resolution was adopted by unanimous vote of the Senate and returned to the House.

HJR 10, sponsored by Representatives Jornlin, Ambrosino, Arnold, Byrd, Cain, Clendaniel, Connor, Derrickson, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, LeGates, Leshner, Lynch, Martin, Maxwell, McKay, Minner, Morris, Powell, Riddagh, Ridings, Rispoli, Seibel, Sincok, Smith, Spence and Temple; Senators Adams, Berndt, Cicione, Cook, Elliott, Holloway, Hughes, Isaacs and Sharp, was introduced and laid on the table on motion of Senator Isaacs:

HJR 10 — "Proclaiming May as "Delaware's Drive for Decency Month."

SB 225 was stricken on motion of Senator Cicione.

SB 222 was taken up for consideration on motion of Senator Cordrey.

The privilege of the floor was extended to William Hart, to speak on the Bill.

At the request of Senator Elliott, his name was stricken as sponsor of SA 1 to **SB 222**.

Senator Berndt, co-sponsor of SA 1 to **SB 222**, moved that the Amendment be adopted.

Senator Berndt then moved that the roll call vote on SA 1

to **SB 222** be tabled.

The roll call vote on his tabling motion was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Hughes, Knox, Manning, Steele — 10.

NO: Senators Kearns and McCullough — 2.

NOT VOTING: Senators Elliott, Holloway, Isaacs, Martin, Murphy, Schlor, Sharp, Zimmerman — 8.

ABSENT: Senator Cicione — 1.

Therefore, the motion was defeated and the roll call vote on **SA 1** to **SB 222** was announced:

YES: Senators Berndt, Castle, Cook, Cordrey, Hale, Hughes, Knox, Manning, Steele — 9.

NO: Senator Adams — 1.

NOT VOTING: Senators Elliott, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 10.

ABSENT: Senator Cicione — 1.

Therefore, the Amendment was defeated.

The roll call vote on **SB 222** was then taken on motion of Senator Cordrey, but before being announced was tabled on his further motion.

At 3:45 p.m. the Senate recessed for a forty-five minute period on motion of Senator Cordrey.

The Senate reconvened at 5:26 p.m., Lt. Governor Bookhammer presiding.

SB 10 was taken up for consideration on motion of Senator Isaacs, however final consideration of the Bill was deferred on further motion of Senator Isaacs.

HJR 10 was lifted from the table on motion of Senator Adams, the roll call vote taken and revealed that 20 Senators voting YES with 1 Senator (Sharp) being ABSENT.

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

SB 227 was taken up for consideration on motion of Senator Cordrey.

On motion of Senator Cordrey, the roll call vote on **SA 1** to **SB 227** was taken and revealed 19 Senators voting YES with 2 Senators (Manning and Sharp) being ABSENT.

Therefore, the Amendment was adopted.

The roll call vote on **SB 227 w SA 1** was then taken and revealed 20 Senators voting YES with 1 Senator (Sharp) being ABSENT.

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

SJR 14 was taken up for consideration on motion of Senator Holloway; however, on further motion of the Senator, final consideration of the Resolution was deferred.

SB 196 was taken up for consideration on motion of Senator Holloway, the roll call vote taken and announced:

YES: Senators Cicione, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Schlor — 11.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Knox, Steele — 7.

NOT VOTING: Senators Murphy and Zimmerman — 2.

ABSENT: Senator Sharp — 1.

Since the Bill required a 2/3 vote, the Chair declared the Bill lost.

On motion of Senator Berndt, the Bill was immediately reinstated.

The following communications were read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

April 23, 1975

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

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

Hiram W. Warder, Esq., 200 Brandywine Boulevard, Wilmington, Delaware, to be an Associate Judge of the Family Court in and for New Castle County, for a twelve year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

April 23, 1975

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

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

David P. Buckson, Esq., R.D. 2, Box 499, Smyrna, Delaware, to be an Associate Judge of the Family Court for Kent and Sussex Counties, for a twelve year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

SR 54, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 54 — "In reference to election of Officers."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES with 2 Senators (Hale and Sharp) being ABSENT.

Therefore, the Resolution was adopted.

The following Committee reports were read:

From the Agriculture Committee: **HB 226** — 6 Merits; **SB 108** — 6 Merits; **HB 300** — 6 Merits.

From the Labor Committee: **SB 37** — 1 Favorable, 3 Merits.

From the Finance Committee: **SB 79** — 1 Favorable, 6 Merits; **SB 162** — 1 Favorable, 5 Merits; **SB 249** — 1 Favorable, 5 Merits; **SB 251** — 1 Favorable, 5 Merits; **HB 65** — 1 Favorable, 3 Merits.

At 6:18 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. April 24, 1975.

The Senate reconvened at 2:00 p.m. April 24, 1975, Lt. Governor Bookhammer presiding.

Legislative Advisory No. 21, received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved **SB 69** — 4-22-75; **SB 182** — 4-23-75; **SB 100** — 4-23-75.

The same Advisory also indicated that the Governor received **SB 17** (Second leg of the Constitution) on April 16, 1975.

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SR 53, sponsored by Senator Isaacs, was introduced and considered for adoption:

SR 53 — "Directing all Agencies and Department of the

Executive Branch of the State Government to submit legislative proposals before May 30, 1975."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Murphy, Schlör, Sharp, Zimmerman — 15.

ABSENT: Senators Hale, Knox, Manning, Martin, McCullough and Steele — 6.

Therefore, the Resolution was adopted.

SR 55, sponsored by Senators Holloway and Elliott, was introduced and considered for adoption:

SR 55 — "Amending a temporary rule of the Delaware Senate."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Murphy, Schlör, Sharp, Zimmerman — 15.

NO: Senator Steele — 1.

ABSENT: Senators Hale, Knox, Manning, Martin, and McCullough — 5.

Therefore, the Resolution was adopted.

At the request of Senator Isaacs, the following letter is spread on the pages of this Journal:

SENATE DOVER, DELAWARE

April 24, 1975

TO: Members of the 128th General Assembly
FROM: Senator J. Donald Isaacs,
President Pro Tempore
SUBJECT: Senate Resolution No 55 (Rule 19, S.R. 4)

In accordance with Senate Resolution No. 55, I am today appointing Senator Herman Holloway as Chairman of the "Subcommittee on Aging" and the following Senators as members of this committee: Senators Anthony J. Cicione, Nancy W. Cook, Dean C. Steele, Robert J. Berndt.

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The following legislation was introduced and assigned to Committee:

SB 256 — "An Act to amend Title 29 of the Delaware Code by adding a new part relating to freedom of information and

requiring that meetings of public bodies and records of public bodies be open to personal inspection by any citizen of the State of Delaware." Sponsors: Senators Holloway, Isaacs, Kearns, Castle, Elliott. Assigned to Judiciary Committee.

SB 257 — "An Act making a supplementary appropriation to the Department of Natural Resources and Environmental Control for groundwater pollution prevention and abatement." Sponsors: Senators Berndt and Cordrey. Assigned to Natural Resources Committee.

SB 258 — "An Act directing the State Board of Education to submit any and all desegregation proposals to the General Assembly for review prior to submission to the Federal District Court." Sponsors: Senators Cicione and Sharp. Assigned to Education Committee.

SB 259 — "An Act to amend Chapter 9 and 19 through 29 of Title 7, Delaware Code relating to the rules and regulations concerning shellfish." Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SB 260 — "An Act proposing an Amendment to Article II, Sections III and IV of the Constitution of the State of Delaware by providing that members of the General Assembly shall be considered fulltime employees of the State and by providing that the General Assembly shall meet in alternate months throughout the year." Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 261 — "An Act to amend Subchapter II, Chapter 19, Title 14, of the Delaware Code relating to the taxation and assessment of mobile homes." Sponsor: Senator Sharp. Assigned to Revenue and Taxation Committee.

SB 262 — "An Act to amend Chapter 21, Part II, Title 19, of the Delaware Code relating to the Industrial Accident Board." Sponsors: Senators Holloway and Isaacs. Assigned to Administrative Services Committee.

SB 263 — "An Act to amend Chapter 9, Title 26 of the Delaware Code relating to the powers of Telegraph and Telephone Corporations; and providing that all wires be placed eighteen feet above road crossings." Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 264 — "An Act to amend Title 17 of the Delaware Code relating to Highways and Roads generally, and providing for coordination between the Division of Highways and the several Counties in future planning." Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 265 — "An Act to amend Chapter 20, Title 15, Delaware Code, relating to voter registration." Sponsors: Senator Kearns; Representatives Byrd and Matushefske. Assigned to Banking, Insurance and Elections Committee.

SB 266 — "An Act to amend Chapter 21, Title 19, Delaware Code, relating to the Industrial Accident Board." Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SA 17 to SB 197 was introduced by Senator Cordrey and placed with the Bill.

SA 18 to SB 197 was introduced by Senator Hale and placed with the Bill.

SA 19 to SB 197 was introduced by Senator Schlör and placed with the Bill.

SA 20, SA 21 and SA 22 to SB 197 were introduced by Senator Schlör and placed with the Bill.

SA 2 to SB 222 was introduced by Senator Isaacs and placed with the Bill.

The following communications were read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 24, 1975

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

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

Hiram W. Warder, 200 Brandywine Boulevard, Wilmington, Delaware, to be an Associate Judge of the Family Court of the State of Delaware, for a twelve year term from date of confirmation.

My letter of April 23, 1975 concerning this appointment shall, upon receipt of this letter, be considered withdrawn.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 24, 1975

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

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

David P. Buckson, R.D. 2, Box 499, Smyrna, Delaware, to be an Associate Judge of the Family Court of the State of Delaware, for a twelve year term from date of confirmation.

My letter of April 23, 1975 concerning this appointment shall, upon receipt of this letter, be considered withdrawn.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The Chairman of the Executive Committee reported back to the Senate the following nominations for appointment by the Governor:

David P. Buckson — 2 Favorable; 3 Merits; Hiram W. Warder — 2 Favorable, 2 Merits.

The following letter is spread on these pages at the request of Senator Hughes:

SENATE DOVER, DELAWARE

April 24, 1975

The Honorable Eugene D. Bookhammer
President of the Senate
Delaware State Senate
Dover, Delaware

Dear Lt. Governor Bookhammer:

May I request the following be read into the Senate record in its entirety:

“WHEREAS, two of our esteemed colleagues are celebrating their birthdays within the next few days; and

WHEREAS, the Senate wishes to recognize the pending birthdays of two of its members at this time.

NOW THEREFORE,

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware that the days of birth of Senator Andy Knox, formerly of the Delaware House

of Representatives from 1971 to 1975; and of Senator David Elliott, who has served in the Delaware State Senate since 1969, be hereby recognized and acknowledged as occurring on April 26th and April 29, respectively.

BE IT FURTHER RESOLVED that hearty congratulations be extended to two of our fellow Senators who hail from opposite ends of our fair State — Centerville to the North and Laurel to the South — on the occasion of their April birthday celebrations."

Please invite all Senators of the 128th General Assembly to join in the sponsorship and intent of this letter.

Sincerely,
Charles E. Hughes
Senator

* * * * *

All the Senators present agreed to co-sponsor the letter.

At 2:28 p.m. on motion of Senator Isaacs, the Senate recessed to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY

The Senate convened at 2:28 p.m. April 24, 1975, Lt. Governor Bookhammer presiding.

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

Pledge of Allegiance to the Flag.

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

The Journal was approved as read.

The Secretary announced that a message from the House indicated that they had passed **SB 168 w SA 1** and adopted **SCR 29**.

On motion of Senator Isaacs, the Governor's nomination for appointment of David P. Buckson was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

NO: Senators Hale and Manning — 2.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Knox — 1.

Therefore, the appointment received the confirmation of the Senate.

Senator Isaacs moved that the Governor's nomination for appointment of Hiram W. Warder be taken up for consideration.

Senator Hughes objected to consideration of the appointment at this time and moved for a deferral.

Senator Schlör moved to table the motion of Senator Hughes.

The roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Berndt, Elliott, Hale, Hughes, Manning, Steele — 6.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Knox — 1.

Therefore, the motion prevailed and the appointment was considered to be before the Senate for consideration.

Senator Castle moved that the Senate recess to the call of the Chair.

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

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

ABSENT: Senator Knox — 1.

Therefore, the motion was defeated.

Senator Hughes moved that further action on the nomination be deferred.

The roll call vote on his motion was taken but not announced.

Senator Isaacs asked for a roll call vote on the nomination.

Senator Steele moved that Senator Isaacs motion be tabled.

The roll call vote on the tabling motion was taken and announced:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

ABSENT: Senator Knox — 1.

Therefore, the motion was defeated.

On motion of Senator Cordrey, the following letter is included in the pages of this Journal:

**POTTER ANDERSON & CORROON
WILMINGTON, DELAWARE**

April 23, 1975

The Honorable Sherman W. Tribbitt
Dover, Delaware

Dear Governor:

This letter is written in response to your letter of April 17, 1975, stating that you are considering Hiram W. Warder, Esq., for appointment to the recently created additional judgeship on the Family Court in New Castle County. You asked for our views and, if they should not be favorable, to give our reasons for such judgment.

The Committee on Judicial Appointments of the Delaware State Bar Association met on Tuesday, April 22, 1975, and considered the matter at depth. The unanimous opinion of the Committee was that Mr. Warder is not qualified for appointment to the Family Court bench. Our specific reason is that the Committee does not believe that Mr. Warder has the legal ability or the judicial temperament that fit him for the position as a judge of the Family Court.

Although our Committee has responded to your request that we give the reasons for our judgment in this case, the Committee, because of the delicate nature of some of the matters considered by it in performing its functions generally, is reluctant to establish a practice of giving our written reasons for unfavorable judgments in every case.

Respectfully yours,
Richard F. Corroon

* * * * *

On motion of Senator Isaacs, the roll call vote on the nomination for appointment of Hiram W. Warder was then taken and announced:

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

NO: Senators Berndt, Hale, Manning and Steele — 4.

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

ABSENT: Senator Knox — 1.

Therefore, the appointment received the confirmation of the Senate.

SA 1 to SB 59 was introduced by Senator Hughes and placed with the Bill.

SA 2 to SB 205 was introduced by Senator Holloway and placed with the Bill.

SA 23 to SB 197 was introduced by Senator Berndt and placed with the Bill.

The following legislation was introduced and assigned:

HB 267 — "An Act to create the Bethany Beach Sanitary Sewer District, the South Bethany Sanitary Sewer District and the Dewey Beach Sanitary Sewer District and to authorize the issuance of Bonds pursuant to and for the purposes set forth in Title 9, Chapter 65 of the Delaware Code, including the refund obligations of Sussex County issues to finance improvements in such Districts." Sponsors: Senators Cordrey and Adams. Assigned to Community Affairs Committee.

HB 5 — "An Act to amend Chapter 55, Part I, Title 11, of the Delaware Code relating to the disposition of persons apprehended for public intoxication." Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

HB 54 — "An Act to amend Chapter 5, Title 13, Delaware Code, relating to exemption from wage attachment." Sponsor: Representative Seibel. Assigned to Judiciary Committee.

HB 143 — "An Act to amend Chapter 530, Volume 59, Laws of Delaware, originally designated House Bill No. 973, and to amend Chapter 552, Volume 59, Laws of Delaware, originally designated House Bill No. 971." Sponsors: Representatives Jornlin and Seibel. Assigned to Finance Committee.

HB 273 — "An Act to amend an Act being Chapter 42, Volume 53, Laws of Delaware, as amended, entitled "An Act amending, revising and consolidating the Charter of the City of Seaford" relating to qualifications for voters and to provide exemptions from taxation for the elderly." Sponsor: Representative Temple. Assigned to Community Affairs Committee.

HB 322 — "An Act agreeing to a Proposed Amendment to Article II, Section 15 of the 1897 Constitution of the State of Delaware relating to the compensation, expenses and allowances of members of the General Assembly." Sponsor: Representative Ferguson.

The Bill was laid on the table on motion of Senator Schlör.

HB 200 — "An Act to amend Chapter 1 of Title 15, Delaware Code, relating to the Board of Elections." Sponsor: Representative LeGates. Assigned to Community Affairs Committee.

HB 266 — "An Act to amend Chapter 46, Title 29, Delaware Code, relating to the compensation of Court-appointed attorneys." Sponsor: Representative Clendaniel. Assigned to Judiciary Committee.

SB 268 — "An Act to amend Subchapter II of Chapter 11, Title 30, Delaware Code, relating to itemized deductions for cost of tuition and fees incurred by veterans attending education institutions accredited by the Department of Public Instruction." Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee.

On motion of Senator Schlor, the necessary rules were suspended to lift from the table and consider **HB 322**.

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

YES: Senators Adams, Berndt, Cicione, Cook, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Schlor, Sharp, Steele, Zimmerman — 15.

NO: Senators Cordrey, Elliott and Manning — 3.

ABSENT: Senators Castle, Knox and Murphy — 3.

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

At 3:50 p.m. on motion of Senator Cordrey, the Senate recessed for forty-five minutes.

The Senate reconvened at 4:15 p.m.

The Chairman of the Executive Committee reported back to the Senate: **SB 97** — 6 Merits; **SJR 19** — 6 Merits.

HCR 24, sponsored by Representative Gilligan and Senator Cicione, was introduced and on motion of Senator Isaacs, considered for adoption:

HCR 24 — "Honoring Garland D. Bloodsworth for his many years of dedicated service to Delaware Veterans and to American Legion members throughout the United States."

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES with 5 Senators (Cicione, Knox, Manning, Murphy and Zimmerman) being ABSENT.

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

HJR 11, sponsored by Representative LeGates, was introduced and assigned to Executive Committee:

HJR 11 — "Expressing Best Wishes for a Happy

Birthday to Delaware's First Lady, Mrs. Jeanne Tribbitt."

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **HJR 11**:

HJR 11 — "EXPRESSING BEST WISHES FOR A HAPPY BIRTHDAY TO DELAWARE'S FIRST LADY, MRS. JEANNE TRIBBITT.

WHEREAS, the members of the 128th General Assembly of the State of Delaware have learned that on this 23rd day of April, 1975, the First Lady of the Great State of Delaware, Jeanne Webb Tribbitt, is marking another natal anniversary; and

WHEREAS, the members of the 128th General Assembly want to extend a most felicitous expression of happiness to the First Lady of this 23rd day of April, 1975; and

WHEREAS, the members of the General Assembly as well as the general citizenry of the First State are most grateful to Jeanne W. Tribbitt for her interest in the cultural and artistic heritage of the First State; and

WHEREAS, Jeanne W. Tribbitt's warm and vivacious personality have gained her the respect and love of everyone whom she has ever had the opportunity to greet and welcome to the Great State of Delaware; and

WHEREAS, she had bolstered and inspired her beloved husband, Sherman W. Tribbitt, to great achievements, including the Governorship of the Great State of Delaware.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 128th General Assembly of the State of Delaware, the Governor concurring therein, that Happy Birthday wishes are hereby extended to the First Lady of the First State, Jeanne W. Tribbitt.

BE IT FURTHER RESOLVED that Jeanne W. Tribbitt be extended many more Happy Birthdays and that she continue to render her artistic talents, thereby helping to make all Delawareans proud of our heritage.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the House and Senate Journals and that a copy be forwarded to Mrs. Jeanne W. Tribbitt, the First Lady of "The First State", Delaware."

* * * * *

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES with 4 Senators (Hughes, Knox, Murphy and Zimmerman) ABSENT.

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

SCR 30 was introduced by Senator Isaacs and laid on the table.

SCR 30 — "Providing for the establishment of a Committee to Study and Evaluate the Compensation, Expenses and Allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware.

HJR 5 was reported back from the Executive Committee: 2 Favorable, 4 Merits.

SB 205 was taken up for consideration on motion of Senator Holloway.

Senator Holloway introduced **SA 2** to the Bill and moved that it be adopted. The roll call vote on the adoption was taken and revealed:

YES: Senators Hale, Holloway, Manning, Sharp and Steele — 5.

NO: Senators Berndt, Cordrey — 2.

NOT VOTING: Senators Adams, Cicione, Cook, Elliott, Isaacs, Martin, McCullough, Schlor — 8.

ABSENT: Senators Castle, Hughes, Kearns, Knox, Murphy, Zimmerman — 6.

Therefore, the Amendment was defeated.

On motion of Senator Holloway, the roll call vote on **SA 1** to the Bill which had been placed with the Bill was taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Sharp, Steele — 9.

NO: Senators Castle, Cicione, Hughes, Isaacs, Manning — 5.

NOT VOTING: Senators Elliott, Martin, McCullough and Schlor — 4.

ABSENT: Senators Knox, Murphy and Zimmerman — 3.

Therefore, the Amendment was defeated.

The roll call vote on **SB 205** was then taken on motion of Senator Holloway and revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Schlor, Sharp — 15.

NO: Senator Steele — 1.

ABSENT: Senators Cicione, Knox, McCullough, Murphy and Zimmerman — 5.

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

SB 90 was taken up for consideration on motion of Senator Sharp, the roll call taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hughes, Isaacs, McCullough, Schlör, Sharp, Steele — 11.

NO: Senators Holloway and Kearns — 2.

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

ABSENT: Senators Cicione, Knox, Murphy and Zimmerman — 4.

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

SJR 21 was taken up for consideration on motion of Senator Sharp, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Schlör, Sharp, Steele — 17.

ABSENT: Senators Elliott, Knox, Murphy and Zimmerman — 4.

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

HB 110 was laid on the table on motion of Senator Cicione.

The following Bills were introduced and assigned:

SB 269 — "An Act to amend Chapter 381, Volume 59, Laws of Delaware, the 1975 Budget Appropriations Act, originally designated as House Bill No. 750." Sponsors: Senators Berndt and Cordrey; Representatives Sincock and Worthen. Assigned to Finance Committee.

SB 270 — "An Act to amend Titles 17 and 21, Delaware Code relating to omnibus changes in the Department of Highways and Transportation and the Department of Public Safety." Sponsor: Senator Adams. Assigned to Public Safety Committee.

The following MEMORANDUM was made part of this record on motion of Senator Isaacs:

MEMORANDUM

TO: J. Donald Isaacs, President Pro Tempore
Senate of the State of Delaware
128th General Assembly

FROM: Thomas Doyle Runnels

RE: Delaware State Bar Association Committee

on Judicial Appointments Meeting

April 22, 1975

From the floor of the Senate you asked me to contact by telephone Richard F. Corroon, the chairman of the above captioned committee to answer the following questions.

1. How many members of the above captioned committee were in attendance?

2. If any members were absent, who were they?

3. Are absent members of the committee normally notified by telephone of proceedings when they are absent and asked for their input into the meeting?

4. Were the absentees of this meeting notified by telephone and asked for their input for this meeting?

The answers to these questions are as follows:

1. Ten

2. Herman C. Brown and N. Maxon Terry, Jr.

3. No

4. No

April 24, 1975

* * * * *

HCR 26, sponsored by Representative Temple, was introduced and considered for adoption on motion of Senator Isaacs:

HCR 26 — "Expressing the deep sorrow of the Delaware General Assembly at the passing of Clifton E. Morris, former Secretary of the Department of Highways and Transportation."

The roll call vote on the Resolution revealed 17 Senators voting YES with 4 Senators (Elliott, Knox, Murphy and Zimmerman) ABSENT.

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

SCR 30 was lifted on motion of Senator Isaacs, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Manning, Martin, McCullough, Schlor, Sharp — 13.

NO: Senators Berndt and Steele — 2.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Elliott, Hughes, Knox, Murphy and Zimmerman — 5.

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

The following biography is spread on these pages at the request of Senator Holloway and without objection:

BIOGRAPHY OF WILLIAM J. TOMLINSON

William J. Tomlinson has been General Counsel for the Bally Manufacturing Corporation of Illinois since July, 1971. In addition to supervising all legal matters involving the 40 million dollar a year firm, Mr. Tomlinson studies the market throughout the world and attempts to furnish help to governmental bodies which are seeking the most effective method to control legalized gambling and to prevent the subsequent infiltration of the industry by undesirable elements.

Prior to becoming General Counsel for Bally, Mr. Tomlinson served as Chief Attorney U.S. Dept. of Justice, Organized Crime and Racketeering Division for the States of Ohio and Kentucky, and was an assistant United States attorney in Los Angeles, California, where he handled the investigation into corruption in the military clubs of Southeast Asia and Europe.

Mr. Tomlinson has also achieved one of the more illustrious records of military service in Vietnam.

Mr. Tomlinson having discharged his obligatory military service in 1958 volunteered to serve in Vietnam in 1967. He served as an infantry company commander in the Ninth Infantry Division.

His awards for valor include the nations' second highest the Distinguished Service Cross, the Republic of Vietnam's second highest valor award, the Vietnamese Cross of Gallantry Order of Palm. He also has the Silver Star, Bronze Star for valor, Purple Heart, and several others.

Mr. Tomlinson was graduated from Wichita State University in Kansas, Washburn Law School in Kansas with a juris doctorate and bachelor of arts degrees.

* * * * *

SB 209 was reported back from the Judiciary Committee: 1 Favorable, 3 Merits.

Senator Isaacs announced that Senator Manning would replace Senator Steele on the Subcommittee on Aging.

At 5:33 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. May 6, 1975.

Reconvened at 2:20 p.m. May 6, 1975, and on motion of Senator Kearns immediately adjourned for the 26th Day.

26TH LEGISLATIVE DAY

The Senate reconvened at 2:20 p.m. May 6, 1975, President

Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Reverend Pusey.
Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT with 1 Senator (McCullough) being ABSENT.

The Journal was approved as read.

SR 56, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 56 — "In reference to election of Officers."

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES with 2 Senators (Martin and McCullough) being ABSENT.

Therefore, the Resolution was adopted.

The following proposed legislation was introduced:

SB 271 — "An Act to amend Chapter 30, Title 30, Delaware Code, relating to waiver of vehicle document fees on certain rented vehicles." Sponsor: Senator Murphy. Assigned to Public Safety Committee.

SB 272 — "An Act to amend Chapter 47, Title 16 of the Delaware Code relating to the rehabilitation of drug dependents." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 273 — "An Act to amend Chapter 1 of Title 9, Delaware Code, relating to boundaries of New Castle County and Kent County." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 274 — "An Act to amend Section 4738, Chapter 47, Subchapter III, Title 16, Delaware Code, relating to prescriptions." Sponsor: Senator Cordrey. Assigned to Health and Social Services Committee.

SB 275 — "An Act prescribing the next General Election as the proper occasion for ascertaining the sense of the people in respect to calling a convention to revise, alter and amend the Constitution." Sponsor: Senator Elliott. Assigned to Judiciary Committee.

SB 276 — "An Act proposing an Amendment to Article XVI of the Constitution of the State of Delaware, relating to the number of delegates for a Constitutional Convention." Sponsor: Senator Elliott. Assigned to Judiciary Committee.

SB 277 — "An Act to amend Chapter 480, Volume 59, Laws of Delaware, relating to the District Library Commission." Sponsors: Senator Elliott and Representative

Temple. Assigned to Community Affairs Committee.

HCR 25 — "To extend an invitation to Chief Justice Daniel L. Herrmann to come before the General Assembly to deliver his annual State of the Judiciary Address." Sponsor: Representative Spence.

The Resolution was laid on the table on motion of Senator Cordrey.

HCR 27 — "Providing for the establishment of a Committee to study and evaluate the compensation, expenses and allowances of the members of the General Assembly and to make recommendations concerning the same to the 128th General Assembly of the State of Delaware." Sponsor: Representative LeGates.

The Resolution was laid on the table on motion of Senator Cordrey.

HB 165 w HA 1 — "An Act to amend Chapter 51 of Title 31, Delaware Code, relating to custody by Juvenile Corrections of persons over the age of eighteen years." Sponsor: Representative Morris. Assigned to Judiciary Committee.

HB 288 — "An Act to amend §5161, Chapter 51, Title 16, Delaware Code, known as a Bill of Rights for Patients in Hospitals for the Mentally Ill." Sponsor: Representative Morris. Assigned to Health and Social Services Committee.

HB 298 w HA 1 — "An Act to amend Chapter 119, Volume 28, Laws of Delaware, as amended by Chapter 314, Volume 51, Laws of Delaware by increasing the penalty on unpaid City of Wilmington Taxes from one half of one per cent to one per cent per month and the placing of Real Estate on the assessment rolls on a quarterly basis." Sponsor: Representative George. Assigned to Revenue and Taxation Committee.

HB 338 — "An Act authorizing the Department of Highways and Transportation to dispose of by Public Sale or Auction certain motor vehicles which have been determined by the Department to be in excess of its needs." Sponsor: Representative McGinnis.

The Bill was laid on the table on motion of Senator Zimmerman.

SA 1 to SB 268 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 192 was introduced by Senator Isaacs and placed with the Bill.

SA 24 to SB 197 was introduced by Senator Isaacs and

placed with the Bill.

SA 1 to SB 270 was introduced by Senator Adams and placed with the Bill.

SA 2 to SB 118 was introduced by Senator Berndt and placed with the Bill.

HB 110 was reported back from the Finance Committee: 6 Merits.

On motion of Senator Cicione, **HB 110** was lifted from the table for consideration, the roll call vote taken and announced:

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

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

ABSENT: Senators Martin, McCullough and Zimmerman — 3.

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

SB 117 was taken up for consideration on motion of Senator Kearns, the roll call vote taken and announced:

YES: Senators Berndt, Castle, Cordrey, Hale, Kearns, Knox, Murphy, Schlör, Sharp, Steele, Zimmerman — 11.

NO: Senators Adams, Cook, Elliott, Isaacs — 4.

NOT VOTING: Senators Holloway, Hughes, Manning and Martin — 4.

ABSENT: Senators Cicione and McCullough — 2.

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

SB 118 was taken up for consideration on motion of Senator Kearns.

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

SA 3 to the Bill was introduced by Senator Berndt.

The privilege of the floor was extended to Dennis W. Kerns, representing New Castle County, to speak on the Amendment, the roll call vote on its adoption taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Steele, Zimmerman — 16.

NO: Senator Manning — 1.

NOT VOTING: Senator Holloway — 1.

ABSENT: Senators Cicione, McCullough and Sharp — 3.

Therefore, the Amendment was adopted.

The roll call vote on **SB 118 w SA 3** was then taken and

announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Kearns, Knox, Martin, Murphy, Schlor, Steele, Zimmerman — 13.

NO: Senator Manning — 1.

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

ABSENT: Senators Cicione, McCullough and Sharp — 3.

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

HB 248 was taken up for consideration on motion of Senator Zimmerman and the following communications were included in this record at his request:

April 9, 1975

TO: James Tribbitt
Special Assistant to the Governor
FROM: Clifford E. Hall, Secretary
RE: **HB 248**

The Department of Highways and Transportation has reviewed **H.B. 248** introduced by Rep. Boulden relating to the weight and loads of vehicles equipped with four axles.

The Department has no objections to the passage of this bill.

CEH/BFM: shm

* * * * *

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
DOVER, DELAWARE**

Representative Kenneth Boulden
Legislative Hall
Dover, Delaware

Dear Representative Boulden:

The Delaware Motor Vehicle Division endorses **H.B. 248** as introduced by you.

This Bill will enable Delaware contractors to be competitive in the State of Pennsylvania by allowing their 4 axle dump trucks to haul a similar gross load as the Pennsylvania registered vehicles are allowed to haul.

However, I must point out that this Bill will **not** entitle those vehicles to haul a gross load of 73,280 lbs. in most other states unless their laws are changed.

Along with the increased allowable weights, we are

suggesting increased penalties for "overweight" violations. This proposal will be presented in another "weight" Bill which should be introduced in the very near future.

Sincerely,
Robert J. Voshell
Director, Motor Vehicle Division

* * * * *

The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Cicione and McCullough) being ABSENT.

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

SB 160 was taken up for consideration on motion of Senator Kearns.

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

At 3:42 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 4:45 p.m., Lt. Governor Bookhammer now presiding.

On motion of Senator Isaacs, the necessary rules were suspended for the purpose of considering **SB 154**, the roll call vote on the Bill taken and revealed that 19 Senators voted YES with 2 Senators (Cicione and McCullough) being ABSENT.

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

SB 199 was taken up for consideration on motion of Senator Murphy, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Hughes, Knox, Martin, Murphy, Schlor, Steele — 12.

NO: Senator Castle — 1.

NOT VOTING: Senators Manning and Sharp — 2.

ABSENT: Senators Cicione, Holloway, Isaacs, Kearns, McCullough and Zimmerman — 6.

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

HB 163 was taken up for consideration on motion of Senator Isaacs, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Murphy, Schlor, Sharp, Zimmerman — 16.

NOT VOTING: Senators Manning and Steele — 2.

ABSENT: Senators Cicione, Martin and McCullough — 3.

Therefore, the Bill passed the Senate and was returned to

the House.

SB 56 was taken up for consideration on motion of Senator Cook.

The roll call vote on the Bill was taken but before being announced, Senator Cook moved that it be tabled.

The roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Berndt, Hale, Hughes and Steele — 4.

NOT VOTING: Senators Castle and Elliott — 2.

ABSENT: Senators Cicione, Knox and McCullough — 3.

Therefore, the motion carried and the roll call vote on the Bill was tabled.

HB 14 was taken up for consideration on motion of Senator Cook, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

NO: Senators Berndt, Castle and Manning — 3.

ABSENT: Senator McCullough — 1.

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

HB 299 was taken up for consideration on motion of Senator Kearns.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES with 1 Senator (McCullough) being ABSENT.

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

SB 193 was taken up for consideration on motion of Senator Isaacs, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Cordrey, McCullough — 3.

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

The following Committee reports were announced:

From the Banking, Insurance and Elections Committee:

SB 248 — 5 Merits; **SB 32** — 4 Merits.

From the Labor Committee: **SJR 9** — 4 Merits; **HB 232** —

4 Merits.

From the Judiciary Committee: **HB 165** — 4 Merits.

From the Health and Social Services Committee: **SB 272** — 5 Merits; **SB 274** — 5 Merits.

From the Finance Committee: **SB 269** — 3 Favorable, 3 Merits.

From the Executive Committee: **HJR 7** — 4 Merits.

SCR 32, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SCR 32 — "Providing that a Joint Session of the House of Representatives and the Senate be convened for the purpose of hearing a message from the Governor."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Schlör, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, Knox, McCullough and Murphy — 4.

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

The following communication was read into the record at the request of Senator Isaacs:

**SENATE
STATE OF DELAWARE
DOVER, DELAWARE**

May 6, 1975

TO: Members of the 128th General Assembly
FROM: Senator J. Donald Isaacs, President Pro Tem
SUBJECT: Senate Resolution No. 55 (Rule 19, S.R. 4)

In accordance with the Senate Resolution No. 55, (Rule 19, S.R. 4) I have today appointed Senator Margaret R. Manning to serve on the "Subcommittee on Aging" to replace Senator Dean Steele.

* * * * *

At 5:41 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. May 7, 1975.

The Senate reconvened at 2:10 p.m. May 7, 1975, and on motion of Senator Isaacs immediately adjourned to begin the 27th Day.

27TH LEGISLATIVE DAY

The Senate convened at 2:10 p.m., May 7, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Kendall K. McCabe.

Pledge of Allegiance to the Flag.

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

The Journal was approved as read.

A message from the House indicated that the House had adopted **SCR 32**.

SR 57 was introduced by Senator Manning who also moved for its adoption:

SR 57 — "Requesting the House of Representatives to return Senate Bill No. 199 for further consideration by the members of the Senate of the 128th General Assembly."

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

YES: Senators Berndt, Castle, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Sharp, Steele — 13.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, Murphy, Zimmerman — 7.

ABSENT: Senator McCullough — 1.

Therefore, the Resolution was adopted.

SCR 31, sponsored by Senator Isaacs and Representative Jonkiert, was introduced and considered for adoption on motion of Senator Isaacs:

SCR 31 — "Extending the appreciation of the 128th General Assembly to the DAPA Institute and the United States Civil Service Commission for conducting and sponsoring Legislative Seminars."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Sharp, Steele — 18.

NOT VOTING: Senators Murphy and Zimmerman — 2.

ABSENT: Senator McCullough — 1.

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

The following proposed legislation was introduced:

SJR 25 — "Directing the State Board of Education to

abandon and/or discontinue any recommended and/or proposed plans to merge or consolidate Appoquinimink School District with the Newark School District." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 278 — "An Act to amend Chapter 45, Part IV, Title 29 of the Delaware Code relating to the regulating of parking around Legislative Hall and other areas; and permitting the Department of Administrative Services to enforce rules and regulations." Sponsor: Senator Zimmerman. Assigned to Executive Committee.

SB 279 — "An Act to provide a supplementary appropriation to the Division of Adult Corrections of the Department of Health and Social Services for payment of a portion of salary earned by promotion." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 280 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor; and appropriating the funds thus obtained to the Division of Housing of the Department of Community Affairs and Economic Development to be used in the West Laurel Redevelopment Project." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 281 — "An Act to amend Chapter 48 of Title 29, Delaware Code, providing for the establishment of a State Lottery Council and defining the powers, functions and responsibilities thereof." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 282 — "An Act to repeal Chapter 19 of Title 6, Delaware Code, relating to the so-called "Fair Trade Law." Sponsors: Senators Holloway, Kearns, Hale, Sharp and Manning. Assigned to Judiciary Committee.

SB 283 — "An Act to amend Chapter 324, Volume 59, Delaware Code, relating to the Cancer Control Program." Sponsors: Senators Manning and Holloway. Assigned to Health and Social Services Committee.

SB 284 — "An Act proposing an Amendment to Article II, Section 17 of the Constitution of the State of Delaware, relating to the elimination of the prohibition against Casino Games." Sponsor: Senator Schlor. Assigned to Judiciary Committee.

SB 285 — "An Act to amend Subchapter II of Chapter 2, Title 1, Delaware Code, relating to annual supplements to the Delaware Code." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

SB 286 — “An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees’ Pension Plan; and providing for disability pension eligibility after twelve years.” Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SA 25 to SB 197 was introduced by Senator Berndt and placed with the Bill.

SA 26 to SB 197, sponsored by Senators Isaacs and Berndt, was introduced and placed with the Bill.

SA 1 to SB 261 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 265 was introduced by Senator Kearns and placed with the Bill.

SA 1 to SB 29 was introduced by Senator Isaacs and placed with the Bill.

SCR 33, sponsored by Senators Castle, Steele, Kearns and Hughes, was introduced and considered for adoption:

SCR 33 — “Expressing the sorrow of the members of the 128th General Assembly of the State of Delaware at the passing of former Attorney General Albert W. James.”

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Schlor, Sharp, Steele — 17.

NOT VOTING: Senators Murphy and Zimmerman — 2.

ABSENT: Senators Manning and McCullough — 2.

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

The following proposed legislation was introduced:

SJR 26 — “Appointing the Sussex Central Junior High School Band as the Official State of Delaware Bicentennial Band.” Sponsor: Senator Cordrey. Assigned to Executive Committee.

HB 291 w HA 1 — “An Act to amend Chapter 21, Part II, Title 16, Delaware Code, pertaining to regulatory provisions concerning Public Health, and specifically relating to mattresses, pillows and bedding.” Sponsors: Representatives Morris and Johnson. Assigned to Health and Social Services Committee.

HB 344 w HA 1 — “An Act making a supplementary appropriation to the State Treasurer for Revenue Refunds and Operations.” Sponsor: Representative Cain. Assigned to

Finance Committee.

HB 293 — “An Act to amend Chapter 79, Title 29, Delaware Code, by changing the name of “Delaware Home and Hospital for the Chronically Ill at Smyrna” to “Delaware Hospital for the Chronically Ill”. Sponsors: Representatives Morris and Riddagh. Assigned to Health and Social Services Committee.

HB 126 w HA 2 — “An Act to amend Chapter 3, Part I, Title 18 of the Delaware Code relating to the Insurance Department, and establishing a branch office in the City of Wilmington.” Sponsor: Representative Rispoli. Assigned to Banking, Insurance and Elections Committee.

On motion of Senator Cicione, the necessary rules were suspended for the purpose of considering **HB 344 w HA 1**.

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

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

The following proposed legislation was introduced:

HB 63 w HA 1 — “An Act to amend Chapter 21 of Title 24, Delaware Code, relating to the use of drugs or surgery in examinations.” Sponsor: Representative Morris. Assigned to Health and Social Services Committee.

HB 301 w HA 1 — “An Act to amend Chapter 43, Part II, Title 11 of the Delaware Code relating to the pre-sentence investigation after conviction for certain offenses.” Sponsors: Representatives Lynch and Riddagh. Assigned to Judiciary Committee.

SB 287 — “An Act to amend Title 14, Chapter 10, Subchapter 4, Sections 1077 and 1078 relating to the qualifications of voters and the determination of qualified voters in elections in reorganized School Districts.” Sponsor: Senator Knox. Assigned to Education Committee.

SB 113 was taken up for consideration on motion of Senator Zimmerman and the privilege of the floor was extended to Dr. Edward Powell, Capital School District, to speak on the Bill.

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

On motion of Senator Cordrey, the Senate recessed at 3:42 p.m. and reconvened at 4:34 p.m.

SB 162 was taken up for consideration on motion of

Senator Holloway, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman — 16.

NOT VOTING: Senators Castle and Steele — 2.

ABSENT: Senators Cicione, Elliott and McCullough — 3.

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

On motion of Senator Zimmerman, the necessary rules were suspended for the purpose of lifting **HB 338** for consideration.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senators Castle and Elliott — 2.

ABSENT: Senator McCullough — 1.

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

HB 40 was taken up for consideration on motion of Senator Kearns, the privilege of the floor extended to Representative Gilligan, the roll call vote on the Bill taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Martin, Schlör, Sharp, Steele, Zimmerman — 13.

NO: Senators Kearns and Knox — 2.

NOT VOTING: Senators Castle, Hale, Holloway — 3.

ABSENT: Senators Manning, McCullough and Murphy — 3.

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

SR 58, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 58 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

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

Therefore, the Resolution was adopted.

The following Committee reports were read in:

From the Natural Resources and Environmental Control Committee: **SB 257** — 5 Merits; **SS 1** to **SB 85** — 5 Merits; **SB**

245 — 5 Merits; **SB 217** — 5 Merits.

From the Executive Committee: **SB 107** — 5 Merits; **SB 211** — 1 Favorable, 4 Merits; **SJR 25** — 5 Merits; **SJR 26** — 2 Favorable, 3 Merits.

From the Health and Social Services Committee: **SB 283** — 5 Merits; **HB 63** — 5 Merits.

From the Community Affairs Committee: **HB 79** — 5 Merits; **HB 273** — 5 Merits.

From the Finance Committee: **SB 151** — 6 Merits.

From the Judiciary Committee: **SB 282** — 1 Favorable, 2 Merits, 1 Unfavorable; **SB 284** — 5 Merits.

At 5:47 p.m. on motion of Senator Isaacs, the Senate adjourned until 12:30 p.m. May 8, 1975.

28TH LEGISLATIVE DAY

The Senate convened at 12:50 p.m. May 8, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Kendall K. McCabe.

Pledge of Allegiance to the Flag.

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

The Journal was approved as read.

At 12:54 p.m. on motion of Senator Isaacs, the Senate recessed and the Sergeant-at-Arms was sent to inform the House that the Senate was prepared to go into Joint Session.

JOINT SESSION

The Sergeant-at-Arms announced the Speaker and Members of the House. They were admitted and seated. The President invited Speaker Jonkiert and President Pro-Tempore Isaacs to a seat on the rostrum.

On motion of Senator Cordrey, the Senate and House convened in Joint Session.

On motion of Senator Cordrey, the President of the Senate presided over the Joint Session.

On motion of Senator Cordrey, the Secretary of the Senate and Chief Clerk of the House were appointed to act as Secretaries of the Joint Session.

On motion of Senator Cordrey, the President appointed Senators Sharp and Knox and Representatives Sincock and Harrington as a Committee to escort the Governor to the Senate Chamber.

The Sergeant-at-Arms admitted the Governor and the

duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the members of the General Assembly as follows:

The unpleasant current status of the Delaware Lottery brings me before you legislators today.

All of you are aware that the Loto-Superfecta Game was suspended after five weeks of operation. The Game failed because the people of Delaware found it too complex, did not understand it, and — frankly — refused to buy tickets.

This was probably a sensible decision on the part of Delawareans, because the Loto-Perfecta Prize structure failed to function. After five weeks, our Lottery had yet to award a First Prize to anyone.

Hindsight tells us that this disaster might not have occurred had two mistakes **not** been made.

The first one was that I accepted the findings of the Legislative Lottery Study Committee as to the type of Lottery to be initiated; and second, I contracted with the consultant selected by the Legislative Lottery Study Committee to implement that Game.

In fact, according to the following letter, dated on November 2, 1973, under the signature of Representative Robert T. Connor, Chairman of the Delaware Lottery Study Committee, the majority of the members of that Committee — eighteen months ago — had already decided on a preferred Game Plan and a Preferred Consultant.

The letter, to Louis D. Wilson, Vice President of Analytics, Incorporated, of Jenkintown, Pennsylvania, reads as follows: "Dear Mr. Wilson:

It is the intention of the Delaware Lottery Committee to award a contract for Phase II, the technical design and implementation of a State gaming system, to Analytics, Inc., upon their successful completion of the tasks incorporated in the Agreement for Professional Services, executed between Analytics and this Committee on this date, and the passage of enabling legislation by the General Assembly of the State of Delaware.

The Committee understands that the price quoted by Analytics in their proposal to the Committee will be subject to re-negotiation, should the necessary legislation fail to pass by June 30, 1974. . . ."

* * * * *

The game design was complex; the consultant was inexperienced.

And it is ironic to note that the \$400,000 start-up appropriation for the Loto-Superfecta was insufficient to finance the front-end costs of a complex equipment oriented Lottery game.

Thus, a further legacy of these two recommendations which I accepted is a mountain of bills for all the equipment which we were required to purchase to implement the Loto-Superfecta bitter-tasting though these bills may be, they still must be swallowed by our State Treasury.

Today, we stand at a point of decision.

If we elect one fork in the road, it leads to the permanent stoppage of all lottery operations.

If we pursue the other path, we will develop a new Lottery Game, and reinstitute the Delaware State Lottery.

I propose to Delawareans today that a new Game be developed and the Lottery be reinstituted.

Since the implementing Legislation passed by the General Assembly placed the Lottery Office under my direct supervision, it is my responsibility to rescue the Lottery by proposing a Plan which will lead to the implementation of a successful Delaware Lottery Program.

Radical surgery is necessary and radical surgery is what I propose.

First: the Loto-Superfecta Concept must be discarded.

Second: Our current Consultant must be discharged.

Third: A new Consultant must be retained-Mathematica, Inc., of Princeton, New Jersey.

Fourth: The new Consultant must be instructed to initiate a Basic Lottery Game, similar to the one which was so successfully initiated by Mathematica last year in Rhode Island, the Nation's smallest State. It is evident from our experience that starting a Lottery Game without the benefit of a highly-qualified and experienced Consultant can well be a prelude to failure.

This is why I have selected Mathematica as Delaware's new Consultant. In my opinion, after making my own study of lotteries, Mathematica — which has already successfully started 18 Lottery Games in 10 States — should have been the original choice of the Lottery Study Committee. Evidently, success was not a major criterion in the Committee's selection process.

Further, Mathematica, Inc., has been highly recommended to me by Lottery Directors around our nation.

Fifth: Once the General Assembly has authorized the funds necessary to finance the start-up of the reinstitution of the Delaware State Lottery, I will ask the private business community in our State to provide me a top-flight executive — at no cost to the State — to act as Special Assistant to the Governor for Lottery operations during the start-up phase of the new Game and during the first four weeks of its operation. I am sure that at least one of our many prominent companies will agree to my request. I have full confidence in our new Consultant and in the employees of the Delaware State Lottery, but I believe, in view of our recent problem, that the addition to the Staff of a highly competent professional administrator loaned by industry to act as my special assistant and watchdog during the start-up and first four weeks of the new Delaware State Lottery will add the necessary additional measure of credibility to our operation and contribute mightily to the restoration of the confidence of our people in the Delaware State Lottery.

I want to add an important note here about Mr. Gene Auen, in my opinion, he has done a very credible job in the face of an impossible situation, as given him by members of the Lottery Study Committee and the General Assembly. He and his Staff have worked enthusiastically and tirelessly, even when under sharp attack — often from people on that same Study Committee — for a situation that they, in fact, created.

Now, as I was about to say, Mathematica advises me that they will be able to begin the start-up Phase of the new Lottery on May 15 — and we should expect to be in operation by August 1st.

I am confident that Mathematica can implement a basic, weekly Lottery Game which will have mass appeal to the citizens of our State, and which our citizens will support.

I stress it will be a much-simplified version

Start-up costs have been estimated at \$130,000. I have prepared a supplemental appropriation which will be submitted today to underwrite the start-up costs of the new Lottery Game.

Mathematica has agreed to a consulting and management contract.

That contract will terminate one year from the date of sale of the first ticket. Under the contract, they will develop new

Games, as necessary, and provide continuing technical assistance during the first year of the Lottery operation.

What will their fee be, for this service?

Five percent of the gross receipts of the Lottery for the first year of operation. The year to begin upon the sale of the first ticket. (They will receive no payment for services prior to initiation of the new Lottery.)

I am also submitting legislation which would permit the turning over to the Lottery of the general and special funds generated by the Loto-Perfecta Game.

Also, I will submit an additional supplemental appropriation request that will be sufficient to underwrite the remaining, unfunded obligations stemming from the implementation of the Loto-Superfecta Game.

Further, efforts will be made to dispose of the equipment purchased to implement the Loto-Superfecta Game, and which will not be needed to implement the new Mathematica-designed Game. Monies generated by the disposal of surplus equipment will be returned to the General Fund, and may significantly reduce the total cost of the implementation and operation of the now permanently-suspended Loto-Superfecta Game.

Additionally, I will introduce legislation to permit the 20% set aside by statute for Lottery operations, to be retained by the Lottery Office for operational purposes.

Finally, I will request that the new Consultants arrange for a drawing to award the undistributed Loto-Superfecta Prize Money, consistent with the recently-received Attorney General's opinion.

Before I close, let me make these observations.

Delaware entered the Lottery Business long after other States had gone the same route.

Since we were not at all familiar with the Game or its set-up, the Bipartisan Lottery Study Committee bore the responsibility of researching Lotteries, comparing Lotteries, and proposing a mechanism suitable to Delaware.

Chaired by Representative Connor, the Committee moved forward and submitted its recommendations and enabling legislation, after a ten-month study.

There was one, lone voice **not** concurring with the type of Lottery proposed in the Study Committee report, nor with the choice of the Consultant. And that person was David Broetemarkle, a member of the Study Committee. He came to my office and registered his objections. Unfortunately, I did not

recognize the wisdom in that solitary protest.

But nonetheless, the then-proposed Lottery was riding high on the crest of enthusiasm, and many of the Legislative Lottery Committee members involved — on both sides of the aisles — sought press coverage to boast of their participation in the establishment process, and to praise their own wise judgment.

But then, problems began to surface.

Again, in a Bipartisan spirit, meetings were held in my office, and we tried to iron out the problems.

But suddenly, and inexplicably, the Lottery became the prime topic of political sniping, and rapidly, some members of the Lottery Study Committee began denouncing the Lottery, including Study Committee Chairman Connor.

I have told the press, and I tell you all again now. . . .

The Legislative Lottery Committee bears the responsibility for choosing, implementing and funding the Consultant (who bears 99% of the responsibility for the Game's success).

The Legislative Lottery Study Committee bears the responsibility for placing rigid restrictions on the type of Lottery you want established (whether it be tied to horse-racing or anything else).

And then when it all proved a flop because of the Legislative Lottery Committee's decisions, you tried to deny your responsibilities. But you cannot just wash your hands of it, or blame the Lottery Director, who has tried so desperately to adhere to your directives.

Had I not accepted the recommendations of the bipartisan Study Committee, I would have been accused at that time of political interference.

Let's face it, the responsibility, ladies and gentlemen, belongs to the Lottery Study Committee.

And now, let's move on. Let's quit the political sniping.

Let's proceed in a renewed bipartisan effort.

I believe that if we work together, and move forward with an experienced firm like Mathematica, that we in Delaware can have as successful a Lottery as other States.

I supported **your** original Program, down the line.

Now, I urge your support for **my** Program, down the line.

I am confident that with your support, it will prove to be successful.

Now, Mr. President, with your permission, I would like to

turn the podium over to Major Peter O'Connell of Rhode Island.

Late Monday evening, I spoke with Rhode Island Governor Noel.

And he graciously granted my request that Major O'Connell, the Executive Director of the Rhode Island Lottery, be with us today so that he can explain the mechanics of what Governor Noel advises me is an extremely successful Lottery, now approaching its first anniversary in operation in that New England State.

This Lottery was designed by, and initiated by, the Consultant to the Rhode Island Lottery, Mathematica, Inc., and I have been advised by Mathematica that the basic Game they propose to initiate in Delaware will be similar to the successful Rhode Island Program.

I ask you to give Major O'Connell your kind attention.

He is here to help all of us — and to tell us the rewards of a successful Lottery Operation.

Major O'Connell. . . .

* * * * *

The previously named committee escorted the Governor from the Chamber.

Senator Cordrey moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

Senator Cordrey moved the two Houses now separate to reconvene in their respective Chambers. Motion prevailed.

* * * * *

At 2:00 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 2:43 p.m.

The Secretary announced that messages from the House indicated that it had passed SB 102; SB 173; SB 81 w SA 1, HA 2, 3, 5, 6, 7, 8; SB 128 w HA 1; SB 175; SB 65; SB 246 w HA 1; SB 207; SB 142 w SA 1.

On motion of Senator Hale, SB 81 w SA 1, HA 2, 3, 5, 6, 7, 8 was reassigned to Administrative Services Committee.

At the request of Senator Holloway, the Biography of William J. Tomlinson (which was printed on these pages for the 25th Legislative Day on April 24, 1975) was read by the reading clerk.

The privilege of the floor was then extended to Mr. Tomlinson and his assistant, Randall T. Kazik, to demonstrate and explain the operations of the slot machine.

The privilege of the floor was then extended to Robert E. Moor, Complete Coin Corporation, to speak on slot machine operations.

SB 128 which had passed the Senate was again taken up for reconsideration on motion of Senator Cordrey, as further amended by **HA 1**.

The roll call vote on **SB 128 w HA 1** was then taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Murphy, Schlor, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Cicione, Hale, Martin and McCullough — 4.

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

The following proposed legislation was introduced and assigned:

HB 240 — "An Act to amend Title 29, Delaware Code, relating to Public Work Contracts and procurements by exempting the Division of Libraries of the Department of Community Affairs and Economic Development from the requirements thereof." Sponsor: Representative Kelly. Assigned to Community Affairs.

HB 228 — "An Act to amend Chapter 24, Title 3, Delaware Code, relating to Johnson Grass." Sponsor: Representative Darling. Assigned to Agriculture Committee.

HB 64 — "An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court; and the adjudication or disposition of cases in that Court." Sponsors: Representatives Connor, Matushefske, Morris. Assigned to Judiciary Committee.

HB 142 — "An Act to amend Chapter 71, Title 29, Delaware Code, relating to the use of State-owned vehicles, and providing a penalty for violations." Sponsor: Representative McGinnis. Assigned to Finance Committee.

HB 148 — "An Act to amend Chapter 51, Title 30, Delaware Code, relating to the exempt sales of gasoline." Sponsors: Representatives Minner and Harrington. Assigned to Revenue and Taxation Committee.

SB 288 — "An Act to create the Bethany Beach Sanitary

Sewer District, the South Bethany Sanitary Sewer District, the Dewey Beach Water District, and the Dewey Beach Sanitary Sewer District and to authorize the issuance of Bonds pursuant to and for the purposes set forth in Title 9, Chapter 65 of the Delaware Code, including to refund obligations of Sussex County issued to Finance improvements in such Districts." Sponsors: Senators Cordrey and Adams. Assigned to Administrative Services Committee.

SB 289 — "An Act to amend Subchapter III of Chapter 11, Title 9, Delaware Code, relating to voting procedure on ordinances." Sponsor: Senator Schlör. The Bill was laid on the table on motion of Senator Schlör.

SB 290 — "An Act to amend Chapter 17, Subchapter III, Title 15 of the Delaware Code relating to the transfer of registration for elections." Sponsor: Senator Cordrey. Assigned to Banking, Insurance and Elections Committee.

SB 291 — "An Act to amend Subchapter IX of Chapter 13, Title 9, Delaware Code, relating to wage provisions in public constructions contracts; failure to pay prevailing wage rates; penalty." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 292 — "An Act to amend Subchapter II of Chapter 92, Title 10, Delaware Code, relating to overtime for clerks in the Justice of the Peace Courts." Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 293 — "An Act to amend Chapter 49, Title 18 of the Delaware Code relating to organization and corporate powers, procedures of domestic stock and mutual insurers." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 294 — "An Act to amend Chapter 63, Title 18 of the Delaware Code relating to Health Service Organizations." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SS 1 for **SB 83** was introduced by Senator Hughes and Martin and on their motion, placed with the Original.

SA 2 to **SB 194** was introduced by Senators Isaacs and Kearns and placed with the Bill.

SCR 34 was introduced by Senator Cordrey and considered for adoption:

SCR 34 — "Expressing the appreciation and thanks of the General Assembly to Major Peter J. O'Connell, Executive Director of the Rhode Island State Lottery Commission, for

sharing his experiences with the Delaware General Assembly.”

The Resolution was adopted with 19 Senators voting YES and 2 Senators (Holloway and McCullough) ABSENT.

Legislative Advisories No. 24 and 25 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor approved: **SCR 29** — 4-30-75; **SB 168 w SA 1** — 5-5-75.

SB 79 was taken up for consideration on motion of Senator Zimmerman.

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

Therefore, the Amendment was adopted.

Senator Isaacs took the Chair at 4:25 p.m.

On motion of Senator Zimmerman, the roll call vote on **SB 79 w SA 1** was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Manning, Martin and McCullough — 3.

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

At 4:29 p.m. Senator Martin presiding.

SB 249 was taken up for consideration on motion of Senator Zimmerman, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Zimmerman — 16.

NO: Senator Steele — 1.

NOT VOTING: Senator Castle — 1.

ABSENT: Senators Elliott, Manning and McCullough — 3.

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

HB 300 w HA 1 was taken up for consideration on motion of Senator Cordrey, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele — 18.

ABSENT: Senators Manning, McCullough and Zimmerman — 3.

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

SB 108 was taken up for consideration on motion of Senator Kearns.

The privilege of the floor was extended to Thomas Runnels, Senate Attorney, and Duane Olsen, Controller General, to speak on the Bill.

At 5:37 p.m., on motion of Senator Isaacs, the Senate recessed until May 13 at 1:30 p.m.

The Senate reconvened at 1:55 p.m., May 13, President Pro Tem Isaacs, presiding and on motion of Senator Cordrey immediately adjourned to begin the 29th Day.

29TH LEGISLATIVE DAY

The Senate convened at 1:55 p.m. May 13, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Bruce Cooke. Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had adopted **SCR 34**.

HB 24 w HA 1 was reported back from the Health and Social Services Committee: 3 Merits.

The following Bills were reported back from the Judiciary Committee: **SB 36** — 3 Merits; **SB 38** — 3 Merits; **SB 47** — 4 Merits; **SB 87** — 4 Merits; **SB 130** — 2 Merits, 1 Unfavorable; **SB 161** — 4 Merits.

SB 270 was reported back from the Public Safety Committee: 1 Favorable, 4 Merits.

The following proposed legislation was introduced:

SB 295 — "An Act to amend Title 9, Chapter 8, relating to County Libraries." Sponsors: Senators Zimmerman, Cook and Murphy. Assigned to Community Affairs Committee.

SB 296 — "An Act to repeal Chapter 233, Volume 51, Laws of Delaware and to amend Chapter 216, Volume 27, Laws of Delaware entitled: "An Act amending, revising and consolidating the Charter of the City of New Castle". Sponsor: Senator McCullough. Assigned to Community Affairs Committee.

SB 297 — "An Act to amend Chapter 41 of Title 11, Delaware Code, relating to default in payment of fine and inability to pay fine." Sponsor: Senator McCullough. Assigned

to Judiciary Committee.

SB 212 was taken up for consideration on motion of Senator Holloway, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlor, Steele, Zimmerman — 18.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senators Elliott and McCullough — 2.

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

SB 248 was taken up for consideration on motion of Senator Murphy, the privilege of the floor was extended to Maurice A. Hartnett, III, to speak on the Bill and the roll call vote taken:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 19.

NO: Senators Castle and Hale — 2.

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

SB 127 was lifted for consideration on motion of Senator McCullough, the privilege of the floor extended to Arthur R. Carello to speak on the Bill, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Knox, McCullough, Murphy, Schlor, Sharp — 13.

NO: Senators Castle, Elliott, Hughes, Manning and Steele — 5.

NOT VOTING: Senator Zimmerman — 1.

ABSENT: Senators Hale and Martin — 2.

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

SB 32 was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 19 Senators voting YES with 2 Senators (Castle and Sharp) ABSENT.

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

SA 27 to SB 197 was introduced by Senator Elliott and placed with the Bill.

SB 108, final consideration of which had been deferred,

was taken up for consideration on motion of Senator Kearns.

SA 1 to the Bill was introduced by Senator Kearns who then moved for its adoption.

The Amendment was adopted with 20 Senators voting **YES** and 1 Senator (Castle) **ABSENT**.

The privilege of the floor was extended to Dr. H. Wesley Towers, Jr., representing Delaware Department of Agriculture to speak on the Bill.

The roll call vote on **SB 108 w SA 1** was then taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör — 14.

NO: Senators Hale and Zimmerman — 2.

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

ABSENT: Senators Castle and Martin — 2.

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

At 3:25 p.m. on motion of Senator Cordrey, the Senate recessed for forty-five minutes.

The Senate reconvened at 4:25 p.m., President Pro Tempore Isaacs presiding.

The following communication was read into the record:

**SENATE
STATE OF DELAWARE
DOVER, DELAWARE**

May 7, 1975

TO: Members of the Senate
of the 128th General Assembly
FROM: Senator J. Donald Isaacs, President Pro Tempore
SUBJECT: Executive Order Number Seventy-One

Pursuant to Executive Order Number Seventy-one I am today appointing Senator Cook to be a member of the Governor's Criminal Law Uniform Enforcement System Administrative Organization (C.L.U.E.S.)

* * * * *

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of considering **SB 269**, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele — 17.

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

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

SCR 6 w SA 1, 2, 3 which had previously been adopted by the Senate was taken up for reconsideration on motion of Senator Cicione, as further amended by **HA 1**.

The roll call vote on **SCR 6 w SA 1, 2, 3, HA 1** was then taken and announced:

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

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Steele — 6.

ABSENT: Senators Manning and Zimmerman — 2.

Therefore, the Resolution was adopted as so amended.

On motion of Senator Cicione, **SJR 9** was taken up for consideration, and the roll call vote taken which revealed 19 Senators voting YES and 2 Senators (Manning and Zimmerman) ABSENT.

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

SB 37 was taken up for consideration on motion of Senator Cicione, the roll call vote taken and announced:

YES: Senators Cicione, Kearns, Martin, Schlör and Sharp — 5.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Knox, Steele — 8.

NOT VOTING: Senators Elliott, Holloway, Hughes, Isaacs, McCullough, Murphy, Zimmerman — 7.

ABSENT: Senator Manning — 1.

Therefore, the Bill was lost.

SB 232 was tabled on motion of Senator Cicione.

SJR 13 was stricken on motion of Senator Cicione.

HJR 7 was taken up for consideration on motion of Senator Cordrey, the privilege of the floor extended to Representative Ambrosino and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 16.

NO: Senators McCullough and Zimmerman — 2.

ABSENT: Senators Hughes, Manning and Murphy — 3.

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

HB 232 was taken up for consideration on motion of Senator Sharp, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Kearns, Knox, Martin, Schlor, Sharp, Steele — 13.

NO: Senator Isaacs — 1.

NOT VOTING: Senators McCullough, Murphy, Zimmerman — 3.

ABSENT: Senators Castle, Cicione, Hughes and Manning — 4.

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

SB 257 was taken up for consideration on motion of Senator Berndt, the roll call vote taken and announced:

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

ABSENT: Senators Castle, Cicione, Holloway, Hughes and Manning — 5.

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

At 5:36 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 14, 1975.

The Senate reconvened at 1:47 p.m. May 14, President Pro Tempore Isaacs presiding.

The Chairman of the Education Committee reported back to the Senate: **SB 67** — 2 Favorable, 3 Merits; **SB 68** — 1 Favorable, 4 Merits.

SB 261 was reported back from the Revenue and Taxation Committee: 5 Merits.

SB 288 was reported back from the Administrative Services Committee: 1 Favorable, 4 Merits.

HB 240 was reported back from the Community Affairs Committee: 4 Merits.

At 1:50 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 30th Day.

30TH LEGISLATIVE DAY

The Senate convened at 1:50 p.m. May 14, 1975, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Donald E.

Hamilton.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had passed **SB 269**.

SCR 35, sponsored by Senator Cordrey, Representatives Lynch and Clendaniel, was introduced and considered for adoption on motion of Senator Cordrey:

SCR 35 — "Congratulating the Sussex Central Junior High School Band on winning First Prize at the Niagara Blossom Festival in Niagara Falls during the weekend of May 10-11, 1975."

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

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

The following proposed legislation was introduced:

SB 298 — "An Act to provide a supplementary appropriation to the Department of Public Instruction to be used in compensating the De La Warr School District." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 299 — "An Act to amend Chapter 1, Title 22 of the Delaware Code relating to Municipalities and providing that interest be paid on deposits required by Municipalities." Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 300 — "An Act to amend Chapter 42, Title 18, Delaware Code relating to claims against insolvent Insurance Carriers." Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 301 — "An Act to amend an Act entitled: An Act to establish a Bank, and incorporate a Company, under the name of the Farmers' Bank of the State of Delaware: (Volume 4, Laws of Delaware, Chapter 39) relating to Stockholders 'voting' rights." Sponsor: Senator Zimmerman. Assigned to Banking, Insurance and Elections Committee.

SB 302 — "An Act making an appropriation to the Delaware American Revolution Bicentennial Commission relating to the planning, encouragement, development and coordination of observances and activities commemorating the Historic Events that preceded and are associated with the

American Revolution." Sponsor: Senator Martin. Assigned to Energy Committee.

SB 303 — "An Act to amend Chapter 55, Title 29, of the Delaware Code to make retirement at 65 for State employees optional with the employees." Sponsor: Senator Martin. Assigned to Executive Committee.

SB 304 — "An Act making a supplementary appropriation to the Appoquinimink School District for the purpose of assisting Donald Walker who has been selected as Delaware's participant in America's Youth in Concert which will render concerts in Italy, Austria, Switzerland, France and England during the month of July." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SA 28 to SB 197, sponsored by Senator Martin, was introduced and placed with the Bill.

SA 2 to SB 114, sponsored by Senator Isaacs, was introduced by Senator Isaacs and placed with the Bill.

HCR 28, sponsored by Representatives Ferguson, Gilligan, Maxwell; Senators Cicione, Knox and Manning, was introduced and considered for adoption on motion of Senator Cicione:

HCR 28 — "Congratulating the Thomas McKean High School Chapter of D.E.C.A. on winning national honors at the conference in Hollywood, Florida.

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

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

SCR 36, sponsored by Senator Isaacs, was introduced and considered for adoption on motion of Senator Holloway:

SCR 36 — "EXTENDING CONGRATULATIONS AND BEST WISHES TO DONALD WALKER, SENIOR AT MIDDLETOWN HIGH SCHOOL FOR HAVING BEEN SELECTED AS DELAWARE'S PARTICIPANT IN AMERICA'S YOUTH IN CONCERT."

WHEREAS, Donald Walker, a senior at Middletown High School, has auditioned and been selected as Delaware's participant in America's Youth in Concert, an outstanding music education program which is unique to the schools of the United States with participants from every State in the Nation; and

WHEREAS, during the month of July, America's Youth in

Concert will give performances in Italy, Austria, Switzerland, France and England wherein Delaware will be represented by Donald Walker of Middletown, Delaware; and

WHEREAS, the objective of America's Youth in Concert is to dramatize to the world the fine qualities and high character of the American youth and to provide an exceptional musical and cultural experience for each participant; and

WHEREAS, America's Youth in Concert has received world-wide acclaim for its outstanding performances some of which are: during 1974 performed for Pope Paul during an audience at the Vatican and again by special invitation at his summer residence; performed for more than ten thousand people at Notre Dame Cathedral in Paris, France; Carnegie Hall and Town Hall in New York City; Constitution Hall, the John F. Kennedy Center for the Performing Arts and the White House in Washington, D.C.; and

WHEREAS, Donald Walker, Delaware's representative, who has been accepted at the University of Delaware to major in music in September, is an outstanding student not only at Middletown High School where he is President of the Senior Class, but throughout the entire Middletown Community; and

WHEREAS, Donald Walker is a member of the following organizations: marching and concert bands at Middletown High, the Madrigal Singers, President of the Leo Club (a student service club of the Middletown Lions Club), President of the concert choir and Delaware's All State Chorus, as well as church organist for the Mt. Friendship Circuit, A.M.E. Church where his father, Rev. Luther L. Walker, Jr., is pastor; and

WHEREAS, Donald Walker is also an accompanist, arranger and sometimes directs area church groups and has given many performances throughout the eastern seaboard.

NOW THEREFORE:

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, that congratulations are hereby extended to Donald Walker of Middletown High School for having been selected as Delaware's participant in America's Youth in Concert.

BE IT FURTHER RESOLVED that best wishes and a happy bon voyage are extended to Donald Walker on his impending tour of Western European Countries during the month of July.

BE IT FURTHER RESOLVED that a copy of this

Resolution be made a part of the Senate and House Journals and that copies be forwarded to Donald Walker, his parents Rev. and Mrs. Luther L. Walker, Jr., the Middletown High School Principal and the Superintendent of Appoquinmink School District."

* * * * *

The Resolution was adopted by the Senate with 20 Senators voting YES and 1 Senator (Schlor) ABSENT.

SB 206 was reported back from the Community Affairs Committee: 2 Favorable, 2 Merits.

The following Bills were reported back from the Banking, Insurance and Elections Committee: **SB 293** — 1 Favorable, 4 Merits; **SB 290** — 4 Merits; **HB 126** — 5 Merits.

SB 263 was reported back from the Administrative Services Committee — 6 Merits.

The following Bills were reported back from the Finance Committee: **SB 221** — 6 Merits; **SB 219** — 6 Merits; **SB 220** — 6 Merits.

At 2:21 p.m. Lt. Governor Bookhammer presiding.

SB 113 was taken up for consideration on motion of Senator Zimmerman, the privilege of the floor extended to R. Dineen, after which final consideration of the Bill was deferred.

SB 251 was stricken on motion of Senator Cicione.

SJR 26 was taken up for consideration on motion of Senator Cordrey, the roll call vote taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Kearns, Knox, Manning, McCullough, Schlor, Steele — 14.

NOT VOTING: Senators Cicione, Hughes, Isaacs, Martin — 4.

ABSENT: Senators Murphy, Sharp, Zimmerman — 3.

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

SB 151 was taken up for consideration on motion of Senator Kearns.

Senator Castle stated that since Senator Kearns was co-sponsor of the Bill and Senator Isaacs was Prime Sponsor of the Bill, it was improperly brought up and moved that further consideration be deferred:

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

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway,

Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 13.

ABSENT: Senator Manning — 1.

Therefore, the motion was defeated and the Bill remained before the Senate.

The roll call vote on the Bill was taken on motion of Senator Kearns who moved that it be tabled before being announced. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, Schlor, Sharp, Zimmerman — 15.

NO: Senators Knox, McCullough and Steele — 3.

NOT VOTING: Senators Elliott and Murphy — 2.

ABSENT: Senator Cicione. — 1.

Therefore, the motion prevailed and the roll call on **SB 151** was tabled.

SB 239 was taken up for consideration on motion of Senator Holloway, the privilege of the floor extended to Richard W. Jorgensen, Delaware Heart Association, to speak on the Bill, and the roll vote taken which revealed 18 Senators voting YES and 3 Senators (Castle, Cicione and Martin) ABSENT.

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

SB 82 was taken up for consideration on motion of Senator Elliott. The roll call vote on the Bill was taken and revealed 19 Senators voting YES with 2 Senators (Cicione and McCullough) ABSENT.

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

Legislative Advisory No. 27 received from William C. Bradley, Jr., Counsel to the Governor, indicated that the Governor had approved: **SB 173** — 5-13-75.

At 4:03 p.m. on motion of Senator Isaacs, the Senate recessed until May 15 at 1:30 p.m.

The Senate reconvened at 2:15 p.m. May 15, 1975, Lt. Governor Bookhammer presiding.

SB 264 was reported back from Highways and Transportation Committee: 5 Merits.

The following Bills were reported back from the Executive Committee: **SB 215** — 3 Favorable, 2 Merits; **SB 216** — 2 Favorable, 3 Merits.

SB 301 was reported back from the Banking, Insurance and Elections Committee: 2 Favorable, 2 Merits, 1 Unfavorable.

SB 302 was reported back from the Energy Committee: 4 Merits.

The following proposed legislation was introduced:

SB 305 — "An Act to authorize funds for the Public Service Commission for its regulatory operations." Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 306 — "An Act to authorize the transfer of the Ross Point School District No. 215 to the Ross Point Improvement Club." Sponsor: Senator Elliott. Assigned to Education Committee.

SB 307 — "An Act to amend Title 29, Delaware Code, by creating a new Chapter relating to the functions and duties of Standing Committees of the Delaware General Assembly." Sponsor: Senator Elliott. Assigned to Executive Committee.

SA 1 to SB 282 was introduced by Senator Isaacs and placed with the Bill.

SA 2 to SB 209 was introduced by Senators Kearns and Manning and placed with the Bill.

SA 29 to SB 197 was introduced by Senator Adams and placed with the Bill.

SA 1 to SB 206 was introduced by Senator Schlör and placed with the Bill.

SA 1 to SB 151 was introduced by Senator Kearns and placed with the Bill.

SCR 37, sponsored by Senator Cicione and Representative Johnson, was introduced and considered for adoption:

SCR 37 — "Expressing the appreciation of the Delaware General Assembly for the concert by the Concert Choir of Edwards Waters College, Jacksonville, Florida, opening the regular Session on May 15, 1975."

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

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

At the request of Senator Isaacs, Rev. Coleman was introduced to the Senate who in turn introduced the aforesaid Concert Choir which rendered two selections in the Senate Chamber.

At 2:25 p.m. on motion of Senator Isaacs, the Senate

adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY

The Senate convened at 2:25 p.m. May 15, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Donald E. Hamilton.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

A message from the House informed the Senate that it had passed **SB 140 w HA 1** and had adopted **SCR 31** and **SCR 33**.

The House also returned to the Senate **SB 199** pursuant to **SR 57**.

The following letter was read into the record at the request of Senator McCullough:

DE LA WARR SCHOOL DISTRICT NEW CASTLE, DELAWARE

May 8, 1975

Senator Calvin R. McCullough
Representative Kenneth W. Boulden
Gentlemen:

Since Easter of this year copper roof flashing, copper downspouts, copper guttering and cooper roof vents have been stripped from the Rose Hill School. Such was done not by kids exercising vandalism, but by professional strippers who took the copper and sold it at a profit.

I, invited James W. Cluck, State Supervisor of Maintenance, to inspect the building and he did then concur in this proposal. We explored the avenue of Minor Capital Improvement as a source of funds; however, such repairs could not be included in that program until FY '77. Local funds are not sufficient to cover the cost.

Therefore, I am requesting that a bill be introduced into the General Assembly for \$45,000 to replace the flashing, guttering and downspouts at the Rose Hill School.

Until the guttering, downspouts and flashing are replaced the roof of the school will be subject to numerous leaks, and if continued too long will cause interior damage to the building.

We propose to replace the flashing with plastic neopreme which would offer no temptation of removal. The guttering and downspouts would be replaced with either aluminum or galvanized, whichever is the least expensive.

If either of you would like to inspect the damage to the school, we can meet and go on the roof as the damage is quite apparent. I do have pictures of some of the damage area that I can show you.

As always I appreciate everything you do for the school district and know you will do everything possible in this matter.

Sincerely,
Raymond L. Townsend
Director

* * * * *

At 2:45 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 4:03 p.m.

The following proposed legislation was introduced:

HB 318 — "An Act to provide a supplemental appropriation to the State Treasurer for interest due on obligations through June 30, 1975." Sponsor: Representative George. Assigned to Finance Committee.

HB 314 — "An Act to amend Title 21, Chapter 41, Delaware Code relating to riding on motorcycles." Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 328 — "An Act to amend Title 29 of the Delaware Code relating to procurement of material and award of contracts for Public Works by State Agencies." Sponsors: Representatives Gilligan, Byrd and Maxwell. Assigned to Judiciary Committee.

HB 203 — "An Act to aid Minquas Fire Company No. 1, a Volunteer Fire Company which was organized to provide fire protection by making a supplemental appropriation therefor." Sponsor: Representative Kelly. Assigned to Finance Committee.

HB 305 — "An Act to amend Section 803, Article VIII of the Charter of the City of Newark, Delaware, relating to the Fiscal Year." Sponsors: Representatives Worthen, LeGates, Seibel, Billingsley. Assigned to Community Affairs Committee.

HB 280 — "An Act to provide a pension for the widow of Olvin Roosevelt Sampson, a former State employee." Sponsor: Representative Johnson. Assigned to Finance Committee.

SB 308 — "An Act directing the State Personnel Commission to adopt a more equitable vacation accumulation schedule for Merit System Employees of this State." Sponsor: Senator Elliott. Assigned to Executive Committee.

SB 199 which was returned to the Senate from the House pursuant to **SR 57** was reassigned to Natural Resources and Environmental Control Committee.

A message received from the House indicated that it had adopted **SCR 35**, **SCR 36** and **SCR 37**.

HCR 29, sponsored by Representatives Maxwell and Byrd, was introduced and considered for adoption on motion of Senator Isaacs:

HCR 29 — "Expressing the appreciation and commendation of the members of the 128th General Assembly of the State of Delaware for the fine example of dedication and industry provided by Marguerite S. Benthall retiring after 27 years as Principal at the Alexis I. duPont High School."

The Resolution was adopted by the Senate with 16 Senators voting YES and 5 Senators (Cordrey, Kearns, McCullough, Schlor and Zimmerman) ABSENT.

SA 1 to SB 113 was introduced by Senator Zimmerman and placed with the Bill.

SA 1 to SB 252 was introduced by Senator McCullough and placed with the Bill.

SB 309, sponsored by Senators Murphy and Knox, was introduced and assigned to Natural Resources and Environmental Control Committee.

SB 309 — "An Act creating a new Chapter 71, Title 7, Delaware Code to regulate certain non-industrial uses within the Coastal Zone of Delaware, to create a State Coastal Zone Management Board, to establish procedures and provide penalties for violating provisions thereof, and to provide an appropriation therefore."

On motion of Senator Cordrey, the necessary rules were suspended for the purpose of reconsidering **SB 140** which had passed the Senate and as now further amended by **HA 1**.

The roll call vote on the Bill (as so amended) was taken and revealed 20 Senators voting YES with 1 Senator (Cicione) ABSENT.

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

SB 284 was taken up for consideration on motion of Senator Schlor, the roll call vote taken and announced:

YES: Senators Kearns and Schlor — 2.

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

NOT VOTING: Senators Holloway, Isaacs, Murphy,

Sharp, Steele, Zimmerman — 6.

ABSENT: Senator Cicione — 1.

Therefore, the Bill was declared lost.

On motion of Senator Schlör, **HB 273** was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES.

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

HB 79 was taken up for consideration on motion of Senator Schlör and the roll call vote taken which revealed 20 Senators voting YES with 1 Senator (McCullough) NOT VOTING.

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

SJR 25 was taken up for consideration on motion of Senator Isaacs and the roll call vote taken and announced:

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

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

ABSENT: Senator Hughes — 1.

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

SB 245 was taken up for consideration on motion of Senator Isaacs and the privilege of the floor was extended to F. Michael Parkowski, Department of Natural Resources and Environmental Control, to speak on the Bill.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Murphy, Sharp, Steele — 15.

NO: Senator Manning — 1.

ABSENT: Senators Elliott, Martin, McCullough, Schlör, Zimmerman — 5.

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

HB 235 was taken up for consideration on motion of Senator Holloway and the privilege of the floor was extended to William L. Richardson, Delaware Technical and Community College, to speak on the Bill.

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

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

Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

NO: Senators Manning and Sharp — 2.

ABSENT: Senator McCullough — 1.

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

SS 1 for SB 85 was taken up for consideration on motion of Senator Elliott.

Senator Elliott moved that SA 1 to the Bill be considered for adoption. The roll call vote on the Amendment was taken but before being announced was tabled on motion of Senator Elliott.

Final consideration of the Bill was then deferred on motion of Senator Elliott.

The following communication was read:

**SENATE
STATE OF DELAWARE**

May 15, 1975

TO: Senate members of the 128th General Assembly
FROM: Senator J. Donald Isaacs, President Pro Tempore
SUBJECT: House Bill No. 300

As President Pro Tempore of the 128th General Assembly and in accordance with House Bill No. 300, I hereby appoint Senator Nancy Cook, Senator Richard S. Cordrey, and myself to serve on the "Delaware Agriculture Museum Committee."

* * * * *

The following letters of nomination for appointments were read and assigned to Executive Committee:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

Donald Yerkes, North Shore Drive, Seaford, Delaware, to be a Justice of the Peace for Sussex County, for a four-year term from date of confirmation. (Reappointment)

Walter G. Dill, Jr., P.O. Box 252, Milton, Delaware, to be a Justice of the Peace for Sussex County, for a four-year term

from date of confirmation, to succeed James T. Carey.

Your consideration of these nominations will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

Barbara L. Miller, 54 Huntley Circle, Dover, Delaware, to be Justice of the Peace for Kent County, for a four-year term from date of confirmation, succeeding James B. Beck, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

Myron T. Steele, 1 Wesley Street, Camden, Delaware, to be a member of the Consumer Affairs Board, for a four-year term from April 21, 1975 to expire April 21, 1979. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

John F. Lenderman, 7 Elsmere Boulevard, Elsmere, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, succeeding Harold T. Perkins, retired.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

James R. McNinch, M.D., Fox Hall Road, Dover, Delaware, to be a member of the Board of Trustees of the Delaware Institute of Medical Education and Research, for a three-year term from date of confirmation, succeeding Albert W. Holmes.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

In conformity with the Constitution and Laws of the State

of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Lee M. Cassidy, 1516 Gilpin Avenue, Wilmington, Delaware, to be a member of the Public Service Commission, to fill the unexpired term ending September 1, 1978, succeeding Casimir J. Ragan, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

May 15, 1975

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

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

Leroy M. Park, 467 Anderson Drive, New Castle, Delaware, to be a member of the Violent Crimes Compensation Board, for a two-year term from April 15, 1975 to expire April 15, 1977.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

The following Committee reports were announced:

From the Judiciary Committee: **SB 234** — 1 Favorable, 3 Merits; **SB 237** — 1 Favorable, 3 Merits; **SB 256** — 4 Merits; **SB 292** — 4 Merits; **SB 297** — 4 Merits.

From the Revenue and Taxation Committee: **HB 148** — 1 Favorable, 5 Merits.

SJR 27, sponsored by Senators Cordrey, Elliott and Adams, was introduced and laid on the table on motion of Senator Cordrey:

SJR 27 — "Relating to the use of the State dredge."

SB 229 was stricken on motion of Senator Holloway.

Senator Murphy congratulated Senator Zimmerman on his Birthday and the membership of the Senate concurred in the best wishes to the Senator.

At 5:59 p.m. on motion of Senator Isaacs, the Senate recessed until May 20, 1:30 p.m.

The Senate reconvened at 2:12 p.m., May 20, 1975, Lt. Governor Bookhammer presiding.

A Resolution passed by the City of Dover in opposition to **SB 278** was read.

The Senate adjourned on motion of Senator Isaacs at 2:15 p.m. and immediately convened for the 32nd Day.

32ND LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 20, 1975, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

The following proposed legislation was introduced:

SB 310 — "An Act to amend Chapter 5, Part I, Title 11 of the Delaware Code relating to offenses involving deadly weapons and dangerous instruments." Sponsor: Senator Cicone. Assigned to Judiciary Committee.

SB 311 — "An Act to amend Chapter 70, Title 7, of the Delaware Code by providing an additional factor for consideration in granting permit requests in the Coastal Zone." Sponsors: Senators Sharp, Isaacs, Cicone and Kearns. Assigned to Natural Resources and Environmental Control Committee.

SB 312 — "An Act to amend Chapter 22, Title 9, of the Delaware Code relating to Sewer Service Charges." Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 313 — "An Act to amend Chapter 1, Title 17 of the Delaware Code relating to jurisdiction, powers and duties of the Department of Highways and Transportation." Sponsor: Senator Murphy. Assigned to Highways and Transportation Committee.

SS 1 to SB 201 was introduced by Senator Murphy and on his motion placed with the Original.

SS 1 for SB 202 was introduced by Senator Murphy and on his motion was placed with the Original, and assigned to Administrative Services Committee.

SA 2 to SB 270 was introduced by Senator Adams and placed with the Bill, and assigned to Administrative Services Committee.

HB 231 — “An Act to amend an Act, being Chapter 196, Volume 22, Laws of Delaware, entitled “An Act to authorize the Commissioners of Lewes to appoint a Board of Public Works for the Town of Lewes which shall establish, control and regulate an Electric Light Plant, Water Works, and a Sewer System for said Town; prescribing the powers and duties of said Board, and providing for the election of their successors” as amended to establish qualifications of candidates for election to the Board of Public Works and to establish qualifications of voters at the election of members to the Board of Public Works.” Sponsor: Representative Derrickson. Assigned to Community Affairs Committee.

HB 129 w HA 1 — “An Act to authorize and direct the transfer of certain State properties.” Sponsor: Representative Clendaniel. Assigned to Administrative Services Committee.

HB 230 — “An Act to amend Chapter 70, Title 6, Delaware Code, relating to Economic Development and Environmental Facilities, by increasing the amount of state credit which may be pledged by the Department of Community Affairs and Economic Development from \$20,000,000 to \$50,000,000.” Sponsors: Representatives Maxwell and Cain. Assigned to Finance Committee.

HCR 30 — “Expressing the support of the General Assembly of the State of Delaware for the recent actions of the Government of the United States of America concerning the illegal seizure of the merchant ship Mayaguez by Cambodian gunboats.”

On motion of Senator Isaacs, the Resolution was tabled.

HB 298 was reported back from the Revenue and Taxation Committee: 5 Merits.

SB 167 was stricken at the request of Senator Isaacs.

The following proposed legislation was reported back from the Banking, Insurance and Elections Committee: **SB 300** — 5 Merits; **SB 265** — 1 Favorable, 4 Unfavorable; **SB 294** — 1 Favorable, 4 Merits; **SB 31** — 5 Merits.

SCR 24 was stricken at the request of Senator Holloway.

SB 289 was taken up for consideration on motion of Senator Schlör, the roll call vote taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp,