

HB 340 - An Act to Permit the Board of Education of the Alfred I. duPont Reorganized School District to Transfer Certain Funds from its Debt Service Account to its Current Operating Account.

The roll call on HB 340 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NO: Representative Ferguson - 1.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 340 was sent to the Senate for concurrence.

Representative Sincok deferred HB 142 to the end of the Agenda and yielded to Representative Smith.

Representative Smith brought HB 77 w/HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8 before the House for consideration.

HB 77 - An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers.

Representative Smith moved to strike HA 1. Without objection, HA 1 to HB 77 was stricken.

Representative Smith moved to strike HA 2. Without objection, HA 2 to HB 77 was stricken.

Representative Maxwell brought HA 3 to HB 77 before the House for consideration.

The House recessed for caucus at 4:58 p.m.

The House was called to order at 5:07 p.m.

Representative Maxwell moved to table the roll call on HA 3 to HB 77. The motion was adopted by voice vote.

Representative Byrd moved to table HA 4 to HB 77. The motion was adopted by voice vote.

Representative Byrd moved to table HA 5 to HB 77. The motion was adopted by voice vote.

Representative Gordy brought HA 6 to HB 77 before the House for consideration and yielded to Representative Smith.

The roll call on HA 6 to HB 77 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives George, Matushefske - 2.

Therefore, having received a constitutional majority, HA 6 to HB 77 was declared passed.

Representative Gordy introduced and brought HA 1 to HA 6 to HB 77 before the House for consideration. HA 1 to HA 6 to HB 77 was adopted by voice vote.

Representative Gordy brought HA 7 to HB 77 before the House for consideration. HA 7 to HB 77 was adopted by voice vote.

Representative Smith moved to strike HA 8. Without objection, HA 8 to HB 77 was stricken.

Representative Lynch introduced and brought HA 9 to HB 77 before the House for consideration.

The roll call on HA 9 to HB 77 was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Ferguson, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Powell, Vernon, Mr. Speaker Boulden - 13

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen - 25.

ABSENT: Representatives Matushefske, Plant, Sincock - 3.

Therefore, not having received a constitutional majority, HA 9 to HB 77 was declared defeated.

Representative Loughney introduced and brought HA 10 to HB 77 before the House for consideration.

Mr. Speaker requested and was granted the privilege of the floor for House Attorney, John Rich.

Representative Maxwell requested and was granted the privilege of the floor for House Attorney John Rich.

The roll call on HA 10 to HB 77 was taken and revealed:

YES: Representatives Byrd, Johnson, Jonkiert, Loughney, Lynch - 5.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Kelly, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 29.

NOT VOTING: Representatives Cain, Ferguson, Maxwell, Powell, Sincock - 5.

ABSENT: Representatives Matushefske, Plant - 2.

Therefore, not having received a constitutional majority, HA 10 to HB 77 was declared defeated.

Representative Cain requested and was granted the privilege of the floor for Duane Olsen, Controller General of the State of Delaware.

Representative Jonkiert requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Smith moved to place HB 77 w/HA 6, HA 1 to HA 6, HB 7 on the Speaker's table. Representative Cain seconded the motion. The motion was adopted by voice vote.

Representative Jonkiert moved to recess for Committee hearings at 6:27 p.m.

The House was called to order at 6:41 p.m.

Committee reports:

Natural Resources: HB 282 - 1F, 3M; HB 374 - 4M; SB 155 - 2F, 2M.

Banking & Insurance: HB 302 - 1F, 3M; HB 324 - 2F, 2M; SB 215 - 1F, 3M; SB 216 - 1F, 3M.

Highways & Transportation: HB 347 - 1F, 4M.

Representative Cain introduced HB 390.

HB 390 - An Act to Amend Chapter 13, Title 9, Delaware Code, Relating to the Jurisdiction of the Board of Adjustment of New Castle County.

Mr. Speaker assigned HB 390 to Community Affairs Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:46 p.m.

38th LEGISLATIVE DAY

June 2, 1977

The Speaker called the House to order at 2:07 p.m. The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by the Chaplain, Reverend Dr. Leonard Hatch of the First Baptist Church of Dover, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed: SB 264; SB 251; SB 218; SJR 24; HB 183.

Representative Jonkiert yielded to Representative Smith.

Representative Smith moved to lift HB 77 from the Speaker's table. Representative Sincock seconded the motion. The motion was adopted by voice vote.

Representative Smith brought HB 77 w/HA 6, 7, HA 1 to HA 6, before the House for consideration.

Representative Smith requested and was granted the privilege of the floor for Mr. Duane Olsen, Controller General of the State of Delaware.

Representative Byrd rose on a point of order, stating his belief that Representative Ridings was not addressing his question to the fiscal note at hand. Mr. Speaker ruled that Representative Byrd was correct.

Representative Jonkiert introduced and brought HA 11 before the House for consideration. HA 11 to HB 77 was adopted by voice vote.

Representative Bennett moved to place HB 77 on the Speaker's table. The motion was seconded by Representative Johnson.

The roll call on the motion to place HB 77 on the Speaker's table was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Miller, Minner, Morris, Plant, Powell, Rispoli, Roy, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, George, Hebner, Maxwell, McKay, Oberle, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Worthen - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, the motion passed and HB 77 was placed on the Speaker's table.

Representative Gordy requested that his name be removed as a co-sponsor of HB 77.

Representative Clendaniel introduced and brought HR 75 before the House for consideration.

HR 75 - Offering the Felicitations of the House to Tammy Brooke Closser, Our Charming Bill Prep Supervisor, who will be Married Saturday at Seaford.

HR 75 was adopted by voice vote.

Representative Plant moved to lift the roll call on HB 19. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Plant brought HB 19 w/HA 2 before the House for consideration.

Representative Plant moved to table the roll call on HB 19. The Motion was adopted by voice vote.

The House recessed at 3:53 p.m. for the purpose of changing the audio tapes and reconvened at 3:55 p.m.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on SB 264. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought SB 264, co-sponsored by Senator Arnold, Representative Maxwell, Senators Sharp, Hughes, McCullough, Spence, Cicione and Representatives Oberle, Byrd, Roy, Worthen and Ridings, before the House for consideration.

SB 264 - An Act to Extend Time Limits Regarding the Voluntary Transfer Plan Set Forth in Laws of Delaware, Volume 61, Chapter 32.

The roll call on SB 264 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell,

McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

NO: Representative Rispoli - 1.

NOT VOTING: Representative Johnson - 1.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, SB 264 was returned to the Senate.

Representative Plant moved to lift the roll call on HB 19. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HB 19 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, George, Johnson, Jonkiert, Matushefske, Maxwell, Miller, Minner, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 17.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, McKay, Morris, Oberle, Powell, Ridings, Roy, Smith, Vernon - 21.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives Ferguson, Riddagh - 2.

Therefore, not having received a constitutional majority, HB 19 w/HA 2 was declared defeated.

Representative Plant moved to suspend the rules for the purpose of introducing and acting on HJR 20. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant introduced and brought HJR 20 before the House for consideration.

HJR 20 - Requesting the Governor of the State of Delaware to Annually Proclaim the Fifteenth of January as a Statewide Holiday in Commemoration of Martin Luther King, Jr's. Birthday.

The roll call on HJR 20 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Maxwell, Plant, Powell, Rispoli, Roy, Sincock, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Bennett, Billingsley, Burris, Clendaniel, Connor, Darling, Ferguson, Gordy, Hebner, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Smith, Vernon - 17.

ABSENT: Representatives Matushefske, Miller, Ridings - 3.

Therefore, having received a constitutional majority, HJR 20 was sent to the Senate for concurrence.

Representative Gilligan introduced HB 407, co-sponsored by Representatives Kelly, Ferguson, Minner, Oberle, Senators Cicione and Holloway.

HB 407 - An Act to Amend Title 24 of the Delaware Code by Providing for the Licensing of Massage Establishments and Adult Book Stores.

Mr. Speaker assigned HB 407 to the Health and Social Services Committee.

Representative Gilligan introduced HB 408, co-sponsored by Representatives Kelly, Ferguson, Minner, Oberle, Senators Cicione and Holloway.

HB 408 - An Act to Amend Title 11 of the Delaware Code by Providing for a Minimum Sentence for a Second Obscenity Offense.

Mr. Speaker assigned HB 408 to the Health and Social Services Committee.

Representative Riddagh brought HB 43 before the House for consideration.

Representative Riddagh introduced and brought HA 1 to HB 43 before the House for consideration. HA 1 to HB 43 was adopted by voice vote.

Representative Riddagh introduced and brought HA 2 to HB 43, co-sponsored by Senator Spence, before the House for consideration. HA 2 to HB 43 was adopted by voice vote.

Representative Riddagh moved to table the roll call on HB 43. The motion was seconded by Representative Sincock and adopted by voice vote.

The following prefiled legislation was introduced:

HB 391 - RIDINGS - HEALTH & SOCIAL SERVICES: An Act to Amend Title 24 of the Delaware Code Relating to Masseurs, Masseuses and Massage Parlors.

HB 392 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code Relating to Unemployment Compensation.

HB 393 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission and Disqualifications for Serving as a Member or Employee of the Commission.

HB 394 - WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 39, Title 18 of the Delaware Code Relating to Uninsured Vehicle Coverage.

HB 395 - AMBROSINO, FERGUSON - PUBLIC SAFETY: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to the Overtaking and Passing of a Stopped School Bus; and Providing for Certain Circumstances Under Which an Approaching Driver Shall Stop.

HB 396 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation.

HB 397 - RISPOLI, AMBROSINO, MILLER, ANDERSON, JOHNSON, WORTHEN, SENATOR SCHLOR - COMMUNITY AFFAIRS: An Act to Amend Chapter 51, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Prohibiting any Demand by Landlords for Extra Money Payments.

HB 398 - BYRD, CICIONE - APPROPRIATIONS: An Act Providing a Supplementary Appropriation to the Division of Industrial Affairs of the Department of Labor for the Purpose of

Compensating the Estate of Cathrine M. Marusa for Error Made on Termination Pay in the Miscalculation of Accrued Sick Leave.

HB 399 - HEBNER - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Rules of the Road. (2/3 bill)

HB 400 - GORDY - APPROPRIATIONS: An Act Making an Appropriation to the Department of Agriculture for Payment of an Annual Increment that Was Not Given to an Employee.

HB 401 - WORTHEN, OBERLE, SENATOR HUGHES - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Speed Exhibitions.

HB 402 - MAXWELL - JUDICIARY: An Act to Amend Chapter 39, Title 10 of the Delaware Code Relating to Payment and Costs of Attorney's Fees in Certain Suits Against Architects, Engineers, Contractors or Land Surveyors, Under Certain Circumstances.

HB 403 - RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for a Termination of Tenancy Under Certain Circumstances.

HB 404 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Procurement of Material and Multiple Awards.

HB 405 - MORRIS - APPROPRIATIONS: An Act Amending an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions"; it being Former House Bill No. 300 of the 129th General Assembly.

HB 406 - GILLIGAN - EDUCATION: An Act to Amend Chapter 29, Title 14, Delaware Code, Relating to Transportation of Pupils.

HA 2 to HB 97 - LYNCH - Placed with the bill.

HA 1 to HB 142 - SINCOCK - Placed with the bill.

HA 1 to HB 315 - CAIN - Placed with the bill.

HA 1 to HB 326 - W. BRADY - Placed with the bill.

HA 1 to HB 351 - AMBROSINO - Placed with the bill.

SB 197 w/SA 1 - MURPHY (By request) - ADMINISTRATIVE SERVICES: An Act Making a Supplementary Appropriation to the Department of Administrative Services for the Purpose of Paying an Employee who Failed to Receive Payment for Overtime Hours Worked.

SB 218 - ZIMMERMAN, REPRESENTATIVE BENNETT - APPROPRIATIONS: An Act Making an Appropriation to the Department of Agriculture for the Purpose of Paying Back Pay Due an Employee Whose Annual Pay Increment was not Paid.

SB 251 - CORDREY, BERNDT, REPRESENTATIVE JONKIERT - ENVIRONMENTAL CONTROL: An Act to Provide for Indemnification of the Directors of the Delaware Solid Waste Authority. (3/4 bill)

Representative Cain brought HB 255 before the House for consideration.

HB 255 - An Act Making a Supplementary Appropriation to Satisfy a Settlement Agreement Entered Into Between the State of Delaware and Certain Individuals in Connection With the Claims of Certain Individuals for Unpaid Overtime and Minimum Wage Compensation Under the Fair Labor Standards Act.

Representative Billingsley stated that he had a conflict of interest with the bill and would therefore be recorded as not voting.

The roll call on HB 255 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37

NOT VOTING: Representatives Billingsley, Oberle - 2.

ABSENT: Representatives Jonkiert, Ridings - 2.

Therefore, having received a constitutional majority, HB 255 was sent to the Senate for concurrence.

Representative Ferguson moved to strike HB 232. Without objection, HB 232 was stricken.

Representative Ferguson brought HB 246 before the House for consideration.

HB 246 - An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in Prior Fiscal Years.

The roll call on HB 246 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 246 was sent to the Senate for concurrence.

Representative Hebner brought HB 197 w/HA 1 before the House for consideration.

HB 197 - An Act Proposing an Amendment to Article III of the Delaware Constitution Relating to the Office of the Lieutenant Governor and Making the Lieutenant Governor of the Same Political Party as the Governor.

Representative Hebner brought HA 1 before the House for consideration. HA 1 to HB 197 was adopted by voice vote.

The roll call on HB 197 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Connor, Hebner, Powell, Ridings, Sincock, Smith, Worthen - 9.

NO: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Temple, Vernon, Mr. Speaker Boulden - 30.

NOT VOTING: Representatives Byrd, Maxwell - 2.

Therefore, not having received a constitutional majority, HB 197 w/HA 1 was declared defeated.

Representative Ambrosino brought HB 345 before the House for consideration.

HB 345 - An Act to Amend Chapter 1, Title 1 of the Delaware Code Relating to the Distribution of the Delaware Code and its Supplements to the State Police.

The roll call on HB 345 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39

ABSENT: Representatives Ridings, Smith - 2.

Therefore, having received a constitutional majority, HB 345 was sent to the Senate for concurrence.

Representative Worthen brought HB 326 w/HA 1 before the House for consideration.

Representative Brady brought HA 1 before the House for consideration. HA 1 to HB 326 was adopted by voice vote.

Representative Worthen introduced and brought HA 2 before the House for consideration. HA 2 to HB 326 was adopted by voice vote.

Representative Worthen moved to table the roll call on HB 326 w/HA 1,2. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy brought HS 1 for HB 275 before the House for consideration.

Representative Gordy introduced and brought HA 1 to HS 1 for HB 275 before the House for consideration.

Representative Gordy moved to recess at 5:05 p.m.

The House was called to order at 5:14 p.m.

Representative Gordy moved to lay HA 1 to HS 1 for HB 275 on the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Miller introduced and brought HA 2 to HS 1 for HB 275, co-sponsored by Representative Minner, before the House for consideration.

Representative Miller moved to place HA 2 to HS 1 for HB 275 on the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Gordy moved to lift HA 1 to HS 1 for HB 275 from the Speaker's table. The motion was seconded by Representative Miller and adopted by voice vote.

Representative Gordy requested and was granted the privilege of the floor for Mr. Gary Grubb from the House Attorney's office.

HA 1 to HS 1 for HB 275 was adopted by voice vote.

Representative Gordy moved to lay HS 1 for HB 275 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Committee report:

Judiciary: HB 388 - 4M.

Representative Jonkiert moved to recess to the call of the Chair at 5:45 p.m.

39th LEGISLATIVE DAY

June 7, 1977

The Speaker called the House to order at 1:58 p.m. The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m. A prayer was offered by Representative Maxwell of the 14th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

State of Delaware
House of Representatives
Office of the Chief Clerk
Dover, Delaware 19901

June 7, 1977

Members of the House of Representatives
Legislative Hall
Dover, Delaware 19901

Dear Representatives:

To all you sitting in your chairs
We think it's fitting and only fair
To thank you for a nice affair
That showed us that you really care.

Sincerely yours,
All Staff Members of the
House of Representatives

The Senate wishes to inform the House that it has passed:
HB 305 w/HA 2, SA 2,3; HCR 32, HCR 33.

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June 3, 1977

LEGISLATIVE ADVISORY #12

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 5/26/77: HB 10 a/a/b HA 1, SA 1; SB 10; HJR 11. 6/1/77: HB 353. 6/2/77: SB 231; SB 264.

Representative Bennett moved to strike HB 404. Without objection, HB 404 was stricken.

Representative Sincok moved to strike HB 389. Without objection, HB 389 was stricken.

Representative Jonkiert moved to recess for caucus at 2:09 p.m.

The House reconvened at 4:55 p.m.

The following prefiled legislation was introduced:

HB 409 - GILLIGAN - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to Service Pensions for Elected Officials and Former Elected Officials by Providing that the State Treasurer Pay to the State Employees' Retirement Fund Annually the Actuarial Cost of Such Pensions; and Further Making an Appropriation Therefor.

HB 410 - PLANT, WORTHEN - CONSTITUTION: An Act Proposing an Amendment to Section 2, Article V of the Constitution of the State of Delaware Relating to Voting Qualifications. (2/3 bill)

HB 411 - CAIN, POWELL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Income Tax Withholding, to Permit Income Tax Withholding From Legal Residents of the State Who Are Serving in the Armed Services.

HB 412 - OBERLE, MINNER - PUBLIC SAFETY: An Act to Amend Chapter 28, Title 21, Delaware Code, Relating to Habitual Offender Drivers.

HB 413 - BURRIS, SENATOR ADAMS - COMMUNITY AFFAIRS: An Act to Amend An Act Entitled "An Act to Incorporate the Town of Slaughter Beach", Being Chapter 167, Volume 37, Laws of Delaware, as Amended, by Extending the Corporate Limits of the Town of Slaughter Beach.

HB 414 - MAXWELL - BANKING & INSURANCE: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Death Benefits of State Employees.

HA 12 to HB 77 - MAXWELL - Placed with the bill.

HA 13 to HB 77 - LYNCH - Placed with the bill.

HA 3 to HS 1 to HB 275 - MILLER, MINNER - Placed with the bill.

HA 6 to HB 300 - MINNER - Placed with the bill.

HA 7 to HB 300 - MINNER - Placed with the bill.

HA 8 to HB 300 - MINNER - Placed with the bill.

HA 9 to HB 300 - MINNER - Placed with the bill.

HA 10 to HB 300 - MINNER - Placed with the bill.

HA 11 to HB 300 - MINNER - Placed with the bill.

HJR 21 - GILLIGAN, MAXWELL, KELLY, LYNCH - EDUCATION:

Directing the Department of Public Instruction to Prepare a Cost Analysis for the Implementation of Proper Fire-Prevention Practices in the Schools.

A message was received from Governor du Pont at 4:56 p.m.

June 7, 1977

To the Delaware State
House of Representatives
of the 129th General Assembly
of the State of Delaware

Pursuant to Article III, Section 18 of the Delaware Constitution, I am returning to the House of Representatives without my signature House Bill No. 260, entitled:

"AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO ITEMIZED INCOME TAX DEDUCTIONS TO ALLOW A DEDUCTION FOR CERTAIN HOUSEHOLD AND DEPENDENT CARE EXPENSES."

I have no conceptual objection to, and in fact sympathize with, the deduction which this bill creates. But considering the form of the Bill and Delaware's deficit financial condition, I cannot agree with House Bill 260, and therefore must return the Bill without my signature. I have taken this action for the following reasons:

1. House Bill 260 was considered and passed without a fiscal note as required by Chapter 19, Title 29, Delaware Code. While this requirement can be waived, it is my view that to do so with respect to such important legislation, which on its face increases the financial burden of the State, constitutes a fundamental defect in the legislation.

2. I am advised by the Finance Department that the estimated loss in income tax revenue for FY 78, occasioned by House Bill 260, is between \$1.3 million and \$2.5 million. Consequently, the measure increases the projected deficit for FY 78 in corresponding amount. I cannot agree with any increase in the deficit for the upcoming fiscal year without the assurance that the General Assembly will either further curtail expenditures or enact revenue measures sufficient to cover the cost of the proposed legislation. I could favorably consider legislation which reduces existing sources of income only at such time as I am provided with that assurance. Following passage of the FY 78 Budget and an adequate revenue package, it might be appropriate to reconsider this legislation.

For the foregoing reasons, House Bill 260 is returned herewith to the House of Representatives without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

Representative Minner introduced and brought HCR 34, co-sponsored by Representative Clendaniel and Senator Adams, before the House for consideration.

HCR 34 - Congratulating Valerie Lynn Spies as the New Delmarva Poultry Princess and Sharon Lynn Wyatt as the New Little Delmarva Poultry Princess.

HCR 34 was adopted by voice vote and sent to the Senate for concurrence.

Representative Vernon moved to strike HB 192. Without objection, HB 192 was stricken.

Representative Sincock moved to suspend the rules for the purpose of introducing and acting on HB 415. The motion was adopted by voice vote.

Representative Sincock brought HB 415, co-sponsored by Representative George, before the House for consideration.

HB 415 - An Act Making a Supplemental Appropriation to the State Treasurer for Revenue Refunds.

The roll call on HB 415 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 41.

Therefore, having received a constitutional majority, HB 415 was sent to the Senate for concurrence.

Representative Cain brought HB 341 before the House for consideration.

HB 341 - An Act to Amend Chapter 23, Title 30, Delaware Code, Pertaining to Occupational Licenses and Fees for Professional Engineers.

The roll call on HB 341 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 41.

Therefore, having received a constitutional majority, HB 341 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 370 before the House for consideration.

Representative Jonkiert introduced and brought HA 1 to HB 370 before the House for consideration. HA 1 to HB 370 was adopted by voice vote.

Representative Billingsley requested and was granted the privilege of the floor for Mr. Duane Olsen, Controller General.

Representative Jonkiert moved to table the roll call on HB 370. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative George deferred HB 370 until June 8, 1977.

Representative George brought SB 25 before the House for consideration.

SB 25 - An Act Making a Supplementary Appropriation to the Department of Correction for Payment of Prior Year Obligations.

The roll call on SB 25 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Minner, Powell, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Bennett, Billingsley, Burris, Gilligan, Hebner, McKay, Morris, Ridings, Vernon - 10.

NOT VOTING: Representatives Miller, Sincock, Smith - 3.

ABSENT: Representatives Matushefske, Oberle, Plant - 3.

Therefore, having received a constitutional majority, SB 25 was returned to the Senate.

Representative George deferred HB 300 until June 14, 1977.

Representative Lynch brought HB 305 w/HA 2, SA 2,3 before the House for consideration.

HB 305 - An Act to Amend Part IV, Title 16 of the Delaware Code Relating to Natural Food Substances; and Permitting the Distribution of Laetrile Under Certain Circumstances.

The roll call on HB 305 w/HA 2, SA 2, 3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 34.

NO: Representatives Bennett, T. Brady, Byrd, Cain, George, Worthen - 6.

ABSENT: Representative Burris - 1.

Therefore, having received a constitutional majority, HB 305 w/HA 2, SA 2,3 was sent to the Governor.

Representative Sincock brought HB 140 before the House for consideration.

Representative Sincok moved to place HB 140 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincok brought HB 142 w/HA 1 before the House for consideration.

Representative Sincok moved to place HB 142 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Billingsley brought HB 373 before the House for consideration.

HB 373 - An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

The roll call on HB 373 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Burris, Rispoli - 2.

Therefore, having received a constitutional majority, HB 373 was sent to the Senate for concurrence.

Representative Worthen brought HB 347 before the House for consideration.

Representative Worthen introduced and brought HA 1 to HB 347 before the House for consideration. HA 1 to HB 347 was adopted by voice vote.

Representative Worthen moved to place HB 347 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan introduced HA 1 to HB 371, co-sponsored by Senator Holloway, and requested that it be placed with the bill.

Representative George introduced HB 416.

HB 416 - An Act to Amend Chapter 63 and Chapter 65, Title 29, Delaware Code Providing for a Zero-Based Budgeting.

Mr. Speaker assigned HB 416 to the Appropriations Committee.

The House recessed for Committee hearings at 6:20 p.m. and reconvened at 6:35 p.m.

Committee Reports:

Revenue & Finance: HB 262 - 4M.

Health & Social Services: HB 303 - 5F; HB 407 - 3F, 3M; HB 408 - 3F, 3M; SB 118 - 4M; SJR 20 - 2F, 2M.

Administrative Services: HB 357 - 6M; HB 379 - 1F, 4M, 1U; HB 380 - 1F, 5M; HJR 19 - 4M, 2U.

Constitution: SB 56 - 6M.

Appropriations: HB 385 - 4M; HB 398 - 5M; HB 416 - 5M; HB 400 - 5M; SB 244 - 6M; SB 218 - 5M; SB 98 - 5M.

Judiciary: HB 348 - 2F, 2M; HB 349 - 2F, 2M; HB 350 - 2F, 2M; HB 365 - 4M; HB 375 - 1F, 3M; SB 157 - 4M;

SB 160 - 2F, 2M; SB 161 - 1F, 3M; SB 162 - 2F, 2M;
SB 185 - 1F, 3M; SB 213 - 1F, 3M.

Representative Jonkiert introduced HB 417.

HB 417 - An Act to Amend Title 28 of the Delaware Code
 Relating to the Spanish Game of Jai-Alai.

Mr. Speaker assigned HB 417 to House Administration
 Committee.

Representative Gordy moved to recess to the call of
 the Chair at 6:43 p.m.

40th LEGISLATIVE DAY

June 8, 1977

The Speaker called the House to order at 2:10 p.m.

Committee Reports:

Community Affairs: HB 333 - 2F, 4M; HB 368 - 2F, 4M;
HB 387 - 6M; HB 397 - 3F, 3M; HB 390 - 6M; HB 403 - 4F, 2M.

The Majority Leader moved to adjourn at 2:13 p.m., thereby
 ending the previous legislative day. The House reconvened
 at 2:13 p.m. A prayer was offered by the Chaplain,
 Pastor Fordham of Sharon Temple, Seventh Day Adventist
 Church, Wilmington, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved
 as posted.

Communications:

Representative Ferguson requested that the following
 communication be read into the record:

June 6, 1977

Representative John Ferguson

Legislative Hall

Dover, DE 19901

Dear Representative Ferguson:

I wish to express my appreciation to you for introducing
House Resolution Number 70. I am indeed grateful to the
129th General Assembly, House of Representatives for their
 vote of appreciation.

The Division of Aging enjoyed sponsoring the "Acts-For-
 All-Seasons" in the lobby of Legislative Hall, and hope it
 can be an annual event during Older Americans Month. The
 older exhibitors were pleased to have their talents
 recognized during Older Americans Month in Legislative Hall.
 I will send each of them a copy of the resolution.

Sincerely,

Eleanor L. Cain, Director
 Division of Aging

The Senate wishes to inform the House that it has passed:
SCR 35; SB 184; HCR 34; SB 237; SB 222 w/SA 1; HB 362; SB 259;
SB 243.

Committee Report:

Constitution: HB 410 - 6M.

Representative Lynch introduced and brought HCR 35 before the House for consideration.

HCR 35 - Requesting the Members of the Delaware Congressional Delegation to Support Legislation for a National Litter-Control Law.

The roll call on HCR 35 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Miller, Morris, Plant, Powell, Rispoli, Temple, Mr. Speaker Boulden - 22.

NO: Representatives Billingsley, T. Brady, W. Brady, Burris, Hebner, McKay, Oberle, Riddagh, Ridings, Sincok, Smith, Vernon - 12.

NOT VOTING: Representatives Roy, Worthen - 2.

ABSENT: Representatives Anderson, Kelly, Matushefske, Maxwell, Minner - 5.

Therefore, having received a constitutional majority, HCR 35 was sent to the Senate for concurrence.

Representative Temple introduced and brought HCR 36 before the House for consideration.

HCR 36 - Requesting the Governor of Delaware to Direct Cabinet Secretaries and Division Directors not to Hire Pensioners from the Armed Forces so long as There are Qualified Persons to Fill Vacancies.

HCR 36 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 418 - SINCOCK, GEORGE - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Division of Highways of the Department of Transportation for the Remainder of the Fiscal Year Ending June 30, 1977

HB 419 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Procurement of Materiel and Award of Contracts.

HB 420 - CAIN, T. BRADY - REVENUE & FINANCE: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax, to Permit Reallocation of Income and Deductions Among Related Taxpayers.

HB 421 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation.

HB 422 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation.

HB 423 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation.

HB 424 - MINNER, OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Establishing a Late Fee for Driver License Renewals.

HB 425 - VERNON - NATURAL RESOURCES: An Act to Amend Chapter 68 of Title 7, Delaware Code Relating to Conservation and Preservation Easements.

HA 14 to HB 77 - SMITH - Placed with the bill.

HA 2 to HA 6 to HB 77 - GORDY, SMITH - Placed with the bill.

HA 4 to HS 1 for HB 275 - MILLER, MINNER - Placed with the bill.

HA 5 to HS 1 for HB 275 - MILLER, MINNER - Placed with the bill.

HA 6 to HS 1 for HB 275 - MILLER, MINNER - Placed with the bill.

HA 7 to HS 1 for HB 275 - MILLER, MINNER - Placed with the bill.

HA 8 to HS 1 for HB 275 - MILLER, MINNER - Placed with the bill.

HA 9 to HS 1 for HB 275 - SMITH - Placed with the bill.

HA 12 to HB 300 - BENNETT, CLENDANIEL, GILLIGAN, TEMPLE - Placed with the bill.

SB 222 w/SA 1 - ZIMMERMAN, MCDOWELL, KNOX, MARTIN, MURPHY, WEISS, REPRESENTATIVES BENNETT, MILLER, GORDY - NATURAL RESOURCES: An Act to Amend Part VII, Title 7 of the Delaware Code Relating to Conservation of the State's Natural Resources; Establishing a State System of Nature Preserves; and Providing for their Acquisition, Control, Use, Management and Protection.

SB 237 - MARTIN - ADMINISTRATIVE SERVICES: An Act Authorizing the Public Service Commission to Expend Funds from the Public Service Commission Regulatory Revolving Fund to Pay for the Services of Consultants Retained by the Commission for Current Rate Hearings, Associated Rate Hearing Expenses and Other Contractual Services.

SB 243 - ADAMS, KNOX, REPRESENTATIVE CLENDANIEL - AGRICULTURE: An Act to Amend Chapter 15, Title 3, Delaware Code Relating to Duties and Authority of the Department of Agriculture.

SB 259 - CORDREY - PUBLIC SAFETY: An Act to Amend Subchapter II, Chapter 23, Title 21, Delaware Code, Relating to Fees for Recording Liens on Motor Vehicles Paid to the Division of Motor Vehicles of the Department of Public Safety.

Representative Jonkiert moved to recess for caucus at 3:07 p.m.

The House was called to order at 4:39 p.m.

Representative George deferred HB 371 and brought HB 416 before the House for consideration.

Representative George requested and was granted the privilege of the floor for Mr. David Singleton, Administrative Assistant to the Mayor of Wilmington.

Representative George moved to place HB 416 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Jonkiert moved to lift the roll call on HB 370. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to rescind the roll call on HB 370. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Jonkiert introduced and brought HA 2 to HB 370 before the House for consideration. HA 2 to HB 370 was adopted by voice vote.

Representative Jonkiert moved to place HB 370 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought SB 215 before the House for consideration.

SB 215 - An Act to Amend Title 5 of the Delaware Code Relating to Banking.

The roll call on SB 215 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ambrosino, Burris, Matushefske, Oberle - 4.

Therefore, having received a constitutional majority, SB 215 was returned to the Senate.

Representative Byrd moved to lift the roll call on HB 236. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Byrd moved to rescind the roll call on HB 236. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Byrd moved to recommit HB 236 to the Labor and Commerce Committee. The motion was seconded by Representative Gordy and adopted by voice vote.

Therefore, HB 236 was recommitted to the Labor and Commerce Committee.

Representative Worthen brought SB 216 before the House for consideration.

SB 216 - An Act to Amend Title 5, of the Delaware Code Relating to Banking.

The roll call on SB 216 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Ambrosino, Burris, Oberle - 3.

Therefore, having received a constitutional majority, SB 216 was returned to the Senate.

Representative Worthen brought HB 324 before the House for consideration.

HB 324 - An Act to Amend Chapter 9, Title 5, of the Delaware Code, Relating to Banking and Reserve Requirements.

The roll call on HB 324 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Ambrosino, Burris, Byrd, Gilligan, Matushefske - 5.

Therefore, having received a constitutional majority, HB 324 was sent to the Senate for concurrence.

Representative Worthen deferred HB 302 until June 9, 1977.

Representative Jonkiert introduced HB 426.

HB 426 - An Act to Amend Chapter 47, Title 15, of the Delaware Code, Relating to Compensation of Election Officers.

Mr. Speaker assigned HB 426 to House Administration Committee.

Representative Maxwell introduced HB 427.

HB 427 - An Act to Provide that a Referendum be Held in the November 1978 General Election on the Question of Controls on Bottles and Cans.

Mr. Speaker assigned HB 427 to House Administration Committee.

Representative Matushefske introduced HB 428.

HB 428 - An Act to Amend Chapter 60, Title 7, Delaware Code, By Adopting the Federal Air Emission Standards Unless the Secretary of Natural Resources and Environmental Control Finds that More Stringent Standards Can Have no Possible Adverse Effect on Employment or Economic Condition.

Mr. Speaker assigned HB 428 to Environmental Control Committee.

Representative Matushefske introduced HB 429.

HB 429 - An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Public Work Contracts; Procurements.

Mr. Speaker assigned HB 429 to Judiciary Committee. Representative George moved to lift HB 416 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George introduced HA 1 to HB 416, co-sponsored by Representative T. Brady, and brought it before the House for consideration. HA 1 to HB 416 was adopted by voice vote.

HB 416 - An Act to Amend Chapter 63 and Chapter 65, Title 29, Delaware Code Providing for a Zero-Based Budgeting.

The roll call on HB 416 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Ambrosino, Burris - 2.

Therefore, having received a constitutional majority, HB 416 w/HA 1 was sent to the Senate for concurrence.

Representatives Miller and Minner introduced HA 10 to HS 1 to HB 275 and requested that it be placed with the bill.

Representative Jonkiert moved to recess for Committee hearings at 6:25 p.m.

The House was called to order at 6:35 p.m.

Committee Reports:

Judiciary: HB 82 - 3F, 1M; HB 429 - 1F, 3M.

Agriculture: SB 243 - 4F; HB 316 - 4F.

Environmental Control: HB 428 - 1F, 3M.

Representative Jonkiert moved to recess to the call of the Chair at 6:39 p.m.

41st LEGISLATIVE DAY

June 9, 1977

The Speaker called the House to order at 1:55 p.m.

Committee Reports:

House Administration: HB 79 - 5M; HB 426 - 5M.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by Representative Thomas Temple, 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has defeated HB 139 w/HA 1.

The Senate wishes to inform the House that it has passed: SB 228; SB 252; SS 1 for SB 230; SCR 36; HB 329 w/HA 1,2.

The following prefiled legislation was introduced:

HB 430 - FERGUSON, RIDINGS - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to State Employees Pension Plan.

HB 431 - BENNETT, CLENDANIEL, GILLIGAN, TEMPLE - APPROPRIATIONS: An Act to Make an Appropriation to the State Board of Education for Services to School Districts.

HB 432 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 59, Chapter 223 of the Laws of Delaware Known as the Annual Capital Improvements Act of 1974. (3/4 bill)

HB 433 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 58, Chapter 347 of the Laws of Delaware Known as the Annual Capital Improvements Act of 1972. (3/4 bill)

HB 434 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 60, Chapter 271 of the Laws of Delaware Known as the Capital Improvement Act of 1976. (3/4 bill)

HB 435 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 60, Chapter 691 of the Laws of Delaware Known as the Annual Capital Improvements Act of 1977. (3/4 bill)

HB 436 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 58, Chapter 578 of the Laws of Delaware Known as the Annual Capital Improvements Act of 1973. (3/4 bill)

HB 437 - MCKAY, SINCOCK - APPROPRIATIONS: An Act to Amend Volume 60, Chapter 691, Volume 60, Chapter 671, Volume 59, Chapter 223, Volume 58, Chapter 578, and Volume 58, Chapter 347 of the Laws of Delaware Known as the Annual Capital Improvements Acts of 1977, 1976, 1974, 1973, and 1972. (3/4 bill)

HB 438 - BURRIS, SINCOCK, VERNON, BENNETT - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Taxation. (2/3 bill)

HB 439 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation.

HB 440 - MINNER, MORRIS, SENATOR ZIMMERMAN - ADMINISTRATIVE SERVICES: An Act Directing the Transfer of Oak Grove School Site of East Dover Hundred, Kent County, Delaware, to J. Ward Hurley and Mildred J. Hurley.

HB 441 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation, Concerning Payment of Benefit Amounts.

HB 442 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation, to Provide for Reimbursement by Electing Non-Profit Organizations, Public Employers.

HB 443 - POWELL, CAIN, BYRD - LABOR & COMMERCE: An Act to Amend Section 3125 (a), Title 19, Delaware Code, Relating to Obtaining Information from the Department of Labor.

HB 444 - GILLIGAN, MILLER, BILLINGSLEY, BURRIS, VERNON, ROY, HEBNER - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Article II, Section 13, Immunity from Arrest and Questioning of Speeches. (2/3 bill)

HB 445 - GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Merit System of Personnel by Changing the Compensation of Commissioners, the Number of Meetings and Making Appropriation Therefor.

HB 446 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapters 31 and 33, Title 19, Delaware Code, Relating to Unemployment Compensation, to Increase the Penalty for Failing to File Reports and the Interest on Past-Due Assessments.

HB 447 - MINNER, OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Driving Without a License. (2/3 bill)

HB 448 - BYRD - LABOR & COMMERCE: An Act to Amend Section 31, Title 19, Delaware Code, To Make the State Treasurer the Treasurer and Custodian of the Unemployment Compensation Fund and Special Administration Fund.

HB 449 - CAIN - COMMUNITY AFFAIRS: An Act to Reincorporate the City of Delaware City. (2/3 bill)

HB 450 - LYNCH - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Purpose of Installing Traffic Signal Control Equipment at the Roxana Volunteer Fire Company, Roxana, Delaware.

HS 1 for HB 320 - ANDERSON, GORDY - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation.

HA 1 to HB 188 - CAIN - Placed with the bill.

HA 13 to HB 300 - MINNER - Placed with the bill.

HA 14 to HB 300 - CAIN - Placed with the bill.

HA 1 to HB 399 - HEBNER - Placed with the bill.

SB 184 - MARTIN - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 36 of Title 24, Delaware Code, Relating to the Registration of Professional Geologists.

SB 228 - ZIMMERMAN - EDUCATION: An Act to Permit the Capital School District to Transfer Certain Funds from its Debt Service Account to its Capital Improvement Account.

SB 252 - ARNOLD - EDUCATION: An Act to Amend Chapter 14, Part I, Title 14 of the Delaware Code Relating to Procedures for the Termination of Services of Professional Employees.

SS 1 for SB 230 - COOK - EDUCATION: An Act to Permit the Board of Education of the Smyrna Reorganized School District to Transfer Certain Funds from its Debt Service Account to its Current Operating Account.

Representative Worthen deferred HB 302 and yielded to Representative Gilligan.

Representative Gilligan brought HB 407 before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Charles Oberly, Deputy Administrator of the Department of Justice.

Representative Gilligan requested and was granted the privilege of the floor for Mrs. Frances Quigley, a private citizen from Midvale, New Castle, Delaware

Representative Gilligan introduced and brought HA 1 to HB 407 before the House for consideration. HA 1 to HB 407 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 3:43 p.m.

The House was called to order at 4:12 p.m.

Representative Plant requested and was granted the privilege of the floor for Attorney John Grady, representing Delmar News.

Representative Jonkiert rose on a point of order because Mr. Grady was representing a specific company and was not registered as a lobbyist with Legislative Council, and, therefore, Representative Jonkiert wanted the privilege of the floor withdrawn. Mr. Speaker concurred.

Representative Plant moved for a five minute recess at 4:18 p.m. The motion was seconded by Representative Gordy and adopted by voice vote.

The House was called to order at 4:27 p.m.

Mr. John Grady was granted the privilege of the floor since he was now a registered lobbyist with Legislative Council.

Representative Gilligan moved to place HB 407 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Loughney deferred HB 374 w/HA 1,2 to the end of the Agenda and yielded to Representative Gilligan.

Representative Gilligan brought HB 408 before the House for consideration.

HB 408 - An Act to Amend Title II of the Delaware Code by Providing for a Minimum Sentence for a Second Obscenity Offense.

Representative Gilligan introduced and brought HA 1 to HB 408 before the House for consideration. HA 1 to HB 408 was adopted by voice vote.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Oberle from the Attorney General's office.

The roll call on HB 408 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NOT VOTING: Representative Miller - 1.

ABSENT: Representative Darling - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House of Representatives, HB 408 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 327 and yielded to Representative Byrd.

Representative Byrd brought HB 357 before the House for consideration.

Representative Byrd moved to table the roll call on HB 357. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch moved to lift HB 97 w/HA 1,2 from the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Lynch yielded to Representative Connor.

Representative Connor brought HA 1 before the House for consideration. HA 1 to HB 97 was adopted by voice vote.

Representative Lynch brought HA 2 before the House for consideration. HA 2 to HB 97 was adopted by voice vote.

Representative Lynch introduced and brought HA 3 before the House for consideration. HA 3 to HB 97 was adopted by voice vote.

Representative Lynch introduced and brought HA 4 before the House for consideration. HA 4 to HB 97 was adopted by voice vote.

Representative Lynch introduced and brought HA 5 before the House for consideration.

Representative Lynch requested and was granted the privilege of the floor for C. Kenneth Carter, Chairman of the State Board of Professional Land Surveyors.

HA 5 to HB 97 was adopted by voice vote.

Representative Lynch requested and was granted the privilege of the floor for Mr. C. Kenneth Carter.

Representative Lynch requested and was granted the privilege of the floor for House Attorney, John Rich.

Representative Lynch moved to place HB 97 w/HA 1,2,3,4,5 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Morris brought HB 388 before the House for consideration.

HB 388 - An Act to Amend Chapter 13, Title 10, Delaware Code, Relating to Certain Fees Received by the Court of Common Pleas.

The roll call on HB 388 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Johnson, Roy - 2.

Therefore, having received a constitutional majority, HB 388 was sent to the Senate for concurrence.

Representative Plant moved to suspend the rules for the purpose of introducing and acting on HJR 22. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant brought HJR 22 before the House for consideration.

HJR 22 - Requesting the Division of Public Health of the Department of Health and Social Services to Institute a Policy and Program to Gradually Phase-Out Residential Privy Houses.

The roll call on HJR 22 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, Byrd, Connor, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Oberle, Plant, Powell, Rispoli, Roy, Smith, Temple, Worthen - 25.

NO: Representatives W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, Gordy, Lynch, Miller, Minner, Morris, Riddagh, Ridings, Vernon, Mr. Speaker Boulden - 15.

NOT VOTING: Representative Sincock - 1.

Therefore, having received a constitutional majority, HJR 22 was sent to the House for concurrence.

Representative Ambrosino introduced and brought HR 76 before the House for consideration.

HR 76 - Commending Jack Ramsey (Dr. John T. Ramsey, Jr.), Former Coach and General Manager of the Philadelphia Seventy-Sixers, Buffalo Braves, St. Joseph's College, St. James High School and Mt. Pleasant High School, Who is Presently Head Coach of the World Champions of Professional Basketball, the Portland Trailblazers.

HR 76 was adopted by voice vote.

Representative Worthen introduced and brought SCR 37, co-sponsored by Senators Cordrey and Berndt, before the House for consideration.

SCR 37 - Requesting the Chairman of the Subcommittee on Revenue Estimates of the Governor's Economic Advisory Council to Call a Special Meeting of the Subcommittee Before the Regular Meeting of the Council on Monday, June 13, 1977, at 3:30 p.m.

SCR 37 was adopted by voice vote.

Representative Rispoli moved to suspend the rules for the purpose of introducing and acting on SJR 24. The motion was adopted by voice vote.

Representative Rispoli brought SJR 24, sponsored by Senator Martin, before the House for consideration.

SJR 24 - Directing the Division of Economic Development to Report to the General Assembly on its Efforts to Bring Business and Industry to Delaware.

The roll call on SJR 24 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 31.

NOT VOTING: Ambrosino, Billingsley, T. Brady, Burris, Ridings, Sincock, Vernon - 7.

ABSENT: Representatives Lynch, Matushefske, Smith - 3.

Therefore, having received a constitutional majority, SJR 24 was returned to the Senate.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on SB 283.

Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Ferguson brought SB 283, co-sponsored by Senators Kearns, Sharp and Representatives Ferguson and Matushefske, before the House for consideration.

SB 283 - An Act Relating to Penalties for Failure to Pay Sewer Service Charges Due to New Castle County.

Representative Ferguson requested and was granted the privilege of the floor for House Attorney John Rich.

The roll call on SB 283 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 35.

NO: Representatives Burris, McKay, Sincock, Vernon - 4.

ABSENT: Representatives Clendaniel, Lynch - 2.

Therefore, having received a constitutional majority, SB 283 was returned to the Senate.

Representative Bennett introduced and brought SCR 35, sponsored by Senator Kearns before the House for consideration.

SCR 35 - Recommending that the State of Delaware Negotiate with the United States Postal Service for the Purchase of the Wilmington Downtown Post Office Property, and that Funds for this Purpose be Placed in the Fiscal 1978 Bond Bill.

Representative Byrd moved to place SCR 35 in Administrative Services Committee. The motion was seconded by Representative Billingsley.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling,

Hebner, Kelly, Loughney, McKay, Miller, Minner, Oberle, Powell, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Bennett, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Matushefske, Maxwell, Morris, Plant, Riddagh, Rispoli, Temple - 14.

ABSENT: Representatives Clendaniel, Lynch - 2.

Therefore, having received a constitutional majority, the motion passed and SCR 35 was placed in the Administrative Services Committee.

Representative Bennett introduced and brought SCR 36, sponsored by Senator Holloway, before the House for consideration.

SCR 36 - Relating to Rental of Space in the State Office Building in Wilmington, Delaware.

The roll call on SCR 36 was taken and revealed:

YES: Representatives Bennett, T. Brady, Cain, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Sincok, Vernon, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Byrd, Connor, Hebner, Ridings, Roy, Smith, Worthen - 12.

NOT VOTING: Representatives McKay, Temple - 2.

ABSENT: Representatives Clendaniel, Lynch, Maxwell - 3.

Therefore, having received a constitutional majority, SCR 36 was returned to the Senate.

Representative McKay introduced HB 451, co-sponsored by Representative Gordy.

HB 451 - An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to the Definition of "Heavy Industry" in the Coastal Zone Act.

Mr. Speaker assigned HB 451 to the Labor and Commerce Committee.

Representative McKay introduced HB 452, co-sponsored by Representative Gordy.

HB 452 - An Act to Amend Chapter 70, Title 7, Delaware Code Relating to Pipelines in the Coastal Zone.

Mr. Speaker assigned HB 452 to the Labor and Commerce Committee.

Representative Matushefske introduced HB 453.

HB 453 - An Act to Amend Chapter 25, Title 21, Delaware Code, Relating to Transfer of Ownership of House Trailers, Mobile Homes and Modular Homes.

Mr. Speaker assigned HB 453 to the Public Safety Committee.

The House recessed for Committee hearings at 6:50 p.m.

Committee reports:

Constitution: HB 263 - 5M.

Public Safety: HB 395 - 6M; HB 401 - 5M, 1UF; HB 412 - 6M; HB 424 - 6M; HB 447 - 6M; SB 259 - 5F.

House Administration: HB 409 - 5M; HB 419 - 4M; SB 237 - 4M.

Appropriations: HB 417 - 4M, 1UF.
 House Administration: HB 445 - 4M, 1UF.
 Community Affairs: HB 449 - 4M.
 Judiciary: SB 52 - 1F, 3M.

Representative Jonkiert moved to recess to the call of the Chair at 7:00 p.m.

42nd LEGISLATIVE DAY

June 14, 1977

The Speaker called the House to order at 2:22 p.m. The Majority Leader moved to adjourn at 2:22 p.m., thereby ending the previous legislative day. The House reconvened at 2:23 p.m. A prayer was offered by Representative J. Edward Morris, 34th District.

The Speaker led those present in a salute to the Flag.
 The Chief Clerk called the roll.
 Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed:
SB 134 w/SA 1; SB 283; SCR 37.

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June 8, 1977

LEGISLATIVE ADVISORY # 13

From: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/6/77: HB 92 a/a/b SA 2. 6/7/77: SJR 18; SB 54; SB 93 a/a/b SA 1; SB 146; SB 88; SB 189. 6/8/77: HB 157 a/a/b HA 2; HB 383 a/a/b HA 1; HB 382 a/a/b HA 3; HB 161 a/a/b HA 2; HB 162 a/a/b HA 2; HB 160. The Governor vetoed the following bill: HB 260 6/7/77.

Committee Reports:

Labor and Commerce: HB 392 - 5M; HB 441 - 5M; HB 442 - 1F, 4M; HB 443 - 4F, 1M; HB 446 - 1F, 4M; HB 448 - 3F, 2M; HB 451 - 5F; HB 452 - 5F.

The following prefiled legislation was introduced:

HB 454 - RIDDAGH - REVENUE & FINANCE: An Act to Amend Title 30, Delaware Code, Relating to Itemized Income Tax Deductions to Allow a Deduction for Certain Household and Dependent Care Expenses.

HB 455 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Part II, Title 30 of the Delaware Code Relating to State Taxes; and Imposing on Tenants the Real Property and School Taxes Levied Against Rented Residential Property in Order to Permit Tenants to Claim a Deduction for Real Property Taxes under Federal Tax Law.

HB 456 - KELLY - NATURAL RESOURCES: An Act to Amend Subchapter I, Chapter 47, Title 7, Delaware Code Relating to Park and Recreation Fees for Participants in the Community Mental Retardation Program.

HB 457 - BILLINGSLEY - APPROPRIATION: An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to Other Employment Costs (Fringe Benefits).

HB 458 - BENNETT - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Department of Administrative Services, for Operational Costs for Fiscal Year 1977.

HB 459 - GORDY - HIGHWAYS & TRANSPORTATION: An Act Making a Supplementary Appropriation to the Department of Transportation to Pay the Automobile Repair Cost Incurred by Eskol Mariner, Jr. as the Result of an Accident on the Poplar Street Bridge at Laurel, Delaware.

HB 460 - GORDY - PUBLIC SAFETY: An Act to Amend Chapter 45, of Title 21, Delaware Code Relating to Law Enforcement Weighing Procedures and Equipment.

HB 461 - JONKIERT - HOUSE ADMINISTRATION: An Act to Amend Chapter 75, Title 15, of the Delaware Code Relating to Municipal Elections.

HB 462 - DARLING - NATURAL RESOURCES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Authorizing the Department of Natural Resources and Environmental Control to Require Certification and Insurance for Conducting Percolation Tests for Septic Tank Systems.

HJR 23 - MINNER - PUBLIC SAFETY: In Recognition of the Fiftieth Anniversary of the Magnolia Volunteer Fire Company and Extending Congratulations and Best Wishes to the Many Citizens of the Town of Magnolia Who have Helped to Make the Fifty Year History of the Magnolia Volunteer Fire Company a Typical Success Story.

HA 1 to SB 182 - MORRIS - Placed with the bill.

HA 1 to SB 192 - AMBROSINO - Placed with the bill.

HA 1 to HB 302 - WORTHEN - Placed with the bill.

HA 2 to HB 347 - T. BRADY - Placed with the bill.

HA 1 to HB 348 - GILLIGAN - Placed with the bill.

HA 2 to HB 365 - ANDERSON - Placed with the bill.

HA 1 to HB 380 - BILLINGSLEY - Placed with the bill.

HA 2 to HB 380 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 417 - AMBROSINO, RIDINGS - Placed with the bill.

HA 2 to HB 417 - RIDINGS, AMBROSINO - Placed with the bill.

HA 3 to HB 417 - RIDINGS, AMBROSINO - Placed with the bill.

SB 134 w/SA 1 - CICONI - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Public Safety, Division of State Police.

Representative Jonkiert moved to recess for caucus at 2:28 p.m.

The House was called to order at 5:08 p.m.

Representative Minner introduced and brought HR 77 before the House for consideration.

HR 77 - Commending the William T. Chipman Junior High School Band and the Director, Alex B. Becton, for their Continued Excellence in Competition.

HR 77 was adopted by voice vote.

Representative Sincock moved to suspend the rules for the purpose of introducing and acting on HB 463. The motion was adopted by voice vote.

Representative Sincock brought HB 463, co-sponsored by Representative George, before the House for consideration.

HB 463 - An Act Making A Supplemental Appropriation to the Department of Community Affairs and Economic Development to Meet Payments of Principal of and Interest on Certain Industrial Revenue Bonds Issued to Assist Kewa Metal Salts, Inc. and Guaranteed by the State of Delaware.

The roll call on HB 463 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NOT VOTING: Representatives Burris, Clendaniel - 2.

Therefore, having received a constitutional majority, HB 463 was sent to the Senate for concurrence.

Representative Loughney moved to lift HB 107 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Loughney moved to strike HB 107. Without objection, HB 107 was stricken.

Representative Morris moved to lift SB 182 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Morris brought SB 182 w/HA 1 before the House for consideration.

SB 182 - An Act to Amend Chapter 83, Title 11, Delaware Code, Relating to Disposition of Lost or Stolen Property.

Representative Morris requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Morris brought HA 1 to SB 182 before the House for consideration. The amendment was adopted by voice vote.

The roll call on SB 182 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 41.

Therefore, having received a constitutional majority, SB 182 w/HA 1 was returned to the Senate for action on the amendment.

Representative Worthen moved to lift HB 347 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 347 - An Act to Amend Chapter 14, Title 2 of the Delaware Code, Relating to the Delaware Turnpike and Nonannexation.

Representative Worthen yielded to Representative T. Brady. Representative T. Brady brought HA 2 to HB 347 before the House for consideration. The amendment was adopted by voice vote.

The roll call on HB 347 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 41.

Therefore, having received a constitutional majority, HB 347 w/HA 1, 2 was sent to the Senate for concurrence.

Representative Temple moved to suspend the rules for the purpose of introducing and acting on HB 464. The motion was adopted by voice vote.

Representative Temple introduced and brought HB 464 before the House for consideration.

HB 464 - An Act to Restore for a Six-Month Period the Salary Supplement for State Employees Rescinded by House Bill No. 172, Also Known as Chapter 20, Volume 61, Laws of Delaware.

Representative Temple requested and was granted the privilege of the floor for Mr. Duane Olsen, Controller General.

Representative George moved to recess for a caucus at 5:52 p.m. The motion was seconded by Representative Miller and adopted by voice vote.

The House was called to order at 6:14 p.m.

Representative Sincok requested and was granted the privilege of the floor for Mr. Duane Olsen.

The Reading Clerk read the following corrected fiscal note for HB 464 into the record:

129th General Assembly

First Session - 1977

Fiscal Note

BILL: House Bill No. 464

SPONSOR: Representative Temple

DESCRIPTION: To restore the April 1, 1977, COLA for State Employees.

Assumptions:

1. COLA due April 1, 1977, is 2.094%
2. COLA will increase from 5.076% to 7.170%.

3. Fringe benefits included.

FY 1977: Cost	\$1,100,000
FY 1978: Cost	<u>\$4,500,000</u>
FY 1979: Cost	<u>\$4,500,000</u>

Office of the Controller General

June 14, 1977

Representative Ridings moved to place HB 464 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Billingsley, T. Brady, Burris, Hebner, McKay, Miller, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 13.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Plant, Powell, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 28.

Therefore, not having received a constitutional majority, the motion lost and HB 464 remained before the House.

Representative Ridings requested and was granted the privilege of the floor for House Attorney John Rich.

The House recessed at 6:34 for the purpose of changing the audio tape and reconvened at 6:35 p.m.

Representative Temple moved to recess at 6:36 p.m. The motion was seconded by Representative Plant, and adopted by voice vote.

The House was called to order at 6:44 p.m.

House Attorney John Rich stated that it was his opinion that the title of HB 464 was not in order; therefore the bill is defective.

Representative Temple moved to strike HB 464. Without objection, HB 464 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 6:45 p.m.

43rd LEGISLATIVE DAY

June 15, 1977

The Speaker called the House to order at 2:03 p.m.

Committee Reports:

Banking & Insurance: HB 394 - 1F, 5M.

Environmental Control: SB 251 - 4M.

Constitution: SB 187 - 6M.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m. A prayer was offered by Representative Al O. Plant from the Second Representative District.

The Speaker led those present in a salute to the Flag.
The Chief Clerk called the roll.
Members present: 41.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following award certificate into the record:

CERTIFICATE OF AWARD

This Certifies that Representative Al. O. Plant of Northeast-Alliance-of Ministers, Business, Citizens and Community Workers has been awarded this certificate for Outstanding Service to Improve the Community.

Date: May 18, 1977
Reverend George Eggleston Harry L. Gardner
Chairman Secretary

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Communications:
June 14, 1977

To the Delaware State
House of Representatives
of the 129th General Assembly
of the State of Delaware

On June 2, 1977, I received House Bill No. 183, entitled as follows:

"AN ACT TO AMEND CHAPTER 431, VOLUME 60, LAWS OF DELAWARE. RELATING TO PUBLIC HEARINGS ON APPLICATIONS TO CHANGE THE FUEL ADJUSTMENT RATE."

I am returning House Bill No. 183 without my signature because it does away with one of the effective tools available to consumers to protest increases in their electric bills caused by changes in the fuel adjustment charge.

House Bill 183 repeals a section of the Delaware Code, enacted only one year ago, which requires public hearings on applications by utility companies to change the fuel adjustment charge.

In addition to requiring a public hearing, that section provides two other important protections for customers of Delaware utilities: first, it requires that any change in the fuel adjustment charge be approved by a majority vote of the Public Service Commission and second, it requires public notice of any hearing on changes in the fuel adjustment charge.

Without these provisions, Delaware consumers would have no effective notice of fuel adjustment charge increases until they receive their bills and would have no guaranteed opportunity to be heard by the Commission before the charges took effect. Moreover, there would be no assurance that any increases receive the attention of the Public Service Commission.

The protections which House Bill 183 would strike were enacted only one year ago. That earlier legislation was adopted by the House of Representatives on an affirmative vote of 37 members. Yet House Bill 183 would now remove these provisions designed to protect Delaware consumers.

The preamble to the legislation which House Bill 183 would repeal states the finding of the General Assembly that the fuel charge has been applied by utilities "with only pro forma approval by the Public Service Commission without benefit of the adversary proceedings normally required for rate changes." The Legislature also declared that public hearings are necessary so that "the public may know of impending changes in the utility rate and may offer evidence."

I am sympathetic to the concern over the cumbersome bureaucratic procedures that the present law seems to require; I would hope that some mechanism could be devised to avoid them. But at the present time, in my opinion, Delaware consumers would not be well-served by a return to the situation and procedures described in this preamble. I am therefore returning this legislation without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

The Senate wishes to inform the House that it has passed:
SCR 40; SB 3; SB 275; SB 276; SB 122 w/SA 2; HB 342 w/HA 1;
HB 354; HB 463; SCR 38; SCR 39.

Representative Anderson introduced and brought HR 78 before the House for consideration.

HR 78 - Expressing the Sorrow of the House of Representatives at the Death of a Former Member, Ralph Edmanson, of Newark.

HR 78 was adopted by voice vote.

Representative Matushefske introduced and brought SCR 39, co-sponsored by Senators Kearns, McCullough and Spence and Representatives Matushefske, Boulden, Ferguson and Connor, before the House for consideration.

SCR 39 - Extending Congratulations to the William Penn High School Baseball Team for Capturing the 1977 Delaware High School Baseball Championship.

SCR 39 was adopted by voice vote and returned to the Senate.

Representative Gordy introduced and brought SCR 38, sponsored by Senator Cordrey, before the House for consideration.

SCR 38 - Marking the 200th Anniversary of the Stars and Stripes as the Flag of the United States.

SCR 38 was adopted by voice vote and returned to the Senate.

Representative Byrd introduced and brought SCR 40, sponsored by Senator Sharp, before the House for consideration.

SCR 40 - Expressing Congratulations to the Building and Construction Trades Department of the AFL-CIO on the 40th Anniversary of the National Apprenticeship Act.

SCR 40 was adopted by voice vote and returned to the Senate.

Representative Jonkiert introduced HB 481, co-sponsored by Representative Sincock and Senators Cordrey, Berndt and Knox.

HB 481 - An Act Amending Chapter 64, Title 7, and Chapter 58, Title 29, Delaware Code, Relating to the Delaware Solid Waste Authority Authorizing Said Authority to Finance Solid Waste Disposal and Resources Recovery Systems Within the State Establishing Sources of Credit for Such Financing Providing for the Issuance of Bonds and Notes for Such Purpose, Authorizing the Appointment of a Trustee for Bond Holders, and Provide for Situations Involving Conflicts of Interest.

Mr. Speaker assigned HB 481 to House Administration Committee.

The following prefiled legislation was introduced:

HB 465 - BOULDEN, MATUSHEFSKE, SENATORS MCCULLOUGH, KEARNS - HOUSE ADMINISTRATION: An Act to Permit the De La Warr School District to Transfer Certain Funds from its Local Minor Capital Improvement and Local Debt Service Accounts to its Local Current Operating Account.

HB 466 - MINNER, SINCOCK - PUBLIC SAFETY: An Act to Amend Chapter 51, Subchapter II, Title 30, Delaware Code, Relating to Special Fuel.

HB 467 - FERGUSON, JONKIERT, MATUSHEFSKE, RISPOLI, BYRD, AMBROSINO, CONNOR - ADMINISTRATIVE SERVICES: An Act to Amend Title 28 of the Delaware Code; and Providing for the Regulation, Control and Licensing of Dog Racing in the State of Delaware.

HB 468 - KELLY, OBERLE, FERGUSON, GILLIGAN, ANDERSON, W. BRADY, SENATOR CICIONE - JUDICIARY: An Act to Amend Chapter 5, Subchapter V, Title 11 of the Delaware Code Relating to Sexual Exploitation of Children and Dealing in Material Depicting Children Engaging in Sexual Activity.

HB 469 - LYNCH - HOUSE ADMINISTRATION: An Act Authorizing and Directing the Board of Pension Trustees to Accept, Process and Grant a Service Pension to Mrs. Ethel E. Quillen, an Employee with the Department of Natural Resources and Environmental Control; and Providing a Supplementary Appropriation Therefor.

HB 470 - FERGUSON, POWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 69, Part VI, Title 29, of the Delaware Code Relating to the Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

HB 471 - CAIN - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan and the Definition of "Credited Service".

HB 472 - BILLINGSLEY, OBERLE - EDUCATION: An Act to Amend Delaware Code, Title 14 to Provide that All Public School Districts will be Served by Elected Boards of Education.

HB 473 - MORRIS, MINNER - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 11, Title 28, Delaware Code, Relating to

Bingo, by Qualifying Those Who Are Eligible for the Grand Prize.

HB 474 - LYNCH - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Installing Traffic Signal Control Equipment at the Roxana Volunteer Fire Company, Roxana, Delaware.

HB 475 - T. BRADY, LOUGHNEY, SMITH - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Tax Credits.

HB 476 - PLANT - COMMUNITY AFFAIRS: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays, to Establish Martin Luther King's Birthday as a Legal Holiday.

HB 477 - HEBNER - JUDICIARY: An Act to Amend Section 927, Title 10, Delaware Code Relating to Family Court Jurisdiction over Motor Vehicle Violations. (2/3 bill)

HB 478 - OBERLE - HOUSE ADMINISTRATION: An Act Proposing an Amendment to Section 5502, Chapter 55, Title 29, Relating to Employment of Pensioners.

HB 479 - AMBROSINO - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Right to Appeal a Decision of the School Board of a Reorganized School District.

HB 480 - T. BRADY - CORRECTIONS: An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Known as the "Annual Capital Improvements Act of 1977" and Chapters 718 and 719, Volume 60, Laws of Delaware, Which Authorized the Transfer of Funds from the School Bond Reversion Act to the Department of Correction, for the Purpose of Authorizing the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

HA 1 to HB 82 - DARLING, RIDDAGH - Placed with the bill.

HA 2 to HB 207 - KELLY - Placed with the bill.

HA 1 to HB 392 - MINNER - Placed with the bill.

HA 1 to HB 414 - MAXWELL - Placed with the bill.

HA 1 to HB 427 - MAXWELL - Placed with the bill.

HA 1 to HB 430 - MAXWELL - Placed with the bill.

HA 1 to HB 434 - BENNETT - Placed with the bill.

HA 1 to HB 435 - BENNETT - Placed with the bill.

HA 1 to HB 437 - BENNETT - Placed with the bill.

HA 1 to HB 438 - BENNETT, BURRIS, SINCOCK, VERNON - Placed with the bill.

SB 3 - SHARP - JUDICIARY: An Act to Amend Subchapter III, Subpart A, Chapter 5, Title 11, Delaware Code Relating to Burglary.

SB 122 w/SA 2 - MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 17, Title 2, Delaware Code Relating to Specialized Transportation Authority.

SB 275 - ZIMMERMAN - PUBLIC SAFETY: An Act to Amend Chapter 43, Part III, Title 21 of the Delaware Code Relating to the

Equipment and Construction of Vehicles; and Providing for the Use of Blue Lights on Vehicles Used by Law Enforcement Agencies and Personnel.

SB 276 - ZIMMERMAN - HOUSE ADMINISTRATION: An Act to Amend Chapter 68, Part VI, Title 29 of the Delaware Code Relating to State Purchases and Supplies; and Permitting Delaware Volunteer Fire Companies to Utilize the Services of the State Division of Purchasing.

Representative Jonkiert moved to recess for caucus at 2:28 p.m.

The House was called to order at 6:05 p.m.

Representative George moved to suspend the agenda rules for the purpose of considering HB 385. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincock moved to table the roll call on HB 385. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Anderson, Cain, George, Loughney - 4.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives Johnson, Lynch - 2.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HB 385 was tabled.

Representative Riddagh moved to suspend the rules for the purpose of introducing and acting on HB 482. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Riddagh brought HB 482 before the House for consideration.

HB 482 - An Act to Permit Marriage of Two Former Delaware Citizens Prior to the Expiration of Ninety-Six (96) Hours from the Issuance of a Marriage License.

The roll call on HB 482 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

NO: Representative Loughney - 1.

ABSENT: Representatives Johnson, Lynch - 2.

Therefore, having received a constitutional majority, HB 482 was sent to the Senate for concurrence.

Representative Byrd moved to lift HB 357 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Byrd moved to rescind the roll call on HB 357. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske introduced and brought HA 1 before the House for consideration.

Representative Byrd moved to place HB 357 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell introduced HB 483, co-sponsored by Representative Worthen.

HB 483 - An Act to Amend Part I, Title 31 of the Delaware Code Relating to the Establishment of Multi-Purpose Service Programs for Displaced Homemakers and Making Appropriation Therefor.

Mr. Speaker assigned HB 483 to Health and Social Services Committee.

Representative Boulden introduced and brought HR 79, co-sponsored by Representatives Jonkiert and Gordy, before the House for consideration.

HR 79 - Expressing the Appreciation of the House of Representatives for the Generous Invitation from Ruly Carpenter to Attend the Phillies Game on Friday, June 17, 1977.

HR 79 was adopted by voice vote.

Representative Matushefske introduced HB 484, co-sponsored by Senator Kearns.

HB 484 - An Act to Amend Chapter 53 and Chapter 59, Title 11, Delaware Code, Relating to Preliminary Hearings.

Mr. Acting Speaker Jonkiert assigned HB 484 to the Judiciary Committee.

Representative Miller introduced HB 485.

HB 485 - An Act to Amend Chapter 1, Title 13, Delaware Code, Relating to Void Marriages.

Mr. Acting Speaker Jonkiert assigned HB 485 to the Judiciary Committee.

Representative Miller introduced HB 486.

HB 486 - An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Temporary Alimony in Divorce and Annulment Actions.

Mr. Acting Speaker Jonkiert assigned HB 486 to the Judiciary Committee.

Mr. Acting Speaker Jonkiert moved to recess for committee hearings at 6:28 p.m.

The House was called to order at 6:36 p.m.

Committee Reports:

Judiciary: HB 299 - 4M.

Highways and Transportation: HB 355 - 1F, 5M.

House Administration: HB 381 - 5M; HB 384 - 5M;

HB 461 - 5M; HB 481 - 5M.

Appropriations: HB 418 - 6M; HB 458 - 4M, 1U; SB 134 - 6M; SB 199 - 5M, 1U.

Administrative Services: HB 440 - 5M; SB 184 - 4M, 1U; SCR 35 - 5M, 1U.

Public Safety: HB 453 - 6M; HB 460 - 5M; HB 466 - 1F, 5M;
HJR 23 - 2F, 4M.

Representative Darling moved to strike HB 244 and HB 88.
 Without objection, HB 244 and HB 88 were stricken.

Representative Boulden moved to recess to the call of
 the Chair at 6:40 p.m.

44th LEGISLATIVE DAY

June 16, 1977

The Speaker called the House to order at 2:04 p.m. The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m. A prayer was offered by the Chaplain, Reverend Wayne Trout of the First United Pentecostal Church, Dover, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 40

Member absent: Representative Lynch - 1.

The minutes of the previous legislative day were approved as posted.

Communications:

June 15, 1977

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/10/77: HB 322; HCR 32; HB 323 a/a/b HA 1. HB 69 (Second leg of Constitutional Amendment, no signature required). 6/14/77: HB 362; HB 76. 6/15/77: HB 463; HB 342 a/a/b HA 1; HB 354.

The Governor vetoed the following bill: HB 183 - 6/14/77.

- - - - -

The Senate wishes to inform the House that it has passed: HB 279; SB 245; HB 324; SB 242; HB 415.

The following prefiled legislation was introduced:

HB 487 - LYNCH - EDUCATION: An Act to Amend Chapter 34, Title 14 of the Delaware Code Relating to Higher Education Scholarships.

HB 488 - MATUSHEFSKE, SENATOR KEARNS - JUDICIARY: An Act to Amend Chapter 98, Title 10, Delaware Code, Relating to Costs for Issuance of Civil or Criminal Subpoena.

HB 489 - MAXWELL - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 51, Part IV, Title 31 of the Delaware Code Relating to Training Schools for Delinquent Children; and Re-Designating the Present Ferris School for Boys.

HB 490 - MATUSHEFSKE, SENATOR KEARNS - JUDICIARY: An Act to Amend Chapter 41, Title 11, Delaware Code, Relating to Sentences for Contempt of Court.

HB 491 - BILLINGSLEY, OBERLE - EDUCATION: An Act to Amend Delaware Code, Title 14, as that Title Relates to Vocational Technical Schools or Centers and Vocational Technical School Districts and Tuition Payments for Certain Vocational Students.

HB 492 - MATUSHEFSKE, SENATOR KEARNS - JUDICIARY: An Act to Amend Chapter 98, Title 10, Delaware Code, Relating to Costs of Conveying Prisoners and Preparing Bonds.

HA 6 to HB 97 - OBERLE - Placed with the bill.

HA 16 to HB 300 - TEMPLE - Placed with the bill.

HA 17 to HB 300 - BENNETT, CLENDANIEL, GILLIGAN, TEMPLE - Placed with the bill.

HA 18 to HB 300 - MINNER - Placed with the bill.

HA 19 to HB 300 - MINNER, SENATOR COOK - Placed with the bill.

HA 20 to HB 300 - RIDDAGH - Placed with the bill.

HA 21 to HB 300 - WORTHEN - Placed with the bill.

HA 22 to HB 300 - WORTHEN - Placed with the bill.

HA 2 to HB 407 - SINCOCK - Placed with the bill.

HA 1 to HB 429 - MATUSHEFSKE - Placed with the bill.

SB 242 - MCDOWELL - ENERGY - An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to County and Municipal Taxes; and Providing Restrictions in the Assessment of Buildings Improved by the Installation of Energy Conservation Improvements.

SB 245 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 59, Title 18, Delaware Code Relating to Liquidation of Domestic Insurers.

SJR 21 - HUGHES, CICIONE, REPRESENTATIVES SINCOCK, BOULDEN, BENNETT, MCKAY - HOUSE ADMINISTRATION: Memorializing Congress and the Executive Branch of the Federal Government Against United States Relinquishment of its Sovereignty Over the Panama Canal and the Panama Canal Zone on the Isthmus of Panama.

Representative Jonkiert moved to recess for caucus at 2:16 p.m.

The House was called to order at 4:30 p.m.

Representative Byrd moved to lift HB 357 w/HA 1 from the Speaker's table. The motion was seconded by Representative Miller and adopted by voice vote.

HB 357 - An Act to Amend Chapter 7, Title 4, Delaware Code, Relating to the Sale of Alcoholic Liquor.

Representative Byrd yielded to Representative Matushefske.

Representative Matushefske moved to strike HA 1. Without objection, HA 1 to HB 357 was stricken.

Representative Matushefske introduced and brought HA 2 before the House for consideration. HA 2 to HB 357 was adopted by voice vote.

The roll call on HB 357 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, Byrd, Cain, Darling, Ferguson, George, Gordy, Johnson, Jonkiert,

Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Mr. Speaker Boulden - 25.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Clendaniel, Connor, Gilligan, Hebner, Kelly, McKay, Smith, Vernon, Worthen - 13.

ABSENT: Representatives Burris, Lynch, Ridings - 3.

Therefore, having received a constitutional majority, HB 357 w/HA 2 was sent to the Senate for concurrence.

Representative Gilligan moved to lift HB 407 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 407 - An Act to Amend Title 24 of the Delaware Code by Providing for the Licensing of Massage Establishments and Adult Book Stores.

Representative Gilligan yielded to Representative Sincok.

Representative Sincok brought HA 2 before the House for consideration. HA 2 to HB 407 was adopted by voice vote.

Representative Matushefske moved to suspend Section C of Rule 23 of the Rules of the House. The motion was seconded by Representative Loughney and adopted by voice vote.

Representative Billingsley requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Loughney withdrew his second to the motion to suspend Section C of Rule 23 of the Rules of the House.

Representative Matushefske withdrew his motion to suspend Section C of Rule 23 of the Rules of the House.

Representative Matushefske moved to suspend Rule 23 of the House Rules. The motion was seconded by Representative Loughney.

Representative Jonkiert requested that Rule 23 be read into the record.

The Reading Clerk read the following into the record:

"Rule 23 - Amendments. (a) Every bill and resolution may be amended at any time before final action is taken.

(b) No title of a bill or resolution, however, may be changed except for typographic error."

Representative Cain rose on a Point of Order because Rule 23 as read into the record was not from the current House Rules. Mr. Speaker concurred with Representative Cain.

Representative Cain requested that Rule 23 from the current Rules be read into the record. The Reading Clerk read the following:

"Rule 23 - Amendments. (a) Every bill and resolution may be amended at any time before final action is taken.

(b) When an amendment to an original bill significantly changes the nature and intent of the original bill, such amendment shall contain a brief synopsis outlining the

basic changes incurred. (c) No title of a bill or resolution, however, may be changed except for typographical errors.

The roll call on the motion to suspend Rule 23 of the House Rules was taken and revealed:

YES: Representatives Bennett, Cain, Clendaniel, Darling, George, Gordy, Hebner, Johnson, Jonkiert, Loughney, Matushefske, Miller, Minner, Plant, Ridings, Rispoli, Temple - 17.

NO: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Ferguson, Gilligan, Kelly, Maxwell, Morris, Roy, Worthen, Mr. Speaker Boulden - 13.

NOT VOTING: Representatives T. Brady, Byrd, Connor, McKay, Oberle, Powell, Riddagh, Sincok, Smith, Vernon - 10.

ABSENT: Representative Lynch - 1.

Therefore, not having received a constitutional majority, the motion was defeated and Rule 23 remained in effect.

Representative Gilligan yielded to Representative Billingsley.

Representative Billingsley requested and was granted the privilege of the floor for Deputy Attorney General Charles Oberly.

Representative Gilligan requested and was granted the privilege of the floor for the Reverend John R. Flinn of the Catholic Diocese of Wilmington.

Representative Hebner introduced and brought HA 3 to HB 407 before the House for consideration. HA 3 to HB 407 was adopted by voice vote.

Representative Ferguson introduced and brought HA 4, co-sponsored by Representative Billingsley, before the House for consideration. The amendment was adopted by voice vote.

Representative Hebner requested and was granted the privilege of the floor for Mr. William Hold, representing Delaware Professional Massage Owner's Association.

The roll call on HB 407 w/HA 2,3,4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Lynch - 1.

Therefore, having received a constitutional majority, HB 407 w/HA 2,3,4 was sent to the Senate for concurrence.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on HJR 24.

The House recessed at 6:25 p.m. and reconvened at 6:27 p.m.

The motion to suspend the rules was adopted by voice vote.

Representative Maxwell brought HJR 24, co-sponsored by Representatives Maxwell, Worthen, Byrd, Roy, Oberle and Ridings and Senators Cicione, Spence, Hughes, McCullough and Sharp, before the House for consideration.

HJR 24 - To Provide an Opportunity for the General Assembly to Review the Plan of the State Board of Education Which is to be Submitted to the United States District Court in the Case of Evans v. Buchanan

The roll call on HJR 24 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Lynch, Morris - 2.

Therefore, having received a constitutional majority, HJR 24 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 6:32 p.m.

The House was called to order at 7:15 p.m.

Representative Bennett introduced and brought HR 80, co-sponsored by Representative Darling, before the House for consideration.

HR 80 - Extending Congratulations to the Maple Dale Country Club Women's Golf Team for Winning the 1977 Delmarva Peninsula Women's Golf Championship.

HR 80 was adopted by voice vote.

Representative Miller introduced and brought SCR 42, sponsored by Senator Holloway, before the House for consideration.

SCR 42 - Commending All Women in the State of Delaware in This International Women's Week.

SCR 42 was adopted by voice vote and returned to the Senate.

Representative Sincock introduced and brought SCR 41, sponsored by Senator Hughes, before the House for consideration.

SCR 41 - Wishing a Speedy Recovery for Senator John H. Arnold.

SCR 41 was adopted by voice vote and returned to the Senate.

Representative Jonkiert moved to recess for caucus at 7:23 p.m.

The House was called to order at 7:44 p.m.

Representative Sincock moved to lift the roll call on HB 385. The motion was seconded by Representative McKay and adopted by voice vote.

HB 385 - An Act Making a Supplementary Appropriation to the Department of Correction for Payment of Current Fiscal Year Obligations.

Representative Sincock moved to rescind the roll call on HB 385. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Sincock introduced and brought HA 1 to HB 385, co-sponsored by Representative George, before the House for consideration.

Representative Sincok moved to waive the requirement for a fiscal note to HA 1 for HB 385. The motion was seconded by Representative Cain and adopted by voice vote. HA 1 to HB 385 was adopted by voice vote.

The roll call on HB 385 w/HA 1 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Cain, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Rispoli, Vernon - 8.

NOT VOTING: Representatives Ambrosino, Anderson, Ridings - 3.

ABSENT: Representatives Burris, Ferguson, Lynch - 3.

Therefore, having received a constitutional majority, HB 385 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 321 until June 24, 1977, and yielded to Representative George.

Representative George brought SB 199 w/SA 1 before the House for consideration.

SB 199 - An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Making Formula Adjustments with the School Bus Contractors.

The roll call on SB 199 w/SA 1 was taken and revealed:

Representative Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Lynch, Matushefske, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Roy, Sincok, Temple, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Billingsley, T. Brady, Cain, Connor, George, Hebner, Kelly, Loughney, Maxwell, McKay, Ridings, Smith, Vernon, Worthen - 15.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Anderson, Burris, Powell - 3.

Therefore, having received a constitutional majority, SB 199 w/SA 1 was returned to the Senate.

Representative Matushefske deferred HB 160 to the end of the Agenda and yielded to Representative Temple.

Representative Temple moved to suspend the rules for the purpose of introducing and acting on HB 493. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple brought HB 493, co-sponsored by Representative Plant, before the House for consideration.

HB 493 - An Act to Repeal Chapter 20, Volume 61, Laws of Delaware Entitled "An Act to Rescind the Salary Supplement for State Employees Authorized by Title 29, Delaware Code, Section 6532, and Scheduled for April 1, 1977", Being House Bill No. 172 of the 129th General Assembly.

Representative Matushefske requested and was granted the privilege of the floor for House Attorney John Rich.

The House recessed at 8:47 p.m. and reconvened at 8:48 p.m. Representative Temple moved to table HB 493. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske deferred SB 161 w/SA 3 and brought HB 429 before the House for consideration.

HB 429 - An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Public Work Contracts; Procurements.

Representative Matushefske brought HA 1 to HB 429 before the House for consideration. HA 1 to HB 429 was adopted by voice vote.

The roll call on HB 429 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Anderson, Billingsley, Burris, Hebner, Powell, Ridings - 6.

Therefore, having received a constitutional majority, HB 429 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred SB 162 w/SA 1 to the end of the Agenda and yielded to Representative Boulden.

Representative Boulden brought HB 465 before the House for consideration.

HB 465 - An Act to Permit the De La Warr School District to Transfer Certain Funds from its Local Minor Capital Improvement and Local Debt Service Accounts to its Local Current Operating Account.

The roll call on HB 465 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representative Darling - 1.

ABSENT: Representatives Anderson, Billingsley, Burris, Byrd, Cain, Hebner, Powell, Ridings - 8.

Therefore, having received a constitutional majority, HB 465 was sent to the Senate for concurrence.

Representative Boulden moved to recess at 8:59 p.m.

The House was called to order at 9:05 p.m.

Representative Temple moved to suspend the rules for the purpose of introducing and acting on HB 494. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple brought HB 494, co-sponsored by Representative Plant, before the House for consideration.

HB 494 - An Act to Repeal Chapter 20, Volume 61, Laws of Delaware Entitled "An Act to Rescind the Salary Supplement for State Employees Authorized by Title 29, Delaware Code, Section 6532, and Scheduled for April 1, 1977", Being House Bill No. 172 of the 129th General Assembly.

The roll call on HB 494 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Plant, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives T. Brady, Connor, McKay, Oberle, Sincock, Smith, Vernon - 7.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives Anderson, Billingsley, Burris, Hebner, Powell, Ridings - 6.

Therefore, having received a constitutional majority, HB 494 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess to the call of the Chair at 9:10 p.m.

45th LEGISLATIVE DAY

June 21, 1977

The Speaker called the House to order at 2:19 p.m.

Committee Reports:

Revenue & Finance: HB 14 - 2F, 2M.

Labor & Commerce: HB 361 - 4M.

Health & Social Services: HB 483 - 3F, 1M; SB 114 - 2F, 2M.

Judiciary: SB 159 - 4M.

The Majority Leader moved to adjourn at 2:22 p.m., thereby ending the previous legislative day. The House reconvened at 2:22 p.m. A prayer was offered by Representative Al O. Plant from the 2nd District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Morris moved to strike HB 405. Without objection, HB 405 was stricken.

Representative Temple moved to strike HB 280, HB 301, HB 493. Without objection, HB 280, HB 301 and HB 493 were stricken.

Representative Ferguson moved to strike HB 297. Without objection, HB 297 was stricken.

Representative Darling requested that the following communication be read into the record:

Committee to Work with the Public Schools in the Development and Enforcement of an Energy Saving Program.

P.O. Box 897
Dover, DE 19901

June 21, 1977

Honorable Ronald Darling
House of Representatives
Legislative Hall
Dover, DE 19901

Dear Representative Darling:

Attached please find the report prepared by the Committee to Work with the Public Schools in the Development and Enforcement of an Energy Saving Program (DEESP) as required by House Concurrent Resolution No. 23. Our study revealed that a strong centralized reporting system is necessary to implement energy savings of any significant degree.

Adoption of an energy plan should not be left to the discretion of the individual school districts but should be mandated and soon. Each day that goes by sees a continued waste of energy and state funds.

I would like to bring to your Committee's attention the interest and participation shown by all members of this committee. Their experience and willingness to share their knowledge with other agencies is a valuable resource to the state and should be continually used in energy saving programs.

Sincerely,

Robert P. Bartley, Chairman

Communications:

The Senate wishes to inform the House that it has passed:
SCR 41; SCR 42; SB 300 w/SA 1,2; HJR 24; HB 246; HB 482;
SB 225; HB 289.

The following prefiled legislation was introduced:

HB 495 - GILLIGAN - APPROPRIATIONS: An Act Making A Supplementary Appropriation to the Department of Justice for the Purpose of Employing a Deputy Attorney General and a Clerk.

HB 496 - KELLY, GILLIGAN, SENATOR CICIONE - AGING: An Act to Amend Chapter 47, Title 7, Delaware Code, To Allow Senior Citizens, 60 Years of Age or Older, a Reduction in the State Park Annual Entrance Fees.

HB 497 - POWELL, MATUSHEFSKE, AMBROSINO, BYRD, BOULDEN, ROY, RIDINGS, GILLIGAN, JOHNSON, MCKAY, KELLY, PLANT, HEBNER, RIDDAGH, LOUGHNEY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 28, Delaware Code, Relating

to Tax on Admissions, and the Taxes and Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks.

HB 498 - WORTHEN - JUDICIARY: An Act to Amend Chapter 9 and Chapter 11, Title 13 of the Delaware Code Relating to Adoption and Termination of Parental Rights.

HB 499 - PLANT - COMMUNITY AFFAIRS: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays, to Establish Martin Luther King, Jr.'s Birthday as a Legal Holiday.

HB 500 - GORDY, SENATOR LITTLETON - COMMUNITY AFFAIRS: An Act to Amend an Act Being Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel," to Change the Fiscal Year, to Provide for Assessment, Levy and Collection of Taxes, to Provide a Date When Taxes Become Delinquent, To Provide a Date When Taxes Become a Lien on Real Estate, to Provide for Changing the Rates for Utility Services During the Fiscal Year, and to Provide a Date When the Town Clerk Shall Settle His Account.

(2/3 bill)

HB 501 - GEORGE - APPROPRIATIONS: An Act Amending an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions"; it Being Former House Bill No. 300 of the 129th General Assembly.

HA 7 to HB 97 - LYNCH - Placed with the bill.

HA 2 to HB 211 - RISPOLI - Placed with the bill.

HA 23 to HB 300 - MINNER - Placed with the bill.

HA 24 to HB 300 - T. BRADY - Placed with the bill.

HA 1 to HB 401 - WORTHEN - Placed with the bill.

HA 1 to HJR 19 - OBERLE - Placed with the bill.

SB 225 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 7, Title 18, Delaware Code, By Exempting From General Premium Tax on Insurance Premiums or Subscription Charges for Basic Health Care Insurance Plans for State Employees.

SB 300 w/SA 1,2 - ZIMMERMAN, KNOX, MURPHY, MCDOWELL, CICIONE, MARTIN, BERNDT, WEISS: REPRESENTATIVES MILLER, BENNETT, MINNER, RIDINGS - NATURAL RESOURCES: An Act to Amend Title 7 of the Delaware Code to Confer Upon the Department of Natural Resources and Environmental Control the Power to Deal with the Hazards and Threats of Danger and Damage Posed by Spills of Oil and Petroleum Products Upon the Waters and Within the Boundaries of this State; to Require the Prompt Containment and Removal of Pollution Occasioned Thereby; to Provide Procedures Whereby Persons Suffering Damages from Such Occurrences May Be Promptly Made Whole; To Guarantee That All Persons Using the Waters of the State for the Transportation or Transfer of Oil, Petroleum Products and Their By-Products Meet Minimum Requirements of Financial Responsibility; to Provide

Penalties for Violating Provisions Thereof; to Provide for Service of Process Upon Non-Resident Owners or Operators; and Providing an Appropriation to Carry Out the Provisions of This Act.

Representative Gordy moved to recess for caucus at 2:36 p.m.

The House was called to order at 4:33 p.m.

Representative Jonkiert introduced and brought HCR 37 before the House for consideration.

HCR 37 - Expressing Thanks to the President and Editor of the Delaware State News for the Gratis Copies Furnished to the Members of the Delaware Legislature.

HCR 37 was adopted by voice vote.

Representative W. Brady deferred HB 282 to the end of the Agenda and yielded to Representative Jonkiert.

Representative Gilligan deferred SB 118 and yielded to Representative Worthen.

Representative Worthen brought HB 302 w/HA 1 before the House for consideration.

Representative Worthen brought HA 1 before the House for consideration. HA 1 to HB 302 was adopted by voice vote.

Representative Worthen moved to place HB 302 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Gilligan deferred SJR 20 to the end of the Agenda and yielded to Representative Loughney.

Representative Loughney brought HB 374 w/HA 1,2 before the House for consideration.

Representative Oberle moved to strike HA 1 and HA 2 to HB 374. Without objection, HA 1 and HA 2 to HB 374 were stricken.

Representative Roy introduced and brought HA 3 to HB 374 before the House for consideration.

Representative Plant requested and was granted the privilege of the floor for House Attorney John Rich.

HA 3 to HB 374 was defeated by voice vote.

Representative Loughney requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Loughney moved to table the roll call on HB 374. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 348 w/HA 1 before the House for consideration.

Representative Gilligan brought HA 1 to HB 348 before the House for consideration. HA 1 to HB 348 was adopted by voice vote.

Representative Cain introduced and brought HA 2 to HB 348 before the House for consideration.

The House recessed for the changing of the audio tape at 5:32 p.m. and reconvened at 5:33 p.m.

Representative Powell requested and was granted the privilege of the floor for House Attorney John Rich.

HA 2 to HB 348 was adopted by voice vote.

Representative Gilligan moved to place HB 348 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HS 1 for HB 417. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HS 1 for HB 417 before the House for consideration.

HS 1 for HB 417 - An Act to Amend Title 28 of the Delaware Code Relating to the Spanish Game of Jai-Alai.

Representative Jonkiert moved to place HS 1 for HB 417 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 6:04 p.m.

The House was called to order at 7:57 p.m.

Representative Gilligan brought HB 349 before the House for consideration.

HB 349 - An Act to Amend Chapter 11, Title 30, Delaware Code, to Increase the Penalty for Failure to Pay Income Tax.

The roll call on HB 349 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker
Boulden - 35.

ABSENT: Representatives Anderson, Byrd, Johnson, Loughney, Lynch, Plant - 6.

Therefore, having received a constitutional majority, HB 349 was sent to the Senate for concurrence.

Representative Gilligan brought HB 350 before the House for consideration.

HB 350 - An Act to Amend Chapter 11, Title 30, Delaware Code, To Increase the Penalty for Failure to File Tax Returns.

The roll call on HB 350 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker
Boulden - 36.

NO: Representatives Johnson, Plant - 2.

ABSENT: Representatives Loughney, Lynch, Vernon - 3.

Therefore, having received a constitutional majority, HB 350 was sent to the Senate for concurrence.

Representative Gilligan brought HB 375 before the House for consideration.

Representative Gilligan moved to place HB 375 on the

Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Billingsley brought HB 380 w/HA 1,2 before the House for consideration.

Representative Billingsley moved to strike HA 1 to HB 380 was stricken.

Representative Billingsley brought HA 2 before the House for consideration. HA 2 to HB 380 was adopted by voice vote.

A message was received from Governor du Pont at 8:36 p.m.

Representative Jonkiert requested a ruling from the Chair as to the necessity for a fiscal note for HB 380 w/HA 2. The Chair ruled that no fiscal note was needed.

Representative Billingsley moved to place HB 380 w/HA 2 on the Speaker's table. The motion was seconded by Representative Kelly and adopted by voice vote.

Representative Matushefske brought SB 213 before the House for consideration.

Representative Matushefske moved to table the roll call on SB 213. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske deferred SB 185 to the end of the Agenda and yielded to Representative Jonkiert.

Representative Jonkiert brought HB 481 before the House for consideration.

HB 481 - An Act Amending Chapter 64, Title 7, and Chapter 58, Title 29, Delaware Code, Relating to the Delaware Solid Waste Authority Authorizing Said Authority to Finance Solid Waste Disposal and Resources Recovery Systems Within the State Establishing Sources of Credit for Such Financing Providing for the Issuance of Bonds and Notes for Such Purpose, Authorizing the Appointment of a Trustee for Bond Holders, and Provide for Situations Involving Conflicts of Interest.

Representative Jonkiert requested and was granted the privilege of the floor for N.C. Vasuki, Director of the Delaware Solid Waste Authority.

Representative Jonkiert requested and was granted the privilege of the floor for Mr. Vasuki.

The roll call on HB 481 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

NO: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 481 was sent to the Senate for concurrence.

The Reading Clerk read the following veto message from Governor du Pont into the record:

June 21, 1977

To the Delaware State
House of Representatives
of the 129th General Assembly
of the State of Delaware

On June 9, 1977 I received House Bill No. 329, as amended, entitled:

"AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE, RELATING TO PARK AND RECREATION FEES FOR SCHOOL CHILDREN ON AN OFFICIAL SCHOOL OUTING."

I am returning this bill without my signature. This legislation exempts school groups on official school outings at Delaware State Parks from the user fees established by the Department of Natural Resources and Environmental Control.

Because federal regulations preclude offering an exemption to Delaware school children only, this legislation necessarily has the effect of permitting out-of-state school groups free use of the facilities of Delaware State Parks, with the cost of such use being borne by Delaware taxpayers.

Already some 41% of the users of Delaware State parks are from out of state. And because many of our State parks are conveniently located near out-of-state metropolitan areas, I anticipate that many additional out-of-state school groups would take advantage of the exemption contained in this legislation. The result could well be even greater reductions of State revenues in the future that the \$15,000 reduction estimated for fiscal year 1978.

In addition, this legislation is counter to the efforts of this Administration to have those individuals and groups who use and enjoy State resources and facilities pay for such use. Indeed, in anticipation of increased revenues from park user and camp user fees, certain General Fund appropriations to the Park Section of the Division of Parks and Recreation, including appropriations for twelve permanent positions, supplies, materials, and capital outlay, have been eliminated or reduced in House Bill 300, the proposed 1978 Budget Appropriation Act. Thus, the bill would have an adverse effect on the laudable efforts of the Division to make certain park services self supporting.

Finally, I note that the present fees for park use, as established by the Department of Natural Resources and Environmental Control sets a fee of \$10.00 per day for a Delaware-registered vehicle, such as a school bus, carrying more than thirty persons. Similar vehicles from other states are charged \$20.00 per day. This means that a busload of forty-four Delaware high school students could enjoy a day's outing at a Delaware park for only 25¢ per person. This modest charge suggests that the burden on Delaware taxpayers for subsidizing out-of-state groups could well be greater than any benefit they or their children would receive from the legislation.

Further the Department of Natural Resources received in excess of a hundred requests each year for exceptions to park fee regulations. Many of these exceptions are equally as meritorious as this one would be; to grant an exception for one group makes it difficult to deny exceptions to others. It is better to require each user group to pay a small fee for the use of Delaware's resources and, accordingly, I am returning House Bill 329 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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Representative Matushefske moved to lift the roll call on SB 213. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 213 - An Act to Amend Chapter 123, Subchapter I, Chapter I, Title 13, of the Delaware Code Relating to Marriages Between Minors Who are Prospective Parents of a Child.

The roll call on SB 213 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Smith, Temple, Vernon, Mr. Speaker Boulden - 28.

NO: Representatives Anderson, Bennett, Byrd, Cain, George, Maxwell, Miller, Oberle, Roy, Worthen - 10.

NOT VOTING: Representatives T. Brady, Sincok - 2.

ABSENT: Representative Lynch - 1.

Therefore, having received a constitutional majority, SB 213 was returned to the Senate.

Representative Byrd introduced HB 502.

HB 502 - An Act to Amend Chapter 13, Part I, Title 19 of the Delaware Code Relating to the Right of Public Employees to Organize; and Providing for the Submission of Certain Disputes to Arbitration.

Mr. Speaker assigned HB 502 to Labor and Commerce Committee.

Representative Sincok moved to strike HB 159. Without objection, HB 159 was stricken.

Committee Reports:

Judiciary: HB 8 - 4M; HB 468 - 4M; HB 484 - 4M;
HB 488 - 4M; HB 485 - 4M; HB 490 - 4M; HB 492 - 4M.

Constitution: HB 438 - 1F, 4M.

Natural Resources - HB 462 - 4M.

Administrative Services: HB 497 - 4M, 1U.

Representative Ambrosino moved to strike HB 337. Without objection, HB 337 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 10:20 p.m.

46th LEGISLATIVE DAY

June 22, 1977

The Speaker called the House to order at 2:02 p.m.

Committee Report:

Highways & Transportation: SB 122 - 5F, 1M.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m. A prayer was offered by Representative Thomas Temple of the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Worthen introduced and brought HCR 38, co-sponsored by all other members of the House and Senator Martin and all other members of the Senate, before the House for consideration.

HCR 38 - Saluting the Players, Cheerleaders, Coaches, the Delaware 1977 All-Star Football Game Child and Others Associated with This Outstanding Annual Event Benefiting the Delaware Association for Retarded Children, and Designating August 13, 1977, as Delaware All-Star Football Day in Delaware.

HCR 38 was adopted by voice vote.

Communications:

LEGISLATIVE ADVISORY # 15

From: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/16/77: HB 482. 6/17/77: SB 25. 6/20/77: HB 305 a/a/b HA 2, SA 2,3. 6/21/77: HB 415; SB 215; SB 216.

The Governor vetoed HB 329 a/a/b HA 1, 6/21/77.

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The Senate wishes to inform the House that it has passed: HB 465; HB 385 w/HA 1; HB 347 w/HA 1,2; SB 288; HB 388; SB 246; HB 255; HB 330; HCR 37.

Representative Darling introduced HB 525.

HB 525 - An Act to Amend Titles 9, 10, and 12 of the Delaware Code Relating to Salaries of Elected Officials of Kent County.

Mr. Speaker assigned HB 525 to House Administration Committee.

Representative Jonkiert moved to lift HS 1 for HB 417 w/HA 1,2,3,4 from the Speaker's table. The motion was adopted by voice vote.

HS 1 for HB 417 - An Act to Amend Title 28 of the Delaware Code Relating to the Spanish Game of Jai-Alai.

Representative T. Brady brought HA 1 to HS 1 for HB 417 before the House for consideration. HA 1 to HS 1 for HB 417 was adopted by voice vote.

Representative T. Brady brought HA 2 to HS 1 for HB 417 before the House for consideration. HA 2 to HS 1 for HB 417 was adopted by voice vote.

Representative T. Brady brought HA 3 to HS 1 for HB 417 before the House for consideration.

Representative Sincok raised a point of order because the prime sponsor of the bill was conferring with a lobbyist about the bill before the House. The Speaker did not concur because the person in question is a registered lobbyist on the bill before the House and a guest of the prime sponsor of HA 1 to HB 417.

Representative T. Brady moved to table HA 3 to HS 1 for HB 417. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative T. Brady brought HA 4 to HS 1 for HB 417 before the House for consideration.

Representative Jonkiert requested and was granted the personal privilege of the floor for Mr. George C. Herring, Attorney representing Warner Communications.

The roll call on HA 4 to HS 1 for HB 417 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Vernon - 16

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Morris, Temple, Worthen, Mr. Speaker Boulden - 21.

ABSENT: Representatives Matushefske, Miller, Minner, Plant - 4.

Therefore, not having received a constitutional majority, HA 4 to HS 1 for HB 417 was declared defeated.

Representative Bennett introduced and brought HA 5 to HS 1 for HB 417, co-sponsored by Representatives Darling, Minner, Gordy, Roy, Oberle, Ridings and Billingsley, before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for Mr. George Herring.

Representative Sincok made a point of order because Representative Gilligan was not addressing himself to the amendment. Mr. Speaker concurred.

Representative George moved to table HA 5 to HS 1 for HB 417. The motion was seconded by Representative Jonkiert.

The roll call on the motion to table HA 5 to HS 1 for HB 417 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Byrd, Cain, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Plant, Riddagh, Rispoli, Worthen, Mr. Speaker Boulden - 20.

NO: Representatives Bennett, Billingsley, Burris, Clendaniel, Connor, Ferguson, Gordy, Hebner, McKay, Minner, Morris, Oberle, Powell, Ridings, Roy, Sincock, Smith, Temple, Vernon - 19.

ABSENT: Representatives Ambrosino, Darling - 2.

Therefore, not having received a constitutional majority, the motion to table HA 1 to HS 1 for HB 417 was declared defeated.

Representative Jonkiert moved to table HS 1 for HB 417 w/HA 1,2,3,5. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen moved to lift HB 302 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought HB 302 w/HA 1 before the House for consideration.

Representative Gordy requested that the following communication be made a part of the record.

State of Delaware Department of Insurance

MEMORANDUM

TO: The Honorable William J. Gordy, Representative

FROM: Insurance Department

DATE: June 22, 1977

SUBJECT: Explanation of HB 302.

A recent court decision ruled that if an individual was killed in an automobile accident, his estate would be able to collect for earnings that he would have made in the future. This, in effect, would make the automobile coverage a form of life insurance in some instances.

HB 302 returns the Delaware No-Fault system back to its original intent. This would be to pay an injured party while he is disabled, with benefits other than funeral expenses to terminate with the expiring of the injured party.

If this bill is not passed, there will be a mandated increase in automobile insurance premiums brought about by the court ruled increase in benefits.

Representative Worthen requested and was granted the privilege of the floor for Mr. Redfearn, an Attorney representing State Farm Mutual Auto Insurance.

Representative Worthen moved to place HB 302 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

The following prefiled legislation was introduced:

HB 503 - OBERLE - JUDICIARY: An Act to Amend Chapter 43, Title 11, Delaware Code, Relating to Sentencing, Probation, Parole and Pardons.

HB 504 - OBERLE - JUDICIARY: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Sentencing, Probation, Parole, and Pardons.

HB 505 - OBERLE, MINNER - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Pedestrians.

HB 506 - GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Section 5949, Delaware Code Relating to Appeals.

HB 507 - GORDY, SINCOCK - JUDICIARY: An Act to Repeal Chapter 46, Title 25, Delaware Code Entitled "Liens for Razing or Demolition of Structures by Public Expenditures.

HB 508 - DARLING - COMMUNITY AFFAIRS: An Act to Amend An Act Entitled "An Act to Re-Incorporate the Town of Felton", Being Chapter 208 of Volume 24, Laws of Delaware, By Increasing the Amount that can be Raised Each Year by Taxes. (2/3 bill)

HB 509 - RIDDAGH (By Request) - NATURAL RESOURCES: An Act to Amend Chapter 23, Title 7, Delaware Code Relating to the Marking of Commercial Crab Pots and Vessels. (2/3 bill)

HB 510 - AMBROSINO, MILLER - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Public Utilities; and Providing for the Office of Public Advocate.

HB 511 - MAXWELL - EDUCATION: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Indemnification of Members of School Boards and Authorizing School Boards to Purchase Liability Insurance Coverage.

HB 512 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing for Burial Expenses Where a Death Results from Injury.

HB 513 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing for a Prompt Hearing on an Employer's Petition to Review a Case.

HB 514 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing for a Limitation on Attorney's Fees in Certain Cases.

HB 515 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing Coverage for Farm Laborers.

HB 516 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Establishing a Schedule for Medical Fees.

HB 517 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing for the Compensation of Non-Resident Alien Dependents.

HB 518 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing Coverage for Public Employees.

HB 519 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 21, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing a Limitation for Attorney's Fees.

HB 520 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing Compensation for Total Disability.

HB 521 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing for a Definition and Method for Computation of the "Average Weekly Wage" of the State.

HB 522 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Extending Coverage to Certain Employees.

HB 523 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Providing Compensation for Death.

HB 524 - BYRD, MAXWELL - LABOR & COMMERCE: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; and Reducing the Statute of Limitations in Medical Benefits Cases from Five Years to Two Years.

HS 1 for HB 319 - MAXWELL - NATURAL RESOURCES: An Act to Amend Title 7 of the Delaware Code Relating to Falconry Licensing and the Creation of a Falconry Advisory Board.

HA 25 to HB 300 - WORTHEN - Placed with the bill.

HA 1 to HB 375 - VERNON, AMBROSINO, OBERLE - Placed with the bill.

HA 3 to HB 380 - BILLINGSLEY - Placed with the bill.

HA 4 to HB 380 - CAIN, BILLINGSLEY - Placed with the bill.

HA 1 to HS 1 for HB 417 - T. BRADY - Placed with the bill.

HA 2 to HS 1 for HB 417 - T. BRADY - Placed with the bill.

HA 3 to HS 1 for HB 417 - T. BRADY - Placed with the bill.

HA 4 to HS 1 for HB 417 - T. BRADY - Placed with the bill.

HA 2 to HB 430 - GILLIGAN - Placed with the bill.

HA 3 to HB 430 - MAXWELL - Placed with the bill.

HA 4 to HB 430 - FERGUSON - Placed with the bill.

SB 246 - ADAMS, REPRESENTATIVE MINNER - PUBLIC SAFETY: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Penalty for Failure to Report or Pay Tax.

SB 288 - CORDREY - EDUCATION: An Act Making A Supplementary Appropriation to the Caesar Rodney School District to Pay an Employe Who Failed to Receive Her Blue Cross-Blue Shield Payments.

Representative Jonkiert moved to recess for caucus at 4:17 p.m.

The House was called to order at 11:27 p.m.

Committee Reports:

Environmental Control - HB 86 - 1F, 3M.

Judiciary: HB 486 - 4M.

House Administration: HB 525 - 1F, 2M.

Representative Jonkiert moved to recess to the call of the Chair at 11:28 p.m.

47th LEGISLATIVE DAY

June 23, 1977

The Speaker called the House to order at 2:08 p.m.

Committee Report:

Aging: HB 496 - 4F.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the previous legislative day. The House reconvened at 2:09 p.m. A prayer was offered by the Chaplain, Reverend C.J. Robinson from the New Castle United Methodist Church, New Castle, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed: SB 294; SS 1 for SB 163 w/SA 1.

Representative Ferguson introduced HB 529, co-sponsored by Representative Gilligan.

HB 529 - An Act Making an Appropriation to the Delaware Technical and Community College for a Nuclear Medicine Program.

Representative Matushefske introduced HB 530.

HB 530 - An Act to Amend Chapter 46, Title 29, Delaware Code, Relating to Public Defenders and Private Clients.

Mr. Speaker assigned HB 530 to the Judiciary Committee.

Representative Plant introduced HB 531.

HB 531 - An Act Making an Supplemental Appropriation to the State Board of Education for a Human Relations Course for the State's 1500 School Bus Drivers.

Representative Johnson introduced HB 532.

HB 532 - An Act to Amend Chapter 5, Subchapter IV, Title 4 of the Delaware Code Relating to Licenses to Sell Alcoholic Liquors.

Mr. Speaker assigned HB 532 to The Labor and Commerce Committee.

Mr. Speaker assigned HB 529 and HB 531 to the Appropriations Committee.

Representative Jonkiert moved to lift HS 1 for HB 417 w/HA 1,2,3,5 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought HA 5 to HS 1 for HB 417 before the House for consideration.

Representative Bennett moved to strike HA 5. Without objection, HA 5 to HS 1 for HB 417 was stricken.

Representative Bennett introduced and brought HA 6 to HS 1 for HB 417, Co-sponsored by Representative Darling, Minner, Gordy, Roy, Oberle, Ridings and Billingsley, before the House for consideration.

Representative George moved to place HA 6 on the Speaker's table. There was no second to the motion.

Representative George moved to place HA 6 to HS 1 for HB 417 on the Speaker's table. The motion was seconded by Representative Jonkiert.

Representative George moved to table the roll call on the motion to place HA 6 to HS 1 for HB 417 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote. Therefore, HA 6 to HS 1 for HB 417 remained before the House.

Representative Jonkiert moved to place HS 1 for HB 417 w/HA 1,2,3,6 on the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Jonkiert moved to recess at 3:09 p.m.

The House was called to order at 3:21 p.m.

The following prefiled legislation was introduced:

HB 526 - MINNER - JUDICIARY: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Exceeding Speed Limits. (2/3 bill)

HB 527 - MILLER, POWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 55, Title 30, Delaware Code Relating to Public Utilities Taxes.

HB 528 - MILLER - JUDICIARY: An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Divorce and Annulment.

HA 26 to HB 300 - BENNETT - Placed with the bill.

HA 2 to HB 437 - GORDY - Placed with the bill.

HJR 25 - DARLING - ADMINISTRATIVE SERVICES: Requesting the Division of Purchasing of the Department of Administrative Services to Establish a Formal Program to Improve Purchasing Practices.

HJR 26 - DARLING - HOUSE ADMINISTRATION: Requesting the Office of Management, Budget and Planning to Make an Annual Report to the General Assembly Detailing the Departmental Use of Funds.

HJR 27 - DARLING, BYRD, CLENDANIEL, GILLIGAN, BURRIS, SMITH - ENERGY: Recommending the Establishment of a Mandatory Energy Savings Program for the Public Schools in the State of Delaware.

HJR 28 - DARLING - EDUCATION: Requesting the Capital Project Review Committee to Develop a Plan for Maintenance

and Refurbishing of School Facilities for the Next Five Years.

SS 1 for SB 163 w/SA 1 - SENATOR MARTIN, REPRESENTATIVE WORTHEN, SENATORS KEARNS, MCCULLOUGH, SHARP, WEISS, MCDOWELL, HALE, BERNDT, KNOX, SPENCE, HOLLOWAY, ARNOLD, HUGHES; REPRESENTATIVES ANDERSON, CAIN, MATUSHEFSKE, MAXWELL, BYRD, PLANT, JOHNSON, FERGUSON, GILLIGAN, CONNOR, SINCOCK, MCKAY, BILLINGSLEY, BURRIS, RIDINGS, HEBNER, ROY, POWELL, OBERLE - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 91, Title 29, of the Delaware Code by Establishing a Highway Priority Planning System and By Amending Chapter 84, Title 29 of the Delaware Code to Modify the Functions of the Council on Transportation and by Amending Chapter 74, Title 29 of the Delaware Code by Establishing a Priority System for Highway Capital Improvements Program.

SB 294 - CORDREY - NATURAL RESOURCES: An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to the Requirements for Pilots' Licenses and the Limitation of Number of Pilots.

Representative Sincock introduced HJR 29, co-sponsored by Representative McKay and Senators Knox and Hughes.

HJR 29 - Establishing the Official Estimates of Revenues and Certain Proposed but Unadopted Expenditures.

Mr. Speaker assigned HJR 29 to House Administration Committee.

Representative Gilligan moved to lift HB 348 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 348 w/HA 1 and HA 2 before the House for consideration.

HB 348 - An Act to Amend Chapter 12, Title 30, Delaware Code, to Increase the Fine for Tax Evasion.

Representative Billingsley introduced and brought HA 3 before the House for consideration. HA 3 to HB 348 was adopted by voice vote.

The roll call on HB 348 w/HA 1,2,3 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Plant - 1.

NOT VOTING: Representative Johnson - 1.

ABSENT: Representatives Anderson, Ferguson, Lynch, Matushefske, Ridings, Roy - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 348 w/HA 1,2,3 was sent to the Senate for concurrence.

Representative Gilligan moved to lift HB 375 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 375 w/HA 1 before the House for consideration.

HB 375 - An Act to Amend Chapter 19, Title 30, Delaware Code Relating to the Corporation Income Tax.

Representative Ambrosino brought HA 1 before the House for consideration. HA 1 to HB 375 was adopted by voice vote.

The roll call on HB 375 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representative Lynch - 1.

ABSENT: Representatives T. Brady, Ferguson, Roy - 3.

Therefore, having received a constitutional majority, HB 375 w/HA 1 was sent to the Senate for concurrence.

Representative Byrd deferred HB 398 to the end of the Agenda and yielded to Representative Powell.

Representative Powell brought HB 392 w/HA 1 before the House for consideration.

The House recessed at 3:34 p.m. for the purpose of changing the audio tape and reconvened at 3:35 p.m.

Representative Powell moved to place HB 392 w/HA 1 on the Speaker's table. The motion was seconded and adopted by voice vote.

Representative Ambrosino brought HB 262 before the House for consideration.

HB 262 - An Act to Amend Chapter 83, Part VIII, Title 29, of the Delaware Code Relating to the Board of Pension Trustees; and Providing Ex Officio Membership to the State Treasurer.

The roll call on HB 262 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Byrd, Ferguson, Gordy - 3.

Therefore, having received a constitutional majority, HB 262 was sent to the Senate for concurrence.

Representative Ambrosino brought HJR 19 w/HA 1 before the House for consideration.

Representative Oberle moved to strike HA 1. Without objection, HA 1 was stricken.

Representative Oberle introduced and brought HA 2 before the House for consideration.

Representative Bennett moved to place HJR 19 w/HA 2 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Clendaniel, Gordy, Johnson, Jonkiert, Lynch, Matushefske, Minner, Morris, Plant - 10.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Connor, Darling, Gilligan, Hebner, Kelly, Loughney, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

ABSENT: Representatives Billingsley, Byrd, Ferguson, George, Smith - 5.

Therefore, not having received a constitutional majority, the motion was defeated and HJR 19 w/HA 2 remained before the House.

Representative Oberle moved to place HA 2 to HJR 19 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Ambrosino requested that the following letters be made a part of the record:

State of Delaware
The Public Service Commission
1560 South du Pont Highway
Dover, Delaware 19901

June 8, 1977

The Honorable William A. Oberle, Jr.
Representative, State of Delaware
Legislative Hall
Dover, Delaware 19901

Dear Representative Oberle:

House Joint Resolution 19, which was reported out of the Administrative Services Committee on June 7, 1977, asks the Public Service Commission to report, within 14 days of signature by the Governor, as to what basis at law may exist for an immediate denial of Delmarva Power & Light Company's rate increase application in Docket No. 885.

I understand that the Resolution has been proposed by Victor Singer, an intervenor in this docket. While Mr. Singer, in his application for leave to intervene, raised questions similar to those in the Resolution, he has not offered any evidence or witnesses to support his position. The Hearing Examiner, has not, at this writing, received Mr. Singer's brief. Evidence is still being received by the Examiner, including the subject of tariff design.

The Commission must follow procedures established under the law by the General Assembly and the Constitution. These

include receiving all evidence offered by all parties, opportunity for briefs or oral argument by all parties, a Hearing Examiner's summary of the evidence and applicable law, and, no sooner than 20 days after the Hearing Examiner's report deliberation and decision by the Commission. That date has been set for August 2, 1977.

If the Commission were to now decide a part of the case, any of the parties could sue to have the decision upset on the basis of pre-judgment.

The issues raised by HJR 19 will be considered by the Commission when it deliberates. Further, the Commission will consider any other issues bearing on this case, on request, if testimony bearing on the issue has been offered. But to decide any part of this docket prematurely would be legally indefensible.

I will be pleased to discuss this further with you and any other member of the House.

Sincerely,

Lee M. Cassidy, Chairman

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State of Delaware
The Public Service Commission
1560 South du Pont Highway
Dover, Delaware 19901

June 14, 1977

The Honorable William A. Oberle, Jr.
Representative, State of Delaware
Legislative Hall
Dover, Delaware 19901

Dear Representative Oberle:

I have just received a copy of a letter dated June 8, 1977, sent to you by Chairman Cassidy of the Public Service Commission. I disagree with that letter.

If the Legislature or legislators request the Public Service Commission to report to it or them concerning any matter, whether by resolution or not, it has a right to this report promptly and without question, criticism or excuses.

I am also embarrassed by the disparaging remarks in the letter against a Delaware citizen who has taken the time and made the considerable sacrifice to become involved in public utility matters.

Finally, the letter states a conclusion of law which I find troublesome. I see nothing wrong in a Public Service Commission report to the Legislature on the question of whether a legal basis may exist for an immediate denial of Delmarva Power & Light Company's rate increase.

I would be grateful if my viewpoint could also be noted.

Respectfully,

Joshua M. Twilley, Commissioner

Representative Ambrosino moved to place HJR 19 w/HA 2 on the Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Gordy brought HB 400 before the House for consideration.

HB 400 - An Act Making an Appropriation to the Department of Agriculture for Payment of an Annual Increment that was Not Given to an Employee.

The roll call on HB 400 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives Oberle, Plant - 2.

Therefore, having received a constitutional majority, HB 400 was sent to the Senate for concurrence.

Representative Jonkiert brought SB 251 before the House for consideration.

SB 251 - An Act to Provide for Indemnification of the Directors of the Delaware Solid Waste Authority.

Representative Jonkiert requested and was granted the privilege of the floor for Mr. Mike Barkowsky, Attorney for the Delaware Solid Waste Authority.

The roll call on SB 251 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Clendaniel, Ridings - 2.

NOT VOTING: Representatives T. Brady, Morris - 2.

ABSENT: Representatives Byrd, Matushefske, Maxwell - 3.

Therefore, having received a constitutional majority, SB 251 was returned to the Senate.

Representative George brought SB 218 before the House for consideration.

SB 218 - An Act Making an Appropriation to the Department of Agriculture for the Purpose of Paying Back Pay Due an Employee Whose Annual Pay Increment was not Paid.

The roll call on SB 218 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NO: Representative Hebner - 1.

ABSENT: Representative Ridings - 1.

Therefore, having received a constitutional majority, SB 218 was returned to the Senate.

Representative George brought SB 244 before the House for consideration.

SB 244 - An Act Authorizing the Capital School District to Transfer Funds from the Local Balance of Minor Capital Improvements Program to the Capital School District Operating Account.

The roll call on SB 244 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 36.

NO: Representatives Darling, Morris, Vernon - 3.

ABSENT: Representatives Hebner, Ridings - 2.

Therefore, having received a constitutional majority, SB 244 was returned to the Senate.

Representative Plant deferred SB 56 to the end of the Agenda and yielded to Representative Gilligan.

Representative Gilligan brought SJR 20 before the House for consideration.

SJR 20 - Requesting Secretary Schramm to Make Recommendations on Reorganization of the Department of Health and Social Services.

Representative Gilligan yielded to Representative Miller, a co-sponsor of SJR 20.

The roll call on SJR 20 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Burris, Byrd, Hebner, Oberle - 4.

Therefore, having received a constitutional majority, SJR 20 was returned to the Senate.

Representative George deferred HB 371 w/HA 1 to the end of the Agenda and brought HB 418 before the House for consideration.

HB 418 - An Act to Provide a Supplemental Appropriation to the Division of Highways of the Department of Transportation for the Remainder of the Fiscal Year Ending June 30, 1977.

The roll call on HB 418 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Connor,

Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Ridings - 1.

ABSENT: Representatives T. Brady, Burris, McKay, Oberle - 4.

Therefore, having received a constitutional majority, HB 418 was sent to the Senate for concurrence.

Representative Plant deferred HB 410 to the end of the Agenda and yielded to Representative Gordy.

Representative Gordy brought HB 452 before the House for consideration.

Representative Gordy moved to place HB 452 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Anderson brought HB 365 w/HA 1,2 before the House for consideration.

Representative Anderson brought HA 1 before the House for consideration. HA 1 to HB 365 was adopted by voice vote.

Representative Anderson brought HA 2 before the House for consideration.

Representative Billingsley requested and was granted the privilege of the floor for Mr. Weston Nellius, Secretary of Finance.

Representative Anderson moved to place HB 365 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Darling deferred HB 82 to the end of the Agenda and brought HB 525 before the House for consideration.

Representative Darling moved to place HB 525 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Clendaniel deferred SB 243 to the end of the Agenda and yielded to Representative Minner.

Representative Minner brought HJR 23 before the House for consideration.

HJR 23 - In Recognition of the Fiftieth Anniversary of the Magnolia Volunteer Fire Company and Extending Congratulations and Best Wishes to the Many Citizens of the Town of Magnolia Who Have Helped to Make the Fifty Year History of the Magnolia Volunteer Fire Company a Typical Success.

The roll call on HJR 23 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ambrosino, Burris, Loughney, Roy - 4.

Therefore, having received a constitutional majority, HJR 23 was sent to the Senate for concurrence.

Representative Minner brought HB 316 w/HA 1 before the House for consideration.

Representative Gordy moved to strike HA 1. Without objection, HA 1 to HB 316 was stricken.

HB 316 - An Act to Amend Chapter 67, Title 25 of the Delaware Code Relating to Agricultural Leases.

The roll call on HB 316 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Burris, Maxwell - 2.

Therefore, having received a constitutional majority, HB 316 was sent to the Senate for concurrence.

Representative Matushefske brought HB 428 before the House for consideration.

Representative George requested the privilege of the floor for Mr. Kreshtool, president of Delaware Citizens for Clean Air, who wanted to speak as a private citizen. The privilege was denied because he was not a registered lobbyist.

Representative Jonkiert moved to recess at 6:03 p.m.

The House was called to order at 6:05 p.m.

Representative George requested and was granted the privilege of the floor for Mr. Jacob Kreshtool who had registered as a lobbyist.

Representative Ambrosino moved to place HB 428 on the Speaker's table. The motion was seconded by Representative Sincock.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, George, Hebner, Kelly, Maxwell, McKay, Miller, Minner, Oberle, Ridings, Roy, Sincock, Smith, Vernon, Mr. Speaker Boulden - 20.

NO: Representatives Anderson, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Morris, Plant, Riddagh, Rispoli, Temple - 18.

ABSENT: Representatives Lynch, Powell, Worthen - 3.

Therefore, not having received a constitutional majority, the motion was defeated, and HB 428 remained before the House.

Representative Matushefske moved to place HB 428 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 6:30 p.m.

The House was called to order at 8:59 p.m.

Representative Jonkiert introduced HCR 39, co-sponsored by Representative Cain.

HCR 39 - Commending Fabia Harris for her Fine Work as a Reporter for the Philadelphia Bulletin as She Leaves Delaware.

Representative Jonkiert moved to place HCR 39 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert introduced HB 533.

HB 533 - An Act to Amend Chapter 91, Title 9, Delaware Code Relating to Assistant Chief Deputies of Certain New Castle County Officeholders.

Mr. Speaker assigned HB 533 to the House Administration Committee.

Representative Jonkiert introduced HB 534.

HB 534 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Civil Proceedings.

Mr. Speaker assigned HB 534 to the House Administration Committee.

Representative Jonkiert introduced HB 535.

HB 535 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Criminal Proceedings.

Mr. Speaker assigned HB 535 to the Judiciary Committee.

Representative Jonkiert introduced HB 536.

HB 536 - An Act to Amend Chapter 25, Title 12, Delaware Code, Relating to the Fees of the Register of Wills in New Castle County.

Mr. Speaker assigned HB 536 to the Judiciary Committee.

Representative Jonkiert introduced HB 537.

HB 537 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Sheriff of New Castle County.

Mr. Speaker assigned HB 537 to the Judiciary Committee.

Representative Byrd introduced HB 538, co-sponsored by Representative Riddagh and Senators Sharp and Berndt.

HB 538 - An Act to Amend Chapter 70, Title 7, Delaware Code Relating to Monobuoys in the Coastal Zone.

Mr. Speaker assigned HB 538 to the Labor and Commerce Committee.

Representative Gilligan brought HB 407 w/HA 1,2,3,4 and SA 4 before the House for consideration.

HB 407 - An Act to Amend Title 24 of the Delaware Code by Providing for the Licensing of Massage Establishments and Adult Book Stores.

The roll call on HB 407 w/HA 1,2,3,4, SA 4 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling,

Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Ambrosino, Connor, Matushefske, Maxwell, Rispoli - 5.

Therefore, having received a constitutional majority, HB 407 w/HA 1,2,3,4, SA 4 was sent to the Governor.

Representative Gilligan brought HB 408 w/HA 1, SA 3 before the House for consideration.

HB 408 - An Act to Amend Title 11 of the Delaware Code by Providing for a Minimum Sentence for a Second Obscenity Offense.

The roll call on HB 408 w/HA 1, SA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Ambrosino, Maxwell, Oberle - 3.

Therefore, having received a constitutional majority, HB 408 w/HA 1, SA 3 was sent to the Governor.

Committee Reports:

Appropriations: HB 45 - 4M, 1U; HB 125 - 5M, 1U; SB 98 - 5M.

Banking & Insurance: HB 298 - 1F, 4M; SB 245 - 1F, 5M.

Administrative Services: HB 473 - 3M, 1U; SB 197 - 5M; HJR 25 - 5M.

Judiciary: HB 498 - 4M; HB 36 - 4M; HB 537 - 5M; HB 536 - 5M; HB 535 - 5M.

Public Safety - HB 505 - 6M; SB 275 - 1F, 5M; SB 246 - 6M.

Energy: HJR 27 - 6F.

House Administration: HB 430 - 3M; HB 534 - 3M; HB 506 - 3M; HB 533 - 3M.

Education: SB 288 - 4M, 1U.

Representative George moved to strike HB 371. Without objection, HB 371 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 9:33 p.m.

48th LEGISLATIVE DAY

June 24, 1977

The Speaker called the House to order at 2:22 p.m.

Committee Reports:

Community Affairs: HB 413 - 4M; HB 499 - 1F, 3M; HB 500 - 5M; HB 508 - 1F, 3M.

The Majority Leader moved to adjourn at 2:24 p.m., thereby ending the previous legislative day. The House reconvened at 2:24 p.m. A prayer was offered by the Chaplain, Reverend C.J. Robinson from the New Castle United Methodist Church, New Castle, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed:

SB 277; SCR 44; HB 408 w/HA 1, SA 3; HB 429 w/HA 1;
HB 407 w/HA 1,2,3,4, SA 4.

Representative Darling introduced and brought HCR 40 before the House for consideration.

HCR 40 - Commending Hattie W. Tarburton for Thirty-One Years of Outstanding Service to the State of Delaware.

HCR 40 was adopted by voice vote.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 543. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 543 before the House for consideration.

HB 543 - An Act to Amend Chapters 3, 4 and 5 of Title 28, Delaware Code, Relating to Tax on Admissions, and the Taxes and Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks, and Harness Racing Tracks in Delaware and the Licensee's Commission on Such Pools.

Representative Matushefske moved to place HB 543 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Burris introduced HB 544, co-sponsored by Representatives Vernon, Sincock and McKay and Senator Knox.

HB 544 - An Act to Amend Part 1 of Title 30, Delaware Code by Adding a New Chapter 4 Thereto Relating to a Retail Sales and Use Tax; to Revise Chapter 11 of Title 30, Delaware Code Relating to Personal Income Tax; to Revise Chapter 23 of Title 30, Delaware Code Relating to Occupational Licenses and Fees; To Revise Chapter 29 of Title 30, Delaware Code Relating to Retail and Wholesale Merchants' License Requirements and Taxes; and to Repeal Certain Chapters of Title 30 Relating to Miscellaneous Taxes in Their Entirety:

Chapter 25 - Contractors Licenses

Chapter 30 - Motor Vehicle Document Fee and Automobile Handling Fee and License Fee,

Chapter 43 - Use Tax or Lease of Tangible Personal Property.

Mr. Speaker assigned HB 544 to the Revenue and Finance Committee.

Representative Jonkiert introduced HB 545.

HB 545 - An Act to Amend Titles 9, 10 and 12, Delaware Code Relating to the Salaries of the Register in Chancery, Prothonotary, Recorder of Deeds, Register of Wills and Clerk of the Peace in New Castle County.

Mr. Speaker assigned HB 545 to the House Administration Committee.

The following prefiled legislation was introduced:

HB 539 - WORTHEN, BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 431, Volume 60, Laws of Delaware and Chapter 1, Title 26, Delaware Code, Relating to Hearings Concerning Fuel Adjustments Charged by Utilities by Designating the Adjustments Subject to Hearings and by Providing the Procedures to be Used by the Public Service Commission with Respect to Increases in Fuel Adjustments.

HB 540 - GILLIGAN, KELLY, FERGUSON, MINNER, OBERLE, SENATORS CICIONE, HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Justice for the Purpose of Employing a Deputy Attorney General and a Clerk.

HB 541 - CLENDANIEL - APPROPRIATIONS: An Act Awarding Special Pension Benefits, Appropriating Monies to Fund Such Pensions, and Directing the Board of Pension Trustees to Administer Payment of Such Pensions as if Awards Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 542 - GEORGE - APPROPRIATIONS: An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to the Contents of the Proposed Budget to be Submitted by the Budget Director to the Governor, Relating to the Increasing of Total Budget Appropriation Items by the General Assembly, Relating to the Increasing, Decreasing and Elimination of Special Fund Appropriation Items, Relating to the Passing of Supplementary Appropriation Bill by the General Assembly; and to Amend Chapter 65, Title 29, Delaware Code, Relating to the Allotment of General Fund and Special Fund Appropriation by State Agencies, Relating to the Appropriation of Additional Special Funds that Become Available for Budget Funded Programs, Relating to the Curtailment of Programs or Agency Activities Caused by a Decrease in Special Funds; and Establishing a New Chapter 64 in Title 29, Delaware Code Relating to Special Funds and the Appropriation of Special Funds.

HA 1 to HA 2 to HB 365 - ANDERSON - Placed with the bill.

HA 2 to HB 392 - BENNETT - Placed with the bill.

HA 1 to HB 503 - OBERLE - Placed with the bill.

HJR 30 - DARLING - EDUCATION: Requesting the Office of Management, Budget and Planning to Simplify the System Used for Preparing Public School Budgets, and Requesting the Budget Director to Prepare a Quarterly Summary of School Expenditures for the General Assembly.

SB 277 - HOLLOWAY, REPRESENTATIVE AMBROSINO - APPROPRIATIONS: An Act Making A Supplementary Appropriation to the Bureau of

Substance Abuse for the Purpose of Reimbursing Mrs. Mary Roberta Hartsock for Legal Expenses Incurred.

Representative Jonkiert moved to recess for caucus at 2:55 p.m.

The House was called to order at 8:18 p.m.

Representative Cain moved to suspend the rules for the purpose of introducing and acting on HJR 31. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Cain brought HJR 31 before the House for consideration.

HJR 31 - Establishing the Official Revenue Estimate for Fiscal Year 1978.

The roll call on HJR 31 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Connor, Oberle - 3.

NOT VOTING: Representatives T. Brady, Burris, Hebner, McKay, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 10.

ABSENT: Representatives Billingsley, Johnson, Morris, Plant, Powell - 5.

Therefore, having received a constitutional majority, HJR 31 was sent to the Senate for concurrence.

Representative George brought HB 300 w/HA 1 through HA 26 before the House for consideration.

HB 300 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979, and to Amend Certain Pertinent Statutory Provisions.

Representative Jonkiert moved to place HA 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25, and 26 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Oberle, Powell, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Burris, Hebner, Maxwell, Morris, Riddagh, Roy - 6.

ABSENT: Representatives Ambrosino, Connor, Johnson, Plant - 4.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 through 26 to HB 300 were placed on the Speaker's table.

Representative Jonkiert introduced and brought HA 27 to HB 300, co-sponsored by Representatives Boulden, Gordy and Gilligan, before the House for consideration.

Representative Sincock requested that his name be removed from HB 300 as a Joint Sponsor.

Representative Sincok requested the following communication be read into the record:

Richard E. Huff, Vice President - Municipal Bond Department
Standard & Poor's Corporation, 345 Hudson Street, New York,
New York 10014

GENERAL OBLIGATIONS -- State of Delaware "A+" Rating Continued

The State of Delaware will fund an estimated \$30 million cumulative deficit for the fiscal year ending June 30, 1977, through a negotiated 30-month loan from Citibank. The loan will be evidenced by \$30 million of notes of the State at interest rates of 3.84% for the first 60 to 90 days, and 4.34% thereafter. The notes will be callable in 60 to 90 days, during which period the state has the option of buying up the loan and then selling notes competitively to obtain a lower interest rate.

The notes are to be paid from an increase in certain taxes and fees recently enacted by the General Assembly. The gasoline tax was increased to 11 cents/gallon from 9 cents; the income tax on corporations, banks and building and loan associations to 8.7% from 7.2%; and the fee for certification of corporate documents by the Secretary of State to \$10 from \$7.50. The gasoline tax will revert to 9 cents/gallon on the earlier of December 31, 1979 or the date of certification that sufficient monies are available to pay the total principal and interest requirements on the notes. The increase in the income tax is permanent.

The currently estimated \$30 million cumulative deficit for FY 1977, is considerable less than the \$56 million estimated in March, 1977 (see F.I.I. March 26, 1977). The actual cumulative deficit at May 31, 1977 was \$30,155,340. Due to this deficit financing, the state can begin FY 1978 in a balanced financial position.

Although elimination of the deficit in this manner is a difficult, but constructive step in meeting the problems of the past, the State will continue to be tested in its ability to hold expenditures in line with ongoing revenues in the future.

Our "A+" rating on Delaware's general obligation bonds is continued.

Representative Jonkiert moved to table the roll call on HA 27 to HB 300. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ridings introduced and brought HA 28 to HB 300 before the House for consideration.

Representative George moved to place HA 28 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Darling, Ferguson, George, Gilligan, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller,

Minner, Morris, Rispoli, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, Ridings, Sincok, Smith, Vernon - 10.

NOT VOTING: Representatives Clendaniel, Oberle, Riddagh, Roy, Temple - 5.

ABSENT: Representatives Gordy, Johnson, McKay, Plant, Powell - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 28 to SB 300 was placed on the Speaker's table.

Representative Sincok introduced and brought HA 29 to HB 300, co-sponsored by Representative McKay, before the House for consideration.

Representative Sincok moved to place HA 29 to HB 300 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Hebner, Jonkiert, Kelly, Matushefske, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon - 26.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Gilligan, Loughney, Lynch, Maxwell, Miller, Rispoli, Worthen - 12.

NOT VOTING: Mr. Speaker Boulden - 1.

ABSENT: Representatives Johnson, Plant - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 29 to HB 300 was placed on the Speaker's table.

Representative Jonkiert moved to recess at 10:25 p.m. for caucus.

The House was called to order at 11:24 p.m.

Representative Jonkiert moved to lift the roll call on HA 27 to HB 300. The motion was seconded by Representative Matushefske and adopted by voice vote.

The roll call on HA 27 to HB 300 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Billingsley, T. Brady, Burris, Hebner, Maxwell, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 14.

NOT VOTING: Representative George - 1.

ABSENT: Representatives Ambrosino, Connor, Johnson, Plant - 4.

Therefore, having received a constitutional majority, HA 27 to HB 300 was adopted.

The roll call on HB 300 w/HA 27 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd.

Cain, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Hebner, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 18.

ABSENT: Representatives Johnson, Plant - 2.

Therefore, having received a constitutional majority, HB 300 w/HA 27 was sent to the Senate for concurrence.

Committee Reports:

Administrative Services: HB 539 - 4M.

Natural Resources: SB 222 - 1F, 4M; SB 300 - 4M.

Education: SB 228 - 4M.

Representative Jonkiert moved to recess to the call of the Chair at 11:30 p.m.

49th LEGISLATIVE DAY

June 27, 1977

The Speaker called the House to order at 1:51 p.m.

Committee Report:

House Administration: HB 545 - 3M.

The Majority Leader moved to adjourn at 1:52 p.m., thereby ending the previous legislative day. The House reconvened at 1:52 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed: SCR 46.

Representative Jonkiert moved to lift HCR 39 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HCR 39 before the House for consideration.

HCR 39 - Commending Fabia Harris for Her Fine Work as a Reporter for the Philadelphia Bulletin as She Leaves Delaware.

HCR 39 was adopted by voice vote.

Representative Matushefske introduced HA 1 to HB 453 and requested that it be placed with the bill.

Representative Jonkiert introduced and brought SCR 44 before the House for consideration.

SCR 44 - Commending the American Legion Auxiliary, Department of Delaware, and the Participants of the 1977 Girls State for the Participation in a Uniquely Educational Experience.

SCR 44 was adopted by voice vote and returned to the Senate.

Representative Sincock moved to strike HB 143, 153, 154, 155, 156, 158, 159, 163, 164, 168, 226, 227, and 278.

Without objection, HB 143, 153, 154, 155, 156, 158, 159, 163, 164, 168, 226, 227, and 278 were stricken.

The following prefiled legislation was introduced:

HB 546 - RIDDAGH, MORRIS - JUDICIARY: An Act to Amend Title 11, Chapter 51, Delaware Code, to Provide for Notification to Victims of Negotiated Pleas.

HB 547 - W. BRADY - COMMUNITY AFFAIRS: An Act to Amend Chapter 174, Volume 23, Laws of Delaware Entitled "An Act to Re-Incorporate the Town of Townsend" and Relating to the Power to Adopt and Enforce Town Ordinances. (2/3 bill)

HA 3 to HB 365 - ANDERSON - Placed with the bill.

HA 2 to HB 435 - GORDY - Placed with the bill.

HA 1 to HB 451 - GORDY - Placed with the bill.

HA 1 to HB 528 - MILLER - Placed with the bill.

Representative Jonkiert moved to recess for caucus at 2:04 p.m.

The House was called to order at 3:15 p.m.

Representative Temple introduced and brought HR 81 before the House for consideration.

HR 81 - Commending Sandra Aiken, of Seaford, for Her Selection as Miss Delaware at the Annual Pageant.

HR 81 was adopted by voice vote.

Representative Darling moved to lift HB 525 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling brought HB 525 before the House for consideration.

HB 525 - An Act to Amend Title 9, 10, and 12 of the Delaware Code Relating to Salaries of Elected Officials of Kent County.

Representative Riddagh introduced and brought HA 1 to HB 525 before the House for consideration. HA 1 to HB 525 was defeated by voice vote.

The roll call on HB 525 was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Powell, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, McKay, Oberle, Riddagh, Ridings, Roy, Vernon - 12.

NOT VOTING: Representatives Clendaniel, Hebner, Sincok, Smith - 4.

ABSENT: Representatives Lynch, Plant - 2.

Therefore, having received a constitutional majority, HB 525 was sent to the Senate for concurrence.

Representative Anderson moved to lift HB 365 w/HA 1,2, HA 1 to HA 2, HA 3 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson brought HB 365 w/HA 1,2, HA 1 to HA 2, HA 3 before the House for consideration.

Representative Anderson moved to strike HA 2 and HA 1 to HA 2 to HB 365. Without objection, HA 2 to HB 365 and HA 1 to HA 2 to HB 365 were stricken.

Representative Anderson moved to place HB 365 w/HA 1, HA 3 on the Speaker's table. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Worthen moved to lift HB 302 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought HB 302 w/HA 1 before the House for consideration.

HB 302 - An Act to Amend Title 21, of the Delaware Code Relating to Motor Vehicle Insurance; and Providing for a Definition of Injured Person.

Representative Worthen requested and was granted the privilege of the floor for Mr. Everett Gayle from the Insurance Commissioner's Office.

The roll call on HB 302 w/HA 1 was taken and revealed:

YES: Representatives Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Plant, Powell, Ridings, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Billingsley, T. Brady, Connor, Hebner, McKay, Morris, Oberle, Riddagh, Rispoli, Roy - 11.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, HB 302 w/HA 1 was sent to the Senate for concurrence.

Representative Cain moved to suspend the rules for the purpose of introducing and acting on HB 548. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Cain brought HB 548, co-sponsored by Representative Sincok before the House for consideration.

HB 548 - An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to Exemption from Certain Retail and Wholesale Merchants' License Requirements and Taxes.

Representative Cain moved to place HB 548 on the Speaker's

table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Maxwell introduced HS 1 for HB 376.

HS 1 for HB 376 - An Act to Amend Chapter 3, Title 24 of the Delaware Code Relating to Regulation of the Practice of Architecture.

Mr. Speaker assigned HS 1 for HB 376 to the Administrative Services Committee.

Representative Jonkiert moved to lift HS 1 for HB 417 w/HA 1,2,3,6 from the Speaker's table. The motion was seconded by Representative Rispoli and adopted by voice vote.

HS 1 for HB 417 - An Act to Amend Title 28 of the Delaware Code, Relating to the Spanish Game of Jai-Alai.

Representative Bennett moved to strike HA 6 to HS 1 for HB 417. Without objection, HA 6 to HS 1 for HB 417 was stricken.

Representative Bennett brought HA 7 before the House for consideration.

The roll call on HA 7 to HS 1 for HB 417 was taken and revealed:

YES: Representatives Anderson, Bennett, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Lynch, Minner, Morris, Rispoli, Smith, Temple, Worthen, Mr. Speaker Boulden - 19.

NO: Representatives Byrd, Cain, Loughney, Miller, Plant, Ridings - 6.

NOT VOTING: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Hebner, Johnson, Matushefske, Maxwell, McKay, Powell, Roy, Sincock, Vernon - 14.

ABSENT: Representatives Oberle, Riddagh - 2.

Therefore, not having received a constitutional majority, HA 7 to HS 1 for HB 417 was declared defeated.

Representative Ambrosino introduced and brought HA 8 before the House for consideration. HA 8 to HS 1 for HB 417 was defeated by voice vote.

Representative Ambrosino introduced and brought HA 9, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

The roll call on HA 9 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Burris, Clendaniel, Darling, Gordy, Hebner, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Sincock, Smith, Temple, Vernon - 19.

NO: Representatives Anderson, W. Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Johnson, Kelly, Loughney, Matushefske, Maxwell, Miller, Plant, Powell, Rispoli, Roy, Worthen, Mr. Speaker Boulden - 20.

NOT VOTING: Representative Jonkiert.

ABSENT: Representative Billingsley - 1.

Therefore, not having received a constitutional majority, HA 9 to HS 1 for HB 417 was declared defeated.

Representative Ambrosino introduced and brought HA 10, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

Representative Ambrosino requested and was granted the privilege of the floor for Mr. George Herring, Esq., representing Warner Communications.

HA 10 to HS 1 for HB 417 was defeated by voice vote.

Representative Ambrosino introduced and brought HA 11, co-sponsored by Representatives Hebner and Oberle before the House for consideration.

Representative Ambrosino moved to strike HA 11. Without objection, HA 11 to HS 1 for HB 417 was stricken.

Representative Ambrosino introduced and brought HA 12, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

HA 12 to HS 1 for HB 417 was defeated by voice vote.

Representative Ambrosino introduced and brought HA 13, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

The roll call on HA 13 was taken and revealed:

YES: Representatives Ambrosino, Connor, Hebner, McKay, Oberle, Ridings, Roy, Sincok, Smith, Vernon - 10.

NO: Representatives Anderson, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 27.

ABSENT: Representatives Bennett, Billingsley, Burris, Gordy - 4.

Therefore, not having received a constitutional majority, HA 13 to HS 1 for HB 417 was declared defeated.

Representative Ambrosino introduced and brought HA 14, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

Representative Ambrosino moved to strike HA 14. Without objection, HA 14 to HS 1 for HB 417 was stricken.

Representative Ambrosino introduced and brought HA 15, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

The roll call on HA 15 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon - 21.

NO: Representatives Anderson, W. Brady, Byrd, Cain, Ferguson, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 15.

ABSENT: Representatives T. Brady, Burris, George, Maxwell, Powell - 5.

Therefore, having received a constitutional majority, HA 15 to HS 1 for HB 417 was passed.

Representative Ambrosino introduced and brought HA 16,

co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

HA 16 to HS 1 for HB 417 was defeated by voice vote.

Representative Ambrosino introduced and brought HA 17, co-sponsored by Representatives Hebner and Oberle, before the House for consideration.

Representative Ambrosino moved to strike HA 17. Without objection, HA 17 to HS 1 for HB 417 was stricken.

Representative Jonkiert requested and was granted the privilege of the floor for Mr. George Herring.

Representative Sincock moved for a recess for caucus. Representative McKay seconded the motion. Mr. Speaker recessed the House at 5:40 p.m. and called the House to order at 5:50 p.m.

Representative Ridings introduced and brought HA 18, co-sponsored by Representatives Bennett, Darling, Minner, Roy, Oberle, Ridings, and Billingsley before the House for consideration.

Representative T. Brady requested and was granted the privilege of the floor for Mr. George Herring.

Representative Ridings moved to table the roll call on HA 18. The motion was seconded by Representative Sincock and was defeated by voice vote.

The roll call on HA 18 was taken and revealed:

YES: Representatives Bennett, Billingsley, Burris, Darling, Hebner, Loughney, McKay, Minner, Morris, Oberle, Ridings, Roy, Sincock, Smith, Vernon - 15.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Miller, Plant, Powell, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 24.

NOT VOTING: Representative Ferguson - 1.

ABSENT: Representative Maxwell - 1.

Therefore, not having received a constitutional majority, HA 18 to HS 1 for HB 417 was declared defeated.

Representative Roy introduced and brought HA 19, co-sponsored by Representative Ambrosino, before the House for consideration.

The roll call on HA 19 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Darling, Ferguson, Gilligan, Hebner, Kelly, Loughney, McKay, Minner, Oberle, Powell, Ridings, Roy, Sincock, Smith, Vernon - 20.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, George, Gordy, Johnson, Jonkiert, Lynch, Matushefske, Maxwell, Miller, Morris, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 19.

ABSENT: Representatives Byrd, Cain - 2.

Therefore, not having received a constitutional majority, HA 19 to HS 1 for HB 417 was declared defeated.

Representative Vernon introduced and brought HA 20 before the House for consideration.

The roll call on HA 20 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Ferguson, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Plant, Powell, Rispoli, Roy, Vernon, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Darling, Gordy, Hebner, Minner, Morris, Oberle, Riddagh, Ridings, Sincok, Smith, Temple - 11.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives Byrd, Cain - 2.

Therefore, having received a constitutional majority, HA 20 to HS 1 for HB 417 was passed.

Representative Connor requested and was granted the privilege of the floor for House Attorney, John Rich.

Representative Jonkiert moved to table the roll call on HS 1 for HB 417 w/HA 1,2,15, 20. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 38.

NO: Representatives Billingsley, McKay, Vernon - 3.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HS 1 for HB 417 w/HA 1,2, 15 and 20 was tabled.

Representative Miller brought SB 300 before the House for consideration.

Representative Miller requested and was granted the privilege of the floor for Mr. Austin Olney from the Department of Natural Resources.

Representative Miller moved to place SB 300 on the Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

The House recessed at 6:30 p.m. and reconvened at 6:35 p.m.

Representative Gordy moved to lift HB 452 from the Speaker's table. The motion was seconded by Representative Byrd and adopted by voice vote.

Representative Gordy brought HB 452 before the House for consideration.

Representative Ridings introduced and brought HA 1 before the House for consideration. Representative Gordy moved to strike HA 1 to HB 452 because HA 1 was

technically incorrect. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Connor moved to place HB 452 on the Speaker's table. The motion was seconded by Representative Smith.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Connor, Hebner, Ridings, Smith - 7.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

Therefore, not having received a constitutional majority, the motion failed and HB 452 remained before the House.

Representative Oberle requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Ridings introduced and brought HA 2 to HB 452 before the House for consideration.

Representative Gordy moved to place HA 2 to HB 452 on the Speaker's table.

The roll call on the motion was taken and revealed:

Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Ridings, Vernon - 3.

ABSENT: Representatives Billingsley, T. Brady, Connor, George, Hebner, Matushefske, Oberle, Plant, Smith - 9.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HB 452 was placed on the Speaker's table.

Representative McKay moved to table the roll call on HB 452. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 7:15 p.m.

The House was called to order at 9:35 p.m.

Representative Miller moved to lift SB 300 w/SA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller brought SB 300 w/SA 1,2 before the House for consideration.

SB 300 - An Act to Amend Title 7 of the Delaware Code to Confer Upon the Department of Natural Resources and Environmental Control the Power to Deal with the Hazards and Threats of Danger and Damage Posed by Spills of Oil and Petroleum Products upon the Waters and Within the Boundaries of This State; to Require the Prompt Containment and Removal of Pollution Occasioned Thereby; to Provide

Procedures Whereby Persons Suffering Damages from Such Occurrences May Be Promptly Made Whole: To Guarantee that All Persons Using the Waters of the State for the Transportation or Transfer of Oil, Petroleum Products and Their By Products Meet Minimum Requirements of Financial Responsibility; to Provide Penalties for Violating Provisions Thereof; to Provide for Service of Process Upon Non-Resident Owners or Operators; and Providing an Appropriation to Carry Out the Provisions of This Act.

Representative Miller introduced and brought HA 1 to SB 300 w/SA 1,2, co-sponsored by Representative Lynch, before the House for consideration.

Representative Miller requested and was granted the privilege of the floor for Acting Secretary of Natural Resources and Environmental Control, Austin Olney.

HA 1 to SB 300 w/SA 1,2 was adopted by voice vote.

Representative Miller requested and was granted the privilege of the floor for Acting Secretary of Natural Resources and Environmental Control, Austin Olney.

The roll call on SB 300 w/SA 1,2, HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 41.

NO: Representative Loughney - 1.

Therefore, having received a constitutional majority, SB 300 w/SA 1,2, HA 1 was returned to the Senate for action on the amendment.

Representative Matushefske deferred SB 160 to the end of the Agenda and yielded to Representative Jonkiert.

Representative Jonkiert brought HB 545 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Jonkiert moved to strike HB 545. Without objection, HB 545 was stricken.

Representative Matushefske deferred SB 161 to the end of the Agenda and brought HB 22 before the House for consideration.

Representative Matushefske introduced and brought HA 1 to HB 22 before the House for consideration. HA 1 to HB 22 was adopted by voice vote.

Representative Worthen moved to place HB 22 on the Speaker's table. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Gordy moved to lift the roll call on HB 452. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Gordy moved to rescind the roll call on

HB 452. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Gordy requested and was granted the privilege of the floor for House Attorney John Rich.

Representative McKay requested and was granted the privilege of the floor for House Attorney John Rich.

HB 452 - An Act to Amend Chapter 70, Title 7, Delaware Code Relating to Pipelines in the Coastal Zone.

The roll call on HB 452 was taken and revealed:

YES: Representatives W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, Connor, George, Gilligan, Hebner, Oberle, Ridings, Smith, Vernon, Worthen - 14.

NOT VOTING: Representative Miller - 1.

ABSENT: Representative Maxwell - 1.

Therefore, having received a constitutional majority, HB 452 was sent to the Senate for concurrence.

Committee Reports:

Natural Resources: HS 1 for HB 319 - 4M; SB 294 - 4M.

Administrative Services: HS 1 for HB 376 - 1F, 3M; HB 527 - 4M.

Revenue & Finance: HB 411 - 4M.

Highway & Transportation - HB 459 - 1F, 5M.

Appropriations: HB 529 - 6M; SB 277 - 6M.

Health & Social Services: SB 124 - 2F, 4M; SB 144 - 1F, 4M; SB 180 - 5M; SJR 10 - 1F, 5M.

Representative Cain moved to lift HB 548 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 548 - An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to Exemption from Certain Retail and Wholesale Merchants' License Requirements and Taxes.

Representative Cain introduced and brought HA 1 to HB 548, co-sponsored by Representative Powell, before the House for consideration. HA 1 to HB 548 was adopted by voice vote.

The roll call on HB 548 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Loughney, Plant - 2.

ABSENT: Representatives Billingsley, Ridings - 2.

Therefore, having received a constitutional majority, HB 548 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred SB 162 to the end of the Agenda and yielded to Representative Ferguson.

Representative Ferguson brought HB 430 w/HA 1,2,3,4 before the House for consideration.

HB 430 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees Pension Plan.

Representative Maxwell brought HA 1 before the House for consideration. Representative Maxwell moved to strike HA 1. Without objection, HA 1 to HB 430 was stricken.

Representative Gilligan brought HA 2 before the House for consideration. HA 2 to HB 430 was adopted by voice vote.

Representative Maxwell brought HA 3 to HB 430 before the House for consideration. HA 3 to HB 430 was adopted by voice vote.

Representative Ferguson brought HA 4 before the House for consideration. HA 4 to HB 430 was adopted by voice vote.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Russell Dineen, Chairman of the State Pension Board.

The roll call on HB 430 w/HA 2,3,4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Hebner - 1.

NOT VOTING: Representative Lynch - 1.

ABSENT: Representatives Billingsley, Matushefske, Ridings - 3.

Therefore, having received a constitutional majority, HB 430 w/HA 2,3,4 was sent to the Senate for concurrence.

Representative Rispoli brought HB 403 before the House for consideration.

HB 403 - An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for a Termination of Tenancy Under Certain Circumstances.

Representative Rispoli introduced and brought HA 1 before the House for consideration. HA 1 to HB 403 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 before the House for consideration. Representative Oberle moved to strike HA 2. Without objection, HA 2 to HB 403 was stricken.

The roll call on HB 403 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Connor, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Oberle, Plant,

Rispoli, Smith, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Bennett, Burris, Clendaniel, Darling, Hebner, McKay, Minner, Morris, Riddagh, Roy, Sincock, Vernon - 12.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives Billingsley, Byrd, Cain, Ferguson, Matushefske, Ridings - 6.

Therefore, having received a constitutional majority, HB 403 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the Agenda rules. The motion was seconded by Representative Gordy and defeated by voice vote.

Representative Jonkiert moved to recess to the call of the Chair at 11:44 p.m.

50th LEGISLATIVE DAY

June 28, 1977

The Speaker called the House to order at 1:55 p.m.

Committee Reports:

Education: HB 214 - 4F.

Judiciary: HB 546 - 2F, 2M.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by the Chaplain, Father Joseph Kaupas of St. Peter's Catholic Church, New Castle, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Ferguson - 1.

The minutes of the previous legislative day were approved as posted.

Representative Loughney introduced and brought SCR 43, sponsored by Senator Hughes, before the House for consideration.

SCR 43 - In Recognition of the Public Service of Edith R. Kendall of Claymont.

SCR 43 was adopted by voice vote.

Representative Gilligan introduced and brought HCR 41, co-sponsored by Representatives Kelly, Ferguson, Minner, Oberle and Senators Cicione and Holloway, before the House for consideration.

HCR 41 - Requesting the Attorney General of the State of Delaware to Assign a Deputy Attorney General for the Purpose of Fulfilling the Duties and Responsibilities of the Provisions of House Bills 407 and 408.

HCR 41 was adopted by voice vote and sent to the Senate for concurrence.

Representative Darling introduced and brought SCR 47, co-sponsored by Senators McDowell and Spence and Representatives Smith, Darling and Miller, before the House for consideration.

SCR 47 - Calling Upon the Governor of the State of Delaware to Promote the Funding of an Energy Extension Pilot Program in the State of Delaware.

SCR 47 was adopted by voice vote.

Representative Clendaniel introduced and brought SCR 48, co-sponsored by Senators Adams, Cordrey, Cicione, Cook, Littleton and Spence and Representatives Clendaniel, W. Brady, Darling, Minner, Burris and Smith, before the House for consideration.

SCR 48 - Commending Country and Western Comic, Jerry Clower, for his Devotion to Agriculture and for Promoting It in Delaware Prior to and During the 1977 Delaware State Fair.

SCR 48 was adopted by voice vote.

Communications:

The Senate wishes to inform the House that it has passed: SB 298; SB 306 w/SA 1; SB 261 w/SA 1; SB 301; SB 183 w/SA 1; HB 127; SB 266; SB 317; HB 373; SB 316; SCR 47; SCR 48; HCR 39; HCR 40.

Representative Jonkiert moved to recess for caucus at 2:15 p.m.

The House was called to order at 2:17 p.m.

Representative Temple introduced Miss Sandra Aiken, Miss Delaware, from Seaford, Delaware. Miss Aiken was granted the privilege of the floor.

The following prefiled legislation was introduced:

HB 549 - WORTHEN, SENATOR MURPHY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Office of the State Bank Commissioner for Payment of Back Salary of an Employee

HB 550 - RISPOLI, KELLY, TEMPLE, SENATOR SHARP - COMMUNITY AFFAIRS: An Act to Amend Chapter 16, Part II, Title 16 of the Delaware Code Relating to the Litter Control Law; and Providing a Method by Which Funds are Collected and Disbursed Through the Effective Administration of Such Law.

HB 551 - RISPOLI - JUDICIARY: An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens.

HB 552 - MINNER, BENNETT - NATURAL RESOURCES: An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to the Powers and Duties of the Department of Natural Resources and Environmental Control.

HB 553 - GILLIGAN, W. BRADY - EDUCATION: An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code by Modifying the Salary Schedules for Administrative Secretaries, Senior Secretaries, Secretaries, and Clerks; and Providing an Appropriation Therefor.

HB 554 - WORTHEN - PUBLIC SAFETY: An Act to Amend Title 21, Delaware Code Relating to the Regulation of Bicycles. (2/3 bill)

HB 555 - JONKIERT, BILLINGSLEY, CAIN, MILLER, SMITH, GEORGE, SENATOR CICIONE, REPRESENTATIVES AMBROSINO, BENNETT, CONNOR, SENATOR COOK, REPRESENTATIVE GILLIGAN, SENATORS HALE, HOLLOWAY, KEARNS, LITTLETON, REPRESENTATIVE MATUSHEFSKE, SENATOR MCDOWELL, REPRESENTATIVE WORTHEN - APPROPRIATIONS: An Act to Make A Supplementary Appropriation for Certain Grants-in Aid. (3/4 bill)

HB 556 - LYNCH - CONSTITUTION: An Act Proposing an Amendment to Section 2, Article XIII of the Constitution of the State of Delaware Relating to Local Option Districts. (2/3 bill)

HA 5 to HB 380 - GEORGE, CAIN - Placed with the bill.

HA 6 to HB 380 - GEORGE - Placed with the bill.

HA 7 to HB 380 - CAIN, GEORGE - Placed with the bill.

HA 3 to HB 437 - JOHNSON - Placed with the bill.

HA 1 to HB 466 - MINNER - Placed with the bill.

HA 1 to HB 526 - MINNER - Placed with the bill.

HA 1 to HB 532 - JOHNSON - Placed with the bill.

HJR 32 - LYNCH - EDUCATION: Requesting the Governor of the State of Delaware to Appoint an Ad Hoc Committee to Review, Evaluate, and Recommend Ways in Which the Division of Purchasing can Effectively and Efficiently Improve Upon the Present System, its Practices and Methods of Purchasing for All State Agencies, Including, But Not Limited to Public Schools.

SB 183 w/SA 1 - CICIONE, REPRESENTATIVES GILLIGAN, MAXWELL, BYRD, KELLY, MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Part VII, Title 10 of the Delaware Code Relating to the Organization and Operation of Justice of the Peace Courts.

SB 298 - ADAMS - HOUSE ADMINISTRATION: An Act to Amend Chapter 51 of Title 30, Delaware Code Relating to Municipal Street Aid.

SB 261 w/SA 1 - COOK, ADAMS, REPRESENTATIVES MINNER, BURRIS - EDUCATION: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Classes and Partially Sighted Pupils.

SB 266 - HALE, REPRESENTATIVE WORTHEN - JUDICIARY: An Act to Amend § 101, Subchapter 1, Chapter 1, Title 13, of the Delaware Code, Relating to the Marriage of Mental Hospital Patients.

SB 301 - MCCULLOUGH, REPRESENTATIVE CONNOR - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Division of Highways of the Department of Transportation for the Installation of Signs and Signals at Certain School Locations.

SB 306 w/SA 1 - ADAMS, CORDREY, LITTLETON, REPRESENTATIVES CLENDANIEL, GORDY, TEMPLE, VERNON, BURRIS - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 525, Volume 59, Laws of Delaware, Extending the Reversion Date for Monies from the Capital Investment Fund Used to Finance Restoration of the Old Sussex County Courthouse.

SB 316 - MURPHY, HUGHES, REPRESENTATIVES WORTHEN, SINCOCK - BANKING & INSURANCE: An Act to Amend Subchapter V, Chapter 23, Part II, Title 19, Delaware Code Relating to Taxes and Charges upon Insurance Carriers and Self Insurers: Second Injury and Contingency Fund.

SB 317 - MURPHY, HUGHES, REPRESENTATIVES WORTHEN, SINCOCK - BANKING & INSURANCE: An Act to Amend Chapter 13, Part I, Title 18, Delaware Code, Relating to Investments of Insurance Companies.

Representative Jonkiert moved to recess for caucus at 2:20 p.m.

The House was called to order at 4:39 p.m.

Representative Worthen moved to lift the roll call on HB 326 w/HA 1,2. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 326 - An Act to Amend Title 21, Delaware Code, Relating to Motor Vehicles and Requiring the Registration and Control of Off-Highway Vehicles.

The roll call on HB 326 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NOT VOTING: Representatives Ferguson, Minner, Roy - 3.

ABSENT: Representatives Anderson, Smith - 2.

Therefore, having received a constitutional majority, HB 326 w/HA 1,2 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the Agenda rules for the purpose of considering one bill. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Jonkiert yielded to Representative Gordy.

Representative Gordy brought HB 387 before the House for consideration.

HB 387 - An Act to Reincorporate the Town of Delmar.

The roll call on HB 387 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Byrd, Ferguson, Kelly, Lynch, Smith - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 387 was sent to the Senate for concurrence.

Representative Matushefske moved to lift HB 543 from the

Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HB 543 - An Act to Amend Chapters 3,4 and 5 of Title 28, Delaware Code, Relating to Tax on Admissions, and the Taxes and Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks and Harness Racing Tracks in Delaware and the Licensee's Commission on Such Pools.

Representative Matushefske brought HB 543 before the House for consideration.

Representative Matushefske requested and was granted the privilege of the floor for Mr. Baird Brittingham, Chairman of the Board of Delaware Park, Mr. W. E. Hansen, President and Chief Executive of Brandywine Raceway and John Riddle, President and General Manager of Dover Downs.

The privilege of the floor was granted to the Treasurer of Brandywine Raceway, Mr. Joseph Longo.

The roll call on HB 543 was taken and revealed:

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Jonkiert, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen - 33.

NOT VOTING: Representatives Gordy, Johnson, Matushefske, Plant, Sincock, Mr. Speaker Boulden - 6.

ABSENT: Representatives Ferguson, Kelly - 2.

Therefore, not having received a constitutional majority, HB 543 was defeated.

Representative Anderson moved to lift HB 365 w/HA 1,3 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Anderson brought HB 365 w/HA 1,3 before the House for consideration.

Representative Anderson moved to strike HA 3. Without objection, HA 3 to HB 365 was stricken.

Representative Anderson introduced and brought HA 4 before the House for consideration.

Representative Anderson requested and was granted the privilege of the floor for House Attorney John Rich.

HA 4 to HB 365 was adopted by voice vote.

Representative Billingsley requested and was granted the privilege of the floor for Mr. Gary Grubb from the House Attorney's office.

Representative Anderson moved to table the roll call on HB 365 w/HA 1,4. The motion was seconded by Representative Jonkiert.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Bennett, Billingsley, Burris, McKay, Vernon - 5.

ABSENT: Representatives Cain, Ferguson, George, Gordy, Sincok - 5.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HB 365 w/HA 1,4 was tabled.

Representative Powell moved to lift HB 392 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Powell requested and was granted the privilege of the floor for Donald P. Whitely, Secretary of Labor.

Representative Minner brought HA 1 before the House for consideration. HA 1 to HB 392 was adopted by voice vote.

Representative Bennett brought HA 2 before the House for consideration. HA 2 to HB 392 was adopted by voice vote.

Representative Powell introduced and brought HA 3 before the House for consideration. HA 3 to HB 392 was adopted by voice vote.

Representative Powell introduced and brought HA 4 before the House for consideration. HA 4 to HB 392 was adopted by voice vote.

Representative Powell introduced and brought HA 5 before the House for consideration. HA 5 to HB 392 was defeated by voice vote.

Representative Byrd moved to table the roll call on HB 392 w/HA 1,2,3,4. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Rispoli brought HB 397 before the House for consideration.

HB 397 - An Act to Amend Chapter 51, Part III, Title 25, of the Delaware Code Relating to the Landlord-Tenant Code; and Prohibiting any Demand by Landlords for Extra Money Payments.

The roll call on HB 397 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Clendaniel, Lynch, McKay, Minner - 4.

ABSENT: Representatives Ferguson, Gordy, Johnson, Miller, Morris, Sincok, Temple - 7.

Therefore, having received a constitutional majority, HB 397 was sent to the Senate for concurrence.

Representative Kelly brought HB 207 w/HA 1,2 before the House for consideration.

HB 207 - An Act to Amend Chapter 23, Title 30, of the Delaware Code Relating to Exemptions for the Elderly from the Cost of Occupational Licenses and Fees.

Representative Kelly moved to strike HA 1. Without objection, HA 1 to HB 207 was stricken.

Representative Kelly brought HA 2 before the House for consideration. HA 2 to HB 207 was adopted by voice vote.

The roll call on HB 207 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Hebner - 1.

ABSENT: Representatives Ferguson, Johnson, Morris, Vernon - 4.

Therefore, having received a constitutional majority, HB 207 w/HA 2 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 426 before the House for consideration.

HB 426 - An Act to Amend Chapter 47, Title 15 of the Delaware Code Relating to Compensation of Election Officers.

The roll call on HB 426 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Ferguson, Johnson, Morris, Rispoli, Sincock, Vernon - 6.

Therefore, having received a constitutional majority, HB 426 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 327 and brought HB 497 before the House for consideration.

HB 497 - An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Tax on Admissions, and the Taxes and Commissions on Pari-Mutuel and Totalizator Pools at Horse Racing Tracks.

Representative Powell introduced and brought HA 1 before the House for consideration. HA 1 to HB 497 was adopted by voice vote.

The roll call on HB 497 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, W. Brady, Burris, Byrd, Cain, Connor, Darling, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 30.

NO: Representatives Bennett, Clendaniel, Jonkiert, Worthen - 4.

ABSENT: Representatives Anderson, T. Brady, Ferguson, Johnson, Morris, Rispoli, Sincock - 7.

Therefore, having received a constitutional majority, HB 497 w/HA 1 was sent to the Senate for concurrence.

Representative Darling deferred HB 263 to the end of the Agenda and brought HB 508 before the House for consideration.

HB 508 - An Act to Amend an Act Entitled "An Act to Re-Incorporate the Town of Felton", Being Chapter 208 of Volume 24, Laws of Delaware, by Increasing the Amount that Can Be Raised Each Year by Taxes.

The roll call on HB 508 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ferguson, Johnson, Matushefske, Morris - 4.

Therefore, having received a constitutional majority of at least two-thirds of the members of the House, HB 508 was sent to the Senate for concurrence.

Representative Minner brought SB 259 before the House for consideration.

SB 259 - An Act to Amend Subchapter II, Chapter 23, Title 21, Delaware Code, Relating to Fees for Recording Liens on Motor Vehicles Paid to the Division of Motor Vehicles of the Department of Public Safety.

The roll call on SB 259 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Cain, Ferguson, Gordy, Johnson, Morris, Sincock - 6,

Therefore, having received a constitutional majority, SB 259 was returned to the Senate.

Representative Minner deferred HB 424 and brought HB 466 w/HA 1 before the House for consideration.

HB 466 - An Act to Amend Chapter 51, Subchapter II, Title 30, Delaware Code, Relating to Special Fuel.

Representative Minner brought HA 1 before the House for consideration. HA 1 to HB 466 was adopted by voice vote.

The roll call on HB 466 w/ HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy,

Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ferguson, Johnson, Matushefske, Morris - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 466 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 412 before the House for consideration.

HB 412 - An Act to Amend Chapter 28, Title 21, Delaware Code, Relating to Habitual Offender Drivers.

Representative Oberle requested the privilege of the floor for House Attorney John Rich.

The roll call on HB 412 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Connor, Darling, George, Gilligan, Hebner, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Cain, Clendaniel, Gordy, Jonkiert, Loughney, Plant - 6.

NOT VOTING: Representative Byrd - 1.

ABSENT: Representatives Ferguson, Johnson, Morris - 3.

Therefore, having received a constitutional majority, HB 412 was sent to the Senate for concurrence.

Representative Minner deferred HB 447 and brought SB 275 before the House for consideration.

Representative Lynch introduced and brought HA 1 to SB 275 before the House for consideration.

Representative Lynch requested and was granted the privilege of the floor for House Attorney, John Rich.

HA 1 to SB 275 was adopted by voice vote.

Representative Minner moved to place SB 275 w/HA 1 on the Speaker's table. The motion was seconded by Representative Miller and adopted by voice vote.

Representative Worthen deferred HB 401 w/HA 1 and brought HB 394 before the House for consideration.

HB 394 - An Act to Amend Chapter 39, Title 18, of the Delaware Code, Relating to Uninsured Vehicle Coverage.

The roll call on HB 394 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ferguson, Johnson, Jonkiert, Minner - 4.

Therefore, having received a constitutional majority, HB 394 was sent to the Senate for concurrence.

Representative Ambrosino deferred HB 395 to the end of the Agenda and brought SB 277 before the House for consideration.

SB 277 - An Act Making a Supplementary Appropriation to the Bureau of Substance Abuse for the Purpose of Reimbursing Mrs. Mary Roberta Hartsock for Legal Expenses Incurred.

The roll call on SB 277 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, George, Gilligan, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Anderson, Clendaniel, Hebner, Kelly, Lynch, Minner, Morris, Smith, Vernon - 9.

NOT VOTING: Representatives Billingsley, Burris, Sincock - 3.

ABSENT: Representatives Ferguson, Gordy, Johnson, Ridings - 4.

Therefore, having received a constitutional majority, SB 277 was returned to the Senate.

Representative Bennett brought HB 419 before the House for consideration.

HB 419 - An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Procurement of Materiel and Award Contracts.

The roll call on HB 419 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Burris, Ferguson, Johnson, Loughney, Matushefske, Ridings - 6.

Therefore, having received a constitutional majority, HB 419 was sent to the Senate for concurrence.

Representative Bennett deferred SB 237 and brought SB 228 before the House for consideration.

SB 228 - An Act to Permit the Capital School District to Transfer Certain Funds From Its Debt Service Account to Its Capital Improvement Account.

The roll call on SB 228 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Smith, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Lynch, Vernon - 2.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives T. Brady, Ferguson, Gordy, Johnson, Plant, Ridings, Roy - 7.

Therefore, having received a constitutional majority, SB 228 was returned to the Senate.

Representative Worthen deferred HB 303 and brought SB 245 before the House for consideration.

SB 245 - An Act to Amend Chapter 59, Title 18, Delaware Code Relating to Liquidation of Domestic Insurers.

The roll call on SB 245 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: T. Brady, Ferguson, Johnson, Plant - 4.

Therefore, having received a constitutional majority, SB 245 was returned to the Senate.

Representative Gordy brought HB 445 before the House for consideration.

Representative Gordy moved to place HB 445 on the Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Jonkiert moved to suspend the Agenda rules for the purpose of working on HB 449. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert yielded to Representative Cain. Representative Cain deferred HB 449 and brought HB 411 before the House for consideration.

HB 411 - An Act to Amend Chapter II, Title 30, Delaware Code, Relating to Income Tax Withholding, to Permit Income Tax Withholding From Legal Residents of the State Who are Serving in the Armed Services.

The roll call on HB 411 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Ferguson, George, Johnson, Loughney, Vernon - 5.

Therefore, having received a constitutional majority, HB 411 was sent to the Senate for concurrence.

Representative Gilligan deferred HB 409 and brought SB 114 w/SA 1,3 before the House for consideration.

SB 114 - An Act to Amend Chapter 6, Title 31, Delaware Code, Relating to the Misuse of Food Stamps.

The roll call on SB 114 w/SA 1,3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, SB 114 w/SA 1,3 was returned to the Senate.

Representative Miller brought SB 155 before the House for consideration.

SB 155 - An Act to Amend Chapter 7, Title 7, of the Delaware Code Relating to Shot Size Allowed to Take Game.

The roll call on SB 155 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 36.

NOT VOTING: Representatives Gordy, Minner, Morris, Temple - 4.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, SB 155 was returned to the Senate.

Representative Matushefske deferred SB 52 and brought HB 8 before the House for consideration.

Representative Matushefske requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Matushefske introduced and brought HA 1 to HB 8 before the House for consideration.

Representative Matushefske moved to strike HA 1 to HB 8. Without objection, HA 1 to HB 8 was stricken.

Representative Matushefske moved to place HB 8 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Powell deferred HB 441 and yielded to Representative Lynch.

Representative Lynch brought SB 288 before the House for consideration.

SB 288 - An Act Making a Supplemental Appropriation to the Caesar Rodney School District to Pay an Employee Who Failed to Receive Her Blue-Cross-Blue Shield Payments.

The roll call on SB 288 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant,

Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, SB 288 was sent to the Senate for concurrence.

Representative George brought HB 332 w/SA 1 before the House for consideration.

Representative Jonkiert moved to waive the fiscal note requirement. Representative Miller seconded the motion. The motion was adopted by voice vote.

Representative Sincock moved to table the roll call on HB 332 w/SA 1. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gilligan brought HB 98 w/HA 1 and SA 1 before the House for consideration.

HB 98 - An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Fees for Hunting and Trapping Licenses for Nonresidents.

The roll call on HB 98 w/HA 1 and SA 1 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Byrd, Darling, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Matushefske, McKay, Plant, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Bennett, Billingsley, Clendaniel, Connor, George, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Riddagh, Vernon, Worthen - 16.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives Cain, Ferguson, Gordy - 3.

Therefore, having received a constitutional majority, HB 98 w/HA 1 and SA 1 was sent to the Governor.

Representative Powell deferred HB 442 and brought HB 381 before the House for consideration.

HB 381 - An Act to Amend Chapter 69, Part VI, Title 29, of the Delaware Code Relating to the Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

The roll call on HB 381 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Byrd, Ferguson, Gordy, Oberle - 4.

Therefore, having received a constitutional majority, HB 381 was sent to the Senate for concurrence.

Representative Powell brought HB 443 before the House for consideration.

HB 443 - An Act to Amend Section 3125 (a), Title 19,

Delaware Code, Relating to Obtaining Information from the Department of Labor.

The roll call on HB 443 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Byrd, Ferguson, Gordy - 3.

Therefore, having received a constitutional majority, HB 443 was sent to the Senate for concurrence.

Representative Powell brought HB 446 before the House for consideration.

HB 446 - An Act to Amend Chapter 31 and 33, Title 19, Delaware Code, Relating to Unemployment Compensation to Increase the Penalty for Failing to File Reports and the Interest on Past-Due Assessments.

The roll call on HB 446 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Ferguson, Lynch - 2.

Therefore, having received a constitutional majority, HB 446 was sent to the Senate for concurrence.

Representative Powell brought HB 448 before the House for consideration.

HB 448 - An Act to Amend Section 31, Title 19, Delaware Code, to Make the State Treasurer the Treasurer and Custodian of the Unemployment Compensation Fund and Special Administration Fund.

The roll call on HB 448 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 448 was sent to the Senate for concurrence.

Committee Reports:

Judiciary: HB 530 - 4M.

Education: HJR 32 3F, 1M; HB 307 - 1F, 3M; HB 406 - 1F, 2M, 1U; HB 487 - 2F, 2M.

House Administration: HB 377 - 4M.
 Public Safety: HB 399 - 1F, 4M; SB 113 - 5M.
 Labor and Commerce: HB 538 - 2F, 2M.
 Community Affairs: HB 547 - 4F.
 Appropriations: HB 549 - 1F, 3M; HB 555 - 4M; SB 301 - 4M.

Banking & Insurance: SB 316 - 1F, 4M; SB 317 - 1F, 4M.

Representative Byrd introduced HB 557.

HB 557 - An Act to Amend Chapter 13, Title 19 of the Delaware Code Relating to Collective Bargain Agreements and the Arbitration of Certain Disputes Arising out of Collective Bargaining between a Public Employer and the Exclusive Bargaining Representative of Public Employees.

Mr. Speaker assigned HB 557 to Labor and Commerce Committee.

Representative Jonkiert moved to recess to the call of the Chair at 9:41 p.m.

51st LEGISLATIVE DAY

June 29, 1977

The Speaker called the House to order at 2:03 p.m.

Committee Reports:

Labor & Commerce: HB 557 - 4M; HB 532 - 4M.

Administrative Services: SB 306 - 4M.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed:

SB 232; SB 83; HCR 41; SB 341; HB 332 w/SA 1; HB 314; HB 98 w/HA 1, SA 1.

Representative Byrd moved to suspend the rules for the purpose of introducing and acting on HJR 33. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Byrd brought HJR 33, co-sponsored by Senator Sharp, before the House for consideration.

HJR 33 - Expressing Congratulations to the United States Department of Labor, Bureau of Apprenticeship and Training, on the Fortieth Anniversary of the National Apprenticeship Act.

The roll call on HJR 33 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain,

Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 39.

ABSENT: Representatives Maxwell, Worthen - 2.

Therefore, having received a constitutional majority, HJR 33 was sent to the Senate for concurrence.

Representative Ferguson moved to suspend all rules for the purpose of introducing and acting on HJR 34. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought HJR 34, co-sponsored by Representatives Gilligan, Roy, Matushefske, Kelly, Boulden and Oberle, before the House for consideration.

HJR 34 - Requesting the Department of Health, Education and Welfare to Complete its Report on the Plan Omega Without Further Delay.

The roll call on HJR 34 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Johnson, Plant, Rispoli, Smith - 4.

NOT VOTING: Representatives Miller, Ridings - 2.

ABSENT: Representatives Ambrosino, Powell - 2.

Therefore, having received a constitutional majority, HJR 34 was sent to the Senate for concurrence.

Representative Plant moved to lift HB 20 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Plant introduced HA 1 to HB 20.

Representative Plant requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Plant moved to strike HB 20 w/HA 1. Without objection, HB 20 w/HA 1 was stricken.

The following prefiled legislation was introduced:

HB 558 - SINCOK, BYRD - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Operations Account of the State Lottery Office of the Department of Finance, for the Fiscal Year Ending June 30, 1977.

HB 559 - AMBROSINO - EDUCATION: An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Relating to Driver Education Teachers in Non-Public Schools.

HB 560 - AMBROSINO - EDUCATION: An Act to Amend Chapter 10 and Chapter 27, Title 14 of the Delaware Code Relating to Necessary or Legal Absences of Pupils and Teachers in the Free Public Schools.

HB 561 - AMBROSINO, PLANT - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 16, Part II, Title 2 of the Delaware

Code Relating to the Powers of a Local Transportation Authority.

HB 562 - AMBROSINO - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to Elections in Reorganized School Districts; and Providing for Absentee Voting.

HB 563 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16 of the Delaware Code Relating to Hospitals and Other Health Facilities; and Providing for a Rate Review Program.

HB 564 - LOUGHNEY - JUDICIARY: An Act to Amend Subchapter VI of Title 11, Delaware Code, Relating to Prisoner Compensation.

HB 565 - W. BRADY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 1, Title 31, Delaware Code Relating to the Burial of the Remains of an Indigent Person by the State.

HB 566 - W. BRADY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 47, Title 29, Delaware Code Relating to the Burial of Body by the State.

HB 567 - LOUGHNEY, KELLY, OBERLE, HEBNER, SENATORS SHARP, CICIONE - JUDICIARY: An Act to Amend Chapter 5, of Title 10, Delaware Code Relating to Attempts by Federal Agencies to Exceed Their Authority by Regulating Public Schools of the State; Imposing a Penalty and Providing Civil Damages Therefor.

HB 568 - MCKAY, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Volume 58, Chapter 578, Laws of Delaware, Known as the Annual Capital Improvements Act of 1973. (3/4 bill)

HB 569 - MCKAY, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Volume 59, Chapter 223 of the Laws of Delaware Known as the Annual Capital Improvements Act of 1974. (3/4 bill)

HB 570 - MCKAY, SINCOCK - HOUSE ADMINISTRATION: An Act to Revert Certain Unencumbered Funds to a Special Account Known as the State Bond Reversion Account. (3/4 bill)

HB 571 - MCKAY, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Volume 60, Chapter 271 of the Laws of Delaware, Known as the Capital Improvements Act of 1976. (3/4 bill)

HB 572 - MCKAY, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Volume 60, Chapter 691, Laws of Delaware, Known as the Annual Capital Improvements Act of 1977. (3/4 bill)

HA 1 to HS 1 to HB 319 - MAXWELL - Placed with the bill.

HA 1 to HB 338 - AMBROSINO - Placed with the bill.

HA 1 to HB 395 - AMBROSINO - Placed with the bill.

HA 1 to SS 1 to SB 163 - BILLINGSLEY - Placed with the bill.

SB 83 - HOLLOWAY - APPROPRIATIONS: An Act to Make a Supplemental Appropriation to the Department of Correction for Back Pay for an Employee Who Was Denied, in Error, Appointment Above the First Step of His Pay Grade.

SB 232 - SHARP, MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 5 of Title 17 of the Delaware Code

Relating to Highways and Roads Generally, and Providing for Coordination Between the Department of Transportation and the Several Counties in Future Planning.

SB 341 - KEARNS, REPRESENTATIVE MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 31, Title 10, Delaware Code Relating to Service of Process on Non-Resident Directors, Trustees or Members of the Governing Body of Delaware Corporations.

Representative Jonkiert moved to recess for caucus at 2:26 p.m.

The House was called to order at 8:34 p.m.

Representative Matushefske moved to lift HB 22 w/HA 1 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske moved to table the roll call on HB 22 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on SB 341. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SB 341 before the House for consideration.

SB 341 - An Act to Amend Chapter 31, Title 10, Delaware Code, Relating to Service of Process on Non-Resident Directors, Trustees or Members of the Governing Body of Delaware Corporations.

The roll call on SB 341 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Billingsley, T. Brady, Burris, Byrd, Minner, Powell, Roy, Vernon - 8.

Therefore, having received a constitutional majority, SB 341 was returned to the Senate.

Representative Anderson moved to lift the roll call on HB 365 w/HA 1,4. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 365 - An Act to Amend Title 30, Delaware Code, To Provide for a Finder's Fee for those Who Provide the Department of Finance with Certain Information About Those Who Violate Title 30.

The roll call on HB 365 w/HA 1,4 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Bennett, Billingsley, Burris, Cain, Clendaniel, Connor, Johnson, Lynch, McKay, Minner, Morris, Plant, Powell, Ridings, Smith, Vernon - 17.

ABSENT: Representative Sincok - 1.

Therefore, having received a constitutional majority, HB 365 w/HA 1,4 was sent to the Senate for concurrence.

Representative Minner moved to lift SB 275 w/HA 1 from the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Minner brought SB 275 w/HA 1 before the House for consideration.

SB 275 - An Act to Amend Chapter 43, Part III, Title 21 of the Delaware Code Relating to the Equipment and Construction of Vehicles; and Providing for the Use of Blue Lights on Vehicles Used by Law Enforcement Agencies and Personnel.

Representative Minner brought HA 2 to SB 275 before the House for consideration. HA 2 to SB 275 was adopted by voice vote.

The roll call on SB 275 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representative Lynch - 1.

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Billingsley, Byrd - 2.

Therefore, having received a constitutional majority, SB 275 w/HA 1,2 was returned to the Senate for action on the amendments.

Representative Clendaniel moved to lift HB 49 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Clendaniel moved to strike HB 49. Without objection, HB 49 was stricken.

Representative Matushefske moved to lift HB 8 from the Speaker's table. Representative Gordy seconded the motion. The motion was defeated by voice vote.

Representative Sincok moved to lift the roll call on HB 332. The motion was seconded by Representative McKay and adopted by voice vote.

HB 332 - An Act to Provide a Supplemental Appropriation to the State Judiciary Agencies.

The roll call on HB 332 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, McKay, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Loughney, Morris, Ridings - 3.

NOT VOTING: Representatives Billingsley, Clendaniel, Maxwell, Miller, Vernon - 5.

Therefore, having received a constitutional majority, HB 332 w/SA 1 was sent to the Governor.

Representative Plant deferred SB 187 and moved to suspend all rules for the purpose of introducing and acting on HB 573. Representative Gordy seconded the motion. The motion was defeated by voice vote.

HB 573 - An Act to Amend Chapter 5 of Title 31, Delaware Code, Relating to the Removal of Restrictions on Public Assistance Payments to Employables Between the Ages of 18 and 54 Years of Age.

Representative Gordy brought HB 460 before the House for consideration.

HB 460 - An Act to Amend Chapter 45, of Title 21, Delaware Code, Relating to Law Enforcement Weighing Procedures and Equipment.

Representative Sincock stated that he would be recorded as not voting due to a possible conflict of interest.

The roll call on HB 460 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representatives Billingsley, Plant - 2.

NOT VOTING: Representatives Anderson, Sincock - 2.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 460 was sent to the Senate for concurrence.

Representative Gordy brought HB 451 w/HA 1 before the House for consideration.

HB 451 - An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to the Definition of "Heavy Industry" in the Coastal Zone Act.

Representative Gordy moved to strike HA 1. Without objection, HA 1 to HB 451 was stricken.

Representative Ridings introduced and brought HA 2 before the House for consideration. Representative Gordy moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

The roll call on HB 451 was taken and revealed:

YES: Representatives Billingsley, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Matushefske, McKay, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Bennett, W. Brady, Burris, Connor, George, Hebner, Kelly, Maxwell, Miller, Minner, Morris, Oberle, Ridings, Smith, Worthen - 16.

NOT VOTING: Representative Vernon - 1.

ABSENT: Representatives Anderson, T. Brady, Lynch - 3.
Therefore, having received a constitutional majority,
HB 451 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 461 before the House for consideration.

HB 461 - An Act to Amend Chapter 75, Title 15, of the Delaware Code Relating to Municipal Elections.

The roll call on HB 461 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Byrd, Gordy - 2.

Therefore, having received a constitutional majority,
HB 461 was sent to the Senate for concurrence.

Representative Minner deferred HB 440 to the end of the Agenda and brought SB 246 before the House for consideration.

SB 246 - An Act to Amend Chapter 52, Title 30, Delaware Code Relating to Penalty for Failure to Report or Pay Tax.

The roll call on SB 246 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Ambrosino, Ridings - 2.

ABSENT: Representatives Billingsley, Byrd, Matushefske - 3.

Therefore, having received a constitutional majority,
SB 246 was returned to the Senate.

Representative Bennett deferred SCR 35 and brought HB 125 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Mr. William L. Richardson from Delaware Technical and Community College, Terry Campus. Representative Bennett moved to place HB 125 on the Speaker's table. The motion was seconded by Representative Ambrosino and adopted by voice vote.

Representative Bennett brought SB 184 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Senator Martin.

Representative Bennett moved to place SB 184 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought HB 458 before the House for consideration.

HB 458 - An Act to Provide a Supplemental Appropriation to the Department of Administrative Services, for Operational Costs for Fiscal Year 1977.

Representative Bennett introduced and brought HA 1 before the House for consideration. HA 1 to HB 458 was adopted by voice vote.

The roll call on HB 458 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36

NO: Representatives Burris, Morris, Ridings - 3.

ABSENT: Representatives Byrd, Gordy - 2.

Therefore, having received a constitutional majority, HB 458 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to lift HB 370 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HB 370 w/HA 1,2 before the House for consideration.

Representative Jonkiert moved to table the roll call on HB 370 w/HA 1,2. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SB 134 w/SA 1 before the House for consideration.

SB 134 - An Act to Provide a Supplementary Appropriation to the Department of Public Safety, Division of State Police.

Representative George requested and was granted the privilege of the floor for Senator Cicione.

Representative Jonkiert moved to stop the debate on SB 134 w/SA 1 because five members rose according to House Rule 30 of HR 2 as amended by HA 1.

The roll call on SB 134 w/SA 1 was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Oberle, Plant, Rispoli, Temple, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Billingsley, Burris, Connor, Hebner, Ridings - 6.

NOT VOTING: Representatives Anderson, T. Brady, Cain, McKay, Miller, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Worthen - 12.

Therefore, having received a constitutional majority, SB 134 w/SA 1 was returned to the Senate.

Representative Minner introduced and brought SCR 50, sponsored by Senator Sharp, before the House for consideration.

SCR 50 - Requesting William J. O'Rourke, Secretary of the Department of Public Safety, to Furnish and/or to Brief Members of the 129th General Assembly on the Formulation and Execution of Plans as to How the Department of Public Safety Plans to Handle the Desegregation Case of Evans vs. Buchanan.

SCR 50 was adopted by voice vote.

Representative Hebner brought HB 299 w/HA 1 before the House for consideration.

Representative Hebner brought HA 1 before the House for consideration.

Representative Hebner requested and was granted the privilege of the floor for House Attorney John Rich.

HA 1 to HB 299 was adopted by voice vote.

Representative Hebner introduced and brought HA 2 before the House for consideration. HA 2 to HB 299 was adopted by voice vote.

Representative Hebner moved to table the roll call on HB 299 w/HA 1,2. The motion was adopted by voice vote.

Representative Byrd moved to lift the roll call on HB 392 w/HA 1,2,3,4. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Byrd moved to rescind the roll call on HB 392 w/HA 1,2,3,4. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Vernon introduced and brought HA 6, co-sponsored by Representatives Hebner and Roy, before the House for consideration.

Representative Byrd moved to place HA 6 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Ferguson, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Rispoli, Worthen, Mr. Speaker Boulden - 18.

NO: Representatives Ambrosino, Bennett, Billingsley, Clendaniel, Connor, Darling, Gordy, Hebner, Lynch, Minner, Morris, Riddagh, Ridings, Roy, Smith, Temple, Vernon - 17.

ABSENT: Representatives T. Brady, Burris, Cain, George, McKay, Sincock - 6.

Therefore, not having received a constitutional majority, the motion was defeated and HA 6 to HB 392 remained before the House.

Representative Jonkiert moved to invoke House Rule 30.

The roll call on HA 6 to HB 392 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, Burris, Clendaniel, Darling, Gordy, Hebner, Lynch, McKay, Minner, Morris, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen - 19.

NO: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Connor, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Rispoli, Temple, Mr. Speaker Boulden - 20.

ABSENT: Representatives Ferguson, George - 2.

Therefore, not having received a constitutional majority, HA 6 to HB 392 was defeated.

Representative Vernon introduced and brought HA 7, co-sponsored by Representatives Hebner and Roy, before the House for consideration.

Representative Jonkiert moved to stop debate because five members rose according to Rule 30.

The roll call on HA 7 to HB 392 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, Burris, Clendaniel, Darling, Gordy, Hebner, McKay, Minner, Morris, Riddagh, Ridings, Sincok, Smith, Temple, Vernon - 17.

NO: Representatives Anderson, Byrd, Connor, George, Gilligan, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Rispoli, Mr. Speaker Boulden - 15.

NOT VOTING: Representatives Ambrosino, W. Brady, Worthen - 3.

ABSENT: Representatives Cain, Ferguson, Johnson, Lynch, Powell, Roy - 6.

Therefore, not having received a constitutional majority, HA 7 to HB 392 was defeated.

Representative Darling moved to place HB 392 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Gordy, Hebner, Lynch, McKay, Minner, Morris, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen - 23.

NO: Representatives Anderson, Byrd, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Rispoli, Mr. Speaker Boulden - 16.

ABSENT: Representatives Cain, Ferguson - 2.

Therefore, having received a constitutional majority, the motion was adopted and HB 392 was placed on the Speaker's table.

Representative Byrd moved to lift HB 392 from the Speaker's table. The motion was seconded by Representative Plant and adopted by voice vote.

Representative Byrd moved to strike HB 392. Without objection, HB 392 was stricken.

Representative Hebner moved to lift the roll call on HB 299 w/HA 1,2. The motion was adopted by voice vote.

Representative Hebner moved to table the roll call on HB 299. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Billingsley moved to lift HB 380 from the Speaker's table. The motion was seconded by Representative McKay, but defeated by voice vote.

Representative Worthen deferred HB 368 to the end of the Agenda and brought HB 498 before the House for consideration.

HB 498 - An Act to Amend Chapter 9 and Chapter 11, Title 13, of the Delaware Code Relating to Adoption and Termination of Parental Rights.

The roll call on HB 498 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representative Hebner - 1.

ABSENT: Representatives Byrd, Ferguson, Powell - 3.

Therefore, having received a constitutional majority, HB 498 was sent to the Senate for concurrence.

Representative Kelly deferred HB 179 and brought HB 496 before the House for consideration.

Representative Kelly moved to place HB 496 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative T. Brady brought HB 333 before the House for consideration.

HB 333 - An Act to Amend Chapter 29, Part II, Title 9 of the Delaware Code Relating to the Public Health and Welfare and Providing for the Physically Handicapped Access to Commercial Areas Under Certain Circumstances.

The roll call on HB 333 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ferguson, Powell, Ridings, Roy - 4.

Therefore, having received a constitutional majority, HB 333 was sent to the Senate for concurrence.

Representative Cain deferred HB 14 and yielded to Representative Worthen.

Representative Worthen brought HB 549 before the House for consideration.

Representative Worthen moved to place HB 549 on the Speaker's table. The motion was seconded by Representative Morris and adopted by voice vote.

Representative Ferguson brought HB 430 w/HA 2,3,4 and SA 2 before the House for consideration.

HB 430 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to State Employees Pension Plan.

The roll call on HB 430 w/HA 2,3,4 and SA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel,

Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NOT VOTING: Representative Lynch - 1.

ABSENT: Representatives T. Brady, Hebner, Oberle, Ridings - 4.

Therefore, having received a constitutional majority, HB 430 w/HA 2,3,4 and SA 2 was sent to the Governor.

Representative Ferguson brought HB 361 before the House for consideration.

Representative Ferguson introduced and brought HA 1 to HB 361 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ferguson moved to place HB 361 w/HA 1 on the Speaker's table. The motion was seconded by Representative Billingsley and adopted by voice vote.

Representative Maxwell brought HB 483 before the House for consideration.

Representative Maxwell moved to place HB 483 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative W. Brady deferred HB 282 and brought HB 547 before the House for consideration.

HB 547 - An Act to Amend Chapter 174, Volume 23, Laws of Delaware Entitled "An Act to Re-Incorporate the Town of Townsend: and Relating to the Power to Adopt and Enforce Town Ordinances.

The roll call on HB 547 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Ridings - 1.

ABSENT: Representatives T. Brady, Burris, Ferguson, Minner - 4.

Therefore, having received a constitutional majority, HB 457 was sent to the Senate for concurrence.

Representative Gilligan brought SB 118 before the House for consideration.

SB 118 - An Act to Amend Chapter 37, Title 31, of the Delaware Code, Relating to Licensed Clinical Social Workers.

The roll call on SB 118 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Plant, Powell, Ridings, Rispoli,

Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representatives Oberle, Riddagh - 2.

ABSENT: Representatives Darling, Ferguson, Maxwell, Morris - 4.

Therefore, having received a constitutional majority, SB 118 was returned to the Senate.

Representative Hebner moved to lift the roll call on HB 299 w/HA 1,2. The motion was adopted by voice vote.

HB 299 - An Act to Amend Section 1311 and Section 1312 of Title 11, Delaware Code, Relating to Harassment.

The roll call on HB 299 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Ferguson, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Darling, Minner, Morris - 3.

NOT VOTING: Representatives Byrd, Clendaniel, George, Gordy - 4.

ABSENT: Representative Loughney - 1.

Therefore, having received a constitutional majority, HB 299 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske brought SB 185 w/SA 1 before the House for consideration.

SB 185 - An Act to Amend Chapter 39, Title 11, of the Delaware Code Relating to Concurrent and Consecutive Sentences.

The roll call on SB 185 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Johnson, Plant - 2.

ABSENT: Representatives T. Brady, Loughney - 2.

Therefore, having received a constitutional majority, SB 185 w/SA 1 was returned to the Senate.

Representative Cain brought HB 390 before the House for consideration.

Representative Cain introduced and brought HA 1 before the House for consideration. HA 1 to HB 390 was adopted by voice vote.

Representative Cain introduced and brought HA 2 before the House for consideration. HA 2 to HB 390 was adopted by voice vote.

Representative Cain moved to place HB 390 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Kelly brought HB 468 before the House for consideration.

HB 468 - An Act to Amend Chapter 5, Subchapter V, Title 11 of the Delaware Code Relating to Sexual Exploitation of Children and Dealing in Material Depicting Children Engaging in Sexual Activity.

Representative Kelly moved to table the roll call on HB 468. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Kelly moved to lift the roll call on HB 468. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Kelly moved to rescind the roll call on HB 468. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Kelly introduced and brought HA 1 before the House for consideration. HA 1 to HB 468 was adopted by voice vote.

The roll call on HB 468 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Gordy, Johnson, Matushefske - 3.

Therefore, having received a constitutional majority, HB 468 w/HA 1 was sent to the Senate for concurrence.

In absence of the sponsor, Representative Jonkiert deferred HB 484 to the end of the Agenda and yielded to Representative Clendaniel.

Representative Clendaniel brought SB 56 before the House for consideration.

SB 56 - An Act Concurring in a Proposed Amendment to Section 1, Article VIII of the Constitution of the State of Delaware Relating to Taxation and the Power of Counties and Incorporated Municipalities to Exempt Property Within Their Respective Boundaries from Property Taxation.

The roll call on SB 56 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Johnson, Powell - 2.

Therefore, having received a constitutional majority, SB 56 was returned to the Senate.

Representative Matushefske deferred HB 492 and brought SB 161 before the House for consideration.

Representative Matushefske moved to place SB 161 on the Speaker's table. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Matushefske deferred HB 490 to the end of the Agenda and brought HB 530 before the House for consideration.

HB 530 - An Act to Amend Chapter 46, Title 29, Delaware Code, Relating to Public Defenders and Private Clients.

The roll call on HB 530 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Billingsley, Burris, McKay, Smith - 4.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representative Johnson, Ridings - 2.

Therefore, having received a constitutional majority, HB 530 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 488 and yielded to Representative Lynch.

Representative Lynch brought HB 377 before the House for consideration.

HB 377 - An Act to Amend Chapter 31, Title 14, of the Delaware Code Relating to the Advisory Committee on the Needs of Exceptional Children.

The roll call on HB 377 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Johnson, Matushefske, Ridings - 3.

Therefore, having received a constitutional majority, HB 377 was sent to the Senate for concurrence.

Representative Burris brought HB 438 w/HA 1 before the House for consideration.

Representative Byrd moved to recommit HB 438 to Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Darling, Ferguson, George, Gilligan, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Clendaniel, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon - 16.

ABSENT: Representatives Gordy, Johnson, Ridings - 3.

Therefore, having received a constitutional majority, the motion was adopted and HB 438 was recommitted to the Revenue and Finance Committee.

Representative Darling brought HB 73 before the House for consideration.

HB 73 - An Act to Amend Chapter 69, Part VI, Title 29, of the Delaware Code Relating to Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

The roll call on HB 73 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Cain, Gordy, Johnson, Ridings - 4.

Therefore, having received a constitutional majority, HB 73 was sent to the Senate for concurrence.

Representative Darling deferred HB 79 and brought HJR 25 before the House for consideration.

HJR 25 - Requesting the Division of Purchasing of the Department of Administrative Services to Establish a Formal Program to Improve Purchasing Practices.

The roll call on HJR 25 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Johnson, Lynch, Ridings - 3.

Therefore, having received a constitutional majority, HJR 25 was sent to the Senate for concurrence.

Representative Darling brought HB 462 before the House for consideration.

HB 462 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Authorizing the Department of Natural Resources and Environmental Control to Require Certification and Insurance for Conducting Percolation Tests for Septic Tank Systems.

The roll call on HB 462 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Cain, Minner - 2.

ABSENT: Representatives Johnson, Ridings - 2.

Therefore, having received a constitutional majority, HB 462 was sent to the Senate for concurrence.

Representative Ferguson deferred SB 122 and brought SB 301 before the House for consideration.

SB 301 - An Act to Provide a Supplementary Appropriation to the Division of Highways of the Department of Transportation for the Installation of Signs and Signals at Certain School Locations.

The roll call on SB 301 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Billingsley, Hebner, Morris, Plant, Smith - 5.

ABSENT: Representatives Gordy, Johnson, Ridings - 3.

Therefore, having received a constitutional majority, SB 301 was returned to the Senate.

Representative Jonkiert moved to lift the roll call on HB 370 w/HA 1,2. The motion was adopted by voice vote.

HB 370 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Municipal Street Aid Fund.

The roll call on HB 370 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Burris, Darling, McKay, Oberle, Ridings, Roy, Sincok, Smith, Vernon - 9.

NOT VOTING: Representative Powell - 1.

Therefore, having received a constitutional majority, HB 370 w/HA 1,2 was sent to the Senate for concurrence.

Representative Darling brought HB 86 before the House for consideration.

HB 86 - An Act to Amend Chapter 60, Title 7, Delaware Code, To Require Issuance of a Certification Regarding Suitability of Building Lots for Installation of Septic Tank Sewage Disposal Systems.

Representative Worthen introduced and brought HA 1 to HB 86 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 86 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, Darling, Ferguson, Hebner, Jonkiert, Kelly, Loughney, Maxwell, Miller, Morris, Oberle, Riddagh, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Bennett, Clendaniel, Gilligan, Lynch, McKay, Minner, Vernon - 7.

ABSENT: Representatives Cain, George, Gordy, Johnson, Matushefske, Plant, Powell, Ridings, Sincok - 9.

Therefore, having received a constitutional majority, HB 86 w/HA 1 was sent to the Senate for concurrence.

Representative Miller brought HB 486 before the House for consideration.

HB 486 - An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Temporary Alimony in Divorce and Annulment Actions.

Representative Miller requested the following communication be read into the record.

June 29, 1977

Dear Representative:

The Family Law Committee and the Bar Association fully support Representative Karen Miller's House Bills 485, 486, and 528.

We urge your support of these bills.

Sincerely,

John T. Gallagher, Vice Chairman
Family Law Committee
Delaware Bar Association

The roll call on HB 486 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Gilligan, Hebner, Kelly, Loughney, McKay, Miller, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Clendaniel, Darling, Gordy, Lynch, Morris, Oberle, Vernon - 7.

ABSENT: Representatives Ferguson, George, Johnson, Jonkiert, Matushefske, Maxwell, Minner, Ridings - 8.

Therefore, having received a constitutional majority, HB 486 was sent to the Senate for concurrence.

Representative Kelly moved to lift HB 496 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 496 - An Act to Amend Chapter 47, Title 7, Delaware Code, to Allow Senior Citizens, 60 Years of Age or Older a Reduction in the State Park Annual Entrance Fees.

Representative Kelly introduced and brought HA 1, co-sponsored by Representative Billingsley, before the House for consideration. HA 1 to HB 496 was adopted by voice vote.

The roll call on HB 496 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Cain, Ferguson, George, Johnson, Matushefske, Miller, Ridings, Sincok - 8.

Therefore, having received a constitutional majority, HB 496 w/HA 1 was sent to the Senate for concurrence.

Representative Byrd deferred HB 398 and brought HB 557 before the House for consideration.

HB 557 - An Act to Amend Chapter 13, Title 19 of the Delaware Code Relating to Collective Bargain Agreements and the Arbitration of Certain Disputes Arising Out of Collective Bargaining Between a Public Employer and the Exclusive Bargaining Representative of Public Employees.

Representative Byrd introduced and brought HA 1 before the House for consideration. HA 1 to HB 557 was adopted by voice vote.

Representative Byrd requested and was granted the privilege of the floor for Mr. Donald Whiteley, Secretary of Labor of the State of Delaware.

The roll call on HB 557 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Minner, Smith - 2.

ABSENT: Representatives Cain, Ferguson, George, Johnson, Matushefske, Ridings, Sincock - 7.

Therefore, having received a constitutional majority, HB 557 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 2:28 a.m.

The House was called to order at 2:59 a.m.

Representative Jonkiert moved to lift the roll call on HS 1 for HB 417 w/HA 1,2,15,20.

Representative Jonkiert brought HS 1 for HB 417 w/HA 1,2,15 and 20 before the House for consideration.

HS 1 for HB 417 - An Act to Amend Title 28 of the Delaware Code, Relating to the Spanish Game of Jai-Alai.

The roll call on HS 1 for HB 417 w/HA 1,2,15 and 20 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Riddagh, Rispoli, Smith, Vernon, Worthen - 25.

NO: Representatives Bennett, Billingsley, Burris, Clendaniel, Darling, Gordy, Kelly, Lynch, McKay, Minner, Morris, Ridings, Roy, Sincock, Temple - 15.

NOT VOTING: Mr. Speaker Boulden - 1.

Therefore, having received a constitutional majority, HS 1 for HB 417 w/HA 1,2,15, and 20 was sent to the Senate for concurrence.

The House recessed to the call of the Chair at 3:02 a.m.

52nd LEGISLATIVE DAY

June 30, 1977

The Speaker called the House to order at 2:55 p.m.

Committee Reports:

Judiciary: HB 503 - 4M.

Environmental Control: HJR 10 - 4M.

Highways & Transportation: SS 1 for SB 163 - 4M.

Energy - SB 242 - 6M.

House Administration: SB 276 - 1F, 4M.

The Majority Leader moved to adjourn at 3:08 p.m., thereby ending the previous legislative day. The House reconvened at 3:08 p.m.; A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Rispoli introduced HB 580.

HB 580 - An Act to Amend Chapter 86, Title 29, Delaware Code, by Adding a New Subchapter Providing for a New Home Warranty; for Security Programs; and for the Registration of the Builders of New Homes.

Mr. Speaker assigned HB 580 to the Community Affairs Committee.

Communications:

June 29, 1977

LEGISLATIVE ADVISORY #16

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/23/77: HB 385 a/a/b HA 1. 6/25/77: SJR 24. 6/28/77: SB 182 a/a/b HA 1; HB 324; HB 246; HB 289; HB 279; HJR 24.

The Governor vetoed SB 283 on 6/24/77.

The Senate wishes to inform the House that it has passed: SB 333; SB 137; HB 430 w/HA 2,3,4, SA 2; HB 418; SS 1 to SB 223 w/SA 2; SB 120 w/SA 1; SS 1 for SB 253 w/SA 1; SB 290; SB 256 w/SA 2; SB 249 w/SA 1; SB 174 w/SA 2; HB 340; SB 238; SB 269; SB 286; SB 292; SCR 49; SCR 50; SCR 51; SCR 52; HB 403 w/HA 1; SB 315; SS 1 for SB 297 w/SA 1,2; SS 2 to SB 191 w/SA 2; SB 335; SB 336; SB 345; SB 308.

Representative Vernon moved to suspend all the rules for the purpose of introducing and acting on HJR 35. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Vernon brought HJR 35, co-sponsored by Representative Bennett and Senator Cordrey, before the House for consideration.

HJR 35 - Extending Sincere Sympathy to the Family of Frank L. Coveleski, One of Delaware's Premier Coaches and Citizens.

The roll call on HJR 35 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Ambrosino, Byrd, Connor, Ferguson, Gordy, Lynch - 6.

Therefore, having received a constitutional majority, HJR 35 was sent to the Senate for concurrence.

Representative Temple introduced and brought SCR 51, co-sponsored by Senators Littleton, Cordrey and Adams and Representative Temple, before the House for consideration.

SCR 51 - Congratulating Sandra Aiken, University of Delaware Senior, on Winning the Title of Miss Delaware at the Competition in Rehoboth Beach on June 25, 1977.

SCR 51 was adopted by voice vote.

Representative Gilligan introduced and brought SCR 52, co-sponsored by Senator Cicione and Representative Gilligan, before the House for consideration.

SCR 52 - Congratulating Former State Senator J. Carl McGuigan and Mrs. McGuigan on Observing Their 60th Wedding Anniversary.

SCR 52 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 574 - T. BRADY, WORTHEN - JUDICIARY: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Issuance Of Warrant.

HB 575 - ROY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 9, of the Delaware Code, Relating to Award of Contracts for Public Work or Goods.

HB 576 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Part III, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates; and Providing for Presidential Preference Primary Elections.

HB 577 - BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 30, Delaware Code, Relating to the Exemption on Aggregate Gross Receipts for Persons Engaged in Seasonal Type Businesses.

HB 578 - AMBROSINO - APPROPRIATIONS: An Act to Provide Payment for Unused Vacation Due to Termination of Employment.

HB 579 - RIDDAGH, DARLING - JUDICIARY: An Act to Amend Title 10, Delaware Code, By Adding a New Chapter 40 Thereto Providing for Limitations on the Civil Liability of the State, its Subdivisions and its Public Officers

and Employees, and By Providing for the Indemnification of Public Officers and Employees in Certain Instances.

HA 1 to HB 272 - CONNOR - Placed with the bill.

Representative Jonkiert moved to recess for caucus at 3:17 p.m.

The House was called to order at 8:37 p.m.

Representative Matushefske moved to suspend all rules for the purpose of introducing and acting on HB 581. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske brought HB 581 before the House for consideration.

HB 581 - An Act Concurring in a Proposed Amendment to Article 4, Sections 2,3 and 12 of the Constitution of the State of Delaware by Increasing the Supreme Court to Five Justices and Providing for a Quorum of the Supreme Court.

Representative Gordy moved to place HB 581 on the Speaker's table. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative George brought HB 416 w/HA 1 and SA 1 before the House for consideration.

HB 416 - An Act to Amend Chapter 63 and Chapter 65, Title 29, Delaware Code Providing for a Zero-Based Budgeting.

The roll call on HB 416 w/HA 1, SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Cain, Minner, Smith, Vernon - 4.

Therefore, having received a constitutional majority, HB 416 w/HA 1 and SA 1 was sent to the Governor.

Representative Plant moved to suspend the rules for the purpose of acting on HB 573. The motion was adopted by voice vote.

Representative Plant moved to table the roll call on HB 573. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Loughney moved to lift the roll call on HB 374. The motion was adopted by voice vote.

Representative Loughney moved to rescind the roll call on HB 374. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 374 - An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Vocational-Technical School District.

Representative Roy introduced and brought HA 4 to HB 374 before the House for consideration. HA 4 to HB 374 was adopted by voice vote.

The roll call on HB 374 w/HA 4 was taken and revealed:

YES: Representatives Bennett, Billingsley, W. Brady, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Burris, Connor, Morris, Riddagh, Sincok - 6.

NOT VOTING: Representatives T. Brady, Ridings, Smith, Vernon - 4.

ABSENT: Representatives Anderson, Cain - 2.

Therefore, having received a constitutional majority, HB 374 was sent to the Senate for concurrence.

Representative Worthen moved to lift HB 549 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 549 - An Act Making a Supplemental Appropriation to the Office of the State Bank Commissioner for Payment of Back Salary of an Employee.

Representative Worthen introduced and brought HA 1 to HB 549 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 549 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Hebner, Ridings, Smith - 3.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, HB 549 w/HA 1 was sent to the Senate for concurrence.

Representative Billingsley moved to lift HB 380 w/ HA 2, 3, 4, 5, 6, 7 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 380 - An Act to Amend Chapter 5, Title 29, Chapter 65, Title 29, Chapter 17, Title 2 and Chapter 51, Title 14, Delaware Code Relating to Reimbursement for Costs of Goods and Services Provided by State Agencies and Departments.

Representative Billingsley moved to strike HA 3. Without objection, HA 3 to HB 380 was stricken.

Representative Billingsley brought HA 4 before the House for consideration. HA 4 to HB 380 was adopted by voice vote.

Representative George brought HA 5 before the House for consideration. HA 5 to HB 380 was adopted by voice vote.

Representative George moved to strike HA 6. Without objection, HA 6 to HB 380 was stricken.

Representative George moved to strike HA 7. Without

objection, HA 7 to HB 380 was stricken.

The roll call on HB 380 w/HA 2,4,5 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40

ABSENT: Representative Gordy - 1.

Therefore, having received a constitutional majority, HB 380 w/HA 2,4,5 was sent to the Senate for concurrence.

Representative Darling moved to suspend all rules for the purpose of introducing and acting on HJR 36. The motion was adopted by voice vote.

Representative Darling brought HJR 36 before the House for consideration.

HJR 36 - Directing the State Board of Education to Modify the 1977-1978 Transportation Formula for Public School Districts Operating District Buses so as to Permit 1967-Model Buses to be Used During the 1977 - 1978 School Year.

The roll call on HJR 36 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 38.

NO: Representative Maxwell - 1.

ABSENT: Representatives Billingsley, Worthen - 2.

Therefore, having received a constitutional majority, HJR 36 was sent to the Senate for concurrence.

Representative Matushefske moved to lift the roll call on HB 22 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 22 - An Act to Amend Chapter 10, Title 14, of the Delaware Code Relating to Vocational-Technical School Districts.

The roll call on HB 22 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Byrd, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Smith, Mr. Speaker Boulden - 25.

NO: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Connor, McKay, Oberle, Ridings, Sincok, Temple, Vernon, Worthen - 13.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Billingsley, Darling - 2.

Therefore, having received a constitutional majority, HB 22 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the Agenda Rules for the purpose of acting on one bill. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller brought SB 294 before the House for consideration.

SB 294 - An Act to Amend Chapter 1, Title 23, Delaware Code Relating to the Requirements for Pilots' Licenses and the Limitation on Number of Pilots.

Representative Miller requested and was granted the privilege of the floor for Senator Cordrey.

The roll call on SB 294 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Ambrosino - 1.

ABSENT: Representatives Connor, Ferguson, Gordy, Oberle, Roy - 5.

Therefore, having received a constitutional majority, SB 294 was returned to the Senate.

Representative Jonkiert moved to suspend all the rules for the purpose of introducing and acting on HB 582. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HB 582 before the House for consideration.

HB 582 - An Act to Amend Chapter 46 of Title 25 of the Delaware Code Relating to Liens for Razing or Demolition of Structures by Public Expenditures.

The roll call on HB 582 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representative Morris - 1.

ABSENT: Representatives Ferguson, George, McKay - 3.

Therefore, having received a constitutional majority, HB 582 was sent to the Senate for concurrence.

Representative Riddagh moved to lift the roll call on HB 43 w/HA 1,2. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Riddagh brought HB 43 w/HA 1,2 before the House for consideration.

HB 43 - An Act to Amend Chapter 271, Volume 60 Laws of Delaware Entitled "An Act Authorizing the State of Delaware

to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts.

The roll call on HB 43 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representative Plant - 1.

NOT VOTING: Representative Cain, George, Johnson - 3.

ABSENT: Representative Ridings - 1.

Therefore, having received a constitutional majority of at least three quarters of the members of the House, HB 43 w/HA 1,2 was sent to the Senate for concurrence.

Representative Minner moved to lift SB 192 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner moved to table the roll call. The motion was adopted by voice vote.

Representative Bennett moved to lift HB 125 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to table the roll call on HB 125. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to suspend all the rules for the purpose of acting on HB 480. The motion was adopted by voice vote.

Representative Darling brought HB 480 before the House for consideration.

HB 480 - An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Known as the "Annual Capital Improvements Act of 1977" and Chapters 718 and 719, Volume 60, Laws of Delaware Which Authorized the Transfer of Funds from the School Bond Reversion Act to the Department of Correction, for the Purpose of Authorizing the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

Representative Darling requested and was granted the privilege of the floor for Mr. James C. Vaughn, Commissioner of Corrections.

The roll call on HB 480 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch,

Matushefske, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Anderson, Gilligan, Maxwell, Morris - 4.

ABSENT: Representatives Cain, George, Gordy, McKay - 4.
Therefore, having received a constitutional majority of at least three-quarters of the members of the House, HB 480 was sent to the Senate for concurrence.

Representative Billingsley introduced HB 583.

HB 583 - An Act to Add a Chapter 5, Title 30, Delaware Code Relating to the Levy, Collection, and Payment of a Tax to be Known as the Commuter Transportation Tax Act.

Mr. Speaker assigned HB 583 to the Revenue and Finance Committee.

Representative Plant brought HB 410 before the House for consideration.

Representative Plant requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Plant moved to place HB 410 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Darling deferred HB 82 and brought HB 263 before the House for consideration.

HB 263 - An Act Proposing an Amendment to Section 9, Article III, of the Constitution of the State of Delaware Relating to the Appointing Power of the Governor.

The roll call on HB 263 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Hebner - 1.

ABSENT: Representatives Byrd, Cain, George, McKay, Powell - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 263 was sent to the Senate for concurrence.

Representative Clendaniel deferred SB 243 and brought SB 306 before the House for consideration.

Representative Clendaniel moved to place SB 306 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Loughney brought HB 298 before the House for consideration. Representative Loughney moved to table the roll call on HB 298. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett deferred HB 473 to the end of the Agenda and yielded to Representative Minner.

Representative Minner moved to suspend the rules for the

purpose of acting on SB 269. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought SB 269 before the House for consideration.

SB 269 - An Act to Reincorporate the City of Milford.

The roll call on SB 269 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NOT VOTING: Representatives Johnson, Plant - 2.

ABSENT: Representatives Ferguson, Jonkiert, Matushefske, McKay, Sincok - 5.

Therefore, having received a constitutional majority of at least two-thirds of the members of the House, SB 269 was returned to the Senate.

Representative Bennett brought SB 197 w/SA 1 before the House for consideration.

SB 197 - An Act Making a Supplementary Appropriation to the Department of Administrative Services for the Purpose of Paying an Employee Who Failed to Receive Payment for Overtime Hours Worked.

The roll call on SB 197 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Minner, Morris, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Hebner, Ridings - 2.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Connor, Ferguson, Matushefske, McKay, Miller, Oberle - 6.

Therefore, having received a constitutional majority, SB 197 w/SA 1 was returned to the Senate.

Representative Darling brought HJR 27 before the House for consideration.

HJR 27 - Recommending the Establishment of a Mandatory Energy Savings Program for the Public Schools in the State of Delaware.

The roll call on HJR 27 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Hebner, Miller, Oberle, Roy - 4.

Therefore, having received a constitutional majority, HJR 27 was sent to the Senate for concurrence.

Representative McKay brought HB 36 before the House for consideration.

HB 36 - An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to the Definition of Public Servant.

The roll call on HB 36 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

NOT VOTING: Representative Johnson - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 36 was sent to the Senate for concurrence.

Representative Rispoli brought HB 45 before the House for consideration.

Representative Jonkiert moved to table the roll call on HB 45. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Loughney moved to lift the roll call on HB 298. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HB 298 - An Act to Amend Chapter 23, Title 18, Delaware Code Relating to Discrimination Against Blind or Deaf Persons.

The roll call on HB 298 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Morris, Oberle, Plant, Rispoli, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Bennett, Billingsley, Hebner, Lynch, Miller, Minner, Riddagh, Ridings, Smith, Vernon - 10.

ABSENT: Representatives Ferguson, Powell - 2.

Therefore, having received a constitutional majority, HB 298 was sent to the Senate for concurrence.

Representative Oberle deferred HB 505 and brought HB 503 before the House for consideration.

HB 503 - An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Sentencing, Probation, Parole and Pardons.

Representative Oberle brought HA 1 before the House for consideration. HA 1 to HB 503 was adopted by voice vote.

The roll call on HB 503 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives T. Brady, Powell, Vernon - 3.

Therefore, having received a constitutional majority, HB 503 w/HA 1 was sent to the Senate for concurrence.

Representative Minner moved to lift the roll call on SB 192 w/SA 1, HA 1. The motion was adopted by voice vote.

Representative Minner brought SB 192 w/SA 1, HA 1 before the House for consideration.

SB 192 - An Act to Amend Subchapter X, Chapter 41, Part III, Title 21 of the Delaware Code Relating to Parking Regulations.

The roll call on SB 192 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lougheny, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Ambrosino, Clendaniel, Darling, Ferguson, Temple - 5.

ABSENT: Representatives Cain, Maxwell, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 192 w/SA 1, HA 1 was returned to the Senate for action on the amendment.

Representative Gordy brought HB 506 before the House for consideration.

HB 506 - An Act to Amend Chapter 59, Title 29, Section 5949 Delaware Code Relating to Appeals.

The roll call on HB 506 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Mr. Speaker Boulden -

ABSENT: Representatives Cain, George, McKay, Sincok, Vernon, Worthen.

Therefore, having received a constitutional majority, HB 506 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 533 to the end of the Agenda and yielded to Representative Matushefske.

Representative Matushefske brought SB 52 before the House for consideration.

SB 52 - An Act to Amend Part VI, Title 10, of the Delaware Code Relating to Fees and Costs; and Providing for the Recoupment of Defense Costs.

The roll call on SB 52 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Mr. Speaker Boulden - 34.

ABSENT: Representatives Byrd, Ferguson, Gordy, Lynch,

Minner, Vernon, Worthen - 7.

Therefore, having received a constitutional majority, SB 52 was returned to the Senate.

Representative Jonkiert deferred HB 534 and yielded to Representative Miller.

Representative Miller moved to suspend the rules for the purpose of acting on SB 222 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller moved to place SB 222 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert deferred HB 535 and yielded to Representative Temple.

Representative Temple moved to suspend all rules for the purpose of introducing and acting on SB 335. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Temple brought SB 335, co-sponsored by Senators Adams, Cordrey and Littleton before the House for consideration.

SB 335 - An Act to Amend Chapter 67, Title 9, of the Delaware Code, Relating to the Powers of Sussex County as to Sanitary Sewer and Water Districts.

Representative Temple moved to place SB 335 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert deferred HB 536 and yielded to Representative Bennett.

Representative Bennett moved to suspend the rules for the purpose of introducing and acting on SB 256 w/SA 2. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought SB 256 w/SA 2 before the House for consideration.

SB 256 - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36 of the Laws of Delaware, by Changing the Date of the Regular Municipal Election and the Date When the Mayor and Councilmen Shall Assume Office.

The roll call on SB 256 w/SA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 34.

ABSENT: Representatives Burris, Cain, George, Lynch, Matushefske, Plant, Vernon - 7.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 256 w/SA 2 was returned to the Senate.

Representative Jonkiert deferred HB 537 and yielded to Representative Johnson.

Representative Johnson brought HB 532 w/HA 1 before the House for consideration.

HB 532 - An Act to Amend Chapter 5, Subchapter IV, Title 4 of the Delaware Code Relating to Licenses to Sell Alcoholic Liquors.

Representative Johnson brought HA 1 before the House for consideration. HA 1 to HB 532 was adopted by voice vote.

The roll call on HB 532 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Mr. Speaker Boulden - 36.

ABSENT: Representatives Cain, Ferguson, Matushefske, Vernon, Worthen - 5.

Therefore, having received a constitutional majority, HB 532 was sent to the Senate for concurrence.

Representative Plant deferred HB 499 and brought SB 187 before the House for consideration.

Representative Plant moved to place SB 187 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy brought HB 500 before the House for consideration.

HB 500 - An Act to Amend an Act Being Chapter 277, Volume 49 Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel," to Change the Fiscal Year, to Provide for Assessment, Levy and Collection of Taxes, to Provide a Date When Taxes Become Delinquent, to Provide a Date When Taxes Become a Lien on Real Estate, to Provide for Changing the Rates for Utility Services During the Fiscal Year, and to Provide a Date When the Town Clerk Shall Settle His Account.

The roll call on HB 500 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 36.

ABSENT: Representatives Byrd, Cain, George, Ridings, Worthen - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 500 was sent to the Senate for concurrence.

Representative Burris brought HB 413 before the House for consideration.

HB 413 - An Act to Amend An Act Entitled "An Act to Incorporate the Town of Slaughter Beach" Being Chapter 167, Volume 37, Laws of Delaware, As Amended by Extending the

Corporate Limits of the Town of Slaughter Beach.

The roll call on HB 413 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 34.

ABSENT: Representatives Ambrosino, Byrd, Cain, George, Gilligan, McKay, Worthen - 7.

Therefore, having received a constitutional majority, HB 413 was sent to the Senate for concurrence.

Representative Brady introduced HB 584.

HB 584 - An Act to Amend Chapter 74, Title 16, Delaware Code, Relating to the Storage of Radioactive Material.

Mr. Speaker assigned HB 584 to the Health and Social Services Committee.

Representative Ferguson brought SB 122 w/SA 1 before the House for consideration.

SB 122 - An Act to Amend Chapter 17, Title 2, Delaware Code Relating to Specialized Transportation Authority.

The roll call on SB 122 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Byrd - 1.

Therefore, having received a constitutional majority, SB 122 w/SA 1 was returned to the Senate.

Representative Matushefske deferred SB 157 and brought SCR 35 before the House for consideration.

SCR 35 - Recommending that the State of Delaware Negotiate with the United States Postal Service for the Purchase of the Wilmington Downtown Post Office Property, and That Funds for this Purpose be Placed in the Fiscal 1978 Bond Bill.

The roll call on SCR 35 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, SCR 35 was returned to the Senate.

Representative Cain introduced HB 585, co-sponsored by Representative Powell.

HB 585 - An Act to Amend Chapter 13, Title 30 of the Delaware Code Relating to Inheritance Tax Returns.

Mr. Speaker assigned HB 585 to the Revenue and Finance Committee.

Representative Cain introduced HB 586, co-sponsored by Representative Powell.

HB 586 - An Act to Amend Chapter 21, Part III, Title 30, Delaware Code, Relating to Occupational Business Taxes to Provide Procedures for Obtaining and Enforcing Judgments Against Delinquent Taxpayers.

Mr. Speaker assigned HB 586 to the Revenue and Finance Committee.

Representative Matushefske deferred SB 160 to the end of the Agenda and yielded to Representative Temple.

Representative Temple moved to suspend the rules for the purpose of acting on SB 336. Representative Jonkiert seconded the motion. The motion was adopted by voice vote.

Representative Temple brought SB 336 before the House for consideration.

Representative Temple moved to place SB 336 on the Speaker's table. The motion was adopted by voice vote.

Representative Matushefske deferred SB 162 and yielded to Representative Morris.

Representative Morris moved to suspend the rules for the purpose of introducing and acting on SB 151. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Morris brought SB 151, sponsored by Senator Sharp, before the House for consideration.

SB 151 - An Act to Amend Chapter 691, Volume 60, Laws of Delaware Entitled, "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts"; Provide Funds for a Central Administration Office for the Department of Corrections; and Further Authorizing and Approving of the Transfer of Certain Real Property by the Smyrna School District to the Department of Correction for a Central Administration Office.

The roll call on SB 151 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker
Boulden - 37.

ABSENT: Representatives Byrd, Miller, Ridings, Rispoli - 4.

Therefore, having received a constitutional majority of at least three-quarters of the members of the House, SB 151 was returned to the Senate.

Representative Matushefske deferred SB 159 and yielded to Representative Lynch.

Representative Lynch brought HB 487 before the House for consideration.

HB 487 - An Act to Amend Chapter 34, Title 14 of the Delaware Code Relating to Higher Education Scholarships.

The roll call on HB 487 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Ambrosino, Burris, Smith, Vernon - 4.

ABSENT: Representatives Gordy, Morris, Ridings - 3.

Therefore, having received a constitutional majority, HB 487 was sent to the Senate.

Representative Jonkiert moved to recess the regular session at 11:55 p.m. to the call of the Chair.

1st LEGISLATIVE DAY

Second Special Session

July 1, 1977

Representative Jonkiert moved to convene in Special Session. The motion was seconded by Representative Sincock and adopted by voice vote.

June 30, 1977

TO: All Members of the House of Representatives and the Senate of the 129th General Assembly of the State of Delaware.

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, you are hereby notified that the House of Representatives and the Senate of the 129th General Assembly of the State of Delaware are recalled into session on July 1, 1977 at 12:01 a.m.

Kenneth W. Boulden
Speaker of the House

James D. McGinnis
President of the Senate

Pursuant to the above, the Speaker called the House to order at 12:01 a.m. The Majority Leader moved to adjourn at 12:02 a.m., thereby ending the previous legislative day. The House reconvened at 12:12 a.m. A prayer was offered

by Representative Thomas Temple from the 39th District.
 The Speaker led those present in a salute to the Flag.
 The Chief Clerk called the roll.
 Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Jonkiert stated that the first order of business was to appoint a committee of two to notify the Senate and the Governor that the House was in Session.

Mr. Speaker appointed Representative Ferguson to notify the Senate and Representative Connor to notify the Governor.

Communications:

The Senate wishes to inform the House that it has passed:
HB 411; HB 207 w/HA 2; HB 548 w/HA 1; HB 508; HB 348 w/HA 1,2,3;
HB 466 w/HA 1; HB 99; HB 419; SB 156 w/SA 3; SB 334; SS 2 for
SB 143 w/SA 1,2; SCR 27; SCR 53; HB 341; HJR 23; SB 337; SB 85;
HB 481; HB 525; HB 387; HB 416 w/HA 1,SA 1; HJR 33.

Representative Jonkiert moved to recess for caucus at 12:07 a.m.

The House was called to order at 4:07 a.m.

Representative Jonkiert moved to recess to the call of the Chair at 4:08 a.m.

2nd LEGISLATIVE DAY

Second Special Session

July 1, 1977 (p.m.)

The Speaker called the House to order at 3:56 p.m.

Committee Reports:

Judiciary: HB 574 - 4M.

Education: HJR 28 - 4M.

The Majority Leader moved to adjourn at 3:57 p.m., thereby ending the previous legislative day. The House reconvened at 3:57 p.m. A prayer was offered by Representative Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed:
HB 326 w/HA 1,2.

Representative Ferguson introduced and brought HCR 42, co-sponsored by Representative Gordy, before the House for consideration.

HCR 42 - Fixing Certain Hours for the Closing and Recall of the Daily Sessions of the 129th General Assembly.

Representative Jonkiert moved to place HCR 42 in the House Administration Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Jonkiert, Maxwell, McKay, Oberle, Rispoli, Roy, Sincok, Mr. Speaker Boulden - 11.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Miller, Minner, Morris, Powell, Riddagh, Ridings, Smith, Temple, Vernon, Worthen - 26.

NOT VOTING: Representative W. Brady - 1.

ABSENT: Representatives George, Matushefske, Plant - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 42 remained before the House.

The roll call on HCR 42 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Ridings, Smith, Temple - 21.

NO: Representatives Byrd, Cain, Darling, Hebner, Jonkiert, Maxwell, Miller, Oberle, Powell, Rispoli, Sincok, Mr. Speaker Boulden - 11.

NOT VOTING: Representatives T. Brady, Burris, McKay, Riddagh, Roy, Vernon, Worthen - 7.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HCR 42 was sent to the Senate for concurrence.

Representative Sincok introduced HB 587.

HB 587 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Tax, to Base Delaware Income Tax Liability on Federal Income Tax Liability.

Mr. Speaker assigned HB 587 to the Revenue and Finance Committee.

Representative Lynch introduced HB 588, co-sponsored by Representatives Gilligan, Worthen, Miller, Maxwell, Byrd, Powell, Anderson, Connor, W. Brady, Senators Holloway, Cicione, Cook, Kearns, Martin, Hale and Berndt.

HB 588 - An Act to Amend Chapters 13, 17, 27 and 31, Title 14 of the Delaware Code Relating to Exceptional Persons, to Include Autistic Children and to Require the State to Provide an Educational Program for all Handicapped Persons and Providing a Supplementary Appropriation.

Mr. Speaker assigned HB 588 to the Education Committee.

Representative Jonkiert moved to recess for caucus at 4:30 p.m.

The House was called to order at 12:42 a.m.

Representative Jonkiert moved to suspend all Agenda rules. The motion was seconded by Representative Gordy and adopted by voice vote.

At 12:46 a.m., Senator Harris McDowell brought a message

from President Pro Tem Cordrey that the Senate is in Special Session.

Representative Minner moved to suspend the Rules for the purpose of introducing and acting on SB 286. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought SB 286 before the House for consideration.

SB 286 - An Act to Amend An Act Being Chapter 194, Volume 45 of the Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Milton." To Establish the Qualifications for Members of Council, to Remove Any Limitation on the Amount of Capitation Taxes Which May Be Collected, to Establish a Place of Safe Keeping for the Books and Records, to Establish the Qualifications for the Alderman, and to Provide a Penalty and Collection of Delinquent Taxes.

The roll call on SB 286 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Johnson, Oberle - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 286 was returned to the Senate.

Representative Clendaniel moved to lift SB 306 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Clendaniel brought SB 306 w/SA 1 before the House for consideration.

SB 306 - An Act to Amend Chapter 525, Volume 59, Laws of Delaware, Extending the Reversion Date for Monies from the Capital Investment Fund Used to Finance Restoration of the Old Sussex County Courthouse.

The roll call on SB 306 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority of at least three-quarters members of the House, SB 306 w/SA 1 was returned to the Senate.

Representative Matushefske moved to lift SB 161 w/SA 3 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 161 - An Act to Amend Chapter 53, Part III, Title 11 of the Delaware Code Relating to Election by Accused to Have Certain Cases Tried in the Court of Common Pleas When Proceedings are Originally Brought Before Justices of the Peace, or any Alderman or Mayor of any Incorporated City or Town.

Representative Billingsley introduced and brought HA 1 to SB 161 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 161 w/SA 3 and HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincoc, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, SB 161 w/SA 3, HA 1 was returned to the Senate for action on the amendment.

Representative Jonkiert brought SB 276 before the House for consideration.

SB 276 - An Act to Amend Chapter 68, Part VI, Title 29 of the Delaware Code Relating to State Purchases and Supplies; and Permitting Delaware Volunteer Fire Companies to Utilize the Services of the State Division of Purchasing.

The roll call on SB 276 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincoc, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, SB 276 was returned to the Senate.

Representative Rispoli moved to suspend the rules for the purpose of introducing and acting on SB 111. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Rispoli brought SB 111 before the House for consideration.

SB 111 - An Act to Amend Title 29, Delaware Code, Chapter 59, Section 5910, Relating to the Appointment and Qualifications of the Director of Personnel.

The roll call on SB 111 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle,

Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Cain, Kelly, Maxwell - 3.

ABSENT: Representatives Anderson, George, Johnson, Jonkiert - 4.

Therefore, having received a constitutional majority, SB 111 was returned to the Senate.

Representative Temple moved to lift SB 335 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple brought SB 335 before the House for consideration.

SB 335 - An Act to Amend Chapter 67, Title 9, of the Delaware Code Relating to the Powers of Sussex County as to Sanitary Sewer and Water Districts.

The roll call on SB 335 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives George, Johnson, Jonkiert - 3.

Therefore, having received a constitutional majority, SB 335 was returned to the Senate.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on SB 315. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Gordy brought SB 315, sponsored by Senator McCullough, before the House for consideration.

SB 315 - An Act Authorizing the Caesar Rodney School District to Use Funds from the School Construction Bond Reversion Account for Enlarging and Equipping the Charlton School.

The roll call on SB 315 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

NO: Representative Hebner - 1.

ABSENT: Representatives George, Johnson - 2.

Therefore, having received a constitutional majority, SB 315 was returned to the Senate.

Representative Darling brought SB 242 before the House for consideration.

SB 242 - An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to County and Municipal Taxes; and Providing Restrictions in the Assessment of Buildings

Improved by the Installation of Energy Conservation Improvements.

The roll call on SB 242 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives George, Gordy, Johnson, Ridings - 4.

Therefore, having received a constitutional majority, SB 242 was returned to the Senate.

Representative Billingsley moved to suspend the rules for the purpose of acting on HB 457. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Billingsley brought HB 457 before the House for consideration.

HB 457 - An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to Other Employment Costs (Fringe Benefits).

The roll call on HB 457 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives George, Gordy, Johnson - 3.

Therefore, having received a constitutional majority, HB 457 was sent to the Senate for concurrence.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on SS 1 for SB 230. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Lynch brought SS 1 for SB 230, sponsored by Senator Cook, before the House for consideration.

SS 1 for SB 230 - An Act to Permit the Board of Education of the Smyrna Reorganized School District to Transfer Certain Funds from its Debt Service Account to its Current Operating Account.

The roll call on SS 1 for SB 230 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives George, Gordy, Johnson, Vernon - 4.

Therefore, having received a constitutional majority, SS 1 for SB 230 was returned to the Senate.

Representative Gilligan brought SB 124 before the House for consideration.

SB 124 - An Act to Amend Chapter 79, Subchapter I, Title 29, Delaware Code Relating to the Establishment of a Delaware Emergency Medical Service Advisory Council.

The roll call on SB 124 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives George, Gordy, Johnson, Powell, Vernon - 5.

Therefore, having received a constitutional majority, SB 124 was returned to the Senate.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on SB 249 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought SB 249 w/SA 1, sponsored by Senator Martin, before the House for consideration.

SB 249 - An Act to Amend Chapter 12, Title 17, Delaware Code, Providing for Changes to Bring Delaware Law into Conformance with Federal Guidelines Relative to Regulation of Junkyards.

The roll call on SB 249 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Hebner, Minner, - 2.

ABSENT: Representatives George, Johnson - 2.

Therefore, having received a constitutional majority, SB 249 w/SA 1 was returned to the Senate.

Representative Jonkiert brought SB 98 before the House for consideration.

SB 98 - An Act to Make a Supplemental Appropriation to the Department of Corrections for the Purpose of Meeting Certain Payroll Obligations Necessitated by an Arbitration Ruling.

The roll call on SB 98 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Oberle,

Plant, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Cain, Hebner, Morris, Ridings - 4.

NOT VOTING: Representatives Miller, Powell, Roy - 3.

ABSENT: Representatives George, Johnson - 2.

Therefore, having received a constitutional majority, SB 98 was returned to the Senate.

Representative Worthen brought SB 316 before the House for consideration.

SB 316 - An Act to Amend Subchapter V, Chapter 23, Part II, Title 19, Delaware Code Relating to Taxes and Charges Upon Insurance Carriers and Self Insurers; Second Injury and Contingency Fund.

The roll call on SB 316 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Ambrosino, Burris, George, Johnson, Jonkiert, Matushefske, Temple, Vernon - 8.

Therefore, having received a constitutional majority, SB 316 was returned to the Senate.

Representative Worthen brought SB 317 before the House for consideration.

SB 317 - An Act to Amend Chapter 13, Part I, Title 18, Delaware Code, Relating to Investments of Insurance Companies.

The roll call on SB 317 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Ambrosino, Burris, George, Johnson, Matushefske, Vernon - 6.

Therefore, having received a constitutional majority, SB 317 was returned to the Senate.

Representative Darling introduced and brought HB 589 before the House for consideration

HB 589 - An Act to Amend Subchapter II, Chapter 5, Title 9, Delaware Code to Permit Fire Companies to Inspect Fire Hydrants and Water Mains and to Report Their Findings.

Mr. Speaker assigned HB 589 to the Community Affairs Committee.

Representative Jonkiert moved to recess at 1:40 a.m.

The House was called to order at 2:00 a.m.

Representative George brought HB 300 w/SA 1 before the House for consideration.

Representative George moved to place HB 300 w/SA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to lift HB 300 w/HA 27 and SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative McKay introduced and brought HA 30 to HB 300, co-sponsored by Representative Sincock, before the House for consideration

Representative Jonkiert moved to place HA 30 to HB 300 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 15.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 30 to HB 300 was placed on the Speaker's table.

Representative Ridings moved to place HB 300 w/HA 27 and SA 1 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 15.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 25.

ABSENT: Representative Johnson - 1.

Therefore, not having received a constitutional majority, the motion was defeated and HB 300 w/HA 27 and SA 1 remained before the House.

HB 300 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions.

The roll call on HB 300 w/HA 27 and SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 15.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, HB 300 w/HA 27 and SA 1 was sent to the Governor.

Representative Matushefske moved to suspend the rules for

the purpose of introducing and acting on HB 590. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 590, co-sponsored by Representative Jonkiert, before the House for consideration.

HB 590 - An Act to Amend Chapters 23, 25, 27 and 29 of Title 30, Delaware Code Relating to Occupational License Taxes, Contractors' License Taxes, Manufacturers' License Taxes, Wholesaler License Taxes, Food Processor License Taxes, Grain and Feed Dealer License Taxes, Retailer License Taxes, Restaurant Retailer License Taxes and Farm Machinery Retailer License Taxes on Aggregate Gross Receipts.

The roll call on HB 590 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, Maxwell, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 16.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, HB 590 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 555 before the House for consideration.

HB 555 - An Act to Make a Supplementary Appropriation for Certain Grants-In Aid.

Representative Minner introduced and brought HA 1 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: Representatives Anderson, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Oberle, Plant, Riddagh, Rispoli, Temple, Vernon, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Cain, Connor, Hebner, Kelly, Maxwell, McKay, Morris, Powell, Ridings, Roy, Sincok, Smith - 17.

ABSENT: Representatives Byrd, Johnson - 2.

Therefore, having received a constitutional majority, HA 1 to HB 555 was adopted.

Representative Billingsley introduced HA 2, co-sponsored by Representative Smith. HA 2 to HB 555 was adopted by voice vote.

Representative Oberle introduced and brought HA 3 before the House for consideration.

Representative Gordy moved to place HA 3 to HB 555 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess at 3:45 a.m.

The House was called to order at 4:00 a.m.

Representative Cain introduced and brought HA 4 before

the House for consideration. HA 4 to HB 555 was adopted by voice vote.

Representative Plant introduced and brought HA 5 before the House for consideration. HA 5 to HB 555 was adopted by voice vote.

The roll call on HB 555 w/HA 1,2,4,5 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Johnson, Ridings - 2.

Therefore, having received a constitutional majority, HB 555 w/HA 1,2,4,5 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess to the call of the Chair at 4:08 a.m.

1st LEGISLATIVE DAY
Second Extraordinary Session

July 5, 1977

According to the proclamation issued by Governor Pierre S. du Pont, IV, the 2nd Extraordinary Session of the One Hundred and Twenty-ninth General Assembly, State of Delaware, convened at 2:03 p.m.

The House was called to order by Speaker Boulden. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The Speaker requested that the Reading Clerk read the proclamation into the record as follows:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, Pierre S. du Pont, IV, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the 129th General Assembly into Extraordinary Session on Tuesday, July 5, 1977, at 12:00 Noon, for the purpose of considering and acting upon the Continuing Budget Resolution, and such further business as may lawfully come before it.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused

the Great Seal of the said State to be hereunto affixed at Dover, this 2nd day of July, in the year of our Lord, one thousand nine hundred and seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. du Pont, IV, Governor

ATTEST:

Glenn C. Kenton,
Secretary of State

Representative Jonkiert moved that the Proclamation be accepted. The motion was adopted by voice vote.

Representative Jonkiert moved that the House notify the Governor that the House had convened in Extraordinary Session. The motion was adopted by voice vote.

Mr. Speaker sent Representatives Darling and Riddagh to notify the Governor that the House was convened in Extraordinary Session.

The Reading Clerk read the following veto messages from the Governor:

State of Delaware
Executive Department
Dover

July 2, 1977

To the House of Representatives of the
129th General Assembly of the
State of Delaware.

On June 21, 1977, I received House Bill No. 388, entitled:
"AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE,
RELATING TO CERTAIN FEES RECEIVED BY THE COURT OF COMMON
PLEAS."

I am returning this Bill without my signature for the reasons set out herein:

By the provisions of Delaware Code Section 2112, the Sheriff of each of the three counties is entitled to be reimbursed monthly for his mileage expenses incurred in the performance of official duties. House Bill No. 388 authorizes the payment of all fees authorized for collection in respect of the services of the Kent County Sheriff to be paid over to him, without limitation as to reimbursement for mileage expenses as §2112 requires. House Bill No. 388 is therefore either impermissably vague if it is meant to harmonize with the current law, or directly in conflict therewith.

The resolution of the problem which Kent County has encountered in collecting from the State those fees to which it is entitled does not appear to require additional legislation. By copy of this message, I am respectfully requesting that the Chief Justice of the Supreme Court, in his capacity as Chief Administrative Officer of the Courts,

join with the Executive Department in establishing an administrative resolution of the matter which is satisfactory to each of Delaware's three counties.

Respectfully submitted,
Pierre S. du Pont, Governor

State of Delaware
Executive Department
Dover, 19901

July 5, 1977

TO THE DELAWARE HOUSE OF REPRESENTATIVES
129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE

I am returning to the House of Representatives without my signature, House Bill 300, as amended by Senate Amendment No. 1, an act entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978 AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS".

Early in the budget process, a cooperative effort between my Administration and the Joint Finance Committee produced a budget, HB 300, that was introduced with my support and joint sponsorship of both parties. Had that budget, with certain line items vetoed and a tax package similar to that adopted on July 2nd, been enacted by the General Assembly and signed into law, we would today have a balanced budget. Such a package had, and still would have, my support, as would two compromise packages developed on July 2nd. Unfortunately, none of these alternatives were acceptable to all parties.

Rather, virtually all the budget reductions I have proposed in the last four months have been rejected by the General Assembly, and a budget passed that is inaccurate, unrealistic, and detrimental to the future of Delaware. I cannot agree with a budget that so seriously distorts our priorities and fails to provide for essential programs to protect state employees, taxpayers, and the welfare of our citizens.

I have returned this legislation without my approval for the following reasons:

First, the budget is in deficit by approximately \$6.8 million, even though the General Assembly has enacted tax increases of \$6.5 million. It is in deficit because the General Assembly has again deliberately underfunded expenditures -- the same technique used a year ago that led to a \$23 million budget deficit.

Second, the budget fails to fund adequately a number of programs essential to the well being of our citizens -- programs which when funded, would add another \$1.8 million to the deficit.

Third, I cannot in good conscience certify to the investment community that this budget is in balance. The absence

of such certification could seriously affect Delaware's ability to finance its future capital programs.

Fourth, I believe §97 (c) of the Act to be unconstitutional. That section provides, inter alia, that the Joint Finance Committee shall have the authority to reduce specific line item appropriations of any agency which fails to comply with the intent of that section, which is to achieve a general administrative reduction in the level of state expenditures of one percent. The exclusive authority to appropriate money is vested in the General Assembly, which may only do so by Act. This exclusive legislative function cannot be delegated. In re Opinion of the Justices, 177 A2d 205 (Del. Supr. 1962). The attempt in §97 (c) to delegate the authority to alter or amend a specific line item appropriation created by Act of the General Assembly to the Joint Finance Committee is therefore unconstitutional.

Fifth, the budget strikes all my recommendations for improving the budgetary process, the revenue division, and tax enforcement. Delaware's tax enforcement is among the weakest of our programs; if this budget becomes law there will be less enforcement than there is today, and no improvement in revenue collections.

Finally, the budget reflects an erroneous order of priorities, eliminating critical management personnel in finance and employee training, while adding sport fishing tournaments, a slush fund for the medical examiner, and other low priority items.

I have set forth below the specific corrections that should be incorporated in any budget act finally signed into law:

1. The budget underfunds by \$300,000 the appropriation needed to pay insurance premiums for Blue Cross for state employees. If the funds are not restored, employees could be left without this protection.
2. The budget underfunds by \$425,000 the appropriation needed to pay for Workmen's Compensation Insurance for state employees. If these funds are not restored, employees could be left without this protection.
3. The budget underfunds by \$600,000 the appropriation needed to operate the new state office building in Wilmington. Enough money is provided to operate the building for only five months. Since lease termination procedures have already begun and funds to pay rental for existing office space have not been included in the budget, some state agencies will have no office space available to them after February 1.
4. The budget eliminates funds -- \$168,000 -- for use of seasonal employees to process income tax returns and tax refunds. The budget allocates 60% less money to this program than was actually spent last year. Without these people, Delawareans can expect less tax enforcement and substantial delays in receiving tax refund checks next spring.

5. The budget mandates \$2.7 million in across the board cuts in food, fuel, electricity, and other essentials for the operation of state government. My Administration suggested, and the General Assembly agreed, to trim all salary lines by 3% to recognize a \$5 million savings from the normal attrition of employees. Further, we will be developing a central purchasing system in the coming year to save \$1.3 million in supplies. Both of these figures had already been deducted from the budget agreed to before the General Assembly's final amendment. An additional \$2.7 million cut can only come from essentials in our institutions and hospitals, which means either hardship for the clients served by the institutions, or a later supplemental to restore these funds to the budget. The Chairman of the Joint Finance Committee has stated that cuts such as these are totally unworkable -- and will only produce increased supplemental appropriations next June.

6. The same "negative growth" deception that was used last year in the education budget has been used again, to produce an illusory saving of \$600,000. Last year's budget was balanced by pretending a negative growth of 4.6 million. In fact, only \$1.4 million was saved, thus requiring a supplemental appropriation in the amount of \$3.2 million. This year's budget engages in an identical deception, pretending that \$2.5 million will be saved when, in fact, the saving will be far less. The Department of Public Instruction advises me that the increased figure used in HB 300 has no basis in fact.

These six items total \$4.8 million in obvious underfunding that must be restored to the budget. To pretend that these expenses do not exist is to practice the same deception that led to a \$23 million deficit in last year's budget. In short, HB 300 as amended is not an honest statement of the state's known expenditures for the coming year.

7. The budget improperly juggles debt service accounting to produce an illusory saving of \$2.0 million. Through prudent financial management, my Administration has been able to reduce substantially the cost of debt service. Since the budget was introduced in April, anticipated debt service has been adjusted downwards, first by \$2.0 million, and then last week by an additional \$2.7 million. The initial \$2.0 million reduction was accounted for by increasing anticipated reversions by that amount. Senate Amendment No. 1 reduces debt service by the entire \$4.7 million, without considering the initial \$2.0 million reversion, leaving an illusory saving of \$2.0 million.

In addition, a number of proposals made by my Administration that are essential to the future of our state have not been funded in HB 300:

8. The budget does not fund \$800,000 for a new program of education for the handicapped. Legislation to begin

this federally mandated program in September has been a priority of my Administration and has strong support in the General Assembly. Not to begin the program is unfair to handicapped children.

9. In March, I proposed to hire tax enforcement officers to crack down on tax fraud and begin to collect the back taxes owed to Delaware. The tax burden on all will be less if those few who fail to pay their taxes are allowed to escape. The cost of this enforcement would be \$200,000. The legislature failed to approve the funds -- cutting all 13 positions I recommended -- an example of penny wise-pound foolish thinking that will cost us millions of dollars in owed taxes. In addition, the budget does not contain \$500,000 needed to computerize tax data and improve tax collection. Every study of Delaware's finances has recommended this program; in my judgment, the state cannot continue to operate its tax collection system manually and expect to collect the revenue due us.

10. The budget does not contain \$300,000 essential to complete the transfer of operations to the state's new computer. The computer was installed last year; to eliminate the money needed to make it fully operational reflects the poorest judgment. In addition, the requested increase in the salary of the Director of CDP was not approved, meaning that we will not be able to attract needed talent to a critical area of state operations.

These three items add another \$1.8 million to the spending that I consider essential to Delaware's future. One of the reasons Delaware's government has been unable to successfully manage its affairs in the past has been the traditional underfunding of modern management techniques. HB 300 as amended encourages this unfortunate attitude.

Finally, beyond this obvious underfunding of essential programs, HB 300 displays an absurd order of priorities:

11. The budget eliminates the position of Training Administrator, the person in state government responsible for managing educational programs to improve the skills of 10,000 state employees.

12. The budget eliminates the position in the Office of Management, Budget and Planning responsible for capital spending analysis. With nearly the highest per capita debt in the nation, Delaware can ill afford to cease analysis of its capital program.

13. Program budgeting is an essential tool to help control expenditures and understand the true cost of our programs. Last week the General Assembly passed, with my support, HB 416 to begin program budgeting. Two days later HB 300 struck from the budget the three positions needed to implement the program budgeting approved in HB 416.

14. The budget cuts in half the contingency fund provided the Governor last year, severely limiting my ability to respond to an emergency.

15. The budget eliminates \$13,000 for merit pay increases for the Governor's staff. At the same time, the budget authorizes merit pay increases for employees of Legislative Council -- including an \$8,000, 48% pay increase for the Executive Director of Legislative Council. The Controller General, who works for the General Assembly, and the Budget Director, who works for the Governor, currently receive identical \$28,000 salaries. HB 300 provides \$2,500 in salary increase for one; nothing for the other.

Some of these fifteen items are themselves sufficient reason to veto HB 300 -- but taken together they provide the fundamental reason for doing so: the budget is in deficit because it does not depict the true obligations the state must fund in the coming fiscal year. If this budget should become law, supplemental appropriations will drive expenditures substantially beyond currently projected revenues, and vital management programs necessary to sound operation of the government cannot be implemented. But most important, we will have made no progress at all in solving one of Delaware's most basic problems -- chronic annual budget deficits.

For this reason I have returned HB 300 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

Communications:

The Senate wishes to inform the House that it has passed: HB 555 w/HA 1,2,4,5; HB 457; HB 590; HJR 27; SB 353 w/SA 1; HB 300 w/HA 27, SA 1; HJR 35.

LEGISLATIVE ADVISORY # 17

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/29/77: HB 255; HB 330; HB 465; SB 199 a/a/b SA 1; SB 218; SB 244.

LEGISLATIVE ADVISORY # 18

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on June 30, 1977: HB 340; HB 418; HB 332 a/a/b SA 1; HB 314; SB 259; SB 228; SB 288.

Representative Darling announced that the Governor and Senate had been notified that the House was in Extraordinary Session.

Representative Sincok introduced and brought HCR 43, co-sponsored by Representative McKay, and Senators Knox and Hughes before the House for consideration.

HCR 43 - Expressing the Sympathy of the Members of the 129th General Assembly to the Family of Former Representative Mrs. Lois M. Leshner.

HCR 43 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:40 p.m.

The House was called to order at 4:42 p.m.

Representative Sincok moved to suspend all rules for the purpose of introducing and acting on HB 591. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Sincok brought HB 591 before the House for consideration.

HB 591 - An Act Relating to the Continuance and Making of Appropriations for the Expense of the State Government After June 30, 1977, on a Temporary Basis and Continuing in Effect the Provisions of the Appropriation Act for the Fiscal Year Ending June 30, 1977.

Representative Sincok moved to place HB 591 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative George requested the privilege of the floor for Thomas Carper, Treasurer of the State of Delaware.

The House recessed at 4:47 p.m. and reconvened at 4:50 p.m.

Representative George was granted the privilege of the floor for Mr. Thomas Carper.

The House recessed to the call of the Chair at 4:57 p.m.

2nd LEGISLATIVE DAY Second Extraordinary Session

July 6, 1977

The Speaker called the House to order at 1:46 p.m. The Majority Leader moved to adjourn at 1:46 p.m., thereby ending the previous legislative day. The House reconvened at 1:47 p.m. A prayer was offered by Representative Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Ambrosino, Billingsley - 2.

The minutes of the previous legislative day were approved as posted.

Communications:

July 5, 1977

LEGISLATIVE ADVISORY #19

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on July 2, 1977: HB 347 a/a/b HA 1 and 2; SB 213.

The Governor vetoed the following legislation: HB 388; HB 300 a/a/b SA 1.

The Senate wishes to inform the House that it has passed:
HCR 43.

Representative Jonkiert moved to recess for caucus at 1:50 p.m.

The House was called to order at 2:59 p.m.

Representative George moved to suspend the rules for the purpose of reconsidering HB 300 w/HA 27 and SA 1, which was vetoed by Governor du Pont on July 5, 1977. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative George brought HB 300 w/HA 27 and SA 1 before the House for reconsideration.

HB 300 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions.

The Reading Clerk read the following veto message for HB 300 w/HA 27 and SA 1 into the record.

July 5, 1977

TO THE DELAWARE HOUSE OF REPRESENTATIVES
129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE

I am returning to the House of Representatives without my signature, House Bill 300, as amended by Senate Amendment No. 1, an act entitled "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978 AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS."

Early in the budget process, a cooperative effort between my Administration and the Joint Finance Committee produced a budget, HB 300, that was introduced with my support and joint sponsorship of both parties. Had that budget, with certain line items vetoed, and a tax package similar to that adopted on July 2nd, been enacted by the General Assembly and signed into law, we would today have a balanced budget. Such a package had, and still would have, my support, as would two compromise packages developed on July 2nd. Unfortunately, none of these alternatives were acceptable to all parties.

Rather, virtually all the budget reductions I have proposed in the last four months have been rejected by the General Assembly, and a budget passed that is inaccurate, unrealistic, and detrimental to the future of Delaware. I cannot agree with a budget that so seriously distorts our priorities and failed to provide for essential programs to protect state employees, taxpayers, and the welfare of our citizens.

I have returned this legislation without my approval for the following reasons:

First, the budget is in deficit by approximately \$6.8 million, even though the General Assembly has enacted tax increases of \$6.5 million. It is in deficit because the General Assembly has again deliberately underfunded expenditures -- the same technique used a year ago that led to a \$23 million budget deficit.

Second, the budget failed to fund adequately a number of programs essential to the well being of our citizens -- programs which when funded, would add another \$1.8 million to the deficit.

Third, I cannot in good conscience certify to the investment community that this budget is in balance. The absence of such certification could seriously affect Delaware's ability to finance its future capital programs.

Fourth, I believe §97 (c) of the Act to be unconstitutional. That section provides, *inter alia*, that the Joint Finance Committee shall have the authority to reduce specific line item appropriations of any agency which fails to comply with the intent of that section, which is to achieve a general administrative reduction in the level of state expenditures of one percent. The exclusive authority to appropriate money is vested in the General Assembly, which may only do so by Act. This exclusive legislative function cannot be delegated. In re Opinion of the Justices, 177 A2d 205 (Del. Supr. 1962). The attempt in §97 (c) to delegate the authority to alter or amend a specific line item appropriation created by Act of the General Assembly to the Joint Finance Committee is therefore unconstitutional.

Fifth, the budget strikes all my recommendations for improving the budgetary process, the revenue division, and tax enforcement. Delaware's tax enforcement is among the weakest of our programs; if this budget becomes law there will be less enforcement than there is today, and no improvement in revenue collections.

Finally, the budget reflects an erroneous order of priorities, eliminating critical management personnel in finance and employee training, while adding sport fishing tournaments, a slush fund for the medical examiner, and other low priority items.

I have set forth below the specific corrections that should be incorporated in any budget act finally signed into law:

1. The budget underfunds by \$300,000 the appropriation needed to pay insurance premiums for Blue Cross for state employees. If the funds are not restored, employees could be left without this protection.
2. The budget underfunds by \$425,000 the appropriation needed to pay for Workmen's Compensation Insurance for state employees. If these funds are not restored, employees could be left without this protection.
3. The budget underfunds by \$600,000 the appropriation needed to operate the new state office building in Wilmington.

Enough money is provided to operate the building for only five months. Since lease termination procedures have already begun and funds to pay rental for existing office space have not been included in the budget, some state agencies will have no office space available to them after February 1.

4. The budget eliminates funds -- \$168,000 -- for use of seasonal employees to process income tax returns and tax refunds. The budget allocates 60% less money to this program than was actually spent last year. Without these people, Delawareans can expect less tax enforcement and substantial delays in receiving tax refund checks next spring.

5. The budget mandates \$2.7 million in across the board cuts in food, fuel, electricity, and other essentials for the operation of state government. My Administration suggested, and the General Assembly agreed, to trim all salary lines by 3% to recognize a \$5 million savings from the normal attrition of employees. Further, we will be developing a central purchasing system in the coming year to save \$1.3 million in supplies. Both of these figures had already been deducted from the budget agreed to before the General Assembly's final amendment. An additional \$2.7 million cut can only come from essentials in our institutions and hospitals, which means either hardship for the clients served by the institutions, or a later supplemental to restore these funds to the budget. The Chairman of the Joint Finance Committee has stated that cuts such as these are totally unworkable -- and will only produce increased supplemental appropriations next June.

6. The same "negative growth" deception that was used last year in the education budget has been used again, to produce an illusory saving of \$600,000. Last year's budget was balanced by pretending a negative growth of \$4.6 million. In fact, only \$1.4 million was saved, thus requiring a supplemental appropriation in the amount of \$3.2 million. This year's budget engages in an identical deception, pretending that \$2.5 million will be saved when, in fact, the saving will be far less. The Department of Public Instruction advises me that the increased figure used in HB 300 has no basis in fact.

These six items total \$4.8 million in obvious underfunding that must be restored to the budget. To pretend that these expenses do not exist is to practice the same deception that led to a \$23 million deficit in last year's budget. In short, HB 300 as amended is not an honest statement of the State's known expenditures for the coming year.

7. The budget improperly juggles debt service accounting to produce an illusory saving of \$2.0 million. Through prudent financial management, my Administration has been able to reduce substantially the cost of debt service. Since the budget was introduced in April, anticipated debt service has been adjusted downwards, first by \$2.0 million,

and then last week by an additional \$2.7 million. The initial \$2.0 million reduction was accounted for by increasing anticipated reversions by that amount. Senate Amendment No. 1 reduces debt service by the entire \$4.7 million, without considering the initial \$2.0 million reversion, leaving an illusory saving of \$2.0 million.

In addition, a number of proposals made by my Administration that are essential to the future of our state have not been funded in HB 300:

8. The budget does not fund \$800,000 for a new program of education for the handicapped. Legislation to begin this federally mandated program in September has been a priority of my Administration and has strong support in the General Assembly. Not to begin the program is unfair to handicapped children.

9. In March, I proposed to hire tax enforcement officers to crack down on tax fraud and begin to collect the back taxes owed to Delaware. The tax burden on all will be less if those few who fail to pay their taxes are allowed to escape. The cost of this enforcement would be \$200,000. The legislature failed to approve the funds -- cutting all 13 positions I recommended -- an example of penny wise-pound foolish thinking that will cost us millions of dollars in owed taxes. In addition, the budget does not contain \$500,000 needed to computerize tax data and improve tax collection. Every study of Delaware's finances has recommended this program; in my judgment, the state cannot continue to operate its tax collection system manually and expect to collect the revenue due us.

10. The budget does not contain \$300,000 essential to complete the transfer of operations to the state's new computer. The computer was installed last year; to eliminate the money needed to make it fully operational reflects the poorest judgment. In addition, the requested increase in the salary of the Director of CDP was not approved, meaning that we will not be able to attract needed talent to a critical area of state operations.

These three items add another \$1.8 million to the spending that I consider essential to Delaware's future. One of the reasons Delaware's government has been unable to successfully manage its affairs in the past has been the traditional underfunding of modern management techniques. HB 300 as amended encourages this unfortunate attitude.

Finally, beyond this obvious underfunding of essential programs, HB 300 displays an absurd order of priorities:

11. The budget eliminates the position of Training Administrator, the person in state government responsible for managing educational programs to improve the skills of 10,000 state employees.

12. The budget eliminates the position in the Office of Management, Budget and Planning responsible for capital spending analysis. With nearly the highest per capita debt

in the nation, Delaware can ill afford to cease analysis of its capital program.

13. Program budgeting is an essential tool to help control expenditures and understand the true cost of our programs. Last week the General Assembly passed, with my support, HB 416 to begin program budgeting. Two days later HB 300 struck from the budget the three positions needed to implement the program budgeting approved in HB 416.

14. The budget cuts in half the contingency fund provided the Governor last year, severely limiting my ability to respond to an emergency.

15. The budget eliminates \$13,000 for merit pay increases for the Governor's staff. At the same time, the budget authorizes merit pay increases for employees of Legislative Council -- including an \$8,000, 48% pay increase for the Executive Director of Legislative Council. The Controller General, who works for the General Assembly, and the Budget Director, who works for the Governor, currently receive identical \$28,000 salaries. HB 300 provides \$2,500 in salary increase for one; nothing for the other.

Some of these fifteen items are themselves sufficient reason to veto HB 300 -- but taken together they provide the fundamental reason for doing so: the budget is in deficit because it does not depict the true obligations the state must fund in the coming fiscal year. If this budget should become law, supplemental appropriations will drive expenditures substantially beyond currently projected revenues, and vital management programs necessary to sound operation of the government cannot be implemented. But most important, we will have made no progress at all in solving one of Delaware's most basic problems -- chronic annual budget deficits.

For this reason I have returned HB 300 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

- - - - -
The roll call on HB 300 w/HA 27 and SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 13.

ABSENT: Representatives Ambrosino, Billingsley - 2.

Therefore, having received a constitutional majority of at least three-fifths members of the House of Representatives, HB 300 w/HA 27 and SA 1 was declared passed over the Governor's veto and sent to the Senate for concurrence.

Representative Plant introduced and brought HCR 44 before the House for consideration.

HCR 44 - Requesting Commissioner Vaughn and Assistant Bureau Chief Milton Horton to Publicly Disclose to the General Public Revealeable Information Concerning Aubrey McKay who was Granted a Week Long Furlough.

Representative Plant moved to place HCR 44 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant introduced and brought HR 82 before the House for consideration.

HR 82 - Requesting the Attorney General of the United States not to Admit Anymore Emergency Parolees While Citizens of Delaware are Out of Work and Unable to Collect Public Assistance Because of the 18-54 Law.

Representative Plant moved to place HR 82 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative T. Brady introduced and brought HR 83, co-sponsored by Representatives Riddagh, Darling, Morris and Plant, before the House for consideration.

HR 83 - Requesting Governor Pierre S. du Pont IV to Establish a Three-Person Committee to Investigate the Prison Furlough System and Make Recommendations for the Institution of Proper Controls in the Granting of Furloughs.

Representative Jonkiert moved to place HR 83 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess at 3:55 p.m.

The House was called to order at 6:50 p.m.

Representative Burris moved to strike HB 544. Without objection, HB 544 was stricken.

At 6:52 p.m., Representative Jonkiert moved to adjourn the Extraordinary Session and convene in Special Session. The motion was seconded by Representative Gordy.

Representative Jonkiert amended the motion to appoint two Representatives to notify the Senate and the Governor that the House was convened in Special Session.

Mr. Speaker appointed Representatives Clendaniel and Oberle.

3rd LEGISLATIVE DAY Second Special Session

July 6, 1977

The Speaker called the House to order at 6:53 p.m. A prayer was offered by Representative Thomas Temple from the 39th Representative District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 37.

Members absent: Representatives Ambrosino, Billingsley, T. Brady, Rispoli - 4.

The minutes of the previous legislative day were approved as posted.

Representative Plant moved to lift HCR 44 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant brought HCR 44 before the House for consideration.

HCR 44 - Requesting Commissioner Vaughn and Assistant Bureau Chief Milton Horton to Publicly Disclose to the General Public Revealeable Information Concerning Aubrey McKay who was Granted a Week Long Furlough.

HCR 44 was adopted by voice vote.

Representative Bennett moved to strike HB 431. Without objection, HB 431 was stricken.

Representative Plant moved to lift HR 82 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HR 82 - Requesting the Attorney General of the United States not to Admit Anymore Emergency Parolees While Citizens of Delaware are Out or Work and Unable to Collect Public Assistance Because of the 18-54 Law.

At 7:00 p.m., a message was received from the Senate announcing that it had gone out of Extraordinary Session and was now convened in Special Session.

HR 82 was adopted by voice vote.

Representative Riddagh introduced and brought HR 84, co-sponsored by Representatives T. Brady, Darling, Morris and Plant, before the House for consideration.

HR 84 - Requesting Governor Pierre S. du Pont IV to Establish a Three-Person Committee to Investigate the Prison Furlough System and Make Recommendations for the Institution of Proper Controls in the Granting of Furloughs.

HR 84 was adopted by voice vote.

Representative Sincok moved to strike HB 591. Without objection, HB 591 was stricken.

Representative Minner moved to suspend the rules for the purpose of acting on SB 113 w/SA 1, HA 1,2. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought HA 1 before the House for consideration. HA 1 to SB 113 was adopted by voice vote.

Representative Minner brought HA 2 before the House for consideration. HA 2 to SB 113 was adopted by voice vote.

Representative Gordy moved to place HB 113 w/HA 2 on the Speaker's table. Representative Sincok seconded the motion. The motion was adopted by voice vote.

Representative Darling moved to suspend the rules for the purpose of introducing and acting on SB 174 w/SA 2, co-sponsored by Senators McDowell and Murphy.

SB 174 - An Act to Amend Chapter 76, Part VII, Title 16 of the Delaware Code Relating to County Building, Plumbing, Electrical and Other Codes.

Representative Darling moved to place SB 174 w/SA 2 on the Speaker's table. The motion was seconded by Representative

Matushefske and adopted by voice vote.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on SS 1 for SB 297 w/ SA 1,2, co-sponsored by Senators Murphy and Littleton and Representatives Worthen and Sincok.

SS 1 for SB 297 - An Act to Amend Chapter 21 and 29, Title 21, Delaware Code, Relating to Motor Vehicles, Financial Security and Providing for Self-Insurance in Certain Instances.

Representative Worthen requested and was granted the privilege of the floor for Senator Murphy.

Representative Worthen moved to table the roll call on SS 1 for SB 297 w/SA 1, 2. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 592. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 592 before the House for consideration.

HB 592 - An Act to Amend Chapter 426, Volume 60, Laws of Delaware, Relating to the Tax on Pari-Mutuel and Totalizator Pools.

The roll call on HB 592 was taken and revealed:

YES: Representatives Anderson, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Bennett, Clendaniel, Morris, Vernon - 4.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Hebner, Johnson, Rispoli, Smith - 7.

Therefore, having received a constitutional majority, HB 592 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on SB 120 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SB 120 w/SA 1, co-sponsored by Senators Berndt and Cordrey and Representative Jonkiert, before the House for consideration.

SB 120 - An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for the Establishment of Foreign Trade Zones.

Representative Jonkiert moved to place SB 120 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on SB 353 w/SA 1.

Representative Lynch brought SB 353 w/SA 1, co-sponsored by Senators Holloway, Berndt, Hale, McCullough, Sharp, McDowell, Cicone and Representatives Johnson, Gilligan, Powell and Worthen, before the House for consideration.

SB 353 - An Act to Amend Chapters 13, 17, 27 and 31, Title 14 of the Delaware Code Relating to Exceptional Persons, to Include Autistic Children and to Require the State to Provide an Educational Program for all Handicapped Persons and Providing a Supplementary Appropriation.

Representative Lynch moved to place SB 353 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch moved to suspend all rules for the purpose of introducing and acting on SB 238. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch brought SB 238, sponsored by Senator Cordrey, before the House for consideration.

SB 238 - An Act to Amend the Charter of the Town of Dagsboro, as Amended, by Redesignating the Meeting Place of the Town Council, Increasing the Amount the Town Council is Authorized to Raise Annually by Taxation, and for other Purposes.

The roll call on SB 238 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Cain, Hebner, Oberle, Rispoli, Smith - 8.

Therefore, having received a constitutional majority of at least two-thirds members of the House of Representatives, SB 238 was returned to the Senate.

Representative Jonkiert moved to lift SB 120 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SB 120 w/SA 1 before the House for consideration.

SB 120 - An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for the Establishment of Foreign Trade Zones.

Representative Jonkiert requested and was granted the privilege of the floor for Senator Berndt.

The roll call on SB 120 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 30.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Gordy, Hebner, Johnson, Matushefske, Riddagh, Rispoli, Smith, Vernon - 11.

Therefore, having received a constitutional majority of at least two-thirds members of the House of Representatives, SB 120 w/SA 1 was returned to the Senate.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on SB 334. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch brought SB 334, sponsored by Senator Martin, before the House for consideration.

SB 334 - An Act Authorizing the State Board of Education to Maintain the Level of Reimbursement for School Bus Aides.

Representative George requested and was granted the privilege of the floor for Duane Olsen, Controller General of the State of Delaware.

Representative George moved to place SB 334 on the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative George moved to suspend all rules for the purpose of introducing and acting on SB 357. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SB 357, co-sponsored by Senators Holloway and Knox, before the House for consideration.

SB 357 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Monies Received from the Sale of Lottery Tickets.

Representative George requested and was granted the privilege of the floor for Secretary of Finance, Weston Nellius.

The roll call on SB 357 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 32.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Ferguson, Hebner, Loughney, Rispoli, Smith, Vernon - 9.

Therefore, having received a constitutional majority, SB 357 was returned to the Senate.

Representative Bennett moved to suspend the rules for the purpose of introducing and acting on SB 234. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought SB 234, sponsored by Senator Cicione, before the House for consideration.

SB 234 - An Act Awarding Special Pension Benefits, Appropriating Monies to Fund Such Pensions, and Directing the Board of Pension Trustees to Administer Payment of Such Pensions as if Awards were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on SB 234 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Riddagh, Sincok, Temple, Mr. Speaker Boulden - 26.

NO: Representatives Burris, Cain, Powell, Roy - 4.

NOT VOTING: Representatives McKay, Ridings, Worthen - 3.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Hebner, Loughney, Rispoli, Smith, Vernon - 8.

Therefore, having received a constitutional majority, SB 234 was returned to the Senate.

Representative George moved to suspend all rules for the purpose of introducing and acting on SB 363. The motion was adopted by voice vote.

Representative George brought SB 363, sponsored by Senator Cicione, before the House for consideration.

SB 363 - An Act to Amend Chapter 116 of Volume 61, Laws of Delaware Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978 and to Amend Certain Pertinent Statutory Provisions" Relating to a Part-Time Secretary to the Governor's Wife.

The roll call on SB 363 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, George, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Plant, Riddagh, Sincock, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Gilligan, Morris - 2.

NOT VOTING: Representatives Ferguson, Powell - 2.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Darling, Hebner, Loughney, Oberle, Ridings, Rispoli, Roy, Smith, Vernon - 14.

Therefore, having received a constitutional majority, SB 363 was returned to the Senate.

Representative Worthen moved to lift the roll call on SS 1 for SB 297. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Worthen moved to table the roll call on SS 1 for SB 297. The motion was adopted by voice vote.

Representative Powell moved to strike HB 441. Without objection, HB 441 was stricken.

Representative Sincock introduced HB 593, co-sponsored by Representative Byrd.

HB 593 - An Act to Provide a Supplemental Appropriation to the Operations Account of the State Lottery Office of the Department of Finance for Payment of the Prior Year Obligations.

HB 593 was assigned to the Appropriations Committee.

Representative Jonkiert moved to recess to the call of the Chair at 9:00 p.m.

4th LEGISLATIVE DAY Second Special Session

August 9, 1977

The Speaker called the House to order at 2:10 p.m. The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the previous legislative day. The House reconvened

at 2:11 p.m. A prayer was offered by Representative J. Edward Morris from the 34th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Worthen - 1.

Communications:

The Senate wishes to inform the House that it has passed:
HB 480; HB 498; HB 263; HB 532 w/HA 1; HB 592; HB 497; SB 357;
SB 234; HS 1 for HB 417 w/HA 1,2,15,20; HB 582; HB 530;
HB 468 w/HA 1; HB 547; HB 500; HB 296; SB 363; HB 487; HB 349;
HB 43 w/HA 1,2; HB 413; HJR 25.

July 12, 1977

LEGISLATIVE ADVISORY #20

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 7/5/77 - SJR 20; SB 251. 7/6/77 - HB 590; SB 111. 7/7/77 - SB 341. 7/8/77 - HB 98 a/a/b HA 1, SA 1; HB 408 a/a/b HA 1, SA 3; HB 407 a/a/b HA 1,2,3,4, SA 4; HB 127; HB 373; SB 155; HB 341. 7/11/77 - SB 300 a/a/b SA 1,2, HA 1; SB 114 a/a/b SA 1,3; SB 245; HJR 23; HJR 33.

The Governor vetoed SB 246 - 7/11/77.

HB 300 a/a/b HA 27, SA 1 - Passed over Governor's Veto - 7/5/77

July 13, 1977

LEGISLATIVE ADVISORY #21

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 6/29/77 - SB 56 (Second Leg of Constitutional Amendment). 7/12/77 - HB 416 a/a/b HA 1, SA 1; HB 481; SB 301; HB 403 a/a/b HA 1; HB 508; HB 411; HB 387; SB 118.

The Governor vetoed the following legislation on 7/12/77: HB 525; HB 430 a/a/b HA 2,3,4, SA 2; SB 197 a/a/b SA 1; SB 277; SB 134 a/a/b SA 1.

July 15, 1977

LEGISLATIVE ADVISORY #22

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 7/14/77 - HB 548 a/a/b HA 1; HB 419; HB 466 a/a/b HA 1; HB 326 a/a/b HA 1,2; HB 207 a/a/b HA 2; HB 555 a/a/b HA 1,2,4,5; HB 99; SB 306 a/a/b SA 1; SB 256 a/a/b SA 2; SB 276; SB 294; SB 335; SB 317; SB 316; SB 315; SB 286; SB 275 a/a/b HA 1,2;

SB 269; SS 1 for SB 230; SB 185 a/a/b SA 1; SB 151; SB 52; HB 457; HJR 35.

The Governor vetoed the following bills on 7/14/77: SB 98; SB 242.

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July 21, 1977

LEGISLATIVE ADVISORY #23

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 7/14/77 - HB 348 a/a/b HA 1,2,3. 7/15/77 - HB 497 a/a/b HA 1. 7/16/77 - SB 124. 7/18/77 - HJR 27; SB 122 a/a/b SA 2; SB 249 a/a/b SA 1. 7/20/77 - SB 120 a/a/b SA 1; SB 192 a/a/b SA 1, HA 1; SB 357; SB 363; SB 238; HB 263 (Con-
stitutional Amendment); HB 480; HB 43 a/a/b HA 1,2; HJR 25;
HB 582; HB 547; HB 500; HB 498; HB 468 a/a/b HA 1; HB 413;
HB 349; HB 296.

The Governor vetoed the following legislation on the dates indicated: 7/8/77 - HB 429. 7/11/77 - SB 246. 7/20/77 - SB 234; HB 487; HB 532 a/a/b HA 1; HB 592; HB 530.

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July 25, 1977

LEGISLATIVE ADVISORY #24

FROM: Office of Counsel to the Governor

The Governor vetoed the following bill on 7/22/77: HS 1
for HB 417 a/a/b HA 1,2,15,20.

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July 8, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware

I am returning to the House of Representatives, without my signature, House Bill 429, as amended by House Amendment 1, which I received on June 27, 1977. House Bill 429, as amended, is entitled:

"AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC WORK CONTRACTS; PROCUREMENTS."

Its laudable purpose is to guarantee that out-of-state vendors doing business with the State of Delaware pay all taxes to the State. To this end, it contains two separate requirements.

The first is that all bidders on State contracts must have valid licenses from the State to engage in the type of business proposed in the advertisement for the bid and must have paid all State taxes. I fully concur in the desirability of this provision.

The second requirement applies to out-of-state vendors only and requires them to post \$10,000 bond when doing business with the State. Failure of any vendor to pay State taxes would result in the forfeiture of the bond to the State.

I cannot agree to this requirement for three reasons: first, I feel the amount of the bond will deter many out-of-state vendors from bidding on State contracts, which will in many instances result in greater cost to the State. Secondly, a \$10,000 bond is in many cases excessive. For example, it seems unreasonable to require the posting of a \$10,000 bond, in addition to performance bonds, to obtain \$2,000 in State business. Finally, I am advised that requiring such a bond from out-of-state vendors only constitutes a burden on interstate commerce, prohibited by the United States Constitution. Best & Co. v. Maxwell, 311 U.S. 454, Pennsylvania v. West Virginia, 262 U.S. 553.

For these reasons, therefore, I return House Bill 429 as amended, without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 12, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware:

On June 30, 1977 I received House Bill No. 430, as amended by House Amendments 2,3, and 4, and Senate Amendment 2 entitled:

"AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES PENSION PLAN."

House Bill 430 as originally introduced was fundamentally sound and was supported by the Board of Pension Trustees and by my administration; however, during the legislative process amendments were added to the Bill which have rendered the legislation unacceptable. Accordingly, I am returning House Bill 430, as amended, without my signature for the following reasons:

1. House Amendment 3 would eliminate one of the most critical checks on the cost of State pensions--integration of State pension benefits with Social Security benefits for those employees who exercise their right to "buy-in" to the State plan with respect to service prior to 1977. This amendment compounds the deficiency in the buy-in provision itself, which is actuarially unsound.

2. Senate Amendment 2 provides increases in pension benefits, retroactive to January 1, 1976, to approximately four hundred pensioners who are expressly denied any such benefits at the present time pursuant to 29 Delaware Code, Section 5532, following a determination by audit that their benefits were in excess of those payable by reason of years of State employment.

Those pensioners were given protection against any decrease in benefits pursuant to 29 Delaware Code, Section 5533, but with the clear intent that the resultant overpayments would absorb any subsequently granted increase in benefits otherwise

payable. Senate Amendment 2 plays havoc with both the careful balance struck by previous General Assemblies in protecting these pensioners, and with the fiscal note accompanying House Bill 430.

3. Finally, I note that I have received from the Board of Pension Trustees a Resolution urging me to veto this legislation "because the Bill, as amended, contains provisions that the Board of Pension Trustees has consistently opposed".

Respectfully submitted,

Pierre S. du Pont, Governor

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July 12, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware

On June 30, 1977 I received House Bill No. 525, entitled:
"AN ACT TO AMEND TITLES 9, 10 AND 12 OF THE DELAWARE CODE
RELATING TO SALARIES OF ELECTED OFFICIALS OF KENT COUNTY."

This legislation raises the salaries of the elected officials of Kent County from \$6,000 per annum to \$9,000 per annum.

At a time when Delaware taxpayers are asked to bear the burden of higher taxes and when State employees, many of whom reside in Kent County, have had to forego cost of living salary increases, it is most inappropriate for the General Assembly to approve a 50% salary increase for certain elected officials.

For this reason, I am returning House Bill 525 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 20, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware

On July 8, 1977 I received House Bill No. 487, entitled:
"AN ACT TO AMEND CHAPTER 34, TITLE 14, OF THE DELAWARE
CODE RELATING TO HIGHER EDUCATION SCHOLARSHIPS."

Unfortunately, there is a serious technical error in the bill which would result in no Delaware student receiving a higher education scholarship during Fiscal Year 1978. I am, therefore, returning the bill without my signature.

By inadvertence, the intended effective date of the legislation--December, 1977-- was omitted from the bill which means that the legislation would take effect upon my signature. That would present the following serious consequences:

1. The 1978 Budget Appropriation Act, Chapter 116, Volume 61, Laws of Delaware, appropriates \$200,000 to the Department

of Public Instruction for Higher Education Scholarships; this legislation, however, takes away the State Board's authority to grant such scholarships.

2. House Bill 487 gives to the Delaware Postsecondary Education Commission the authority to grant Higher Education Scholarships, but the Commission received no appropriation under the 1978 Budget Appropriation Act for such scholarships. Section 23A of the 1978 Budget Appropriation Act prohibits the transfer of funds between agencies.

3. If the funds could be transferred a problem would remain, in that students have already applied for scholarships under the rules and regulations established consistent with present law. Many of these students would not qualify under the new legislation since the states in which they will be attending college have not established reciprocity with Delaware.

I certainly favor the provisions of House Bill 487 and would like to see them become law to enable the State promptly to establish scholarship reciprocity with neighboring states--but not at the expense of the three hundred or so students who would not be able to receive scholarships in fiscal year 1978. I am, therefore, returning the bill without my signature, but I am hopeful that a corrected bill will be dealt with by the legislature at the earliest possible time.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 20, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware

On July 8, 1977 I received House Bill 532, as amended by House Amendment 1, entitled:

"AN ACT TO AMEND CHAPTER 5, SUBCHAPTER IV, TITLE 4, OF THE DELAWARE CODE RELATING TO LICENSES TO SELL ALCOHOLIC LIQUORS."

I am returning House Bill 532 without my signature for the following reasons:

1. There is already a procedure set out in Section 543, Title 4, Delaware Code, to be followed when the holder of a liquor license wishes to move his location because of demolition of his building, loss of lease, or similar circumstances beyond his control.

2. The procedures specified by House Bill 532 differ from the procedures contained in the present law in ways which I feel undermine the authority of the Alcoholic Beverage Control Commission over the relocation of liquor stores. Section 543 presently requires a licensee who wishes to change location to apply to the Commission for a new license, and directs that he is to be given preference by the Alcoholic Beverage Control Commission. This requirement that a licensee apply for a

new license is in harmony with the rulings of Delaware courts that a license to sell alcoholic liquors is not property in any legal or constitutional sense. State v. 0.622 Acres of Land (Super. Ct. 1969). Under House Bill 532, such a licensee would not have to apply for a new license, but would be permitted to move his existing license. Also, Section 543 now imposes a distance requirement for relocation of a liquor store in a county to .9 mile from an existing licensed establishment. House Bill 532, on the other hand, changes the distance to .5 mile.

The State of Delaware exercises, through the Alcoholic Beverage Control Commission, peculiar and exclusive control over alcoholic liquors. The provisions of House Bill 532 appear to affect adversely the authority of the Alcoholic Beverage Control Commission to regulate the location of liquor stores, and to alter the existing procedures and requirements which have proven practical and effective.

Accordingly, I am returning House Bill 532 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 20, 1977

To the House of Representatives of the
129th General Assembly of the State of Delaware

On July 8, 1977 I received House Bill 530 entitled:
"AN ACT TO AMEND CHAPTER 46, TITLE 29, DELAWARE CODE,
RELATING TO PUBLIC DEFENDERS AND PRIVATE CLIENTS."

I am returning House Bill 530 without my signature for the following reasons:

1. First, the bill contains a technical error in that it erroneously amends Section 4601 of Title 29, Delaware Code, rather than Section 4602.
2. Second, the legislation is in conflict with a provision of the Delaware Lawyer's Code of Professional Responsibility which prohibits the Public Defender and Assistant Public Defenders from engaging in the private practice of criminal law. This prohibition, which became effective July 1, 1977, pursuant to an order of the Delaware Supreme Court, is in accord with the recommendations contained in the American Bar Association Standards of Criminal Justice, and with recommendations of the Judges of the Superior Court of the State of Delaware, the Censor Committee of the Delaware Supreme Court, the Ethics Committee of the Delaware State Bar Association, and the Criminal Law Committee of the Bar Association.

Not only do there appear to be sound policy reasons for the prohibition, but also, since traditionally in this State regulation of the practice of law has been the responsibility of the judicial branch, it is questionable whether this legislation would supersede the court rule.

For these reasons, I am returning House Bill 530 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 20, 1977

To the Delaware House of Representatives of the
129th General Assembly of the State of Delaware

On July 8, 1977 I received on my desk a copy of House Bill 592 titled "AN ACT TO AMEND CHAPTER 426, VOLUME 60, LAWS OF DELAWARE, RELATING TO THE TAX ON PARI-MUTUEL TOTALIZATOR POOLS".

I am today returning House Bill 592 without my signature. I am taking this action because the subject Bill provides for a method for computing the tax liability of certain of Delaware's race tracks which is in direct conflict with the method of taxation provided for in House Bill 497, which I signed into law July 15, 1977. Accordingly, I herewith return House Bill 592 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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July 22, 1977

To the House of Representatives of the
129th General Assebmly of the State of Delaware

On July 12, 1977 I received House Substitute No. 1 for House Bill No. 417, as amended by House Amendment Nos. 1, 2, 15, and 20, entitled:

" AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO THE SPANISH GAME OF JAI-ALAI."

I am today returning this Act to the House of Representatives without my signature.

House Substitute 1 for House Bill 417, permitting the game of jai-alai to be played in Delaware, has attracted a great deal of public attention since the initial proposals were brought forward in the spring of this year. Because of the potential economic benefit which may accrue to Delaware and the City of Wilmington as a result of the introduction of this game, I have given the legislation careful and sympathetic consideration. I have not had, nor do I today have, any strong objection in principle to the introduction of jai-alai in Wilmington.

Serious reservations have been expressed by some as to the constitutionality of permitting wagering on jai-alai exhibitions in light of Article II, Section 17 of the Delaware Constitution which prohibits any gambling in Delaware except for lotteries under State control, horse racing and bingo. While I share these concerns, the ultimate test of constitutionality must

be decided in the courts, and a veto of the bill on constitutional grounds would be premature.

But as I have had the opportunity in recent days to examine the legislation in some detail, I find that in the rush to judgment on this legislation, Delaware has been left with a toothless statute which does not provide for adequate protection against potential abuses that may accompany the operation of and the gambling associated with the game of jai-alai. The statute was drafted, introduced, and enacted in haste. There were inadequate legislative and public hearings. There was no critical comparison of the Delaware statute with the statutes, rules, and regulations governing the operation of jai-alai in states such as Connecticut, Rhode Island, and Nevada which have more experience in this game than does Delaware. In short, I believe the inadequate opportunity for a careful consideration of the potential ramifications of jai-alai wagering upon our State and its people has fostered legislation which contains the following problems:

1. First, House Substitute No. 1 for House Bill No. 417 does not adequately protect the State of Delaware and its people against the potential infiltration of organized crime and other forces of corruption into the ownership and operation of the enterprise. United States government officials, for example, have recently acknowledged an investigation into the circumstances surrounding an \$11 million loan from the troubled Central States Teamsters Pension Fund to finance the jai-alai fronton in Bridgeport, Connecticut. Upon comparison of the controls in the hastily drawn Delaware legislation with the controls contained in the legislation of other states, I find the following deficiencies:

- a. Most importantly, the Delaware statute provides only for the licensing of the corporation and does not require the licensing of individual officers, employees, ownership interests and others who may control the game. I think it is essential if we are to provide adequate guarantees for our citizens that there be full financial disclosure by all individuals and corporations involved prior to the issuance of a license, and that these disclosure requirements and controls be ongoing. Full disclosure of financial interest, criminal record, prior employment, and evidence of personal character must be required by statute.

- b. The Delaware statute does not give the Commission the power to impose fines.

- c. The Delaware statute does not require the licensing of persons providing concessions such as food, beverage, and parking.

- d. The Delaware statute does not contain a prohibition against the Commissioners having an interest in the property or premises used for the fronton.

- e. The Delaware statute is silent on the matter of a transfer of ownership or substantial interest by a licensee.

In short, if we are going to permit wagering on the outcome of jai-alai exhibitions in this State, we must first guarantee that everyone involved in the enterprise stands in the brightest spotlight of disclosure and scrutiny. I am not persuaded that these guarantees could, or should, be left to rules and regulations of the Commission.

2. Secondly, Section 632(a) of the Act requires that any application for a license to conduct a jai-alai meeting must be filed on or prior to the 15th day of August preceeding the year for which the license is sought. This deadline--less than one month away--creates a possible disadvantage for all potential licensees except for the potential licensee which fathered the legislation. Additionally, Commissioners would have to be appointed, the Executive Director and staff hired, and all rules and regulations promulgated in approximately three weeks--a goal which I do not believe to be reasonable. While the subject section permits a license application to be filed at a later date for good cause, the Act provides no guarantee that such will occur.

3. Finally, I cannot support the distribution of the parimutuel betting pool mandated by Sections 665 and 666 of the Act. The State is allotted only five percent, a percentage which is exceeded in every other state having jai-alai except Rhode Island. The bettor would receive 80 3/4% of the pool, which is the lowest of any state having jai-alai. And finally, the successful licensee would receive 13 3/4% of the pool, which is the highest percentage allotted to the promoter-operator of a fronton in any of the participating states. Only the 3/4% set aside for the City of Wilmington, should a fronton be located there, appears reasonable.

For these reasons, I am returning House Substitute 1 for House Bill No. 417, as amended, without my signature. If this legislation will provide as much potential benefit for our State as its most ardent supporters would have us believe, then I certainly feel confident that it will stand the test of a short delay for more careful consideration and an opportunity to address the points which I have raised. We should be wary of claims that we must act now or forever lose the golden opportunity, and proceed down this path with due care and deliberation. Quoting from the Commission on the Review of the National Policy Toward Gambling's October 1976 report:

"The Commission recommends that any State that introduces jai-alai as a forum for legalizing gambling should exercise a high degree of caution regarding both the quality of the players and the regulatory procedures used in overseeing the sport."

The regulatory procedures in this legislation are weak and inadequate to protect the people of Delaware from potential abuse should jai-alai gambling come to our State. For these reasons, I am returning this legislation without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

Representative Jonkiert introduced and brought HR 85 before the House for consideration.

HR 85 - Commending Pat Ciarrocchi, WDEL News Analyst, for Winning the 1977 Professional Award of the Delaware Federation of Business and Professional Women.

HR 85 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:45 p.m.

The House was called to order at 5:35 p.m.

Representative Morris introduced and brought SCR 58, co-sponsored by Senator Cook and Representative Morris and Representatives Minner and Bennet and Senators Murphy and Zimmerman, before the House for consideration.

SCR 58 - Mourning the Death of Former Representative Gooden M. Darling.

SCR 58 was adopted by voice vote.

Representative Bennett introduced and brought HR 86 before the House for consideration.

HR 86 - Memorializing the Delaware Congressional Delegation to Demand that Conrail Reschedule its Freight Shifting Activities at its Dover Marshalling Area During Certain Hours so as not to Disturb Several Residential Communities; and Further Demanding that a Separate Marshalling Area Be Established Away from Residential Areas for Freight Cars Carrying Highly Toxic and Flammable Substances.

HR 86 was adopted by voice vote.

Representative Gordy introduced and brought SCR 56, sponsored by Senator Cordrey, before the House for consideration.

SCR 56 - Relating to the Establishment of a Special Pension Study Committee.

SCR 56 was adopted by voice vote.

Representative Boulden moved to suspend the rules for the purpose of introducing and acting on HJR 37. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden brought HJR 37, co-sponsored by all other Representatives and Senator Cordrey and all other Senators, before the House for consideration.

HJR 37 - Memorializing the President of the United States and the Delaware Congressional Delegation to Use the Influence of Their Respective Offices in Selecting Wilmington, Delaware as the Site for a New Thirty (30) Million Dollar Maintenance Shop to Overhaul Amtrak Locomotives.

The roll call on HJR 37 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Acting Speaker Jonkiert - 40.

ABSENT: Representative Worthen - 1.

Therefore, having received a constitutional majority, HJR 37 was sent to the Senate for concurrence.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 594. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 594, co-sponsored by Representative Jonkiert, before the House for consideration.

HB 594 - An Act to Amend Chapter 29, Title 30 of the Delaware Code Relating to Retailer License Taxes on Aggregate Gross Receipts.

The roll call on HB 594 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Plant, Rispoli, Temple, Mr. Speaker Boulden - 23.

NO: Representatives Billingsley, T. Brady, Burris, Connor, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 12.

NOT VOTING: Representatives Ambrosino, Hebner, Maxwell, McKay, Morris - 5.

ABSENT: Representative Worthen - 1.

Therefore, having received a constitutional majority, HB 594 was sent to the Senate for concurrence.

Representative Clendaniel introduced and brought HCR 45, co-sponsored by Senator Adams, before the House for consideration.

HCR 45 - Marking the Death of Charlie Short, of Georgetown, a Member of the House of Representatives in the 116th General Assembly.

HCR 45 was adopted by voice vote.

Representative Sincock moved to suspend the rules for the purpose of acting on HB 593. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincock brought HB 593 before the House for consideration.

Representative Byrd moved to table the roll call on HB 593. the motion was seconded by Representative Gordy and adopted by voice vote.

Representative George moved to suspend the rules for the purpose of introducing and acting on HB 595. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Goerge brought HB 595 before the House for consideration.

HB 595 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, the 1978 Budget Appropriation Act, Originally Designated House Bill No. 300 Amended by House Amendment No. 27 and Senate Amendment No. 1.

Representative Goerge requested and was granted the privilege of the floor for Patricia Schramm, Secretary of the Department of Health and Social Services.

Representative George requested and was granted the privilege of the floor for Dr. Schramm.

The roll call on HB 595 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 39.

NO: Representative Ambrosino - 1.

ABSENT: Representative Worthen - 1.

Therefore, having received a constitutional majority, HB 595 was sent to the Senate for concurrence.

Representative Powell moved to suspend the rules for the purpose of introducing and acting on HB 596. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Powell brought HB 596, co-sponsored by Representative Byrd, before the House for consideration.

HB 596 - An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

Representative Powell moved to place HB 596 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HB 597. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HB 597, co-sponsored by Representatives Maxwell, Byrd and W. Brady, before the House for consideration.

HB 597 - An Act to Amend Volume 61, Chapter 144, Laws of Delaware, Being an Appropriation for Certain Grants-In-Aid.

The roll call on HB 597 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsly, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon - 38

NO: Representative Ambrosino - 1.

ABSENT: Representative Worthen, Mr. Speaker Boulden - 2.

Therefore, having received a constitutional majority of at least three quarters members of the House of Representatives, HB 597 was sent to the Senate for concurrence.

Representative Plant moved to suspend the rules for the purpose of introducing and acting on HB 598. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant brought HB 598, co-sponsored by Representatives Johnson, Miller, Maxwell, Jonkiert and Senator Holloway, before the House for consideration.

HB 598 - An Act to Amend Chapter 144, Volume 61, Laws of Delaware, Being 'An Act to Make a Supplementary Appropriation for Certain Grants-In-Aid.'

Representative Plant moved to table the roll call on

HB 598. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincok moved to lift the roll call on HB 593. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 593 - An Act to Provide a Supplemental Appropriation to the Operations Account of the State Lottery Office of the Department of Finance for Payment of the Prior Year Obligations.

The roll call on HB 593 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Darling, George, Gordy, Hebner, Jonkiert, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 26.

NO: Representatives Billingsley, Cain, Clendaniel, Connor, Ferguson, Gilligan, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Morris, Plant - 14.

ABSENT: Representative Worthen - 1.

Therefore, having received a constitutional majority, HB 593 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on HB 599. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought HB 599, co-sponsored by Senator Adams, before the House for consideration.

HB 599 - An Act to Amend Chapter 144, Volume 61, Laws of Delaware, Entitled "An Act to Make a Supplementary Appropriation for Certain Grants-In-Aid" to Increase the Appropriation to the Governor's Commission on Criminal Justice for Aid to Local Law Enforcement.

Representative Jonkiert moved to table the roll call on HB 599. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HB 600. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HB 600, co-sponsored by Representatives Matushefske and Powell and Senator Holloway, before the House for consideration.

HB 600 - An Act to Amend Title 29 of the Delaware Code to Authorize the Performance of the Spanish Game of Jai-Alai and Wagering Thereon and Providing a Supplementary Appropriation to the Delaware Jai-Alai Commission.

Representative Jonkiert moved to place HB 600 on the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Jonkiert moved to recess at 7:16 p.m.

The House was called to order at 9:46 p.m.

Representative Jonkiert moved to lift HB 600 from the

Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Jonkiert introduced and brought HA 1 to HB 600 before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for O. Francis Biondi, Esq., representing Bridgeport Jai-Alai, Inc.

HA 1 to HB 600 was adopted by voice.

Representative Jonkiert moved to place HB 600 w/HA 1 on the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 10:25 p.m.

The House was called to order at 10:27 p.m.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on HB 601. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HB 601, co-sponsored by Senators Cicione and Kearns, before the House for consideration.

HB 601 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, to Permit Lease Purchase Agreements for School Buses.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Garry Gaukler from the Controller General's office.

Representative Maxwell moved to table the roll call on HB 601. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Powell moved to lift HB 596 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Byrd introduced and brought HA 1 to HB 596 before the House for consideration. HA 1 was adopted by voice vote.

Representative Powell requested and was granted the privilege of the floor for Mr. Frank Vavala from the Department of Labor.

Representative Billingsley brought HA 2, co-sponsored by Representatives Byrd and Maxwell, before the House for consideration.

Representative Byrd requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Byrd requested that his name be removed as a co-sponsor of HA 2 to HB 596.

Representative Billingsley requested and was granted the privilege of the floor for Mr. Frank Vavala.

Representative Plant moved to place HA 2 to HB 596 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Maxwell requested that his name be removed as a co-sponsor of HA 2 to HB 596.

Representative Billingsley introduced and brought HA 3

before the House for consideration.

Representative Billingsley requested and was granted the privilege of the floor for Mr. Frank Vavala.

The roll call on HA 3 to HB 596 was taken and revealed:

YES: Representatives Bennett, Billingsley, Ridings, Vernon - 4.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Mr. Speaker Boulden - 35.

NOT VOTING: Representative Lynch - 1.

ABSENT: Representative Worthen - 1.

Therefore, not having received a constitutional majority, HA 3 to HB 596 was defeated.

HB 596 - An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

The roll call on HB 596 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Mr. Speaker Boulden - 35.

NO: Representatives Bennett, Billingsley, Clendaniel, Minner, Vernon - 5.

ABSENT: Representative Worthen - 1.

Therefore, having received a constitutional majority, HB 596 w/HA 1 was sent to the Senate for concurrence.

Representative Maxwell moved to lift the roll call on HB 601. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 601 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, to Permit Lease Purchase Agreements for School Buses.

The roll call on HB 601 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Byrd, Cain, Connor, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith - 22.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Lynch, Matushefske, Minner, Morris, Temple, Vernon, Mr. Speaker Boulden - 16.

NOT VOTING: Representative George - 1.

ABSENT: Representatives Riddagh, Worthen - 2.

Therefore, having received a constitutional majority, HB 601 was sent to the Senate for consideration.

Representative Lynch moved to lift SB 353 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 353 - An Act to Amend Chapters 13, 17, 27, and 31, Title 14 of the Delaware Code Relating to Exceptional Persons, to Include Autistic Children and to Require the State to Provide an Educational Program for All Handicapped Persons and Providing a Supplementary Appropriation.

Representative Lynch requested and was granted the privilege of the floor for Mr. Hank O'Brisco representing the Advisory Council for Exceptional Children.

The roll call on SB 353 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 38.

ABSENT: Representatives Byrd, Powell, Worthen - 3.

Therefore, having received a constitutional majority, SB 353 w/SA 1 was returned to the Senate.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on SB 371. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Minner brought SB 371, co-sponsored by Senator Cicione and Representative Minner, before the House for consideration.

SB 371 - An Act to Provide a Supplementary Appropriation to the Department of Public Safety, Division of State Police.

The roll call on SB 371 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 38.

NO: Representative Burris - 1.

ABSENT: Representatives Plant, Worthen - 2.

Therefore, having received a constitutional majority, SB 371 was returned to the Senate.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on SB 364. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy brought SB 364, co-sponsored by Senators Zimmerman, Cicione, Cook, Hughes, Representatives Gordy, Senators Kearns, Murphy, Littleton, Martin and Schlör, before the House for consideration.

SB 364 - An Act Awarding Special Pension Benefits, Appropriating Monies to Fund Such Pensions and Directing the Board of Pensions Trustees to Administer Payment of Such Pensions as if the Award Were Pursuant to Chapter 55, Title

29, Delaware Code; Repealing Certain Sections of 60 Delaware Laws, Chapter 711.

The roll call on SB 364 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 39.

ABSENT: Representatives Connor, Worthen - 2.

Therefore, having received a constitutional majority, SB 364 was returned to the Senate.

Representative Boulden moved to suspend the rules for the purpose of introducing and acting on SB 374. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden brought SB 374 before the House for consideration.

Representative Boulden requested and was granted the privilege of the floor for Mr. Raymond Townsend, Director of Administrative Services for DeLaWarr School District.

Representative Boulden requested and was granted the privilege of the floor for Mr. Larry Hopkins, Superintendent of DeLaWarr School District.

Representative Bennett moved to place SB 374 on the Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Plant introduced HB 602.

HB 602 - An Act to Amend Chapter 5, Subchapter VI, Subpart B of Title 11, Delaware Code Relating to Discrimination by State Agency Heads.

Mr. Speaker assigned HB 602 to the Judiciary Committee.

Representative Plant introduced and brought HR 87 before the House for consideration.

HR 87 - Expressing the Dismay and Disapproval of the House of Representatives at the Decision of the Governor to Replace the only Minority Member of the Board of Trustees of the Delaware Technical and Community College.

The roll call on HR 87 was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Miller, Minner, Plant, Rispoli, Temple - 16.

NO: Representatives Bennett, Burris, Connor, Darling, Hebner, McKay, Morris, Oberle, Riddagh, Ridings, Sincock, Smith, Vernon - 13.

NOT VOTING: Representatives Ambrosino, Billingsley - 2.

ABSENT: Representatives T. Brady, Clendaniel, George, Kelly, Lynch, Maxwell, Powell, Roy, Worthen, Mr. Speaker Boulden - 10.

Therefore, not having received a constitutional majority, HR 87 was defeated.

Representative Ferguson brought HB 529 before the House for consideration.

HB 529 - An Act Making an Appropriation to the Delaware Technical and Community College for a Nuclear Medicine Program.

The roll call on HB 529 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Temple, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Billingsley, Burris, Hebner, McKay, Oberle, Riddagh, Ridings, Vernon - 9.

NOT VOTING: Representatives Connor, George, Powell, Sincok, Smith - 5.

ABSENT: Representatives T. Brady, Byrd, Maxwell, Roy, Worthen - 5.

Therefore, having received a constitutional majority, HB 529 was sent to the Senate for concurrence.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on HJR 38. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Lynch brought HJR 38, co-sponsored by Representatives Gordy, Darling, Temple, Clendaniel, W. Brady, and Senator Cicione, before the House for consideration.

HJR 38 - Requiring the State Board of Education to Use the 1976-77 Transportation Formula for School Bus Contracts Until January 31, 1978.

Representative Bennett moved to place HJR 38 on the Speaker's table. The motion was seconded by Representative Jonkiert.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, Burris, Byrd, Cain, Connor, George, Hebner, Johnson, Jonkiert, Kelly, Maxwell, McKay, Miller, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Vernon, Mr. Speaker Boulden - 27.

NO: Representatives W. Brady, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Loughney, Lynch, Minner, Morris, Temple - 11.

ABSENT: Representatives Matushefske, Powell, Worthen - 3.

Therefore, having received a constitutional majority, the motion was adopted and HJR 38 was placed on the Speaker's table.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on SB 379 w/SA 1. The motion was seconded by Representative Matushefske and adopted by voice vote.

SB 379 - An Act to Amend Title 29 of the Delaware Code to Authorize the Performance of the Spanish Game of Jai-Alai and Wagering Thereon and Providing a Supplementary Appropriation to the Delaware Jai-Alai Commission.

Representative Jonkiert brought SB 379, co-sponsored by Senator Holloway and Representatives Jonkiert, Matushefske, and Powell, before the House for consideration.

Representative Sincok moved that SB 379 be placed on the Speaker's table because it was an improper bill. The motion was seconded by Representative McKay.

Representative Jonkiert requested and was granted the privilege of the floor for House Attorney John Rich. Mr. Rich determined that SB 379 was a proper bill as drawn.

Mr. Speaker concurred and ruled the motion to place SB 379 on the Speaker's table out of order.

Representative Jonkiert requested and was granted the privilege of the floor for O. Francis Biondi, Esq.

Representative T. Brady introduced and brought HA 1 before the House for consideration.

Representative Jonkiert moved to place HA 1 to SB 379 on the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Matushefske requested and was granted the privilege of the floor for George Herring, Esq., representing Warner Communications.

The roll call on SB 379 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Temple - 25.

NO: Representatives Bennett, Burris, Clendaniel, Darling, Gordy, Lynch, McKay, Minner, Morris, Roy, Sincok, Smith, Vernon, Mr. Speaker Boulden - 14.

ABSENT: Representatives Billingsley, Worthen - 2.

Therefore, having received a constitutional majority, SB 379 was returned to the Senate.

Representative Jonkiert moved to recess at 3:01 a.m.

The House was called to order at 3:29 a.m.

Representative Boulden moved to lift SB 374 from the Speaker's table

Representative Boulden moved to table the roll call on SB 374. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on HB 603. The motion was seconded by Representative Riddagh and adopted by voice vote.

Representative Minner brought HB 603, co-sponsored by Representative Riddagh, before the House for consideration.

HB 603 - An Act to Amend Chapter 5 of Title 28, Delaware Code, Relating to the State Tax on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks.

Representative Minner requested and was granted the privilege of the floor to Mr. John Riddle, President and General Manager of Dover Downs.

Representative Minner again requested and was granted the privilege of the floor for Mr. John Riddle.

The roll call on HB 603 was taken and revealed:

YES: Representatives Anderson, W. Brady, Burris, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Sincock, Temple, Mr. Speaker Boulden - 24.

NO: Representative T. Brady, Connor, Hebner, McKay, Oberle, Ridings, Roy - 7.

NOT VOTING: Representative Ambrosino, Bennett, Clendaniel, Maxwell, Powell, Smith, Vernon - 7.

ABSENT: Representatives Billingsley, Cain, Worthen - 3.

Therefore, having received a constitutional majority,

HB 603 was sent to the Senate for concurrence.

Representative Powell brought HB 596 w/HA 1, SA 1 before the House for consideration.

HB 596 - An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

The roll call on HB 596 w/ HA 1, SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 35.

NO: Representatives Bennett, Clendaniel - 2.

ABSENT: Representatives Billingsley, Oberle, Riddagh, Worthen - 4.

Therefore, having received a constitutional majority,

HB 596 w/HA 1, SA 1 was sent to the Governor.

Representative Jonkiert moved to recess to the call of the Chair at 3:47 a.m.

1st LEGISLATIVE DAY
Third Extraordinary Session

October 13, 1977

According to the proclamation issued by Governor Pierre S. du Pont, IV, the 3rd Extraordinary Session of the One Hundred and Twenty-ninth General Assembly, State of Delaware, convened at 2:11 p.m.

The House was called to order by Speaker Boulden. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Powell, Ridings - 2.

The Speaker requested that the Reading Clerk read the proclamation into the record as follows:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the 129th General Assembly into Extraordinary Session on Thursday, October 13, 1977, at 1:00 p.m., for the purpose of considering and acting upon legislation affecting the State's correctional system and the proposed amendment to the Constitution of 1897 to expand the Supreme Court, and such other business as may lawfully come before it. The Senate is also convened for the purpose of acting upon the confirmation of officers appointed by the Governor.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 6th day of October, in the year of our Lord, one thousand nine hundred seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. du Pont, IV, Governor

ATTEST:

Glenn C. Kenton,
Secretary of State

Representative Jonkiert moved that the Proclamation be accepted. The motion was adopted by voice vote.

Representative Jonkiert moved that the House appoint a committee of two to notify the Senate and the Governor that the House had convened in Extraordinary Session.

Mr. Speaker appointed Representative Matushefske and Representative Hebner to notify the Senate and the Governor that the House had convened in Extraordinary Session.

Representative Jonkiert moved to recess for caucus at 2:19 p.m.

The House was called to order at 5:14 p.m.

Communications:

August 15, 1977

LEGISLATIVE ADVISORY #25

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 8/12/77 - HJR 37; HB 593; HB 594; HB 595; HB 596 a/a/b HA 1, SA 1; HB 597; SB 371; SB 379 a/a/b SA 1. 8/13/77 - SB 353 a/a/b SA 1.

The Governor will allow the following bill to become law without his signature: SB 364.

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The Senate wishes to inform the House that it has passed:
HB 596 w/HA 1, SA 1; SB 379 w/SA 1; HB 597; HB 593; SB 374;
HB 595; HCR 45; HJR 37; HB 594; SB 371; SB 364; SCR 56;
SCR 58; SCR 59.

Representatives Matushefske and Hebner announced that the Senate and the Governor had been informed that the House had convened in Extraordinary Session.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on HJR 39. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HJR 39 before the House for consideration.

HJR 39 - Requesting Certain Information from the State Insurance Department and Other State Agencies Relating to Young Drivers in the State of Delaware, and Insurance Rates Paid by Young Drivers in Delaware.

The roll call on HJR 39 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

ABSENT: Representatives Ambrosino, Billingsley, Cain, Oberle, Powell, Ridings, Roy - 7.

Therefore, having received a constitutional majority, HJR 39 was sent to the Senate for concurrence.

Representative Clendaniel introduced and brought HCR 46, co-sponsored by Representatives Gordy, Lynch and Temple and Senators Adams, Cordrey and Cook before the House for consideration.

HCR 46 - Expressing the Sorrow of the Members of the 129th General Assembly at the Death of Harry S. Smith, Former State Insurance Commissioner.

HCR 46 was adopted by voice vote.

Representative Anderson, by request, introduced and brought HCR 47 before the House for consideration.

HCR 47 - Relating to United States Sovereignty Over the Panama Canal Located on the Isthmus of Panama.

Representative Matushefske moved to place HCR 47 in Committee. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Darling, Gordy, Johnson, Jonkiert, Matushefske, Miller, Worthen, Mr. Speaker Boulden - 10.

NO: Representatives Anderson, W. Brady, Burris, Clendaniel, Connor, Ferguson, George, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Morris, Plant,

Riddagh, Rispoli, Sincock, Smith, Temple, Vernon - 22.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Cain, Minner, Oberle, Powell, Ridings, Roy - 9.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 47 remained before the House.

Representative Minner moved to place HCR 47 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Darling, George, Gordy, Johnson, Jonkiert, Matushefske, Miller, Minner - 11.

NO: Representatives Anderson, T. Brady, Burris, Clendaniel, Connor, Ferguson, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Morris, Oberle, Plant, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

ABSENT: Representatives Ambrosino, Billingsley, Cain, Powell, Ridings, Roy - 6.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 47 remained before the House.

Representative Anderson requested a special privilege of the floor for Mr. Albert L. McMullen, immediate past president of the V.F.W.

Representative George requested the privilege of the floor for Gary Hinds, Administrative Assistant.

Representative Hebner objected to the privilege of the floor for Mr. Hinds.

After a voice vote, Mr. Hinds was granted the privilege of the floor.

Representative Anderson requested and was granted the privilege of the floor for Mr. McMullen.

The roll call on HCR 47 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 27.

NO: Representatives Bennett, Byrd, Darling, George, Johnson, Jonkiert, Maxwell, Miller, Plant, Worthen - 10.

ABSENT: Representatives Cain, Matushefske, Powell, Ridings - 4.

Therefore, having received a constitutional majority, HCR 47 was sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 88 before the House for consideration.

HR 88 - In recognition of the Landscape Award by the American Association of Nurserymen to William L. Kapa, Director of Parks and Recreation for Wilmington, and Edward R. Bachtel, Wilmington Architect, for their Contribution to the Henry Belin du Pont Park.

HR 88 was adopted by voice vote.

Representative Matushefske moved to lift HB 581 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to assign HB 581 to Committee. The motion was seconded by Representative Matushefske and adopted by voice vote.

Mr. Speaker assigned HB 581 to the Judiciary Committee.

Representative Boulden moved to lift the roll call on SB 374. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 374 - An Act Making a Supplemental Appropriation to the De La Warr School District to Cover the Cost of Tuition Resulting From the Voluntary Transfer Plan.

The roll call on SB 374 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, Minner, Morris, Oberle, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Bennett, Hebner, Lynch, McKay, Ridings, Smith, Vernon - 7.

NOT VOTING: Representatives T. Brady, Burris, Cain, George, Kelly, Miller, Riddagh, Roy, Sincock - 9.

ABSENT: Representatives Billingsley, Powell - 2.

Therefore, having received a constitutional majority, SB 374 was sent to the Senate for concurrence.

Representative Bennett introduced HB 604.

HB 604 - An Act to Amend Chapter 71, Part VII, Title 7 of the Delaware Code Relating to the Delaware Noise Control Act; and Providing for Certain Activities to be Specifically Exempted from this Act and Certain Activities to Be Specifically Subject to this Act.

Mr. Speaker assigned HB 604 to the Natural Resources Committee.

Representative Minner brought SCR 60, co-sponsored by Senators McDowell, Cook and Weiss and Representatives Minner, Ferguson and Roy, before the House for consideration.

SCR 60 - Requesting an Extension of the Reporting Date for the Committee on Committees.

SCR 60 was adopted by voice vote and returned to the Senate.

Representative Ferguson introduced HB 605.

HB 605 - An Act to Amend Chapter 31, Title 14, Delaware Code, Relating to the Transportation of Handicapped Persons Receiving Private Placement Tuition Assistance.

Mr. Speaker assigned HB 605 to the Education Committee

Representative Maxwell introduced HB 606.

HB 606 - An Act to Amend Title 14 of the Delaware Code Relating to Education; and Providing Certain Restrictions Upon the Granting of Local Salary Supplements.

Mr. Speaker assigned HB 606 to the Education Committee.

Representative Jonkiert introduced HB 607.

HB 607 - An Act to Amend Chapter 91, Title 29, Delaware Code, to Require Legislative Approval of Withdrawals from

the Advanced Land Acquisition Fund.

Mr. Speaker assigned HB 607 to the House Administration Committee.

Representative Jonkiert introduced HB 608.

HB 608 - An Act to Amend Chapter 95, Title 29, Delaware Code, to Require Legislative Approval Before Any Agency of the State Except the Department of Transportation for Use for Rights-of-Way May Acquire Real Property Costing in Excess of \$5,000.

Mr. Speaker assigned HB 608 to the House Administration Committee

Representative Jonkiert introduced HB 609.

HB 609 - An Act to Amend Chapter 144, Volume 61, Laws of Delaware, Entitled "An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid" and Also Known as House Bill No. 555, As Amended, 129th General Assembly.

Mr. Speaker assigned HB 609 to the House Administration Committee.

Representative Gilligan introduced HB 610.

HB 610 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing for the Optional and Mandatory Retirement of State Employees.

Mr. Speaker assigned HB 610 to the House Administration Committee.

Representative Connor introduced HB 611, co-sponsored by Representatives Ambrosino, T. Brady, Gilligan, Jonkiert, Kelly, Matushefske, Maxwell, Plant, Rispoli and Roy and Senators Kearns, Holloway and Cicione.

HB 611 - An Act to Amend Chapter 17, Part I, Title 14 of the Delaware Code Relating to the Distribution and Expenditure of State Appropriations to Education in Delaware; and Providing for the Distribution of Payments for Certain Special Programs.

Mr. Speaker assigned HB 611 to the Education Committee.

Representative Jonkiert moved to recess for caucus at 6:21 p.m.

The House was called to order at 8:29 p.m.

Representative Jonkiert introduced and brought SCR 64, co-sponsored by Senators Holloway and Berndt, before the House for consideration.

SCR 64 - Commending Attorney General Richard R. Wier, Jr. for Joining Delaware in the Legal Action to Enforce the Provisions of the Will of Alfred I. du Pont Providing Funds for Elderly Persons as Well as the Children Who Have Benefited from Treatment at the Alfred I. du Pont Institute.

SCR 64 was adopted by voice vote and returned to the Senate.

Representative Darling introduced and brought SCR 61, co-sponsored by Senator Sharp and Representative Darling, before the House for consideration.

SCR 61 - Urging the Governor of the State of Delaware to Immediately sign a Waiver Authorizing the Department of Correction to Enter into a Contract for the Construction of a Maximum Security Building at Delaware Correctional Center.

SCR 61 was adopted by voice vote.

Representative T. Brady moved to suspend the rules for the purpose of introducing and acting on SB 389 w/SA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative T. Brady brought SB 389, co-sponsored by Senators Hughes, Arnold, and Holloway and Representatives T. Brady and Riddagh, before the House for consideration.

SB 389 - An Act Authorizing the Department of Correction to Transfer Authorized Positions Between Divisions and to Transfer FY 1978 Budget Appropriations within the Department.

The roll call on SB 389 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Powell, Ridings - 2.

Therefore, having received a constitutional majority, SB 389 w/SA 1 was returned to the Senate.

Representative Darling moved to suspend the rules for the purpose of introducing and acting on SB 392. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling brought SB 392 before the House for consideration.

SB 392 - An Act to Amend Chapter 65, Part IV, Subchapter VI, Title 11 of the Delaware Code Relating to Classification of Inmates.

The roll call on SB 392 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives Powell, Ridings - 2.

Therefore, having received a constitutional majority, SB 392 was returned to the Senate.

Representative Darling introduced and brought SCR 63, co-sponsored by Senator Sharp and Representative Darling, before the House for consideration.

SCR 63 - Urging the Governor to Make a Prompt Report to the Joint Committee on Corrections and the Joint Finance Committee on Proposed Contract for the Rendering of Health

Care Services to the Various Institutions of the Department of Correction.

SCR 63 was adopted by voice vote and returned to the Senate.

Representative Darling moved to suspend the rules for the purpose of acting on SB 394. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling brought SB 394, co-sponsored by Senator Sharp and Representative Darling, before the House for consideration.

SB 394 - An Act Making A Supplemental Appropriation to the Department of Justice and the Department of Correction for the Fiscal Year Ending June 30, 1978, to Provide Operating Funds for Certain New Facilities, Programs and Positions.

Representative Miller introduced and brought HA 1 to SB 394 before the House for consideration.

Representative Miller requested the privilege of the floor for David Swayze, Esq., Counsel for Governor du Pont.

The roll call on HA 1 to SB 394 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, George, Hebner, Johnson, Jonkiert, Kelly, Lynch, Maxwell, McKay, Miller, Oberle, Plant, Riddagh, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Ambrosino, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Loughney, Matushefske, Minner, Morris, Rispoli, Temple - 13.

ABSENT: Representatives Powell, Ridings - 2.

Therefore, having received a constitutional majority, HA 1 to SB 394 was adopted.

Representative George requested the privilege of the floor for any of the Governor's financial advisors who might be present. No one came forward.

Representative Ferguson requested a fiscal note.

Representative Darling produced a fiscal note which did not include HA 1.

Representative Cain called for a point of order, stating that without HA 1 included, the fiscal note for SB 394 was not valid. Mr. Speaker concurred.

Representative Darling moved to waive the requirement for a fiscal note. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller introduced and brought HA 2 before the House for consideration.

Representative Miller requested and was granted the privilege of the floor for Mr. James Vaughn, Commissioner of Corrections.

Representative Darling moved to place HA 2 to SB 394 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Clendaniel, Darling, Ferguson, Gilligan, Jonkiert, Kelly, Loughney,

Lynch, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 15.

NO: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Byrd, Hebner, Johnson, Maxwell, McKay, Miller, Oberle, Plant, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 19.

ABSENT: Representatives Cain, Connor, George, Gordy, Matushefske, Powell, Ridings - 7.

Therefore, not having received a constitutional majority, the motion was defeated and HA 2 to HB 394 remained before the House.

Representative Lynch requested and was granted the privilege of the floor for Commissioner Vaughn.

Representative Darling moved to place SB 394 w/HA 1 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Connor, Hebner, Johnson, McKay, Miller, Oberle, Plant, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 18.

ABSENT: Representatives Powell, Ridings - 2.

Therefore, having received a constitutional majority, the motion was adopted and SB 394 w/HA 1 was laid on the Speaker's table.

Representative Darling introduced and brought SCR 62, co-sponsored by Senator Sharp and Representative Darling, before the House for consideration.

SCR 62 - Urging the Governor to Submit Detailed Programs for Treatment and Rehabilitation of Drunk Drivers and Marijuana Users, as an Alternative to Imprisonment.

Representative Ambrosino requested and was granted the privilege of the floor for House Attorney, John Rich.

SCR 62 was adopted by voice vote and returned to the Senate.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on SB 391. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SB 391, co-sponsored by Senators Cicione, Kearns and Representative Jonkiert, before the House for consideration.

SB 391 - An Act Making a Supplemental Appropriation to the Department of Health and Social Services, Division of Public Health, Community Health, to Provide Nursing Services to Non-Public Schools in New Castle County.

The roll call on SB 391 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Maxwell,

Miller, Minner, Morris, Oberle, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Cain, McKay, Plant, Vernon - 4.

NOT VOTING: Representative W. Brady - 1.

ABSENT: Representatives Kelly, Powell; Ridings - 3.

Therefore, having received a constitutional majority, SB 391 was returned to the Senate.

Representative T. Brady moved to suspend the rules for the purpose of introducing and acting on SB 390. The motion was seconded by Representative McKay and adopted by voice vote.

Representative T. Brady brought SB 390, co-sponsored by Senators Hughes, Arnold and Holloway and Representatives T. Brady and Riddagh before the House for consideration.

SB 390 - An Act Authorizing the State of Delaware to Borrow Money to be Used for Certain Capital Improvements and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Correction.

Representative George requested and was granted the privilege of the floor for Mr. Nathan Hayward, Office of Management and Budget.

Five members of the House rose to close debate according to Rule 30 of the House Rules as adopted in HR 2 as amended by HA 1. The motion to close debate was defeated by voice vote.

Representative Darling moved to place SB 390 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Darling, Johnson, Jonkiert, Matushefske, Maxwell, Minner, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 14.

NO: Representatives Ambrosino, Bennett, T. Brady, Burris, Clendaniel, Connor, Gilligan, Gordy, Hebner, Kelly, Loughney, McKay, Miller, Morris, Oberle, Riddagh, Roy, Sincok, Smith, Temple, Vernon - 21.

NOT VOTING: Representatives Ferguson, George - 2.

ABSENT: Representatives Billingsley, Lynch, Powell, Ridings - 4.

Therefore, not having received a constitutional majority, the motion was defeated and SB 390 remained before the House.

The roll call on SB 390 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Burris, Connor, Hebner, Lynch, McKay, Miller, Oberle, Riddagh, Roy, Sincok, Smith, Temple, Vernon - 16.

NO: Representatives Clendaniel, Darling, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Morris, Plant - 9.

NOT VOTING: Representatives Anderson, W. Brady, Byrd, Cain, Ferguson, George, Gilligan, Gordy, Maxwell, Minner, Worthen, Mr. Speaker Boulden - 12.

ABSENT: Representatives Billingsley, Powell, Ridings, Rispoli - 4.

Therefore, not having received a constitutional majority of at least three-fourths members of the House, SB 390 was defeated.

Representative Bennett brought HB 458 w/SA 1 before the House for consideration.

HB 458 - An Act to Provide a Supplemental Appropriation to the Department of Administrative Services for Operational Costs for Fiscal Year 1977.

The roll call on HB 458 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Billingsley, Oberle, Powell, Ridings - 4.

Therefore, having received a constitutional majority, HB 458 w/SA 1 was sent to the Governor.

Representative Ambrosino introduced HB 612.

HB 612 - An Act to Extend the Pupil Attendance Reporting Deadline for Certain Reorganized School Districts.

Mr. Speaker assigned HB 612 to the Education Committee.

Representative Jonkiert moved to recess for caucus at 11:41 p.m.

The House was called to order at 12:19 a.m.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on SJR 27. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought SJR 27, co-sponsored by Senator Arnold and Representative Maxwell and Senators Cicione, Spence, Hughes, McCullough, and Sharp and Representatives Byrd, Worthen, Roy, Oberle and Ridings, before the House for consideration.

SJR 27 - Urging All Counsel for the State Board of Education and Defendant School Districts to Appeal the Court Decisions in Evans V. Buchanan which are not Based Upon Proven Violations.

The roll call on SJR 27 was taken and revealed:

YES: Representatives Anderson, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Oberle, Riddagh, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Johnson, Jonkiert, Miller, Plant, Rispoli - 5.

NOT VOTING: Representatives Bennett, W. Brady, Gordy, Matushefske, Morris, Temple - 6.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Connor, Powell, Ridings - 6.

Therefore, having received a constitutional majority, SJR 27 was returned to the Senate.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on SJR 28. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Maxwell brought SJR 28, co-sponsored by Senator Arnold and Representative Maxwell and Senators Cicione, Spence, Hughes, McCullough and Sharp and Representatives Byrd, Worthen, Roy, Oberle, and Ridings, before the House for consideration.

SJR 28 - Authorizing the General Assembly to Petition for Leave to Appear as Amicus Curiae in the Case of Evans V. Buchanan.

Representative Matushefske requested and was granted the privilege of the floor for Richard Wier, Jr., Attorney General of the State of Delaware.

The roll call on SJR 28 was taken and revealed:

YES: Representatives Anderson, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Oberle, Riddagh, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Johnson, Jonkiert, Plant, Rispoli - 4.

NOT VOTING: Representatives Bennett, T. Brady, W. Brady, Gordy, Miller, Morris, Temple - 7.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, SJR 28 was returned to the Senate.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on SJR 29. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Maxwell brought SJR 29, co-sponsored by Senator Arnold and Representative Maxwell, Senators Cicione, Spence, Hughes, McCullough and Sharp and Representatives Byrd, Worthen, Roy, Oberle and Ridings, before the House for consideration.

SJR 29 - Notifying the New Castle County Planning Board of Education, and All Other Interested Persons, That the State of Delaware Does Not Consider the Findings, Recommendations, Policies or Any Other Action of Such Board to be Findings of the State or of a Duly Constituted Board of Education.

The roll call on SJR 29 was taken and revealed:

YES: Representatives Anderson, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Oberle, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Johnson, Jonkiert, Plant, Rispoli - 4.

NOT VOTING: Representatives Bennett, T. Brady, W. Brady, Miller, Minner, Morris - 6.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, SJR 29 was returned to the Senate.

Representative George moved to suspend the rules for the purpose of introducing and acting on SB 396. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SB 396, sponsored by Senator Cordrey, before the House for consideration.

SB 396 - An Act Authorizing a Supplemental Appropriation to the Department of Administrative Services for the Fiscal Year Ending June 30, 1978.

The roll call on SB 396 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Cain - 1.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, SB 396 was returned to the Senate.

Representative George moved to suspend the rules for the purpose of introducing and acting on SB 397. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SB 397, sponsored by Senator Cordrey, before the House for consideration.

SB 397 - An Act Authorizing a Supplemental Appropriation to the Office of Attorney General.

The roll call on SB 397 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Burris, Hebner - 2.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, SB 397 was returned to the Senate.

Representative T. Brady moved to suspend the rules for the purpose of introducing and acting on HB 613. The motion was seconded by Representative McKay and adopted by voice vote.

Representative T. Brady brought HB 613, co-sponsored by Representative Riddagh and Senator Holloway, before the House for consideration.

HB 613 - An Act to Amend Subchapter VII, Part IV, Section 6538, Title 11, Delaware Code, To Authorize the Furlough of Inmates from State Correctional Institutions in Order to Reduce Overcrowding.

Representative Jonkiert moved to assign HB 613 to Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives T. Brady, Burris, Hebner, McKay, Morris, Oberle, Riddagh, Roy, Sincock, Smith, Temple, Vernon - 12.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, the motion was adopted and Mr. Speaker assigned HB 613 to the House Administration Committee.

Representative George moved to suspend the rules for the purpose of introducing and acting on HB 614. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought HB 614, co-sponsored by Representatives Jonkiert, Gordy and Bennett, before the House for consideration.

HB 614 - An Act Authorizing a Supplemental Appropriation to the Office of Attorney General for the Fiscal Year Ending June 30, 1978.

Representative George moved to waive the fiscal note requirement on HB 614. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Oberle moved to place HB 614 on the Speaker's table. The motion was seconded by Representative Burris.

Representative Ferguson moved to place on the Speaker's table, the motion to Place HB 614 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HB 614 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Burris, Maxwell, Morris, Sincock, Smith, Vernon - 6.

NOT VOTING: Representatives Miller, Oberle, Roy - 3.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, HB 614 was sent to the Senate for concurrence.

Representative Matushefske introduced HB 615.

HB 615 - An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Public Work Contracts; Procurements.

Mr. Speaker assigned HB 615 to the Judiciary Committee.

Representative Matushefske introduced HB 616, co-sponsored by Representative T. Brady.

HB 616 - An Act to Amend Chapter 1 and Chapter 92, Title 10, Delaware Code, to Provide for a Chief Magistrate to Administer the Justice of the Peace Court System Throughout

the State and to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts.

Mr. Speaker assigned HB 616 to the Judiciary Committee.

Representative Darling moved to lift SB 394 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller introduced and brought HA 2 before the House for consideration.

The roll call on HA 2 to SB 394 was taken and revealed:

YES: Representatives T. Brady, Burris, Hebner, Johnson, McKay, Miller, Oberle, Plant, Riddagh, Roy, Sincock, Smith - 12.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Minner, Morris, Rispoli, Temple, Vernon, Worthen, Mr. Speaker Boulden - 21.

NOT VOTING: Representatives Cain, George - 2.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Matushefske, Powell, Ridings - 6.

Therefore, not having received a constitutional majority, HA 2 to SB 394 was defeated.

Representative Darling introduced and brought HA 3 before the House for consideration.

The roll call on HA 3 to SB 394 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 22.

NO: Representatives T. Brady, Burris, Hebner, Johnson, McKay, Miller, Oberle, Plant, Riddagh, Roy, Sincock, Smith, Vernon, Worthen - 14.

ABSENT: Representatives Ambrosino, Billingsley, Connor, Powell, Ridings - 5.

Therefore, having received a constitutional majority, HA 3 to SB 394 was passed.

Representative T. Brady requested and was granted the privilege of the floor for David Swayze, Esq.

Representative T. Brady introduced and brought HA 4, co-sponsored by Representative Riddagh before the House for consideration.

Representative Darling moved to place HA 4 on the Speaker's table.

The roll call on the motion to place HA 4 to SB 394 on the Speaker's table was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives T. Brady, Burris, Hebner, McKay, Miller, Plant, Riddagh, Roy, Sincock, Smith, Vernon - 11.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Ambrosino, Anderson, Billingsley, Connor, Powell, Ridings - 6.

Therefore, having received a constitutional majority, the motion passed and HA 4 to SB 394 was placed on the Speaker's table.

The House recessed for the purpose of changing the audio tape at 2:03 a.m. and reconvened at 2:05 a.m.

Representative Darling moved to rescind the roll call on HA 3 to HB 394. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to place HA 3 to HB 394 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller moved to rescind the roll call on HA 1 to SB 394. The motion was seconded by Representative Darling and adopted by voice vote.

Representative Miller moved to place HA 1 to SB 394 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to table the roll call on SB 394. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to adjourn the Extraordinary Session at 2:21 a.m.

1st LEGISLATIVE DAY
Fourth Extraordinary Session
November 14, 1977

According to the proclamation issued by Governor Pierre S. du Pont, IV, the 4th Extraordinary Session of the One Hundred and Twenty-ninth General Assembly, State of Delaware, convened at 2:13 p.m.

The House was called to order by Speaker Boulden. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag. The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Billingsley - 1.

The Speaker requested that the Reading Clerk read the proclamation into the record as follows:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of the State of Delaware, do hereby convene the 129th General Assembly into Extraordinary Session on Monday, November 14,

1977, at 1:00 p.m., for the following purposes: Considering and acting upon legislation affecting the State's correctional system; and considering and acting upon legislation concurring in a proposed amendment to the Constitution of 1897 to increase the Supreme Court to five justices.

The Senate is also convened for the purpose of acting upon nominations submitted to it by the Governor pursuant to Article III, Section 9, of the Constitution.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 3rd day of November, in the year of our Lord, one thousand nine hundred seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. du Pont, IV, Governor

ATTEST:

Glenn C. Kenton,
Secretary of State

Representative Jonkiert moved that the Proclamation be accepted. The motion was adopted by voice vote.

Representative Jonkiert requested that the Speaker appoint a committee to notify the Governor and the Senate that the House had convened in Extraordinary Session.

Mr. Speaker appointed Representative Burris and Representative W. Brady.

Communications:

House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19901

November 14, 1977

The Honorable James L. Latchum, Judge
United States District Court
Federal Building
Wilmington, Delaware 19801

Dear Judge Latchum:

I am both puzzled and concerned by your statement that appeared in an article by Ms. Ida Kosciesza, a reporter for the paper, in the News Journal, Wilmington, Delaware, Saturday, November 12, 1977, in response to Attorney Rodney M. Layton's statement on the medical center's contractual agreement with Medicare. In the article Attorney Layton said:

"The medical center has a contractual agreement to run the transportation system and will run it whether Medicare pays the bill or not."

You stated, "The court is not concerned with whether Omega is financially sound or with 'who is going to suffer' if it is not. I have a matter of law to decide. It may be they've made the dumbest mistake that's ever been made in New Castle

County, but I can't correct that mistake on account of dumbness. The court can judge the case only on the record and can determine only if HEW, in approving Omega, has been 'arbitrary and capricious'."

Although I do not question the technical accuracy of what you said, it seems to me as a public servant that your choice of words could have been better when you said you are not concerned with whether Omega is financially sound or who is going to suffer. There are community-based people who interpret your statement as meaning you do not care about their welfare, and I am one of those people. It is my opinion that a Federal Judge has a special obligation to be concerned about who will suffer, for whatever reason, and, by virtue of his position and wisdom, has great discretionary latitude.

I would hope that my comments are not taken as an attempt to run your business, but rather as the position of one concerned about the elderly and other poor, who realize that often public officials couldn't care less about what happens to them.

It is also my hope that, in the spirit as well as the letter of the law, you are indeed concerned with who will suffer.

Sincerely,

Al O. Plant, Representative
2nd Representative District
Chairman, Constitution Committee
Member, NAACP Executive Committee

Copy: Mr. Littleton P. Mitchell, President, NAACP State
Conference of Branches
Mr. Walter L. Moody, President, Wilmington Branch
NAACP
Councilman Wallace Brooks, Secretary, Minority Public
Officials Caucus

October 26, 1977

To the House of Representatives
of the 129th General Assembly
of the State of Delaware:

On October 14, 1977 I received House Bill 603, entitled:
"AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE,
RELATING TO STATE TAX ON ADMISSIONS AND ON CONTRIBUTIONS
TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT
HARNESS RACING TRACKS."

This bill authorizes a credit against the State's tax on pari-mutuel and totalizator pools for harness racing tracks, based on a track's loss before taxes on its operations during the previous fiscal year. Dover Downs is the only harness racing track which would currently qualify for the tax credit under the provisions of the bill, due to its average parimutuel handle and losses sustained.

For the current fiscal year, the State had anticipated receiving some \$634,869 in pari-mutuel and totalizator pool tax revenues from the track. However, the fiscal note prepared for the General Assembly estimates that as a result of the tax credit afforded by House Bill 603, the State would lose some \$518,689 of these anticipated revenues, receiving only \$116,000.

In my opinion, the fiscal situation in the State simply does not permit, at this time, the loss of some half-million dollars in anticipated revenues. In addition to the amounts appropriated by the 1978 Annual Appropriation Act, the General Assembly has already authorized some \$1.6 million in supplemental appropriations and the State can presently identify more than \$3 million of additional supplemental appropriations that will probably be necessary during the remainder of the fiscal year. This leaves less than half-a-million of monies available to meet those emergency and unanticipated supplementals which have not now been identified under current projections.

This tight budgetary situation obviously mandates that strict management controls be continued. At some point further into the fiscal year, when it is possible to predict more accurately the funds which will be needed to meet remaining unknown supplemental appropriations, the situation might permit reconsideration of this legislation.

Accordingly, I am returning House Bill 603 without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

The Senate wishes to inform the House that it has passed:
SJR 27; SJR 28; SJR 29; SB 291 w/SA 1; HB 458 w/HA 1, SA 1;
SB 391; HB 603; SB 397; SB 396; SB 389 w/SA 1; SB 394; SCR 62;
SB 390 w/SA 1; SCR 61; SCR 63; SB 392; SCR 64; HCR 46; SCR 60.

October 26, 1977

LEGISLATIVE ADVISORY #26

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 10/15/77 - SB 389 a/a/b SA 1; SB 392; SB 397.
 10/25/77 - SB 396; HB 458 a/a/b HA 1, SA 1. 10/15/77 -
SJR 27; SJR 28; SJR 29. 10/26/77 - SB 391; SB 374.

The Governor vetoed the following bill on 10/26/77:
HB 603.

Representatives Sincok and Maxwell rose to pay tribute to the late Mrs. Nancy Repman, followed by a moment of silent prayer by all members.

Representative Jonkiert moved to recess for caucus at 2:31 p.m.

The House was called to order at 4:27 p.m.

Representative Miller moved to suspend the rules for the purpose of introducing and acting on HB 617. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Miller brought HB 617, co-sponsored by Representatives T. Brady, W. Brady and Riddagh, before the House for consideration.

HB 617 - An Act Authorizing a Supplemental Appropriation to the Department of Justice and the Department of Correction for the Fiscal Year Ending June 30, 1978, to Provide Operating Funds for Certain New Facilities, Programs, and Positions.

The roll call on HB 617 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Darling, Ferguson, Loughney, Matushefske, Minner - 5.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HB 617 was sent to the Senate for concurrence.

Representative Miller moved to suspend the rules for the purpose of introducing and acting on HB 618. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller brought HB 618, co-sponsored by Representatives T. Brady, W. Brady and Riddagh, before the House for consideration.

HB 618 - An Act Authorizing a Supplemental Appropriation to the Department of Correction, Bureau of Adult Correction, For Renovating and Staffing a Short-Term Correction Facility.

Representative Miller moved to place HB 618 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Miller moved to suspend the rules for the purpose of introducing and acting on HB 619. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Miller brought HB 619, co-sponsored by Representatives Miller, T. Brady, W. Brady and Riddagh, before the House for consideration.

HB 619 - An Act Authorizing a Supplemental Appropriation for the Department of Correction for an Inmate Grievance Officer.

Representative Miller requested the privilege of the floor for Commissioner James T. Vaughn, Department of Corrections.

Representative Darling moved to place HB 619 in Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Rispoli, Mr. Speaker Boulden - 15.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, Hebner, Johnson, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen - 24.

ABSENT: Representatives Billingsley, Byrd - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HB 619 remained before the House.

Commissioner Vaughn was granted the privilege of the floor.

Representative Lynch requested the privilege of the floor for Mr. Milton Horton, Adult Corrections Bureau Chief.

Representative T. Brady requested the privilege of the floor for John Parkins, Deputy Attorney General.

The privilege of the floor was granted to Mr. Parkins.

The privilege of the floor was granted to Mr. Horton.

The roll call on HB 619 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Clendaniel, Darling, Jonkiert, Loughney, Matushefske, Morris - 6.

ABSENT: Representatives Billingsley, Ferguson - 2.

Therefore, having received a constitutional majority, HB 619 was sent to the Senate for concurrence.

Representative Miller moved to lift HB 618 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller brought HA 1 to HB 618 before the House for consideration.

Representative Miller moved to place HB 618 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller moved to suspend the rules for the purpose of introducing and acting on HB 620. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Miller brought HB 620, co-sponsored by Representatives T. Brady, and Riddagh and Senator Holloway, before the House for consideration.

HB 620 - An Act to Amend Subchapter VII, Part IV, Section 6538, Title 11, Delaware Code, to Authorize the Furlough of Inmates from State Correctional Institutions in Order to Reduce Overcrowding.

Representative Hebner requested and was granted the privilege of the floor for Deputy Attorney General John Parkins.

Representative Miller moved to place HB 620 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple brought SCR 65, co-sponsored by Senator Holloway and Representative Temple, before the House for consideration.

SCR 65 - Requesting the President of the United States and

the Members of the Delaware Congressional Delegation to Use Their Good Offices to Prevent the Deportation of Kahsay Teferi, Seaford High School Student.

SCR 65 was adopted by voice vote and returned to the Senate. Representative Clendaniel introduced and brought HCR 48 before the House for consideration.

HCR 48 - Requesting President Jimmy Carter to Remove United States District Court Judge Murray M. Schwartz.

Representative Hebner rose on a point of order. Mr. Speaker did not concur with Representative Hebner and ruled that Representative Plant's comments were germane to the Resolution.

HCR 48 was adopted by voice vote and sent to the Senate for concurrence.

Representative Cain introduced and brought HCR 49 before the House for consideration.

HCR 49 - Requesting the Governor of the State of Delaware to Furnish Statistical Inmate Population Projections to the Members of the Delaware General Assembly.

The roll call on HCR 49 was taken and revealed:

YES: Representatives Anderson, Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, T. Brady, W. Brady, Burris, Connor, Hebner, Johnson, Lynch, McKay, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon - 19.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HCR 49 was sent to the Senate for concurrence.

Representative Loughney introduced and brought HCR 50, co-sponsored by Representative Hebner and Senator Hughes, before the House for consideration.

HCR 50 - Expressing the Sorrow of the 129th General Assembly at the Passing of Edward R. Steiner, Chairman of the Music Department at the Claymont School District.

HCR 50 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady moved to lift HB 618 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller moved to strike HA 1 to HB 618. Without objection, HA 1 was stricken.

Representative Miller introduced and brought HA 2 before the House for consideration. HA 2 to HB 618 was adopted by voice vote.

Representative Miller moved to waive the requirement for a fiscal note for HB 618. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Miller requested the privilege of the floor for Mr. Milton B. Horton.

Representative Gilligan moved to place HB 618 w/HA 2 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Matushefske, Morris, Plant, Rispoli, Mr. Speaker Boulden - 14.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Connor, George, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 25.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Billingsley - 1.

Therefore, not having received a constitutional majority, the motion was defeated and HB 618 w/HA 2 remained before the House.

Representative Jonkiert moved to place HB 618 w/HA 2 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Darling, Ferguson, Gilligan, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Minner, Morris, Rispoli, Mr. Speaker Boulden - 13.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, George, Hebner, Johnson, Lynch, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 25.

ABSENT: Representatives Billingsley, Byrd, Gordy - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HB 618 w/HA 2 remained before the House.

The roll call on HB 618 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Connor, George, Hebner, Kelly, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 25.

NO: Representatives Darling, Ferguson, Gilligan, Johnson, Jonkiert, Loughney, Matushefske, Morris, Plant, Rispoli, Mr. Speaker Boulden - 11.

NOT VOTING: Representatives Byrd, Cain, Clendaniel, Gordy - 4.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HB 618 w/HA 2 was sent to the Senate for concurrence.

Representative Cain introduced HB 621.

HB 621 - An Act to Amend Title 9, Title 22 and Title 29 of the Delaware Code Relating to Social Security; and Providing for Withdrawal from the Federal Social Security System.

Mr. Speaker assigned HB 621 to the Administrative Services Committee.

Representative Cain introduced HB 622, co-sponsored by Representative Sincock.

HB 622 - An Act to Amend Chapter 11, Title 30, Delaware

Code, Relating to Personal Income Taxation of Lump Sum Distributions.

Mr. Speaker assigned HB 622 to the Revenue and Finance Committee.

Representative George introduced HB 623, co-sponsored by Representatives Jonkiert, T. Brady, Johnson, Plant and Rispoli and Senators McDowell, Holloway and Schlor.

HB 623 - An Act to Provide a Supplementary Appropriation to the Board of Public Education in Wilmington.

Mr. Speaker assigned HB 623 to the Appropriations Committee.

Representative Johnson introduced HB 624.

HB 624 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program.

Mr. Speaker assigned HB 624 to the Appropriations Committee.

Representative Anderson introduced HB 625.

HB 625 - An Act to Amend Chapter 86 of Title 9, Delaware Code Relating to Abatement of Taxes.

Mr. Speaker assigned HB 625 to the Community Affairs Committee.

Representative Connor introduced and brought HR 89 before the House for consideration.

HR 89 - Congratulating the Goodwill Fire Company of New Castle, Delaware, Upon the Celebration of Its Seventieth Anniversary; Commending the Volunteers Who Have Served With the Company, The Women's Auxiliary, and the Trustees of the Commons of the Town of New Castle; and Expressing the Recognition by the General Assembly of the Service Rendered to the Public by Delaware's Volunteer Fire Companies.

HR 89 was adopted by voice vote.

Representative Plant introduced and brought HCR 51 before the House for consideration.

HCR 51 - Requesting the Governor of the State of Delaware to Select the Site of Bellevue Estate as the Location for the New Prison Recommended in the Governor's Master Plan.

Representative Plant moved to table the roll call on HCR 51. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 8:00 p.m.

The House was called to order at 8:16 p.m.

Representative Sincock introduced HB 626, co-sponsored by Senator Knox.

HB 626 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, also Known as the 1978 Budget Appropriation Act, and Originally Designated as House Bill 300 as Amended, to Increase or Decrease the Annual Compensation Payable to Certain Officers of the Executive Department for the Fiscal Year Ending June 30, 1978.

Mr. Speaker Assigned HB 626 to the Appropriations Committee.

Representative Plant introduced and brought HR 90, co-sponsored by Representative Johnson, before the House for consideration.

HR 90 - Expressing the Hope that S. Lowan Pitts, Director of the Human Relations Commission, will make a Quick and Complete Recovery from her Serious Illness.

HR 90 was adopted by voice vote.

Representative McKay introduced HB 627.

HB 627 - An Act to Amend Chapter 31, Part III, Title 15 of the Delaware Code Relating to Primary Elections; and Providing for the Inclusion of Social Security Numbers on the Petitions of Persons Seeking Party Nomination by Means of the Direct Primary

Mr. Speaker assigned HB 627 to the House Administration Committee.

Representative Bennett introduced HB 628.

HB 628 - An Act to Amend Chapter 71, Title 7 of the Delaware Code Relating to the Delaware Noise Control Act; and Providing that Certain Activities Shall be Exempted from the Said Act, and that Certain Activities Shall be Specifically Subject to the Act.

Mr. Speaker assigned HB 628 to the Environmental Control Committee.

Representative Bennett introduced HB 629.

HB 629 - An Act to Amend Chapter 71, Title 7, Delaware Code, Relating to Noise Control by Including Certain Railroad Operations Between the Hours of 7 p.m. and 7 a.m.

Mr. Speaker assigned HB 629 to the Environmental Control Committee.

Representative Ambrosino introduced HB 630.

HB 630 - An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing for the Admission of State Employees into the Pension Plan Through Payroll Deduction Under Certain Circumstances.

Mr. Speaker assigned HB 630 to the Revenue and Finance Committee.

Representative Ambrosino introduced HB 631.

HB 631 - An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing for a Prohibition Against Mandatory Retirement.

Mr. Speaker assigned HB 631 to the Revenue and Finance Committee.

Representative Matushefske introduced HB 632.

HB 632 - An Act Authorizing the State of Delaware to Borrow Money for Certain Capital Improvements and to Issue Bonds and Notes Therefore and Appropriating the Monies to the Administrative Services for Construction of a Courtroom and Office for the Court of Common Pleas.

Mr. Speaker assigned HB 632 to the Appropriations Committee.

Representative Matushefske announced that the Judiciary Committee had met and that neither SB 291 nor HB 581 had received enough votes to be reported out of committee.

Representative Roy introduced HB 633.
HB 633 - An Act to Amend Chapter 51, Subchapter III,
 Title 30, Delaware Code Relating to Municipal Street Aid
 Funds.

Mr. Speaker assigned HB 633 to the House Administration
 Committee.

Representative Jonkiert moved to recess to the call of the
 Chair at 8:32 p.m.

1st LEGISLATIVE DAY
 Fifth Extraordinary Session

December 16, 1977

According to the proclamation issued by Governor Pierre
 S. du Pont, IV, the 5th Extraordinary Session of the One
 Hundred and Twenty-ninth General Assembly, State of
 Delaware, convened at 3:13 p.m.

The House was called to order by Speaker Boulden. A
 prayer was offered by Representative J. Edward Morris from
 the 34th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The Speaker requested that the Reading Clerk read the
 proclamation into the record as follows:

STATE OF DELAWARE
 EXECUTIVE DEPARTMENT
 DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of
 Delaware, pursuant to Article 3, Section 16 of the Con-
 stitution of the State of Delaware, do hereby convene the
 129th General Assembly into Extraordinary Session on Friday,
 December 16, 1977, at 1:00 p.m., for the purpose of considering
 and acting upon legislation providing for the reorganization
 of those school districts subject to an order of consolidation
 by the United States District Court for the District of
 Delaware pursuant to the mandate of the United States Court
 of Appeals for the Third Circuit, and such other business
 as may lawfully come before it.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of
 the State of Delaware, have hereunto set my hand and caused
 the Great Seal of the said State to be hereunto affixed at
 Dover, this 7th day of December, in the year of our Lord,
 one thousand nine hundred seventy-seven, and of the
 Independence of the United States of America, the two
 hundred and first.

Pierre S. du Pont, IV, Governor

ATTEST:

Glenn C. Kenton
Secretary of State

Communications:

The Senate wishes to inform the House that it has passed
HB 617; HB 618 w/HA 2; HB 619; SCR 65.

November 29, 1977

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the
dates indicated: 11/28/77 - HB 617; HB 618 a/a/b HA
HB 619.

Representative George introduced and brought HCR 52
before the House for consideration.

HCR 52 - In Praise of Paul K. Weatherly, President of the
Delaware Technical and Community College, as he Prepares to
Leave This Post.

HCR 52 was adopted by voice vote.

Representative Jonkiert requested that the Speaker appoint
a committee to notify the Governor and the Senate that the
House had convened in Extraordinary Session.

Mr. Speaker appointed Representative Powell and Representative
Maxwell.

Representative Sincok moved to strike HB 140, HB 141, HB 142,
HB 144, HB 145, HB 146, HB 147, HB 149, HB 150, HB 151,
HB 152, HB 167, HB 184, HB 587, and HB 591. Without
objection, the bills were stricken.

Representative McKay moved to strike HB 432, HB 433,
HB 434, HB 435 and HB 436. Without objection, the bills
were stricken.

Representative Rispoli requested that the following
communication be read into the record.

Wilmington, Delaware
December 15, 1977

WHEREAS, it is obvious that there is a need to create
new jobs and job opportunities in the State of Delaware; and
WHEREAS, "Decision-makers" have expressed a reluctance to
make business commitments in this State because of high
personal State Income Taxes; and

WHEREAS, various proposals to date have focused on
shifting the tax burden to lower income taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF WILMINGTON, that the Council urges that the General
Assembly of the State of Delaware explore and develop through
appropriate committee hearings, innovative incentive tax plans

which would assist the "decision-makers" in the higher income brackets of the State Income Tax by:

1. Granting personal income tax credits based on the amount of State Income Tax withheld from employees in newly created jobs which add to the total number of jobs.

2. Having each person so hired work at the normal wage, salary and fringe benefits for his or her occupation as others in similar jobs.

3. Documenting the deduction through the use of a specially marked State Income Tax withholding form.

FURTHER RESOLVED, that the City Clerk is directed to forward copies of this resolution to each member of the 129th General Assembly of the State of Delaware.

Passed by City Council,
December 15, 1977

ATTEST: Leo T. Marshall
City Clerk

Approved as to form
December 15, 1977

John R. Sheridan, Assistant City Solicitor

- - - - -

Representative Maxwell announced that the Senate and the Governor had been informed that the House was convened in Extraordinary Session.

Representative Jonkiert moved to recess for caucus at 3:28 p.m.

The House was called to order at 4:35 p.m.

Representative T. Brady introduced HR 91, co-sponsored by Representative Boulden on Behalf of all Members of the House, before the House for consideration.

HR 91 - Welcoming Matthew Curren Sincock, Grandson of the Honorable Richard and Mrs. Mary Ann Sincock upon His Delivery by the Stork on December 12, 1977.

HR 91 was adopted by voice vote.

Representative Bennett introduced and brought SCR 67, co-sponsored by Senator Zimmerman and Representatives Bennett and Miller, before the House for consideration.

SCR 67 - Saluting the 1977 Division I Delaware High School Football Champions, the Dover Senators.

SCR 67 was adopted by voice vote.

Representative Gordy introduced and brought SCR 68, co-sponsored by Senators Cordrey, Adams and Cook and Representatives Clendaniel, Gordy, Lynch, Temple and Burris, before the House for consideration.

SCR 68 - Expressing the Sorrow of the 129th General Assembly of Delaware at the Death of Curtis W. Steen, a Former President Pro Tem of the Senate.

SCR 68 was adopted by voice vote.

Representative Cain introduced and brought HR 92, co-sponsored by Representatives Worthen, Anderson, Oberle and Billingsley, before the House for consideration.

HR 92 - Commending Christiana High School on Winning the Division II State Football Championship.

HR 92 was adopted by voice vote.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on HB 634. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Lynch brought HB 634, co-sponsored by Representatives Worthen and Billingsley, before the House for consideration.

HB 634 - An Act to Amend Delaware Code, Title 14, to Provide Criteria for the Reorganization of School Districts and to Provide for a Plan of Reorganization of Certain School Districts and for the Governance Thereof.

Representative Worthen requested the privilege of the floor for David Swayze, Governor's Counsel. The privilege of the floor was granted to Mr. Swayze.

The House recessed at 5:58 p.m. for the purpose of changing the audio tape and reconvened at 5:59 p.m.

Representative Lynch requested and was granted the privilege of the floor for Former Attorney General Edward McCormack, Jr. of Massachusetts.

Representative Jonkiert moved to recess for dinner at 7:20 p.m.

The House was called to order at 9:58 p.m.

Representative Jonkiert moved to place HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling introduced and brought HJR 40 before the House for consideration.

HJR 40 - Extending the Date When the Division of Purchasing of the Department of Administrative Services is to Report to the General Assembly Relating to a Study Establishing a Program to Improve Purchasing Practices as Mandated by House Joint Resolution No. 25 of the 129th General Assembly.

The roll call on HJR 40 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Clendaniel, Miller, Powell - 3.

Therefore, having received a constitutional majority, HJR 40 was sent to the Senate for concurrence.

Representative Byrd introduced HB 635, co-sponsored by Senator Cicione.

HB 635 - An Act to Amend Title 14 and Title 19 of the Delaware Code Relating to Professional Employees of the Public School System of the State of Delaware.

Mr. Speaker assigned HB 635 to the Labor and Commerce Committee.

Representative Anderson introduced HB 636, co-sponsored by

Representatives Loughney and W. Brady.

HB 636 - An Act to Amend Subchapter I, Chapter 19, Title 14, Delaware Code Relating to Power of School Districts to Tax for School Purposes.

HB 636 was assigned to the Education Committee.

Representative Ferguson introduced HB 637, co-sponsored by Senator Zimmerman.

HB 637 - An Act Making a Supplementary Appropriation to the Department of Transportation, Division of Highways.

Mr. Speaker assigned HB 637 to the Appropriations Committee.

Representative Roy introduced and brought HCR 58, co-sponsored by Representatives Powell, Gilligan, Worthen and Ferguson and Senators Arnold, Martin, Knox and Sharp before the House for consideration

HCR 53 - Congratulating the John Dickinson High School Field Hockey Team for Winning the State Championship.

HCR 53 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincock introduced HB 638.

HB 638 - An Act to Provide a Supplemental Appropriation to the Department of Finance for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978.

Mr. Speaker assigned HB 638 to the Appropriations Committee.

Representative Sincock introduced HB 639.

HB 639 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, the 1978 Budget Appropriation Act, Enacted as House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

Mr. Speaker assigned HB 639 to the Appropriations Committee.

Representative Sincock introduced HB 640.

HB 640 - An Act to Provide Supplemental Appropriations to Various Agencies for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978.

Mr. Speaker assigned HB 640 to the Appropriations Committee.

Representative Sincock introduced HB 641.

HB 641 - An Act to Provide Supplemental Appropriations to Various Agencies for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978, and Prior Year's Expense.

Mr. Speaker assigned HB 641 to the Appropriations Committee.

Representative Sincock introduced HB 642, co-sponsored by Representative George.

HB 642 - An Act Authorizing the State of Delaware to Borrow Money to be Used for Certain Capital Improvements and Expenditures and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Administrative Services.

Mr. Speaker assigned HB 642 to the Appropriations Committee.

Representative Bennett introduced HB 643, co-sponsored by Representative Sincock.

HB 643 - An Act Making a Supplementary Appropriation to the Department of Administrative Services to be Used to Determine

the Existence of Corrosion of the Structural Steel of the Highway Administration Building.

Mr. Speaker assigned HB 643 to the Appropriations Committee.

Representative Lynch moved to lift HB 634 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Maxwell requested and was granted the privilege of the floor for Mrs. Jan McCloud.

Representative Loughney requested and was granted the privilege of the floor for Mr. Jim Gorgan.

Representative Matushefske moved that a private citizen appearing on the floor to make statements of belief need not be subjected to questions. The motion was seconded by Representative Powell.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Connor, Gilligan, Johnson, Kelly, Loughney, Matushefske, Ridings, Rispoli, Smith - 10.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Darling, Ferguson, George, Gordy, Hebner, Jonkiert, Lynch, Maxwell, McKay, Miller, Powell, Riddagh, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

ABSENT: Representatives Billingsley, Byrd, Clendaniel, Minner, Morris, Oberle, Plant - 7.

Therefore, not having received a constitutional majority, the motion was defeated and private citizens appearing on the floor to make statements of belief were to be subject to questions.

Representative Gilligan requested and was granted the privilege of the floor for Mr. James Venema, National Association of Neighborhood Schools.

Representative Lynch requested and was granted the privilege of the floor for Mrs. Shirley Cupery, President of the Delaware State PTA.

Representative Worthen requested and was granted the privilege of the floor for Mr. Mason Turner, Esq., Attorney for the State Board of Education.

Representative Lynch requested and was granted the privilege of the floor for Dr. Joe Rule, consultant for the Greater Wilmington Development Council.

Representative Sincok requested and was granted the privilege of the floor for Mr. H. James Conoway, Jr., Esq., Special Counsel for the Special Committee on Desegregation.

Representative Worthen introduced and brought HA 1 before the House for consideration.

Representative Jonkiert moved to place HA 1 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson introduced and brought HA 2 before the House for consideration.

Representative Jonkiert moved to place HA 2 to HB 634 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Roy introduced and brought HA 3 before the House for consideration.

Representative Jonkiert moved to place HA 3 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Burris introduced and brought HA 4 before the House for consideration.

Representative Jonkiert moved to place HA 4 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant introduced and brought HA 5 before the House for consideration.

Representative Jonkiert moved to place HA 5 to HB 634 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Plant introduced and brought HA 6 before the House for consideration.

Representative Jonkiert moved to place HA 6 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Billingsley introduced and brought HA 7, co-sponsored by Representative Lynch, before the House for consideration.

Representative Jonkiert moved to place HA 7 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Billingsley introduced and brought HA 8 co-sponsored by Representative Lynch, before the House for consideration.

Representative Jonkiert moved to place HA 8 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Billingsley introduced and brought HA 9, co-sponsored by Representative Lynch, before the House for consideration.

Representative Jonkiert moved to place HA 9 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to place HB 634 on the Speaker's table and to place HA 1 through HA 9 with the bill. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Riddagh moved to suspend the rules for the purpose of introducing and acting on HJR 41. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Riddagh brought HJR 41, co-sponsored by Representative Bennett, before the House for consideration.

HJR 41 - A Tribute to Isabel H. Jackson: In Memoriam.

The roll call on HJR 41 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell,

Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HJR 41 was sent to the Senate for concurrence.

Representative Matushefske introduced HB 644.

HB 644 - An Act to Amend Chapter 52, Title 29, of the Delaware Code to Provide that the State Shall Pay All of the Premium or Subscription Charges for Health Care Insurance for State Employees.

Mr. Speaker assigned HB 644 to the Banking and Insurance Committee.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 645. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske brought HB 645 before the House for consideration.

HB 645 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Reorganization of School Districts.

Representative Matushefske moved to place HB 645 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

At 2:12 a.m., Representative Jonkiert moved to recess until 12:00 a.m., December 17, 1977.

2nd LEGISLATIVE DAY Fifth Extraordinary Session

December 17, 1977

The Speaker called the House to order at 2:07 p.m.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Jonkiert moved to lift HB 634 w/HA 1 through HA 9 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert yielded to Representative Powell.

Representative Powell requested and was granted the privilege of the floor for Mr. William Di'Nofrio who was representing the Positive Action Committee.

Representative Jonkiert yielded the floor to Representative Ambrosino.

Representative Ambrosino requested and was granted the privilege of the floor for Mr. Marion Townsend, a citizen of New Castle County who was representing himself.

The House recessed at 2:45 p.m. for the purpose of changing the audio tape and was called to order at 2:46 p.m.

Representative Maxwell requested and was granted the personal privilege of the floor for Mr. Duane Olsen, Controller General.

Representative Kelly requested and was granted the privilege of the floor for Mr. Earl McGinnes.

Representative Worthen requested and was granted the privilege of the floor for Mr. H. James Conaway, Esq. who was representing the Special Committee on Desegregation.

Representative Sincock rose on a point of order because the question was not germane to the bill, and the Speaker concurred.

Representative Worthen rose on a point of order and the Speaker concurred.

Representative Sincock rose on a point of order because the question was not germane to the bill. The Speaker concurred.

Representative Plant requested the House Attorney. Mr. Speaker ruled that the House Attorney was not needed.

Representative Jonkiert moved to stop debate on Mr. Conaway in as much as the questions were repetitious. The motion was seconded by Representative Rispoli and adopted by voice vote.

Representative Maxwell introduced HA 10 to HB 634. Representative Jonkiert moved to place HA 10 with the bill. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Worthen introduced HA 11 to HB 634. Representative Jonkiert moved to place HA 11 with the bill. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Billingsley introduced HA 12 to HB 634, co-sponsored by Representative Lynch. Representative Jonkiert moved to place HA 12 with the bill. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Jonkiert moved to place HB 634 with HA 1,2,3,4,5,6,7,8,9,10,11 and 12 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Gordy introduced and brought HR 93, co-sponsored by Representative Sincock before the House for consideration.

HR 93 - Extending the Congratulations of the House to Our Speaker, Kenneth C. (Kenny) Boulden and His Wife, Olive, on their 39th Wedding Anniversary.

HR 93 was adopted by voice vote.

Representative Gordy moved to recess for party caucus at 4:08 p.m.

The House was called to order at 7:11 p.m.

Representative Morris moved to suspend the rules for the purpose of introducing and acting on HJR 42. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Morris brought HJR 42, co-sponsored by Representatives Plant, Johnson, Ambrosino, Connor and Worthen

and Senators Holloway and Zimmerman, before the House for consideration.

HJR 42 - Lamenting the Death of S. Lowan Pitts, Director of the Office of Human Relations.

Communications:

State of Delaware
Department of Community Affairs and
Economic Development

Statement of Secretary James H. Gilliam, Jr., on the Death
of S. Lowan Pitts

The Department of Community Affairs and Economic Development has lost one of its most courageous and effective leaders with the death of S. Lowan Pitts. She handled a demanding job as Director of the Office of Human Relations with a skill and finesse that was possible only because she believed so deeply in the inner goodness of people. In troublesome situations, her quiet assurance and soft-spoken directives kept emotions from interfering with common sense and fairness and she achieved results where others would have failed. Her colleagues will miss her warmth and good humor which often disguised a toughness and a commitment to an objective that was unwavering and highly respected. We offer our deepest sympathy to her family. The good impressions she made on the people of Delaware will remain indelible.

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State of Delaware
Executive Department

Statement by Governor du Pont on the Death of S. Lowan Pitts

S. Lowan Pitts dedicated herself to resolving conflicts among people, and through her calm, but firm manner she endeared herself to thousands of Delawareans. Her loss is Delaware's loss and she will be sadly missed. Through her hard work as Director of the State Office of Human Relations, she contributed much to the government and the people of our state. Elise and I extend our sympathy to her family.

The roll call on HJR 42 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Billingsley, Clendaniel, Maxwell, Riddagh - 4.

Therefore, having received a constitutional majority, HJR 42 was sent to the Senate for concurrence.

Representative Johnson introduced HB 646, co-sponsored by Representative Ferguson and Senator Hale.

HB 646 - An Act to Provide a Supplementary Appropriation to the Delaware Technical and Community College.

Mr. Speaker assigned HB 646 to the Appropriations Committee.

Representative Gordy introduced and brought HCR 54 before the House for consideration.

HCR 54 - Expressing the Appreciation of the Members of the 129th General Assembly to Former Attorney General Edward J. McCormack, Jr., of Massachusetts, for his Special Visit to Legislative Hall to Provide Background Based on the Boston Experience During our Debates on the Court Order to Desegregate.

HCR 54 was adopted by voice vote.

Representative Ferguson introduced HJR 43.

HJR 43 - Memorializing the Congress of the United States to Call a Constitutional Convention for the Purpose of Proposing an Amendment to the Constitution of the United States.

Representative Ferguson moved to suspend the rules for the purpose of acting upon HJR 43. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to place HJR 43 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Cain moved to suspend the rules for the purpose of acting on HB 622. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Cain brought HB 622 before the House for consideration.

HB 622 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Taxation of Lump Sum Distributions.

Representative Cain requested and was granted the privilege of the floor for Weston Nellius, Secretary of Finance.

The roll call on HB 622 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Gilligan, Loughney, Matushefske, Ridings - 4.

NOT VOTING: Representatives Ambrosino, Maxwell - 2.

ABSENT: Representative Clendaniel - 1.

Therefore having received a constitutional majority, HB 622 was sent to the Senate for concurrence.

Representative Bennett moved to suspend the rules for the purpose of acting on HB 643. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Bennett brought HB 643 before the House for consideration.

HB 643 - An Act Making a Supplementary Appropriation to

the Department of Administrative Services to be Used to Determine the Existence of Corrosion of the Structural Steel of the Highway Administration Building.

The roll call on HB 643 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

ABSENT: Representatives Clendaniel, Jonkiert, Maxwell - 3.

Therefore, having received a constitutional majority, HB 643 was sent to the Senate for concurrence.

Representative Billingsley moved to suspend the rules for the purpose of acting on HB 583. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Billingsley brought HB 583 before the House for consideration.

HB 583 - An Act to Add a Chapter to Title 30, Delaware Code Relating to the Levy, Collection, and Payment of a Tax to be Known as the Commuter Transportation Tax Act.

Representative Billingsley requested and was granted the privilege of the floor for John L. Sullivan, Director of the Division of Revenue.

The roll call on HB 583 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Clendaniel - 1.

Therefore, having received a constitutional majority, HB 583 was sent to the Senate for concurrence.

Representative Lynch moved to lift HB 634 w/HA 1,2,3,4, 5,6,7,8,9,10,11 and 12 from the Speaker's table. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Worthen moved to strike HA 1. Without objection, HA 1 to HB 634 was stricken.

Representative Ferguson brought HA 2 before the House for consideration.

Representative Sincok moved to place HB 2 to HB 634 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, Hebner, Lynch, McKay, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 15

NO: Representatives Anderson, W. Brady, Cain, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly,

Loughney, Maxwell, Miller, Minner, Morris, Oberle, Plant, Ridings, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

ABSENT: Representatives Byrd, Clendaniel, George, Matushefske - 4.

Therefore, not having received a constitutional majority, the motion was defeated and HA 2 to HB 634 remained before the House.

Representative Ferguson moved to waive the fiscal note for HA 2 to HB 634. The motion was seconded by Representative Gilligan and adopted by voice vote.

The roll call on HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Johnson, Kelly, Loughney, Matushefske, Maxwell, Minner, Oberle, Plant, Riddagh, Ridings, Rispoli, Temple, Mr. Speaker Boulden - 23.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Gordy, Hebner, Jonkiert, Lynch, McKay, Miller, Morris, Powell, Roy, Sincock, Smith, Vernon, Worthen - 17.

ABSENT: Representative Clendaniel - 1.

Therefore, having received a constitutional majority, HA 2 to HB 634 was passed.

Representative Roy brought HA 3 before the House for consideration. HA 3 to HB 634 was defeated by voice vote.

Representative Burris brought HA 4 before the House for consideration.

The roll call on HA 4 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36

NO: Representatives Johnson, Jonkiert, Plant - 3.

ABSENT: Representatives Ambrosino, Clendaniel - 2.

Therefore, having received a constitutional majority, HA 4 to HB 634 was passed.

Representative Plant brought HA 5 before the House for consideration. HA 5 to HB 634 was adopted by voice vote.

Representative Plant brought HA 6 before the House for consideration.

The roll call on HA 6 was taken and revealed:

YES: Representatives Ferguson, George, Johnson, Plant, Rispoli - 5.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Darling, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NOT VOTING: Representatives Byrd, Miller - 2.

ABSENT: Representatives Clendaniel, Oberle - 2.

Therefore, not having received a constitutional majority, HA 6 to HB 634 was defeated.

Representative Lynch moved to strike HA 7. Without objection, HA 7 to HB 634 was stricken.

Representative Billingsley brought HA 8 before the House for consideration.

The roll call on HA 8 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Gilligan, Hebner, Kelly, Matushefske, Maxwell, McKay, Oberle, Powell, Riddagh, Roy, Smith, Temple, Vernon - 21.

NO: Representatives Anderson, Bennett, Ferguson, George, Gordy, Johnson, Jonkiert, Loughney, Lynch, Miller, Minner, Morris, Plant, Ridings, Rispoli, Sincok, Worthen, Mr. Speaker Boulden - 18.

ABSENT: Representatives Clendaniel, Darling - 2.

Therefore, having received a constitutional majority, HA 8 to HB 634 was passed.

Representative Billingsley brought HA 9 before the House for consideration.

The roll call on HA 9 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Maxwell, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon - 26.

NO: Representatives Anderson, George, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 14.

ABSENT: Representative Clendaniel - 1.

Therefore, having received a constitutional majority, HA 9 to HB 634 was passed.

Representative Maxwell moved to strike HA 10. Without objection, HA 10 to HB 634 was stricken.

Representative Worthen moved to strike HA 11. Without objection, HA 11 to HB 634 was stricken.

Representative Billingsley brought HA 12 before the House for consideration.

The roll call on HA 12 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

NO: Representatives Jonkiert, Plant - 2.

ABSENT: Representatives Clendaniel, Matushefske - 2.

Therefore, having received a constitutional majority, HA 12 to HB 634 was passed.

Representative Minner introduced and brought HA 13 before the House for consideration.

The roll call on HA 13 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NO: Representative Jonkiert - 1.

ABSENT: Representative Clendaniel - 1.

Therefore, having received a constitutional majority, HA 13 to HB 634 was passed.

Representative Plant introduced and brought HA 14 before the House for consideration.

Representative Connor moved to place HA 14 to HB 634 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy moved to recess for caucus at 8:54 p.m.

The House was called to order at 9:14 p.m.

Representative Jonkiert yielded to Representative Lynch.

Representative Lynch brought HB 634 w/HA 2,4,5,8,9,12 and 13 before the House for consideration.

Representative Smith introduced and brought HA 15 before the House for consideration.

The roll call on HA 15 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NO: Representatives Johnson, Jonkiert, Plant - 3.

ABSENT: Representatives Clendaniel, Maxwell - 2.

Therefore, having received a constitutional majority, HA 15 to HB 634 was passed.

The roll call on HB 634 w/HA 2,4,5,8,9,12,13 and 15 was taken and revealed:

YES: Representatives Bennett, Billingsley, Burris, Connor, Gordy, Lynch, McKay, Miller, Minner, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen - 16.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Mr. Speaker Boulden - 24.

ABSENT: Representative Clendaniel - 1.

Therefore, not having received a constitutional majority, HB 634 w/HA 2,4,5,8,9,12,13 and 15 was defeated.

Representative Jonkiert moved to recess for caucus at 9:50 p.m.

The House was called to order at 10:31 p.m.

Representative Minner moved to suspend the rules for the

purpose of introducing and acting on HB 647. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought HB 647, co-sponsored by Representative Riddagh, before the House for consideration.

HB 647 - An Act to Amend Chapter 5 of Title 28, Delaware Code, Relating to the State Tax on Admissions and on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks.

Representative Minner moved to place HB 647 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy introduced HB 648, co-sponsored by Senator Littleton.

HB 648 - An Act to Amend Chapter 418, Volume 60, Laws of Delaware, Entitled, "An Act to Permit the Board of Education of the Delmar School District to Transfer Certain Funds from the Debt Service Account to the Current Expense Account."

Mr. Speaker assigned HB 648 to the Appropriations Committee.

Representative Oberle introduced HB 649.

HB 649 - An Act to Reaffirm and Reconstitute Delaware School Districts.

Mr. Speaker assigned HB 649 to the Education Committee.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 650. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 650 before the House for consideration.

HB 650 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Reorganization of School Districts.

Representative Matushefske requested the privilege of the floor for Mr. Earl McGinnes, Director of Legislative Council.

Representative Connor moved to place HB 650 on the Speaker's table. The motion was seconded by Representative Miller and adopted by voice vote.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on HB 651. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HB 651, co-sponsored by Representative Roy and Senator Arnold, before the House for consideration.

HB 651 - An Act to Amend Title 14 of the Delaware Code Relating to the Consolidation of School Districts.

Representative Maxwell requested and was granted the personal privilege of the floor for Mr. James Conaway, Esq., Attorney for the Special Committee on Desegregation.

Representative Matushefske moved to place HB 651 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Burris, Byrd, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 19.

NO: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Cain, Connor, George, Gilligan, Hebner, Maxwell, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen - 20.

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HB 651 remained before the House. Representative Jonkiert moved to adjourn at 11:20 p.m.

1st LEGISLATIVE DAY - 2nd Session

January 10, 1978

The Speaker called the House to order at 2:15 p.m. Representative Jonkiert moved to assign HB 651 to committee. Mr. Speaker assigned HB 651 to the Education Committee.

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous legislative day and the First Session of the 129th General Assembly. The Second Session of the 129th General Assembly was convened at 2:16 p.m. A prayer was offered by Representative Al O. Plant from the 2nd District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Representative Jonkiert requested that the Speaker assign a committee to inform the Governor and the Senate that the House had adjourned the Extraordinary Session and had convened in regular session. Mr. Speaker appointed Representative Minner and Representative Ambrosino to the committee.

Mr. Speaker reassigned HB 644 from the Banking and Insurance Committee to the Appropriations Committee.

Representative Ambrosino reported that the Governor had been informed that the House had adjourned the Extraordinary Session and had convened the regular session, but that the Senate had not yet been informed because they had not yet convened.

Communications:

The Senate wishes to inform the House that it has passed SCR 69; HCR 50; HCR 52; HCR 53; HCR 54; HJR 42; HJR 40; HB 583; HB 622; HJR 41.

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December 30, 1977

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 12/30/77 - HB 622; HB 643; HJR 40. 12/21/77 - HJR 41; HJR 42.

Representative Sincock moved to strike HB 558. Without objection, HB 558 was stricken.

Representative Jonkiert introduced and brought SCR 59, sponsored by Senator Kearns, before the House for consideration.

SCR 59 - Extending Congratulations to the Delaware Suburban All-Stars for Their Achievement in Winning the Delaware and Mid-Atlantic Senior Little League Titles.

SCR 59 was adopted by voice vote.

Representative Jonkiert introduced and brought SCR 53, co-sponsored by Senator Kearns, Representative Matushefske and Senator Cook, before the House for consideration.

SCR 53 - Commending James L. Katurakes III, Leedom Estates, for Winning First Place in the National Culinary Contest Sponsored by the Vocational Industrial Clubs of America.

SCR 53 was adopted by voice vote.

Representative Ferguson introduced and brought SCR 69, sponsored by Senator Martin, before the House for consideration.

SCR 69 - Directing the Secretary of Highways and Transportation to Conduct an Inquiry to Determine the Cause of the December 16 Freight Train Derailment Near Old Manor Road.

Representative Ferguson moved to place SCR 69 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen introduced and brought HCR 55, co-sponsored by Senator Weiss, before the House for consideration.

HCR 55 - Recognizing the Importance of Good Personal Health and Commending All Participating Agencies for their Participation During Governor's Health Week.

HCR 55 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:34 p.m.

The House was called to order at 3:28 p.m.

The following prefiled legislation was introduced:

HB 652 - OBERLE, SENATOR SHARP - EDUCATION: An Act to Amend Title 14 of the Delaware Code Relating to the Assignment of Pupils or Teachers in the Public Schools of This State.

HB 653 - SMITH - HOUSE ADMINISTRATION: An Act Amending Chapter 16, Title 29, Delaware Code Relating to Registration of Legislative Agents.

HB 654 - T. BRADY, SENATOR HOLLOWAY - PUBLIC SAFETY: An Act to Amend Title 21, Part II, Chapter 27, Subchapter IV, Section 2756, Delaware Code, Relating to Driving Vehicle While License is Suspended or Revoked, and Providing a Penalty Therefor.

HB 655 - T. BRADY, SENATOR HOLLOWAY - PUBLIC SAFETY: An Act to Amend Title 21, Part III, Chapter 41, Subchapter IX, Section 4177, Delaware Code, Relating to the Operation of Vehicle While Under the Influence of Intoxicating Liquor or Drugs, and Providing Penalties Therefor.

HB 656 - GORDY, T. BRADY - CONSTITUTION: An Act to Amend Chapter 55, Title 15, Delaware Code to Permit Persons on Vacation to Vote Absentee.

HB 657 - GORDY, SENATOR LITTLETON - ADMINISTRATIVE SERVICES: An Act to Authorize the Transfer of the Ross Point School Building, in the Laurel School District, to the Ross Point Improvement Club.

HB 658 - BILLINGSLEY - ADMINISTRATIVE SERVICES: An Act to Amend Title 9 of the Delaware Code Relating to the Jurisdiction and Authority of County and Municipal Governments.

HB 659 - WORTHEN - APPROPRIATIONS: An Act to Aid the Hockessin Fire Company for the Operation and Maintenance of its New Rescue Truck. (3/4 bill)

HB 660 - MORRIS - JUDICIARY: An Act to Amend Chapter 13, Title 10, Delaware Code, Relating to Certain Fees Received by the Court of Common Pleas.

HB 661 - ROY - EDUCATION: An Act to Amend Chapter 13, of Title 14, Delaware Code Relating to Employment Contracts.

HB 662 - DARLING, VERNON, CLENDANIEL, MINNER, HEBNER, BENNETT, SMITH, RIDDAGH, LYNCH - LABOR: An Act to Amend Chapter 33, Title 19, Delaware Code Relating to Unemployment Compensation.

HB 663 - DARLING, POWELL - PUBLIC SAFETY: An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense.

HA 1 to HB 290 - FERGUSON - Placed with the bill.

HA 2 to HB 361 - BILLINGSLEY - Placed with the bill.

HA 1 to HS 1 for HB 376 - OBERLE - Placed with the bill.

HA 3 to HB 390 - CAIN - Placed with the bill.

HA 1 to HB 546 - RIDDAGH, MORRIS - Placed with the bill.

HA 1 to HB 571 - MORRIS - Placed with the bill.

HA 2 to HB 571 - GORDY, CLENDANIEL, LYNCH, TEMPLE - Placed with the bill.

HA 1 to HB 588 - LYNCH - Placed with the bill.

HA 2 to HB 588 - CONNOR - Placed with the bill.

HA 1 to HB 604 - BENNETT - Place with the bill.

HA 2 to SS 1 for SB 163 - BILLINGSLEY - Placed with the bill.

HA 3 to SS 1 for SB 163 - BILLINGSLEY - Placed with the bill.

HA 4 to SS 1 for SB 163 - BILLINGSLEY - Placed with the bill.

HA 5 to SS 1 for SB 163 - BILLINGSLEY - Placed with the bill.

HA 1 to SB 184 - OBERLE - Placed with the bill.

SB 85 - HOLLOWAY - APPROPRIATIONS: An Act to Make a Supplemental Appropriation to the Department of Correction to Give Back Pay to an Employee Whose Promotion was Delayed Through Administrative Error.

SB 137 - CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to Satisfy a Settlement Agreement Entered into Between the State of Delaware and Manufacturers' Lease Plans, Inc., a Pennsylvania Corporation, in Connection with the Claim of Manufacturers' Lease Plans, Inc., For Certain Services Rendered to the Department of Administrative Services for Services Under a Written Contract.

SS 2 for SB 143 w/SA 1,2 - HOLLOWAY - HEALTH AND SOCIAL SERVICES: An Act to Amend Chapter 66, Title 16 of the Delaware Code Relating to the Requirement of Residential Smoke Detectors and Making a Supplementary Appropriation for the Purpose of Implementing this Act.

SB 156 w/SA 3 - ARNOLD - PUBLIC SAFETY: An Act to Amend Chapter 27, Part II, Title 21 of the Delaware Code Relating to Permanent Motor Vehicle Driver's Licenses.

SS 2 for SB 191 w/SA 2 - HOLLOWAY, CICIONE, REPRESENTATIVE GILLIGAN - APPROPRIATIONS: An Act to Amend Subchapter III, Chapter 63, Title 29 of the Delaware Code Relating to the Consideration by the General Assembly of the Budget Appropriations Bill.

SS 1 for SB 223 w/SA 2 - KEARNS, REPRESENTATIVE MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 9, Title 10, and Chapter 5, Title 31 of the Delaware Code to Allow the Family Court to Commit an 18 Year Old Person to the Custody of the Department of Corrections Even Though Charged with the Offense While a Juvenile.

SS 1 for SB 253 w/SA 1 - MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 11, Title 17, Delaware Code, Providing for Changes to Bring Delaware Law Into Conformance with Federal Guidelines Relative to Regulation of Outdoor Advertising.

SB 290 - KEARNS & REPRESENTATIVE MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 59, Title 11, Delaware Code, Relating To Misdemeanors and Laws Governing Public Parks. (2/3 bill)

SB 292 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Mufflers. (2/3 bill)

SB 308 - MURPHY - HOUSE ADMINISTRATION: An Act to Amend Chapter 17, Title 15, of the Delaware Code, Relating to Notice to Persons to be Removed from the Voter Rolls.

SB 333 - MCCULLOUGH - EDUCATION: An Act to Amend Chapter 14, Title 14 of the Delaware Code Relating to Notice of Intention to Terminate Professional Employees of the Various Boards of Education.

SB 337 - ADAMS, CORDREY, LITTLETON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 70, Title 9, of the Delaware Code, Relating to the Procurement of Services or Supplies by the Department of Finance of Sussex County.

SB 345 - SHARP - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 16, Title 16, Delaware Code, By Adding a New Section 1608 Relating to Enforcement of the Litter Control Law.

Representative Rispoli moved to lift the roll call on HB 45. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 45 - An Act Authorizing and Directing the Board of Pension Trustees to Accept the Application for a Survivor's Pension From Mrs. Evelyn Widzowski, Widow of the Late Joseph Widzowski, A Former Employee of the State Board of Education; and Providing a Supplementary Appropriation Therefor.

The roll call on HB 45 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli,

Sincock, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, Billingsley, Burris, Hebner, Maxwell, Powell, Ridings, Roy, Smith - 9.

ABSENT: Representatives T. Brady, Cain, George, Gordy, McKay, Vernon - 6.

Therefore, having received a constitutional majority, HB 45 was sent to the Senate for concurrence.

Representative Rispoli introduced HB 664.

HB 664 - An Act to Amend Subchapter VII, Chapter 1, Title 20 of the Delaware Code Relating to the Wilmington Armory.

Mr. Speaker assigned HB 664 to the Community Affairs Committee.

Representative Rispoli introduced HB 665, co-sponsored by Representative Rispoli and Senators McDowell and Cicione and Representatives George, Jonkiert, Gilligan, T. Brady, Worthen, Kelly, Plant, Johnson, Ambrosino, Ferguson, Boulden, Loughney, Matushefske, Connor, Maxwell, Anderson, Billingsley, Hebner, McKay, Sincock, Byrd, Smith, Oberle, Cain, Ridings, W. Brady, Roy, Powell, Darling, Miller, and Senators Schlör, Holloway, Arnold, Hughes, Kearns, Knox, Martin, Sharp, Berndt, McCullough, Spence, Weiss.

HB 665 - An Act to Authorize and Approve the Leasing of the Wilmington Armory to St. Anthony's Senior and Community Center, Inc., a Non-Profit Corporation.

Mr. Speaker assigned HB 665 to the Community Affairs Committee.

Representative Gordy introduced and brought HCR 56 before the House for consideration.

HCR 56 - Commending Frederic G. Krapf, Jr. for His Outstanding Service to Delaware During His Chairmanship of the Farmers Bank Commission.

HCR 56 was adopted by voice vote.

Representative Plant moved to strike HB 499, HB 344, HB 573, HB 58 and HB 59. Without objection, HB 499, HB 344, HB 573, HB 58 and HB 59 were stricken.

Representative Plant introduced HB 666, co-sponsored by Representative Johnson and Senator Holloway.

HB 666 - An Act to Amend Chapter 7, Title 29, Delaware Code, Relating to the General Provisions of the General Assembly.

Mr. Speaker assigned HB 666 to the House Administration Committee.

Representative Plant introduced HJR 44.

HJR 44 - Requesting the State Insurance Commissioner to Investigate the Possibility of Reducing Insurance Rates on Persons Whose Driving Record is Not Blemished by Accidents or Other Motor Vehicle Violations and Reporting His Findings and Recommendations to the Members of the 129th General Assembly.

Mr. Speaker assigned HJR 44 to the Banking and Insurance Committee.

Representative Worthen deferred HB 539 to the end of the Agenda.

Representative Gilligan deferred SB 144 w/SA 1, SB 180 and SJR 10 until January 17, 1977.

Representative Maxwell deferred HB 214 until January 18, 1977.

Representative Maxwell moved to strike HS 1 for HB 319. Without objection, HS 1 for HB 319 was stricken.

Representative Maxwell moved to lift HB 483 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy rose on a point of order because the bill was in need of an amendment.

Representative Vernon requested and was granted the privilege of the floor for Mr. Duane Olsen, Controller General.

Representative Maxwell introduced and brought HA 1 to HB 483 before the House for consideration.

HA 1 was adopted by voice vote.

Representative Sincock moved to place HB 483 w/HA 1 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Bennett introduced and brought HCR 57 before the House for consideration.

HCR 57 - Requesting the Joint Finance Committee of the 129th General Assembly of Delaware to Obtain From the Governor a Detailed Impact Statement of the Cost of Increased Compensation for the Superior Court Judges Under the Delaware Supreme Court Decision (No. 216, 1977) on the Cost- Of- Living (COLA) Increases.

HCR 57 was adopted by voice vote.

Representative Maxwell deferred HS 1 for HB 376 until Thursday, January 19, 1978.

Representative Jonkiert moved to recess for committee hearings at 5:00 p.m.

The House was called to order at 5:20 p.m.

Committee Reports:

Community Affairs: HB 476 - 1F, 3M, 2U; HB 664 - 2F, 3M; HB 665 - 2F, 3M.

Appropriations: HB 642 - 6M; HB 648 - 6M.

Representative Jonkiert moved to recess to the call of the Chair at 5:24 p.m.

2nd LEGISLATIVE DAY - 2nd Session

January 11, 1978

The Speaker called the House to order at 1:36 p.m.

The Majority Leader moved to adjourn at 1:37 p.m., thereby ending the previous legislative day. The House reconvened at 1:37 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed SCR 67; SCR 68; SCR 70; HCR 55; SJR 31.

Representative Plant introduced HJR 45.

HJR 45 - Requesting the Secretary of Health and Social Services and the Secretary of Labor to Exert Strenuous and Zealous Efforts Toward the Goal of Finding Employment for Recipients of Welfare.

Mr. Speaker assigned HJR 45 to the Labor Committee

Representative Plant introduced and brought HCR 58 before the House for consideration.

HCR 58 - Memorializing the Delaware Congressional Delegation to Use Every Influence of their Good Offices in an Effort to Seeing that Persons Who Have Legally Proven that They Were Unfairly Dismissed from Employment are Reinstated to their Jobs.

The roll call on HCR 58 was taken and revealed:

YES: Representatives T. Brady, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Billingsley, Burris, Hebner, McKay, Morris, Ridings, Smith - 7.

NOT VOTING: Representative Sincock - 1. •

ABSENT: Representatives Ambrosino, Anderson, Bennett, Byrd, Connor, Gordy, Kelly, Maxwell, Vernon - 9.

Therefore, having received a constitutional majority, HCR 58 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess at 1:48 p.m.

The House was called to order at 4:00 p.m.

The following prefiled legislation was introduced:

HB 667 - CAIN - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Judiciary; and Eliminating References to Courts No Longer in Existence. (2/3 bill)

HB 668 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to Criminal Procedure; and Providing for a Notation Where the Court Dispenses with the Pre-Sentence Report.

HB 669 - RISPOLI - CORRECTIONS: An Act to Authorize the Department of Correction to Study the Feasibility of a Conjugal Visit Program for Inmates of the Delaware Correctional Center at Smyrna.

HB 670 - GORDY, SENATOR LITTLETON - ADMINISTRATIVE SERVICES: An Act to Amend Section 29, Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of

Bethel" Relating to the Power to Borrow Money. (2/3 bill)

HB 671 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to Eligibility for Parole.

HB 672 - FERGUSON - EDUCATION: An Act to Provide that a Referendum be Held During the First Week of February, 1978, in Which Certain Qualified Voters of New Castle County Shall Decide Whether or Not They Prefer to Retain the Eleven School Districts as they Were Prior to the Federal Court Desegregation Order, Even with Busing Between Districts, or If They Prefer the School District Reorganization Proposed By The Governor.

HB 673 - AMBROSINO - ENERGY: An Act Authorizing the Employment of a Recognized Firm of Business Consultants to Analyze the Relationships Between the Public Service Commission and Utilities Which Produce or Distribute Energy with the Goal of Obtaining Alternatives to the State's Present Approach to Utility Regulation; Establishing a Legislative Advisory Committee; and Providing a Supplementary Appropriation.

HB 674 - PLANT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to the State Public Assistance Code, By Changing the Eligibility Requirements for General Assistance.

HB 675 - GORDY - CONSTITUTION: An Act to Amend Article 2, Section 17 of the Constitution of the State of Delaware to Remove Lotteries from Forms of Gambling Which are Permitted. (2/3 bill)

HB 676 - JONKIERT - HOUSE ADMINISTRATION: An Act to Establish The Delaware State Compensation Commission.

HB 677 - JONKIERT, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Printing of Session Laws.

HB 678 - JONKIERT, RIDDAGH, SENATOR SHARP - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware by Providing that the Salaries of Members of the Judiciary May be Diminished. (2/3 bill)

HB 679 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Title 26 of the Delaware Code Relating to the Production and Distribution of Energy; and Providing for a Delaware Public Power Authority.

HA 1 to HB 538 - SMITH - Placed with the bill.

HA 3 to HB 571 - MORRIS - Placed with the bill.

HA 4 to HB 571 - BENNETT - Placed with the bill.

SB 291 w/SA 1 - KEARNS - JUDICIARY: An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for Jurisdiction of Possession of Marijuana (and Allied Drugs) Cases to be in the Court of Common Pleas. (2/3 bill)

SJR 31 - MARTIN - PUBLIC SAFETY: Directing the Secretary Of Highways and Transportation to Conduct an Inquiry to Determine the Cause of the December 15 Freight Train Derailment Near Old Manor Road.

Representative Gordy introduced and brought HCR 59, co-sponsored by Representative Clendaniel, before the House for consideration.

HCR 59 - Providing for a Study of the State Merit System in Order to Provide Information on Proposed Legislation and on Other Improvements as May Be Determined Desirable.

Representative George requested and was granted the privilege of the floor for Mr. Earl McGinnes, Director of Research for Legislative Council.

The roll call on HCR 59 was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Mr. Speaker Boulden - 26.

NO: Representatives Billingsley, T. Brady, Burris, Connor, McKay, Oberle, Powell, Ridings, Roy, Sincok, Smith, Vernon - 12.

NOT VOTING: Representatives Ambrosino, Anderson, Worthen - 3.

Therefore, having received a constitutional majority, HCR 59 was sent to the Senate for concurrence.

Representative Matushefske introduced and brought HCR 60 before the House for consideration.

HCR 60 - Expressing the Sympathy of the 129th General Assembly of Delaware to the Family of Cyril Emanuel King, Governor of the United States Virgin Islands, who Died January 2, 1978.

HCR 60 was adopted by voice vote.

Representative Jonkiert introduced and brought HR 94 before the House for consideration.

HR 94 - Authorizing the Chief Clerk to Purchase Postage Stamps for the Second Session of the 129th General Assembly.

HR 94 was adopted by voice vote.

Representative Bennett introduced and brought SCR 70, sponsored by Senator Zimmerman, before the House for consideration.

SCR 70 - Expressing the Sincere Good Wishes of the Members of the 129th General Assembly to Harry C. McSherry, of Dover, Dean of Delaware's Active Journalists, on Having Reached and Passed His 84th Birthday and Having Continued into the 64th Year of His Successful Career.

SCR 70 was adopted by voice vote and returned to the Senate.

Representative Darling introduced and brought SCR 71, co-sponsored by Senator Sharp and Representative Darling, before the House for consideration.

SCR 71 - The Administration is Urged to Proceed Forthwith With the Steps Necessary for the Construction of a Maximum Security Facility at the Delaware Correctional Center.

The roll call on SCR 71 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy,

Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, Oberle, Plant, Powell, Roy, Sincok, Smith, Vernon - 13.

NOT VOTING: Representative McKay - 1.

ABSENT: Representatives Byrd, Jonkiert - 2.

Therefore, having received a constitutional majority, SCR 71 was returned to the Senate.

Representative Darling moved to strike HB 662 and HB 663. Without objection, HB 662 and HB 663 were stricken.

Representative Ferguson moved to strike HB 672. Without objection, HB 672 was stricken.

Representative Plant moved to lift the roll call on HB 573. The motion was seconded by Representative Gordy.

Representative Gordy withdrew his second to the motion and Representative Plant withdrew his motion.

Representative Riddagh deferred HB 546 to the end of the Agenda and yielded to Representative George.

Representative George brought HB 642 before the House for consideration.

HB 642 - An Act Authorizing the State of Delaware to Borrow Money to Be Used for Certain Capital Improvements and Expenditures and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Administrative Services.

The roll call on HB 642 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Byrd - 1.

Therefore, having received at least three quarters of the votes of the members of the House, HB 642 was sent to the Senate for concurrence.

Representative Matushefske brought HB 327 before the House for consideration.

HB 327 - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to the Employment of 16-Year Olds.

The roll call on HB 327 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Matushefske, Maxwell, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Clendaniel, Lynch, Minner - 3.

NOT VOTING: Representative Ambrosino - 1.

ABSENT: Representatives T. Brady, Byrd, Jonkiert, Miller, Plant - 5.

Therefore, having received a constitutional majority, HB 327 was sent to the Senate for concurrence.

Representative Ambrosino stated that he was recorded as not voting on HB 327 because of a conflict of interest.

Representative Cain introduced HB 680, co-sponsored by Representatives George and Sincok.

HB 680 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, the 1978 Budget Appropriation Act, Originally Designated House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

Mr. Speaker assigned HB 680 to the Appropriations Committee.

Representative Minner brought HB 424 before the House for consideration.

HB 424 - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Establishing a Late Fee for Driver License Renewals.

The roll call on HB 424 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Darling, Hebner, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Ambrosino, Anderson, Clendaniel, Connor, Ferguson, Gilligan, Gordy, Johnson, Kelly, Loughney, Maxwell, Roy - 12.

ABSENT: Representatives George, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HB 424 was sent to the Senate for concurrence.

Representative Minner brought HB 447 before the House for consideration.

Representative Minner moved to place HB 447 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen deferred HB 401 and yielded to Representative Rispoli.

Representative Rispoli brought HB 664 before the House for consideration.

Representative Rispoli moved to place HB 664 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske introduced HB 681.

HB 681 - An Act to Amend Chapter 46, Title 29, Delaware Code, Relating to Public Defenders and Private Clients.

Mr. Speaker assigned HB 681 to the Judiciary Committee.

Representative Matushefske introduced HB 682.

HB 682 - An Act to Amend Chapter 87, Title 10, Delaware Code Relating to Mileage Fees Charged by Sheriffs.

Mr. Speaker assigned HB 682 to the Judiciary Committee.

Representative Matushefske introduced HB 683.

HB 683 - An Act to Amend Chapter 25, Title 29, Delaware Code, By Removing the Statutory Salary Ceilings of Department

of Justice Attorneys, Including the Chief Deputy Attorney General, the State Solicitor and the State Prosecutor, and Permitting Those Salaries to be Fixed by the Attorney General Within His Office's Appropriations and Pursuant to a Pay Plan.

Mr. Speaker assigned HB 683 to the Judiciary Committee.

Representative Plant introduced HJR 46, co-sponsored by Representative Johnson and Senator Holloway.

HJR 46 - In Remembrance of the Birthdate of the Late Dr. Martin Luther King, Jr.

Mr. Speaker assigned HJR 46 to the House Administration Committee.

Representative Jonkiert moved to recess for committee hearings at 5:20 p.m.

The House was called to order at 5:32 p.m.

Committee Reports:

Judiciary: HB 239 - 1F, 2M, 2U; HB 551 - 3M, 1U; HB 564 - 3M, 1U; HB 567 - 2M, 2U; HB 660 - 4F; HB 681 - 1F, 3M; HB 682 - 4M; HB 683 - 3M, 1U.

House Administration: HB 607 - 3M, 2U; HB 608 - 1F, 2M, 2U; HB 666 - 2M, 3U; HB 676 - 1F, 4M; HB 677 - 3F, 2M; HJR 46 - 2F, 3M.

Community Affairs: HB 625 - 2F, 2M, 1U.

Constitution: HB 678 - 1F, 3M

Public Safety: SJR 31 - 5M.

Banking and Insurance: HJR 44 - 1F, 3M, 1U.

Representative Jonkiert moved to recess to the call of the chair at 5:26 p.m.

3rd LEGISLATIVE DAY - 2nd Session

January 12, 1978

The Speaker called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by Representative J. Edward Morris from the 34th District.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives George, Ridings - 2.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed HCR 58; SJR 30; HB 486; SB 376; SCR 71; HCR 56; HCR 57; SB 307.

Representative Jonkiert moved to recess for caucus at 2:10 p.m.

The House was called to order at 3:14 p.m.

The following prefiled legislation was introduced:

HB 684 - GILLIGAN, WORTHEN, MCKAY, MAXWELL, ROY, SENATORS CICIONE, ARNOLD, KNOX - EDUCATION: An Act Authorizing the Board of Education of the Marshallton-McKean Reorganized School District to Transfer Certain Funds From its Major and Minor Capital Debt Service Account to its Current Operating Account for Maintenance.

HB 685 - GILLIGAN, KELLY, FERGUSON, MINNER, OBERLE, SENATORS CICIONE, HOLLOWAY - APPROPRIATIONS: An Act Authorizing a Supplemental Appropriation to the Commission on Massage Establishments and Adult Book Stores for the Fiscal Year Ending June 30, 1978, to Provide Funds for the Organization and Operation of the Commission.

HB 686 - MINNER, RIDDAGH - PUBLIC SAFETY: An Act to Amend Part II, Chapter 21, Subchapter VII, of Title 21, Delaware Code Relating to Special Antique Automobile Plates and Annual Inspection.

HB 687 - TEMPLE, SENATOR LITTLETON - COMMUNITY AFFAIRS: 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" to Change the Voting Procedure in Annexation Elections, to Change the Time When Tax Appeals are Heard, and to Change the Voting Procedure in Elections Authorizing the Issuing of Bonds. (2/3 bill)

HB 688 - MINNER - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Office of Highway Safety for the Purpose of Reimbursing an Employee who Overpaid Health Insurance Coverage Under Blue Cross-Blue Shield.

HB 689 - OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 84, Part V, Title 11 of the Delaware Code Relating to the Members and Organization of the Delaware Police Training Program.

HB 690 - GORDY, SENATOR LITTLETON - COMMUNITY AFFAIRS: An Act to Reincorporate the Town of Bethel.

HB 691 - JONKIERT - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Appointment and Qualifications of the Director of Personnel.

HB 692 - PLANT, JOHNSON, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to the State Public Assistance Code, By Requiring Assistance to be at 100 Percent of the Standard of Need.

HB 693 - OBERLE - COMMERCE & LABOR: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a Buyer's Right to Goods Upon the Seller's Insolvency.

HB 694 - FERGUSON - EDUCATION: An Act to Provide for a Referendum in the November 1978 Election on the Question Whether Compulsory Public Education Shall be Continued in Delaware.

HB 695 - RISPOLI - JUDICIARY: An Act to Amend Chapter 39, Part II, Title 25 of the Delaware Code Relating to Liens of Garagement, Livery and Stable Keepers.

HB 696 - GILLIGAN - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code by Providing for a Certificate of Need Regarding Equitable Health Planning and Review for the Development, Acquisition, Construction, Expansion and Modification of Health Facilities and Services in This State.

HJR 47 - HEBNER, SENATOR SHARP - HOUSE ADMINISTRATION: Directing the Treasurer of the State of Delaware to Obtain Information From a Court Justifying Its Access to State Funds Before Such Funds are Released.

HA 1 to HB 258 - AMBROSINO - Placed with the bill.

HA 2 to HB 483 - MAXWELL - Placed with the bill.

HA 2 to HB 546 - RIDDAGH - Placed with the bill.

HA 1 to SB 222 - MAXWELL, CAIN, LOUGHNEY - Placed with the bill.

SB 307 - KEARNS, ARNOLD, Representative Matushefske - JUDICIARY: An Act to Amend Subchapter IV, Chapter 47, Title 16, of the Delaware Code, Relating to Delivery of Narcotic Controlled Substances.

SB 376 - MURPHY (By Request) - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Administrative Services for the Purpose of Paying an Employee who Failed to Receive Payment for Overtime Hours Worked.

SJR 30 - CORDREY - HOUSE ADMINISTRATION: Requesting the Federal Communications Commission to Grant a Waiver of its 1972 Order to Allow Lower Delaware CATV, Inc. to Pick Up Signals from Philadelphia Commercial Television Stations.

Representative Lynch moved to lift HB 240 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Lynch moved to strike HB 240. Without objection, HB 240 was stricken.

Representative Lynch moved to lift HJR 38 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Lynch moved to strike HJR 38. Without objection, HJR 38 was stricken.

Representative Matushefske moved to lift HB 428 from the Speaker's table. The motion was seconded by Representative Loughney and adopted by voice vote.

Representative Matushefske moved to strike HB 428. Without objection, HB 428 was stricken.

Representative Matushefske moved to lift HB 645 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske moved to strike HB 645. Without objection, HB 645 was stricken.

Representative Matushefske moved to lift HB 650 from the

Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Matushefske moved to strike HB 650. Without objection, HB 650 was stricken.

Representative Matushefske moved to lift the roll call on HB 46. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske moved to rescind the roll call on HB 46. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske moved to strike HB 46. Without objection, HB 46 was stricken.

Representative Gordy moved to lift HB 111 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy moved to strike HB 111. Without objection, HB 111 was stricken.

Representative Bennett moved to lift the roll call on HB 125. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to rescind the roll call on HB 125. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to strike HB 125. Without objection, HB 125 was stricken.

Representative Clendaniel introduced and brought SCR 72, co-sponsored by Senator Adams and Representative Clendaniel, before the House for consideration.

SCR 72 - Relating to Support of the American Agriculture Movement.

SCR 72 was adopted by voice vote and returned to the Senate.

Representative Bennett moved to place SB 237 in Committee. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett yielded to Representative Rispoli.

Mr. Speaker assigned SB 237 to the Administrative Services Committee.

Representative Rispoli brought HB 665 before the House for consideration.

Representative Rispoli moved to place HB 665 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Rispoli moved to lift HB 664 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 664 - An Act to Amend Subchapter VII, Chapter 1, Title 20, of the Delaware Code Relating to the Wilmington Armory.

The roll call on HB 664 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris,

Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

ABSENT: Representatives Ambrosino, Byrd, Connor, Darling, George, Plant, Ridings - 7.

Therefore, having received a constitutional majority, HB 664 was sent to the Senate for concurrence.

Representative Rispoli moved to lift HB 665 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 665 - An Act to Authorize and Approve the Leasing of the Wilmington Armory to St. Anthony's Senior and Community Center, Inc., a Non-Profit Corporation.

The roll call on HB 665 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Ambrosino, Byrd, Connor, George, Plant, Ridings - 6.

Therefore, having received a constitutional majority, HB 665 was sent to the Senate for concurrence.

Representative Worthen deferred HB 303 to the end of the Agenda.

Representative Gilligan deferred HB 409 until Thursday, January 19, 1978.

Representative Cain deferred HB 449 to the end of the Agenda and yielded to Representative Temple.

Representative Temple moved to lift SB 336 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple introduced and brought HA 1 to SB 336 before the House for consideration. HA 1 was adopted by voice vote.

Representative Temple moved to place SB 336 w/HA 1 on the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Powell deferred HB 442 to the end of the Agenda and yielded to Representative Vernon.

Representative Vernon brought HJR 10 before the House for consideration.

HJR 10 - Relating to the Use of the State Dredge.

Representative Burris stated that he would be recorded as not voting on the bill because of a conflict of interest.

Representative McKay stated that he would be recorded as not voting on the bill because of a conflict of interest.

The roll call on HJR 10 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Gilligan, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Vernon, Worthen - 24.

NO: Representatives Bennett, Darling, Gordy, Maxwell, Minner, Morris, Plant, Mr. Speaker Boulden - 8.

NOT VOTING: Representatives Burris, Ferguson, McKay - 3.

ABSENT: Representatives Anderson, George, Jonkiert, Miller, Ridings, Temple - 7.

Therefore, having received a constitutional majority, HJR 10 was sent to the Senate for concurrence.

Representative Lynch deferred HB 307 to the end of the Agenda and yielded to Representative Minner.

Representative Minner moved to lift HB 447 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 447 - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Driving Without a License.

Representative Minner introduced and brought HA 1 before the House for consideration. HA 1 to HB 447 was adopted by voice vote.

The roll call on HB 447 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Ferguson, Hebner, Kelly, Loughney, Matushefske, McKay, Miller, Minner, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, Clendaniel, Darling, Gilligan, Gordy, Johnson, Lynch, Maxwell, Morris, Plant, Temple - 11.

ABSENT: Representatives Byrd, George, Jonkiert, Ridings - 4.

Therefore, not having received a constitutional majority of at least two thirds members of the House, HB 447 was defeated.

Representative Gilligan deferred HB 406 to January 19, 1978.

Representative Miller deferred HB 527 and yielded to Representative Matushefske.

Representative Matushefske brought HB 682 before the House for consideration.

HB 682 - An Act to Amend Chapter 87, Title 10, Delaware Code Relating to Mileage Fees Charged by Sheriffs.

The roll call on HB 682 was taken and revealed:

YES: Representatives Ferguson, Gordy, Johnson, Jonkiert, Matushefske, Plant, Mr. Speaker Boulden - 7.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Gilligan, Hebner, Kelly, Loughney, Maxwell, McKay, Morris, Oberle, Riddagh, Rispoli, Roy, Sincock, Smith, Vernon, Worthen - 26.

NOT VOTING: Representatives Clendaniel, Lynch, Miller, Minner, Temple - 5.

ABSENT: Representatives George, Powell, Ridings - 3.

Therefore, not having received a constitutional majority, HB 682 was defeated.

Representative Lynch deferred HJR 32 to the end of the agenda and yielded to Representative Plant.

Representative Plant brought HJR 46 before the House for consideration.

HJR 46 - In Remembrance of the Late Dr. Martin Luther King, Jr.

The roll call on HJR 46 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Byrd, Cain, George, Maxwell, Ridings - 5.

Therefore, having received a constitutional majority, HJR 46 was sent to the Senate for concurrence.

Representative Hebner deferred HB 399 until Wednesday, January 18, 1978.

Representative Byrd deferred HB 538 until Thursday, January 19, 1978.

Representative Minner brought HB 440 before the House for consideration.

HB 440 - An Act Directing the Transfer of Oak Grove School Site of East Dover Hundred, Kent County, Delaware to J. Ward Hurley and Mildred J. Hurley.

The roll call on HB 440 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Ferguson, George, Matushefske, Ridings - 4.

Therefore, having received a constitutional majority, HB 440 was sent to the Senate for concurrence.

Representative Worthen moved to strike HB 368. Without objection, HB 368 was stricken.

Representative Kelly brought HB 179 before the House for consideration.

HB 179 - An Act to Amend Chapter 23 and Chapter 51, Title 29, Delaware Code, to Provide that no Charge Shall be Made for Providing Certificates of Appointment to Volunteers Named to Advisory Councils.

Representative Sincock moved to waive the fiscal note for HB 179. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HB 179 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller,

Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 37.

ABSENT: Representatives Billingsley, T. Brady, George, Ridings - 4.

Therefore, having received a constitutional majority, HB 179 was sent to the Senate for concurrence.

Representative Cain moved to strike HB 14. Without objection, HB 14 was stricken.

Representative T. Brady deferred HB 282 to the end of the Agenda.

Representative Miller moved to strike HB 527. Without objection, HB 527 was stricken.

Representative Sincok introduced HB 697.

HB 697 - An Act to Provide a Supplemental Appropriation to the Department of Administrative Services for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978, and Prior Year's Expense.

Mr. Speaker assigned HB 697 to the Appropriations Committee.

Representative Gordy introduced HJR 48, co-sponsored by Representative Bennett and Senator Littleton.

HJR 48 - Requesting the Delaware Congressional Delegation to Work for Relocation of the Dover Classification Yard of Conrail to Delmar.

Mr. Speaker assigned HJR 48 to the House Administration Committee.

Representative Minner introduced HB 698, co-sponsored by Representative Ferguson and Senator Adams.

HB 698 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to the State Police and Detectives; and Providing for a Delaware State Police Commission.

Mr. Speaker assigned HB 698 to the Public Safety Committee.

Representative Ferguson introduced and brought SCR 73, sponsored by Senator Sharp, before the House for consideration.

SCR 73 - Requesting the Governor, the Attorney General, the State Board of Education and the Several School Districts Affected to Appeal the Order of January 9, 1978, in the School Busing Cases.

The roll call on SCR 73 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Johnson, Jonkiert, Plant, Rispoli - 4.

NOT VOTING: Representatives Bennett, T. Brady, Miller - 3.

ABSENT: Representatives George, Ridings - 2.

Therefore, having received a constitutional majority, SCR 73 was returned to the Senate.

Representative Bennett introduced HJR 49, co-sponsored by Representative Minner and Senator Cordrey.

HJR 49 - Requesting United States District Court Judge Murray M. Schwartz to Revise Section 5 of His Order of January 9, 1978, in the School Busing Cases to Augment the New Castle County Planning Board of Education so that the State will be Represented.

Mr. Speaker assigned HJR 49 to the Education Committee.

Representative Jonkiert moved to recess for committee hearings at 5:12 p.m.

The House was called to order at 5:15 p.m.

Committee Reports:

Health & Social Services: HB 565 - 5F, 1M; HB 566 - 2F, 4M; HB 696 - 1F, 4M.

Education: HB 684 - 5F.

Labor and Commerce - HB 45 - 1F, 4M.

House Administration: HJR 48 - 5M; SJR 30 - 5M.

Representative Minner requested and was granted the personal privilege of the floor for Senator Harris McDowell, III.

Representative Jonkiert moved to recess to the call of the Chair at 5:20 p.m.

4th LEGISLATIVE DAY - 2nd Session

January 17, 1978

The Speaker called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by the Reverend Emmanuel H. Hedgebeth, Pastor of the Peoples United Church of Christ, Dover, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 37.

Members absent: Representatives Ferguson, George, Gilligan, Smith - 4.

The minutes of the previous legislative day were approved as posted.

Communications:

January 17, 1978

Representative Joseph C. Loughney is hereby appointed to serve as a member of the House Overview Committee replacing Representative Gerard A. Cain, who has requested that he be removed from said committee.

- - - - - Kenneth W. Boulden, Speaker

The Senate wishes to inform the House that is has passed SB 327 w/SA 1; HJR 46; SCR 74; SCR 73; HCR 59; HCR 60; SCR 72.

Representative Plant introduced and brought HCR 61, co-sponsored by Representatives Johnson, Matushefske and Senator

Holloway and Representatives Boulden, Jonkiert and Gordy and Senators Cordrey, Martin and Cook, before the House for consideration.

HCR 61 - In Remembrance of Hubert H. Humphrey, the Happy Warrior Who Served His Country Undauntedly and with Boundless Energy.

The roll call on HCR 61 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

ABSENT: Representatives Connor, Ferguson, George, Gilligan, Hebner, Maxwell, Minner, Powell, Smith - 9.

Therefore, having received a constitutional majority, HCR 61 was sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 95, co-sponsored by Representative Sincok, before the House for consideration.

HR 95 - Memorializing Delaware's Congressional Delegates to Urge President Carter to Retain David M. Marston as U.S. Attorney for Pennsylvania's Eastern District.

Representative Jonkiert moved to place HR 95 in Committee. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, McKay, Miller, Oberle, Riddagh, Ridings, Roy, Sincok, Vernon - 12.

ABSENT: Representatives Connor, Ferguson, George, Gilligan, Hebner, Maxwell, Powell, Smith - 8.

Therefore, having received a constitutional majority, the motion was passed and Mr. Speaker assigned HR 95 to the House Administration Committee.

The following prefiled legislation was introduced:

HB 699 - AMBROSINO - EDUCATION: An Act to Amend Part I, Title 14 of the Delaware Code Relating to the Free Public Schools; and Providing for the Employment of Practical Nurses.

HB 700 - LYNCH, GORDY, RIDDAGH, SENATORS KNOX, HOLLOWAY - APPROPRIATIONS: An Act to Amend Chapter 29, Title 14 and Chapter 69, Title 29 of the Delaware Code, and an Act Entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions", Formerly Known as House Bill No. 300, 129th General Assembly.

HB 701 - W. BRADY - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to the Use of Snowmobiles.

HB 702 - TEMPLE - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, to Increase the Amount of the Pension that May Be Subtracted from the Federal Adjusted Gross Income in Computing the State Income Tax.

HB 703 - JONKIERT, MAXWELL, SENATORS MCDOWELL, MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code, by Creating a Commission on Hospitals and Health Care and Making an Appropriation Therefor.

HB 704 - RIDINGS - COMMERCE & LABOR: An Act to Amend Chapter 8, Part I, Title 19 of the Delaware Code Relating to Protection of Employees' Rights; and Providing for the Rights of Employees to Freely Decide Whether or Not to Support Labor Organizations.

HA 1 to HB 660 - MORRIS - Placed with the bill.

SB 327 w/SA 1 - MCDOWELL - JUDICIARY: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to the Theft of Services from a Public Utility.

Representative Jonkiert moved to recess for caucus at 2:22 p.m.

The House was called to order at 3:07 p.m.

Representative Gordy moved to lift HB 187 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy requested that HB 187 be recommitted to committee. Mr. Speaker assigned HB 187 to the House Administration Committee.

Representative Gordy moved to lift HS 1 to HB 275 w/HA 1,2, 3,4,5,6,7,8,9 and 10 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy requested that HS 1 to HB 275 w/HA 1,2, 3,4,5,6,7,8,9 and 10 be recommitted to Committee. Mr. Speaker assigned HS 1 to HB 275 with its amendments to the Labor and Commerce Committee.

Representative Gordy moved to lift HB 445 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy requested that HB 445 be recommitted to Committee. Mr. Speaker assigned HB 445 to the House Administration Committee.

Representative Worthen moved to strike HB 539. Without objection, HB 539 was stricken.

Representative Worthen moved to strike HB 401. Without objection, HB 401 was stricken.

Representative Plant moved to lift the roll call on HB 573. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to rescind the roll call on HB 573. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Plant moved to strike HB 573. Without objection, HB 573 was stricken.

Representative Plant moved to lift the roll call on HB 598. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to rescind the roll call on HB 598. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to strike HB 598. Without objection, HB 598 was stricken.

Representative Riddagh requested that HB 546 w/HA 1,2 be removed from the Agenda.

Representative Jonkiert requested that HB 533, HB 534, HB 535, HB 536 and HB 537 be removed from the Agenda.

Representative Jonkiert introduced SJR 32, sponsored by Senator Hughes.

SJR 32 - Expressing the Appreciation of the People of Delaware for the Outstanding Play of Randy White, a Graduate of Thomas McKean High School, Which Earned Him the Designation as Co-Most Valuable Player in Super Bowl XII.

Mr. Speaker assigned SJR 32 to the House Administration Committee.

Representative Miller introduced HJR 50, co-sponsored by Representative Bennett and Senators Zimmerman and Murphy.

HJR 50 - Requesting the Governor of the State of Delaware to Assure the Citizenry of Delaware, Including Local and County Levels of Government, that State Governmental Services Heretofore Provided in the State Capital Will Continue Intact as has Traditionally been the Case.

Mr. Speaker assigned HJR 50 to the House Administration Committee.

Representative Ambrosino brought HB 395 w/HA 1 before the House for consideration.

HB 395 - An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to the Overtaking and Passing of a Stopped School Bus; and Providing for Certain Circumstances Under Which an Approaching Driver Shall Stop.

Representative Ambrosino moved to strike HA 1 to HB 395. Without objection, HA 1 was stricken.

Representative Ambrosino introduced and brought HA 2 before the House for consideration. HA 2 to HB 395 was adopted by voice vote.

The roll call on HB 395 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Connor, Ferguson, George, Gilligan, Smith - 5.

Therefore, having received a constitutional majority, HB 395 w/HA 2 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 484 and brought

SB 157 w/SA 1 before the House for consideration.

SB 157 - An Act to Amend Chapter 53, Part III, Title 11 of the Delaware Code Relating to the Right to the General Provisions in the Court of Common Pleas Covering the Right to Trial By Jury.

Representative Matushefske requested and was granted the privilege of the floor for Deputy Attorney Charles Oberly.

The roll call on SB 157 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Connor, Ferguson, George, Gilligan, Roy, Smith - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 157 w/SA 1 was returned to the Senate.

Representative Matushefske deferred HB 492 and brought SB 159 w/SA 1,3 before the House for consideration.

SB 159 - An Act to Amend Chapter 45, Part II, Title 11 of the Delaware Code Relating to Appeals from Convictions Before an Alderman or Mayor and Providing for an Accused's Right to Election to be Tried in the Court of Common Pleas.

Representative Matushefske requested and was granted the privilege of the floor for Charles Oberly.

The roll call on SB 159 w/SA 1,3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Darling, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Clendaniel, Gordy, Minner, Plant, Temple - 5.

NOT VOTING: Representative Morris - 1.

ABSENT: Representatives Connor, Ferguson, George, Gilligan, Johnson, Smith - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 159 w/SA 1,3 was returned to the Senate.

Representative Matushefske deferred HB 490 and brought SB 160 w/SA 1 before the House for consideration.

Representative Matushefske requested and was granted the privilege of the floor for Charles Oberly.

Representative Matushefske moved that SB 160 w/SA 1 be placed on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for committee hearings at 4:15 p.m.

The House was called to order at 4:28 p.m.

Committee Reports:

Labor & Commerce: HS 1 for HB 320 - 4M.House Administration: SJR 32 - 5F.Judiciary: HB 602 - 3M, 1U.Community Affairs: HB 687 - 1F, 4M.Environmental Control: HB 701 - 5M; SB 345 - 1F, 2M, 2U.

Representative Ridings moved to strike HB 257. Without objection, HB 257 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 4:39 p.m.

5th LEGISLATIVE DAY - 2nd Session

January 18, 1978

The Speaker called the House to order at 2:08 p.m.

Committee Reports:

Community Affairs: HB 690 - 5M.House Administration: HJR 50 - 2M, 3U.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the previous legislative day. The House reconvened at 2:09 p.m. A prayer was offered by the Reverend Emmanuel H. Hedgebeth, Pastor of the Peoples United Church of Christ, Dover, Delaware.

The Speaker led those present in a salute to the Flag.

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative George - 1.

The minutes of the previous legislative day were approved as posted.

Communications:

The Senate wishes to inform the House that it has passed SJR 32; HCR 61.

Representative Plant introduced and brought HCR 62 before the House for consideration.

HCR 62 - Urging John A. Campanelli, Jr., President, Delaware State Labor Council AFL-CIO to Press Organized Labor in the State of Delaware, and Families of Organized Labor Members to Make Every Effort to Defeat any and All Right-To-Work Legislation Presented Before the Delaware State Legislature.

Representative Sincok moved to place HCR 62 in Committee. The motion was seconded by Representative McKay.

Representative Plant moved to table the motion to place HCR 62 in committee.

The roll call on the motion was taken and revealed:

YES: Representatives Billingsley, Oberle - 2.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, McKay, Miller, Morris, Plant, Riddagh, Ridings, Rispoli, Roy,