

and confirmation of the Senate, the following: Robert D. Bewick, Jr., 175 Crescent Drive, Dover, Delaware, to be a member of the Delaware State Board of Education for a term of six years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 27, 1977

To the Senate of the 129th General Assembly of the
State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William B. Philipbar, Jr., 21 South Shore Drive, Dover, Delaware, to be Chairman of the Delaware Solid Waste Authority, to serve at the pleasure of the Governor succeeding William G. Adkins.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

The following legislation was introduced:

SB 348 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, FOR THE PURPOSE OF DREDGING THE ENTRANCE CHANNEL TO COSY COVE. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 342 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 21, TITLE 23, DELAWARE CODE, RELATING TO MOTORBOATS. Sponsor: Senator Murphy. Assigned to Natural Resources and Environmental Control Committee.

SB 344 - AN ACT TO AMEND CHAPTER 42, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO METHOD AND PUNISHMENT FOR FIRST DEGREE MURDER. Sponsor: Senator Berndt. Assigned to Judiciary Committee.

SB 345 - AN ACT TO AMEND CHAPTER 16, TITLE 16, DELAWARE CODE, BY ADDING A NEW SECTION 1608 RELATING TO ENFORCEMENT OF THE LITTER CONTROL LAW. Sponsor: Senator Sharp. Assigned to Natural Resources and Environmental Control Committee.

SB 343 - AN ACT TO AMEND CHAPTER 16, TITLE 16, DELAWARE CODE, BY ADDING A NEW SECTION 1608 RELATING TO ENFORCEMENT OF THE LITTER CONTROL LAW. Sponsor: Senator Sharp. The Bill was immediately stricken on motion of Senator Sharp.

SB 346 - AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE RELATING TO UNPROFESSIONAL PRACTICES OF OPTOMETRISTS. Sponsors: Senators Schlor, Zimmerman and Murphy. Assigned to Administrative Services Committee.

SB 340 was stricken on motion of Senator Schlor.

SB 347 - AN ACT TO AMEND PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO STATE LAW ENFORCEMENT AGENCIES; AND PROVIDING FOR A SEPARATE PLANNING AGENCY. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 349 - AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE CODE, RELATING TO COMMERCIAL CRABBING. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SA 1 and SA 2 to SB 109 sponsored by Senator Spence. Placed with the Bill.

SA 2 to HB 430 sponsored by Senator Cook. Placed with the Bill.

SA 2 to SB 301 sponsored by Senator McCullough. Placed with the Bill.

SA 2 to SB 261 sponsored by Senator Cook. The Amendment was immediately stricken on motion of Senator Cook.

The following Committee reports were announced:

From the Executive Committee: HB 262 - 5 Merits; HB 296 - 5 Merits; SB 207 - 5 Merits; SB 320 - 5 Merits.

From the Community Affairs Committee: SB 310 - 4 Favorable.

From the Agriculture Committee: HB 400 - 1 Favorable, 4 Merits; HB 316 - 5 Merits.

From the Education Committee: SB 315 - 2 Favorable, 4 Merits.

The following legislation was introduced:

HB 207 w HA 2 - 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. Sponsor: Representative Kelly. Assigned to Revenue and Taxation Committee.

HB 326 w HA 1, 2 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES AND REQUIRING THE REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES. Sponsor: Representative Worthen. Assigned to Public Safety Committee.

HB 381 - AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29, OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES. Sponsor: Representative Powell. Assigned to Executive Committee.

HB 387 - AN ACT TO REINCORPORATE THE TOWN OF DELMAR. Sponsors: Representatives Gordy and Littleton. Assigned to Community Affairs Committee.

HB 394 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO UNINSURED VEHICLE COVERAGE. Sponsor: Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

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. Sponsors: Representatives Rispoli, Ambrosino, Miller, Anderson, Johnson, Worthen; Senator Schlor. Assigned to Community Affairs Committee.

HB 411 - 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. Sponsors: Representatives Cain

and Powell. Assigned to Revenue and Taxation Committee.

HB 412 - AN ACT TO AMEND CHAPTER 28, TITLE 21, DELAWARE CODE, RELATING TO HABITUAL OFFENDER DRIVERS. Sponsors: Representatives Oberle and Minner. Assigned to Public Safety Committee.

HB 419 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PROCUREMENT OF MATERIAL AND AWARD CONTRACTS. Sponsor: Representative Bennett. Assigned to Executive Committee.

HB 426 - AN ACT TO AMEND CHAPTER 47, TITLE 15, OF THE DELAWARE CODE, RELATING TO COMPENSATION OF ELECTION OFFICERS. Sponsor: Representative Jonkiert. The Bill was laid on the table on motion of Senator Murphy.

HB 443 - AN ACT TO AMEND SECTION 3125(a), TITLE 19, DELAWARE CODE, RELATING TO OBTAINING INFORMATION FROM THE DEPARTMENT OF LABOR. Sponsors: Representatives Powell, Cain and Byrd. Assigned to Labor Committee.

HB 446 - 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. Sponsors: Representatives Powell and Byrd. Assigned to Labor Committee.

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. Sponsor: Representative Byrd. Assigned to Labor Committee.

HB 466 w HA 1 - AN ACT TO AMEND CHAPTER 51, SUBCHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO SPECIAL FUEL. Sponsors: Representatives Minner and Sincok. Assigned to Revenue and Taxation Committee.

HB 497 w HA 1 - 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. Sponsors: Representatives Powell, Matushefske, Ambrosino, Byrd, Boulden, Roy, Ridings, Gilligan, Johnson, McKay, Kelly, Plant, Hebner, Riddagh, Loughney. Assigned to Revenue and Taxation Committee.

HB 508 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE 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. Sponsor: Representative Darling. The Bill was laid on the table on motion of Senator Cook.

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. Sponsors: Representative Byrd and Senator Sharp. The Resolution was laid on the table on motion of Senator Sharp.

HJR 34 - REQUESTING THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO COMPLETE ITS REPORT ON THE PLAN OMEGA WITHOUT FURTHER DELAY. Sponsors: Representatives Ferguson, Gilligan, Roy, Matushefske, Kelly, Boulden, Oberle. The Resolution was laid on the table on motion of Senator Sharp.

SB 350 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO POWERS AND DUTIES OF STATE POLICE AND LOCAL

POLICE OFFICERS ASSISTING STATE POLICE. Sponsor: Senator Martin.
Assigned to Public Safety Committee.

SCR 49 - REQUESTING THE PRESIDENT OF THE UNITED STATES
TO APPOINT A SPECIAL PROSECUTOR TO INVESTIGATE PAYMENTS BY THE
KOREAN GOVERNMENT TO MEMBERS OF CONGRESS AND OTHER GOVERNMENT
OFFICIALS. Sponsors: Senators Arnold and Spence.

On motion of Senator Arnold, the roll call vote on the
Resolution was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey,
Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Sharp,
Spence, Weiss, Zimmerman - 16.

NO: Senator Hale - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Holloway, Knox and McDowell - 3.

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

SCR 50 - REQUESTING WILLIAM J. O'ROURKE, SECRETARY OF THE
DEPARTMENT OF PUBLIC SAFETY, TO FURNISH AND/OR 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. Sponsor:
Senator Sharp.

On motion of Senator Sharp, the roll call vote on the Reso-
lution was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey,
Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell,
Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senators Hale and Schlor - 2.

ABSENT: Senator Holloway - 1.

Therefore, the Resolution was declared adopted by the Senate
and sent to 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. Sponsors: Senators Littleton,
Cordrey, Adams and Murphy; Representative Temple.

On motion of Senator Littleton, the roll call vote on the
Resolution was taken and revealed 20 Senators voting YES and
1 (Cook) ABSENT; therefore, the Resolution was declared adopted
by the Senate and sent to the House for consideration.

SCR 52 - CONGRATULATING FORMER STATE SENATOR J. CARL MCGUIGAN
AND MRS. MCGUIGAN ON OBSERVING THEIR 60TH WEDDING ANNIVERSARY.
Sponsors: Senator Cicione and Representative Gilligan.

On motion of Senator Cicione, the roll call vote on the
Resolution was taken and revealed 20 Senators voting YES and
1 (Spence) ABSENT; therefore, the Resolution was declared
adopted by the Senate and sent to the House for consideration.

The following nominations for appointment by the Governor
were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
June 28, 1977

To the Senate of the 129th General Assembly of
the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Theodore W. Ryan, 2411 Greenleaf Road, Wilmington, Delaware, to be a member of the Delaware Solid Waste Authority, to serve a three-year term succeeding the expired term of the Honorable Crawford J. Carroll.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 29, 1977

To the Senate of the 129th General Assembly
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Lawrence M. Sullivan, Esquire, 1003 North Bancroft Parkway, Wilmington, Delaware, to be the Public Defender of the State of Delaware for a six year term.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

At 4:16 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 50th Legislative Day.

50TH LEGISLATIVE DAY

The Senate convened at 4:16 p.m. June 29, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 49th Legislative Day was approved as read.

On motion of Senator Schlör, the necessary rules were suspended for lifting HB 403 w HA 1 for consideration:

HB 403 w HA 1 - 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.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 17.

NO: Senators Cordrey and Zimmerman - 2.

ABSENT: Senators Hale and Martin - 2.

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

SB 315 was taken up for consideration on motion of Senator McCullough:

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 vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SS 1 for SB 297 was taken up for consideration on motion of Senator Murphy:

SS 1 for SB 297 - AN ACT TO AMEND CHAPTER 21 AND 29, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES, FINANCING SECURITY AND PROVIDING FOR SELF-INSURANCE IN CERTAIN INSTANCES.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 19 Senators voting YES and 2 (Martin and McCullough) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill which was placed with the Bill was taken up for consideration on motion of Senator Littleton. The privilege of the floor was extended to Tom Sandbach, Senate Attorney, after which the roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Cordrey, Martin and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 297 w SA 1, 2 was then taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the necessary rules were suspended for consideration of SB 214:

SB 214 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING FOR THE CREATION OF THE OFFICE OF PUBLIC ADVOCATE.

At 5:25 p.m. President Pro Tempore Cordrey presiding.

On motion of Senator Kearns, the roll call vote on the Bill was taken; however, before being announced it was laid on the table on further motion of the Senator.

SS 2 for SB 191 was lifted from the table for consideration on motion of Senator Holloway.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 2 for SB 191 w SA 2 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator Kearns - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Hughes and Knox - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the necessary rules were suspended for consideration of SB 335:

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 vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Holloway, Hughes, Knox and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the necessary rules were suspended for consideration of SB 336:

SB 336 - AN ACT TO AMEND CHAPTER 61, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE BORROWING POWER OF THE GOVERNMENT OF SUSSEX COUNTY.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Sharp moved that the necessary rules be suspended for consideration of SB 343; however, his motion was withdrawn since the Bill had been stricken from the Calendar.

At 5:55 p.m. Lt. Governor McGinnis presiding.

SB 345 was reported out of the Natural Resources and Environmental Control Committee: 6 Merits.

On motion of Senator Sharp, the necessary rules were suspended for consideration of SB 345:

SB 345 - AN ACT TO AMEND CHAPTER 16, TITLE 16, DELAWARE CODE, BY ADDING A NEW SECTION 1608 RELATING TO ENFORCEMENT OF THE LITTER CONTROL LAW.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Cordrey, Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 6:03 p.m. on motion of Senator Martin, the Senate recessed for dinner and reconvened at 9:12 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 466 w HA 1 - 1 Favorable, 4 Merits; HB 411 - 5 Merits; HB 497 w HA 1 - 1 Favorable, 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 348 - 6 Merits; SB 349 - 6 Merits; SB 342 - 6 Merits.

From the Administrative Services Committee: SB 137 - 4 Merits.

From the Community Affairs Committee: HB 387 - 4 Merits; HB 397 - 4 Merits.

From the Finance Committee: HB 418 - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 351 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO LIMIT STATE SPENDING. Sponsors: Senators Knox and Hughes; Representatives Sincok and McKay. Assigned to Revenue and Taxation Committee.

SB 352 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE UNIFORM ANATOMICAL GIFT ACT; AND PROVIDING FOR A DEFINITION OF DEATH. Sponsors: Senators Berndt and Sharp; Representatives Smith and Worthen. Assigned to Health and Social Services Committee.

SS 2 for SB 143 - 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. Sponsor: Senator Holloway. Adopted in lieu of the Original.

On motion of Senator Cordrey, the roll call vote on SB 238 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Schlor, Sharp, Spence - 15.

NOT VOTING: Senators Hale and Weiss - 2.

ABSENT: Senators Holloway, Hughes, Martin and Zimmerman - 4.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the roll call vote on SB 269 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 18.

NOT VOTING: Senators Hughes, McCullough and Weiss - 3.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the roll call vote on SB 286 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senators Hale, Hughes and McCullough - 3.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 256 was lifted from the table for consideration on motion of Senator Zimmerman:

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.

SA 1 and SA 1 to SA 1 to the Bill were stricken on motion of Senator Zimmerman.

At 9:25 p.m. President Pro Tempore Cordrey presiding.

SA 2 to the Bill was introduced by Senator Zimmerman and considered for adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 256 w SA 2 was then taken on motion of Senator Zimmerman and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Holloway, the roll call vote on SB 292 was lifted and revealed 20 Senators voting YES and 1 (Hale) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 9:31 p.m. Lt. Governor McGinnis presiding.

On motion of Senator Martin, the roll call vote on SB 249 w SA 1 was lifted and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Martin, the roll call vote on SS 1 for SB 253 w SA 1 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 18.

NOT VOTING: Senators Cicione and Zimmerman - 2.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator McDowell, the roll call vote on SB 174 w SA 2 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Hale, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlör, Sharp, Weiss - 15.

NO: Senators Cordrey, Littleton and Zimmerman - 3.

NOT VOTING: Senators Hughes and Spence - 2.

ABSENT: Senator McCullough - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the roll call vote on SS 1 for SB 223 w SA 2 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 17.

NO: Senator Weiss - 1.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Holloway and McCullough - 2.

Therefore, the Bill was declared passed by the Senate and

sent to the House for consideration.

On motion of Senator Kearns, the roll call vote on SB 290 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cicione and Cook - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the roll call vote on SB 291 was lifted; however, before it was announced it was again laid on the table.

On motion of Senator Cicione, the roll call vote on HB 340 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 19.

NO: Senator Hale - 1.

NOT VOTING: Senator Schlor - 1.

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

On motion of Senator Arnold, the roll call vote on SB 156 w SA 3 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Weiss - 10.

NO: Senators Cook, Martin, McCullough, Murphy, Sharp, Spence, Zimmerman - 7.

NOT VOTING: Senators Cicione, Kearns and McDowell - 3.

ABSENT: Senator Schlor - 1.

Therefore, the Bill was declared defeated for passage.

On motion of Senator Berndt, the roll call vote on SB 120 w SA 1 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senators Martin and McCullough - 2.

ABSENT: Senator Schlor - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

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. Sponsors: Senators Holloway, Berndt, Hale, McCullough, Sharp, McDowell, Knox, Cicione, Martin; Representatives Gilligan, Powell, Worthen, Ambrosino, Oberle, Connor, Anderson and Cain. On motion of Senator Holloway, the Bill was laid on the table.

SB 354 - AN ACT TO AMEND CHAPTER 28, TITLE 14 OF THE DELAWARE CODE RELATING TO THE UTILIZATION OF EDUCATIONAL FACILITIES

AND PROVIDING FOR THE SHARING OF TEXTBOOKS WITH NON-PUBLIC SCHOOLS. Sponsors: Senator Kearns and Representative Jonkiert. Assigned to Education Committee.

At 9:57 p.m., President Pro Tempore Cordrey presiding.

SB 202 was taken up for consideration on motion of Senator McDowell:

SB 202 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING FOR A DELAWARE ENERGY LIFELINE ACT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Schlor, Spence - 12.

NO: Senators Arnold, Holloway, Hughes, Martin, Sharp - 5.

NOT VOTING: Senators Berndt and Hale - 2.

ABSENT: Senators Weiss and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

At 10:07 p.m. Lt. Governor McGinnis presiding.

SA 2 to SB 202 which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Kearns, Littleton, McCullough, McDowell, Murphy, Schlor, Spence, Weiss - 14.

NO: Senators Hale, Holloway, Hughes and Knox - 4.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Martin and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator McDowell, the roll call vote on SB 202 w SA 1, 2 was taken; however, before the roll call vote was announced it was laid on the table on motion of Senator McDowell.

SB 137 was taken up for consideration on motion of Senator Cicione:

SB 137 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO SATISFY A SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND MANUFACTURER'S 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.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 38 w HA 1 was taken up for consideration on motion of Senator Martin:

HB 38 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO CABLE TELEVISION SYSTEMS.

On motion of Senator Martin, the Bill was then laid on the table.

HB 430 w HA 2, 3, 4 was taken up for consideration on motion of Senator Cook:

HB 430 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO STATE EMPLOYEES PENSION PLAN.

At 10:38 p.m. President Pro Tempore Cordrey presiding.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration; however, on further motion of Senator Murphy, the Amendment was withdrawn.

The privilege of the floor was extended to Russell D. F. Dineen, State Pension Board, to speak on the Bill.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 430 w HA 2, 3, 4, SA 2 was then taken and revealed 19 Senators voting YES, 1 (Sharp) NOT VOTING and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 10:41 p.m., Lt. Governor McGinnis presiding.

HB 418 was taken up for consideration on motion of Senator Cicione:

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 vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Hughes, Knox, McCullough and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 38 w HA 1 was lifted from the table for consideration on motion of Senator Martin:

HB 38 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO CABLE TELEVISION SYSTEMS.

The roll call vote on the Bill was taken; however, before being announced, it was laid on the table on motion of Senator Martin.

SB 156 w SA 1 which had been defeated for passage was restored to the Calendar on motion of Senator Spence.

Senator Arnold moved that all rules be suspended for consideration of SB 156 w SA 1; however, the Senator then withdrew his motion.

SB 333 was taken up for consideration on motion of Senator McCullough:

SB 333 - 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.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and

sent to the House for consideration.

SB 308 was taken up for consideration on motion of Senator Murphy:

SB 308 - AN ACT TO AMEND CHAPTER 17, TITLE 15, OF THE DELAWARE CODE RELATING TO NOTICE TO PERSONS TO BE REMOVED FROM THE VOTER ROLLS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 84 w HA 3, 4 was taken up for consideration on motion of Senator Kearns:

HB 84 w HA 3, 4 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO INITIATIVE AND REFERENDUM.

Senator McCullough was added as co-sponsor of the Bill.

During discussion of the Bill and the several Amendments to it, the privilege of the floor was extended to Representative Ferguson, Tom Shiels of Legislative Council, and the Senate Attorneys - Tom Sandbach and Harry Terry.

At 12:28 a.m. June 30, 1977, the Senate recessed until June 30, 1977 at 1:30 p.m., on motion of Senator Martin.

The Senate reconvened at 2:22 p.m., June 30, 1977, Lt. Governor McGinnis presiding.

HB 84 w HA 3, 4 was still before the Senate.

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

YES: Senators Berndt, Cicione, Cordrey, Hughes, Kearns, Knox, Littleton, Murphy, Schlör, Spence, Weiss - 11.

NO: Senator Martin - 1.

NOT VOTING: Senators McCullough and Sharp - 2.

ABSENT: Senators Adams, Arnold, Cook, Hale, Holloway, McDowell, Zimmerman - 7.

Therefore, the Amendment to the Amendment was declared adopted.

SA 1 w SA 1 to the Bill was deferred for consideration.

Senator Hale moved that HB 84 w HA 3, 4 be tabled. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Littleton, Weiss - 5.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp, Zimmerman - 12.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Knox, Schlör and Spence - 3.

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

SA 2 to SA 1 to the Bill was introduced by Senator Berndt who moved for its adoption. The roll call vote on the Amendment to the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McDowell,

Murphy, Spence, Weiss, Zimmerman - 17.

NO: Senator Martin - 1.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Schlör and Sharp - 2.

Therefore, the Amendment to the Amendment was declared adopted.

The roll call vote on SA 1 w SA 1, 2 to HB 84 w HA 3, 4 was taken on motion of Senator Berndt and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Hale, Holloway, Hughes, Knox, Littleton, Murphy, Spence, Weiss, Zimmerman - 13.

NO: Senators Adams, Kearns, Martin - 3.

NOT VOTING: Senators McCullough, McDowell, Schlör, Sharp - 4.

ABSENT: Senator Cordrey - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 84 w HA 3, 4, SA 1 w SA 1, 2 was then taken on motion of Senator Berndt; however, before, the roll call was announced, it was tabled on further motion of the Senator.

On motion of Senator Holloway, the necessary rules were suspended for consideration of SS 2 for SB 143:

SS 2 for SB 143 - 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.

The privilege of the floor was extended to J. Benjamin Roy, Jr., to speak on the Bill after which it was laid on the table on motion of Senator Holloway.

At 4:21 p.m. Senator Martin presiding.

On motion of Senator Adams, the necessary rules were suspended for consideration of SB 337:

SB 337 - 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.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Schlör) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 481 was taken up for consideration on motion of Senator Zimmerman:

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.

At the request of Senator Zimmerman, Senator Berndt floor-managed the Bill.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senator McCullough - 1.

ABSENT: Senators Cicione, Holloway, Martin, Schlor - 4.

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

At 4:35 p.m., Lt. Governor McGinnis presiding.

HB 253 was taken up for consideration on motion of Senator Zimmerman:

HB 253 - AN ACT TO AMEND CHAPTER 23, OF TITLE 9, DELAWARE CODE TO ALLOW THE CREATION OF CONSOLIDATED SANITARY SEWER DISTRICTS.

The privilege of the floor was extended to Merna Hurd, representing New Castle County, to speak on the Bill after which it was laid on the table on further motion of Senator Zimmerman.

HB 525 was lifted from the table for consideration on motion of Senator Cook:

HB 525 - AN ACT TO AMEND TITLES 9, 10, AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF KENT COUNTY.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 416 w HA 1 was taken up for consideration on motion of Senator Cicione:

HB 416 w HA.1 - AN ACT TO AMEND CHAPTER 63 AND CHAPTER 65, TITLE 29, DELAWARE CODE PROVIDING FOR A ZERO-BASED BUDGETING.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cordrey, Hale, Kearns, Littleton, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 15.

ABSENT: Senators Arnold, Cook, Holloway, Hughes, Knox, Martin - 6.

Therefore, the Amendment was declared adopted.

On motion of Senator Zimmerman, the Bill was then laid on the table.

On motion of Senator McDowell, the necessary rules were suspended for consideration of SB 85:

SB 85 - 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.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting HJR 33 from the table 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 vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore,

the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Littleton, the necessary rules were suspended for consideration of HB 387:

HB 387 - AN ACT TO REINCORPORATE THE TOWN OF DELMAR.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hughes and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Arnold, the necessary rules were suspended for lifting SB 156 w SA 3 from the table for consideration.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Kearns, Littleton, Martin, McCullough, Weiss - 12.

NO: Senators Cook, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 7.

ABSENT: Senators Hughes and Knox - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Cicione, HB 416 w HA 1, SA 1 was lifted for consideration and the privilege of the floor extended to Representative George to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 18 Senators voting YES and 3 (Hughes, Knox and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 341 was taken up for consideration on motion of Senator Cordrey:

HB 341 - AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE, PERTAINING TO OCCUPATIONAL LICENSES AND FEES FOR PROFESSIONAL ENGINEERS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES AND 3 (Hughes, Knox and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Martin, the necessary rules were suspended for consideration of SB 334:

SB 334 - AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO MAINTAIN THE LEVEL OF REIMBURSEMENT FOR SCHOOL BUS AIDES.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hughes, Knox and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SS 2 for SB 143 was lifted from the table for consideration on motion of Senator Holloway.

SA 1 to the Bill was introduced by Senator Holloway and the privilege of the floor extended to J. Benjamin Roy, Jr., State Fire Marshall, to speak on the Amendment after which the roll call vote was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Hale and Littleton - 2.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Hale, Littleton, McCullough - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SS 2 for SB 143 w SA 1, 2 was then taken and revealed 19 Senators voting YES, 1 (Cicione) NOT VOTING, and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Murphy, the necessary rules were suspended for consideration of HJR 23:

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 STORY. Sponsors: Representative Minner; Senators Murphy and Cook.

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SCR 27 was lifted from the table for consideration on motion of Senator Hughes:

SCR 27 - REQUESTING THE GOVERNOR TO TAKE STEPS NECESSARY FOR USE OF A PORTION OF THE WOODS HAVEN KRUSE SCHOOL AS A GERIATRIC SERVICES FACILITY.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (McDowell and Schlor) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 53 (Sponsored by Senators Kearns and Cook; Representative Matushefske) was introduced and considered for adoption:

SCR 53 - COMMENDING JAMES L. KATURAKES III, LEEDON ESTATES, FOR WINNING FIRST PLACE IN THE NATIONAL CULINARY CONTEST SPONSORED BY THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following Committee reports were announced:

From the Administrative Services Committee: HB 99 - 6 Merits; HB 357 w HA 2 - 4 Merits, 1 Unfavorable; SB 64 - 5 Merits;

SB 178 - 4 Merits, 1 Unfavorable.

From the Executive Committee: HB 419 - 5 Merits.

From the Public Safety Committee: HB 326 w HA 1, 2 - 5 Merits.

From the Revenue and Taxation Committee: HB 207 w HA 2 - 4 Merits; HB 548 w HA 1 - 3 Merits.

From the Banking, Insurance and Elections Committee: HB 394 - 5 Merits.

From the Finance Committee: HB 281 - 1 Favorable, 3 Merits.

From the Judiciary Committee: SB 322 - 1 Favorable, 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 275 w HA 1, 2; SB 341; SB 134 w SA 1; SB 246; SB 56; SB 118; SB 185 w SA 1; SB 301; and adopted SCR 50.

The following legislation was introduced:

HB 461 - AN ACT TO AMEND CHAPTER 75, TITLE 15, OF THE DELAWARE CODE RELATING TO MUNICIPAL ELECTIONS. Sponsor: Representative Jonkiert. Assigned to Banking, Insurance & Elections Committee.

HB 460 - AN ACT TO AMEND CHAPTER 45, OF TITLE 21, DELAWARE CODE RELATING TO LAW ENFORCEMENT WEIGHING PROCEDURES AND EQUIPMENT. Sponsor: Representative Gordy. Assigned to Public Safety Committee.

HS 1 for HB 417 w HA 1, 2, 15, 20 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO THE SPANISH GAME OF JAI-ALAI. Sponsors: Representatives Jonkiert, Matushefske, Powell. Assigned to Revenue and Taxation Committee.

HB 365 w HA 1, 4 - 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. Sponsors: Representatives Anderson, W. Brady and Loughney. Assigned to Revenue and Taxation Committee.

HB 451 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE, RELATING TO THE DEFINITION OF "HEAVY INDUSTRY" IN THE COASTAL ZONE ACT. Sponsors: Representatives McKay and Gordy. Assigned to Natural Resources and Environmental Control Committee.

HB 458 w HA 1 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES, FOR OPERATIONAL COSTS FOR FISCAL YEAR 1977. Sponsor: Representative Bennett. Assigned to Finance Committee.

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. Sponsor: Representative Worthen. Assigned to Judiciary Committee.

HJR 25 - REQUESTING THE DIVISION OF PURCHASING OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ESTABLISH A FORMAL PROGRAM TO IMPROVE PURCHASING PRACTICES. Sponsor: Representative Darling. Assigned to Administrative Services Committee.

HB 73 - AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29, OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES. Sponsor: Representative Darling. Assigned to Executive Committee.

HB 86 w HA 1 - 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. Sponsor: Representative Darling. Assigned to Natural Resources and Environmental Control Committee.

HB 496 w HA 1 - 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. Sponsors: Representatives Kelly and Gilligan; Senator Cicione. The Bill was laid on the table on motion of Senator Cicione.

HB 486 - AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE CODE, RELATING TO TEMPORARY ALIMONY IN DIVORCE AND ANNULMENT ACTIONS. Sponsor: Representative Miller. The Bill was laid on the table on motion of Senator Kearns.

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. Sponsors: Representatives Byrd and T. Brady. Assigned to Community Affairs Committee.

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. Sponsor: Representative Lynch. The Bill was laid on the table on motion of Senator McCullough.

At 6:33 p.m., Senator Adams presiding.

HB 299 w HA 1, 2 - AN ACT TO AMEND SECTION 1311 AND SECTION 1312 OF TITLE 11, DELAWARE CODE, RELATING TO HARASSMENT. Sponsor: Representative Hebner. Assigned to Judiciary Committee.

SB 355 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO HAZARDOUS DUTY PAY SUPPLEMENTS. Sponsors: Senators Berndt and Sharp; Representative Riddagh. The Bill was laid on the table on motion of Senator Berndt.

SB 356 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO THE SPANISH GAME OF JAI-ALAI. Sponsors: Senators Holloway, Kearns, Knox, Hughes. Assigned to Revenue and Taxation Committee.

SB 357 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO MONIES RECEIVED FROM THE SALE OF LOTTERY TICKETS. Sponsors: Senators Holloway and Knox. The Bill was laid on the table on motion of Senator Holloway.

SB 358 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO A PROCESS FOR INTERGOVERNMENTAL COORDINATION IN LAND USE PLANNING AND TO CHANGE THE NAME OF THE STATE PLANNING OFFICE. Sponsors: Senators Zimmerman, Berndt, Knox and Martin. Assigned to Natural Resources and Environmental Control Committee.

SB 359 - AN ACT TO AMEND TITLE 7, DELAWARE CODE, TO PROVIDE FOR AN ACCELERATION AND EXTENSION OF THE PROGRAM FOR CONTROL OF SOIL EROSION AND SEDIMENT DAMAGE RESULTING FROM LAND DISTURBING ACTIVITIES WITHIN THE STATE; TO PROVIDE FOR ADOPTION OF A COMPREHENSIVE STATEWIDE SOIL EROSION AND SEDIMENT CONTROL PROGRAM AND GUIDELINES AND FOR ADOPTION BY SOIL CONSERVATION DISTRICTS OF SOIL EROSION AND SEDIMENT CONTROL PROGRAMS CONSISTENT WITH SUCH STATEWIDE PROGRAM AND GUIDELINES; TO REQUIRE THE FILING AND APPROVAL OF PLANS FOR THE CONTROL OF SOIL EROSION AND SEDIMENT DAMAGE IN CONNECTION WITH LAND DISTURBING ACTIVITIES; TO PROVIDE FOR INSPECTIONS AND REPORTS; TO DECLARE CERTAIN ACTS

TO BE UNLAWFUL; TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; TO PROVIDE FOR FINANCIAL AND OTHER ASSISTANCE TO DISTRICTS AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSES OF THIS ACT, AND MAKING AN APPROPRIATION FOR THOSE PURPOSES; AND FOR OTHER PURPOSES. Sponsors: Senators Zimmerman, Berndt, Knox and Murphy. Assigned to Natural Resources and Environmental Control Committee.

SB 178 was reported out of the Administrative Services Committee: 4 Merits, 1 Unfavorable.

SA 1 to SB 22 sponsored by Senator Martin. Placed with the Bill.

SA 1 to SB 310 sponsored by Senators McCullough and Berndt. Placed with the Bill.

SA 1 to SB 353 sponsored by Senator Hale. Placed with the Bill.

SS 1 for SB 330 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE RELATING TO PUBLIC EMPLOYEES OF THIS STATE WILFULLY FAILING TO CARRY OUT MANDATED ACTIONS OF THE DELAWARE GENERAL ASSEMBLY; AND FURTHER PROVIDING A PENALTY THEREFOR. Sponsor: Senator Holloway. The Bill was adopted in lieu of the Original at the request of Senator Holloway.

HB 370 w HA 1, 2 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE MUNICIPAL STREET AID FUND. Sponsors: Representatives Jonkiert, Billingsley, Cain, Miller, Smith. Assigned to Revenue and Taxation Committee.

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 TEST FOR SEPTIC TANK SYSTEMS. Sponsor: Representative Darling. Assigned to Natural Resources and Environmental Control Committee.

HB 468 w HA 1 - 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. Sponsors: Representatives Kelly, Oberle, Ferguson, Gilligan, Anderson, W. Brady; Senator Cicione. The Bill was laid on the table on motion of Senator Kearns.

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. Sponsor: W. Brady. Assigned to Community Affairs Committee.

HB 530 - AN ACT TO AMEND CHAPTER 46, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC DEFENDERS AND PRIVATE CLIENTS. Sponsor: Representative Matushefske. The Bill was laid on the table on motion of Senator Kearns.

HB 557 w HA 1 - 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. Sponsor: Representative Byrd. Assigned to Labor Committee.

SA 1 to HB 253 sponsored by Senator Cicione. Placed with the Bill.

On motion of Senator Zimmerman, the necessary rules were suspended for reconsideration of SB 275 which had previously passed the Senate and as now further amended by HA 1, 2.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Amended Bill after which the roll call vote on SB 275 w HA 1, 2 was taken and revealed 18 Senators voting YES and 3 (Cicione, Hughes and Knox) ABSENT; therefore the Bill was declared passed by the Senate.

HJR 35 - EXTENDING SINCERE SYMPATHY TO THE FAMILY OF FRANK L. COVELESKI, ONE OF DELAWARE'S PREMIER COACHES AND CITIZENS. Sponsors: Representatives Vernon and Bennett; Senator Cordrey. The Resolution was laid on the table on motion of Senator Martin.

At 6:50 p.m. on motion of Senator Martin, the Senate recessed for dinner and reconvened at 10:18 p.m., Senator Kearns presiding.

On motion of Senator Martin, the necessary rules were suspended for consideration of HB 411:

HB 411 - 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.

At the request of Senator Martin, Senator Berndt floor-managed the Bill and asked for a roll call vote which revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Holloway, Kearns, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 14.

ABSENT: Senators Cicione, Cook, Cordrey, Hughes, Knox, McCullough, Spence - 7.

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

At 10:24 p.m. June 30, 1977, on motion of Senator Cordrey the Senate adjourned to immediately convene for the 51st Legislative Day, June 30, 1977.

51ST LEGISLATIVE DAY

The Senate convened at 10:24 p.m., June 30, 1977, Senator Kearns presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 50th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed SB 294.

At 10:27 p.m., Lt. Governor McGinnis presiding.

HB 207 w HA 2 was taken up for consideration on motion of Senator Cordrey:

HB 207 w HA 2 - 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.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cook and Murphy - 2.

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

HB 548 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 548 w HA 1 - 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.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 508 for consideration:

HB 508 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE 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 vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cicione, Cook and Holloway - 3.

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

HB 348 w HA 1, 2, 3 was taken up for consideration on motion of Senator Cordrey:

HB 348 w HA 1, 2, 3 - AN ACT TO AMEND CHAPTER 12, TITLE 30, DELAWARE CODE, TO INCREASE THE FINE FOR TAX EVASION.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Cicione and Cook) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 466 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 466 w HA 1 - AN ACT TO AMEND CHAPTER 51, SUBCHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO SPECIAL FUEL.

The privilege of the floor was extended to Representative Minner to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, Murphy, Schlor,

Sharp, Spence, Weiss - 16.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Cicione, Cook, Martin, Zimmerman - 4.

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

HB 99 was taken up for consideration on motion of Senator Cordrey:

HB 99 - AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR REFUSAL TO GRANT A LIQUOR LICENSE.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 419 was taken up for consideration on motion of Senator Adams:

HB 419 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PROCUREMENT OF MATERIAL AND AWARD CONTRACTS.

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

HB 326 w HA 1, 2 was taken up for consideration on motion of Senator Cordrey:

HB 326 w HA 1, 2 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES AND REQUIRING THE REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES.

On motion of Senator Cordrey, the Bill was laid on the table before final action was taken.

HB 357 w HA 2 was taken up for consideration on motion of Senator Holloway:

HB 357 w HA 2 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, RELATING TO THE SALE OF ALCOHOLIC LIQUOR.

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

YES: Senators Cicione, Holloway, Kearns and Weiss - 4.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Sharp, Spence, Zimmerman - 15.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senator Murphy - 1.

Therefore, the Bill was declared defeated for passage in the Senate and returned to the House.

HB 326 w HA 1, 2 was lifted from the table for consideration on motion of Senator Cordrey and the privilege of the floor extended to Representative Worthen to speak on the Bill.

The roll call vote on the Bill was then taken and revealed 19 Senators voting YES and 2 (Hale and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At 11:31 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 12:01 a.m.. July 1, 1977, Lt. Governor McGinnis presiding.

The following communication was read:

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
June 30, 1977

T0: 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

* * * * *

At 12:01 a.m. July 1, 1977, on motion of Senator Cordrey, the First Session of the 129th General Assembly adjourned.

SPECIAL SESSION
(July 1, 1977)

Pursuant to the letter from the Speaker of the House and the President of the Senate calling the Legislature into Special Session, the Senate convened at 12:01 a.m. July 1, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Zimmerman.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

Representative Ferguson was sent over to the Senate from the House to inform the Senate that the House was in Special Session.

The Chair appointed Senator McDowell to inform the House that the Senate was in Special Session.

At 12:10 a.m., on motion of Senator Cordrey the Senate recessed and reconvened at 4:05 a.m., Lt. Governor McGinnis presiding.

At 4:05 a.m., July 1, 1977, on motion of Senator Cordrey the Senate recessed until 2:30 p.m. the same day.

The Senate reconvened at 4:55 p.m. July 1, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 360 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO EXEMPTING CERTAIN POSITIONS IN STATE EMPLOYMENT FROM THE CLASSIFIED SERVICE. Sponsor: Senator Knox. Assigned to Executive Committee.

SB 361 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO ENFORCEMENT OF THIS CHAPTER BY LEGAL ACTION. Sponsor: Senator Cicione. The Bill was placed on the table on motion of Senator Cicione.

SR 68 - MARKING THE FIRST BIRTHDAY OF TARA LYNN SKELLY, FIRST CHILD BORN IN DELAWARE IN THE BICENTENNIAL YEAR. Sponsor: Senator Martin.

The roll call vote on the Resolution was taken at the request of Senator Martin and revealed 16 Senators voting YES and 5 (Cook, Hale, Kearns, McCullough and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate.

On motion of Senator Cordrey, the necessary rules were suspended for lifting from the table HJR 35 for consideration. Senator Zimmerman was added as co-sponsor of the Resolution:

HJR 35 - EXTENDING SINCERE SYMPATHY TO THE FAMILY OF FRANK L. COVELESKI, ONE OF DELAWARE'S PREMIER COACHES AND CITIZENS.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SR 69 - EXPRESSING CONGRATULATIONS TO PAUL HOLLAND WHO RISKED HIS LIFE TO RESCUE 14 PEOPLE FROM THE STORM-WHIPPED CHESAPEAKE BAY. Sponsor: Senator Holloway.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the Resolution was declared adopted.

SA 2 to HB 22 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to HB 557 sponsored by Senator Hale. Placed with the Bill.

SA 1 to HS 1 for HB 417 sponsored by Senator Zimmerman. Placed with the Bill.

The following Committee reports were announced:

From the Judiciary Committee: HB 498 - 3 Merits.

From the Natural Resources and Environmental Control Committee: HB 451 - 1 Favorable, 1 Merits, 3 Unfavorable.

From the Executive Committee the following nominations for appointment by the Governor: James D. Wilson - 3 Merits, 1 Favorable; William S. Lee - 3 Merits, 1 Favorable; Larry Sullivan - 4 Merits; P. Rodney Cunningham - 4 Merits; Robert Bewick - 4 Merits.

SA 2 to SB 265 was introduced by Senators Berndt and Martin and placed with the Bill.

SR 70 was introduced by Senator Holloway and considered for adoption:

SR 70 - IN RECOGNITION OF THE SERVICE OF ROY WILKINS.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Murphy and Sharp) ABSENT; therefore, the Resolution was declared adopted.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of William Swain Lee. The roll call vote on the nomination was taken and revealed 20 Senators voting YES and 1 (Murphy)

ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of James D. Wilson. The roll call vote on the nomination was therefore taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Robert D. Bewick. The roll call vote on the nomination was taken; however, before it was announced, Senator Knox moved that it be tabled. The roll call vote on the tabling motion was therefore taken and announced:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Schlör, Sharp, Zimmerman - 11.

NOT VOTING: Senators Cicione and McCullough - 2.

Therefore, the motion was defeated and the roll call vote on the appointment of Robert D. Bewick, Jr. was announced:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

NO: Senators Cordrey, Schlör and Zimmerman - 3.

NOT VOTING: Senators Adams, Cicione, Cook, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp - 10.

Therefore, the appointment was declared defeated for confirmation.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Lawrence M. Sullivan, Esq. The roll call vote on the appointment was taken and revealed 20 Senators voting YES and 1 (Kearns) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of P. Rodney Cunningham. The roll call vote on the appointment was taken and revealed 20 Senators voting YES and 1 (Weiss) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of HB 451:

HB 451 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE, RELATING TO THE DEFINITION OF "HEAVY INDUSTRY" IN THE COASTAL ZONE ACT.

However, on further motion of Senator Zimmerman, final consideration of the Bill was deferred.

On motion of Senator Holloway, the necessary rules were suspended for consideration of HS 1 for HB 417 w HA 1, 2, 15, 20:

HS 1 for HB 417 w HA 1, 2, 15, 20 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO THE SPANISH GAME OF JAI-ALAI.

During the discussion of the Bill and the several Amendments which were offered to it the privilege of the floor was extended to George C. Herring, representing Warner Communications,

Inc.; Harry Terry, Senate Attorney; and F. David Weber of the Brandywine Trinity United Methodist Church.

SA 2 to the Bill was introduced by Senator Weiss who called for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Cordrey, Hale, Weiss and Zimmerman - 4.

NO: Senators Arnold, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence - 15.

NOT VOTING: Senators Adams and McCullough - 2.

Therefore, the Amendment was declared defeated for adoption.

At 6:55 p.m., President Pro Tempore Cordrey presiding.

SA 3 to the Bill was introduced by Senator Cook and laid on the table on the Senator's motion.

At 7:15 p.m., Lt. Governor McGinnis presiding.

The roll call vote on HS 1 for HB 417 w HA 1, 2, 15, 20 was then taken; however, it was laid on the table before being announced on motion of Senator Holloway.

At 7:47 p.m. on motion of Senator Martin, the Senate recessed for dinner and reconvened at 12:55 a.m., July 2, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 300 w HA 27:

HB 300 w HA 27 - 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.

SA 1 to the Bill was introduced by Senator Cicione who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

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

NO: Senator Arnold - 1.

NOT VOTING: Senators Berndt, Hale, Hughes, Knox, Littleton, Spence and Weiss - 7.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Duane Olsen, Controller General to speak on the Bill after which the roll call vote on HB 300 w HA 27, SA 1 was taken and announced:

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

NO: Senators Arnold, Knox, Spence, Weiss - 4.

NOT VOTING: Senators Berndt, Hale, Hughes, Littleton - 4.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 353 was lifted from the table for consideration on motion of Senator Holloway and the names of Senators Arnold, Cook, Kearns and Weiss were added to the Bill as co-sponsors:

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.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Hale and the roll call vote taken which revealed 18 Senators voting YES and 3 (Knox, Murphy and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 353 w SA 1 was then taken on motion of Senator Holloway and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 192 w SA 1, HA 1; SB 122 w SA 2; SB 269; SB 197 w SA 1; SB 256 w SA 2; SB 52; SB 151; SB 286; SB 306 w SA 1; SB 161 w SA 3, HA 1; SB 276; SB 111; SB 315; SB 335; SB 242; SS 1 for SB 230; SB 98; SB 124; SB 249 w SA 1; SB 316; SB 317 and adopted SCR 35.

The following legislation was introduced:

SA 1 to SB 360 sponsored by Senator Knox. Placed with the Bill.

SA 1 to SB 361 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to HB 281 sponsored by Senator Hughes. Placed with the Bill.

SA 1 to HB 22 sponsored by Senator Martin. Placed with the Bill.

HB 73 was reported out of the Executive Committee: 5 Merits.

HB 36 - AN ACT TO AMEND CHAPTER 5, TITLE II, DELAWARE CODE RELATING TO THE DEFINITION OF PUBLIC SERVANT. Sponsors: Representatives McKay and Byrd. Assigned to Judiciary Committee.

HB 22 w HA 1 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO VOCATIONAL-TECHNICAL SCHOOL DISTRICTS. Sponsor: Representative Matushefske. Assigned to Education Committee.

HB 43 w HA 1, 2 - 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". Sponsors: Representative Riddagh; Senator Spence. Assigned to Finance Committee.

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. Sponsor: Representative Darling. Assigned to Executive Committee.

HB 298 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE RELATING TO DISCRIMINATION AGAINST BLIND OR DEAF PERSONS. Sponsors: Representatives Loughney, W. Brady, Anderson, Temple,

Jonkiert, Lynch, Rispoli, Johnson, Gilligan, Maxwell, Kelly, Worthen. Assigned to Banking, Insurance and Elections Committee.

HB 374 w HA 4 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE RELATING TO DOGS RUNNING AT LARGE. Sponsors: Representatives Loughney, Oberle, Ridings, Powell. Assigned to Natural Resources and Environmental Control Committee.

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. Sponsors: Representative Burris and Senator Adams. The Bill was laid on the table on motion of Senator Adams.

HB 380 w HA 2, 4, 5 - 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. Sponsors: Representatives Sincock, Billingsley, Ambrosino, T. Brady, Burris, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Smith, Vernon. Assigned to Administrative Services Committee.

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. Sponsor: Representative T. Brady. The Bill was laid on the table on motion of Senator Cook.

HB 487 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO HIGHER EDUCATION SCHOLARSHIPS. Sponsor: Representative Lynch. Assigned to Education Committee.

HB 500 - AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE 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. Sponsors: Representative Gordy and Senator Littleton. The Bill was laid on the table on motion of Senator Littleton.

HB 503 w HA 1 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO SENTENCING, PROBATION, PAROLE AND PARDONS. Sponsor: Representative Oberle. Assigned to Judiciary Committee.

HB 506 - AN ACT TO AMEND CHAPTER 59, TITLE 29, SECTION 5949, DELAWARE CODE RELATING TO APPEALS. Sponsor: Representative Gordy. Assigned to Judiciary Committee.

HB 532 w HA 1 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER IV, TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES TO SELL ALCOHOLIC LIQUORS. Sponsor: Representative Johnson. Assigned to Administrative Services Committee.

HB 457 - AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE, RELATING TO OTHER EMPLOYMENT COSTS (FRINGE BENEFITS). Sponsor: Representative Billingsley. Assigned to Finance Committee.

HB 549 w HA 1 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE STATE BANK COMMISSIONER FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE. Sponsors: Representative Worthen and Senator Murphy. The Bill was laid on the table on motion of Senator Murphy.

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. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HJR 27 - RECOMMENDING THE ESTABLISHMENT OF A MANDATORY ENERGY SAVINGS PROGRAM FOR THE PUBLIC SCHOOLS IN THE STATE OF DELAWARE. Sponsors: Representatives Darling, Byrd, Clendaniel, Gilligan, Burris and Smith.

On motion of Senator McDowell, the necessary rules were suspended for consideration of HJR 27 and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 42 - FIXING CERTAIN HOURS FOR THE CLOSING AND RECALL OF THE DAILY SESSIONS OF THE 129TH GENERAL ASSEMBLY. Sponsors: Representatives Ferguson and Gordy. The Resolution was laid on the table on motion of Senator Martin.

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. Sponsor: Representative Darling. Assigned to Education Committee.

On motion of Senator Sharp, the necessary rules were suspended for reconsideration of SB 161 w SA 3 which had previously passed the Senate and as now further amended by HA 1.

At 2:22 a.m., on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:12 a.m., Lt. Governor McGinnis presiding.

SB 161 w SA 3, HA 1 which had been before the Senate before the recess was laid on the table on further motion of Senator Sharp.

The Secretary announced that Legislative Advisories #17 and #18 received from the Office of Counsel to the Governor informed the Senate that the Governor had approved SB 199 w SA 1, SB 218 and SB 244 on June 29, 1977; SB 259, SB 228 and SB 288 on June 30, 1977.

HB 590 (Sponsored by Representatives Matushefske and Jonkiert) was introduced:

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, WHOLE-SALER 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.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Bill and the roll call vote taken which revealed:

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

NO: Senators Arnold, Hughes, Knox, Littleton, Spence, Weiss - 6.

NOT VOTING: Senators Berndt and Hale - 2.

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

At 3:20 a.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:15 a.m., Lt. Governor McGinnis presiding.

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of HB 555 w HA 1, 2, 4, 5:

HB 555 w HA 1, 2, 4, 5 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Representatives Jonkiert, Billingsley, Cain, Miller, Smith, George, Ambrosino, Bennett, Connor, Gilligan, Matushefske, Worthen; Senators Cicione, Cook, Hale, Holloway, Kearns, Littleton, McDowell.

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

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 457:

HB 457 - AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE, RELATING TO OTHER EMPLOYMENT COSTS (FRINGE BENEFITS).

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

At 4:25 a.m., July 2, 1977, on motion of Senator Cordrey, the Senate recessed to the call of the Chair.

The Senate reconvened at 3:33 p.m. July 5, 1977, Lt. Governor McGinnis presiding.

The following Proclamation of the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
PROCLAMATION

I, PIERRE S. duPONT, 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. duPONT, 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. duPont, IV
Governor
ATTEST: Glenn C. Kenton,
Secretary of State

* * * * *

At 3:35 p.m. July 5, 1977, on motion of Senator Cordrey, the Special Session was recessed in order that the Senate could convene for the Extraordinary Session called by the Governor.

EXTRAORDINARY SESSION (First Day)

Pursuant to the above recorded Proclamation of the Governor, the Senate convened at 3:35 p.m. July 5, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McDowell - 1.

At 3:38 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 4:49 p.m., Lt. Governor McGinnis presiding.

HCR 43 (Sponsored by Representatives Sincock and McKay; Senators Knox and Hughes) was introduced:

HCR 43 - EXPRESSING THE SYMPATHY OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY TO THE FAMILY OF FORMER REPRESENTATIVE MRS. LOIS M. LESHER.

The names of all the Senators and the Lt. Governor were added as co-sponsors of the Resolution and the roll call vote taken on motion of Senator Hughes which revealed 19 Senators voting YES and 2 (Arnold and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 5:04 p.m. on motion of Senator Cordrey, the 1st Day of Extraordinary Session was recessed until 1:30 p.m. July 6, 1977.

The Senate reconvened at 4:10 p.m. July 6, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the First Day of the Extraordinary Session was adjourned to immediately convene for the 2nd Day of the Extraordinary Session.

EXTRAORDINARY SESSION
(Second Day)

The Senate reconvened at 4:10 p.m. July 6, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The following communication was read at the request of Senator Cordrey:

STATE OF DELAWARE
HOUSE OF REPRESENTATIVES
DOVER, DELAWARE
July 6, 1977

Senator Richard S. Cordrey
President Pro Tempore
Delaware State Senate
Dover, Delaware

Dear Mr. President Pro Tempore:

You are hereby notified that the House of Representatives of the 129th General Assembly has overridden Governor duPont's veto of House Bill 300 as amended by House Amendment 27 and Senate Amendment 1.

Karen H. Pugh, Chief Clerk
Kenneth W. Boulden, Speaker

* * * * *

Senator Cicione moved that the necessary rules be suspended to reconsider HB 300 w HA 27, SA 1 which had passed both houses but was vetoed by the Governor.

The following communication from the Governor was read and made part of the record at the request of Senator Cordrey:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER, DELAWARE
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 -- 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 under-

funding 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 or 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. duPont, IV, Governor

* * * * *

Senator Knox moved that HB 300 w HA 27 and SA 1 be assigned to the Finance Committee. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

N0: Senators Adams, Cicione, Cook, Cordry, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 13.

Therefore, the motion was declared defeated.

Senator Cordrey then moved that the vote to override the Governor's veto of HB 300 w HA 27, SA 1 be taken. The roll call was taken and revealed:

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

N0: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

Therefore, the veto was declared overridden by the Senate and the Bill was returned to the House.

The Chair appointed Senators Cicione and Knox as a Committee to inform the Governor that the Extraordinary Session was being adjourned.

At 4:37 p.m. on motion of Senator Cordrey, the Extraordinary Session was adjourned.

* * * * *

At 4:37 p.m. July 6, 1977, the Special Session which recessed at 3:35 p.m. July 5, 1977 reconvened with Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 6:30 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Administrative Services Committee: SB 234 - 4 Merits.

From the Judiciary Committee: HB 582 - 3 Merits.

SB 362 was introduced by Senator Holloway and laid on the table on his motion:

SB 362 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FALCONRY LICENSING AND THE CREATION OF A FALCONRY ADVISORY BOARD.

SA 1 and SA 1 to SA 1 to HB 486 were introduced by Senator Holloway and placed with the Bill.

SR 71 was introduced by Senator Holloway and considered for adoption:

SR 71 - COMMENDING THE NEWS JOURNAL PAPERS FOR PUBLISHING THE LIST OF PHYSICIANS AND OTHERS WHO RECEIVED MEDICARE PAYMENTS DURING 1976.

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

YES: Senators Adams, Cicione, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Weiss, Zimmerman - 12.

ABSENT: Senators Arnold, Berndt, Cook, Hale, Hughes, Knox, Littleton, Sharp, Spence - 9.

Therefore, the Resolution was declared adopted.

On motion of Senator Zimmerman, HB 357 w HA 2 which had been defeated for passage was restored to the Calendar.

SCR 54 (Sponsored by Senator Spence and Representative Riddagh) was introduced and laid on the table on motion of Senator Weiss:

SCR 54 - CALLING THE ATTENTION OF ALL OF THE COURTS AND ESPECIALLY THE UNITED STATES DISTRICT COURT FOR DELAWARE TO THE RESULT AND FAILURE OF THE RECENT COURT ORDER TO REDUCE THE PRISON POPULATION.

SCR 55 (Sponsored by Senator Spence and Representative Riddagh) was introduced and laid on the table on motion of Senator Weiss:

SCR 55 - CALLING THE ATTENTION OF ALL OF THE COURTS AND ESPECIALLY THE UNITED STATES DISTRICT COURT FOR DELAWARE TO THE RESULT AND FAILURE OF THE RECENT COURT ORDER TO REDUCE THE PRISON POPULATION.

SJR 26 (Sponsored by Senator Cicione and Representative Jonkiert) was introduced and laid on the table on motion of Senator Cicione:

SJR 26 - ESTABLISHING A DELAWARE VETERANS' ADVISORY COUNCIL.

On motion of Senator Holloway, the roll call vote on HS 1 for HB 417 w HA 1, 2, 15, 20 was lifted; however, before the roll call was announced it was again tabled on further motion of the Senator.

On motion of Senator Holloway, the necessary rules were suspended for consideration of SB 357:

SB 357 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO MONIES RECEIVED FROM THE SALE OF LOTTERY TICKETS.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 18.

NO: Senator Littleton - 1.

ABSENT: Senators Arnold and Zimmerman - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Holloway, the roll call vote on HS 1 for HB 417 w HA 1, 2, 15, 20 was lifted and announced:

YES: Senators Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Schlor, Sharp - 11.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Littleton, Murphy, Spence, Weiss, Zimmerman - 10.

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

On motion of Senator Cicione, SB 234 was taken up for consideration.

SB 234 - AN ACT AWARDED 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 vote on the Bill was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Hale, Hughes,

Kearns, Littleton, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 15.

NO: Senators Cordrey, Knox and Martin - 3.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators Holloway and Zimmerman - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 582 was taken up for consideration on motion of Senator Schlor:

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 vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 17.

NOT VOTING: Senators Hughes and Weiss - 2.

ABSENT: Senators Cicione and Holloway - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for consideration of HB 557 w HA 1:

HB 557 w HA 1 - 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.

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

On motion of Senator Schlor the necessary rules were suspended for consideration of HB 532 w HA 1:

HB 532 w HA 1 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER IV, TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES TO SELL ALCOHOLIC LIQUORS.

Senator Schlor yielded the floor to Senator Holloway to floor manage the Bill. On motion of Senator Holloway, the roll call vote on the Bill was taken; however, before it was announced the roll call was tabled on further motion of the Senator.

On motion of Senator Sharp, HB 557 w HA 1 was lifted from the table for consideration.

Senator Hale introduced SA 1 to the Bill and moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Spence, Weiss, Zimmerman - 17.

NO: Senators McDowell, Schlor and Sharp - 3.

ABSENT: Senator Hughes - 1.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Byrd to speak on the Bill after which the roll call vote on HB 557 w HA 1, SA 1 was taken; however, the roll call was

laid on the table before being announced on motion of Senator Sharp.

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 530:

HB 530 - AN ACT TO AMEND CHAPTER 46, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC DEFENDERS AND PRIVATE CLIENTS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlör, Weiss, Zimmerman - 17.

NO: Senator Spence - 1.

ABSENT: Senators McCullough, Murphy and Sharp - 3.

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

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 468 w HA 1:

HB 468 w HA 1 - 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.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Schlör the necessary rules were suspended for consideration of HB 547:

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 vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 487 was deferred for consideration on motion of Senator McCullough.

On motion of Senator Littleton the necessary rules were suspended for consideration of HB 500:

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 vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 296 was taken up for consideration on motion of Senator Adams:

HB 296 - AN ACT TO AMEND CHAPTER 69, SUBCHAPTER 1, TITLE 29

DELAWARE CODE, RELATING TO PUBLIC WORK CONTRACTS AND PROCUREMENTS BY EXEMPTING THE COUNTY LIBRARY DEPARTMENTS FROM THE REQUIREMENTS THEREOF.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McDowell) NOT VOTING and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 487 was reported out of the Education Committee: 5 Merits.

On motion of Senator McCullough, the necessary rules were suspended for consideration of HB 487:

HB 487 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO HIGHER EDUCATION SCHOLARSHIPS.

The privilege of the floor was extended to John F. Corrozi, Delaware Postsecondary Education Commission, to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Weiss, Zimmerman - 17.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Berndt, Sharp and Spence - 3.

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

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of SB 363:

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 vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Weiss - 16.

NOT VOTING: Senators Sharp and Spence - 2.

ABSENT: Senators Berndt, Hale and Zimmerman - 3.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the necessary rules were suspended for consideration of HJR 20:

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 vote on the Resolution was taken; however, on motion of Senator Adams, it was tabled before being announced.

HB 349 was taken up for consideration on motion of Senator Cordrey:

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 vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Cook and Hale) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Adams, the necessary rules were suspended for consideration of HB 263:

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 vote on the Bill was taken; however, it was laid on the table before being announced on motion of Senator Adams.

Consideration of HJR 25 was deferred on motion of Senator Adams.

On motion of Senator Kearns, the roll call vote on HB 84 w HA 3, 4, SA 1 w SA 1, SA 2 was lifted; however, before it was announced it was again tabled on further motion of the Senator.

On motion of Senator Spence, the necessary rules were suspended for consideration of HB 43 w HA 1, 2:

HB 43 w HA 1, 2 - 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 vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Cook, the necessary rules were suspended for consideration of HJR 25:

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 vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Adams, the necessary rules were suspended to lift HB 413 from the table 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 vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Sharp, the necessary rules were suspended to lift HB 480 from the table 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.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlör, Sharp, Weiss - 16.

NO: Senators Murphy, Spence and Zimmerman - 3.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Cicione - 1.

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

HB 498 was taken up for consideration on motion of Senator Kearns:

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

YES: Senators Arnold, Cook, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Cordrey, Hughes and McCullough - 4.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Berndt - 1.

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

On motion of Senator Adams, the roll call vote on HB 263 was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss, Zimmerman - 15.

NO: Senators Arnold, Hale, Hughes, Knox, Littleton, Spence - 6.

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

On motion of Senator Holloway, the roll call vote on HB 532 w HA 1 was lifted and announced:

YES: Senators Cicione, Cook, Holloway, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss - 12.

NO: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Littleton, Spence - 8.

NOT VOTING: Senator Zimmerman - 1.

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

Consideration of SS 1 for SB 330 was deferred.

On motion of Senator Weiss, the necessary rules were suspended for reconsideration of SB 192 w SA 1 which had previously passed the Senate and as now further amended by HA 1. The roll call vote on SB 192 w SA 1, HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed

by the Senate.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 234 and SB 363.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of HB 592:

HB 592- AN ACT TO AMEND CHAPTER 426, VOLUME 60, LAWS OF DELAWARE, RELATING TO THE TAX ON PARI-MUTUEL AND TOTALIZATOR POOLS. Sponsor: Representative Matushefske.

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

HB 497 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 497 w HA 1 - 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.

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

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Schlör, Sharp, Weiss - 14.

NO: Senators Cook, Cordrey, Littleton, Murphy, Spence, Zimmerman - 6.

NOT VOTING: Senator Adams - 1.

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

At 9:19 p.m. July 6, 1977, on motion of Senator Cordrey, the Special Session was recessed to the call of the President of the Senate.

The Senate reconvened at 3:47 p.m., August 9, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the First Day of the Special Session which was convened on July 1, 1977 was adjourned to immediately convene for the Second Day of the Special Session.

SPECIAL SESSION (August 9, 1977)

The Senate convened at 3:47 p.m., August 9, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 20.

ABSENT: Senator Weiss - 1.

The Journal of the Special Session convened on July 1, 1977 was approved as read.

The following communications from the Governor were read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER, DELAWARE
July 14, 1977

TO THE DELAWARE STATE SENATE OF THE
129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

On July 5, 1977 I received Senate Bill No. 98 entitled:
"AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT
OF CORRECTIONS FOR THE PURPOSE OF MEETING CERTAIN PAYROLL OBLI-
GATIONS NECESSITATED BY AN ARBITRATION RULING."

I am returning herewith Senate Bill No. 98 without my signature
since the funds to be appropriated reverted on June 30, 1977
and my signature would therefore be a nullity.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 12, 1977

To the Delaware State Senate of the
129th General Assembly of the State of Delaware:

I am returning, without my signature, Senate Bill No. 197,
as amended by Senate Amendment No. 1, which I received on
June 30, 1977, entitled:

"AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT
OF ADMINISTRATIVE SERVICES FOR THE PURPOSE OF PAYING AN EM-
PLOYEE WHO FAILED TO RECEIVE PAYMENT FOR OVERTIME HOURS
WORKED."

This legislation authorizes payment of \$5,862.14 to a State
employee for overtime claimed since 1973.

Sound personnel practice dictates that long-standing claims
such as this should be reviewed by the State Personnel Commission,
and, if appropriate, by the State Auditor. I am, therefore,
requesting the Secretary of Administrative Services to make
the necessary information available to the State Personnel
Commission and the State Auditor in order that they may review
the claim and make a recommendation thereon.

For this reason, I am returning Senate Bill 197, as amended,
without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 20, 1977

To the Delaware State Senate of the
129th General Assembly of the State of Delaware:

On July 8, 1977 I received Senate Bill 234, entitled:
"AN ACT AWARDED 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."

I am returning Senate Bill 234 without my signature for
the following reasons:

1. The legislation singles out certain persons for pension
benefits for the 1978 Fiscal Year and hence discriminates
against a number of other persons in similar circumstances.

In 1976, the Delaware Supreme Court invalidated statutes
awarding pensions to the thirteen persons named in Senate
Bill 234. In re State Employees Pension Plan 364 A 2d 1228
(Del. Supr. 1976). However, the effect of this ruling was
also to invalidate pension benefits to approximately one hundred
other individuals who received benefits pursuant to similar
statutes. Of this number, twenty-four will receive special
pension benefits for this fiscal year pursuant to an approp-
riation contained in the 1978 Budget Appropriation Act. Thus,
some seventy individuals remain for whom the General Assembly
has not appropriated benefits although their circumstances
are indistinguishable from the beneficiaries of Senate Bill
234. It is obviously unfair and discriminatory for the General
Assembly to award special benefits to certain individuals
within an identifiable group.

2. The special pension benefits provided by this legislation
are improperly funded. The funding of pension benefits on
a year to year basis is an unsound practice and is unfair
to the beneficiaries of the pensions, who are required repeatedly
to seek funding from the General Assembly. The far preferable
practice, for both the pensioners and the State, would be
for the General Assembly to provide full actuarial funding
for pensions such as these.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 14, 1977

TO THE DELAWARE STATE SENATE OF THE 129th
GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

On July 5, 1977 I received Senate Bill No. 242 entitled:
"AN ACT TO AMEND TITLE 9 AND TITLE 22, DELAWARE CODE, RELATING
TO COUNTY AND MUNICIPAL TAXES; AND PROVIDING RESTRICTIONS IN
THE ASSESSMENT OF BUILDINGS IMPROVED BY THE INSTALLATION OF
ENERGY CONSERVATION IMPROVEMENTS."

Although I certainly endorse energy conservation efforts
and encourage increased use of solar energy devices, I am
returning Senate Bill 242 without my signature for the following
reasons:

Article VIII, Section 1 of the Delaware Constitution provides
that county and municipal authorities are exclusively empowered
to exempt from taxation property located within their respective
jurisdictions, and it appears that the State government therefore
has no authority to specify exemptions.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 12, 1977

TO THE DELAWARE STATE SENATE OF THE 129TH
GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

On June 30, 1977 I received Senate Bill No. 134, as amended
by Senate Amendment 1, entitled:

"AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPART-
MENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE."

I am returning Senate Bill 134, as amended, without my
signature for the following reasons:

1. Once again, an appropriation contained in the 1977
Budget Appropriation Act has fallen short, necessitating a
supplemental appropriation far in excess of the original appropri-
ation. The 1977 Budget Act authorized \$98,000 for overtime
pay for the uniformed division and other employees of the
Division of State Police; this legislation would provide \$119,000
in supplemental funds for overtime. I cannot agree with this
practice of deliberately underfunding an item in the Budget
Act, to be made up in supplemental appropriations at a later
date.

2. My administration has consistently taken the position
that, in light of the financial position of the State and
the fact that other State employees have had to forego cost
of living increases, it could not support the payment of additi-
onal overtime to this group of employees. I opposed the inclusion
of an overtime provision in the 1978 Budget Appropriation

Act, and, by the same token, I cannot approve a supplemental appropriation under the 1977 Budget Act.

3. Although the State does have a legal obligation to pay the \$166,500 in travel, contractual services and supplies and materials which is appropriated by the Bill, Senate Bill 134 provides that these funds revert to the General Fund on June 30, 1977. Therefore, the appropriation is null and void and my signature would have no affect on that portion of Senate Bill 134.

For these reasons, I am returning Senate Bill 134 without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

SA 1 to HJR 31 was introduced by Senator Knox and placed with the Resolution.

SCR 56 was introduced by Senator Cordrey and considered for adoption on his motion:

SCR 56 - RELATING TO THE ESTABLISHMENT OF A SPECIAL PENSION STUDY COMMITTEE.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Lt. Governor McGinnis recognized and introduced to the Senate former Senator Margaret R. Manning, Russell Dineen and Thomas Hickman.

SCR 57 was introduced by Senator Kearns and laid on the table on his motion:

SCR 57 - RELATING TO THE ESTABLISHMENT OF A LAW ENFORCEMENT ASSISTANCE ADMINISTRATION COMMITTEE GRANT REVIEW.

SCR 58 (Sponsored by Senators Cook, Murphy and Zimmerman; Representatives Morris, Minner and Bennett) was introduced:

SCR 58 - MOURNING THE DEATH OF FORMER REPRESENTATIVE GOODEN M. DARLING.

The Lt. Governor and all the Senators were added as co-sponsors of the Resolution and the roll call vote taken which revealed 19 Senators voting YES and 2 (Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 59 was introduced by Senator Kearns and considered for adoption on his motion:

SCR 59 - EXTENDING CONGRATULATIONS TO THE DELAWARE SUBURBAN ALL-STARS FOR THEIR ACHIEVEMENT IN WINNING THE DELAWARE AND MID-ATLANTIC SENIOR LITTLE LEAGUE TITLES.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 364 (Sponsored by Senators Zimmerman, Cicione, Cook, Hughes, Kearns, Murphy, Littleton, Martin and Schlor; Representative Gordy) was introduced:

SB 364 - 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 THE AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE; REPEALING CERTAIN SECTIONS OF 60 DELAWARE LAWS, CHAPTER 711.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of SB 364.

The privilege of the floor was extended to Russell Dineen to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Zimmerman - 16.

NOT VOTING: Senators Knox, McDowell - 2.

ABSENT: Senators Arnold, Sharp and Weiss - 3.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 365 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 366 - AN ACT TO AMEND VOL. NO. 61, CHAPTER NO. 116, LAWS OF DELAWARE, BY CHANGING THE ANNUAL REPORT REQUIREMENTS FOR STATE AGENCIES. Sponsor: Senator Hughes. Assigned to Executive Committee.

SB 367 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE STATE BANKING COMMISSIONER FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 368 - AN ACT TO AMEND CHAPTER 46, TITLE 31, DELAWARE CODE, RELATING TO REPEAL OF THE MOBILE HOME SAFETY ACT. Sponsor: Senator Murphy. Assigned to Community Affairs Committee.

SB 369 - AN ACT TO APPROPRIATE MONEY TO THE DE LA WARR SCHOOL DISTRICT AND THE WILMINGTON SCHOOL DISTRICT TO COVER THE COST OF TUITION RESULTING FROM THE VOLUNTARY TRANSFER PLAN. Sponsors: Senators McCullough and Kearns; Representatives Matushefske and Boulden. On motion of Senator McCullough, the Bill was laid on the table.

SB 370 - AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO INCREASE THE REIMBURSEMENT FOR SCHOOL BUS AIDES FOR FY 77 FOR CONTRACTORS REIMBURSED UNDER THE STATE BOARD OF EDUCATION SCHOOL BUS CONTRACTOR FORMULA. Sponsors: Senators Martin and Hale. Assigned to Finance Committee.

SB 371 (Sponsored by Senator Cicione and Representative Minner) was introduced:

SB 371 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE.

On motion of Senator Cicione, the necessary rules were suspended for consideration of SB 371.

Senator Knox moved that final consideration of the Bill be deferred. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton - 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Zimmerman - 13.

ABSENT: Senators Sharp and Weiss - 2.

The motion was declared defeated and therefore, the Bill remained before the Senate. The roll call vote on the Bill was then taken on motion of Senator Cicione and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Zimmerman - 18.

NOT VOTING: Senator Knox - 1.

ABSENT: Senators Sharp and Weiss - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 372 (Sponsored by Senators McCullough and Kearns; Representatives Boulden and Matushefske):

SB 372 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING THE METHOD FOR REDUCING STATE SUPPORT TO SCHOOL DISTRICTS LOSING PUPILS BECAUSE OF VOLUNTARY TRANSFERS.

On motion of Senator McCullough, the necessary rules were suspended for consideration of SB 372.

The privilege of the floor was extended to Russell Dineen, Raymond L. Townsend and John W. Jackson, III, to speak on the Bill. On further motion of Senator McCullough, the Bill was then deferred for final consideration.

The Secretary announced that a message from the House informed the Senate that the House adopted SCR 58 and SCR 56.

HB 594 (Sponsored by Representatives Matushefske and Jonkiert) was introduced:

HB 594 - AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO RETAILER LICENSE TAXES ON AGGREGATE GROSS RECEIPTS.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 594 and the roll call vote taken which revealed:

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

NO: Senators Littleton and Spence - 2.

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox - 5.

ABSENT: Senator Weiss - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 2, 1977

To the Senate of the 129th General Assembly of
the State of Delaware

Under the authority vested in me by Article III, Section 9
of the Delaware Constitution which states, in Part:

"He shall have power to fill all vacancies that may happen during the recess of the Senate, in offices to which he may appoint. . . .by granting the Commission which shall expire at end of the next session of the Senate."

I wish to advise you that I have made the following interim appointments: Lewis M. Purnell, Chairman, Delaware Wetlands Appeals Board; Thomas J. Kealy, Chairman, Environmental Appeals Board.

Nominations of these two individuals will be submitted for confirmation to the Senate upon its reconvening.

Sincerely,
Pierre S. duPont, Governor

* * * * *

The following letters of nomination for appointment by
the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly of
the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Margaret R. Manning, Maple Hill, 605 Greenbank Road, Wilmington, Delaware, to be State Election Commissioner for a term of four (4) years, to fill the expired term of Lewis Wrightson.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Lewis M. Purnell, R.D. 1, Box 317, Millsboro, Delaware, to be Chairman of the Wetlands Appeals Board at the pleasure of the Governor Pierre S. duPont, IV to succeed F. William Haas, Jr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Evelyn Greenwood, 547 Pennsylvania Avenue, Dover, Delaware, to be a member of the Environmental Appeals Board for a term of three (3) years, to fill the expired term of Patricia Derrickson.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 6, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Frederick N. VanSant, 308 Mimosa Avenue, Dover, Delaware, to be Personnel Director of the State of Delaware at the pleasure of the Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas J. Kealy, 23 N. Cliffe Drive, Wilmington, Delaware, to be Chairman of the Environmental Appeals Board at the pleasure of the Governor Pierre S. duPont, IV, to succeed Loren H. Frye, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas E. Hickman, R.D. 2, Frankford, Delaware, to be a member of the Industrial Accident Board for a term of six (6) years, to fill the expired term of Leon F. Trivits.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert J. Nolan, 3 Yeats Drive, New Castle, Delaware, to be a member of the Industrial Accident Board to fill the unexpired term of Robert A. McCullough, Sr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur W. Handley, Main Street, Bridgeville, Delaware, to be a member of the Wetlands Appeals Board for a term of three (3) years, to fill the expired term of Bradford Barnes.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Dr. William E. McDaniel, 404 Country Club Drive, Newark, Delaware, to be Secretary of the Department of Agriculture at the pleasure of the Governor Pierre S. duPont, IV.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 9, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State

of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thurman W. Adams, North Main Street, Bridgeville, Delaware, to be a member of the Board of Trustees of Delaware Technical and Community College for a term of three (3) years, to fill the expired term of Charles L. Simms.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

HCR 45 (Sponsored by Representative Clendaniel and Senator Adams) was introduced and considered for adoption on motion of Senator Adams:

HCR 45 - MARKING THE DEATH OF CHARLIE SHORT, OF GEORGETOWN, A MEMBER OF THE HOUSE OF REPRESENTATIVES IN THE 116TH GENERAL ASSEMBLY.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Arnold, Holloway, Hughes, Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 37 (Sponsored by Representative Boulden and all other Representatives; Senator Cordrey and all other Senators) was introduced and considered for adoption.

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 vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Holloway and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 595 (Sponsored by Representative George) was introduced:

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.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 595 and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 374 (Sponsored by Senators McCullough and Kearns; Representatives Matushefske and Boulden) was introduced:

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.

On motion of Senator McCullough, the necessary rules were suspended for consideration of SB 374.

SA 1 to the Bill was introduced by Senator Arnold.

The privilege of the floor was extended to Raymond Townsend of the De La Warr School District after which the Amendment was tabled on further motion of Senator Arnold.

The roll call vote on SB 374 was then taken on motion of Senator McCullough and announced:

YES: Senators Arnold, Berndt, Cicione, Cook, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Zimmerman - 15.

NO: Senators Adams, Cordrey and Hale - 3.

NOT VOTING: Senators Holloway and Sharp - 2.

ABSENT: Senator Weiss - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 593 (Sponsored by Representatives Sincok and Byrd) was introduced:

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.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 593. The roll call vote on the Bill was taken; however, before being announced it was laid on the table on motion of Senator Cordrey.

HB 597 (Sponsored by Representatives Jonkiert, Maxwell, Byrd and W. Brady) was introduced:

HB 597 - AN ACT TO AMEND VOLUME 61, CHAPTER 144, LAWS OF DELAWARE, BEING AN APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

On motion of Senator Holloway, the necessary rules were suspended for consideration of HB 597; however, before final action was taken on the Bill, it was laid on the table on further motion of the Senator.

Senator Holloway then withdrew his tabling motion and asked for a roll call vote on HB 597. The roll call vote was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

The following communication was read and is made part of this Journal at the request of Senator Adams:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 26, 1977

The Honorable Thurman Adams
Box 218
Bridgeville, Delaware
Dear Thurm:

While reviewing the several appointments which have been sent to the Senate and have not yet been acted upon, I have been informed that it is not required that the nominees for

appointment to the Council on Correction be confirmed. Upon review by Legal Counsel of 29 Delaware Code, Section 8905, I concur and, therefore, I respectfully request that the names of Joseph M. Dell'Olio and James F. Nestor, Ph.D, be returned to me.

As you are aware, the Senate has not yet acted upon the confirmation of Messrs: Ridgley, Balotti, Melson, James, Philipbar and Ryan. I would hope that action upon these nominations would be scheduled whenever the Senate returns, as some of these individuals have been before the Senate for several months.

If I can be of assistance in expediting these nominations, please let me know.

Best regards,
Pete
Governor

cc: The Honorable Richard R. Cordrey
The Honorable Andrew G. Knox.

* * * * *

At 7:26 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 12:19 a.m., August 10, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the roll call vote on HB 593 was lifted and announced:

YES: Senators Berndt, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, Schlor - 11.

NO: Senators Adams, Arnold, Cordrey, Littleton, McDowell, Murphy, Sharp, Spence, Zimmerman - 9.

ABSENT: Senator Weiss - 1.

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

The following legislation was introduced:

SB 373 - 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. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 375 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE WILMINGTON SCHOOL DISTRICT TO COVER THE COST OF TUITION RESULTING FROM THE VOLUNTARY TRANSFER PLAN. Sponsor: Senator Holloway. The Bill was laid on the table at the request of Senator Holloway.

SB 376 - 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. Sponsors: Senators Murphy and Zimmerman. The Bill was laid on the table at the request of Senator Murphy.

SB 377 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING

THE METHOD FOR REDUCING STATE SUPPORT TO DE LA WARR SCHOOL DISTRICT BECAUSE OF VOLUNTARY TRANSFERS. Sponsors: Senators McCullough and Kearns; Representatives Boulden and Matushefske. Assigned to Education Committee.

SB 378 - 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. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 1 to SB 372. Sponsored by Senator McCullough and placed with the Bill.

On motion of Senator McCullough, SB 372 was taken up for consideration:

SB 372 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING THE METHOD FOR REDUCING STATE SUPPORT TO SCHOOL DISTRICTS LOSING PUPILS BECAUSE OF VOLUNTARY TRANSFERS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed:

YES: Senators Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Zimmerman - 13.

NO: Senators Adams, Arnold, Hale, Knox, Littleton, Spence - 6.

ABSENT: Senators Sharp and Weiss - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator McCullough, the roll call vote on SB 372 w SA 1 was then taken; however, before being announced, the roll call was tabled on motion of Senator Cicione.

At 12:35 a.m. on motion of Senator Cordrey, the Senate recessed for a minute and reconvened at 12:36 a.m., Lt. Governor McGinnis presiding.

HB 596 w HA 1 (Sponsored by Representatives Powell and Byrd) was introduced:

HB 596 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 596 w HA 1. Senator Cordrey, then yielded the floor to Senator Sharp to floor-manage the Bill.

The privilege of the floor was extended to Donald P. Whiteley, Secretary of Labor, and Francis C. Vavala, Department of Labor, to speak on the Bill after which it was laid on the table on further motion of Senator Sharp.

SB 379 (Sponsored by Senator Holloway; Representatives Jonkiert and Matushefske) was introduced:

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 THERON AND PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE JAI-ALAI COMMISSION.

On motion of Senator Holloway, the necessary rules were suspended for consideration of SB 379.

SA 1 to the Bill was introduced by Senator Holloway.

During discussion of the Bill and the Amendment, the privilege of the floor was extended to George C. Hering, Warner Communications, Inc.; and P. Francis Biondi, Bridgeport Jai-Alai, Inc.

The roll call vote on SA 1 to SB 379 was taken on motion of Senator Holloway and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 15.

NO: Senators Cordrey and Littleton - 2.

NOT VOTING: Senators Hale and McCullough - 2.

ABSENT: Senators Cook and Weiss - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 379 w SA 1 was then taken on motion of Senator Holloway and announced:

YES: Senators Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Schlor, Sharp - 11.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Littleton, Murphy, Spence - 8.

ABSENT: Senators Weiss and Zimmerman - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 380 (Sponsored by Senators Zimmerman and Holloway; Representatives Minner and Riddagh) was introduced:

SB 380 - 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.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of SB 380 and the privilege of the floor was extended to John D. Riddle, Dover Downs, Inc. to speak on the Bill.

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

On motion of Senator Cordrey, the Senate recessed at 1:38 a.m. and reconvened at 1:49 a.m., August 10, 1977, Lt. Governor McGinnis presiding.

HB 596 w HA 1 was lifted from the table for consideration on motion of Senator Sharp:

HB 596 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

SA 1 to the Bill was introduced by Senator Sharp and the privilege of the floor extended to Francis Vavala of the Department of Labor.

The roll call vote on the Amendment was then taken and revealed 18 Senators voting YES and 3 (Hale, Holloway and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 596 w HA 1, SA 1 was then taken on motion of Senator Sharp and announced:

YES: Senators Arnold, Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Schlor, Sharp, Spence - 13.

NO: Senators Adams, Cook, Cordrey, Littleton, Murphy, Zimmerman - 6.

ABSENT: Senators Hale and Weiss - 2.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator Zimmerman, the roll call vote on SB 380 was lifted; however, before being announced it was again tabled on motion of Senator Holloway.

At 1:59 a.m., August 10, 1977, on motion of Senator Cordrey, the Senate recessed to the call of the President of the Senate.

EXTRAORDINARY SESSION
(October 13, 1977)

Pursuant to the following PROCLAMATION by the Governor, the Senate convened at 1:00 p.m., October 13, 1977, Lt. Governor McGinnis presiding:

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. duPONT, 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. duPont, Governor
ATTEST: Glen C. Kenton,
Secretary of State

* * * * *

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook,

Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Lewis M. Purnell.

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

YES: Senators Cordrey, Hughes, Knox, Weiss - 4.

NO: Senators Adams, Cicione, Cook, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp, Zimmerman - 11.

ABSENT: Senators Arnold, Berndt, Hale, Littleton, Schlör, Spence - 6.

Therefore, the appointment was declared to have failed for confirmation.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Evelyn Greenwood.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senator Holloway - 1.

ABSENT: Senators Arnold, Berndt, Hale, Littleton, Schlör - 5.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Thurman W. Adams.

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

YES: Senators Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NOT VOTING: Senator Adams - 1.

ABSENT: Senators Arnold, Berndt, Hale, Littleton, Schlör - 5.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Arthur W. Handley.

The roll call vote on the appointment was taken and revealed 16 Senators voting YES and 5 (Arnold, Berndt, Hale, Littleton and Schlör) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State
of Delaware, I hereby nominate and appoint for the consent and

confirmation of the Senate, the following: Dr. F. David Weber, 3002 Jefferson Street, Wilmington, Delaware, to be Chairman of the Commission on Massage Establishments and Adult Book Stores, to serve at the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Dr. F. David Weber.

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

YES: Senators Holloway, Knox, McDowell, Weiss - 4.

NO: Senators Adams, Cordrey, Sharp, Spence - 4.

NOT VOTING: Senators Cicione, Cook, Kearns, Martin, McCullough, Murphy, Zimmerman - 7.

ABSENT: Senators Arnold, Berndt, Hale, Hughes, Littleton, Schlor - 6.

Therefore, the appointment was declared defeated for confirmation.

The following communication from the Governor was read and assigned to Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry W. Heath, Jr., 2808 Kennedy Road, Wilmington, Delaware, to be a member of the Environmental Appeals Board for a term of 3 years, to fill the expired term of Ray Klair Woodward.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. James P. Muir, 50 North Bradford Street, Dover, Delaware, to be a member of the Commission on Massage Establishments and Adult Book Stores, for a term of two years.

Your consideration of the nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of James P. Muir.

The roll call vote on the appointment was taken and revealed 17 Senators voting YES and 4 (Arnold, Berndt, Hale, Schlor) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: James M. Tunnell, Jr., Esq. 1301 North Harrison Street, Wilmington, Delaware to be reappointed as a member of the Board of Trustees, University of Delaware, for a six-year year term to expire June 13, 1983.

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of James M. Tunnell, Jr.

The roll call vote on the appointment was taken and revealed 17 Senators voting YES and 4 (Arnold, Berndt, Hale, Schlor) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Preston C. Townsend, 15 Pennsylvania Avenue, Rehoboth Beach, Delaware to be reappointed as a member of the Board of Trustees of the University of Delaware for a term of 6 years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Preston C. Townsend.

The roll call vote on the appointment was taken and revealed 17 Senators voting YES and 4 (Arnold, Berndt, Hale, Schlor) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William H. McFadden, 39 South Bradford Street, Dover, Delaware to be reappointed as a member of the State Personnel Commission for a term of 3 years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of William H. McFadden.

The roll call vote on the appointment was taken and revealed:
YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway,
Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell,
Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Berndt and Hale - 2.

Therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Angelo Citro, 301 Taylor Road, Wilmington, Delaware to be a member of the Commission on Massage Establishments and Adult Book Stores, for a term of two years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Angelo Citro.

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

YES: Senators Arnold, Hughes, Knox, Littleton, Spence,
Weiss - 6.

NO: Senators Cordrey, McCullough, Zimmerman - 3.

NOT VOTING: Senators Adams, Cicione, Cook, Holloway, Kearns,
McDowell, Murphy, Schlor, Sharp - 9.

ABSENT: Senators Berndt, Hale and Martin - 3.

Therefore, the appointment was declared defeated for confirmation.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of

Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: G. Dean MacEwen, P.O. Box 269, Wilmington, Delaware to be reappointed as a member of the Delaware Institute of Medical Education and Research for a 3 year term.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of G. Dean MacEwen.

The roll call vote on the appointment was taken and revealed 18 Senators voting YES; 1 (Schlor) NOT VOTING; and 2 (Berndt and Hale) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mrs. Frances S.C. Quigley, 100 Third Avenue, New Castle, Delaware to be a member of the Commission on Massage Establishments and Adult Book Stores, for a term of three years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Frances S. C. Quigley.

The roll call vote on the appointment was taken and revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 20, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Philip Kaye, 20 Wilmington Avenue, Rehoboth Beach, Delaware to be a member of the Commission on Massage Establishments and Adult Book Stores, for a term of three years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Philip Kaye.

The roll call vote on the appointment was taken and revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry F. Camper, McKees Road, Dover, Delaware to be a member of the State Board of Education for a term of 6 years, to fill the expired term of Charles C. Brown, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Harry F. Camper.

The roll call vote on the appointment was taken and revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the appointment was declared confirmed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Austin P. Olney, R.D. #2, Box 134F, Hockessin, Delaware to be Secretary of the Department of Natural Resources and Environmental Control at the pleasure of the Governor, Pierre S. duPont, IV.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Austin P. Olney.

The roll call vote on the appointment was taken and revealed 19 Senators voting YES; 1 (Spence) NOT VOTING and 1 (Berndt) ABSENT; therefore, the appointment was declared confirmed.

The following communications from the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Joseph S. C. Mach, Cannon and Poplar Streets, Seaford, Delaware to be a member of the Delaware River and Bay Authority for a term of 5 years, to fill the expired term of Arthur Leo Donnelly.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Joshua Wesley Martin, III, 36 Coachlight Court, New Castle, Delaware to be a member of the Public Service Commission for a term of 5 years, to fill the expired term of Bertha Johnson.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Charles W. Cole, Box 103-A, Millville, Delaware to be a member of the State Coastal Zone Industrial Control Board for a term of 5 years, to fill the expired term of Irwin G. Burton.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
September 21, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Dee Mears, 1456 Joshua Clayton Road, Dover, Delaware to be a member of the Tax Appeals Board for a term of 3 years, to fill the expired term of Nettie C. Reilly.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SB 358 and SB 359 were stricken at the request of Senator Zimmerman.

At 2:07 p.m. on motion of Senator Cordrdy, the Senate recessed and reconvened at 5:12 p.m., Lt. Governor McGinnis presiding.

SCR 61 (Sponsored by Senator Sharp and Representative Darling) was introduced and laid on the table on motion of Senator Sharp:

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 62 (Sponsored by Senator Sharp and Representative Darling) was introduced and laid on the table on motion of Senator Sharp:

SCR 62 - URGING THE GOVERNOR TO SUBMIT DETAILED PROGRAMS FOR TREATMENT AND REHABILITATION OF DRUNK DRIVERS AND MARIJUANA USERS, AS AN ALTERNATIVE TO IMPRISONMENT.

SCR 60 (Sponsored by Senators McDowell and Cook; Representative Ferguson) was introduced and considered for adoption on motion of Senator McDowell:

SCR 60 - REQUESTING AN EXTENSION OF THE REPORTING DATE FOR THE COMMITTEE ON COMMITTEES.

The roll call vote on the Resolution was taken and revealed 18 voting YES and 3 (Adams, Arnold and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 458 w HA 1 was reported out of the Finance Committee - 4 Merits.

The following legislation was introduced:

SB 381 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING TO POWERS OF THE BUREAU OF CHILD SUPPORT ENFORCEMENT.

Sponsor: Senator Kearns. Assigned to Health and Social Services Committee.

SB 382 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES.

Sponsors: Senators Zimmerman and Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 383 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS. Sponsor: Senator Zimmerman.

Assigned to Banking, Insurance and Elections Committee.

SB 384 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS. Sponsor: Senator Zimmerman. As-

signed to Banking, Insurance and Elections Committee.

SB 385 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE UNIVERSITY OF DELAWARE, SUCH FUNDS TO BE UTILIZED ON OFFSETTING A PROPOSED TUITION INCREASE. Sponsors: Senator Cicione; Representatives Lynch, Maxwell and Bryd. Assigned to Finance Committee.

SB 386 - 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. Sponsors: Senators Hughes, Arnold, Holloway; Representatives T. Brady and Riddagh. The Bill was laid on the table on motion of Senator Hughes.

SB 387 - AN ACT TO AMEND §617, CHAPTER 6, TITLE 8 OF THE DELAWARE CODE RELATING TO THE NAMING OF PROFESSIONAL SERVICE CORPORATIONS. Sponsor: Senator Zimmerman. Assigned to Executive Committee.

SB 388 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL. Sponsor: Senator Murphy. Assigned to Executive Committee.

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. Sponsors: Senators Hughes, Arnold, Holloway; Representatives T. Brady and Riddagh. The Bill was laid on the table at the request of Senator Hughes.

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. Sponsors: Senators Hughes, Arnold, Holloway; Representatives T. Brady and Riddagh. The Bill was laid on the table at the request of Senator Hughes.

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. Sponsors: Senators Cicione and Kearns; Representative Jonkiert. The Bill was laid on the table at the request of Senator Cicione.

SB 392 - AN ACT TO AMEND CHAPTER 65, PART IV, SUBCHAPTER VI, TITLE 11 OF THE DELAWARE CODE RELATING TO CLASSIFICATION OF INMATES. Sponsors: Senator Sharp and Representative Darling. The Bill was laid on the table at the request of Senator Sharp.

SB 393 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT, BY REQUIRING THAT RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE SUBMITTED TO THE GENERAL ASSEMBLY. Sponsors: Senators Murphy and McDowell. Assigned to Executive Committee.

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. Sponsors: Senator Sharp and Representative Darling. The Bill was laid on the table at the request of Senator Sharp.

SA 1 to HB 458 was introduced by Senator Cicione and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 374; SB 389 w SA 1; SB 392 and adopted SCR 60; SCR 61 and SCR 64.

The following legislation was introduced:

HB 603 - AN ACT TO AMEND CHAPTER 5 OF TITLE 28, DELAWARE CODE, RELATING TO THE STATE TAX ON ADMISSIONS AND CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT HARNESS RACING TRACKS. Sponsors: Representatives Minner and Riddagh. The Bill was laid on the table on motion of Senator Holloway.

HB 529 - AN ACT MAKING AN APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE FOR A NUCLEAR MEDICINE PROGRAM. Sponsors: Representatives Ferguson and Gilligan. Assigned to Finance Committee.

HB 601 - AN ACT TO AMEND CHAPTER 116, LAWS OF DELAWARE, TO PERMIT LEASE PURCHASE AGREEMENTS FOR SCHOOL BUSES. Sponsors: Representative Maxwell; Senators Cicione and Kearns. Assigned to Education Committee.

HCN 44 - REQUESTING COMMISSIONER VAUGHN AND ASSISTANT BUREAU CHIEF MILTON HORTON TO PUBLICLY DISCLOSE TO THE GENERAL PUBLIC REVEALABLE INFORMATION CONCERNING AUBREY McKAY WHO WAS GRANTED A WEEK LONG FURLOUGH. Sponsor: Representative Plant. The Resolution was laid on the table on motion of Senator Holloway.

HJR 31 - ESTABLISHING THE OFFICIAL REVENUE ESTIMATE FOR FISCAL YEAR 1978. Sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

SR 72 - COMMENDING THE SENATE OF THE UNITED STATES FOR ADOPTING SENATE RESOLUTION NO. 238 CALLING FOR A WORLD ASSEMBLY ON AGING AND A WORLD YEAR ON AGING. Sponsors: Senators Holloway and Cicione.

The roll call vote on the Resolution was taken on motion of Senator Holloway and revealed 19 Senators voting YES; 1 (Arnold) NOT VOTING and 1 (Adams) ABSENT; therefore, the Resolution was declared adopted.

SR 73 - REQUESTING ATTORNEY GENERAL GRIFFIN B. BELL TO EXTEND THE PERIOD FOR RATIFICATION OF THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. Sponsor: Senator Holloway. The Resolution was laid on the table at the request of Senator Holloway.

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. Sponsors: Senator Sharp and Representative Darling. The Resolution was laid on the table at the request of Senator Sharp.

SB 395 - AN ACT TO SUSPEND THE PROVISIONS OF 29 DELAWARE CODE, CHAPTER 69 TO PERMIT THE PAYMENT OF FUNDS FOR STREET AND ROAD IMPROVEMENTS IN THE TOWN OF BETHEL. Sponsors: Senator Littleton and Representative Gordy. Assigned to Highways and Transportation Committee.

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. DUPONT PROVIDING FUNDS FOR ELDERLY PERSONS AS WELL AS THE CHILDREN WHO HAVE BENEFITED FROM TREATMENT AT THE ALFRED I. DUPONT INSTITUTE. Sponsors: Senators Holloway and Berndt. On motion of Senator Holloway, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2

(Adams and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to 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. Sponsors: Representatives Clendaniel, Gordy, Lynch, Temple; Senators Adams, Cordrey, Cook and Hughes.

On motion of Senator Cordrey, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Adams and Arnold) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

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. Sponsor: Representative Maxwell. Assigned to Banking, Insurance and Elections Committee.

SCR 61 was lifted for consideration on motion of Senator Sharp and the privilege of the floor extended to Harry Terry, Senate Attorney and James T. Vaughn, Commissioner of Correction, to speak on the Resolution after which the roll call vote was taken on motion of Senator Sharp. The roll call revealed:

YES: Senators Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence - 15.

NO: Senators Knox, McDowell and Weiss - 3.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Adams and Zimmerman - 2.

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

SB 389 was lifted from the table for consideration on motion of Senator Hughes:

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.

Before final action was taken on the Bill, it was again laid on the table on motion of Senator Hughes.

On motion of Senator Sharp, the necessary rules were suspended for lifting SB 392 from the table 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 vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting from the table SCR 63 for consideration. The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were sus-

pending for lifting SB 394 from the table for consideration.

A letter from the Governor to Senator Sharp in reference to this Bill was read but not made part of the record at the request of Senator Sharp and the privilege of the floor was extended to Commissioner Vaughn and Milton B. Horton to speak on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES; and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting SB 390 from the table 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.

SA 1 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES; 1 (Schlor) NOT VOTING; and 1 (Adams) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 390 w SA 1 was then taken on motion of Senator Sharp and revealed 18 Senators voting YES and 3 (Adams, Murphy and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting SCR 62 from the table for consideration. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Adams and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting SB 389 from the table 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.

SA 1 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Commissioner Vaughn to speak on the Bill. On motion of Senator Hughes, the roll call vote on SB 389 w SA 1 was then taken and revealed 19 Senators voting YES; 1 (Berndt) voting NO; and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 397 (Sponsored by Senator Cordrey) was introduced:

SB 397 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF ATTORNEY GENERAL.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Bill and the roll call vote taken which revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 396 (Sponsored by Senator Cordrey) was introduced:
SB 396 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1978.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Bill and the roll call vote taken which revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Holloway, the necessary rules were suspended for lifting HB 603 from the table for consideration:

HB 603 - 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.

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

YES: Senators Berndt, Cicione, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 12.

NO: Senators Cook, Cordrey, Hale, Knox, Littleton - 5.

NOT VOTING: Senators Arnold, Hughes, Schlor - 3.

ABSENT: Senator Adams - 1.

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

On motion of Senator Cicione, the necessary rules were suspended for lifting SB 391 from the table 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.

At the request of Senator Hale, the privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Berndt, Cicione, Holloway, Hughes, Kearns, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 11.

NO: Senators Cook, Cordrey, Hale, Knox, Littleton, Martin, Spence, Weiss - 8.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senator Adams - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Zimmerman, SB 358 and SB 359 which had been stricken from the Calendar were restored and reassigned to the Natural Resources and Environmental Control Committee.

On motion of Senator Cicione, the necessary rules were suspended for lifting HB 458 w HA 1 from the table for consideration.

HB 458 w HA 1 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES, FOR OPERATIONAL COSTS FOR FISCAL YEAR 1977.

SA 1 to the Bill which had been placed with the Bill, was taken up for consideration on motion of Senator Cicione and the

roll call vote taken which revealed 20 Senators voting YES; and 1 (Adams) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 458 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES; and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 9:00 p.m., President Pro Tempore Cordrey presiding.

On motion of Senator Kearns, the roll call vote on SB 291 was lifted and rescinded.

SA 1 to SB 291 was introduced by Senator Weiss and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Adams and Cicione - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 291 w SA 1 was then taken on motion of Senator Kearns and revealed:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 15.

NO: Senators Cook, Cordrey and Sharp - 3.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Adams and Cicione - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting SJR 27 from the table 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.

(Sponsors: Senators Arnold, Cicione, Spence, Hughes, McCullough, Sharp; Representatives Maxwell, Byrd, Worthen, Roy, Oberle, Ridings).

At 9:15 p.m., Lt. Governor McGinnis presiding.

Senator Sharp yielded the floor to Senator Arnold to floor-manage the Resolution. On motion of Senator Arnold, the roll call vote on the Resolution was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator Holloway - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Adams and McDowell - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for lifting SJR 28 from the table for consideration:

SJR 28 - AUTHORIZING THE GENERAL ASSEMBLY TO PETITION FOR LEAVE TO APPEAR AS AMICUS CURIAE IN THE CASE OF EVANS V. BUCHANAN.

(Sponsors: Senators Arnold, Spence, Hughes, McCullough, Sharp; Representatives Maxwell, Byrd, Worthen, Roy, Oberle, Ridings).

At the request of Senator Sharp, Senator Arnold floor-managed the Resolution and called for a vote. The roll call vote was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator Holloway - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Adams and McDowell - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for lifting from the table SJR 29 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. (Sponsors: Senators Arnold, Cicione, Spence, Hughes, McCullough, Sharp; Representatives Maxwell, Byrd, Worthen, Roy, Oberle, Ridings.)

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

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator Holloway - 1.

NOT VOTING: Senators McDowell and Schlor - 2.

ABSENT: Senator Adams - 1.

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

SB 381 was reported out of the Health and Social Services Committee: 4 Merits.

At 9:26 p.m. on motion of Senator Cordrey, the Senate recessed for two minutes and reconvened at 9:28 p.m., Lt. Governor McGinnis presiding.

At 9:29 p.m., October 13, 1977, the Senate recessed to the call of the Chair on motion of Senator Cordrey.

The Senate was called to order at 5:34 p.m., November, 14, 1977, by Lt. Governor McGinnis.

At 5:34 p.m. on motion of Senator Cordrey, the Extraordinary Session which was convened on October 13, 1977 was adjourned.

EXTRAORDINARY SESSION (November 14, 1977)

Pursuant to the PROCLAMATION recorded below, the Senate convened at 5:34 p.m., November 14, 1977, Lt. Governor McGinnis presiding:

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. duPONT, 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. duPont, IV, Governor
ATTEST: Glenn C. Kenton,
Secretary of State

* * * * *

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The following communications were read and made part of the record at the request of Senator Cordrey:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE

November 8, 1977

Honorable Pierre S. duPont
Governor, State of Delaware
Legislative Hall
Dover, Delaware, 19901

Dear Pete,

It has been brought to my attention that the Massage Parlors

and Adult Book Commission cannot organize until a full five (5) member board has been confirmed. As you know, two (2) of your recommendations were not acted upon by the Senate.

I feel it would be very wise on your part to have two (2) more names before us on November 14th. If this can be accomplished, please forward the names to Senator Adams and myself as soon as possible, so that we might have a public hearing on them the morning of the 14th.

Sincerely,
Senator Richard S. Cordrey,
President Pro Tempore

* * * * *
SENATE
STATE OF DELAWARE
DOVER, DELAWARE

November 14, 1977

Honorable Pierre S. duPont, IV
Governor, State of Delaware
Dover, Delaware

Dear Governor,

As you recall, I sent you a letter pertaining to the urgency of filling the position of the Adult Book Store and Massage Parlors. We feel very strongly that this commission needs to be working and that is why we feel we should work on them at this time.

Whereas, I did not receive the other nominations in the packet until midnight Friday and the members of my caucus did not know of them until today, we feel that we can not justify the reason for working on them at this time.

The members of my caucus are not familiar with the bulk of these nominations and they wish very strongly to have time to go back to their districts and discuss the qualifications of these new people.

When we reconvene in January, we will hold public hearings and give them the due consideration they deserve.

Sincerely,
Senator Richard S. Cordrey,
President Pro Tempore

* * * * *

SCR 65 was introduced:

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. Sponsors: Senators Holloway, Littleton, Adams, McDowell and all the Senators; Representatives Temple, Plant and Johnson.

A communication from Ken Williams concerning the Resolution was read into the tape recording of the Session at the request of Senator

Holloway and returned to him.

Senator Holloway moved for adoption of the Resolution and the privilege of the floor was extended to Lester P. Stagg, Jr., R. Wayne Carmean and Charles S. Laws after which Senator Holloway introduced Dr. Charles A. Prohasha and Kahsay Teferi to the Senate. The roll call vote on the Resolution was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following letters of nomination for appointment by the Governor were read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Oliver Cropper, Fenwick Island, Selbyville, Delaware to be Chairman of the Wetlands Appeals Board to serve at the pleasure of the Governor, Pierre S. duPont, to succeed Loren H. Frye, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The confirmation was assigned to the Executive Committee.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Susan E. Wheeler, 912 Janeka Lane, Dover, Delaware to be a member of the Commission on Massage Establishments and Adult Book Stores for a term of two (2) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was laid on the table on motion of Senator Adams.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joseph R. Petrilli, 21 Pinyon Pine Circle, Wilmington, Delaware to be Chairman of the Commission on Massage Establishments and Adult Book Stores to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.
Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was laid on the table on motion of Senator Adams.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Furio Casale, 1806 West 7th Street, Wilmington, Delaware to be a Court Commissioner for the Municipal Court of the City of Wilmington for a term of 4 years to succeed Thomas Murray, resigned.

Your consideration of this nomination will be appreciated.
Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was assigned to the Executive Committee.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Clifford H. Hubbard, Jr., 24 Bellrive Court, Dover, Delaware to be a member of the Environmental Appeals Board for a term of three (3) years, to fill the expired term of Robert L. Boyer.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was assigned to the Executive Committee.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Earp F. Jennings, Jr., 1401 Pennsylvania Avenue, Wilmington, Delaware to be reappointed as a member of the Delaware Solid Waste Authority for a term of 3 years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was assigned to the Executive Committee.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joseph S. Yucht, Esq., P.O. Box 2091, Wilmington, Delaware to be reappointed Chairman of the Tax Appeal Board for a term of three (3) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The nomination was assigned to the Executive Committee.

The Governor's nomination for appointment of Dr. William E. McDaniel was reported out of the Executive Committee: 1 Favorable, 3 Merits.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Dr. William E. McDaniel.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Schlor, Spence, Weiss - 16.

NO: Senator Zimmerman - 1.

NOT VOTING: Senators Murphy and Sharp - 2.

ABSENT: Senators Littleton and McCullough - 2.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Susan E. Wheeler was lifted for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph R. Petrilli was lifted for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following legislation was introduced:

SB 398 - AN ACT TO AMEND CHAPTER 9, TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE RATE. Sponsors: Senators Cicione and Sharp. Assigned to Labor Committee.

SB 399 - AN ACT TO AMEND CHAPTER 70, TITLE 29, DELAWARE CODE RELATING TO THE SALE OF STATE OWNED MATERIEL. Sponsors: Senators Kearns and Holloway. Assigned to Executive Committee.

SB 400 - AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE, RELATING TO ANNUAL REPORTS. Sponsor: Senator Hughes. Assigned to Executive Committee.

SB 401 - AN ACT TO AMEND CHAPTER 27, PART V, TITLE 5 OF THE DELAWARE CODE RELATING TO THE CASHING OF CHECKS, DRAFTS OR MONEY ORDERS; AND REMOVING CERTAIN CHECK CASHING SERVICES FROM THE JURISDICTION OF THE STATE BANK COMMISSIONER. Sponsors: Senators Cicione and Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 402 - 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. Sponsors: Senators Cicione, Holloway, Berndt; Representatives George, Jonkiert and Johnson. Assigned to Finance Committee.

SR 74 - NOTIFYING THE DE LA WARR SCHOOL DISTRICT THAT THE TAX REFUND AUTHORIZED BY SENATE BILL 374 WAS INTENDED TO BE AUTOMATIC. Sponsor: Senator McCullough.

On motion of Senator McCullough, the Resolution was considered for adoption and the roll call vote taken which revealed 20 Senators voting YES and 1 (Hale) voting NO; therefore, the Resolution was declared adopted.

SR 75 - EXPRESSING THE HOPE THAT S. LOWAN PITTS, DIRECTOR OF THE HUMAN RELATIONS COMMISSION, WILL MAKE A QUICK AND COMPLETE RECOVERY FROM HER SERIOUS ILLNESS. Sponsors: Senators Holloway and Zimmerman and all the Senators and the Lt. Governor.

On motion of Senator Holloway, the Resolution was considered for adoption and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 65.

HB 617 was introduced by the Chair:

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. Sponsors: Representatives Miller, T. Brady, W. Brady, Riddagh.

Senator Cordrey moved that the necessary rules be suspended for consideration of HB 617 and requested the privilege of the floor for David Swayze, Governor's attorney, to speak on the Bill.

Senator Schlor moved that the Bill be laid on the table.

The roll call vote on the tabling motion was taken; however, before the roll call was taken, the Senate recessed for dinner for an hour and a half on motion of Senator Martin. Time: 7:13 p.m.

The Senate reconvened at 9:43 p.m., Lt. Governor McGinnis presiding.

The roll call vote on tabling HB 617 was taken; however, it was laid on the table on motion of Senator Cordrey before being announced.

Therefore, the Bill was still before the Senate.

SA 1 to the Bill was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Kearns, Murphy, Schlor, Zimmerman - 4.

NO: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McDowell, Sharp, Spence - 14.

NOT VOTING: Senator Cook - 1.

ABSENT: Senators McCullough and Weiss - 2.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill was introduced by Senator Schlor who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Holloway, Kearns, Murphy, Schlor, Sharp, Spence, Zimmerman - 7.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McDowell - 12.

ABSENT: Senators McCullough and Weiss - 2.

Therefore, the Amendment was declared defeated.

The privilege of the floor was extended to Commissioner James T. Vaughn, Department of Correction, and David Swayze, Governor's attorney, to speak on the Bill after which the roll call vote on HB 617 was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McDowell, Murphy, Spence, Weiss - 16.

NO: Senators Kearns, Schlor, Sharp - 3.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Zimmerman - 1.

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

The Chair introduced HB 618 w HA 2:

HB 618 w HA 2 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION, BUREAU OF ADULT CORRECTION, FOR RENOVATING AND STAFFING A SHORT-TERM CORRECTIONAL FACILITY. Sponsors: Representatives Miller, T. Brady, W. Brady, Riddagh.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Bill and the privilege of the floor extended to Milton B. Horton, Department of Corrections, and David Swayze, Governor's Attorney, to speak on the Bill. The roll call vote on HB 618 w HA 2 was then taken and revealed 18 Senators voting YES and 3 (Kearns, McCullough and Schlor) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 619 was introduced by the Chair:

HB 619 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF CORRECTION FOR AN INMATE GRIEVANCE OFFICER. Sponsors: Representatives Miller, T. Brady, W. Brady, Riddagh.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Spence, Weiss, Zimmerman - 16.

NO: Senators Cook, McCullough, Schlor, Sharp - 4.

ABSENT: Senator Holloway - 1.

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

At the request of Senator Sharp, the privilege of the floor was extended to Milton B. Horton, Department of Corrections, to speak on the Bill after which the roll call vote on HB 619 was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McDowell, Spence, Weiss, Zimmerman - 14.

NO: Senators Adams, Cook, Kearns, McCullough, Murphy, Schlor, Sharp - 7.

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

The following communication was read and is made part of this Journal at the request of Senator Zimmerman:

DOVER DOWNS
EXECUTIVE OFFICES
DOVER

DOVER DOWNS TO CLOSE

Dover, Del. -- With deep regret we have concluded to close the present harness meet at Dover Downs after the close of business on November 27, 1977.

Our projections for 1977-78 indicate that continued operations would lead to yet another deficit.

On October 17, 1977, the Delaware General Assembly enacted House Bill 603, which would have provided some relief from the pari-mutuel tax paid to the State. With that we could have continued to operate throughout this meet and continually throughout the foreseeable future. On October 26, 1977, however, though he expressed some sympathy for our pattern of loss, Governor duPont vetoed the bill.

We had hoped that he would use the special session scheduled for this date to reconsider House Bill 603. According to the public agenda and tonight's record it has not been done.

We have therefore, decided there is no other sound choice, but to close the track.

* * * * *

Lt. Governor McGinnis introduced former Senator Margaret R. Manning to the Senate and she was granted the privilege of the floor.

At 11:31 p.m., November 14, 1977, on motion of Senator Cordrey, the Extraordinary Session was adjourned.

The Senate was called to order at 3:10 p.m., December 16, 1977, Lt. Governor McGinnis presiding.

At the request of Senator Cordrey, the following PROCLAMATION of the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. duPONT, 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 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. duPONT, 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. duPont, IV, Governor
ATTEST: Glenn C. Kenton,
Secretary of State

* * * * *

EXTRAORDINARY SESSION
(December 16, 1977)

Lt. Governor McGinnis declared the Senate to be in Extraordinary Session at 3:12 p.m. December 16, 1977, pursuant to the above Proclamation.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The following communication was read and made part of the record:

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C.
November 23, 1977

Mr. Stanley R. Habiger
Secretary of the Delaware Senate
Dover, Delaware 19901

Dear Mr. Habiger:

I want to report to you my decision regarding maintenance facilities for the Northeast Corridor. I appreciate the concern you have expressed on the proposal to establish a heavy repair facility for the Northeast Corridor. I personally conducted a most careful study of the need to establish now a new heavy repair facility to maintain high speed equipment on the Northeast Corridor.

I have concluded that this project, along with many other improvements, such as straightening curves, improving stations and separating freight traffic from the Corridor, is simply not a priority item within the amounts of money presently authorized for the Northeast Corridor Improvement Project.

I have been advised by the Chairman of Conrail and the President

of Amtrak that for the next five years they consider the existing facilities and the running repair facilities to be adequate for their maintenance needs. The final decision on the ultimate composition of the Amtrak high-speed passenger fleet has not been made, and we must await these decisions before building an expensive new facility.

The present work being done along the Corridor will continue. We do not intend at this time to undertake any new major heavy rail facility, but we will make the expenditures necessary to maintain the equipment being used on the Corridor.

I wanted you to understand the strong reasons I had for reaching the conclusion not to build a new heavy repair facility at this time.

Sincerely,
Brock Adams

* * * * *

SCR 67 (Sponsored by Senators Zimmerman, Holloway, Littleton, Kearns, Cook, Murphy, Adams; Representatives Bennett and Miller) was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 67 - SALUTING THE 1977 DIVISION I DELAWARE HIGH SCHOOL FOOTBALL CHAMPIONS, THE DOVER SENATORS.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 68 (Sponsored by Senator Cordrey and all the Senators; Representatives Clendaniel, Gordy, Lynch, Temple and Burris) was introduced and considered for adoption on motion of Senator Cordrey:

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.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following letters of nomination for appointment from the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of

Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Oliver Cropper, Fenwick Island, Selbyville, Dela., to be Chairman of the Wetlands Appeals Board to serve at the pleasure of the Governor, Pierre S. duPont, to succeed F. William Haas, Jr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
December 16, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

Under the authority vested in me by Article III, Section 9 of the Delaware Constitution which states in part:

"He shall have power to fill all vacancies that may happen during the recess of the Senate, in offices to which he may appoint, ...by granting the Commission which shall expire at the end of the next session of the Senate."

I wish to advise you that on December 13, 1977, I made the following interim appointments: Leonard Bardsley, member, Board of Pension Trustees; Ernst Dannemann, Chairman, Board of Pension Trustees.

Sincerely,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
December 16, 1977

To the Senate of the 129th General Assembly
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Leonard Bardsley, 2414 Manet Road, Wilmington, Delaware to be a member of the Board of Pension Trustees until 6/26/78 to fill the unexpired term of Ernst Dannemann.

Your consideration of this nomination will be appreciated.

Respectfully submitted,

Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
December 16, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Ernst Dannemann, 135 Lakeview Avenue, Dover, Delaware to be Chairman of the Board of Pension Trustees to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SCR 66 (Sponsored by Senator Sharp; Representatives Ferguson and Oberle) was introduced and laid on the table on motion of Senator Sharp:

SCR 66 - REQUESTING THE GOVERNOR AND THE ATTORNEY GENERAL TO RETAIN NEW COUNSEL FOR THE STATE BOARD OF EDUCATION IN THE DESEGREGATION LITIGATION.

SS 1 for SB 38 was introduced by Senator Schlör and placed with the Original on the Senator's motion:

SS 1 for SB 38 - AN ACT TO AMEND PART I, TITLE 14, OF THE DELAWARE CODE RELATING TO THE REORGANIZATION OF PRESENT SCHOOL DISTRICTS.

SA 1 to SB 393 was introduced by Senator Murphy and placed with the Bill.

The following legislation was introduced:

SB 403 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS. Sponsor: Senator Zimmerman. Assigned to Banking, Insurance and Elections Committee.

SB 404 - AN ACT TO AMEND CHAPTER 70, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STATE-OWNED PROPERTY. Sponsors: Senators Cicione, Sharp, Hughes and Arnold; Representatives Matushefske, Maxwell, Gilligan, Cain, Byrd, Roy, Oberle. Assigned to Education Committee.

SB 405 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE CITY OF NEW CASTLE. Sponsor: Senator McCullough. Assigned to Finance Committee.

At 3:33 p.m. on motion of Senator Martin, the Senate recessed for an hour and reconvened at 1:08 a.m. December 17, 1977, Lt. Governor McGinnis presiding.

At 1:10 a.m. December 17, 1977 on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. the same day.

The Senate reconvened at 8:18 p.m. December 17, 1977, President Pro Tempore Cordrey presiding.

SR 78 was introduced by Senator Cordrey and considered for adoption on his motion. Senators Weiss and Hughes were added as co-sponsors:

SR 78 - COMMENDING IRVING S. SHAPIRO, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OF THE DU PONT COMPANY, UPON HIS RECEIVING THE HUMAN RELATIONS AWARD OF THE AMERICAN JEWISH COMMITTEE.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES; 1 (McDowell) NOT VOTING and 5 (Holloway, Knox, Littleton, McCullough and Sharp) ABSENT; therefore, the Resolution was declared adopted.

SCR 69 was introduced by Senator Martin and considered for adoption on his motion:

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.

The roll call vote on the Resolution was taken and revealed 17 Senator voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 406 was introduced by Senator Cicione and assigned to Finance Committee:

SB 406 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR PAYMENT OF CLAIMS RELATING TO "VETERANS' MILITARY PAY" FOR CERTAIN PERSONS.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 67 and SCR 68.

HJR 42 (Sponsored by Representatives Plant, Johnson, Ambrosino, Connor, Worthen and Morris; Senators Holloway and Zimmerman) was introduced:

HJR 42 - LAMENTING THE DEATH OF S. LOWAN PITTS, DIRECTOR OF THE OFFICE OF HUMAN RELATIONS.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of HJR 42 and the roll call vote taken which revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SR 79 was introduced by Senator Hughes who moved for its adoption:

SR 79 - MOURNING THE DEATH OF MRS. ELLASON (MOLLY LAIRD) DOWNS, A MEMBER OF THE BOARD AND ORGANIZER OF THE VISITING NURSE ASSOCIATION.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted.

HCR 50 (Sponsored by Representatives Loughney and Hebner; Senator Hughes) was introduced and considered for adoption on motion of Senator Hughes:

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.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 52 (Sponsored by Representative George) was introduced and considered for adoption:

HCR 52 - IN PRAISE OF PAUL K. WEATHERLY, PRESIDENT OF THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE, AS HE PREPARES TO LEAVE THIS POST.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 53 (Sponsored by Representatives Roy, Powell, Gilligan, Worthen, Ferguson; Senators Arnold, Martin, Knox and Sharp) was introduced and considered for adoption:

HCR 53 - CONGRATULATING THE JOHN DICKINSON HIGH SCHOOL FIELD HOCKEY TEAM FOR WINNING THE STATE CHAMPIONSHIP.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 54 (Sponsored by Representative Gordy) was introduced and considered for adoption:

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.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Kearns, McCullough, McDowell, Murphy, Schlor, Weiss - 12.

NO: Senators Cicione and Martin - 2.

NOT VOTING: Senators Hughes, Spence and Zimmerman - 3.

ABSENT: Senators Holloway, Knox, Littleton and Sharp - 4.

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

HB 601 was reported out of the Education Committee: 1 Favorable, 4 Merits.

HB 614 (Sponsored by Representatives George, Jonkiert, Gordy, Bennett) was introduced:

HB 614 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF ATTORNEY GENERAL FOR THE FISCAL YEAR ENDING JUNE 30, 1978. Assigned to Finance Committee.

HJR 40 (Sponsored by Representative Darling) was introduced:

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.

On motion of Senator Cook, the necessary rules were suspended

for consideration of the Resolution and the roll call vote taken which revealed 17 Senators voting YES and 4 (Holloway, Knox, Littleton and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 41 (Sponsored by Representatives Riddagh and Bennett) was introduced and laid on the table:

HJR 41 - A TRIBUTE TO ISABEL H. JACKSON: IN MEMORIAM.

HB 643 (Sponsored by Representatives Bennett and Sincock) was introduced:

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.

On motion of Senator Martin, the necessary rules were suspended for consideration of the Bill and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Martin, McCullough, Murphy, Schlör, Spence, Weiss, Zimmerman - 15.

NOT VOTING: Senators Hughes and McDowell - 2.

ABSENT: Senators Holloway, Knox, Littleton and Sharp - 4.

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

HB 583 (Sponsored by Representative Billingsley) was introduced:

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.

On motion of Senator Martin, the necessary rules were suspended for consideration of the Bill and the privilege of the floor extended to John L. Sullivan, Department of Finance, to speak on the Bill.

The roll call vote on HB 583 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Martin, McCullough, Murphy, Schlör, Spence, Weiss, Zimmerman - 16.

NO: Senator McDowell - 1.

ABSENT: Senators Holloway, Knox, Littleton, Sharp - 4.

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

HB 622 (Sponsored by Representatives Cain and Sincock) was introduced:

HB 622 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXATION OF LUMP SUM DISTRIBUTIONS.

On motion of Senator Martin, the necessary rules were suspended for consideration of the Bill and the privilege of the floor extended to Weston E. Nellius, Secretary of Finance, to speak on the Bill.

On motion of Senator Kearns, final consideration of HB 622 was temporarily deferred.

SR 77 (Sponsored by Senators Holloway, Murphy, Cordrey, McDowell, Cicione, Cook, Schlör and Kearns) was introduced and

considered for adoption on motion of Senator Holloway:

SR 77 - WELCOMING SENATOR CALVIN R. MCCULLOUGH OF HOLLOWAY TERRACE BACK TO THE LAND OF THE LIVING.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES; 1 (McCullough) NOT VOTING and 5 (Hale, Knox, Littleton, Sharp, Spence) ABSENT; therefore, the Resolution was declared adopted.

SR 76 (Sponsored by Senator Holloway) was introduced and considered for adoption on his motion:

SR 76 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO ASSURE THAT DELAWARE GETS ITS FAIR SHARE OF FUNDS UNDER SPECIAL ALLOTMENTS FOR THE HEAD START PROGRAM.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Hale, Knox, Littleton, Sharp, Spence) ABSENT; therefore, the Resolution was declared adopted.

HJR 41 was lifted from the table for consideration on motion of Senator Zimmerman and the necessary rules suspended. The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Hale, Knox, Littleton, Sharp, Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 622, final consideration of which had been deferred, was again lifted for consideration on motion of Senator Martin and the roll call vote taken. On motion of Senator Cook, the roll call vote was tabled before being announced.

At 10:01 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 10:16 p.m.

On motion of Senator Martin, the roll call vote on HB 622 was lifted but was again tabled before being announced on further motion of the Senator.

On motion of Senator Zimmerman, the roll call vote on HB 622 was then lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Hale, Hughes, Littleton, Martin, McCullough, Murphy, Weiss, Zimmerman - 13.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Holloway, Kearns, McDowell, Schlor, Spence - 5.

ABSENT: Senators Knox and Sharp - 2.

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

At 10:23 p.m. December 17, 1977, on motion of Senator Martin, the Extraordinary Session was recessed to the call of the President Pro Tempore.

The Senate was called to order at 3:03 p.m. January 10, 1978, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey and without objection, the Extraordinary Session which had recessed on Dec. 17, 1977 and the Special Session which had recessed on August 10, 1977 were immediately adjourned.

* * * * *

129TH GENERAL ASSEMBLY
SECOND SESSION
1ST LEGISLATIVE DAY
January 10, 1978

The Senate met pursuant to adjournment at 3:04 p.m. on Tuesday January 10, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicone, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 20.

ABSENT: Senator Spence - 1.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 59 and SCR 53.

The following Memorandum from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 4, 1978

MEMORANDUM TO: ALL SENATORS
FROM: BARBARA FIDLER
SPECIAL ASSISTANT
RE: NOMINATION OF MR. HUBBARD

On November 14, 1977, Mr. Hubbard was nominated to serve as a member of the Environmental Appeals Board. We incorrectly listed Mr. Hubbard's first name as Clifford. Please substitute the enclosed sheet for the original sheet that was distributed. This will correct the error and show his name correctly as Mr. Clifton H. Hubbard, Jr.

Enclosure to above Memorandum:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

November 14, 1977

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Clifton H. Hubbard, Jr., 24 Bellrive Court, Dover, Delaware, to be a member of the Environmental Appeals Board for a term of three (3) years, to fill the expired term of Robert L. Boyer.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

The following letter from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 3, 1978

To the Senate of the 129th General Assembly
of the State of Delaware

Under the authority vested in me by Article III, Section 9
of the Delaware Constitution which states in part:

"He shall have power to fill all vacancies that may happen
during the recess of the Senate, in offices to which he may
appoint,... by granting Commissions which shall expire at the
end of the next session of the Senate."

I wish to advise you that on January 3, 1978, I made the
following interim appointment: R. Franklin Balotti, Esq., Chair-
man, Delaware Alcoholic Beverage Control Commission.

Sincerely,

Pierre S. duPont, Governor

* * * * *

SB 327 was reported out of the Judiciary Committee: 1 Favorable,
4 Merits.

The following House legislation was introduced:

HCR 47 - RELATING TO UNITED STATES SOVEREIGNTY OVER THE PANAMA
CANAL LOCATED ON THE ISTHMUS OF PANAMA. Sponsor: Representative
Anderson. Assigned to Executive Committee.

HCR 48 - REQUESTING PRESIDENT JIMMY CARTER TO REMOVE UNITED
STATES DISTRICT COURT JUDGE MURRAY M. SCHWARTZ. Sponsor:
Representative Clendaniel. Assigned to Executive Committee.

HCR 49 - REQUESTING THE GOVERNOR OF THE STATE OF DELAWARE TO
FURNISH STATISTICAL INMATE POPULATION PROJECTIONS TO THE DELAWARE
GENERAL ASSEMBLY. Sponsor: Representative Cain. Assigned to
Corrections Committee.

HCR 55 - RECOGNIZING THE IMPORTANCE OF GOOD PERSONAL HEALTH
AND COMMENDING ALL PARTICIPATING AGENCIES FOR THEIR PARTICIPATION
DURING GOVERNOR'S HEALTH WEEK. Sponsors: Representative Worthen
and Senator Weiss.

On motion of Senator Weiss, the Resolution was considered
for adoption and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale,
Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell,
Murphy, Schlor, Sharp, Weiss - 17.

NOT VOTING: Senators McCullough and Zimmerman - 2.

ABSENT: Senators Cicione and Spence - 2.

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

SB 296 was reported out of the Executive Committee: 4
Favorable, 1 Merits.

The following legislation was introduced:

SB 408 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, RELATING TO PLACES FOR KEEPING SPIRITS, WINE OR BEER. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 409 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PUBLIC UTILITIES; AND PROVIDING RESTITUTION TO OWNERS, PUBLIC OR PRIVATE, OR PROPERTY DAMAGED OR DESTROYED BY A PUBLIC UTILITY. Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 410 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE XV, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE DIMINUTION OF SALARY OR EMOLUMENTS OF PUBLIC OFFICERS. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 411 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" AS AMENDED, BY INCREASING THE AMOUNT WHICH THE TOWN OF BETHANY BEACH MAY RAISE BY TAXATION OF ASSESSABLE REAL ESTATE. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 412 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", AS AMENDED, TO GIVE THE COMMISSIONERS OF THE TOWN OF BETHANY BEACH THE POWER TO BORROW UP TO \$200,000. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SR 80 (Sponsored by Senators Zimmerman and Cook) was introduced and considered for adoption on motion of Senator Zimmerman:

SR 80 - LAMENTING THE DEATH OF MARY W. RODWAY, A RETIRED PRINCIPAL OF THE KENTON ELEMENTARY SCHOOL WHO BEGAN HER TEACHING CAREER IN ONE OF THE FIRST FREE PUBLIC SCHOOL SYSTEMS IN KENT COUNTY, NAMELY THE OLD OCTAGONAL SCHOOLHOUSE IN LITTLE CREEK, DELAWARE.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cicione, McDowell and Spence) ABSENT; therefore, the Resolution was declared adopted.

SR 81 was introduced by Senator Zimmerman and considered for adoption on his motion:

SR 81 - LAMENTING THE DEATH OF MRS. ESTHER W. KEITH, WIFE OF FORMER STATE SENATOR AND KENT AND SUSSEX COMMON PLEAS COURT JUDGE, ERNEST V. KEITH.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cicione, McDowell and Spence) ABSENT; therefore, the Resolution was declared adopted.

SR 82 (Sponsored by Senators Cordrey and Martin) was introduced and considered for adoption on motion of Senator Cordrey:

SR 82 - AUTHORIZING THE LEGISLATIVE COUNCIL TO FURNISH POSTAGE FOR THE SECOND SESSION OF THE 129TH GENERAL ASSEMBLY.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cicione, McDowell and Spence) ABSENT; therefore, the Resolution was declared adopted.

The following communication was read and is made part of this record at the request of Senator Holloway:

MYRA JANE POOLE
522 RUXTON DRIVE
WILMINGTON, DELAWARE

Senator Herman H. Holloway, Jr.
2008 Washington Street
Wilmington, Delaware

Dear Sir:

Because of your position as Chairman of the Health and Social Services Committee in the Senate, I am writing to ask your support for the Southern New Castle Community Mental Health Center In-Patient Unit. You are aware, I am sure that it has been announced that the facility would be closed in May. The newest approach to the treatment of patients with emotional or behavioral problems is to keep them in the Community and out of large institutions; I therefore feel this is a step backward for Delaware in the area of mental hygiene.

The Community Mental Health Unit tries to maintain a home-like atmosphere, as many of our patients need the experience of relating to others in such an atmosphere. Contrary to the statements in the paper, we do accept patients from all parts of Delaware, and have accepted many during the hours after 4:30 p.m. and on weekends. There was an agreement by Delaware State Hospital when the Unit opened that their Physician on duty would evaluate patients seeking admission when our own Psychiatrist was off duty, but this agreement was not kept.

The reason given for closure is budgetary. The Unit has had a \$300,000/yr. budget. Since the patients will be transferred to Delaware State Hospital and the staff has been promised employment - there will be a minimal savings.

We would really appreciate your taking the time to come and tour the facility and let us show you why we are proud of our work and hope it can continue.

Sincerely,
Jane Poole, R.N.

* * * * *

SCR 70 was introduced by Senator Zimmerman and the Lt. Governor and all the Senators were added as co-sponsors:

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.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Cicione and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SJR 30, sponsored by Senator Cordrey, was introduced and assigned to Administrative Services Committee:

SJR 30 - 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.

The following letters of nomination for appointment by the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 19, 1978

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Leonard Bardsley, 2412 Manet Road, Wilmington, Delaware, to be a member of the Board of Pension Trustees until June 26, 1978 to fill the unexpired term of Ernst Dannemann.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 10, 1978

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ernst Dannemann, 135 Lakeview Avenue, Dover, Delaware, to be Chairman of the Board of Pension Trustees to serve during the pleasure of the Governor, to succeed W. Spencer Thompson, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 10, 1978

To the Senate of the 129th General
Assembly of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: J. Frank Gordy, Sr., 711 E. Market Street, Georgetown, Delaware, to be reappointed as a member of the Board of Parole to serve a four (4) year term.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

At 3:38 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:23 p.m., President Pro Tempore Cordrey, presiding.

SB 407 (Sponsored by Senators Cicione and Murphy) was introduced and assigned to Administrative Services Committee:

SB 407 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING PERMISSION FOR THE DISPOSAL OF CERTAIN ABANDONED OR UNWANTED BUILDINGS.

SB 413 (Sponsored by Senator Kearns and Representative Matushefske) was introduced and assigned to Judiciary Committee.

SB 413 - AN ACT TO AMEND CHAPTER 66, TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

SJR 31 was introduced by Senator Martin:

SJR 31 - DIRECTING THE SECRETARY OF HIGHWAYS AND TRANSPORTATION TO CONDUCT AN INQUIRY TO DETERMINE THE CAUSE OF THE DECEMBER 15 FREIGHT DERAILMENT NEAR OLD MANOR ROAD.

On motion of Senator Martin, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 16 Senators voting YES and 5 (Hale, McCullough, McDowell, Spence and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 71 (Sponsored by Senator Sharp and Representative Darling) was introduced and considered for adoption on motion of Senator Sharp:

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 vote on the Resolution was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss, Zimmerman - 17.

NOT VOTING: Senators Berndt and Knox - 2.

ABSENT: Senators Hale and Spence - 2.

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

HB 45, sponsored by Representative Rispoli, was introduced and assigned to Finance Committee:

HB 45 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ACCEPT THE APPLICATION FOR A SURVIVOR'S PENSION FROM MRS. EVELYN WIDZGOWSKI, WIDOW OF THE LATE JOSEPH WIDZGOWSKI, A FORMER EMPLOYEE OF THE STATE BOARD OF EDUCATION; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

HCR 56 (Sponsored by Representative Gordy) was introduced and considered for adoption on motion of Senator Murphy:

HCR 56 - COMMENDING FREDERIC G. KRAPP, JR. FOR HIS OUTSTANDING SERVICE TO DELAWARE DURING HIS CHAIRMANSHIP OF THE FARMERS BANK COMMISSION.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hale and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 57 (Sponsored by Representative Bennett) was introduced:

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.

Senators Zimmerman, Adams, Cicione, Martin, Hughes and Sharp were added as co-sponsors of HCR 57 and the roll call vote for its adoption taken on motion of Senator Zimmerman. The roll call vote revealed 18 Senators voting YES and 3 (Hale, McDowell and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Administrative Services Committee: SJR 30 - 5 Merits.

From the Banking, Insurance and Elections Committee: SB 384 - 4 Merits; SB 403 - 4 Merits; SB 382 - 4 Merits.

At 6:10 p.m. on motion of Senator Martin, the Senate recessed until January 11 at 1:30 p.m.

The Senate reconvened at 1:45 p.m. January 11, 1978, President Pro Tempore Cordrey presiding.

On motion of Senator Martin, the Senate adjourned to immediately convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY

The Senate convened at 1:46 p.m. January 11, 1978, President Pro Tempore Cordrey presiding.

A Prayer was offered by Senator Berndt.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 1st Day was approved as read.

At 1:48 p.m. on motion of Senator Martin, the Senate recessed for a short period.

The Senate reconvened at 3:12 p.m., President Pro Tempore Cordrey presiding.

SB 307 was taken up for consideration on motion of Senator Kearns:

SB 307 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Cicione, McCullough, Murphy and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 486 was taken up for consideration on motion of Senator Kearns:

HB 486 - AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE CODE, RELATING TO TEMPORARY ALIMONY IN DIVORCE AND ANNULMENT ACTIONS.

The privilege of the floor was extended to Representative Miller to speak on the Bill.

SA 1 and SA 1 to SA 1 to the Bill which had been placed with the Bill were stricken at the request of Senator Holloway.

The roll call vote on HB 486 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Spence, Weiss, Zimmerman - 18.

NO: Senator McCullough - 1.

NOT VOTING: Senators Schlor and Sharp - 2.

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

On motion of Senator Murphy, the necessary rules were suspended for lifting SB 376 from the table for consideration:

SB 376 - 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 vote on the Bill was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 17.

NO: Senators Arnold and Spence - 2.

NOT VOTING: Senator Knox - 1.

ABSENT: Senator Hughes - 1.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Murphy, HB 426 was lifted 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 vote on the Bill was taken; however, before it was announced the roll call was tabled on motion of Senator Murphy.

Consideration of SB 142 which was next on the Agenda for the day was deferred at the request of Senator Murphy.

At 4:12 p.m. Senator Zimmerman presiding.

SJR 30 was taken up for consideration on motion of Senator Cordrey:

SJR 30 - 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.

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 4:17 p.m. President Pro Tempore Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 402 - 6 Merits; HB 529 - 6 Merits.

From the Banking, Insurance and Elections Committee: SB 309 - 4 Merits.

SB 414 (Sponsored by Senator Cicione and Representative George) was introduced and assigned to Finance Committee:

SB 414 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR THE PURCHASE OF MOTOR VEHICLES, AND FOR THE MAINTENANCE OF MOTOR VEHICLES WITHIN ITS CUSTODY.

SR 83 (Sponsored by Senators Adams and Cordrey) was introduced and considered for adoption:

SR 83 - EXTENDING CONGRATULATIONS AND BEST WISHES TO MR. AND MRS. JOSEPH M. DOWNS OF REHOBOTH BEACH, DELAWARE ON THEIR 72ND WEDDING ANNIVERSARY.

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

HCR 58 (Sponsored by Representative Plant) was introduced and considered for adoption on motion of Senator Holloway:

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 vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Hughes) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 4:25 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. January 12, 1978.

The Senate reconvened at 2:08 p.m. January 12, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 70 and SCR 71.

SCR 72 (Sponsored by Senator Adams and Representative Clendaniel) was introduced and considered for adoption on motion of Senator Adams:

SCR 72 - RELATING TO SUPPORT OF THE AMERICAN AGRICULTURE MOVEMENT.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Cicione and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Three farmers (Dale Wheatley, Wayne Eakin and William Parker) representing the American Agriculture Movement were introduced to the Senate by Senator Adams.

The following Bills were reported out of the Banking, Insurance and Elections Committee: HB 461 - 1 Favorable, 4 Merits; SB 138 - 1 Favorable, 4 Merits.

The following legislation was introduced:

SB 415 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE. Sponsors: Senators Zimmerman and Murphy. Assigned to Administrative Services Committee.

SA 1 to SB 138 sponsored by Senator Weiss. Placed with the Bill.

SA 1 to SB 296 sponsored by Senator Cordrey. Placed with the Bill.

SA 1 to SB 384 sponsored by Senator Zimmerman. Placed with the Bill.

SA 1 to SB 403 sponsored by Senator Zimmerman. Placed with the Bill.

HB 327 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE RELATING TO THE EMPLOYMENT OF 16-YEAR OLDS. Sponsor: Representative Matushefske. Assigned to Administrative Services Committee.

HB 424 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO ESTABLISHING A LATE FEE FOR DRIVER LICENSE RENEWALS. Sponsors: Representatives Minner and Oberle. Assigned to Public Safety Committee.

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. Sponsors: Representatives George and Sincok. Assigned to Finance Committee.

HC 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. Sponsors: Representatives Gordy and Clendaniel.

On motion of Senator Cordrey, the Resolution was considered for adoption and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HC 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. Sponsor: Representative Matushefske.

On motion of Senator Martin, the Resolution was considered for adoption and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Judiciary Committee: SB 413 - 5 Merits.

From the Education Committee: HB 22 w HA 1 - 1 Favorable, 4 Merits.

SR 84 was introduced by Senator Holloway and considered for adoption on his motion:

SR 84 - REQUESTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO DIRECT THE DIVISION OF FACILITIES MANAGEMENT TO IMPROVE THE VENTILATION AT THE DELAWARE HOME AND HOSPITAL AT SMYRNA.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Cicione and Martin) ABSENT; therefore, the Resolution was declared adopted.

At 2:28 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes for Party Caucus.

The Senate reconvened at 4:07 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 71.

The following House legislation was introduced:

HB 664 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 1, TITLE 20, OF THE DELAWARE CODE RELATING TO THE WILMINGTON ARMORY.

Sponsor: Representative Rispoli. Assigned to Executive Committee.

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. Sponsors: Representatives Rispoli, George, Jonkiert, Gilligan, T. Brady, Worthen, Kelly, Plant, Johnson, Ambrosino, Ferguson, Boulden, Loughney, Matushufske, Connor, Maxwell, Miller, Anderson, Billingsley, Hebner, McKay, Sincok, Byrd, Smith, Oberle, Cain, Ridings, W. Brady, Roy, Powell, Darling; Senators McDowell, Cicione, Schlor, Holloway, Arnold, Hughes, Kearns, Knox, Martin, Sharp, Berndt, McCullough, Spence, Weiss. Assigned to Executive Committee.

The following Bills were reported out of the Community Affairs Committee: SB 411 - 4 Merits; SB 412 - 4 Merits.

SA 1 to SB 327 was introduced by Senator McDowell and placed with the Bill.

SA 2 to SB 384 was introduced by Senator Zimmerman and placed with the Bill.

SCR 73 was introduced by Senator Sharp and considered for adoption on his motion:

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 vote on the Resolution was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senator Holloway - 1.

NOT VOTING: Senators McDowell and Schlor - 2.

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

Senator Zimmerman congratulated the Lt. Governor on his 46th Birthday and all the Senators present concurred.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Leonard Bardsley - 4 Merits, 1 Favorable; Furio Casale - 4 Merits, 2 Favorable; Joseph S. Yucht, Esq. - 4 Merits, 2 Favorable; J. Frank Gordy, Sr. - 6 Favorable; Ernst Dannemann - 4 Merits, 2 Favorable; Clifton H. Hubbard, Jr. - 4 Merits, 2 Favorable; R. Franklin Balotti - 4 Unfavorable, 2 Favorable.

SB 305 was reported out of the Judiciary Committee - 5 Merits.

SB 416 (Sponsored by Senator Kearns and Representative Matushefski) was introduced and assigned to Judiciary Committee.

SB 416 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE PROVIDING FOR THE ATTORNEY GENERAL TO CONFER LIMITED POLICE POWERS ON THE ENFORCEMENT OFFICERS OF THE BUREAU OF CHILD SUPPORT ENFORCEMENT.

SCR 74 (Sponsored by Senators Holloway and Zimmerman) was introduced and considered for adoption on motion of Senator Holloway:

SCR 74 - REQUESTING PRESIDENT JIMMY CARTER TO REVIVE THE CIVILIAN CONSERVATION CORPS TO PROVIDE USEFUL TRAINING AND JOBS FOR THE YOUTHFUL UNEMPLOYED.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 395 was reported out of the Highways and Transportation Committee: 3 Merits, 1 Unfavorable.

At 4:25 p.m. on motion of Senator Martin, the 2nd Legislative Day was adjourned to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY

The Senate convened at 4:25 p.m., January 12, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 2nd Legislative Day was approved as read.

On motion of Senator Adams, the Governor's nomination for appointment of J. Frank Gordy, Sr. was considered for confirmation and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Furio Casale was considered for confirmation and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Leonard Bardsley was considered for confirmation and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of R. Franklin Balotti was taken up for consideration. The roll call vote on the appointment was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp - 11.

NOT VOTING: Senators Holloway and Zimmerman - 2.

Therefore, the appointment was declared lost for confirmation.

On motion of Senator Adams, the Governor's nomination for appointment of Ernst Danneman was considered for confirmation and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Clifton H. Hubbard, Jr. was considered for confirmation and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cook) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph S. Yucht, Esq., was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SR 85 (Sponsored by Senators Cordrey and Adams) was introduced and considered for adoption on motion of Senator Adams:

SR 85 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Resolution was declared adopted.

SB 417 (Sponsored by Senator Cordrey) was introduced and assigned to Community Affairs Committee:

SB 417 - AN ACT TO PREVENT CERTAIN LANDS AND INTERESTS BELONGING TO THE TOWN OF BETHANY BEACH FROM REVERTING TO THE STATE OF DELAWARE.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 73.

The following Committee reports were reported out of the Labor Committee: SB 398 - 3 Favorable, 1 Merits; SB 304 - 1 Favorable, 3 Merits.

SA 1 to HB 683 was introduced by Senator Hughes and placed with the Bill.

HJR 46 (Sponsored by Representatives Plant, Johnson; Senator Holloway) was introduced:

HJR 46 - IN REMEMBRANCE OF THE BIRTHDATE OF THE LATE DR. MARTIN LUTHER KING, JR.

On motion of Senator Holloway, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cicione,

Sharp and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 327 was taken up for consideration on motion of Senator McDowell:

SB 327 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO THE THEFT OF SERVICES FROM A PUBLIC UTILITY.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and Spence) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 327 w SA 1 was then taken on motion of Senator McDowell and revealed 18 Senators voting YES and 3 (Cicione, McCullough and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 74 was reported out of the Labor Committee - 4 Merits.

At 5:31 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. January 17, 1978.

The Senate reconvened at 2:23 p.m. January 17, 1978, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 418 - AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE RELATING TO THE FINANCING OF THE SALE OF MOTOR VEHICLES.

Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

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. Sponsor: Representative Kelly. Assigned to Executive Committee.

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. Sponsors: Representatives Minner and Morris; Senator Zimmerman. Assigned to Administrative Services Committee.

HJR 10 - RELATING TO THE USE OF THE STATE DREDGE. Sponsor: Representative Vernon.

The Resolution was laid on the table on motion of Senator Cordrey.

At 2:26 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY

The Senate convened at 2:26 p.m., January 17, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 18.

ABSENT: Senators Hale, Schlör and Weiss - 3.

The Journal of the 3rd Legislative Day was approved as read.

SJR 32 (Sponsored by Senators Hughes, Arnold, Holloway, Littleton, Knox, Kearns and Cook) was introduced and laid on the table at the request of 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.

HCR 61 (Sponsored by Representatives Plant, Johnson, Matushefske, Boulden, Jonkiert and Gordy; Senators Holloway, Cordrey, Martin, Cook and all the Senators) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 61 - IN REMEMBRANCE OF HUBERT H. HUMPREY, THE HAPPY WARRIOR WHO SERVED HIS COUNTRY UNDAUNTEDLY AND WITH BOUNDLESS ENERGY.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Hale, Schlör, Weiss and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 196 was reported out of the Banking, Insurance and Elections Committee: 5 Merits.

On motion of Senator Hughes, the necessary rules were suspended for lifting SJR 32 from the table for consideration. The names of the following Senators were added as co-sponsors: Holloway, Knox, Littleton, Kearns and Cook.

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 THE SUPER BOWL XII.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Hale, Schlör, Weiss and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HJR 10 which had been laid on the table was assigned to the Executive Committee at the request of Senator Cordrey.

The following legislation was reported out of the Finance Committee: HB 642 - 5 Merits; SB 385 - 1 Favorable, 4 Merits; SB 414 - 1 Favorable, 4 Merits; SB 370 - 5 Merits.

On motion of Senator Kearns, SB 161 w SA 3 which had previously passed the Senate was lifted from the table and taken up for reconsideration as now further amended by HA 1.

The privilege of the floor was granted to Harry Terry, Senate Attorney, to speak on the Bill as thus amended and the roll call vote on SB 161 w SA 3, HA 1 was then taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, McDowell, Murphy, Sharp, Spence - 15.

NO: Senators Holloway and Zimmerman - 2.

ABSENT: Senators Hale, McCullough, Schlör, Weiss - 4.
Therefore, the Bill (as so amended) was declared passed.
SB 296 was taken up for consideration on motion of Senator

Cordrey:

SB 296 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8, SECTION 6, OF THE CONSTITUTION OF THE STATE OF DELAWARE BY LIMITING APPROPRIATION TO 98 PERCENT OF THE STATE REVENUE.'

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the privilege of the floor extended to Tom Sandbach to speak on the Bill and the Amendment.

On further motion of Senator Cordrey, the Bill and the Amendment were then laid on the table.

SB 403 was taken up for consideration on motion of Senator Zimmerman:

SB 403 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman; however, before final action was taken, the Bill and the Amendment were laid on the table on further motion of Senator Zimmerman.

At 4:28 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. January 18, 1978.

The Senate reconvened at 2:32 p.m. January 18, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 157 w SA 1 and SB 159 w SA 1, 3.

The following Bills were reported out of the Banking, Insurance and Elections Committee: SB 262 - 1 Favorable, 3 Merits; SB 263 - 1 Favorable, 3 Merits; SB 268 - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 419 - 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", ALSO KNOWN AS HOUSE BILL NO. 300, AS AMENDED, RELATING TO THE SALARY OF THE STATE LIBRARIAN. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 420 - AN ACT TO AMEND CHAPTER 25, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A FORMULA FOR COMPUTING THE ATTORNEY GENERAL'S SALARY. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Executive Committee.

SB 421 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE STATE BOARD OF POLYGRAPH EXAMINERS. Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 422 - AN ACT TO AMEND CHAPTER 43, PART 11, TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING, PROBATION, PAROLE AND

PARDONS; AND PROVIDING FOR A DIVERSION PROGRAM ACT. Sponsors: Senators Kearns and Holloway; Representative Matushefske. The Bill was laid on the table at the request of Senator Kearns.

SB 423 - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" BY INCREASING THE POWER TO RAISE REVENUE. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Community Affairs Committee.

SB 424 - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" BY PROVIDING FOR THE REGISTRATION OF VOTERS. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Community Affairs Committee.

SA 3 to HB 22 sponsored by Senator Holloway. Placed with the Bill.

SB 415 was reported out of the Administrative Services Committee: 4 Merits.

HB 395 w HA 2 - 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. Sponsors: Representatives Ambrosino and Ferguson. Assigned to Public Safety Committee.

At 2:40 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY

The Senate convened at 2:40 p.m. January 18, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 4th Day was approved as read.

At 2:44 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:33 p.m., President Pro Tempore Cordrey presiding.

SJR 33 (Sponsored by Senators Hughes and Weiss; Representatives Hebrer, Ambrosino and Loughney) was introduced and assigned to Executive Committee:

SJR 33 - IN RECOGNITION OF THE FIFTIETH ANNIVERSARY OF THE CLAYMONT VOLUNTEER FIRE CO. NO 1 AND THE LADIES AUXILIARY AND EXTENDING CONGRATULATIONS AND BEST WISHES TO THE MANY CITIZENS OF THE TOWN OF CLAYMONT WHO HAVE HELPED TO MAKE THE FIFTY YEAR HISTORY OF THE CLAYMONT VOLUNTEER FIRE CO. NO 1 AND THE LADIES AUXILIARY A TYPICAL SUCCESS STORY.

Consideration of SB 382 and SB 384 was deferred on motion of Senator Zimmerman.

SB 402 was taken up for consideration on motion of Senator Cicione:

SB 402 - 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.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hale and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 265 w SA 1 which had been lost for passage in the Senate on June 27, 1977 and restored to the Calendar was taken up for reconsideration on motion of Senator Martin.

SA 2 which had been placed with the Bill was taken up for consideration on motion of Senator Berndt and the privilege of the floor extended to Leon deValinger, Delaware League of Local Governments, to speak on the Bill and the Amendment.

The roll call vote on SA 2 to SB 265 w SA 1 was then taken on motion of Senator Berndt and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 18.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Hale and Weiss - 2.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Bill after which the roll call vote on SB 265 w SA 1, 2 was taken and announced:

YES: Senators Arnold, Berndt, Knox, Martin, Sharp - 5.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, McCullough, McDowell, Murphy, Schlor, Spence, Zimmerman - 13.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Hale and Weiss - 2.

Therefore, the Bill was declared lost.

The following legislation was introduced:

SB 425 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO THE EQUIPMENT OF MOTOR VEHICLES; PROHIBITING PROJECTIONS FROM THE PERIPHERY OF TIRES WITH CERTAIN EXCEPTIONS; AND PROVIDING PENALTIES THEREFOR. Sponsor: Senator Martin. Assigned to Public Safety Committee.

SB 426 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DIVISION OF CONSUMER AFFAIRS OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURPOSE OF PAYING THE SALARY OF THE BOARD MEMBERS. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 427 - 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. Sponsors: Senator Holloway and Representative Ambrosino. Assigned to Finance Committee.

SA 1 to SB 305 sponsored by Senator Kearns. Placed with the Bill.

SA 4 to HB 22 sponsored by Senator McCullough. Placed with the Bill.

The following Committee reports were announced:

From the Community Affairs Committee: SB 424 - 4 Merits;
SB 423 - 4 Merits; HB 333 - 4 Merits.

From the Executive Committee: SJR 33 - 6 Favorable.

At 5:52 p.m. on motion of Senator Martin, the Senate recessed until Thursday, January 19, 1978 at 1:30 p.m.

The Senate reconvened at 2:30 p.m., January 19, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 144 w SA 1 and adopted SJR 10.

The following legislation was introduced:

HB 483 w HA 1, 2 - AN ACT TO AMEND PART 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF MULTI-PURPOSE SERVICE PROGRAMS FOR DISPLACED HOMEMAKERS AND MAKING APPROPRIATION THEREFOR. Sponsors: Representatives Maxwell and Worthen. Assigned to Health and Social Services Committee.

HB 684 - 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. Sponsors: Representatives Gilligan, Worthen, McKay, Maxwell, Roy; Senators Cicione, Arnold and Knox. Assigned to Finance Committee.

SB 428 - AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE, RELATING TO NUMBER OF COSMETOLOGISTS' APPRENTICES AND THE FEE SCHEDULE FOR THIS PROFESSION. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 429 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO NOTICE OF MEETINGS OF COMMITTEES OF THE GENERAL ASSEMBLY. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 430 - 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", ALSO KNOWN AS HOUSE BILL NO. 300, AS AMENDED, RELATING TO THE SALARY OF THE STATE LIBRARIAN. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 419 was stricken at the request of Senator Cicione.

SA 1 to SB 400 sponsored by Senator Hughes. Placed with the Bill.

SR 86 (Sponsored by Senators Sharp, Holloway, Cicione, Cook, Hughes, Arnold) was introduced and considered for adoption on motion of Senator Sharp:

SR 86 - REQUESTING THE COMMISSIONER OF CORRECTIONS AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO JOINTLY AND COOPERATIVELY RECOMMEND WAYS IN WHICH INMATES OF THE DELAWARE CORRECTIONAL CENTER CAN EFFECTIVELY BE ASSIGNED WORK IN THE STATE PARKS AND FORESTRY PROGRAMS.

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SR 87 (Sponsored by Senator Holloway) was introduced and considered for adoption on his motion:

SR 87 - COMMENDING CONGRESSMEN CLAUDE PEPPER AND ROBERT DRINAN FOR REQUESTING THE NATION'S AIRLINES TO OFFER REDUCED STANDBY FARES FOR THE ELDERLY AND THE HANDICAPPED.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 2 (Hale and Spence) voting NO, and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted.

SCR 75 (Sponsored by Senators Arnold and Hughes; Representative Roy) was introduced:

SCR 75 - URGING THE DIVISION OF HIGHWAYS TO GIVE MORE COMPLETE STUDY TO THE PLACEMENT OF SIGNS PROHIBITING RIGHT TURNS ON RED.

The Resolution was laid on the table on motion of Senator Arnold.

The following Committee reports were announced:

From the Executive Committee: HB 664 - 1 Favorable, 5 Merits; HB 665 - 1 Favorable, 5 Merits.

From the Banking, Insurance and Elections Committee: SB 367 - 3 Favorable, 2 Merits; HB 298 - 2 Favorable, 3 Merits; SB 365 - 5 Favorable.

The following legislation was introduced:

SB 431 - AN ACT TO REIMBURSE RAYMOND W. ANDERSON, FORMER SUPERINTENDENT OF THE DELAWARE CORRECTIONAL CENTER, CERTAIN AMOUNTS PAID BY HIM TO CERTAIN PERSONS KNOWN AS THE "SMYRNA FIVE". Sponsor: Senator Sharp. Assigned to Corrections Committee.

SB 432 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PURPOSES OF CORRECTING A SALARY UNDERPAYMENT. Sponsor: Senator Sharp. Assigned to Corrections Committee.

SCR 76 (Sponsored by Senators Arnold, Cicione, Spence, Hughes, McCullough and Sharp; Representatives Maxwell, Worthen, Bryd, Roy, Oberle and Ridings) was introduced and laid on the table on motion of Senator Arnold:

SCR 76 - PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE LEGISLATIVE ROLE IN THE SCHOOL DESEGREGATION CASE.

SB 309 was taken up for consideration on motion of Senator Weiss:

SB 309 - AN ACT TO AMEND §2906, CHAPTER 29, TITLE 18 OF THE DELAWARE CODE, RELATING TO NOTICE REQUIRED UPON NON-PAYMENT OF LIFE INSURANCE PREMIUMS.

Senators Hughes, Holloway, Hale and Murphy were added as co-sponsors of the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY

The Senate convened at 3:10 p.m. January 19, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 5th Day was approved as read.

SB 422 which had been laid on the table, was assigned to the Judiciary Committee by the Chair.

HB 684 which had been assigned to the Finance Committee was reassigned to the Education Committee at the request of Senator McCullough and without objection.

SCR 76 was lifted for consideration on motion of Senator Arnold and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 17.

NO: Senators Holloway, McDowell and Schlor - 3.

NOT VOTING: Senator Zimmerman - 1.

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

SB 381 was stricken at the request of Senator Kearns.

HB 22 w HA 1 was taken up for consideration on motion of Senator McCullough:

HB 22 w HA 1 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO VOCATIONAL-TECHNICAL SCHOOL DISTRICTS.

The privilege of the floor was extended to Conrad C. Shuman, New Castle County Vo-Tech School District representative, to speak on the Bill and the several Amendments which were proposed.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Martin.

SA 2 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway.

At 4:27 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 4:44 p.m., Lt. Governor McGinnis presiding.

HB 22 w HA 1 was still before the Senate.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Hale, Holloway, Knox, Littleton, McDowell, Schlor - 6.

NO: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 13.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Adams - 1.

Therefore, the Amendment was declared lost.

SA 4 to the Bill which had been placed with the Bill was stricken on motion of Senator McCullough.

SA 5 to the Bill was introduced by Senator Sharp and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Spence, Zimmerman - 13.

NO: Senators Hale, Holloway, Knox, Littleton, McDowell, Schlor - 6.

NOT VOTING: Senator Weiss - 1.

ABSENT: Senator Adams - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 22 w HA 1, SA 5 was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Weiss - 13.

NO: Senators Hale, Holloway, Littleton, McDowell, Schlor, Spence - 6.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Adams - 1.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SCR 77 (Sponsored by Senator Zimmerman and Representative Miller) was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 77 - EXTENDING CONGRATULATIONS TO THOMAS J. PARSONS ON HIS SELECTION AS THE DOVER JAYCEES 1978 YOUNG MAN OF THE YEAR.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Adams and Berndt) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 88 (Sponsored by Senators Cordrey and Hale) was introduced and considered for adoption on motion of Senator Cordrey:

SR 88 - DIRECTING THE MEMBERS OF THE SENATE FINANCE COMMITTEE, WHO SIT ON THE JOINT FINANCE COMMITTEE, TO OPPOSE EFFORTS TO TRANSFER THE COMMITTEES MAJOR HEARINGS TO A PLACE OTHER THAN THE CAPITAL CITY OF DOVER.

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

YES: Senators Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Spence, Weiss, Zimmerman - 12.

NOT VOTING: Senators Arnold, Berndt, Cicione, Holloway, Kearns, McDowell, Schlor, Sharp - 8.

ABSENT: Senator Adams - 1.

Therefore, the Resolution was declared adopted.

The following Committee reports were announced:

From the Finance Committee: SB 240 - 5 Merits.

From the Health and Social Services Committee: HB 483 w HA 1,2 - 5 Merits.

SB 429 was stricken at the request of Senator Holloway.

SJR 33 was taken up for consideration on motion of Senator Hughes:

SJR 33 - IN RECOGNITION OF THE FIFTIETH ANNIVERSARY OF THE CLAYMONT VOLUNTEER FIRE CO. NO 1 AND THE LADIES AUXILIARY AND EXTENDING CONGRATULATIONS AND BEST WISHES TO THE MANY CITIZENS OF THE TOWN OF CLAYMONT WHO HAVE HELPED TO MAKE THE FIFTY YEAR HISTORY OF THE CLAYMONT VOLUNTEER FIRE CO. NO 1 AND THE LADIES AUXILIARY A TYPICAL SUCCESS STORY.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Adams and Spence) ABSENT; therefore the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 684 was reported out of the Education Committee - 5 Merits.

HB 647 (Sponsored by Representatives Minner and Riddagh) was introduced and laid on the table at the request of Senator Zimmerman:

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.

At 5:20 p.m. on motion of Senator Cordrey, the Senate recessed until Tuesday, January 24th at 1:30 p.m.

The Senate reconvened at 2:10 p.m. January 24, 1978, Lt. Governor McGinnis presiding.

SCR 80 (Sponsored by Senator Cordrey) was introduced and considered for adoption on his motion:

SCR 80 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO HEAR THE GOVERNOR'S BUDGET MESSAGE.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES; and 4 (Hale, McDowell, Schlör and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 2:12 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. January 24, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 6th Day was approved as read.

At 2:15 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:38 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 336 w HA 1 and adopted SJR 32.

The following legislation was introduced:

SB 433 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO NOTICE OF MEETINGS OF COMMITTEES OF THE GENERAL ASSEMBLY. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 434 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THIS STATE; AND PROVIDING NOTICE TO THE DIVISION OF MOTOR VEHICLES OF INSURANCE TERMINATIONS.

Sponsors: Senators Sharp, Murphy and Martin. Assigned to Banking, Insurance and Elections Committee.

SB 435 - AN ACT TO AMEND DELAWARE CODE, CHAPTER 19 OF TITLE 14, TO PROVIDE FOR THE ESTABLISHMENT OF A TAX RATE IN SCHOOL DISTRICTS CREATED BY COURT ORDER. Sponsors: Senators McCullough, Cicione, Spence, Hughes, Sharp, Arnold; Representatives Worthen, Byrd, Roy, Maxwell, Oberle, Ridings. The Bill was laid on the table on motion of Senator McCullough.

SB 436 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION AGAINST YOUTHFUL DRIVERS BECAUSE OF SEX OR SCHOLASTIC ABILITY. Sponsors: Senator Murphy and Representative Maxwell. Assigned to Banking, Insurance and Elections Committee.

SB 437 - AN ACT TO AMEND CHAPTER 88, TITLE 29, DELAWARE CODE, RELATED TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES, BY ESTABLISHING A DIVISION OF GRAPHICS AND PRINTING. Sponsor: Senator Cicione. Assigned to Administrative Services Committee.

SB 438 - AN ACT TO AMEND PART II, CHAPTER 7, TITLE 29, DELAWARE CODE RELATING TO REQUIREMENTS OF THE CHAIRMAN OF STANDING COMMITTEES OF THE DELAWARE LEGISLATURE. Sponsor: Senator Holloway. Assigned to Executive Committee.

SA 1 to SB 399 sponsored by Senator Kearns. Placed with the Bill.

SA 1 to SB 428 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to HB 400 sponsored by Senator Littleton. Placed with the Bill.

SA 1 to HB 483 sponsored by Senator Hughes. Placed with the Bill.

SB 336 which had previously passed the Senate and as now further amended by HA 1 was placed on the table at the request of Senator Adams.

The following legislation was introduced:

HB 214 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 14, OF THE DELAWARE CODE TO PROVIDE A TWELVE-MONTH INSTRUCTIONAL SCHEDULE FOR TRAINABLE MENTALLY HANDICAPPED CHILDREN UNDER THE JURISDICTION OF THE PUBLIC SCHOOL SYSTEM; AND TO PROVIDE AN APPROPRIATION THEREFOR. Sponsors: Representatives Maxwell and Byrd; Senator Cicione. Assigned to Education Committee.

SB 439 - AN ACT TO AMEND CHAPTER 48, PART IV, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY. Sponsor: Senator McDowell. Assigned to Executive Committee.

SB 347 was reported out of the Judiciary Committee - 5 Merits.

At the request of Senator Sharp, the name of Senator Kearns was added as co-sponsor of SB 347.

At his request, the name of Senator Cordrey was removed as co-sponsor of SB 336.

HCR 65 - EXPRESSING THE CONGRATULATIONS OF THE 129TH GENERAL ASSEMBLY OF DELAWARE TO CASSIE BLIZZARD OF MILFORD WHO WILL BE 106 YEARS OLD ON JANUARY 30, 1978. Sponsor: Representative Minner.

The roll call vote on the Resolution was taken on motion of Senator Adams and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SCR 78 - MEMORIALIZING DELAWARE'S CONGRESSIONAL DELEGATES TO URGE PRESIDENT CARTER TO RETAIN DAVID M. MARSTON AS U.S. ATTORNEY FOR PENNSYLVANIA'S EASTERN DISTRICT. Sponsors: Senators Arnold and Weiss. The Resolution was immediately stricken at the request of Senator Arnold.

SCR 79 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE PURPOSE OF AMENDING THE CONSTITUTIONAL PROVISION FOR THE APPOINTMENT OF MEMBERS OF THE FEDERAL JUDICIARY. Sponsors: Senators Sharp and Hughes; Representatives Ferguson and Loughney.

The privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Resolution at the request of Senator Knox.

Senator Knox moved that SCR 79 be assigned to Committee. The roll call vote on the motion was taken and revealed:

YES: Senators Hale, Holloway, Knox, Littleton, McCullough, Weiss - 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Hughes, Kearns, Martin, Murphy, Sharp, Spence - 10.

NOT VOTING: Senators Arnold, McDowell and Schlor - 3.

ABSENT: Senators Berndt and Zimmerman - 2.

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

On motion of Senator Sharp, the roll call vote on SCR 79 was then taken and announced:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, Sharp, Spence - 11.

NO: Senators Holloway, Knox, McDowell, Schlor, Weiss - 5.

NOT VOTING: Senators McCullough and Murphy - 2.

ABSENT: Senators Berndt, Hale and Zimmerman - 3.

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

On motion of Senator Adams, SB 336 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 336 w HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss - 17.

NO: Senator Cordrey - 1.

ABSENT: Senators Berndt, Spence and Zimmerman - 3.

Therefore, the Bill was declared passed.

HB 214 w HA 1 was reported out of the Education Committee:
2 Favorable, 3 Merits.

SB 305 which had been reported out of Committee, was
reassigned to the Judiciary Committee at the request of Senator
Kearns.

At 5:50 p.m. on motion of Senator Cordrey, the Senate
recessed until January 25, 1978 at 1:30 p.m.

The Senate reconvened at 1:45 p.m. January 25, 1978, Lt.
Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately ad-
journed to convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY

The Senate convened at 1:45 p.m. January 25, 1978, Lt.
Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook,
Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin,
McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss,
Zimmerman - 21.

The Journal of the 7th Legislative Day was approved as read.

At 1:52 p.m. on motion of Senator Cordrey the Senate recessed
for a short period and reconvened at 2:02 p.m., Lt. Governor
McGinnis presiding.

JOINT SESSION IN SENATE CHAMBER

The Sergeant at arms announced the Speaker and members of the
House. They were admitted and seated. The President invited
Speaker Boulden and President Pro Tempore Cordrey to a seat on
the rostrum.

JOINT SESSION

Senator Martin moved that the Senate and House convene in
Joint Session. The motion prevailed.

Senator Martin moved that the President of the Senate pre-
side over the Joint Session. The motion prevailed.

Senator Martin moved that the Secretary of the Senate and
Chief Clerk of the House act as secretaries of the Joint Session.
The motion prevailed.

The President appointed Representatives Cain and Ridings;
Senators Holloway and Hughes to escort the Governor to the
Chamber.

The Sergeant at arms admitted the Governor and the duly
appointed committee to the Senate Chamber. The President invited
the Governor to the rostrum and introduced him to the Joint

Session. The Governor addressed the members of the General Assembly as follows:

Lt. Governor McGinnis
Mr. President Pro Tempore
Mr. Speaker
Members of the 129th General Assembly
Ladies and Gentlemen

It is my pleasure this afternoon to present to you and the people of Delaware my budget message for fiscal year 1979, which begins next July first. The budget I am presenting today is unique in two respects: It is the first budget for which my administration is wholly responsible and it is the first budget in ten years which, if enacted as presented, will end the fiscal year in the black with no tax increases. It is an honestly balanced budget which also creates a reserve fund of ten million dollars to protect Delaware's financial health and well-being in the future -- a goal we have all sought for many, many years. A balanced budget; no increase in taxes; a reserve for contingencies -- three of our primary financial goals are achieved in this budget. Credit for having brought our finances to this point belongs to both of us, the legislative and executive branches of government, and to an expanding economy.

Fiscal 1977

When I last addressed the General Assembly a little less than a year ago, Delaware was in the midst of yet another of its chronic fiscal crises. To solve the problem Governor Tribbitt proposed \$58.6 million in tax increases; I had proposed \$40 million in budget cuts and \$24 million in tax increases. In fiscal 1977 together we tightened Delaware's belt; we cut expenditures and enacted and earmarked certain taxes to fund the \$19.2 million deficit which had accumulated over the past three years. Doing what had to be done was not easy but it was accomplished. It was a difficult year for all of us but I think we both can be -- and should be -- proud of our successes.

Fiscal 1978

As a result of our successful actions to finance Delaware's three year deficit, we entered the current year -- fiscal 1978 -- with a clean slate. But we also entered it with a razor-thin margin for error. At the time of the adoption of this year's budget, I believed that there were certain items which were under-funded and which would require additional supplemental appropriations. That is proving to be correct. Many of you believed that the revenue estimates of the Delaware Economic and Financial Advisory Council were conservative. That, too, is proving to be correct. Because of a strengthening economy and our vigorous program to collect back taxes, the Council has increased the base revenue estimate by almost \$15 million over the estimate contained in your joint resolution which passed the House in June. Barring an unforeseen calamity, and with continued restraint by both the executive and

legislative branches of our government, this \$15 million increase in revenues should more than cover the need for additional supplemental appropriations, thus producing Delaware's first balanced budget in four years.

Fiscal 1979

The 1979 no-tax budget which I am presenting to you today calls for spending \$518.7 million. Using the current midpoint revenue estimates of the Delaware Economic Advisory Council, this budget would yield a cumulative surplus of about \$10 million by the end of fiscal 1979.

The revenue estimates upon which the budget you have before you is based are the official estimates provided by the Delaware Economic and Financial Advisory Council. Recent events have shown the Council's estimates to be on the conservative side. Personally, I would far prefer a conservative rather than an overly-optimistic one. Candidly, both my financial advisory and I believe that the current estimates might very well be conservative, and, of course, if revenues approach the high end of the DEFAC range, and expenditures remain under control, any surplus could be substantially larger.

But the purpose of the Council is to take revenue estimating out of the political arena and leave it to what I think you all will agree are a great many talented people who work long and hard. The Council contains six members of the General Assembly, including four members of the majority party. In addition, participation by those who are not official members has been encouraged. I would like to encourage all of you who believe you have a contribution to make to estimating revenues or expenditures to use the Advisory Council as a forum. Your advice and counsel will be welcome.

But, a word of caution about counting on surpluses. I cannot emphasize to you too strongly that we must avoid the temptation to spend any surplus which is generated. We cannot continue to spend down to the very last dollar we raise. With no cushion -- with no margin for error -- the slightest downturn in the economy or surprise expenditure; or enactment by another state of discriminatory tax legislation, for example, could throw the budget into a deficit position. That would force unnecessary borrowings and put us back onto the familiar path to financial instability.

As you know, there are several proposals currently before the General Assembly to create a constitutionally-mandated reserve fund. The details differ, but the point is the same: Delaware should set aside money today to protect us tomorrow. I strongly support these proposals and so have set aside 2% of estimated revenues, or \$10 million, into a contingency reserve fund. These funds should not be used except in the event of an emergency, and then they should be restored promptly in the following year's budget. I welcome the opportunity to work with the General Assembly on the details of this proposal.

* * * * *

The budget you now have reflects my belief that we should not be seeking more ways to expand the role of the state and increase its intrusion into the lives of all citizens. It is not a Great Society budget. It is, rather, an affordable budget, which seeks to improve upon the delivery of the services we already provide. It is a financial roadmap to get us back to basics and to permanent financial stability.

In terms of the bottom line, the budget I present to you today will require spending of \$37 million more in operating funds than estimated to be expended in the current fiscal year. A large portion of that increase is automatically required by increases in debt service, revenue refunds, and federally mandated welfare costs.

I have recommended that one third of the increase -- \$12 million -- be allocated to employee pay raises to help offset increases in the cost of living. This means that nearly every state employee will receive a pay increase of 6.7% in fiscal 1979. This increase is equal to the increase in the Philadelphia region consumer price index during the last year. However, I believe that should any of the teachers in the New Castle County schools receive increases for "leveling up" of salaries in excess of 6.7%, the state should not grant an additional increase on top of that amount. This is reflected in my budget.

The balance of the \$37 million increase is necessary to meet inflation costs and to provide program improvements in a number of areas.

ADMINISTRATION OF JUSTICE

In this budget, I am placing major emphasis on improvements in the administration of justice. An increase of \$7.7 million will bring the total budget for criminal justice to more than \$50 million. This increase is necessary to meet the high cost of implementing federal court orders concerning our corrections facilities, and will provide adequate funding to continue implementation of my master plan for corrections. It includes funding which could allow for additional personnel in the courts to meet rapidly expanding case loads.

In the Department of Corrections itself, I have recommended a 24% increase in funding. These additional funds will provide personnel necessary for maintaining records accurately, hearing grievances, conducting educational programs, and providing for the classification and treatment of inmates. It will also provide for the continuation of outside contracting for medical care and treatment of inmates.

In the budget for the State Police, I am recommending state funding for the ten troopers assigned to the Traffic Accident Control (TAC) team which is facing the expiration of federal support. I am also recommending that the State Police hire 12 civilians to release a like number of uniformed police for road patrol work. We will continue our evaluation of attrition in the Delaware State Police. We must maintain adequate troop strength to maintain the Delaware State Police as an effective instrument of law enforcement.

EDUCATION

I am recommending an appropriation of \$237.5 million for our education programs in Delaware. This represents 46% of net general fund expenditures.

Five specific initiatives deserve comment:

1. I am recommending in this year's budget an additional \$70,000 for the State Department of Public Instruction to work with the federal government in improving student assessment and testing in Delaware schools. This will help set up guidelines for the competency based education program that is so critical to the future of education.

2. In this year's budget, I am proposing an additional \$50,000 for major new activities to provide adult education, particularly in the southern two counties.

3. In the 1979 budget, I am asking for the establishment of the first state supported program for the gifted and the talented. This appropriation will provide demonstration programs within at least five school districts upon which future programs can be built.

4. Providing an education for all handicapped individuals is a high priority. Three quarters of a million dollars was provided for the education for the handicapped in 1978, and I recommend an increase in these funds to \$819,000 in 1979.

5. Finally, I urge that we double the funds available for the state's school-related youth organizations.

In higher education, I am recommending the establishment of a new state coordinating board at no added cost. This will provide better coordination of our programs, budgets, and overall direction to accomplish Delaware's goals in higher education.

I cannot conclude my remarks on the education budget without raising the issue of a sleeping giant -- the desegregation of New Castle County schools. The federal court decision was not handed down in time for me to include in the budget any realistic estimate of the state's share of desegregation costs. It will still be several weeks before we know what these costs may be. The court order does not make clear which costs will be allocated to the current year, and which to next year. I think it would be precipitous to act on these costs until we have a better analysis of their magnitude, the amount of federal assistance that may be available, and until we have further revenue estimates for both 1978 and 1979. My financial and educational advisors are continuing to develop and refine the potential costs of desegregation to the state and to recommend alternative methods of financing these costs. I ask the General Assembly to join with me in an effort to develop a plan which is equitable to all taxpayers.

MAKING GOVERNMENT WORK -- MANAGEMENT IMPROVEMENTS

The budget I am presenting to you today makes a number of recommendations for management improvements to help meet my goal of making government work for all the people of our state:

First, I believe it would be useful to have a computerized on-line legislative information system, which would provide the

General Assembly with a rapid, efficient and relatively inexpensive method of tracking the status of legislation. A large number of states have implemented these systems, and they are available to Delaware without the need to invest in development costs. I have included \$50,000 in this budget as an estimate of the first year's costs.

I am recommending a continuation of the adoption of zero-based budgeting throughout state government. The budget I am presenting to you today reflects the adoption of zero-based budgeting in three departments: State, Natural Resources and Environmental Control, and Community Affairs and Economic Development. Funds to continue zero-based budgeting and to make sorely needed improvements to our accounting, payroll and personnel systems are provided in the 1979 budget.

I am recommending the installation of a modern revenue management system to begin the task of automating state tax administration; the replacement of many of the casual and seasonal employees in the Division of Revenue with full-time employees; and the addition of 29 people to the enforcement and compliance staff. The hard work of the enforcement and compliance personnel of the revenue division, vigorous execution of judgments and filing of tax liens have yielded \$5 million in back tax collections during the past twelve months. But we can do more. The Secretary of Finance has estimated that these additional resources will generate an additional \$1.6 million in revenue and we have, accordingly, added this \$1.6 million to the \$520.3 million revenue estimate of the Advisory Council for a total revenue estimate of \$521.9 million.

I will support a 1978 supplemental appropriation to undertake an independent statewide financial audit which is required by the federal government. If this audit is not promptly undertaken, we stand in danger of jeopardizing federal funding for our many programs. The need to begin is urgent, so I hope the General Assembly will act promptly.

I believe the time has finally come to begin transferring employee salary costs from 20 year bond funds to current operating funds. For a number of years it has been the practice in Delaware to use 20 year borrowed money to pay the salaries and fringe benefits of a large number of employees. This practice has become so costly that now over \$5.5 million of borrowed funds are spent annually to pay employee salaries. The extra cost to the taxpayer is substantial: To pay a dollar in current salary with 20 year bond funds ultimately costs \$1.63. It is costing you, the taxpayer, 63% more to use this method of salary payment. My long-term goal is to transfer all these operating costs back into the operating budget; however, this problem has grown so large that it is not possible to undo in a single year that which has transpired over many years. In fiscal 1979, I would like to begin the first phase of the program.

Another problem concerns the budget epilogue. It is a nightmare of complexities and problems; I believe that the epilogue should contain only those items which are intended to apply to the current year's budget. Provisions intended for both current and future

years should be enacted by separate legislation and discussed on their merits. I would like to work with you to review the epilogue and agree upon a separate package of bills covering such long term policy matters.

In my report to the people last Tuesday evening, I spoke of the need to undertake a major economic development effort: At my direction, an overall plan has been prepared and is in the process of being reviewed with local communities and business leaders. The advice of the Delaware Development Council will also be sought as soon as it is in operation. Following public hearings this spring, we will be prepared to move ahead with our program.

SEPARATION OF POWERS

In recognition of the constitutional separation of powers, and the need to preserve our system of checks and balances, I have departed somewhat from tradition in presenting the budgets of the Judiciary and of the General Assembly, while still fulfilling my obligation to propose a balanced budget. I am, nevertheless, presenting only the bottom line total for each of the Courts and each House of the General Assembly. If you desire, I will make available the analyses used to support my recommendations. But, I do not believe it should be within the purview of the Executive Branch of government to recommend line-item changes in the budget requests of equal branches of government under the constitution.

CAPITAL BUDGET

As you are all aware, legislation introduced by former Governor Tribbitt and passed by the 128th General Assembly limits new bond bill authorizations to 75% of the principal repayments of the previous fiscal year. I have strongly supported this limitation because I believe the state must make firm efforts to control its growing debts -- debts which now consume 17¢ out of every tax dollar expended. My Capital Management Program is designed to lower debt service cost from 17% to 10% of the budget by 1985.

Because of the bleak financial outlook in the first few months of 1977, I did not recommend that the General Assembly enact new bond authorizations. To the contrary, I have recommended that nearly \$20,000,000 in low priority projects be de-authorized in order that we might protect the taxpayers' pocketbooks. I remain sincere in my desire to discuss these recommendations with the leadership and members of the General Assembly.

I am today proposing legislation which meets the test of the existing capital restraints law: \$30.1 million for fiscal year 1978 and \$31.8 million for fiscal year 1979. If enacted, this program will generate approximately \$75 million in federal matching funds. The program calls for a \$3.6 million bond bill which I feel must be acted on immediately in order for us to meet our existing contractual obligations for the new State Office Building, for emergency repairs at Port Mahon and Records Pond, and for successful completion of the maximum security building at Smyrna, the Sussex Correctional Institute and design work on the new multi-purpose facility in New Castle County. I urge

members of the General Assembly to consider this an immediate priority.

The balance, \$26,563,000, is being presented as a regular bond bill for Fiscal Year 1978. I am requesting new bond authorizations for Fiscal Year 1979 which, although not eligible for funding until July 1, 1978, are an important part of our Capital Program for the ensuing months.

Let me stress that the recommendations I am making will fully fund all of the needed correctional facilities for the state in our foreseeable future. I recognize the cost is high, but we can no longer ignore the fact that dangerous criminals are still at large because of rising crime rates and federally mandated limitations on our existing facilities.

Second, let me emphasize that I strongly favor construction of a new Agriculture Science Building at the University of Delaware and improvements to existing campus buildings to comply with Federal OSHA regulations and to better serve the handicapped. However, the statutory borrowing limit simply does not permit us at this time to assume the costs of these investments. I propose, instead, that the University exercise its legal right to issue revenue bonds -- something which other state agencies cannot do -- in order to quickly expedite construction of these facilities.

Third, I should note that the capital budget includes three specific programs of concern to many taxpayers: \$988,000 for watershed and tax ditches; \$250,000 for mosquito control improvements; and \$500,000 for beach erosion control program.

Finally, let me stress that Delaware's existing transportation system needs prompt attention. Our highways and major roads have been heavily damaged by two severe winters. Delaware needs more money to fix the potholes and pavements. Therefore, I am recommending a combined total of more than \$27 million for the transportation improvements, of which \$4.7 million is specifically earmarked for repair, repaving and rehabilitation. If the General Assembly acts favorably on Senate Bill No. 163, which establishes a system to set transportation priorities, much of this money can be used to match for federal dollars to which Delaware is entitled.

Delaware has too long mortgaged its future with twenty year bonds for projects which do not last that long. Therefore, I am recommending that \$17 million of this combined \$62 million authorization be financed with shorter term bonds, saving the state substantial interest over the life of these projects.

CONCLUSION

This is the financial management program I am recommending for 1979. It reflects the priorities and the hopes of my administration for our State and its people. It reaffirms my commitment to keep expenditures within available resources in order to secure and maintain fiscal stability for the State of Delaware without additional taxes. It is a budget of difficult choices because, as you well know, the demand for funds far exceeds the ability of the taxpayers to support such spending.

Over the next few months, as you in the General Assembly

review this budget, you, too, will be faced with many difficult decisions. They will require thoughtful attention and they will require discipline. I stand ready, along with the members of my financial staff, to work with you to render whatever assistance you may wish, and to consider other alternatives you may desire.

Together we can build a sound financial base for our State and all its citizens.

Thank you.

* * * * *

The previously named committee escorted the Governor from the Chamber.

Senator Martin moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

The Secretary of the Senate and the Chief Clerk of the House compared their journals, found them to agree, and so notified the President.

Senator Martin moved that the two Houses now separate to reconvene in their respective Chambers. The motion prevailed.

* * * * *

The Senate reconvened at 3:33 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 77; SCR 79 and SCR 80.

SB 138 was taken up for consideration on motion of Senator Murphy:

SB 138 - AN ACT TO AMEND CHAPTER 80, PART VI, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

SA 1 to SA 1 to the Bill was introduced by Senator Weiss who moved for its adoption. The roll call vote on SA 1 to SA 1 to SB 138 was then taken and revealed 19 Senators voting YES and 2 (Arnold and Spence) ABSENT; therefore the Amendment to the Amendment was declared adopted.

SA 1 w SA 1 to SB 138 was then taken up for consideration on motion of Senator Weiss and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to George Hudson and Tom Sandbach to speak on the Bill.

SA 2 to SB 138 was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Kearns and Schlör - 3.

NO: Senators Arnold, Berndt, Cordrey, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 11.

NOT VOTING: Senators Cook, Holloway and Sharp - 3.

ABSENT: Senators Cicione, Hale, Hughes and Zimmerman - 4.

Therefore, the Amendment was declared lost.

The roll call vote on SB 138 w SA 1 w SA 1 was then taken on motion of Senator Murphy and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Kearns, McCullough, Schlor - 3.

ABSENT: Senators Cicione and Hughes - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 411 was taken up for consideration on motion of Senator Cordrey:

SB 411 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" AS AMENDED, BY INCREASING THE AMOUNT WHICH THE TOWN OF BETHANY BEACH MAY RAISE BY TAXATION OF ASSESSABLE REAL ESTATE.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Cicione and Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 412 was taken up for consideration on motion of Senator Cordrey:

SB 412 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", AS AMENDED, TO GIVE THE COMMISSIONERS OF THE TOWN OF BETHANY BEACH THE POWER TO BORROW UP TO \$200,000.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Cicione and Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 395 was taken up for consideration on motion of Senator Littleton:

SB 395 - AN ACT TO SUSPEND THE PROVISIONS OF 29 DELAWARE CODE, CHAPTER 69 TO PERMIT THE PAYMENT OF FUNDS FOR STREET AND ROAD IMPROVEMENTS IN THE TOWN OF BETHEL.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 196 was taken up for consideration on motion of Senator Murphy:

HB 196 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE ELECTION AND TERM OF OFFICE FOR CERTAIN STATE OFFICERS.

SA 1 to the Bill was introduced by Senator Murphy and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senators McCullough and Schlor - 2.

ABSENT: Senator Hughes - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 196 w SA 1 was then taken on motion of Senator Murphy and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senators McCullough and Schlor - 2.

ABSENT: Senator Hughes - 1.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 414 was taken up for consideration on motion of Senator Cicione:

SB 414 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR THE PURCHASE OF MOTOR VEHICLES, AND FOR THE MAINTENANCE OF MOTOR VEHICLES WITHIN ITS CUSTODY.

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

YES: Senators Adams, Berndt, Cicione, Cordrey, Kearns, Littleton, Martin, Murphy, Schlor, Sharp, Zimmerman - 11.

NO: Senators Cook and McDowell - 2.

NOT VOTING: Senators Arnold, Hale, Knox, Spence - 4.

ABSENT: Senators Holloway, Hughes, McCullough, Weiss - 4.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 415 was taken up for consideration on motion of Senator Zimmerman:

SB 415 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE.

The following letter concerning the Bill was read and is made part of this record at the request of Senator Berndt:

STATE OF DELAWARE
DEPARTMENT OF ADMINISTRATIVE SERVICES
DOVER, DELAWARE
January 4, 1978

Mr. Thomas W. Murray, Jr.
Box 214 Lotus Street
Dover, Delaware

Dear Tom:

The Department has reviewed the difference in your salary from the merit system position you held under Legislative Council and the salary for Division Director of Maintenance and Communications. I enclose a letter from Wheeler K. Neff, Deputy Attorney General, stating that in view of the Supreme Court's decision the salary should be continued as if 61 Delaware Laws, Chapter 4, was never enacted. Therefore, a check for \$184.64 representing the difference in the salary for FY 78, 7/1/77 through 12/8/77, will be mailed to you at the time of the January 31, 1978, payroll.

The salary differential due for FY 77, 1/16/77 through 6/30/77, amounts to \$193.93. This money will have to come from a special

appropriation by the General Assembly. I would be happy to discuss with you the passage of such an appropriation. If you have any further questions, please feel free to call us.

Sincerely,

Lydia R. Boyer, Secretary

Department of Administrative Services

* * * * *

The roll call vote on SB 415 was then taken on motion of Senator Zimmerman and revealed 19 Senators voting YES and 2 (Hughes and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 423 was taken up for consideration on motion of Senator Adams:

SB 423 - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" BY INCREASING THE POWER TO RAISE REVENUE.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hughes, McCullough and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 424 was taken up for consideration on motion of Senator Adams:

SB 424 - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" BY PROVIDING FOR THE REGISTRATION OF VOTERS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hughes, McCullough and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE
STATE OF DELAWARE
DOVER

January 25, 1978

TO: All Senators -- 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointment - Study Committee on the State Merit System

As per the authority invested me with the adoption and signature of House Concurrent Resolution No. 59, I hereby appoint: Senator Nancy Cook; Senator Herman M. Holloway, Sr.; Senator Thomas B. Sharp; Senator Lee Littleton; Senator Winifred Spence to serve on the study providing for a study of the State Merit System.

* * * * *

HCR 66 (Sponsored by Representatives Johnson and Plant; Senators Holloway and Schlor) was introduced and considered for adoption on motion of Senator Holloway:

HCR 66 - EXPRESSING CONGRATULATIONS AND BEST WISHES TO REVEREND DAVID F. RAY ON HIS 102ND BIRTHDAY.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hughes and McCullough) ABSENT;

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

SCR 81 (Sponsored by Senators Sharp and Martin) was introduced and considered for adoption on motion of Senator Sharp:

SCR 81 - RESPECTFULLY REQUESTING THE GOVERNOR AND THE SECRETARY OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO MEET WITH OFFICIALS OF RONSON CORPORATION OF DELAWARE FOR PURPOSES OF DETERMINING IF THERE IS ANY POSSIBILITY THAT RONSON CORPORATION MIGHT REMAIN IN THIS STATE IF ASSISTED BY THE STATE OR ANY OF ITS AGENCIES.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hughes and McCullough) ABSENT; therefore, the Resolution was declared passed by the Senate and sent to the House for consideration.

HCR 63 (Sponsored by Representatives Smith and Maxwell) was introduced and assigned to Natural Resources and Environmental Control Committee:

HCR 63 - REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO SUPPORT LEGISLATION KNOWN AS H.R. 6403 WHICH WOULD MAKE 114 MILES OF THE DELAWARE RIVER A PART OF THE WILD AND SCENIC RIVERS SYSTEM.

HJR 39 was reported out of the Banking, Insurance and Elections Committee: 4 Favorable, 1 Merits.

The following legislation was introduced:

SB 440 - AN ACT TO AMEND CHAPTER 51, TITLE 15 OF THE DELAWARE CODE RELATING TO EMPLOYEES RIGHTS TO VOTE. Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 441 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES, BY CHANGING THE METHOD OF COMPUTATION AND BY INCREASING THE RATES FOR THE PILOTAGE OF CERTAIN VESSELS. Sponsors: Senator Cordrey; Representatives Bennett and Vernon. The Bill was assigned to the Natural Resources and Environmental Control Committee; however, at the request of Senator Cook it was then reassigned to the Administrative Services Committee.

SB 442 - AN ACT TO AMEND CHAPTER 19, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES; AND PROVIDING CERTAIN RESTRICTIONS ON THE ABILITY OF A LOCAL SCHOOL BOARD TO INCREASE TAXES. Sponsors: Senator Sharp and Representative Oberle. Assigned to Education Committee.

SB 443 - AN ACT TO AMEND CHAPTER 15, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO FEDERAL FUNDING OF EDUCATION AND EDUCATION PROGRAMS WITHIN THE STATE OF DELAWARE. Sponsors: Senator Sharp and Representative Oberle. Assigned to Education Committee.

SB 444 - AN ACT TO AMEND CHAPTER 41, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE FREE PUBLIC SCHOOLS; AND PROVIDING CERTAIN REQUIREMENTS RELATING TO TESTING PROCEDURES AND TYPES OF TESTS ADMINISTERED TO PUBLIC SCHOOL PUPILS. Sponsors: Senator Sharp and Representative Oberle. Assigned to Education Committee.

SB 445 - 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. Sponsors: Senator Knox and Representative Sincok. Assigned to Finance Committee.

SB 446 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS. Sponsors: Senator Knox and Representative Sincok. Assigned to Finance Committee.

SB 447 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS. Sponsors: Senator Knox and Representative Sincok. Assigned to Finance Committee.

SB 448 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY AND PROVIDING FOR THE FILLING OF JUDICIAL VACANCIES BY A SYSTEM OF APPOINTMENT BY THE GOVERNOR AND SUBSEQUENT RETENTION BY THE ELECTORATE. Sponsors: Senators Sharp, Spence, Arnold; Representatives Morris and Riddagh. Assigned to Judiciary Committee.

SA 3 to SB 109 sponsored by Senators Sharp, Spence and Arnold. Placed with the Bill.

SA 1 to SB 446 sponsored by Senators Cook, Adams and Cordrey. Placed with the Bill.

SA 1 to SB 447 sponsored by Senators Cook, Adams and Cordrey. Placed with the Bill.

SR 89 (Sponsored by Senator Holloway) - URGING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO USE THE POWER OF THEIR OFFICES TO HELP SECURE AN EXTENSION OF THE PERIOD FOR RATIFICATION OF THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlör, Weiss, Zimmerman - 12.

NO: Senator Littleton - 1.

NOT VOTING: Senators Arnold, Berndt, Hale, McCullough and Spence - 5.

ABSENT: Senators Cicione, Hughes, Sharp - 3.

Therefore, the Resolution was declared adopted.

SR 90 (Sponsored by Senators Holloway, Weiss, Berndt, Littleton, McDowell and Adams) was introduced and considered for adoption on motion of Senator Holloway:

SR 90 - COMMENDING PRESIDENT JIMMY CARTER FOR HIS EFFORTS TO MAINTAIN THE MOMENTUM OF MIDDLE EAST PEACE TALKS AND URGING A CONTINUED UNITED STATES ROLE IN PEACE EFFORTS.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES; 1 (McCullough) NOT VOTING; and 2 (Hughes and Murphy) ABSENT; therefore, the Resolution was declared adopted.

SR 91 (Sponsored by Senators Cordrey and Adams) was introduced and considered for adoption on motion of Senator Cordrey:

SR 91 - IN REFERENCE TO ELECTION OF STAFF.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES; 1 (McCullough) NOT VOTING; and 2 (Hughes and Spence) ABSENT; therefore, the Resolution was declared adopted.

At 5:57 p.m. on motion of Senator Cordrey, the Senate recessed until January 26, 1978 at 1:30 p. m.

The Senate reconvened at 5:07 p.m. January 26, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 222 w SA 1, HA 1, 2, 3; SB 327 w SA 1, HA 1 and adopted SJR 30 and SJR 33.

At 5:08 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY

The Senate convened at 5:08 p.m. January 26, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 8th Day was approved as read.

SB 435 was lifted from the table for consideration on motion of Senator McCullough:

SB 435 - AN ACT TO AMEND DELAWARE CODE, CHAPTER 19 OF TITLE 14, TO PROVIDE FOR THE ESTABLISHMENT OF A TAX RATE IN SCHOOL DISTRICTS CREATED BY COURT ORDER.

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

YES: Senators Arnold, Berndt, Cicione, Hale, Hughes, Kearns, Knox, Martin, McCullough, Sharp, Spence, Weiss - 12.

NO: Senators Adams, Cook, Cordrey, Holloway, Littleton, Murphy, Zimmerman - 7.

NOT VOTING: Senators McDowell and Schlor - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 642 which was next on the Agenda for the day was laid on the table at the request of Senator Cicione.

SB 367 was taken up for consideration on motion of Senator Murphy:

SB 367 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE

OFFICE OF THE STATE BANKING COMMISSIONER FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE.

The roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 298 was taken up for consideration on motion of Senator Murphy:

HB 298 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE RELATING TO DISCRIMINATION AGAINST BLIND OR DEAF PERSONS.

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

HB 664 was taken up for consideration on motion of Senator Adams:

HB 664 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 1, TITLE 20, OF THE DELAWARE CODE RELATING TO THE WILMINGTON ARMORY.

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

HB 665 was taken up for consideration on motion of Senator Adams:

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 vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 214 w HA 1 was taken up for consideration on motion of Senator McCullough:

HB 214 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 14, OF THE DELAWARE CODE TO PROVIDE A TWELVE-MONTH INSTRUCTIONAL SCHEDULE FOR TRAINABLE MENTALLY HANDICAPPED CHILDREN UNDER THE JURISDICTION OF THE PUBLIC SCHOOL SYSTEM; AND TO PROVIDE AN APPROPRIATION THEREFOR.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 642 was lifted from the table for consideration on motion of Senator Cicione:

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 privilege of the floor was extended to Lydia R. Boyer, Department of Administrative Services, to speak on the Bill after which the roll call vote was taken; however, the roll call was tabled before being announced on motion of Senator Cicione.

HB 483 w HA 1, 2 was taken up for consideration on motion of Senator Holloway:

HB 483 w HA 1, 2 - AN ACT TO AMEND PART 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF MULTI-PURPOSE SERVICE PROGRAMS FOR DISPLACED HOMEMAKERS AND MAKING APPROPRIATION THEREFOR.

SA 1 to the Bill which had been placed with the Bill, was taken up for consideration on motion of Senator Hughes.

During discussion of the Amendment and of the Bill, the privilege of the floor was extended to Representative Maxwell to answer questions.

Senator Hughes moved that the Bill be tabled and the roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Hale, Hughes, Littleton, Sharp, Spence - 6.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Weiss, Zimmerman - 14.

ABSENT: Senator McCullough - 1.

Therefore, the motion failed and the Bill and the Amendment remained before the Senate.

On motion of Senator Hughes, the roll call vote on SA 1 to HB 483 w HA 1, 2 was then taken; however, before the roll call was announced Senator Hughes further moved that it be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 9.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Martin, McDowell, Murphy, Schlor, Zimmerman - 10.

ABSENT: Senators Kearns and McCullough - 2.

Therefore, the motion failed and the roll call vote on SA 1 to HB 483 w HA 1, 2 was announced:

YES: Senators Arnold, Berndt, Hale, Hughes, Littleton, Sharp, Spence, Weiss - 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Zimmerman - 11.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

The roll call vote on HB 483 w HA 1, 2 was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 18.

NO: Senator Spence - 1.

NOT VOTING: Senators Arnold and Hughes - 2.

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

Senator Adams yielded to Senator Littleton to floor-manage HB 400 which was taken up for consideration on his motion:

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.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Littleton and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 400 w SA 1 was then taken on motion of Senator Littleton and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 240 was taken up for consideration on motion of Senator McCullough:

SB 240 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF REPLACING BRIDGE NO. 289 LOCATED ON OLD WILMINGTON ROAD IN THE CITY OF NEW CASTLE, DELAWARE.

The privilege of the floor was extended to Tom Sandbach, Senate attorney, to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Zimmerman - 16.

NOT VOTING: Senators Knox and Weiss - 2.

ABSENT: Senators Cook, Hale and McDowell - 3.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 7:54 p.m on motion of Senator Martin, the Senate recessed for dinner and reconvened at 9:33 p.m., Lt. Governor McGinnis presiding.

The following letters of nomination for appointment by the Governor were read and assigned to Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 24, 1978

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Rachel G. Draper, 200 Lakeview Avenue, Milford, Delaware to be a member of the Board of Trustees of the University of Delaware for a term of 6 years to succeed Edmund N. Carpenter II, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 24, 1978

To the Senate of the 129th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Herbert Norris, 448 Robinson Drive, Wilmington, Delaware to be a member of the Board of Trustees of the Delaware Technical and Community College for a term of three (3) years, to fill the expired term of Joan M. Lindell.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 24, 1978

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Kenneth M. Smith, 4108 Golf View Drive, Newark, Delaware to be Chairman, Board of Trustees of Delaware Technical and Community College effective March 1, 1978, to serve at the pleasure of the Governor to succeed William Carter.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following legislation was introduced:

HB 565 w HA 2 - AN ACT TO AMEND CHAPTER 1, TITLE 31, DELAWARE CODE RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE. Sponsor: Representative William Brady. Assigned to Health and Social Services Committee.

HB 624 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR THE DELAWARE ADOLESCENT PROGRAM. Sponsor: Representative Johnson. The Bill was laid on the table at the request of Senator Holloway.

HB 677 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO PRINTING OF SESSION LAWS. Sponsors: Representatives Jonkiert and Sincock. Assigned to Executive Committee.

HB 685 - 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. Sponsors: Representatives Gilligan, Kelly, Ferguson, Minner, Oberle; Senators Cicione and Holloway. Assigned to Administrative Services Committee.

HB 690 - AN ACT TO REINCORPORATE THE TOWN OF BETHEL. Sponsors: Representative Gordy and Senator Littleton. Assigned to Community Affairs Committee.

On motion of Senator Zimmerman, the necessary rules were sus-

pending for reconsideration of SB 222 w SA 1 which had previously passed the Senate and as now further amended by HA 1, 2, 3.

The roll call vote on SB 222 w SA 1, HA 1, 2, 3 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate.

SCR 83 - EXTENDING CONGRATULATIONS AND BEST WISHES TO JOHN (MICKY) MCMAHAN, A FORMER LEGISLATOR ON HIS RETIREMENT FROM PUBLIC LIFE AFTER HAVING SERVED APPROXIMATELY 35 YEARS IN PUBLIC SERVICE. Sponsors: Senators Kearns, Zimmerman, Holloway, Cordrey, McDowell, Martin, Cicione, Schlor, Cook, Hale, Adams, McCullough, Murphy; Representatives Matushefske, Ferguson, Gordy and Clendaniel.

On motion of Senator Kearns, the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 327 w SA 1 which had previously passed the Senate and returned from the House as further amended by HA 1 was laid on the table at the request of Senator McDowell.

HJR 48 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO WORK FOR RELOCATION OF THE DOVER CLASSIFICATION YARD OF CONRAIL TO DELMAR. Sponsors: Representatives Gordy and Bennett; Senator Littleton. The Resolution was laid on the table at the request of Senator Cordrey.

HJR 51 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENACT LEGISLATION ESTABLISHING A FUND FOR DISPERSING FIFTY PERCENT OF FEDERAL OUTER CONTINENTAL SHELF REVENUES TO COASTAL STATE GOVERNMENTS AND TO INCORPORATE AN EQUITABLE FORMULA FOR THE ALLOCATION OF SUCH REVENUES. Sponsors: Representatives Darling, Boulden, Jonkiert, Gordy, Sincock, McKay; Senators McDowell, Cordrey, Martin, Cook, Hughes and Knox.

On motion of Senator McDowell, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore the Resolution was declared adopted by the Senate and returned to the House.

HCR 68 - REQUESTING WHY-TV TO BETTER FULFILL ITS EDUCATIONAL AND INFORMATIONAL OBLIGATIONS TO THE PUBLIC, WITHIN THE STATE OF DELAWARE, BY TELEVISIONING A WEEKLY SHOW INFORMING THE PUBLIC OF THE ACTIVITIES OF THE DELAWARE GENERAL ASSEMBLY. Sponsor: Representative Connor. The Resolution was laid on the table at the request of Senator Cordrey.

HCR 69 - STRONGLY REQUESTING AND INSISTING THAT BLUE CROSS-BLUE SHIELD NEGOTIATE WITH HARBOUR HOUSE OF MILFORD, IN GOOD FAITH, TO PROVIDE ALCOHOLISM REHABILITATION SERVICES TO THE PEOPLE OF THE STATE OF DELAWARE. Sponsors: Representatives Connor, Ferguson, Morris and Ambrosino; Senators Holloway and Adams.

On motion of Senator Holloway, the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 449 - AN ACT TO AMEND 7 DELAWARE CODE, SECTION 7003, ADD A NEW CHAPTER 72 TO TITLE 7 DELAWARE CODE, AMEND 26 DELAWARE CODE, SECTION 1301, AND CREATE AN EXCEPTION TO 29 DELAWARE CODE, SECTION 6901 BY AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO BE A LICENSE APPLICANT UNDER THE DEEPWATER PORTS ACT OF 1974, AUTHORIZING THE DEPARTMENT TO MAKE CONTRACTS IN CONNECTION THEREWITH, PERMITTING PIPELINES CONNECTED TO A DEEPWATER PORT TO PASS THROUGH THE COASTAL ZONE, PROHIBITING CERTAIN LIGHTERING IN DELAWARE WATERS AFTER THE DEEPWATER PORT BECOMES OPERATIVE, AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO GRANT PIPELINE RIGHTS-OF-WAY, ABOLISH THE RIGHT OF EMINENT DOMAIN HERETOFORE CONFERRED UPON OIL STORAGE AND TRANSPORTATION CORPORATIONS, AND EXCEPTING THE CONSTRUCTION OF THE DEEPWATER PORT AND RELATED FACILITIES FROM PUBLIC BIDDING REQUIREMENTS. Sponsor: Senators Zimmerman, Knox and Berndt. Assigned to Natural Resources and Environmental Control Committee.

SB 450 - AN ACT TO AMEND CHAPTER 1, TITLE 24 OF THE DELAWARE CODE RELATING TO CERTIFIED PUBLIC ACCOUNTANTS. Sponsors: Senators Holloway and Berndt. Assigned to Administrative Services Committee.

SB 451 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 9, TITLE 10, DELAWARE CODE RELATING TO THE DISPOSITION OF SUPPORT PAYMENTS WHEN THE SPOUSE VIOLATES THE VISITATION RIGHTS GRANTED BY THE COURT. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 452 - AN ACT TO AMEND CHAPTER 66, TITLE 16 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SA 2 to SB 403 sponsored by Senator Zimmerman. Placed with the Bill.

SA 2 to SB 428 sponsored by Senator Holloway. Placed with the Bill.

SA 2 to SB 296 sponsored by Senator Cordrey. Placed with the Bill.

SA 2 to SB 446 sponsored by Senator Knox. Placed with the Bill.

SA 3 to SB 447 sponsored by Senator Knox and Representative Sincok. Placed with the Bill.

SA 2 to SB 447 sponsored by Senator Littleton and Representative Gordy. Placed with the Bill.

SA 1 to SB 445 sponsored by Senator Littleton and Representative Gordy. Placed with the Bill.

SA 3 to SB 446 sponsored by Senator Littleton and Representative Gordy. Placed with the Bill.

SR 92 - REQUESTING THE HOUSE OF REPRESENTATIVES TO RETURN SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 143 WITH SENATE AMENDMENTS 1 AND 2 FOR FURTHER CONSIDERATION BY THE MEMBERS OF THE SENATE. Sponsor: Senator Holloway.

On motion of Senator Holloway, the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SR 93 - REQUESTING THE PRESIDENT PRO TEM TO APPOINT A PERMANENT ETHICS COMMITTEE FOR THE SENATE. Sponsor: Senator Hughes. The Resolution was immediately stricken at the request of the sponsor.

SR 94 - AUTHORIZING THE SENATE COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO EMPLOY COUNSEL AND PROVIDING FUNDS THEREFOR. Sponsor: Senator Zimmerman.

The roll call vote on the Resolution was taken on motion of Senator Zimmerman and revealed 21 Senators voting YES; therefore the Resolution was declared adopted.

SR 95 - REQUESTING THE COMMISSIONER OF CORRECTIONS, THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE SECRETARY OF AGRICULTURE TO COOPERATIVELY RECOMMEND WAYS IN WHICH INMATES OF THE DELAWARE CORRECTIONAL CENTER CAN EFFECTIVELY BE ASSIGNED WORK IN THE STATE PARKS AND FORESTRY PROGRAMS. Sponsors: Senators Sharp, Holloway, Cook, Hughes, Arnold and Cicione.

The Resolution was laid on the table on motion of Senator Sharp.

SR 96 - URGING PRESIDENT JIMMY CARTER AND THE SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RECONSIDER PLANS TO TRANSFER THE PRESENT FUNCTIONS OF THE DELAWARE HOUSING OFFICE TO PHILADELPHIA. Sponsor: Senator Holloway.

The roll call vote on the Resolution was taken on motion of Senator Holloway and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Resolution was declared adopted.

SR 97 - REQUESTING THE PRESIDENT PRO TEM TO APPOINT A PERMANENT ETHICS COMMITTEE FOR THE SENATE. Sponsors: Senators Hughes, Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman.

On motion of Senator Hughes, the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

Pursuant to the above Resolution, the President Pro Tempore announced the following Senators were appointed to the Ethics Committee: Senators Martin, Cook, Knox, Hughes and Cordrey.

SCR 82 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT SENATE JOINT RESOLUTION 98 WHICH AUTHORIZES THE PRESIDENT TO DECLARE MAY 21, 1978, NATIONAL FALLEN HEROES DAY. Sponsor: Senator Hughes.

The roll call vote on the Resolution was taken on motion of Senator Hughes and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 10:40 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. January 31, 1978.

The Senate reconvened at 3:07 p.m. January 31, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 414 and SB 402 and adopted SCR 76 and SCR 83.

The following legislation was introduced:

SA 1 to SB 441 sponsored by Senator Cordrey. Placed with the Bill.

SA 3 to SB 428 sponsored by Senator Holloway. Placed with the Bill.

HB 566 - AN ACT TO AMEND CHAPTER 47, TITLE 29, DELAWARE CODE RELATING TO THE BURIAL OF BODY BY THE STATE. Sponsor: Representative Wm. Brady. Assigned to Executive Committee.

HB 680 w HA 1 w HA 1, HA 2 - 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. Sponsors: Representatives Cain, George and Sincok. Assigned to Finance Committee.

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. Sponsor: Representative Sincok.

The Bill was laid on the table at the request of Senator Cordrey.

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. Sponsor: Representative Sincok. The Bill was laid on the table at the request of Senator Cordrey.

HB 646 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE. Sponsors: Representatives Johnson and Ferguson; Senator Hale. Assigned to Finance Committee.

HB 723 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE UNIVERSITY OF DELAWARE, SUCH FUNDS TO BE UTILIZED IN OFFSETTING A PROPOSED TUITION INCREASE. Sponsors: Representatives Ferguson and Maxwell. The Bill was laid on the table at the request of Senator Cicione.

HB 724 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTION TO USE FOR FIRE SAFETY EQUIPMENT CERTAIN FUNDS AUTHORIZED BY CHAPTER 40, VOLUME 61, LAWS OF DELAWARE FOR USE IN PRISON RENOVATION PROJECTS. Sponsors: Representatives Darling and Riddagh. The Bill was laid on the table at the request of Senator Cordrey.

The following communication was read and made part of this record at the request of Senator Cicione.

LAW OFFICES
L. VINCENT RAMUNNO
WILMINGTON, DELAWARE
January 31, 1978

HAND DELIVERED

Mr. Ralph S. Moyed
The News-Journal Company
831 Orange Street
Wilmington, Delaware

Re: Senator Anthony J. Cicione

Dear Ralph:

As you may be aware, I represent Senator Anthony J. Cicione, and I have represented him for some time. He has asked me to look into the matter which has been the subject of

your column recently, and which has clearly been blown out of proportion by you and your paper for reasons known only to yourself.

I have before me, and I am reviewing, a report which is labeled, "a Memorandum for File", written by Major O. Evans Denney of the Delaware State Police, dated December 13, 1976. This report refers to a phone call to Major Denney's unlisted home telephone number by Mrs. Passwater, who indicated that she wanted to talk to him in person. She also indicated that she was told to call him by an individual whose name she did not wish to disclose. The call was made on December 10, 1976, at approximately 5:30 p.m., and the next morning, December 11, 1976, at 9:05 a.m., Major Denney went to the Passwater residence.

Major Denney relates in the Memorandum what was told to him at that time; and afterwards, told the persons there present that he would contact the family either the following day or two days later. For some reason that is known only to Major Denney, and without the knowledge of his superior officers or anyone else in the Delaware State Police, instead of reporting to his superior officers, as he is, of course, required to do, he instead reported to Mr. George C. Hering, who, of course, is a political ally of the Governor-Elect at that time. In fact, I believe that Mr. Hering was in charge of the Governor's Transition Team at this time.

Major Denney also discussed this matter with Herman Brown, who is also a long-time political ally of the Governor, who was also at that time the State Chairman of the Republican Party. Why a Major in the Delaware State Police would report to George Hering, who has no capacity or position whatsoever in the State Police or in the Government for that matter, other than his political ties with the Governor; and why he would discuss this with a Republican State Chairman is difficult to understand.

After a discussion on this matter with Mr. Brown, Major Denney indicates in his report that it was also clear to him that it was Mr. Brown who had, in fact, initiated the call by Mrs. Passwater. It is clear, therefore, that it was Mr. Brown who was the person that Mrs. Passwater had referred to who had advised her to call Major Denney, but whose identity she did not wish to disclose. Why would a State Chairman in the Republican Party tell a private citizen, who had a possible complaint, to call a particular State Police Officer is perplexing? Why he chose Major Denney, is difficult to understand. I suppose that Mr. Brown had his own reasons -- but, it is rather disturbing that a State Chairman would somehow prefer a particular State Police Officer over another, especially since our State Police have and deserve the utmost respect from our citizens. Of course, there is no reason why a person should not be advised to call any police officer; or for that matter, if the matter is important enough, to call the Colonel in charge of the State Police himself. No individual, not even the Republican State Chairman, should be allowed to have a private State Police Officer at his disposal.

During this conversation with Mr. Brown, Major Denney advised Mr. Brown that he was discussing the matter with Mr. Hering. Apparently this procedure was in agreement with everyone concerned at this time. Again, it should be pointed out that at no time did Major Denney report this incident to his superior officer, Colonel Smith, or to anyone else within the governmental structure, but reported only to Mr. Hering and Mr. Brown. The report further indicates that after reviewing various statutes and further conversations with Mr. Hering, it was felt that the Passwaters should not proceed any further with this matter. The report indicates that this feeling was concurred in by Mr. Hering. It is rather interesting that Mr. Hering somehow was involved in an investigation with the State Police, and even appears to have advised or even directed the State Police that this investigation should not be continued any further. The report goes on to indicate that although the matter was closed by Mr. Hering and Major Denney, Major Denney indicated that in the near future, he would take steps to discuss this matter with the Ethics Committee in the Senate (which, in fact, at that time no such Committee existed. The Ethics Committee was just created on Thursday, January 26, 1978.), or "whatever other individuals might be deemed appropriate in making sure that the proper people were aware of this alleged incident".

It is difficult to understand why a Major in the State Police would decide, along with the concurrence of Mr. Hering, that a complaint should be closed apparently as being without substance, and that there was no need to investigate it any further; but, then make a notation in a report (that I understand was never submitted to his superior officer until requested many months later), indicating that he is going to let the Senate Ethics Committee (which did not exist) or some other individuals who he deems proper know about it. One wonders what other individuals he had in mind, and if that includes yourself. Has Major Denney made you aware of this, and have you in your possession a copy of this report? Your stories seem to lead to the conclusion that you must, since you practically quote from it. But, you deny it. In your column of January 30, 1978, you stated that you, "never have seen the police report and didn't learn what was in it until Cicione started quoting from it". The only thing that Senator Cicione quoted from that report was what appears to be a conclusion of Major Denney; namely, that this incident "in fact, may never have occurred". Even Major Denney, after discussing this matter with Mr. Hering, obviously believed that this incident may, in fact, never have occurred.

What makes this matter even more perplexing and curious and, frankly, suspect that it is only political, is the fact that it appears that Colonel Smith of the Delaware State Police did not receive it or was not aware of this report until just recently. In order to obtain the report and/or get the information that he needed from Major Denney, even though Colonel Smith is Major Denney's superior officer, and Major Denney reports to him, for some unexplainable reason, Major Denney had to ask the approval of

Glenn C. Kenton, the Secretary of State, to provide this information. Apparently Denney had in his possession this information and report; but, he had never shared it with anyone else except Mr. Hering and Mr. Brown, and other individuals whom he deemed appropriate -- whomever they may be.

Even though Major Denney has now obtained a job in the Governor's Administration as Assistant Secretary of State (although he is still, as of this date, a member of the State Police); and even though he apparently is now working as the Assistant to the Secretary of State, it seems strange that he would have to get Mr. Kenton's approval to give his superior officer this information. It also seems strange that the Secretary of State would write to Colonel Smith and advise him that any future requests for assistance from Major Denney by Colonel Smith, his superior officer, should be directed to the Secretary of State personally. A copy of Mr. Kenton's letter of January 25, 1978, to this effect is enclosed.

Instead of harping on a dead issue, and continuing to write what are frankly silly stories about rather insignificant things, but which, of course, without having the full story known appear to be embarrassing to Senator Cicione, and which you apparently take delight in doing, you should concentrate on the real story. That is, how a Major of the State Police in what appears to be a rather minor and insignificant complaint, became involved with Republican allies of the Governor, and eventually lands a job as the Assistant Secretary of State. It is amazing that for political reasons, and apparently in an attempt "to get" Senator Cicione, the State Police have been forced to be involved in politics and have been so compromised, as they apparently have been in this case. This abuse of police powers and a police officer for political reasons is intolerable. That, Mr. Moyed, is the story which you should be pursuing, especially since you consider yourself an investigative newspaper reporter.

I am writing this letter to you to set the record straight. I have advised Senator Cicione not to discuss this matter with you or with any other reporter in any way until I have completed reviewing this matter. I want to warn you, however, that you should be careful of making unwarranted accusations and innuendos; and that although the press does have a right, and even a duty at some times to probe our elected officials, there are limits to that right, and the duty must be exercised responsibly.

Frankly, your articles on Senator Cicione have been totally irresponsible, and if you continue with the unwarranted charges and accusations and innuendos, we will have no alternative but to consider taking legal action.

You may not agree with Senator Cicione's politics or personality, and you certainly can express yourself in that regard whenever you disagree, and you should do so. But, in doing so, you should not reduce your paper to the level of simply slinging mud for your personal and petty reasons. Senator Cicione is a competent legislator, who does his job for the citizens who elected him in his district. He has done his job in this capacity effectively, and has helped

the people of his district and this State very capably and conscientiously. Apparently, his constituents feel that he has done his job properly, and you should see to it that you do your job properly.

I am sending a copy of this letter to all of the parties that I have mentioned in this letter, as well as to Governor DuPont, since it involves his political allies and personnel in his Administration. Also, since this matter involves the Newspaper, I am sending a copy of this letter to Mr. Fisher, the Publisher.

Very truly yours,
L. Vincent Ramunno

Enclosure

* * * * *

Enclosure to the above letter:

STATE OF DELAWARE
DEPARTMENT OF STATE
DOVER
January 25, 1978

Colonel I. B. Smith, Jr.
Superintendent
Delaware State Police Headquarters
Dover, Delaware

Dear Colonel Smith:

I was advised by O. E. Denney, currently Assistant Secretary of State of Delaware, that you recently issued him a directive to produce certain information in connection with his past duties as a member of the Delaware State Police. Because Mr. Denney indicated to me he was happy to comply with your request and because this office is always anxious to cooperate with other branches of the State government, I have allowed him to comply with your request.

As I believe serious legal questions exist as to whom Mr. Denney is ultimately accountable at this time, I would appreciate your directing any and all future requests for assistance from him to me personally.

Sincerely yours,
Glenn C. Kenton
Secretary of State

* * * * *

SR 98 (Sponsored by Senators Zimmerman and Murphy) was introduced and considered for adoption on motion of Senator Zimmerman:

SR 98 - COMMEMORATING THE 25TH ANNIVERSARY OF THE OPENING OF HOLY CROSS SCHOOL OF DOVER.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Resolution was declared adopted.

SA 4 to SB 447 (Sponsored by Senator Arnold and Representative Roy) was introduced and placed with the Bill.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE

January 31, 1978

TO: All Senators -- 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointments -- Ethics Committee

As per the authority invested me with the adoption of Senate Resolution No. 97, I hereby appoint: Senator Richard S. Cordrey, Senator Roger A. Martin, Senator Nancy W. Cook, Senator Andrew G. Knox, Senator Charles E. Hughes to serve on the Ethics Committee for the Senate of the State of Delaware. Senator Richard S. Cordrey shall serve as Chairman.

* * * * *

HB 685 was reported out of the Administrative Services Committee: 1 Favorable, 4 Merits.

At 3:33 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

The Senate convened at 3:33 p.m. January 31, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 9th Day was approved as read.

At 3:37 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Lt. Governor McGinnis presiding.

HB 647 was lifted from the table for consideration on motion of Senator Zimmerman:

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.

The privilege of the floor was extended to John Riddle, representing Dover Downs, Inc., to speak on the Bill after which the roll call vote was taken on motion of Senator Zimmerman; however, the roll call was tabled before being announced on further motion of the Senator.

On motion of Senator Adams, and without objection, the necessary rules were suspended for consideration of four nominations for appointment by the Governor which follow in order.

The name of Rachel G. Draper was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The name of Oliver Cropper was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The name of Herbert Norris was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Spence and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The name of Charles W. Cole was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 724 w HA 1 from the table for consideration:

HB 724 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO USE FOR FIRE SAFETY EQUIPMENT CERTAIN FUNDS AUTHORIZED BY CHAPTER 40, VOLUME 61, LAWS OF DELAWARE FOR USE IN PRISON RENOVATION PROJECTS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence - 18.

NO: Senator McCullough - 1.

ABSENT: Senators Weiss and Zimmerman - 2.

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

On motion of Senator Cicione, the necessary rules were suspended for lifting HB 638 for consideration:

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.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Weiss and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 685 was taken up for consideration on motion of Senator Cook:

HB 685 - 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.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Cicione, the necessary rules were suspended for lifting HB 697 for consideration:

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.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Holloway, the necessary rules were suspended for the lifting for consideration of 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.

The privilege of the floor was extended to Dr. Lulu Mae Nix to speak on the Bill after which the roll call vote was taken; however, before it was announced, the roll call was laid on the table on further motion of Senator Holloway.

HB 677 was reported out of the Executive Committee: 5 Merits.

On motion of Senator Cordrey, HB 677 was taken up for consideration:

HB 677 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO PRINTING OF SESSION LAWS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Berndt, McCullough and Weiss) ABSENT; therefore the Bill was declared passed by the Senate and returned to the House.

On motion of Senator McDowell, SB 327 w SA 1 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1.

The roll call vote on SB 327 w SA 1, HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 17.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Berndt, McCullough and Weiss - 3.

Therefore, the Bill was declared passed.

At 6:36 p.m. on motion of Senator Cordrey, the Senate recessed for dinner and reconvened at 8:41 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 305 - 1 Favorable, 3 Merits.

From the Health and Social Services Committee: SB 452 - 5 Merits.

The following legislation was introduced:

SB 453 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSE OF INSTALLING THREE SECURITY LIGHTS AT THE CEDAR CREEK PUBLIC BOAT RAMP LOCATED ON THE EAST SIDE OF COUNTY ROAD 203 BETWEEN SLAUGHTER'S BEACH AND THE MISPELLION LIGHT HOUSE. Sponsor: Senator Adams. Assigned to Natural Resources and Environmental Control Committee.

SB 454 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO THE RIGHT OF APPLICANTS FOR STATE EMPLOYMENT AND STATE EMPLOYEES SEEKING PROMOTION TO EXAMINE RESULTS AND EVALUATIONS OF TESTS REQUIRED AS A CONDITION FOR EMPLOYMENT OR PROMOTION. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 455 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE JUSTICE OF THE PEACE COURTS FOR THE PURPOSE OF CORRECTING A SALARY UNDERPAYMENT. Sponsors: Senators Murphy and Schlor; Representative Matushefske. Assigned to Judiciary Committee.

SR 99 - COMMENDING SENATOR DANIEL E. WEISS AND HIS WIFE GINGER ON THE BIRTH OF THEIR THIRD CHILD. Sponsors: Senators Knox and all the Senators.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Berndt, Hughes, McCullough, Schlor and Weiss) ABSENT; therefore, the Resolution was declared adopted.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 81.

HCR 70 (Sponsored by Representative William Brady) was introduced and laid on the table at the request of Senator Cordrey:

HCR 70 - REQUESTING WHYY-TV TO CHANGE ITS PRINCIPAL NIGHT-TIME LOCAL NEWS SHOW FROM 6:30 TO 6 O'CLOCK TO AVOID CONFLICT WITH NATIONAL NEWS BROADCASTS EMANATING FROM OTHER TV STATIONS AT THE LATER HOUR.

The following legislation was introduced:

SB 456 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, TO PROVIDE FOR THE REORGANIZATION OF CERTAIN SCHOOL DISTRICTS FOR THE GOVERNANCE THEREOF, INCLUDING THE USE OF FEDERAL FUNDS BY SUCH DISTRICTS AND TO PROVIDE FOR AN ELECTION TO DETERMINE THE EXCLUSIVE BARGAINING REPRESENTATIVES OF THE PUBLIC SCHOOL EMPLOYEES OF THE NEW REORGANIZED DISTRICTS. Sponsors: Senator Hale; Representatives Worthen, Billingsley and Matushefske. The Bill was laid on the table at the request of Senator Hale.

SJR 34 - MONITORING OF FEDERALLY FUNDED PROGRAMS IN THE DESEGREGATION AREA OF NEW CASTLE COUNTY. Sponsors: Senator Hale and Representative Oberle. The Resolution was laid on the table at the request of Senator Hale.

At 8:50 p.m. on motion of Senator Cordrey, the Senate recessed for a short time and reconvened at 10:13 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 457 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE, TO PROVIDE FOR THE ESTABLISHMENT OF TAX RATES IN SCHOOL DISTRICTS CREATED BY COURT ORDER OR CREATED AFTER FEBRUARY 1, 1978, BUT PRIOR TO JULY 30, 1978. Sponsors: Senator Hale; Representatives Billingsley and Worthen. The Bill was laid on the table at the request of Senator Hale.

SB 458 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 41, BY ADDING A NEW SECTION RELATING TO TESTING AND EVALUATING PUBLIC SCHOOL STUDENTS, PUBLISHING ANNUAL REPORTS ON THE RESULTS THEREOF, PROVIDING THE TYPES OF TESTS AND TESTING PROCEDURES TO BE UTILIZED, PROHIBITING ANY MORATORIUM ON OR DECREASE IN THE CUSTOMARY FREQUENCY AND THE REGULARITY OF TESTING, AND PROVIDING FOR CERTAIN PUBLICATION OF THE RESULTS THEREOF. Sponsors: Senator Sharp and Representative Oberle. The Bill was laid on the table at the request of Senator Sharp.

On motion of Senator Holloway, the roll call vote on HB 624 was lifted from the table; however, before being announced the

roll call was again tabled on further motion of the Senator.

On motion of Senator Zimmerman, the roll call vote on HB 647 was lifted from the table; however, before being announced the roll call was again tabled on further motion of the Senator.

On motion of Senator Holloway, the roll call vote on HB 624 was lifted from the table; however, before being announced the roll call was again tabled on further motion of the Senator.

At 10:23 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. February 2, 1978.

The Senate reconvened at 2:41 p.m. February 2, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that Legislative Advisory #30 received from Office of Counsel to the Governor informed the Senate that the Governor approved SB 144 w SA 1, SB 159 w SA 1,3, SB 161 w SA 3, HA 1 and SJR 10 on January 31, 1978.

The following Veto Message of SB 157 w SA 1 was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 1978

To the Delaware State Senate of the 129th General
Assembly of the State of Delaware

On January 19, 1978, I received Senate Bill No. 157 as amended by Senate Amendment No. 1, entitled as follows:

"AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11, OF THE
DELAWARE CODE RELATING TO THE RIGHT TO THE GENERAL PRO-
VISIONS IN THE COURT OF COMMON PLEAS COVERING THE RIGHT
TO A TRIAL BY JURY."

I am returning this legislation at the request of its
sponsors, Senator Thomas Sharp, Senator Francis Kearns, and
Representative Ronald Darling.

I am advised by the sponsors and numerous other members of
the General Assembly that they wish to reconsider this legislation
with the hope of retaining the right to a jury trial in all criminal
cases, without regard to the maximum punishment imposable,
where to do so would not interfere with the proper and expeditious
administration of justice. Although it is my firm belief that
the subject Bill provides much needed reform and relief to the
Superior Court of New Castle County, I cannot ignore the request
of the sponsors that such relief extend only to those jurisdictions
where it is required.

For this reason, I am returning Senate Bill No. 157 as amended
by Senate Amendment No. 1, without my approval.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

At the request of Senator Cordrey, the privilege of the floor was extended to Melvin L. Joseph of Georgetown to speak on the legislation regarding Dover Downs.

The roll call vote on HB 642 was lifted at the request of Senator Cicione and announced:

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss - 16.

NO: Senators Adams, Cook, Cordrey, Sharp - 4.

NOT VOTING: Senator Zimmerman - 1.

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

The following letter of nomination for appointment from the Governor was read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 1978

To the Senate of the 129th General Assembly of
the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: David K. Brewster, 1402 North Grant Avenue, Wilmington, Delaware, to be Chairman of the Delaware Alcoholic Beverage Control Commission to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SB 459 (Sponsored by Senator Hale and Representatives Billingsley, Worthen and Matushefske) was introduced and laid on the table at the request of Senator Hale:

SB 459 - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF ADMINISTRATIVE STAFF PERSONNEL BY A CONSOLIDATED OR REORGANIZED SCHOOL DISTRICT AND STATE FUNDING OF SALARIES OR BENEFITS OF SUCH ADMINISTRATIVE STAFF PERSONNEL.

At 3:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY

The Senate convened at 3:10 p.m. February 2, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 10th Legislative Day was approved as read.
SB 338 was stricken at the request of Senator Murphy.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE
February 2, 1978

TO: All Senators -- 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Study Committee of the State Merit System - Appointment

Per the authority vested in me with the passage of House Concurrent Resolution No. 59, I hereby appoint Senator Anthony Cicione who will be replacing Senator Thomas B. Sharp on the Study Committee of the State Merit System.

Senator Sharp submitted his resignation because of a conflict of schedules with other committee assignments and a busy schedule.

* * * * *

Senator Hale moved that the necessary rules be suspended for consideration of SJR 34, SB 456, SB 457, SB 458 and SB 459.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Sharp, Spence, Weiss - 15.

NO: Senators Cicione and McCullough - 2.

NOT VOTING: Senators McDowell, Schlor and Zimmerman - 3.

ABSENT: Senator Holloway - 1.

Therefore, the motion was declared sustained.

On the above suspension of rules, SJR 34 was lifted from the table for consideration:

SJR 34 - MONITORING OF FEDERALLY FUNDED PROGRAMS IN THE DESEGREGATION AREA OF NEW CASTLE COUNTY.

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

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Spence, Weiss - 11.

NO: Senators Cicione and McCullough - 2.

NOT VOTING: Senators Cook, Kearns, McDowell, Murphy, Schlor, Sharp, Zimmerman - 7.

ABSENT: Senator Holloway - 1.

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

Senator Hale moved that no Amendments to the above Bills being considered under suspension of rules be acted on. However, the Senator then withdrew his motion.

On the above suspension of rules, SB 456 was taken up for consideration:

SB 456 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, TO PROVIDE FOR THE REORGANIZATION OF CERTAIN SCHOOL DISTRICTS FOR THE GOVERNANCE THEREOF, INCLUDING THE USE OF FEDERAL FUNDS BY SUCH DISTRICTS AND TO PROVIDE FOR AN ELECTION TO DETERMINE THE EXCLUSIVE BARGAINING REPRESENTATIVES OF THE PUBLIC SCHOOL EMPLOYEES OF THE NEW REORGANIZED DISTRICTS.

Senator McCullough moved that the Bill be read in full. The roll call vote on the motion was taken and revealed:

YES: Senators Cicione, Cook, Cordrey, Kearns, McCullough, Schlor, Sharp, Spence, Zimmerman - 9.

NO: Senators Adams, Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Weiss - 9.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Holloway and Murphy - 2.

Therefore, the motion was defeated; however, on motion of Senator Martin, the Synopsis of the Bill was read.

During the discussion of SB 456 and the several Amendments to it which were offered, the privilege of the floor was granted to the following: David S. Swayze, Governor's Attorney; H. James Conaway, Jr., Special Legislative Committee on Desegregation; Richard H. Morse, Special Legislative Committee on School Desegregation; and Tom Shiels of Legislative Council.

SA 1 to the Bill (Sponsored by Senator Hale; Representatives Billingsley, Worthen and Matushefske) was introduced and considered for adoption on motion of Senator Hale.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 16.

NO: Senator Cicione - 1.

NOT VOTING: Senators McDowell and Schlor - 2.

ABSENT: Senators Holloway and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Kearns who moved that it be laid on the table. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Kearns, Martin, McCullough, Schlor, Sharp - 9.

NO: Senators Arnold, Berndt, Hale, Knox, Littleton, Spence, Weiss - 7.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Holloway, McDowell, Murphy and Zimmerman - 4.

Therefore, the motion was defeated and the Amendment remained before the Senate.

Senator Kearns again moved that SA 2 be laid on the table and this time the motion prevailed without objection.

SA 3 to the Bill was introduced by Senator Kearns; however, the Amendment was then stricken on motion of the sponsor.

SA 2 which had been laid on the table was now again lifted for consideration on motion of Senator Kearns.

SA 1 to SA 2 was introduced by Senator Kearns.

At 6:02 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 6:25 p.m., Lt. Governor McGinnis presiding.

SA 1 to SA 2 to SB 456 was still before the Senate and the roll call vote on its adoption was taken on motion of Senator Kearns and revealed:

YES: Senators Adams, Arnold, Cook, Cordrey, Hughes, Kearns, Sharp, Spence - 8.

NO: Senators Berndt, Cicione, Hale, Knox, Littleton, Martin, McCullough, Murphy, Weiss - 9.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Holloway, McDowell, Schlor - 3.

Therefore, the Amendment was declared lost.

The roll call vote on SA 2 to SB 456 was then taken on motion of Senator Kearns and revealed:

YES: Senators Kearns and McCullough - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Sharp, Spence, Weiss - 14.

NOT VOTING: Senators Murphy and Zimmerman - 2.

ABSENT: Senators Holloway, McDowell and Schlor - 3.

Therefore, the Amendment was declared lost.

Senator Hale called for a roll call vote on SB 456 w SA 1; however, before the roll call was begun the Senate recessed for a short time at 6:54 p.m. on motion of Senator Cordrey and reconvened at 7:50 p.m., Lt. Governor McGinnis presiding.

The roll call vote on SB 456 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Spence, Weiss - 12.

NO: Senators Cicione, Kearns, McCullough, Sharp - 4.

NOT VOTING: Senators McDowell, Murphy and Zimmerman - 3.

ABSENT: Senators Holloway and Schlor - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Under the above suspension of rules, SB 457 was taken up for consideration on motion of Senator Hale:

SB 457 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE, TO PROVIDE FOR THE ESTABLISHMENT OF TAX RATES IN SCHOOL DISTRICTS CREATED BY COURT ORDER OR CREATED AFTER FEBRUARY 1, 1978, BUT PRIOR TO JULY 30, 1978.

SA 1 to the Bill (Sponsored by Senator Hale and Representative Worthen) was introduced and considered for adoption on motion of Senator Hale. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Sharp, Spence, Weiss - 13.

NO: Senators Cicione, Cook, Cordrey, Murphy - 4.

NOT VOTING: Senators McDowell, Schlor and Zimmerman - 3.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

SA 2, SA 3 and SA 4 to the Bill were introduced by Senator Kearns but immediately stricken at his request.

The privilege of the floor was extended to Richard H. Morse, Special Legislative Committee on School Desegregation; and James Spartz, Department of Public Instruction to speak on the Bill after which the roll call vote on SB 457 w SA 1 was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Hughes, Kearns, Knox, Martin, McCullough, Sharp, Spence, Weiss - 12.

NO: Senators Adams, Cook, Cordrey, Murphy, Zimmerman - 5.

NOT VOTING: Senators Littleton and McDowell - 2.

ABSENT: Senators Holloway and Schlor - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Under the above suspension of rules, SB 458 was taken up for consideration on motion of Senator Sharp:

SB 458 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 41, BY ADDING A NEW SECTION RELATING TO TESTING AND EVALUATING PUBLIC SCHOOL STUDENTS, PUBLISHING ANNUAL REPORTS ON THE RESULTS THEREOF, PROVIDING THE TYPES OF TESTS AND TESTING PROCEDURES TO BE UTILIZED, PROHIBITING ANY MORATORIUM ON OR DECREASE IN THE CUSTOMARY FREQUENCY AND THE REGULARITY OF TESTING, AND PROVIDING FOR CERTAIN PUBLICATION OF THE RESULTS THEREOF.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, Sharp, Spence, Weiss - 12.

NO: Senators Cicione, Hale, Knox - 3.

NOT VOTING: Senators McCullough, McDowell, Murphy - 3.

ABSENT: Senators Holloway, Schlor, Zimmerman - 3.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to H. James Conaway, Jr., to speak on the Bill after which the roll call vote on SB 458 w SA 1 was taken on motion of Senator Sharp; however, before being announced the roll call was tabled on further motion of the Senator.

Under the above suspension of rules, SB 459 was taken up for consideration on motion of Senator Hale:

SB 459 - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF ADMINISTRATIVE STAFF PERSONNEL BY A CONSOLIDATED OR REORGANIZED SCHOOL DISTRICT AND STATE FUNDING OF SALARIES OR BENEFITS OF SUCH ADMINISTRATIVE STAFF PERSONNEL.

SA 1 to the Bill (Sponsored by Senator Hale and Representative Worthen) was introduced and considered for adoption on motion of Senator Hale. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Murphy, Sharp, Weiss, Zimmerman - 14.

NO: Senators Cicione and McCullough - 2.

NOT VOTING: Senators Kearns and McDowell - 2.

ABSENT: Senators Holloway, Schlor and Spence - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 459 w SA 1 was then taken on motion of Senator Hale and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Cicione, Kearns, McCullough - 3.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Holloway and Schlor - 2.

Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 460 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE JUSTICE OF THE PEACE COURTS FOR THE PURPOSE OF CREATING TWO NEW CHIEF CLERK POSITIONS. Sponsors: Senators Murphy and Schlor; Representative Matushefske. Assigned to Judiciary Committee.

SB 461 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES IN THE STATE. Sponsors: Senators Murphy and Sharp; Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 462 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsors: Senators Adams, Cordrey and Cook. Assigned to Finance Committee.

SA 5 to SB 447 sponsored by Senator McCullough. Placed with the Bill.

SCR 84 (Sponsored by Senators Kearns and Cicione) was introduced and considered for adoption on motion of Senator Kearns:

SCR 84 - REQUESTING THE JUDICIARY COMMITTEES OF THE HOUSE AND SENATE TO INVESTIGATE THE FURLOUGH SYSTEM USED BY THE DEPARTMENT OF CORRECTION TO PROVIDE RELEASE FOR MURDERERS AND OTHER CRIMINALS.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 9:07 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 9:23 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Zimmerman, the roll call vote on HB 647 was lifted and announced:

YES: Senators Cicione, Cook, Holloway, Kearns, McCullough, McDowell, Murphy, Schlor, Spence, Zimmerman, McGinnis - 11.

NO: Senators Arnold, Berndt, Cordrey, Hale, Hughes, Knox, Littleton, Martin, Sharp, Weiss - 10.

NOT VOTING: Senator Adams - 1.

Therefore, the Bill was declared passed by the Senate and returned to the House. It will be noted that Lt. Governor McGinnis exercised his prerogative to cast a vote in this instance to break the tie.

At 9:25 p.m. February 2, 1978, on motion of Senator Cordrey, the Senate recessed to the call of the Chair.

The Senate reconvened at 2:25 p.m. March 14, 1978, Lt. Governor McGinnis presiding.

The following message from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
January 31, 1978

To the Delaware State Senate of the 129th General Assembly of the State of Delaware

On January 19, 1978, I received Senate Bill No. 157 as amended by Senate Amendment No. 1, entitled as follows:

"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 A TRIAL BY JURY."

I am returning this legislation at the request of its sponsors, Senator Thomas Sharp, Senator Francis Kearns, and Representative Ronald Darling.

I am advised by the sponsors and numerous other members of the General Assembly that they wish to reconsider this legislation with the hope of retaining the right to a jury trial in all criminal cases, without regard to the maximum punishment imposable, where to do so would not interfere with the proper and expeditious administration of justice. Although it is my firm belief that the subject Bill provides much needed reform and relief to the Superior Court of New Castle County, I cannot ignore the request of the sponsors that such relief extend only to those jurisdictions where it is required.

For this reason, I am returning Senate Bill No. 157 as amended by Senate Amendment No. 1, without my approval.

Respectfully submitted,
Pierre S. duPont, IV, Governor.

* * * * *

SB 463 (Sponsored by Senators Zimmerman, Murphy, Spence, Cook, Kearns; Representatives W. Brady, Riddagh and Miller) was introduced and laid on the table at the request of Senator Zimmerman:

SB 463 - AN ACT AUTHORIZING THE MUSKRAT TRAPPING SEASON TO BE EXTENDED DURING CALENDAR YEAR 1978.

SB 72 was reported out of the Corrections Committee: 2 Favorable, 2 Merits.

The following legislation was introduced:

SB 464 - AN ACT TO AMEND SUBCHAPTER III, TITLE 26, DELAWARE CODE, RELATING TO UNJUST RATES IMPOSED BY UTILITIES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 465 - ACT TO AMEND CHAPTER 9, TITLE 26, DELAWARE CODE RELATING TO AVAILABILITY OF COIN-OPERATED TELEPHONES FOR EMERGENCIES PURPOSES. Sponsor: Senator Holloway. Assigned to Administrative

Services Committee.

SB 466 - AN ACT TO AMEND CHAPTER 53, TITLE 25, DELAWARE CODE BY REQUIRING EVERY APARTMENT COMPLEX WITH TEN OR MORE UNITS TO PROVIDE AT LEAST ONE MAINTENANCE OR SECURITY PERSON ON DUTY FOR EMERGENCY CALLS; AND FURTHER PROVIDING THAT THE TELEPHONE NUMBER OF THE MAINTENANCE OR SECURITY PERSON BE MADE AVAILABLE TO TENANTS UPON REQUEST. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 467 - AN ACT TO AMEND CHAPTER 3, TITLE 24 OF THE DELAWARE CODE RELATING TO REGULATION OF THE PRACTICE OF ARCHITECTURE. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 468 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO THE POSTING WITHIN LICENSED LIQUOR ESTABLISHMENTS THE WARNING THAT ALCOHOL MAY BE DANGEROUS TO YOUR HEALTH AND SAFETY. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 469 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REMOVE SHOALS AND SILTATION IN BLACKWATER CREEK. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 470 - AN ACT TO AMEND SUBCHAPTER 1, OF CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE DISTRIBUTION AND SALE OF GAS FOR USE IN AN APPLIANCE EQUIPPED WITH ANY CONTINUOUS EMISSION STARTER SYSTEM. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SA 1 to SB 453 sponsored by Senator Adams. Placed with the Bill.

HB 747 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF AXLE-LOAD WEIGHERS. Sponsors: Representative Gordy and Senator Martin. The Bill was laid on the table at the request of Senator Martin.

SA 1 to HB 747 sponsored by Senator Martin. Placed with the Bill.

The following letters of nomination for appointment by the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

March 14, 1978

To the Senate of the 129th General Assembly of the
State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: Edmond duPont, P.O. Box 137, Monchanin, Delaware, to be reappointed as a member of the Board of Trustees, University of Delaware, for a six-year term to expire June 12, 1983.

The above name is not a gubernatorial appointment.