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STATE OF DELAWARE



JOURNAL OF THE HOUSE OF REPRESENTATIVES

130TH GENERAL ASSEMBLY

Convened
Tuesday, January 9, 1979
Dover, Delaware

1979 - 1980

22
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MEMBERS OF THE HOUSE OF REPRESENTATIVES
FIRST SESSION - 1979

NEW CASTLE COUNTY

District

- 1 ORLANDO J. GEORGE, JR., 2707 Baynard Boulevard, Wilmington
- 2 AL O. PLANT, 523 Eastlawn Avenue, Wilmington
- 3 HERMAN M. HOLLOWAY, JR., 609 South Heald Street, Wilmington
- 4 KEVIN W. FREE, 1109 North Franklin Street, Wilmington
- 5 CASIMIR S. JONKIERT, 403 South Broom Street, Wilmington
- 6 THOMAS E. BRADY, 2219 West Seventeenth Street, Wilmington
- 7 JOSEPH P. AMBROSINO, 24 North Stuyvesant Drive, Wilmington
- 8 JOSEPH C. LOUGHNEY, 109 Delaware Avenue, Claymont
- 9 CHARLES L. HEBNER, 913 Darley Road, Wilmington
- 10 GWYNNE P. SMITH, 1419 Fresno Road, Wilmington
- 11 RICHARD SINCOCK, 2201 Beaumont Road, Wilmington
- 12 JANE MARONEY, 4605 Concord Pike, Wilmington
- 13 JOHN P. McKAY, West Farm, Greenville
- 14 ROBERT L. MAXWELL, 311 Village Road, Wilmington
- 15 DAVID B. McBRIDE, 407 Cushman Road, Wilmington
- 16 DANIEL A. KELLY, 101 Lynam Street, Wilmington
- 17 JOHN MATUSHEFSKE, 106 West Franklin Avenue, New Castle
- 18 RICHARD C. CATHCART, 21 Prince Avenue, New Castle
- 19 ROBERT T. CONNOR, 18 Crippen Drive, New Castle
- 20 JOHN P. FERGUSON, 10 Addison Drive, Newark
- 21 ROBERT F. GILLIGAN, 2628 Sherwood Drive, Wilmington
- 22 ROGER ROY, 1801 Belfield Avenue, Wilmington
- 23 ROBERT S. POWELL, 5455 Crestline Avenue, Wilmington
- 24 WILLIAM A. OBERLE, JR., 188 Scottfield Drive, Newark
- 25 JAMES P. NEAL, 111 Radcliffe Drive, Newark
- 26 MARIAN P. ANDERSON, 41 Anglin Drive, Newark
- 27 JOSEPH R. PETRILLI, 21 Pinyon Pine Circle, Wilmington
- 28 GERARD A. CAIN, 2 Stallion Drive, Newark
- 29 WILLIAM H. BRADY, II, R. D. No. 1, Box 432, Middletown

KENT COUNTY

- 30 ROBERT W. RIDDAGH, 24 Lake Drive, Smyrna
- 31 MICHAEL J. HARRINGTON, SR., 228 North State Street, Dover
- 32 EDWARD J. BENNETT, Woodsedge Road, Box 344, Dover
- 33 RUTH ANN MINNER, R. D. No. 3, Box 694, Milford
- 34 J. EDWARD MORRIS, 5 East Street, Camden
- 35 RONALD DARLING, Box 342, R. D. 1, Camden-Wyoming

SUSSEX COUNTY

- 36 JOHN M. BURRIS, 314 Lakelawn Drive, Milford
- 37 WILLIAM H. VERNON, 132 Rehoboth Avenue, Rehoboth Beach
- 38 HOWARD A. CLENDANIEL, P. O. Box 442, Georgetown
- 39 TINA FALLON, Rt. 4, Box 219, Old Meadow Road, Seaford
- 40 WILLIAM J. GORDY, R. D. 2, Box 138, Laurel
- 41 CHARLES P. WEST, R. D. 3, Box 241, Millsboro

STAFF MEMBERS
FIRST SESSION - 1979

Anne T. Fitzgerald - Chief Clerk
Ruth E. Haggerty - Assistant Chief Clerk
Mamie Baynard - Page
Wessie Boney - Page
William Bowman - Page
Mark Brainard - Typist
John Branner - Sergeant-at-Arms
Katherine Clark - Legislative Council Receptionist
Richard Cooch - Attorney
Carrol Cordrey - Sergeant-at-Arms
Eleanor Cordrey - Page
Vanita Darling - Typist
Janice Donovan - Secretary
Marietta Fansler - Typist
Bernette Feher - Page
Bettye Goldsberry - Page
Richard Haber - Research Analyst
Rosalie Haney - Page
Sylvia Hatfield - Typist
Edna Hartzel - Typist
Alice Hazell - Page
JoAnn Hedrick - Secretary
Ann Holleran - Typist
Cecilia Hoopes - Page
Susanne Isaacs - Head of Bill Prep
Rose Ann Jones - Secretary
Patricia Joseph - Page
Hubert Kenney - Typist
Pamela Kitchen - Bill Clerk
Sandra Krett - Secretary to the Speaker
Sharon Latina - Typist
Francis Layton - Page
Rena Lehrer - Page
Donald Lindale - Assistant Recorder
Helen Marro - Assistant Bill Clerk
Sheila McCall - Page
Neva McClary - Typist
Stephanie Melver - Page
Ann McLaughlin - Secretary to the Chief Clerk
Rochelle Messick - Typist
Catherine Moore - Secretary
Mary Mroz - Secretary
Virginia Oakes - Reading Clerk
Peggy Oliphant - Typist
Ruth Parker - Secretary
Rebecca Price - Secretary
Karen Pugh - Secretary
Anna Redding - Page
John Rich - Attorney
Michael Rich - Attorney
Loretta Rittenhouse - Secretary
Nancy Stevens - Administrative Assistant
John Sobieski - Sergeant-at-Arms

Harry Sylvester - Sergeant-at-Arms
Pearl Talley - Secretary
Stanley Wacławski - Recorder
Kathy Walmsley - Typist
Andrea Wegman - Typist
Charles Wilson - Administrative Assistant

STANDING COMMITTEES
OF THE
HOUSE OF REPRESENTATIVES
FIRST SESSION - 1979

ADMINISTRATIVE SERVICES - Herman M. Holloway, Jr., Chairman;
Edward J. Bennett, John Matushefske, Robert L. Maxwell, Joseph P.
Ambrosino, James P. Neal.

AGING - Marian P. Anderson, Chairman; Herman M. Holloway, Jr.,
Daniel A. Kelly, J. Edward Morris, Michael J. Harrington, Kevin W. Free.

AGRICULTURE - Howard A. Clendaniel, Chairman; William H.
Brady, II, Robert L. Maxwell, Charles P. West, Gwynne P. Smith, William
H. Vernon.

APPROPRIATIONS - Orlando J. George, Jr., Chairman; Edward J.
Bennett, Gerard A. Cain, Howard A. Clendaniel, Robert F. Gilligan,
Robert L. Maxwell, David B. McBride, Joseph P. Ambrosino, James P.
Neal, Richard Sincock.

BANKING AND INSURANCE - John Matushefske, Chairman;
Howard A. Clendaniel, Casimir S. Jonkiert, Daniel A. Kelly, Thomas E.
Brady, Michael J. Harrington.

COMMUNITY AFFAIRS - Al O. Plant, Chairman; Marian P.
Anderson, Herman M. Holloway, Jr., Casimir S. Jonkiert, Tina Fallon,
Roger Roy.

CONSTITUTION - David B. McBride, Chairman; Marian P.
Anderson, Daniel A. Kelly, Al O. Plant, Richard C. Catheart, Jane
Maroney.

CORRECTIONS - J. Edward Morris, Chairman; William H. Brady, II,
Ronald L. Darling, Herman M. Holloway, Jr., Thomas E. Brady, William
A. Oberle, Jr., Robert W. Riddagh.

EDUCATION - J. Edward Bennett, Chairman; William H. Brady, II,
Gerard A. Cain, Ronald L. Darling, Robert F. Gilligan, Robert T. Connor,
John P. McKay, James P. Neal.

ENERGY-FEDERAL STATE RELATIONS - William H. Brady, II,
Chairman; Marian P. Anderson, Gerard A. Cain, Al O. Plant, Joseph R.
Petrilli, Roger Roy.

ENVIRONMENTAL CONTROL - Joseph C. Loughney, Chairman;
William H. Brady, II, Ronald L. Darling, Casimir S. Jonkiert, Richard C.
Catheart, Gwynne P. Smith.

In the absence of the Speaker, the Speaker Pro Tempore shall sign when and where necessary.

Rule 8 - Assignment of Bills and Resolutions to Committee

The Speaker shall determine the principal objective of a Bill or Joint Resolution and assign same to the committee to which such subject matter is appropriate. The sponsors of a simple resolution or of a concurrent resolution may request that such resolution be assigned to committee, or be assigned directly to the Consent Calendar. Simple and Concurrent Resolutions may, at the discretion of the Speaker, also be assigned to the committee. All prefiled Bills may be pre-assigned to committees by the Speaker and each member notified in writing of assignments.

Rule 9 - Appointment of Committees

The Speaker shall appoint all committees unless otherwise ordered by the House.

Where illness or other sufficient cause shall compel the absence of any committee member for more than five consecutive days, the Speaker, in his discretion, may fill such vacancy during said absence.

III. CONDUCT OF MEMBERS

Rule 10 - Attendance of Members

No member shall absent himself from any session of the House without advising the Speaker accordingly.

Members must answer roll call from their respective seats.

Rule 11 - Addressing the House

Every member desirous of speaking shall rise from his desk and respectfully address the Speaker but shall not proceed to speak further until recognized by the Chair. His or her remarks shall be confined to the subject before the House.

Rule 12 - Decorum of Members

Every member shall conduct himself in an honorable manner at all times. Personal reflections shall be prohibited.

While the Speaker is putting the question or addressing the House or while a member is speaking, no member or other person shall pass between the Speaker and member addressing the House.

A member shall not be interrupted when speaking, except to a call of order by the Speaker or by a member through the Speaker, or by a member to explain, or by a motion for the previous question, or to adjourn.

If any member of the House shall transgress the rules, the Speaker shall, or any member may, call him to order, in which case he shall immediately sit down and not proceed without leave of the House, which if granted, shall be upon motion that he be allowed to proceed, which motion shall not be debatable. No one other than a member shall sit in a member's seat while the House is in session.

IV. COMMITTEES

Twenty-one of the members elected to the House shall constitute a quorum to do business, but a less number may recess or adjourn from day to day.

Rule 2 - Order of Business

1. Calling of House to order
2. Opening Prayer
3. Salute to Flag.
4. Roll Call.
5. Approval of Minutes
6. Presentation of petitions, memorials or communications.
7. Reports from Standing and Special Committees.
8. Reporting by the Clerk of additional filed bills and resolutions.
9. Introduction of all other bills and resolutions by members.
10. Miscellaneous business.
11. Consent Calendar when necessary; once each week.
12. Consideration of Agenda.
13. Announcement of Agenda for next legislative day.

II. DUTIES OF THE SPEAKER

Rule 3 - Call to Order

The Speaker shall take the Presiding Officer's chair at the designated hour and shall call the House to Order.

Rule 4 - Control over Debate

The Speaker shall have general direction over the House Chamber and shall preserve order and decorum. In debate he shall prevent personal reflection and confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker.

Rule 5 - Decide Questions of Order; Appeal

The Speaker shall decide all questions of order. An appeal from his decision may be made by any member if properly seconded. The appeal shall be upheld only upon the affirmative vote of a majority of the members present and voting. The Speaker shall not vote on appeals from his own decision.

Rule 6 - Temporary Presiding Officer

The Speaker may name a member to perform the duties of Presiding Officer, but such substitution shall not extend beyond an adjournment or a recess except when the Speaker obtains leave of absence, in which case he may name a member as Speaker Pro Tempore during such leave, which leave shall not exceed five legislative days.

When neither the elected nor presiding officer shall be present, the House shall be called to order by the senior member in terms of service for the Majority Party who shall serve in the interim as the Presiding Officer.

Rule 7 - Signing of Bills and Resolutions

The Speaker shall sign all Bills and Resolutions requiring his signature. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk.

ETHICS - William J. Gordy, Chairman; John P. Ferguson, Ruth Ann Minner, John M. Burris, Charles L. Hebner.

HEALTH AND SOCIAL SERVICES - Robert F. Gilligan, Chairman; Marian P. Anderson, Casimir S. Jonkiert, J. Edward Morris, Kevin W. Free, Jane Maroney.

HIGHWAYS AND TRANSPORTATION - Daniel A. Kelly, Chairman; Ronald L. Darling, David B. McBride, Charles P. West, Robert S. Powell, Richard Sincock.

HOUSE ADMINISTRATION - William J. Gordy, Chairman; John P. Ferguson, Ruth Ann Minner, John M. Burris, Charles L. Hebner.

JUDICIARY - Casimir S. Jonkiert, Chairman; Joseph C. Loughney, John Matushefske, J. Edward Morris, Thomas E. Brady, Robert W. Riddagh.

LABOR AND COMMERCE - Robert L. Maxwell, Chairman; Joseph C. Loughney, David B. McBride, Al O. Plant, Robert S. Powell, Roger Roy.

NATURAL RESOURCES - Ronald L. Darling, Chairman; Howard A. Clendaniel, Joseph C. Loughney, Charles P. West, Robert T. Connor, William H. Vernon.

OVERVIEW - John Matushefske, Chairman; Ronald L. Darling, Al O. Plant, Joseph C. Loughney, Charles L. Hebner, William A. Oberle, Jr., Richard Sincock.

PUBLIC SAFETY - Charles P. West, Chairman; Robert F. Gilligan, Daniel A. Kelly, William A. Oberle, Jr., Joseph R. Petrilli.

REVENUE AND FINANCE - Gerard A. Cain, Chairman; Edward J. Bennett, Robert L. Maxwell, Charles P. West, John P. McKay, Robert S. Powell, William H. Vernon.

LEGISLATIVE COUNCIL - John P. Ferguson, Vice-Chairman; Ruth Ann Minner, William J. Gordy, John M. Burris, Richard Sincock.

RULES
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF DELAWARE
130TH GENERAL ASSEMBLY
FIRST SESSION
1979
HOUSE RESOLUTION NO. 2

I. RULES OF ORDER

Rule 1 - Convening of House

The House of Representatives shall meet every day (Friday, Saturday, Sunday, Monday and holidays excepted) at 1:30 p.m., unless otherwise ordered.

Rule 13 - Standing Committees

The committees of the House shall be constituted, insofar as possible, in proportion to the number of members of the two political parties. The Speaker shall establish committees as closely as possible paralleling the cabinet positions of the Executive Branch and shall appoint membership to same.

Rule 14 - Appointment of Special Committees

The Speaker, on his own initiative or upon order of the House, may appoint Special Committees.

Rule 15 - Quorum on Committees

A majority of the members of any standing or special committee shall constitute a quorum.

Rule 16 - Committee Meetings

No committee meetings shall be held while the House is in session without the consent of the Speaker. So far as may be applicable, the rules of the House shall be observed. All committee meetings will be open to the public except that the committee chairman may call an executive session at which no official action may be taken. During the legislative session, each standing committee of the House shall be assigned a regular meeting time by the Speaker. This shall not preclude the option of a committee chairman to cancel a regular or special meeting or call additional meetings when necessary.

Rule 17 - Deliberative Process and Procedures of Standing Committees

(a) Each Bill, Resolution or other legislative matter assigned to a standing committee shall pass through a prescribed deliberative process before being brought to the floor of the House, unless it is sooner petitioned out of committee. Such deliberative process shall include regularly scheduled, pre-announced meetings whereby the committee or subcommittee receives testimony from the general public, including those affected by the proposed legislation; considers an analysis of the proposed legislation; and by notice to the sponsor, makes time available for each formal sponsor to explain the legislation and answer possible committee questions.

(b) Each Thursday each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting; a listing of all Bills being held in committee; and any other announcements from the committee including the times, places and dates of future meetings.

(c) Minutes shall be taken at each formal standing committee meeting, and the results of any committee votes shall be recorded. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such dissent and the reasons therefor.

Rule 18 - Committee Reports

Committee reports, other than signatures, including minority reports, shall be printed or typewritten.

Bills and resolutions reported out of committee shall be by a majority of the committee, one of whom shall be the Chairman. The committee member shall designate whether voting (a) favorably, (b) unfavorably, or (c) upon the merits.

Rule 19 - Committee of the Whole

The committee of the whole shall mean and include a committee of the entire membership of the House with the Speaker as Chairman. So far as may be applicable, the rules of the House shall be observed in the committee of the whole.

V. BILLS AND RESOLUTIONS

Rule 20 - Introduction of Bills and Resolutions; Filing with Clerk

Every Bill or Resolution shall be introduced by a member or by report of a committee. Introduction may be by either of two methods:

(a) Prefiling of Bills and Resolutions with the Clerk of the House not less than one-half hour prior to the opening of the session by one of the three following procedures:

(1) The sponsor's initials in the 'Prefile-Yes' block on the request form;

(2) Verbal approval from the sponsor to the Chief Clerk (original Bill must still be signed before start of session);

(3) Signature of sponsor on original Bill one-half hour before start of session.

A Bill or Resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a docket kept for that purpose. At the beginning of the day's session following the filing of a Bill or Resolution with the Clerk, the Clerk shall introduce the Bill or Resolution.

(b) A Bill may be introduced from the floor while the House is in session if deemed necessary by the Speaker.

Rule 21 - Preparation and Custody

Every Bill and Resolution shall be introduced with as many backed copies as deemed necessary by the Speaker. The original of the Bill or Resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairman or Chairwoman of the committee to which it was assigned. A 'duplicate' copy may go to the following: The Speaker, the Sponsor, and the Legislative Council.

Upon introduction a copy of each Bill or Resolution shall be delivered to every member. There shall also be delivered to the Legislative Council 200 copies of said Bill or Resolution.

The original of all Bills and Resolutions shall be produced in such manner as approved by the State Archivist and Director of Research of Legislative Council for permanency and legibility.

No Bill or Joint Resolution shall be introduced into the House unless it be 'prefaced' by a brief statement of its purpose which shall be known as the title and shall also contain the text of the Bill or Joint Resolution in full. Each Bill or Resolution shall have an appropriate enacting or resolving clause. At the end of each Bill introduced the author shall

include a brief synopsis of the intent of the Bill, and in the lower left hand corner of page one shall be the initials of the unit preparing the Bill or Resolution, the initials of the Author and the typist, and, if prepared by automatic equipment, the identification number.

Rule 22 - Assignment to Committee and Fiscal Notes

Every Bill or Joint Resolution whether emanating from the House or the Senate carrying an appropriation or which may involve any financial obligation either present or future on the part of the State of \$50,000 or more which has been previously referred by the Speaker under the Rules to any committee of the House other than the Committee on Appropriations shall, after the same has been reported back to the House, be re-referred for not more than five legislative days to the Committee on Appropriations for its advisory report.

No Bill or Joint Resolution, whether emanating from the House or the Senate which appropriates or mandates or contemplates a subsequent appropriation during the current fiscal year or during each of the next three fiscal years, shall be placed before the House for consideration unless such Bill or Joint Resolution is accompanied by a fiscal note prepared by, and in a form prescribed by the Office of the Controller General. The fiscal notes shall contain in reasonable detail full cost data to enable clear understanding of the fiscal impact of the proposal for the near term as well as an extrapolation of its final consequences for the longer term. The three-year fiscal projection shall be attached by the sponsor prior to initial committee consideration of the Bill in its House of origin.

Rule 23 - Final Reading and Consideration by House

When brought before the House for consideration, each Bill and Joint Resolution shall be given its final reading by title unless the Speaker directs a reading in full. Each House or Senate Bill prior to final reading shall have been checked for errors and initialed as approved by an attorney whose initials shall be affixed to the original.

No Bill, Joint Resolution or Concurrent Resolution, if assigned to committee, shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the sponsor without his written consent. Any member concerned with a possible conflict should declare same at this point in the proceedings.

Rule 24 - Amendments

(a) Every Bill and Resolution may be amended at any time before final action is taken.

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

(c) No title of a Bill or Resolution, however, may be changed except for typographical errors.

Rule 25 - Substitute Bills

A Substitute Bill may be introduced by the sponsor of the Bill for which it is a substitute. Prior to the final reading, the sponsor shall briefly explain orally wherein it differs from the original. The substitute shall be assigned to committee and follow the same procedure as other bills.

Once assigned to committee the substitute bill shall render null and void the bill for which it is a substitute.

The title of a substitute bill must be identical to the title of the bill for which it is substituted.

Rule 27 - Petition of Bill or Resolution out of Committee

Every Bill or Resolution which shall have been in committee for a period of not less than ten legislative days shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

Rule 28 - Voting

Except for Bills and Resolutions on the Consent Calendar, every Bill or Joint Resolution which shall come before the House for final action shall be acted upon by a roll call vote.

Any member who has a personal or private interest in any measure or Bill before the House shall disclose the fact to the House in accord with Article 2, Section 20 of the State Constitution prior to the taking of the vote and refrain from voting thereon.

A member of the Legislature shall be deemed to have a personal interest in any legislation within the meaning of this Section, if, by reason of his participation in the enactment or defeat of any legislation, he has reason to believe that he will derive a direct monetary gain or suffer a direct monetary loss. No member of the Legislature shall be deemed to have a personal interest in any legislation within the meaning of this Section if, by reason of his participation in the enactment or defeat of any legislation, no benefit or detriment could reasonably be expected to accrue to him as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

The names of the members of the House shall be called alphabetically, except the speaker who shall vote last, and each shall, without debate or comment, answer 'yes', 'no', or 'not voting', from their respective seats.

No member shall be permitted to change his vote after the decision shall have been announced by the Chief Clerk.

VI. MOTION

Rule 28 - Debate and Vote on Motions

Any motion may be withdrawn or modified by the mover at any time before an amendment or ordering of the yeas and nays.

After debate or discussion, the motion shall be repeated by the Speaker before putting the question to the House.

Every motion shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members elected to the House present shall prevail in the case of incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the members elected to the House shall prevail in the case of privileged motions, main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail unless contrary to these Rules or unless it is in conflict with the statutes or provisions of the Constitution of the State of Delaware.

The Speaker may cause, or any member may call for a division, in which case the members voting in the affirmative shall be required to rise for the purpose of being counted by the Clerk of the House. The yeas and nays shall be taken only on motion that the roll call be called.

Rule 29 - Motion to Adjourn

A motion to adjourn shall always be in order, except during roll call, and shall be decided without debate.

Rule 30 - Procédence of Motions

When a question is under debate, no motion shall be received but

1. to adjourn;
2. to adjourn to a day certain;
3. to lay on the table;
4. to close debate (for the previous question); (which four motions shall be decided without debate)
5. to commit;
6. to postpone to a day certain;
7. to postpone indefinitely; or
8. to amend.

Rule 31 - Motion to Close Debate

A motion to close debate ('to call the previous question') shall not be entertained except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendment. The vote shall be taken without debate, first on the amendments in their order and then on the main question.

Rule 32 - Motion for Reconsideration

(a) No motion for reconsideration shall be in order unless made on the same day or on one of the three next succeeding legislative days.

(b) When a Bill, Resolution, Report, Amendment, Order or Message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or the Governor, the motion to reconsider shall be accompanied by a motion in writing, attested to by the Speaker, to request the Senate to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Rule 33 - Motion to Lift a Tabled Roll Call; Motion to Take
From the Table; Motion to Strike

After a roll call has been tabled or a measure has been laid on the table, only the following persons may move to lift such roll call or take such measure from the table:

1. In the case of a House measure, only the prime sponsor of the measure or a member authorized in writing by the prime sponsor.
2. In the case of a Senate measure, only the floor manager of a measure or a member authorized in writing by the floor manager.
3. Only the prime sponsor of a Bill can strike said Bill.

A motion to lift a tabled roll call and a motion to take from the table are not subject to debate. 'Measure' as used in this rule means a bill, resolution, amendment, motion, or other question before the House.

VII. CALENDAR

Rule 34 - House Calendar

The Clerk of the House shall keep a House Calendar on which shall be placed the number and title of all Bills and Resolutions and the name of the introducer thereof; and if reported from committee, the action of the committee thereon. Where the Bill or Resolution is introduced by request, the name of the person or group who asked the introducer to sponsor the measure shall also be placed on the Calendar. Said Bills and Resolutions shall be kept on the Calendar until final action is taken thereon, and such as lie over and other matters not disposed of, shall be placed in the order in which they are presented.

During the month of May it will be the responsibility of the Majority Leader to introduce a Resolution fixing a day after which no new legislation may be introduced.

Rule 35 - Consent Calendar

When an uncontested or non-controversial Bill or Resolution is reported out of committee, or is a Simple Resolution in accordance with House Rule 8, the sponsor may request the Chief Clerk to place it on the Consent Calendar. The Clerk shall read all such requests during the Order of Business, as part of the report on additional filed Bills and Resolutions. If there is no objection the Speaker shall, at the appropriate time in the Order of Business, place such Bill or Resolution on the Consent Calendar. All Bills placed on the Consent Calendar shall lay over for at least one legislative day from the time they are announced as having been placed on the Calendar.

The Consent Calendar shall remain in the custody of the Chief Clerk. All Bills and Resolutions on the Consent Calendar for one legislative day or more shall, on Wednesday of each week, be voted upon. There shall be two separate Consent Calendar votes, each by roll call: (1) the first roll call vote shall include all Resolutions on the Consent Calendar and all Bills requiring a majority vote; and (2) the second roll call vote shall be taken for all Bills on the Consent Calendar requiring more than a majority vote.

From the time the request that a Bill be placed on the Consent Calendar is announced until it is voted upon as part of the Consent Calendar, a member may object and request that such Bill or Resolution be removed. A member may object at any time and for any reason. No member shall be required to defend his request that a Bill or Resolution be removed from the Consent Calendar.

A member may orally object, during House proceedings while the House is in session, to the placement of a Bill or Resolution on the Consent Calendar; otherwise objections shall be in writing. All objections, however, shall be addressed to the Chief Clerk. When objection is made to the placing of a Bill or Resolution on the Consent Calendar, such Bill or Resolution shall be returned to the sponsor or floor manager. A Senate Bill or Resolution may also be placed on the Consent Calendar, in the same manner and under the same conditions as House Bills and Resolutions, by its House floor manager.

Rule 36 - Agenda

Bills and/or Resolutions brought to the top of the Agenda for the day shall only be permitted to be:

1. Deferred to day certain; or
2. Deferred to the end of agenda; or
3. Laid on the table; or
4. Worked.

Rule 37 - Announcement of Agenda; Delivery of Bills and Resolutions

(a) Immediately prior to adjournment or recess, the Clerk shall announce to the House by number, sponsor and/or committee, the Bills and/or Resolutions that are being placed on the Agenda for the day for the next legislative session.

(b) All Bills and Resolutions originating in the House, or Senate Bills or Resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding legislative days.

VIII. MISCELLANEOUS

Rule 38 - Amendment and Suspension of Rules

The Rules of the House shall be amended by simple Resolution. The Rules of the House may be suspended by a vote of a majority of the members elected to the House.

Rule 39 - Authorized Manual of Parliamentary Practice

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised, shall govern the House.

Rule 40 - Supervision of Legislative Staff

The Chief Clerk, or in his absence the Assistant Chief Clerk, shall at all times have complete jurisdiction over the members of the legislative staff. In this respect, the Chief Clerk, or the Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration Committee.

The Chief Clerk of the House will maintain on file a job description for the Chief Clerk and the Bill Clerk.

Rule 41 - Certification of News Media

Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the House Administration Committee.

Any person wishing to report proceedings of the House may apply to said Committee for assignment to suitable available space.

On approval of the House Administration Committee, radio and television stations shall be permitted to air and record sessions of the House.

Any use or reproduction of House tapes will require permission of the Speaker of the House and shall be communicated to the Chief Clerk in writing.

Rule 42 - Privilege of Floor

The privilege of the floor may be granted by the Speaker upon request of any member.

Rule 43 - Content of Resolutions

The following types of Resolutions may be considered by this body:

Simple Resolutions: A simple Resolution is a motion of the House and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

Concurrent Resolutions: A Concurrent Resolution is used to accomplish the same purpose in relation to the entire Legislature that the simple Resolution accomplished for either the House or Senate singly. A Concurrent Resolution adopted by the Legislature does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.

Joint Resolutions: A Joint Resolution is the most formal type of Resolution, and is addressed to matters which are not internal affairs of either House individually, or the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and signed by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures and has the force of law while in effect for a wide variety of limited purposes, including subpoena power. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the Legislature and Governor combined.

1st LEGISLATIVE DAY
130th GENERAL ASSEMBLY

January 9, 1979

Pursuant to Article 2, Section 4 of the Constitution of the State of Delaware, the 130th General Assembly convened on Tuesday, January 9, 1979.

The House was called to order at 2:44 p.m. by senior member of the House, Representative John Ferguson from the 20th District.

A prayer was offered by the Reverend Frank Lucia of the Avenue Methodist Church in Milford, Delaware.

Representative-elect Ferguson led the members-elect and others present in a salute to the Flag.

"True Until Death", "The Lord's Prayer" and "Our Delaware" were sung by Mr. Dan Pressley, Artist in Residence at the University of Delaware, accompanied by Mrs. Pressley on the piano.

Mrs. Karen H. Pugh, Temporary Chief Clerk of the House, at the request of Representative Ferguson, called the names of the members-elect of the House of Representatives of the 130th General Assembly according to district as follows:

Orlando J. George, Jr., First Representative District;
Al O. Plant, Second Representative District;
Herman M. Holloway, Jr., Third Representative District;
Kevin Free, Fourth Representative District;
Casimir S. Jonkiert, Fifth Representative District;
Thomas E. Brady, Jr. Sixth Representative District;
Joseph P. Ambrosino, Seventh Representative District;
Joseph C. Loughney, Eighth Representative District;
Charles L. Hebner, Ninth Representative District;
Gwynne P. Smith, Tenth Representative District;
Richard Sincok, Eleventh Representative District;
Jane Maroney, Twelfth Representative District;
John P. McKay, Thirteenth Representative District;
Robert L. Maxwell, Fourteenth Representative District;
David B. McBride, Fifteenth Representative District;
Daniel A. Kelly, Sixteenth Representative District;
John Matushefske, Seventeenth Representative District;
Richard Cathcart, Eighteenth Representative District;
Robert T. Connor, Nineteenth Representative District;
John P. Ferguson, Twentieth Representative District;
Robert F. Gilligan, Twenty-First Representative District;
Roger P. Roy, Twenty-Second Representative District;
Robert S. Powell, Twenty-Third Representative District;
William A. Oberle, Jr., Twenty-Fourth Representative District;
James P. Neal, Twenty-Fifth Representative District;
Marian P. Anderson, Twenty-Sixth Representative District;
Joseph R. Petrilli, Twenty-Seventh Representative District;
Gerard A. Cain, Twenty-Eighth Representative District;
William H. Brady, II, Twenty-Ninth Representative District;
Robert W. Riddagh, Thirtieth Representative District;
Michael Harrington, Thirty-First Representative District;
Edward J. Bennett, Thirty-Second Representative District;

Ruth Ann Minner, Thirty-Third Representative District;
John Edward Morris, Thirty-Fourth Representative District;
Ronald L. Darling, Thirty-Fifth Representative District;
John M. Burris, Thirty-Sixth Representative District;
William H. Vernon, Thirty-Seventh Representative District;
Howard A. Clendaniel, Thirty-Eighth Representative District;
Tina Fallon, Thirty Ninth-Representative District;
William J. Gordy, Fortieth Representative District;
Charles P. West, Forty-First Representative District.

Representative Gordy moved that Representative Ferguson be made temporary Speaker of the House of Representatives to serve until the election of the permanent speaker. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy moved to appoint two representatives to examine the certificates of election. The motion was seconded by Representative Minner and adopted by voice vote.

Mr. Acting Speaker Ferguson appointed Representative Burris and Representative Gordy to examine the certificates of election.

The House recessed at 3:02 p.m. to examine the Certificates of Election and reconvened at 3:12 p.m.

Representative Gordy announced that the committee had examined the Certificates of Election and found that they were in order.

Mr. Acting Speaker Ferguson requested that Mrs. Karen H. Pugh, Temporary Chief Clerk, read the Certificates of Election.

State of Delaware

County of New Castle, SS

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of Our Lord Nineteen Hundred and Seventy-Eight for New Castle County, according to the Constitution and Laws of the State of Delaware, John P. Ferguson was duly elected Representative for Representative District Number Twenty in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this tenth day of November, A.D. 1978.

Albert J. Stiffler, President Judge

Andrew D. Christie, Resident Judge

Representative Gordy moved that the reading of one Certificate of Election constitute the reading of all. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy moved that the Oath of Office of Representative be administered to Representative-elect Ferguson by Judge Vincent A. Bifferato of the Superior Court. The motion was seconded by Representative Minner and adopted by voice vote.

The State of Delaware
County of New Castle, SS

I, John P. Ferguson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Speaker of the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability.

John P. Ferguson

Sworn to and Subscribed to this 9th day of January, A.D., 1979.

Vincent A. Bifferato, Judge, Superior
Court

Sandra S. Krett, Notary

Representative Gordy moved that Judge Bifferato administer the Oath of Office to the Representatives-elect. The motion was seconded by Representative Minner and adopted by voice vote.

Judge Bifferato administered the Oath of Office to all the Representatives-elect.

Representative Ferguson instructed Mrs. Pugh to call the permanent roll as follows.

Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West - 41.

Representative Gordy moved that the roll as read by Mrs. Pugh be the permanent roll of the House of Representatives of the 130th General Assembly. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy introduced and brought HR 1, co-sponsored by Representative Minner, before the House for consideration.

HR 1 - In Reference to the Election of the Speaker of the House of Representatives.

The roll call on HR 1 was taken.

Representative Gordy moved to table the roll call on HR 1. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy moved to recess for caucus at 3:45 p.m.

The House was called to order at 4:15 p.m.

Representative Gordy moved to lift the roll call on HR 1. The motion was seconded by Representative Minner and adopted by voice vote.

The roll call on HR 1 was revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, West, Mr. Speaker Ferguson - 39.

NOT VOTING: Representatives Neal, Vernon - 2.

Therefore, having received a constitutional majority, HR 1 was adopted and Representative John P. Ferguson was elected Speaker of the House of Representatives.

Representative Gordy moved that Judge Bifferato administer the Oath of Office of Speaker to Representative Ferguson. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy announced that the Majority caucus had elected Representative William Gordy as Majority Leader and Representative Ruth Ann Minner as Majority Whip.

Representative Burris announced that the Minority caucus had elected Representative John Burris as Minority Leader and Representative Charles Hebner as Minority Whip.

Representative Gordy introduced and brought HR 2, co-sponsored by Representative Minner, before the House for consideration.

HR 2 - Relating to Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

HR 2 was adopted by voice vote.

Representative Gordy introduced and brought HR 3, co-sponsored by Representative Minner, before the House for consideration.

HR 3 - In Reference to Election of Officers.

HR 3 was adopted by voice vote, thereby electing Anne Fitzgerald as Chief Clerk of the House and Ruth Haggerty as Assistant Chief Clerk of the House.

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

Representative Gordy brought HJR 1, co-sponsored by Representative Minner, before the House for consideration.

HJR 1 - In Reference to Election of Officers.

The roll call on HJR 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 41.

Therefore, having received a constitutional majority, HJR 1 was sent to the Senate for concurrence, and Pamela Kitchen was elected to serve as Bill Clerk of the House.

Representative Gordy introduced and brought HR 4, co-sponsored by Representative Minner, before the House for consideration.

HR 4 - Appointing a Committee to Notify the Governor that the House of Representatives is Organized.

HR 4 was adopted by voice vote and Mr. Speaker appointed Representative Clendaniel and Representative Riddagh to notify the Governor that the House was organized.

Representative Gordy introduced and brought HR 5, co-sponsored by Representative Minner, before the House for consideration.

HR 5 - Appointing a Committee to Notify the Senate that the House of Representatives is Organized.

HR 5 was adopted by voice vote and Mr. Speaker appointed Representative Matushefske and Representative Ambrosino to notify the Senate that the House of Representatives was organized.

Representative Gordy introduced and brought HR 6, co-sponsored by Representative Minner, before the House for consideration.

HR 6 - Authorizing the Chief Clerk to Purchase Postage Stamps for the First Session of the 130th General Assembly.

HR 6 was adopted by voice vote.

Representative Gordy moved to recess to the call of the Chair at 4:40 p.m.

2nd LEGISLATIVE DAY 1st Session

January 10, 1979

The Speaker called the House to order at 1:57 p.m.

Representative Cathcart requested that the House have a moment of silent prayer for Kenny Boulden, former Speaker of the House of Representatives.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m. A prayer was offered by Representative W. Brady from the 29th Representative District.

The Chief Clerk called the roll.

Members Present: 41.

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

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

Representative Gordy brought SJR 1, co-sponsored by Senators Cordrey and Sharp, before the House for consideration.

SJR 1 - In Reference to Election of Officers

The roll call on SJR 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Ambrosino, Cain, Kelly - 3.

Therefore, having received a constitutional majority, SJR 1 was returned to the Senate.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SJR 1.

Representative W. Brady introduced and brought HCR 1 before the House for consideration.

HCR 1 - Commending Coach Harold (Tubby) Raymond of the University of Delaware Football Team for His Selection as the Nation's Coach of the Year in Divisions II and III of District II.

HCR 1 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady introduced and brought HCR 2 before the House for consideration.

HCR 2 - Congratulating the Middletown High School Football Team and Coach Bill Billings for Winning the 1978 Championship in Division II.

HCR 2 was adopted by voice vote and sent to the Senate for concurrence.

Representative Bennett introduced and brought HCR 3, co-sponsored by Representative Plant before the House for consideration.

HCR 3 - Congratulating Emma C. Durazzo, of Dover, on her Promotion to the Rank of Major in the Delaware Army National Guard.

HCR 3 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy introduced and brought HR 7, co-sponsored by Representatives Ferguson and Minner, before the House for consideration.

HR 7 - Commending Dan Pressley of the University of Delaware for the Musical Program Presented at the Opening Session of the House of Representatives of the 130th General Assembly of Delaware.

HR 7 was adopted by voice vote.

Representative Plant introduced and brought HR 8 before the House for consideration.

HR 8 - Mourning the Death of Dr. Leon Victor Anderson of Wilmington, A Leader in the National Association for the Advancement of Colored People for the Past Twenty Years.

HR 8 was adopted by voice vote.

Representative Plant introduced and brought HR 9 before the House for consideration.

HR 9 - Providing for the Appointment of a Committee to Obtain Statistics About the Sentencing of Defendants in the Delaware Courts.

Representative Plant moved to strike HR 9. Without objection, HR 9 was stricken.

Senator McDowell and Senator Hughes notified the House that the Senate was in session.

Representative Hebner rose on a a point of order. Mr. Speaker concurred.

Representative Gordy moved to recess for caucus at 2:31 p.m.

The House was called to order at 5:34 p.m.

Representative Gordy introduced and brought HR 10, co-sponsored by Representative Minner, before the House for consideration.

HR 10 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

HR 10 was adopted by voice vote.

Representative Hebner introduced and brought HR 11, co-sponsored by Representative Gordy, before the House for consideration.

HR 11 - Congratulating John and Linda Burris on the Birth of Their New Son.

HR 11 was adopted by voice vote.

Representative Sincock introduced and brought HR 12, co-sponsored by Representatives McKay, Gordy and Jonkiert, before the House for consideration.

HR 12 - Commending Karen Pugh for Her Highly Competent Service as Chief Clerk of the House of Representatives During the 129th General Assembly.

WHEREAS, it has come to the attention of members of the House of Representatives of the 130th General Assembly of Delaware that Karen Pugh, of Bethel, a suburb of Laurel, has changed positions and will not be Chief Clerk of the House during this session; and

WHEREAS, during the long days and the even longer nights of the 129th General Assembly, Karen Pugh did a remarkably fine job as Chief Clerk of calling the roll, keeping the attaches tuned up, running the social functions, watching the House accounts, tipping Edie Hemphill off when her pantyhose caught a runner, trotting through the halls in her stockingfeet, advising Pam Kitchen, glaring at the gallery, trading news with Ruth Haggerty and Ann McLaughlin, chasing skunks from her home, and many other odd and assorted chores; and

WHEREAS, in numerous other ways Karen Pugh, sometimes known as Nature Girl, performed outstanding services for all of the 41 members of the House of Representatives of the 129th General Assembly; and

WHEREAS, Karen Pugh, thus, deserves the highest accolade of the members of the House, a Resolution calling attention to her loyalty, devotion and competence.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 130th General Assembly that we commend Karen Pugh for her highly competent service as Chief Clerk of the House of Representatives during the 129th General Assembly.

BE IT FURTHER RESOLVED that this Resolution be now presented to Karen Pugh as a testament to our appreciation.

HR 12 was adopted by voice vote.

Representative Bennett introduced and brought HCR 4 before the House for consideration.

HCR 4 - Requesting All Departments, Agencies, Boards, Commissions and Authorities Who Receive Public Funds to Conserve Paper by Printing Back to Back.

HCR 4 was adopted by voice vote.

The Reading Clerk read the following list of Committee assignments into the record.

Administrative Services: Herman M. Holloway, Jr. - Chairman; Edward Bennett, John Matushefske, Robert Maxwell, Joseph Ambrosino, James Neal.

Aging: Marion Anderson - Chairman; Daniel Kelly, Herman M. Holloway, Jr., J. Edward Morris, Michael Harrington, Kevin Free.

Agriculture: Howard Clendaniel, Chairman; Robert Maxwell, William Brady, Charles West, Gwynne Smith, William Vernon.

Appropriations: Orlando George, Chairman; Robert Gilligan, Gerard Cain, Edward Bennett, John Matushefske, Joseph Ambrosino, Richard Sinecock.

Banking & Insurance: John Matushefske, Chairman; Daniel Kelly, Casimir Jonkiert, Howard Clendaniel, Thomas Brady, Michael Harrington.

Community Affairs: Al O. Plant, Chairman; Marian Anderson, Casimir Jonkiert, Herman M. Holloway, Jr., Tina Fallon, Roger Roy.

Constitution: David McBride, Chairman; Al O. Plant, Daniel Kelly, Marian Anderson, Gwynne Smith, Richard Cathcart.

Corrections: J. Edward Morris, Chairman; William Brady, Ronald Darling, Herman M. Holloway, Jr., William Oberle, Robert Riddagh.

Education: Edward Bennett, Chairman; Robert Gilligan, Gerard Cain, William Brady, Ronald Darling, John McKay, Robert Connor, James Neal.

Energy - Federal & State Relations: William Brady, Chairman; Marian Anderson, Gerard Cain, Al O. Plant, Joseph Petrilli, Roger Roy.

Environmental Control: Joseph Loughney, Chairman; Casimir Jonkiert, William Brady, Ronald Darling, Richard Cathcart, Jane Maroney.

Health & Social Services: Robert Gilligan, Chairman; Casimir Jonkiert, Marian Anderson, J. Edward Morris, Kevin Free, Jane Maroney.

Highways & Transportation: Daniel Kelly, Chairman, Ronald Darling, Charles West, David McBride, Richard Sincok, Robert Powell.

Judiciary: Casimir Jonkiert, Chairman; J. Edward Morris, Joseph Loughney, John Matushefske, Thomas Brady, Robert Riddagh.

Labor & Commerce: Robert Maxwell, Chairman; Al O. Plant, Joseph Loughney, David McBride, Robert Powell, Roger Roy.

Natural Resources: Ronald Darling, Chairman; Joseph Loughney, Howard Clendaniel, Charles West, William Vernon, Robert Connor.

Public Safety: Charles West, Chairman; J. Edward Morris, Robert Gilligan, Daniel Kelly, William Oberle, Joseph Petrilli.

Revenue & Finance: Gerard Cain, Chairman; Robert Maxwell, Edward Bennett, Charles West, Robert Powell, John McKay, William Vernon.

Representative Gordy moved to recess to the call of the Chair at 5:52 p.m.

3rd LEGISLATIVE DAY 1st Session

January 11, 1979

The Speaker called the House to order at 1:56 p.m.

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by the Reverend Frank Lucia of the Avenue Methodist Church in Milford, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

Veterans of Foreign Wars of United States
Gen. W.W. Atterbury Post No. 3420
P.O. Box 3081
Wilmington, Delaware 19804

22 September 1978

SUBJECT: Appreciation for Resolution.

TO: Members of the House of Representatives
State Legislature, Dover, Delaware

Dear Members:

I would like to take your time to thank you for the resolution that was passed by the House of Representatives in my name and presented to me at my Testimonial held at the Polish American Post on 14 July 1978.

I would especially like to thank the persons who presented this resolution to the House.

The Testimonial given to me was a most exciting event and I was elated to say the least and I am sorry and wish I could thank each one of you separately.

Sincerely yours,

Norman G. Parks
Post Quartermaster
Past District 2 Commander

The reading clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HCR 1; HJR 1; SJR 2, HCR 2, HCR 3.

Representative Cain introduced and brought HCR 5 before the House for consideration.

HCR 5 - Establishing a Legislative Committee to Assess the Present and Near-Future Space Requirements of the General Assembly; and Providing that Such Committee Shall Meet with the Governor and With the Secretary of the Department of Administrative Services if Such Meetings Would be Helpful.

HCR 5 was adopted by voice vote and sent to the Senate for concurrence.

Representative Plant introduced and brought HR 13 before the House for consideration.

HR 13 - Providing for the Appointment of a Committee to Obtain Statistics About the Sentencing of Defendants in the Delaware Courts.

Representative Plant requested that the following communication be read into the record.

Superior Court of the State of Delaware

January 8, 1979

Hon. Al O. Plant, Sr.
State Representative
2nd Representative District
523 Eastlawn Avenue
Wilmington, Delaware 19805

Dear Representative Plant:

Thank you for your letter. We are interested in hearing from members of the General Assembly and we will try to assist you if we can.

You asked for statistical information relating to the sex and race of defendants appearing through indictment, plea negotiations and

sentencing and you also requested the same with regard to jury selections.

Although we have developed a rather sophisticated system of statistics to satisfy the managerial and administrative needs of the court, we have not had the inclination, resources or staff to accumulate the data you request for indictments or plea bargaining.

We are actively participating in a program of computerization and we are told that one of the things we can expect from that effort will be the kind of data, correlations and analyses that you are requesting. In the absence of that capability, it would be necessary for us to manually accumulate such data, manually do correlations and manually produce analyses. It would take our employees many months to accomplish this. It would be necessary to retrieve selectively thousands of case files and presentence reports from the archives in order to extract the data you requested. We do not have the staff that we could assign to such an activity for the required time, and continue to do our required assignments.

In the past, we have cooperated with responsible citizen groups in making appropriate materials available for research in these areas. For instance, in 1974, a team of journalism students under the direction of Theophilus Nix, a local attorney, did a study of sentencing practices involving drug offenses. The study included a randomly selected sample of about 200 cases (only a fraction of the number of cases handled by the court during the past five years). The students spent months accumulating data. The results of the study were reported in the Philadelphia Inquirer. An important conclusion of the study was that there was no evidence in the data to support the theory that the sentencing of defendants was biased. You are certainly welcome to the report of that study if you wish. In addition, we will make available to you in these offices the front page of every presentence report filed here which contains the data on sex and race which you requested.

We do have some data relating to the jury system during the past calendar year. This information is produced as a routine by-product of operation of the jury system.

Jury panels are selected at random by computer from the lists of registered voters. This is precisely the same system used by the Federal District Court in Delaware.

Typically, a monthly panel of jurors will have almost an equal number of men and women. Also there will be about 10 percent minorities on each panel as compared to about 11.9 percent minorities presently in the adult population.

Until we have the computer capability to generate the statistics you requested, these are the best answers we can provide to your questions.

We would be happy to meet with you or any of your colleagues in the General Assembly to discuss this matter if we can be of further assistance to you.

Very truly yours,

Albert J. Stifftel

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

Representative Plant moved to strike HR 13. Without objection, HR 13 was stricken.

Representative Plant introduced and brought HCR 6 before the House for consideration.

HCR 6 - Providing for a Study of the State Board of Education and the Department of Public Instruction in Order to Provide Information on Proposed Legislation and on Other Improvements as May be Determined Desirable.

Mr. Speaker assigned HCR 6 to the Education Committee.

Representative T. Brady moved to suspend the rules for the purpose of acting on HJR 2. The motion was seconded by Representative Connor and adopted by voice vote.

Representative Brady brought HJR 2 before the House for consideration.

HJR 2 - Requesting Brock Adams, Secretary of Transportation, to Make Federal Funds Available for the Immediate Replacement of the Augustine Bridge, Part of the Principal Highway System of the City of Wilmington.

The roll call on HJR 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 40.

NOT VOTING: Representative West - 1.

Therefore, having received a constitutional majority, HJR 2 was sent to the Senate for concurrence.

Representative Loughney moved to suspend the rules for the purpose of introducing and acting on SJR 3. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Loughney brought SJR 3 before the House for consideration.

SJR 3 - Requesting Juanita M. Kreps, Secretary of the Department of Commerce, to Use Her Authority to Assure the Grant of a \$70 Million Loan to Assist the Phoenix Steel Company of Claymont.

Representative Loughney requested and was granted the privilege of the floor for Senator Hughes.

The roll call on SJR 3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 39.

NOT VOTING: Representative West - 1.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, SJR 3 was returned to the Senate.

Representative Holloway introduced and brought HR 14 before the House for consideration.

HR 14 - Commending the Quick-Thinking, Resourcefulness, and Bravery of Nine-Year-Old Mark Spencer of Wilmington.

HR 14 was adopted by voice vote.

Mr. Speaker announced that the Chairman of the House Administration Committee would be Representative Gordy. The other members of the House Administration Committee would be Representative Ferguson, Representative Minner, Representative Burris and Representative Hebner.

Representative Gordy moved to recess for caucus at 3:09 p.m.

The House was called to order at 4:24 p.m.

The following prefiled legislation was introduced:

HB 1 - GILLIGAN - REVENUE & FINANCE: An Act to Amend Chapter 19 and Chapter 27, Title 30 of the Delaware Code Relating to Corporation Income Taxes and Manufacturers License Taxes Attributable to New Manufacturing Facilities within This State.

HB 2 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Modifications of Personal Income.

HB 3 - BENNETT - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to the Maximum Amount of Workmen's Compensation.

HB 4 - CAIN, SENATOR MARSHALL - HOUSE ADMINISTRATION: An Act to Amend Title 4, Title 5, Title 7, Title 14, Title 16, Title 18, Title 19, Title 24, Title 26, Title 29, Title 30 and Title 31 of the Delaware Code Relating to Certain State Agencies; and Providing for a Regulatory Programs Evaluation Act.

HB 5 - BENNETT - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 15, Delaware Code, To Provide for an Automatic Recount of the Vote in General Elections Under Certain Circumstances.

HB 6 - MORRIS, BURRIS, SENATOR ADAMS - HOUSE ADMINISTRATION: An Act to Provide a Disability Pension for Elton R. Wood, A Former State Employee Permanently Injured on the Job.

HB 7 - GILLIGAN, OBERLE, SENATOR KEARNS - JUDICIARY: An Act to Amend Title 11 and Title 24 of the Delaware Code Relating to Massage Establishments and Adult Book Stores.

HB 8 - ANDERSON, W. BRADY, CAIN, MAXWELL, MATUSHEFSKE - REVENUE & FINANCE: An Act to Amend Chapter 19, Title 14, of the Delaware Code Relating to Exemption from School Taxes Granted to Persons Who are 65 Years of Age or Older.

HB 9 - PLANT - CONSTITUTION: An Act Proposing an Amendment to Section 2, Article V of the Constitution of Delaware Relating to Voting Qualifications. (2/3 bill)

HB 10 - PLANT - COMMUNITY AFFAIRS: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

HB 11 - PLANT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code Relating to the Method of Payment for those Eligible for Assistance.

HB 12 - PLANT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to the State Public Assistance Code, by Requiring Assistance to be at 100 Percent of the Standard Need.

HB 13 - PLANT - LABOR & COMMERCE: An Act to Amend Chapter 9, Title 19 of the Delaware Code, Relating to the Minimum Wage Rate.

HB 14 - PLANT - LABOR & COMMERCE: An Act to Amend Chapter 7, Title 19, Delaware Code, to Provide that an Employer May Not Deduct Wages From an Employee for Time Spent by the Employee in Responding to a Subpoena or Summons.

HB 15 - PLANT - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Title 29, Delaware Code, Relating to the General Provisions of the General Assembly.

HB 16 - PLANT - APPROPRIATIONS: An Act Making a Supplemental Appropriation for Fiscal Year Ending June 30, 1979 to the Department of Health & Social Services, Division of Social Services for Emergency and Disaster Assistance.

HB 17 - PLANT - JUDICIARY: An Act to Amend Chapter 49, Title 10 of the Delaware Code Relating to Executions and Head of Family Exemption.

HB 18 - PLANT - APPROPRIATIONS: An Act Making a Supplementary Appropriation to Community Services, Inc. for the Youth Crisis Center of the Union Baptist Church of Wilmington, Delaware. (3/4 bill)

HB 19 - PLANT - APPROPRIATIONS: An Act to Amend Title 19, Delaware Code, by Creating a Public Work Program and Making Appropriation Therefor.

HB 20 - PLANT - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, by Increasing the Similarity of Those Required to File State and Federal Personal Income Tax Returns.

HB 21 - PLANT - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program. (3/4 bill)

HB 22 - GILLIGAN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Imposition and Rate of the Personal Income Tax.

HB 23 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code Relating to the Method of Payment for Those Eligible for Assistance.

HB 24 - HOLLOWAY - COMMUNITY AFFAIRS: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays.

HB 25 - VERNON, SENATOR CORDREY - COMMUNITY AFFAIRS: An Act to Amend An Act Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Prescribing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" to Provide a New Time for Filing Petitions for Nominations, to Provide a New Time for Review of Petitions for Nominations, and to Provide a New Time for the Annual Municipal Election. (2/3 bill)

HB 26 - WEST - HOUSE ADMINISTRATION: An Act to Provide that Secretaries of Cabinet Departments of the State of Delaware Shall Obtain Approval from the Various Advisory Councils Before Making Policy Decisions.

HB 27 - WEST - PUBLIC SAFETY: An Act to Amend Chapter 3, Title 21, Delaware Code, Relating to the Authority of the Secretary of the Department of Public Safety to Make Rules and Regulations.

HB 28 - OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 84, Part V, Title 11 of the Delaware Code Relating to the Delaware Police Training Program; and Providing an Additional Member for the Council on Police Training.

HB 29 - VERNON, SENATOR CORDREY - COMMUNITY AFFAIRS: An Act to Amend Chapter 302, Volume 49, Laws of Delaware, as Amended, Being "An Act to Incorporate the Town of Fenwick Island, Delaware". (2/3 bill)

HB 30 - CONNOR - HOUSE ADMINISTRATION: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to the Periodic Review and Termination of Certain State Agencies; and Providing for a Delaware Sunset Act.

HJR 2 - T. BRADY, GEORGE, SENATOR MCDOWELL - HIGHWAYS & TRANSPORTATION: Requesting Brock Adams, Secretary of Transportation, to Make Federal Funds Available for the Immediate Replacement of the Augustine Bridge, Part of Principal Highway System of the City of Wilmington, Delaware.

HJR 3 - PLANT - ADMINISTRATIVE SERVICES: Directing the Public Service Commission to Render a Full and Complete Report on the Most Recent Rate Increase Application by Delmarva Power and Light Company (Docket No. 885), and Whether or not There is Cause to Believe that the Applicant has Failed to Bear the Burden of Proof Required Under Delaware Law.

SJR 2 - MURPHY - LABOR & COMMERCE: In Reference to Senate Joint Resolution No. 44 Relating to the Special Commission Established to Study Workmen's Compensation Laws in Delaware, by Authorizing the Insurance Commissioner to Appoint an Additional Person to the Committee and Extending the Committee's Reporting Date from March 1, 1979 to April 1, 1979.

Representative Plant introduced and brought HR 15 before the House for consideration.

HR 15 - Marking the 50th Birthday of the Late Rev. Martin Luther King, Jr. on January 15, 1979.

HR 15 was adopted by voice vote.

Representative Maxwell introduced HB 31.

HB 31 - An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Highways; and Regulating the Closing of Residential Feeder Roads.

Mr. Speaker assigned HB 31 to the Highways and Transportation Committee.

Representative Harrington introduced and brought HR 16 before the House for consideration.

HR 16 - Commending the Men and Women of the Dover Air Force Base Who, When Faced with an Unpleasant and Unpopular Mission, Performed All That was Required of Them with Dedication, Efficiency and Compassion.

HR 16 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 17, co-sponsored by Representative Roy, before the House for consideration.

HR 17 - Amending the Rules of the House of Representatives Concerning Whether or Not a Member Has a "Personal or Private Interest" in Any Measure Before the House.

Representative Plant rose on a point of order.

Representative Gordy moved to place HR 17 in Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 21.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, - 20.

Therefore, having received a constitutional majority, the motion was adopted and Mr. Speaker assigned HR 17 to the House Administration Committee.

Representative Cain rose on a point of order.

Representative Holloway introduced and brought HR 18 before the House for consideration.

HR 18 - Commemorating the Birth Date of the Late Dr. Martin Luther King, Jr. and Requesting the Governor to Proclaim the Week of January 15 Through January 19th As Dr. Martin Luther King, Jr. Week.

HR 18 was adopted by voice vote.

Representative Gordy moved to recess to the call of the Chair at 5:00 p.m.

4th LEGISLATIVE DAY 1st Session

January 16, 1979

The Speaker called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by Representative J. Edward Morris of the 34th District

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SJR 3.

Representative Gordy introduced and brought HCR 7, co-sponsored by Representative Minner, before the House for consideration.

HCR 7 - Providing That a Joint Session of the Senate and the House of Representatives be Convened to Hear the Presentation of the Governor's Annual State of the State Address.

HCR 7 was adopted by voice vote.

Mr. Speaker announced the following changes in the Committee assignments:

Representative T. Brady - Corrections Committee.

Representative Smith replaced Representative Maroney on the Environmental Control Committee.

Representative Maroney replaced Representative Smith on the Constitution Committee.

Representative Cain announced that Representative George had been elected Chairman and Senator Cook Vice Chairman of the Joint Finance Committee.

Representative Harrington moved to suspend the rules for the purpose of introducing and acting on HJR 4. The motion was seconded by Representative Free and adopted by voice vote.

HJR 4 - Memorializing and Urging Each Member of the Delaware Congressional Delegation to Make Every Effort, on Behalf of the State of Delaware, to Insure that the Unclaimed Bodies of Members of the People's Temple are Not Buried Within the State of Delaware by the Federal Government.

The roll call on HJR 4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 41.

Representative Gordy introduced and brought HCR 8, co-sponsored by Representative West and Senators Cordrey and Littleton, before the House for consideration.

HCR 8 - Congratulating Joe Ben Hudson, of Mission, Sussex County, as he Celebrates His 105th Birthday on January 26, 1979.

HCR 8 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy moved to recess for Committee Hearings.

Representative Sincok rose on a point of order.

The House recessed for Committee hearings at 2:40 p.m.

The House was called to order at 4:23 p.m.

Representative Gilligan introduced and brought SCR 3, co-sponsored by Senator Cicione and Representative Ambrosino, before the House for consideration.

SCR 3 - Establishing a Joint Social Services Committee; and Providing a Supplementary Appropriation Therefor.

Representative Powell moved to place SCR 3 in Committee. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, Burris, Cain, Clendaniel, Darling, Fallon, Free, George, Harrington, Holloway, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Plant, Powell, Riddagh, Sincok, Smith, Vernon, West - 28.

NO: Representatives Ambrosino, W. Brady, Cathcart, Connor, Gilligan, Gordy, Hebner, Kelly, Matushefske, Maxwell, Petrilli, Roy, Mr. Speaker Ferguson - 13.

Therefore, having received a constitutional majority, the motion was adopted and SCR 3 was placed in the Health and Social Services Committee.

Representative Jonkiert introduced and brought SCR 4, co-sponsored by Senator Marshall and Representatives Jonkiert and Matushefske, before the House for consideration.

SCR 4 - Joining in the Celebration of a New Pope, John Paul II, the First Polish Pope in 455 Years and the 264th Pontiff of the Roman Catholic Church.

SCR 4 was adopted by voice vote and returned to the Senate.

Representative Bennett introduced and brought HR 19, co-sponsored by Representative Gordy, before the House for consideration.

HR 19 - Requesting the Speaker of the House to Appoint a Permanent Ethics Committee for the House of Representatives.

HR 19 was adopted by voice vote.

The Chief Clerk read the following committee reports into the record:

House Administration: HB 6 - 2F, 3M.

Community Affairs: HB 25 - 5F, 1M.

Public Safety: HB 28 - 3F, 1M.

Representative Gordy moved to recess to the call of the Chair at 4:52 p.m.

5th LEGISLATIVE DAY 1st Session

January 17, 1979

The Speaker called the House to order at 2:13 p.m.

The following Committee Report was read into the record by the Chief Clerk:

Community Affairs: HB 10 - 4M.

The Majority Leader moved to adjourn at 2:14 p.m., thereby ending the previous legislative day. The House reconvened at 2:14 p.m. A prayer was offered by Dr. John T. Randolph of the Wyoming United Methodist Church.

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

The Chief Clerk called the roll.

Members Present: 36.

Members absent: Representatives Anderson, Free, Gilligan, Kelly, Maxwell - 5.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 4; HJR 2; HCR 7; HCR 8.

The Senate has returned HJR 4 for correction without Senate action.

The following prefiled legislation was introduced:

HB 32 - W. BRADY - PUBLIC SAFETY: An Act to Make a Supplementary Appropriation to the Division of Emergency Planning and Operations of the Department of Public Safety for the Installation of a Warning Siren at Port Penn.

HB 33 - CAIN, GEORGE - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Exemptions.

HB 34 - GILLIGAN - HOUSE ADMINISTRATION: An Act to Amend Title 15 of the Delaware Code Relating to Elections; and Providing for the Conducting of Presidential Primary Elections in Presidential Election Years.

HB 35 - LOUGHNEY - COMMUNITY AFFAIRS: An Act to Amend Title 6 of the Delaware Code Relating to Consumer Protection; and Prohibiting Increases Where Certain Goods Have Already Been Priced.

HB 36 - GORDY - CLENDANIEL, MINNER, SINCOCK, WEST, SENATORS ADAMS, LITTLETON - PUBLIC SAFETY: An Act to Amend Chapter 45, Title 21 of the Delaware Code, Relating to Gross Weights Allowed on 2-Axle Trucks.

HB 37 - OBERLE, VERNON, ROY, PETRILLI, RIDDAGH - JUDICIARY: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Conduct of Hearings on Applications for Parole.

HB 38 - WEST - JUDICIARY: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Masters in the Family Court.

HB 39 - WEST - NATURAL RESOURCES: An Act to Amend Chapter 7, Title 7 of the Delaware Code, Relating to Visiting Traps Within 24-Hour Periods. (2/3 bill)

HB 40 - PLANT - JUDICIARY: An Act to Amend Chapter 17, Title 10, Delaware Code Relating to the Municipal Court of the City of Wilmington.

HB 41 - DARLING - REVENUE & FINANCE: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

HB 42 - OBERLE - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the Employment of Pensioners; and Providing for an Increase in the Amount Which a Temporary Employee on State Pension is Permitted to Earn.

HB 43 - RIDDAGH - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to School Boards of Reorganized School Districts; and Designating the Length of the Term of Office for School Board Members.

HB 44 - RIDDAGH, MORRIS - JUDICIARY: An Act to Amend Title 10, Title 11 and Title 29 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for a Delaware Determinate Sentencing Act.

HB 45 - MAXWELL - REVENUE & FINANCE: An Act to Amend Chapter 13, Part I, Title 30 of the Delaware Code Relating to the State Inheritance Tax; and Providing for an Agricultural Community Property Act.

HB 46 - JONKIERT, RIDDAGH, ROY, SENATOR SHARP - CONSTITUTION: An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware Relating to the Salaries and Emoluments of Public Officers. (2/3 bill)

HA 1 TO HB 4 - CAIN - Placed with the bill.

Representative Plant introduced and brought HCR 9 before the House for consideration.

HCR 9 - In Memory of Hubert H. Humphrey, the Happy Warrior Who Passed This Life on January 13, 1978.

HCR 9 was adopted by voice vote and sent to the Senate for concurrence.

Representative Minner brought HR 20, co-sponsored by Representative Bennett, before the House for consideration.

HR 20 - Congratulating Harry R. Cross, Bon Vivant, Man-About-Town, and Big Spender as he Reaches His 70th Birthday.

HR 20 was adopted by voice vote.

Representative Morris introduced HB 47, co-sponsored by Representatives T. Brady, W. Brady, Riddagh, Oberle, Darling and Holloway.

HB 47 - An Act to Make a Supplemental Appropriation to the Department of Correction for the Purpose of Providing the Cost of Inmate Boarding, Travel, Litigation Expenses, and Medical Expenses.

Mr. Speaker assigned HB 47 to the Corrections Committee.

Representative Morris introduced HB 48, co-sponsored by Representatives T. Brady, W. Brady, Riddagh, Oberle, Darling and Holloway.

HB 48 - An Act to Amend Volume 61, Chapter 376, Laws of Delaware, the 1978 Capital Improvements Act, by Repealing a Portion of the Sum Authorized for Construction of a Multi-Purpose Criminal Justice Facility and the Sum Authorized for Security Fencing and by Authorizing Funds for the Construction of a Facility at Delaware Correctional Center, and to Appropriate Such Funds to the Department of Correction. (3/4 bill)

Mr. Speaker assigned HB 48 to the Corrections Committee.

Representative Matushefske introduced HB 49, co-sponsored by Representatives T. Brady and Cain, before the House for consideration.

HB 49 - An Act to Amend Title 10 of the Delaware Code Relating to Judicial Compensation and Making an Appropriation Therefor.

Mr. Speaker assigned HB 49 to the Appropriations Committee.

Representative Harrington moved to suspend the rules for the purpose of acting on HJR 4. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Harrington moved to rescind the roll call on HJR 4. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Harrington introduced and brought HA 1 to HJR 4 before the House for consideration.

HA 1 to HJR 4 was adopted by voice vote.

The roll call on HJR 4 w/HA 1 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 34.

ABSENT: Representatives Ambrosino, Anderson, Free, Gilligan, Kelly, Maxwell, West - 7.

Therefore, having received a constitutional majority, HJR 4 w/HA 1 was sent to the Senate for concurrence.

Representative Connor introduced and brought HR 21 before the House for consideration.

HR 21 - Amending the Temporary Rules of the House of Representatives; and Providing for the Consideration of Legislative Bills in Open Committee Hearings.

Mr. Speaker assigned HR 21 to the House Administration Committee. Representative Connor objected.

Representative Minner rose on a point of order.

Representative Connor requested a roll call.

Mr. Speaker ruled that HR 21 was placed in the House Administration Committee.

Representative Burris brought HB 25 before the House for consideration.

HB 25 - An Act to Amend An Act Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Prescribing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" to Provide a New Time for Filing Petitions for Nominations, to Provide a New Time for Review of Petitions for Nominations, and to Provide a New Time for the Annual Municipal Election.

The roll call on HB 25 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gordy, Harrington, Hebner, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 31.

ABSENT: Representatives Ambrosino, Anderson, Free, Gilligan, Holloway, Jonkiert, Kelly, Matushefske, Maxwell, West - 10.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 25 was sent to the Senate for concurrence.

Representative Oberle brought HB 28 before the House for consideration.

HB 28 - An Act to Amend Chapter 84, Part V, Title 11 of the Delaware Code Relating to the Delaware Police Training Program; and Providing an Additional Member of the Council on Police Training.

The roll call on HB 28 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gordy, Harrington, Hebner, Jonkiert, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 31.

ABSENT: Representatives Ambrosino, Anderson, Free, Gilligan, Holloway, Kelly, Loughney, Matushefske, Maxwell, West - 10.

Therefore, having received a constitutional majority HB 28 was sent to the Senate for concurrence.

Representative Plant deferred HB 10 until Tuesday, January 23.

Representative Gordy introduced and brought HR 22, co-sponsored by All Kent and Sussex County Legislators, before the House for consideration.

HR 22 - Extending the Congratulations of the House of Representatives to the Honorable Ruth Ann Minner, Also Known as the Whip Lady.

HR 22 was adopted by voice vote.

The Chief Clerk read the following Committee reports into the record:

Corrections: HB 47 - 4F, 3M; HB 48 - 4F, 3M.

Representative Gordy moved to recess to the call of the Chair at 3:05 p.m.

6th LEGISLATIVE DAY 1st Session

January 18, 1979

The Speaker called the House to order at 1:08 p.m.

The Majority Leader moved to adjourn at 1:08 p.m., thereby ending the previous legislative day. The House reconvened at 1:09. A prayer was offered by Dr. J.T. Randolph from the Wyoming United Methodist Church.

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

The Chief Clerk called the roll.

Members Present: 39.

Members absent: Representatives Kelly, Matushefske - 2.

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

The Sergeant-at-Arms announced the President and Members of the Senate. They were admitted and seated. The Speaker invited Lieutenant Governor McGinnis and President Pro Tempore Cordrey to a seat on the rostrum.

JOINT SESSION

Representative Gordy moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Gordy moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Gordy moved that the Secretary of the Senate and Chief Clerk of the House act as Secretaries of the Joint Session. The motion prevailed.

The Speaker appointed Representative Sincock and Representative Gilligan and Senator Berndt and Senator McDowell to escort the Governor to the Chamber.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the House Chamber. The Speaker 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 Cordrey
Mr. Speaker Ferguson
Members of the 130th General Assembly
Ladies and Gentlemen

Two years ago this noon, when I took my oath of office on The Green, many problems seemed about to overwhelm us — financial problems, prison problems, desegregation problems. Many of them are behind us now, thanks to the cooperative efforts of all of us in the capitol and thousands of concerned citizens.

Today, Delaware is better — much better.

No longer is Delaware the financial outcast it once was; no longer is the government growing at such an alarming rate that it threatens to consume the taxpayer. Substantial progress has been made in reforming our prison system; the spectre of violent citizen reaction to desegregation has been calmed from our thoughts, and finally, through our joint efforts to bring integrity to our governmental process, we have restored some cloth to the tattered fabric of public trust.

In short, the politics of outrage has been replaced with the politics of common sense, and Delaware is better — much better.

Controlling state finances has been of primary concern to my Administration. The State's financial crisis was obvious to everyone — we were forced to tighten our belts, and we did so. Our financial recovery has been solid, and satisfying to all of us.

We all remember the three consecutive budget deficits of past years; today we are halfway through our second consecutive year of spending less than we take in. And we will present, next week, a fiscal year 1980 budget that continues to be in balance and holds spending to 98% of anticipated revenues.

The short-term borrowings used to finance past budget deficits have been paid off. We have repealed the 2¢ gasoline tax used to pay them off — an all too rare example of tax reduction promises being kept by elected officials.

We have returned to stable finances, and if we continue to spend your tax dollars sparingly, conservatively, Delaware will be better — much better.

The corrections system has been a constant problem for a decade in Delaware. My predecessors and I have struggled with prison construction, management problems, and harassment by the federal courts, seemingly without end. Today, many of those problems are behind us. With the cooperation of the General Assembly, almost all of the programs recommended in the Corrections Master Plan proposed in 1977 have been enacted and are underway. We have created approximately 345 new beds in our prisons to cope with short-term overcrowding. Additionally, a 360 bed pretrial detention facility in the Greater Wilmington area, and a 64 bed maximum security facility at Smyrna will soon become a reality.

New health care, grievance and classification systems, and intensive parole programs are in place. And we are now about the equally important task of revising the way our courts determine and fix bail, the elimination of mandatory minimum sentences for non-violent crimes, and expanded use of community service as alternatives to incarceration. Corrections problems will continue, and we will continue to work toward their solution. But clearly, Delaware's corrections system is better.

Court-ordered desegregation and the perils associated with its implementation were uppermost in the minds of parents and children in

1978. Thanks to the efforts of hundreds of citizens, and the common sense of all Delawareans we survived both desegregation and a difficult teachers' strike about as well as we could have hoped. We successfully sued and restrained a federal judge seeking to ignore the decisions of our government and saved New Castle County taxpayers \$4 million.

Our successful efforts for peaceful desegregation allow us to focus now on improving basic education — so that Delaware can be better.

These challenges — fiscal reform, corrections, and desegregation — were significant and obvious to everyone. There was consensus that they must be met. But the challenges that lie ahead are less apparent, less likely to generate broad public support in their solution, and, therefore, will be more difficult to overcome. If we are to be successful, we must carefully focus our efforts on a few priority areas.

A conservative, frugal spending plan must remain the cornerstone of our policy. Our immediate debts are paid, and our budget is in balance. But recession in the national economy is a significant threat to the Delaware economy; the days of tight money are not behind us. Our financial program must continue to be reasonable, restrained, and responsible; within the framework, we can begin to turn our attention from the hard, gray world of finance to those fundamental concerns of every Delaware family — jobs, education, and human services.

The most urgent priorities for 1979 seem to me very clear:

*Jobs for Delaware's breadwinners'

*Education to prepare the young for work or advanced education.

*Human care for those in our State who cannot care for themselves, with special emphasis on the plight of abused and neglected children;

*Renewed emphasis on improving the roads and highways of our State;

*Continued fiscal responsibility, with no tax increases.

JOBS FOR DELAWARE

One of the most important services the State can render is to assist those who are earnestly seeking employment to find a job; not a make-work project, not a short-term filler, but a job which will see the person to a financially independent and secure future. A job for the family breadwinner means everyone gains: the individual, the family, the employer, and the State.

Substantial efforts have been made during the past year to attract jobs to Delaware. I have personally sought out the business leadership of America, and talked to that leadership of our stable finances, our strategic location, and our positive attitude toward business development.

We have begun to improve our economic climate, and we must continue our progress. We cannot expect instant success, but I continue to believe that offshore oil development, tourism, the Port of Wilmington, and our strategic location for serving Eastern markets, offer significant economic development opportunities.

Passage by the General Assembly of two clarifications to the Coastal Zone Act that will permit us to become a support area for offshore oil and gas development will help bring jobs to Delaware.

So will approval in the 1980 budget proposal of additional economic development resources. One of the disappointments of 1978 was the failure of the General Assembly to approve the economic development

program I proposed in April — the tourism development dollars, and the industrial development personnel we need to compete successfully with our sister states. I hope the General Assembly will make them available this year.

Creation of an economic development authority will also be helpful in bringing jobs to Delaware. We will create an economic development corporation to be jointly funded by the State and the private sector. The corporation will work on a contractual basis with the State and other units of government to promote and manage industrial development at specific publicly-owned land sites. The management skills of the business community will thus be put to work to bring jobs to the Delaware community.

These tools — coastal zone act amendments, economic development funds, and an economic development authority, plus tax incentive programs I will be discussing in next week's budget message — will help us expand our economic development efforts even further to bring more jobs to Delaware.

While these efforts were bringing new jobs into the State, we have also been at work placing individuals in existing jobs. Today, there are 4,000 fewer people unemployed and 20,000 more employed than there were two years ago. Much of this is because of an improved economy, but it is also due to the State Labor Department's placing successfully over 7,000 people in jobs, including 113 disabled, 1,100 veterans, and 2,000 people who had been unemployed and drawing unemployment insurance. In addition, nine hundred welfare recipients have been placed on payrolls; they have become taxpayers instead of tax users, reducing the cost of welfare by \$2.2 million.

Of particular concern to me is unemployment among teenagers. I've personally been involved in our youth employment programs, talking to teachers, to employers, to the young people who want to work. I've seen the problem firsthand, and I understand that unemployment among teenagers is depriving them of a future as well as a job.

We have prepared a program to tackle this problem head-on. Jobs for Delaware Graduates is a comprehensive effort to bring counseling, motivational training, and hopefully, job placement to several thousand high school students. Jobs for Delaware Graduates is unique, a first in America, a program that will bring to students who would otherwise risk floundering for years on the reefs of unemployment, safe passage to a job — a job for which they are trained, a job with a future. To finance this \$4 million program, I will be asking for a \$500,000 supplemental appropriation to match private sector funds and \$2.5 million in federal funds we believe will be approved by President Carter's administration. The result of this program will be to make the best chance a student has to get a job staying in school, an important, fresh approach to education.

EDUCATION FOR DELAWAREANS

But, if the years prior to a student's entry into the job market are not spent in a sound education system, a job will be difficult to find and to hold. If Jobs for Delaware Graduates represents the last best chance for some students, our educational system represents the first and best chance for all students to acquire the knowledge and skills necessary to lead successful and productive lives.

If you have been, as I have, to first grade reading classes, and watched those young minds beginning their search for understanding; if you have been, as I have, to tenth grade remedial reading laboratories, and watched those maturing minds strive to master what they should have learned nine years before — then you will know, as I do, the crying need for better basic education in our public schools.

We have nurtured the seeds of competency based education during the past two years; they have taken root, and today, education is better. Promotion standards are in effect for most grades, social promotion is on its way out. Statewide testing has begun, as recommended by my Commission on the Future of Education. Parents can now follow the progress of their children through school from year to year. I urge parents, teachers, and school boards to use this valuable information to identify learning weaknesses, monitor student achievement, and improve our schools.

But standards are self defeating, unless we provide added teaching support so students can meet them. Strengthened instructional support through new basic skills units is underway, and will be completed next year.

But parents in Delaware want the very best basic education we can provide. A recent survey determined that 65% of our parents believe the schools are providing quality education to students. But many parents believe we could do better — much better. They cite high moral values and better basic education as the most important qualities in school programs. I've talked with many of those parents, and I'm concerned as they are that we find a way to strengthen these sound American principles in our educational system. I believe we have found a way — through fundamental schools.

Fundamental or Basics plus schools — are an alternative approach to education that will permit parents in those districts which establish such schools to voluntarily enroll their children in a more structured program which has a strong emphasis on educational fundamentals. Four pilot schools can be established in time for classes this autumn if school boards act soon. It is our hope that these programs will demonstrate improved educational techniques that will impact throughout our school system. I will be recommending funds in my budget to establish these Basics Plus Schools which can help Delaware education become better education.

For gifted and talented students we have an overdue obligation, and a special opportunity. Challenging programs for the best and the brightest among our young people will not only encourage their talents, but will pay enormous dividends to our society in future years. We will provide this stimulus through a special summer program — a Governor's School for Excellence — which will bring together for a concentrated period gifted and talented high school students to exercise and increase their skills. We have drawn upon the experience of other states and propose to begin with the first program for sixty students on the campus of the University of Delaware this summer.

HUMAN CARE

As much as we might wish for everyone to be fully educated and employable, there are people in our State who cannot reach this goal by

themselves. We recognize our responsibilities to the very old, the very poor, the handicapped and the afflicted.

If there is any part of our population which quite literally cannot take care of itself, it is abused, neglected and battered children. They have no interceder, no defender other than the State; they are often prisoners in homes under psychological conditions which can be worse than any jail. Nor are their numbers small; 1500 cases of child abuse or neglect are reported to us each year. Many other cases are never reported at all.

1979 is the International Year of the Child; I want to make it the Year of the Child in Delaware as well. I want to focus our efforts on the abused and neglected children of our State. To do so, I propose a coordinated, planned effort to bring help — more help, faster help, more effective help — to these children.

Let us begin with the establishment of a Child Protective Service Center. This Center, in a distinct and separate location, will serve as a focal point for children and parents who need help, for staff, and for the community. It will serve as the headquarters of an ongoing awareness and prevention program providing adequate space for interviewing children and parents, reporting, and record keeping.

A single statewide telephone number will be established at the Center; it will function 24 hours a day, seven days a week, for prompt and uniform reporting of child abuse information.

This Center will be a major step, but many children are so emotionally damaged as a result of abuse that normal protective services are not sufficient. These children need specialized, concentrated attention. What is needed is the establishment of a special unit at Terry Children's Psychiatric Center which will provide diagnosis and intensive treatment for emotionally disturbed, abused and neglected children. It is my hope that such a unit would save some disturbed children from permanent mental and emotional damage caused by abuse . . . and will help stop parents from continuing to inflict such abuse.

We have no time to lose. If we begin to work on improving our services to abused children in 1979, we will make a lasting contribution to their lives. These children are all our children; they will help shape another generation. It is said that a man never stands so tall as when he stoops to help a child. When that girl or boy is an abused or neglected child, our stature grows twofold.

ROADS AND HIGHWAYS

The deterioration of our road and bridge system caused by a lack of adequate maintenance and two tough back-to-back winters is a problem nationwide as well as for the State of Delaware. No better illustration can be given than to look at the number of bridges the Department of Transportation was forced to close and rebuild in order to prevent public tragedy: Augustine Bridge, Rising Sun Lane, Rockland Road, the Edgemoor Railroad Bridge; all presented grave concerns to the public safety. My Administration recognized the serious inconvenience these closings represent to the public, but ten years of inaction and negligence required tough decisions and prompt action to protect Delaware's citizens.

With the cooperation of the General Assembly, prioritized road and bridge needs were approved and work has now begun to translate these projects into reality. The long awaited widening of Route 7 to Stanton, completion of the Kennett Pike Interchange, the connector bridge between Route 896 and Route 2, widening of Stein Highway in Seaford and Salisbury Road in Dover, are a few of the major projects now underway. In addition, a combined State and Federal total of \$16 million will be spent this year on rehabilitating, reconstructing and repaving a number of major roads in the State.

A number of past or potential irritants to the traveling public were remedied in the past year. The opening of Route 141 through Newport, the opening of I-495 to relieve the congested I-95 through Wilmington, the building of a temporary access to the Cherry Island Industrial site to prevent possible serious economic loss, are examples of this Administration's response to public needs.

With these major efforts underway, it is time to turn our attention toward the nagging problem of suburban streets and secondary roads. In the 1980 bond bill, which will be enacted on July 1 of this year, I will be proposing a special \$4.5 million program to repair and rehabilitate suburban streets and rural roads throughout the State. When combined with a continuing commitment of \$16 million in repair, rehabilitation, and repaving funds, Delaware will be continuing its substantial efforts to better our road transportation system.

We have spoken of jobs and education, of human services and highways. Progress has been made in each of these areas in the past two years, and I have set forth some priority programs to achieve even more progress in the next two. Of course, we have made progress in other areas as well; two deserve special comment.

Seeking equality of opportunity for all our citizens is a constant challenge in our society — a challenge that my Administration has sought to meet from the first day of its life. Our commitment to peaceful desegregation was perhaps the most obvious evidence of our efforts. But there are others: bringing women and minorities into the cabinet and into key positions in the Administration — chairmanship of the Public Service Commission, chairmanship of the Economic and Financial Advisory Council, Executive Director of Delaware's new Washington Office, appointment of more than one hundred minority individuals and two hundred women to commissions and positions in State government, the ongoing affirmative action program to ensure fairness of opportunity in Delaware government.

In concrete terms, we have financed more than 1200 units of new or rehabilitated housing for elderly and low and moderate income families. These units exceed the amount of such housing financed during the entire eight years preceding my Administration. The commitment to equality of opportunity for all Delawareans is firm; our efforts assure it will continue in the next two years as it has in the past.

Finally, a word about my efforts to hold down the tremendous increases we have all suffered in the cost of electricity. There is no good reason why electricity in Delaware should be among the most expensive electricity in all America. There is no good reason why utilities, unlike any other business in America, should be guaranteed an automatic, 100 percent pass-through of fuel costs in the form of a fuel

adjustment charge to consumers. There is no good reason why Delaware consumers should not be allowed to lower their own electric costs through less expensive off-peak time-of-day rates. In short, I believe we must make every effort to reform electricity pricing policies to bring us long-term rate stability and ensure an adequate supply of electricity. I believe this can be done while assuring an adequate rate of return for the utility as well.

Our efforts in the past two years have been significant; the results substantial. I successfully persuaded DP&L to roll back its price increase under bond — a roll back that ultimately saved the consumer millions of dollars. We have created and funded an office of Public Advocate to represent all of us as consumers before the Public Service Commission. We completed an independent evaluation of Delaware's utility rate structure, funded by the U.S. Department of Energy, and on the basis of that study, I have personally intervened before the PSC to urge immediate time-of-day pricing breaks for consumers. I am sorry to say that my petition to begin such pricing as quickly as possible was voted down by the commission; I hope we will be more successful in the future.

We have talked this afternoon of the ways in which Delaware is better, and how, together, we have made it so. Education, jobs, help for our children — we have seen where we have been and set a course to steer by in the twelve months ahead.

No government can be all things to all people. We have struck a balance, recognizing our responsibilities and our limited resources. There is a difference between being responsive and being irresponsible — a distinction sometimes lost on those special interests whose strident voices urge us further than we ought to go. We have made choices, set priorities, and met them. The choices we have recommended for the future are responsible, reasonable and restrained. They will not require massive new spending; they will not require any tax increases; they will mean better government, not more government.

What should we be striving toward in Delaware? Toward the fullest opportunity to learn, to work, to improve ourselves and our fellow man. Our goal must be to create a community of interests, ideas and institutions so that each of us may enjoy an opportunity for self-fulfillment.

For my part, I renew my pledge to strive for the highest quality of leadership and the highest standard of performance it is possible to achieve. I cannot promise to do more; I shall not do less.

Representative Gilligan and Representative Sincok and Senator McDowell and Senator Berndt escorted the Governor from the Chamber.

Representative Gordy 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 Speaker.

Representative Gordy moved that the two Houses now separate to re-convene in their respective Chambers. The motion prevailed.

Representative Clendaniel introduced and brought SCR 5, co-sponsored by Senator Adams and Representative Clendaniel, before the House for consideration.

SCR 5 - Welcoming Rodder Purnell to the 130th General Assembly of Delaware.

SCR 5 was adopted by voice vote and returned to the Senate.

Representative Gordy moved to recess for caucus at 2:10 p.m.

The House was called to order at 4:55 p.m.

The following prefiled legislation was introduced:

HB 50 - MATUSHEFSKE, CAIN, AMBROSINO, SENATORS HOLLOWAY, SHARP, KNOX, HUGHES - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Jai-Alai. (2/3 bill)

HB 51 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Title 10, Delaware Code, to Provide for a Maximum Number of Justice of the Peace Courts.

HB 52 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Title 10, Delaware Code, to Provide that Only One Court Must be Kept Open at All Times in New Castle County.

HB 53 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Title 10, Delaware Code, to Increase the Flexibility of Assignment of Justices of the Peace.

HB 54 - MATUSHEFSKE - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Title 29, Delaware Code, to Increase the Expense Allowance of the Members of the General Assembly.

HB 55 - MATUSHEFSKE - PUBLIC SAFETY: An Act to Amend Chapter 7, Title 21, Delaware Code, to Increase the Opportunity for Mailed-In Motor Vehicle Violation Fines.

HB 56 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 1 and Chapter 92, Title 10, Delaware Code, to Provide for a Chief Magistrate to Administer the Justice of the Peace Court System Throughout the State and to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts.

HB 57 - JONKIERT - HOUSE ADMINISTRATION: An Act to Establish the Delaware State Compensation Commission.

HB 58 - MATUSHEFSKE - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Title 29, Delaware Code, to Increase the Salary and Additional Sum Paid the Lieutenant Governor and to Increase the Salaries of the Members of the General Assembly.

HB 59 - MINNER, SINCOCK - PUBLIC SAFETY: An Act to Amend Chapters 41 and 45 of Title 21, Delaware Code, Relating to Combination of Vehicles Used for Transportation of Motor Vehicles.

HB 60 - MORRIS - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 13, Title 14, Delaware Code, to Provide a Nurse for Each Vocational-Technical High School.

HB 61 - MCKAY, MARONEY - JUDICIARY: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to the Definition of Public Servant. (2/3 bill)

HB 62 - MCKAY, VERNON - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 63 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Title 10, Delaware Code, to Reduce the Number of Justices of the Peace Assigned to Each of the Three Counties.

HB 64 - MATUSHEFSKE - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Title 29, Delaware Code, to Increase the Salaries of the Members of the General Assembly.

HB 65 - MATUSHEFSKE - PUBLIC SAFETY: An Act to Amend Chapter 7, Title 21, Delaware Code Relating to Jurisdiction of Offenses for Motor Vehicle Violations.

HB 66 - MORRIS, BURRIS, SENATOR ADAMS - HOUSE ADMINISTRATION: An Act Awarding Special Pension Benefits to Elton R. Wood, a Former State Employee Permanently Injured on the Job. Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this Act as if the Award were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 67 - CAIN - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 25, Title 24 of the Delaware Code Relating to the Compiling, Distributing and Posting of the Prices of the One Hundred Most Commonly Prescribed Drugs.

Representative T. Brady introduced and brought HR 23, co-sponsored by Representatives Sincok and George, before the House for consideration.

HR 23 - Commending William H. Webb for His Service as Executive Director of Big Brothers of Delaware, Inc., for the Past Five Years.

HR 23 was adopted by voice vote and sent to the Senate for concurrence.

Representative Connor introduced and brought HR 24, co-sponsored by Representatives Ambrosino, T. Brady, Burris, Cathcart, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith and Vernon, before the House for consideration.

HR 24 - Amending the Temporary Rules of the House of Representatives to Allow for a Little "Sunshine" in Caucus Meetings.

Mr. Speaker assigned HR 24 to the House Administration Committee.

Representative Connor moved to override the Speaker's decision. The motion was seconded by Representative Roy.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 18.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 18.

ABSENT: Representatives Cain, Kelly, Matushefske, Neal, Oberle - 5.

Therefore, not having received a constitutional majority, the motion was defeated and the Speaker's assignment of HR 24 remained.

Representative Connor rose on a point of order stating that the Speaker could not vote on placing a bill in Committee.

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

Representative Connor moved to reconsider the roll call on the Speaker's decision. The motion was seconded by Representative Roy.

Representative Gordy moved to table Representative Connor's motion. The motion was seconded by Representative Minner.

The roll call on the motion to table the motion to reconsider the roll call on the Speaker's decision was taken.

Representative Gordy moved to recess to the call of the Chair at 5:35 p.m.

7th LEGISLATIVE DAY
1st Session

January 23, 1979

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

The Chief Clerk announced the roll call on the motion to table the motion to table the motion to reconsider the assignment of HR 24 to the House Administration Committee as follows:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 18.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 20.

ABSENT: Representatives Kelly, Matushefske, Mr. Speaker Ferguson - 3.

Therefore, not having received a constitutional majority, the motion was defeated.

Mr. Speaker announced that HR 24 would remain in the House Administration Committee where he had placed it because according to the House Rules, HR 2, the Speaker possesses the power to assign resolutions to committee.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m. A prayer was offered by Reverend Gregory Howe of the Christ Episcopal Church, Dover, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 68 - JONKIERT - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for Programs at the Blackman's Development Center, Inc. (3/4 bill)

HB 69 - OBERLE - JUDICIARY: An Act to Amend Title 6, and Title 25 of the Delaware Code Relating to Door-To-Door and Other Solicitation Sales.

HB 70 - MCBRIDE - EDUCATION: An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Relating to Public School Employees; and Providing for the Accumulation of Annual Leave and Absences for Other Reasons.

HB 71 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Inspections of Motor Vehicles.

HB 72 - HOLLOWAY - JUDICIARY: An Act to Amend Chapter 41, Title 11, Delaware Code Relating to the Minimum Wage for Employees in Default of Payment of Fines.

HB 73 - ROY, OBERLE, PETRILLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 9, Title 22 of the Delaware Code Relating to the Municipal Users Tax; and Providing for the Repeal of Such Tax by Means of Gradual Reductions.

HB 74 - GILLIGAN, ANDERSON, MINNER - LABOR & COMMERCE: An Act to Amend Title 19 of the Delaware Code and Requiring Employers to Treat Female Employees the Same as Male Employees.

HB 75 - ROY, OBERLE, PETRILLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 9, Title 22 of the Delaware Code Relating to the Municipal User Tax.

HA 1 to HB 7 - GILLIGAN - Placed with the bill.

HA 1 to HB 22 - MCKAY - Placed with the bill.

HA 1 to HB 49 - T. BRADY - Placed with the bill.

Representative Connor moved to strike HR 24. Without objection, HR 24 was stricken.

Representative Morris moved to strike HB 6. Without objection, HB 6 was stricken.

The reading clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 9, HCR 5, HCR 4, SCR 5, SB 40.

January 10, 1979

LEGISLATIVE ADVISORY #1

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on January 10, 1979: SJR 1.

January 11, 1979

LEGISLATIVE ADVISORY #2

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1-10-79: HJR 1. 1-11-79: SJR 3.

January 18, 1979

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on January 18, 1979: SCR 5.

The Speaker announced the following additions and changes in the Committee Assignments:

Remove Representative Matushefske from the Appropriations Committee and add Representatives Clendaniel, Maxwell, McBride and Neal.

The Overview Committee Chairman is John Matushefske. Members are Representatives Darling, Loughney, Kelly, Hebner, Oberle and Sincock.

The Delaware Commission on Interstate Cooperation Chairman is Representative Gilligan. Members are Representatives Clendaniel and Powell.

The House Ethics Committee Chairman and members will be the same as those of the House Administration. Chairman is Representative Gordy and members are Representatives Ferguson, Minner, Burris and Hebner.

The assignment to Legislative Council is Representative George.

Representative Plant introduced and brought HR 25 before the House for consideration.

HR 25 - Welcoming Former State Representative Amos B. McCluney, Wilmington City Councilman Joe L. White, and Madison H. Evans, Former Chairman of the State Personnel Commission, to the House of Representatives.

HR 25 was adopted by voice vote.

Representative Plant introduced and brought HCR 10 before the House for consideration.

HCR 10 - Requesting the Delaware Congressional Delegation to Push for and Support the Bill Introduced into Congress to Make the Birthday of the Late Martin Luther King, Jr. a National Holiday.

The roll call on HCR 10 was taken and revealed:

YES: Representatives W. Brady, Gordy, Holloway, Maxwell, McBride, Morris, Neal, Plant - 8.

NO: Representatives Bennett, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Harrington, Hebner, Kelly, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Vernon, West, Mr. Speaker Ferguson - 23.

ABSENT: Representatives Ambrosino, Anderson, T. Brady, Cain, Free, George, Jonkiert, Loughney, Matushefske, Sincok - 10.

Therefore, not having received a constitutional majority, HCR 10 was declared defeated.

Representative West introduced HB 76.

HB 76 - An Act to Amend Chapter 7, Title 21, Delaware Code, to Eliminate Radar.

Mr. Speaker assigned HB 76 to the Public Safety Committee.

Representative George introduced HB 78, co-sponsored by Senator Cook.

HB 78 - An Act to Aid the Wilmington Rape Crisis Center Inc., by Making an Appropriation Therefor. (3/4 bill)

Mr. Speaker assigned HB 78 to the Appropriations Committee.

Representative Matushefske moved to strike HB 58. Without objection, HB 58 was stricken.

Representative Holloway introduced and brought HR 26 before the House for consideration.

HR 26 - Commending Louis L. Redding, the State's First Black Lawyer on His 50th Year of Law Practice.

HR 26 was adopted by voice vote.

Representative Plant moved to strike HB 40. Without objection, HB 40 was stricken.

Representative Plant moved to strike HB 17. Without objection, HB 17 was stricken.

Representative Matushefske introduced HB 79, co-sponsored by Representatives Gilligan and Ambrosino.

HB 79 - An Act to Make a Supplementary Appropriation for Certain Grants-In-Aid. (3/4 bill)

Mr. Speaker assigned HB 79 to the Appropriations Committee.

Representative Matushefske introduced HB 80.

HB 80 - An Act to Amend Chapter 52, Title 29, of the Delaware Code to Provide that the State Shall Pay all of the Premium or Subscription Charges for Health Care Insurance for State Employees.

Mr. Speaker assigned HB 80 to the Banking and Insurance Committee.

Representative Gordy moved to recess for committee hearings at 2:47 p.m.

The House was called to order at 5:03 p.m.

The following Committee reports were read into the record by the Chief Clerk:

House Administration: HB 5 - 1F, 4M; HB 26 - 3M, 2UF; HB 66 - 1F, 3M, 1UF.

Judiciary: HB 7 w/HA 1 - 2F, 3M.

Community Affairs: HB 29 - 5M.

Appropriations: HB 49 w/HA 1 - 1F, 5M, 1UF; HB 78 - 2F, 5M.

Public Safety: HB 36 - 5M; HB 71 - 5M; HB 32 - 3F, 1M, 1UF.

Constitution: HB 50 - 6M.

Representative Jonkiert rose on a point of order. Mr. Speaker concurred.

Representative Gordy introduced and brought SCR 6, sponsored by Senator Cordrey, before the House for consideration.

SCR 6 - Providing that a Joint Session of the House of Representatives and the Senate be Convened to Hear the Presentation of the Governor's Annual Budget Message.

SCR 6 was adopted by voice vote and returned to the Senate.

Representative Jonkiert introduced HB 81.

HB 81 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Rate of Tax on Taxable Personal Income.

Mr. Speaker assigned HB 81 to the Revenue and Finance Committee.

Representative Cain introduced HB 82.

HB 82 - An Act to Amend Chapter 409, Volume 61, Laws of Delaware to Revise the Deadline for Reporting Estimates of Anticipated General Fund Revenues.

Mr. Speaker assigned HB 82 to the Appropriations Committee.

Representative W. Brady introduced HB 77, co-sponsored by Representatives Ambrosino, Anderson, Connor, Fallon, Gilligan, Maroney, Morris, Riddagh, and Smith and Senators Martin, Arnold, Hale, Knox, Littleton, Spence and Weiss.

HB 77 - An Act to Amend an Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

Mr. Speaker assigned HB 77 to the Environmental Control Committee.

Representative Gordy moved to recess to the call of the Chair at 5:20 p.m.

8th LEGISLATIVE DAY
1st Session

January 24, 1979

The Speaker called the House to order at 2:01 p.m.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:02 p.m. A prayer was offered by Reverend Gregory Howe of the Christ Episcopal Church in Dover, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communication into the record.

The Senate wishes to inform the House that it has passed SCR 6.

The following prefiled legislation was introduced:

HB 83 - OBERLE - LABOR & COMMERCE: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Prohibited Trade Practices; and Prohibiting Certain Automotive Repair Practices.

HB 84 - FERGUSON, GILLIGAN, RIDDAGH, SMITH, SENATORS MCCULLOUGH, SHARP, BERNDT - CONSTITUTION: An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to Initiative and Referendum. (2/3 bill)

HB 85 - OBERLE, CATHCART, ROY, HARRINGTON - PUBLIC SAFETY: An Act to Amend Chapter 43, Part II, Title 21 of the Delaware Code Relating to the Equipment and Construction of Vehicles; and Providing Certain Bumper Height Restrictions. (2/3 bill)

HB 86 - MAXWELL - EDUCATION: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Sick Leave for School Employees.

HB 87 - GILLIGAN - HOUSE ADMINISTRATION: An Act to Amend Chapter 91, Title 9, Delaware Code, Relating to Chief Deputies.

HB 88 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Rate of the Corporation Income Tax.

HB 89 - LOUGHNEY - EDUCATION: An Act to Amend Chapters 27 of Title 14, Chapter 9, of Title 10 and Chapter 5 of Title 11, Delaware Code Relating to the Definition of Truancy or Truant.

HB 90 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapters 23, 25, 27 and 29 of Title 30, Delaware Code Relating to Occupational License Taxes, Contractors' License Taxes, Manufacturers' License Taxes, Wholesaler License Taxes, Food Processor License Taxes, Grain and Feed Dealer License Taxes, Retailer License Taxes, Restaurant Retailer License Taxes and Farm Machinery Retailer License Taxes on Aggregate Gross Receipts.

HB 91 - OBERLE, AMBROSINO, CATHCART, ROY - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter I, Chapter 1, Title 26 of the Delaware Code Relating to the Composition of the Public Service Commission.

HB 92 - CLENDANIEL, GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees.

HB 93 - DARLING - CONSTITUTION: An Act Agreeing to a Proposed Amendment to Section 9, Article III of the Constitution of the State of Delaware Relating to the Appointing Power of the Governor. (2/3 bill)

HB 94 - MINNER, GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Merit System of Personnel Administration.

HB 95 - MATUSHEFSKE, T. BRADY - JUDICIARY: An Act to Amend Chapter 1 and Chapter 92, Title 10, Delaware Code, To Provide for a Chief Magistrate to Administer the Justice of the Peace Court System Throughout the State; to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts and Making an Appropriation for the Position of Chief Magistrate for the Remainder of the Fiscal Year.

HB 96 - OBERLE, HEBNER, LOUGHNEY, ANDERSON, CATHCART - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing Certain Modifications for Parents of Children Attending Kindergarten Through Grade Twelve in Schools Outside the State of Delaware.

HB 97 - AMBROSINO - ETHICS: An Act to Amend Chapter 58A, Part V, Title 29 of the Delaware Code Relating to the Conduct of Officers and Employees of the State.

HB 98 - AMBROSINO - JUDICIARY: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for the Renewal and Non-Renewal of Leases.

HA 1 to HB 33 - MCKAY, T. BRADY: Placed with the bill.

SB 40 - SHARP, CICIONE, KEARNS, MURPHY, BERNDT, HUGHES, ARNOLD, REPRESENTATIVES MAXWELL, LOUGHNEY, ROY, PETRILLI, MCKAY, CATHCART, MARONEY, SMITH, POWELL, OBERLE, CONNOR, AMBROSINO, BURRIS, VERNON, HEBNER, SINCOCK - HOUSE ADMINISTRATION: An Act Pursuant to 22 Delaware Code, Section 813(c), Negating the Vote on November 7, 1978, by the Citizens of the City of Wilmington on the Question of Adding an Annexation Amendment (Proposed Section 1-105) to the Wilmington Home Rule Charter of 1979. (2/3 bill)

Representative Maroney introduced and brought HCR 11, co-sponsored by Senator Knox, before the House for consideration.

HCR 11 - Recognizing and Stressing the Importance of the International Year of the Child to the State of Delaware.

HCR 11 was adopted by voice vote and sent to the Senate for concurrence.

Representative Morris brought HB 47 before the House for consideration.

Representative Morris brought HA 1 to HB 47 before the House for consideration. HA 1 to HB 47 was adopted by voice vote.

Representative Morris moved to place HB 1 w/HA 47 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Morris brought HB 48 before the House for consideration.

Representative Morris requested and was granted the privilege of the

floor for Mr. James Vaughn, Commissioner of Corrections and Deputy Attorney General Parkins.

Representative Plant moved to place HB 48 on the Speaker's table. There was no second to the motion.

The roll call on HB 48 was taken.

Representative Oberle moved to table the roll call. The motion was seconded by Representative Hebner.

Representative Gilligan rose on a point of order. Mr. Speaker did not concur.

Representative Morris moved to strike HB 48. Without objection, HB 48 was stricken.

Representative Burris moved to recess for a party caucus at 3:10 p.m.

The House was called to order at 4:22 p.m.

Representative George brought HB 78 before the House for consideration.

HB 78 - An Act to Aid the Wilmington Rape Crisis Center, Inc., by Making an Appropriation Therefor.

The roll call on HB 78 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Oberle, Plant, Powell, Riddagh, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 34

NO: Representatives McKay, Morris, Neal, Petrilli, Roy - 5.

ABSENT: Representatives Kelly, West - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 78 was sent to the Senate for concurrence.

Representative Morris moved to strike his motion to strike HB 48 because it was an incorrect motion. Without objection, the motion was stricken.

Representative Morris moved to lift the roll call on HB 48. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 48 - An Act to Amend Volume 61, Chapter 376, Laws of Delaware, the 1978 Capital Improvements Act, by Repealing a Portion of the Sum authorized for Construction of a Multi-Purpose Criminal Justice Facility and the Sum Authorized for Security Fencing and by Authorizing Funds for the Construction of a Facility at Delaware Correctional Center, and to Appropriate Such Funds to the Department of Correction.

The roll call on HB 48 was revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, Gordy, Harrington, Hebner, Jonkiert, Kelly, Maroney, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Sincock, Smith, Vernon - 26.

NO: Representatives Cain, Loughney, Maxwell, McBride, Plant - 5.

NOT VOTING: Representatives Ambrosino, Anderson, Cathcart, George, Gilligan, Holloway, Matushefske, Roy, Mr. Speaker Ferguson - 9.

ABSENT: Representative West - 1.

Therefore, not having received a constitutional majority of at least

three-quarters members of the House, HB 48 was defeated.

Representative Gordy brought HB 36 before the House for consideration.

HB 36 - An Act to Amend Chapter 45, Title 21 of the Delaware Code, Relating to Gross Weights Allowed on 2-Axle Trucks.

The roll call on HB 36 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Free, Kelly - 2.

Therefore, having received a constitutional majority HB 36 was sent to the Senate for concurrence.

Representative Morris brought HB 66 before the House for consideration.

HB 66 - An Act Awarding Special Pension Benefits to Elton R. Wood, a Former State Employee Permanently Injured on the Job. Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on HB 66 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Gordy, Kelly, Matushefske - 3.

Therefore, having received a constitutional majority HB 66 was sent to the Senate for concurrence..

Representative Minner brought HB 71 before the House for consideration.

HB 71 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Inspections of Motor Vehicles.

Representative Minner brought HA 1 to HB 71, co-sponsored by Representative Oberle, before the House for consideration. HA 1 to HB 71 was adopted by voice vote.

The roll call on HB 71 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Kelly - 1.

Therefore, having received a constitutional majority, HB 71 w/HA 1 was sent to the Senate for concurrence.

At 4:45 p.m., a message was received from the Governor.

Representative W. Brady brought HB 32 before the House for consideration.

HB 32 - An Act to Make a Supplementary Appropriation to the Division of Emergency Planning and Operations of the Department of Public Safety for the Installation of a Warning Siren at Port Penn.

The roll call on HB 32 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NO: Representatives Burris, Harrington, McKay, Neal - 4

ABSENT: Representatives Free, Kelly - 2.

Therefore, having received a constitutional majority, HB 32 was sent to the Senate for concurrence.

Representative Gilligan brought HB 7 - HA 1 before the House for consideration.

Representative Gilligan moved to strike HA 1 to HB 7. Without objection, HA 1 to HB 7 was stricken.

Representative Gilligan brought HA 2 to HB 7 before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for Assistant Deputy Attorney General, Charles Gruber and Frances Quigley, Secretary of the Committee on Massage Establishments and Adult Book Stores.

Representative Gilligan moved to place HB 7 - HA 2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy moved to recess for Committee Hearings at 5:33 p.m.

The House was called to order at 5:52 p.m.

The Chief Clerk read the following committee reports into the record:

House Administration: HB 87 - 5M; HB 94 - 5M; HB 92 - 1F, 4M; SB 40 - 3F, 2M.

Revenue & Finance: HB 41 - 4M, 1UF; HB 8 - 4M.

Representative McBride moved to strike HB 70. Without objection, HB 70 was stricken.

Representative George announced that he was submitting his resignation from Legislative Council.

Representative Gordy moved to recess to the call of the Chair at 5:55 p.m.

9th LEGISLATIVE DAY 1st Session

January 25, 1979

The Speaker called the House to order at 1:13 p.m.

The Majority Leader moved to adjourn at 1:13 p.m., thereby ending the previous legislative day. The House reconvened at 1:14 p.m. A prayer was offered by Reverend Gregory Howe of the Christ Episcopal Church in Dover, Delaware

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

The Chief Clerk called the roll.

Members Present: 41.

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

Representative Gordy moved to recess for Joint Session at 1:17 p.m.

The Sergeant-at-Arms announced the Speaker and members of the House. They were admitted and seated. The President invited Speaker Ferguson and President Pro Tempore Cordrey to a seat on the rostrum.

JOINT SESSION

Senator Sharp moved that the Senate and the House convene in Joint Session. The motion prevailed.

Senator Sharp moved that the President of the Senate preside over the Joint Session. The motion prevailed.

Senator Sharp 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 Senator Cicione and Senator Spence and Representative West and Representative Maroney 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 Cordrey

Mr. Speaker Ferguson

Members of the 130th General Assembly

Ladies and Gentlemen

The Fiscal Year 1980 budget being presented to you today is the third consecutive balanced budget. It again asks for no new taxes or tax increases. On the contrary, it is my belief that if we continue our fiscal restraint, and if State revenues continue to improve, all Delawareans should share in this improved financial condition through responsible tax reduction.

This budget anticipates an appropriation of \$557 million. It is a conservative budget. Total budget appropriations will grow approximately 6.6% — less than the rate of inflation. The size of government is not increasing. We are providing better government, not more government. Our conservative fiscal policies are producing the desired results: we are holding the size of government constant.

Nearly half of the budget (46%) is for education. Welfare and hospital expenditures (14%), criminal justice (10%), and highways and transportation (8%), are the remaining major dollar allocations in our spending plan.

This fiscal year 1980 budget limits spending to 98% of the revenues forecast by the Delaware Economic and Financial Advisory Council as

required by legislation enacted last year — legislation that was the result of cooperation between the Administration and the Legislature, and particularly Senator Cordrey. Although it is law today, it could be repealed by a simple statute. The first leg of a Constitutional Amendment to assure permanency of spending limits on government was passed by the previous General Assembly. Before the opportunity slips away, this General Assembly should pass the final leg — before taking final action on this budget or any major spending or tax bills. Passage of the first leg was popular in an election year; passage of the second leg is important now to follow through on our commitment to all Delawareans to hold down spending and taxes and to maintain the climate of fiscal stability we have all worked so hard to create.

The budget I am presenting today adds the remaining 2% of State revenues not appropriated — approximately \$11 million -- to our Budget Reserve Account, bringing this "rainy day fund" to \$30 million, nearly its maximum. This Reserve is our cushion against a sudden downturn in the economy — should a recession strike, Delaware taxpayers and programs would be protected against sudden dislocation. Taxpayers can sleep well on June 30th, without fear of waking up to discover that their taxes were increased during the "witching hour".

With your help and with enactment of the 1980 budget, the major financial priorities initially set by my Administration will have been accomplished. The budget will be balanced for the third consecutive year; the Budget Reserve Fund will be nearly full; the deficit inherited from the prior Administration has been paid; short-term debt has been eliminated; and our credit rating has been restored. We can all be proud of Delaware's accomplishments and the cooperative achievement of our goals.

Now that we have achieved the goals we set for 1977 and 1978, it is time to set our next financial priority and act upon it to reduce taxes by \$10 million for the next fiscal year. Not only will tax reduction help improve Delaware's economic climate and our competitive situation, but it will help restore the taxpayers' confidence in government as well — even if it were only a one-time reduction. In difficult economic times, Delaware has asked its citizens and taxpayers to pay more. In good financial times, our government should be equally interested in returning a dividend to the taxpayers. We will be saying to the public, "When your government is well-managed and financially successful, you, too, will share in that success."

Responsible tax reduction will be a difficult goal to achieve. We must be very careful that tax relief in 1979 does not plant the seeds of financial difficulty for the 1980's. Tax reduction requires careful consideration of the monies available and the long-term impact of tax changes. Today, given the present revenue estimates by the Delaware Economic and Financial Advisory Council, tax relief is not affordable; by June 30th, I believe it will be, if revenues continue at present rates, and if spending continues to be prudent.

Several principles must guide us in seeking tax relief and reform: the Budget Reserve Account must remain sacrosanct; the 1980 budget should not exceed the \$557 million I am proposing today; the Economic and Financial Advisory Council revenue estimates which we believe to be moderately conservative for the current and coming year must be

finalized in June so that we know how much money is available; the impact of future economic fluctuations on our economy must be carefully weighed. Finally, I am encouraged by the reason and restraint which the General Assembly has demonstrated in handling supplemental appropriations this year; continued restraint will be required to make tax reduction a responsibly achievable objective.

With these thoughts in mind, I believe we should now begin working together — the General Assembly and my Administration — toward our tax reduction goal in a responsible and cooperative manner. Accordingly, a Tax Policy Task Force chaired by Secretary Nellius, composed of three members of my Administration, Lieutenant Governor McGinnis, five members of the General Assembly and the Chairperson of DEFAC will review various tax relief and reform proposals, our State's economic situation, and draft responsible, affordable tax reduction legislation to be enacted in this Session of the General Assembly, subsequent to the final revenue estimates of DEFAC. A joint cooperative effort between my Administration and the General Assembly is the most likely procedure to produce a responsible legislative package that all of us can support.

Secretary Nellius will be speaking for my Administration on the Task Force, but a few comments are in order. First, tax reduction to me does not mean new taxes, particularly in healthy financial times. New statewide property or sales taxes should not be recommended. Second, I believe the package should be balanced, but carefully focused on improving our economic climate and the need to bring jobs to Delaware. Third, I would hope all the ideas that members of the General Assembly have for tax reduction — and I see that many have been introduced or discussed today — would be considered by this Task Force and that one comprehensive, affordable bill could be agreed upon in June. Large appropriations or tax changes passed before June — absent an emergency — will only make responsible tax reductions less likely and hurt our financial situation. Finally, I would urge the members of the General Assembly to refrain from passage of the legislation until we truly know that the funds will be available — and that will be in June.

When the facts are available, and when the Task Force has concluded its work, I would hope we will be able to help the people of Delaware in the difficult and never-ending battle against inflation and the rising cost of government. I would also hope that our efforts will improve the economic climate for all Delawareans.

Last Thursday, in the State of the State Message, I said that creating jobs for Delawareans should be one of our top priorities. I believe our fiscal efforts should support our economic development efforts to create a climate which encourages economic expansion and development, and which says to the outside world, "Delaware wants jobs." I intend to renew our efforts at putting in place a hard hitting and coordinated economic development program for Delaware.

We have prepared legislation today that will provide tax incentives for up to ten years for new or expanded manufacturing or wholesaling businesses in Delaware. This legislation will provide substantial tax benefits for manufacturing and wholesaling businesses which expand their operations in Delaware or bring new businesses into the State, provided they create and maintain at least 25 new full-time jobs or

invest at least \$1 million in new plant and equipment. This bill has been written so that it will not reduce the amounts of revenue already estimated to be received in future fiscal years.

My budget also proposes a \$700 thousand increase within the Department of Community Affairs and Economic Development to promote business development, tourism, and to assist existing businesses.

These programs — tax reductions and incentives for new business locations, along with promotion of the Port of Wilmington, clarification of the Coastal Zone Act to permit offshore oil and gas support facilities, and creation of an economic development corporation — will spearhead a vigorous effort to attract jobs and new business to Delaware.

When we discuss economic development, we must not lose sight of the development of our most important resources — people. If the people of Delaware are to gain the maximum benefit of economic development and job opportunities, we must provide the necessary training and education to prepare them to take advantage of those opportunities.

Last week, in my State of the State Message, I mentioned one of these programs — a \$4 million cooperative effort between the State, the Federal Government and private industry — Jobs for Delaware Graduates — which is scheduled to begin with the new school year in September.

In addition, I am requesting \$250 million for the education budget for fiscal 1980 with continued emphasis on improving the quality of education our young people receive — through competency based education, strengthened basic skills instruction, continued statewide achievement testing, and the special programs discussed in my State of the State Message.

Expansion of the Gifted and Talented program piloted in the past year from 5 to 10 sites, at a cost of \$50,000, and establishing the Governor's School for Excellence, we will assure that the talents of the best and the brightest of our young people will be developed to their maximum potential.

An expanded consumer education program will insure that our students are equipped to deal with the complications of contemporary living. I have also recommended that \$1 million of state funds be appropriated to basic skills instruction. This will permit implementation statewide of remedial reading, language arts and mathematics programs to aid in the transition from social promotion to competency-based promotion policies in our schools. Additionally, it is anticipated that \$1.5 million of Federal Funds will again be made available for continuation of this program in the New Castle County School District.

I am also recommending \$254 thousand for related services for handicapped students such as speech pathology, audiology and psychological services as well as physical and occupational therapy.

The costs of operating our public schools, Division II costs, are growing. I have recommended a basic inflation increase of the value of Division II units, but, in anticipation of the higher energy costs that will result from recent OPEC pricing decisions, a special contingency for utilities will be created and managed by the State Budget Office. This will be funded at \$1.5 million and used to offset utility cost increases to

operate the State's schools, hospitals, prisons and office buildings.

Quality education also means an uninterrupted education. We have seen the disruption of the educational process that can occur when collective bargaining fails, as it did this past fall in New Castle County. I believe we need new legislation to provide a better method of resolving labor problems in the future. I have asked Secretary of Labor Whiteley to lead a task force to develop by May 1st, effective proposals to manage public employee collective bargaining.

We held firm in refusing to dip into the State treasury to pay for local supplements to teacher salaries in New Castle County; and we must continue to hold to the principle of equal treatment for all teachers throughout the State. I agreed that "strike savings" should be made available as part of the teachers' strike settlement in New Castle County. I urge the General Assembly to pass legislation authorizing the expenditure of this \$4.3 million once a careful review has been made by the Joint Finance Committee. But the New Castle County School District has negotiated a very expensive settlement; it has an obligation to live within its budget just as we do, and it must not expect any further assistance from the State.

A solid economy and access to schools, work and recreation requires a good transportation system. But we have all seen the toll that has been taken on our streets, roads and highways as a result of the severe winters of 1977 and 1978.

In the budget I am presenting today, in addition to our already increased commitment to highway repair and resurfacing, I am requesting 30 additional highway maintenance personnel and a 25%, \$1 million increase for asphalt and other road maintenance supplies.

And in order to preserve bond fund monies for capital outlay in the future -- the purpose for which they are intended -- I am recommending continuation of a program we began last year; the transfer of employees who are paid from borrowed money (bond funds) to the General Fund Budget. The reason is simple: every salary dollar of borrowed funds costs the Delaware taxpayer \$1.63. This is an imprudent use of our taxpayer's money and must be stopped. In the current year, we transferred 23 employees from bond to general funds. My proposed budget recommends the transfer of 110 additional such positions, which will result in nearly a million and a half dollars of interest savings to the taxpayers on those salaries.

In my State of the State Message to you last week, I suggested that we make 1979 the Year of the Child in Delaware. My budget recommends over \$700 thousand for new and expanded services for children over and above the levels of service being provided today. These include two I noted last week: the creation of a Child Protective Service Center and the establishment of a diagnostic and intensive treatment unit for emotionally disturbed, and abused and neglected children at Terry Children's Psychiatric Center.

In addition, an improved adoption subsidy program to foster permanency and stability in the placement of handicapped, older and other difficult-to-place children and an expanded dental hygiene program for children are recommended.

Although the State is already deeply involved in providing many health and other support services for the elderly, there are two

particular areas of health care that require service improvements:

- * Glaucoma, a disease which can cause blindness in elderly patients, can be treated, and in many cases arrested, if detected early enough. My budget recommends an increase for glaucoma screening of the elderly.

- * In addition, I have requested increased funding so that adequate dental care can be provided for the patients of the Delaware Hospital for the Chronically Ill.

With the addition of 93 corrections positions, our penal institutions will be fully staffed for the first time in many years — limiting the need for costly overtime and improving both security and rehabilitation programs.

For the first time, we will begin a pre-employment physical examination program for newly hired State employees. Such a program is overdue; it will reduce workmen's compensation and disability pension costs to the State, and save taxpayers dollars.

There is included in the budget \$50,000 and three employees to manage the oil spill enforcement program approved a year ago.

Just as homeowners and businesses face escalating energy costs, state government — and in turn, our taxpayers — are affected by energy price increases beyond our control — such as the recent OPEC increase. Energy management programs for state buildings thus became critical and can result in substantial dollar savings.

In this budget, a special emphasis is placed on requiring state agencies to further reduce energy consumption and their energy budgets. I am today proposing a \$100 thousand Energy Conservation Improvements Program to fund specific projects with the potential of large energy and dollar savings.

Strong financial management and prudent, conservative spending for the past two years have served our taxpayers well. We have made a good start in strengthening financial management of taxpayer dollars in Delaware, we can be proud of our results to date. In the last two years, we have collected over \$10.8 million in delinquent taxes — taxes owed, but never paid by individuals and corporations.

Zero based budgeting, begun last year with three agencies, has been expanded to seven agencies in the budget I am presenting today, including the largest agencies in the State — Health and Social Services and Corrections. This effort will be expanded statewide in the budget I present to you next year.

In addition to zero-based budgeting, we are automating the budget preparation process. This will result in better decision making with less time spent in gathering and assimilating data and more time spent on analysis.

Automation, carefully and selectively applied, can and will result in higher productivity of State employees, freeing them from many routine processing chores to work on more challenging and rewarding duties. We are still in very primitive states of taking advantage of the benefits of automation, but conversion of our computer operating system to modern technology has received top priority. It is on schedule and will be completed by June 30th of this year.

But, our data processing problems are far from behind us — we are a long way from meeting the computing needs of our departments. Last year, the Legislature granted us the funding to begin automation of the

State tax system and a new payroll personnel system. This year, I am requesting an additional 14 programmers and systems analysts to provide better maintenance of existing programs and systems as well as undertaking the development of sorely needed new applications which can lead to reduced operational costs and processing time in the line agencies. Also, I am requesting that 9 computer people, funded this past year from a federal grant to work on criminal justice systems, be retained and placed in the general fund budget.

Judiciously applied, these computerization efforts can yield improved services to all citizens while containing the growth of government spending.

Among the most serious problems confronting our nation are rampant inflation and the prospect of a national economic recession which, the experts tell us, will hit sometime within the next year. President Carter has called on us to take the only alternative left to us if we are to avoid mandatory wage and price controls — and the resulting loss of economic freedom which has made this country of ours a great nation with a standard of living and a degree of personal freedom unparalleled in the annals of history. I agree with and applauded the President's efforts to restrain federal spending; I agree and will comply with his request that state and local governments hold total employee pay increases to 7% this year. My budget provided for a 7% pay hike for virtually all State employees — pay raises that will consume \$15 million of our tax resources. And today, I have notified President Carter's Council on Wage and Price Stability of our intention to comply with the suggested guidelines. Controlling inflation through voluntary restraint may not work — but it's the best chance we have to control inflation. I urge each of you to join me in cooperating on this national goal.

Last year, I was forced to disapprove a bill that would have increased pension benefits for retired State employees. The funding of the benefits was spread over too many years, and the \$14 million cost had not been included in the total budget program. But the proposal had merit, and I know that many of you who supported that bill as well as the State pensioners whose fixed incomes are being eroded by inflation were disappointed by what was then a necessary action. But I have discussed post retirement benefits with a number of you and have worked with Senator Cook and Representative Gordy to develop a financially sound method of financing those benefit increases, while saving the taxpayer about \$4 million. I have included \$5 million in this budget to implement those pension increases which can begin immediately upon passage of authorizing legislation.

These, then, are the highlights of the budget I have introduced today. It continues what I hope will become a tradition for Delaware government: providing the best services we can at the least cost of the taxpayer, and sharing prosperity through reduced taxes when times are good.

Many individuals can justly claim credit for our success over the past two years in achieving those goals. But probably no one has been closer to the agony and the ecstasy of putting a budget together (sometimes starting out to make a racehorse and watching it turn into a camel) than my State Budget Director, Ron Mosher. Since this is the last Delaware budget Ron will be putting together for us, I wanted to take this

opportunity to express to Ron my heartfelt thanks on behalf of all of Delaware, for the outstanding job he has done for our State.

The cooperation of the General Assembly in the give-and-take of legislative consideration of my budget last year was gratifying. And the sense of fiscal restraint maintained throughout the past two years has given the taxpayer good measure for his dollar. I look forward to the same spirit of cooperation this year, and to producing a third fully funded and balanced budget for the people of Delaware.

Senator Cicione and Senator Spence and Representative West and Representative Maroney escorted the Governor from the Chamber.

Senator Sharp 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 Sharp moved that the two Houses now separate to reconvene in their respective Chambers. The motion prevailed.

The House was called to order at 3:31 p.m.

The following prefiled legislation was introduced:

HB 99 - RIDDAGH - LABOR & COMMERCE: An Act to Amend Chapter 1, Title 19 of the Delaware Code Relating to Employment Practices; and Prohibiting the Firing or Termination of Certain Employees Absent From Work Because of Participation in Judicial Proceedings.

HB 100 - MAXWELL, CAIN - REVENUE & FINANCE: An Act to Amend Chapter 87, Title 10 of the Delaware Code Relating to Mileage Fees Charged by Sheriffs.

HB 101 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission and its Staff; and Providing for the Disclosure of Certain Expenditures and Gratuities.

HB 102 - BURRIS - CORRECTIONS: An Act to Amend Volume 61, Chapter 376, Laws of Delaware, the 1978 Capital Improvements Act, by Repealing a Portion of the Sum Authorized for Construction of a Multi-Purpose Criminal Justice Facility and the Sum Authorized for Security Fencing and by Authorizing Funds for the Construction of a Facility at Delaware Correctional Center, and to Appropriate Such Funds to the Department of Correction. (3/4 bill)

HB 103 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Prohibiting Termination of Utility Service Under Certain Circumstances.

HB 104 - CONNOR, KELLY, T. BRADY, LOUGHNEY, PETRILLI, MATUSHEFSKE, ROY, JONKIERT, CATHCART, MAXWELL, AMBROSINO, GILLIGAN, SINCOCK, OBERLE, FREE, POWELL - EDUCATION: An Act to Amend Part I, Title 14 of the Delaware Code Relating to Education; and Providing for a Non-Public Elementary and Secondary Education Act.

HB 105 - MCKAY, VERNON - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to a Reduction in Personal Income Tax.

HA 2 to HB 49 - MATUSHEFSKE - Placed with the bill.

SB 14 - ZIMMERMAN - JUDICIARY: An Act to Amend Chapter 11, Title 28, Delaware Code, Relating to License Fee for Bingo Games.

Representative Gordy introduced and brought HCR 12, co-sponsored by Representatives Minner and Clendaniel, before the House for consideration.

HCR 12 - Commending the Farmers Bank Management for the 1978 Turnaround.

HCR 12 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: SB 14; HCR 11.

State of Delaware
Executive Department
Dover

January 24, 1979

The Honorable John P. Ferguson
Speaker, House of Representatives
130th General Assembly
State of Delaware

Dear Mr. Speaker:

As required by Article VII, Section 1 of the Delaware Constitution, I hereby submit to the General Assembly copies of all pardons and commutations granted by me during calendar year 1979.

I respectfully request that receipt of this communication be noted in the Journal.

Respectfully submitted,

Pierre S. du Pont, Governor

Representative Burris introduced HB 106, co-sponsored by Representative Hebner.

HB 106 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980, and Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds.

Mr. Speaker assigned HB 106 to the Appropriations Committee.

Representative Morris moved to lift HB 47 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George introduced and brought HA 2 to HB 47, co-sponsored by Representatives Ambrosino, Bennett and Cain, before the House for consideration. HA 2 to HB 47 was adopted by voice vote.

The roll call on HB 47 w/HA 1, 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

NO: Representative McBride - 1.

ABSENT: Representative Harrington - 1.

Therefore, having received a constitutional majority, HB 47 w/HA 1,2 was sent to the Senate for concurrence.

Representative Vernon brought HB 29 before the House for consideration.

Representative Vernon introduced and brought HA 1 to HB 29 before the House for consideration. HA 1 to HB 29 was adopted by voice vote.

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

Representative Vernon moved to place HB 29 w/HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative West brought HB 26 before the House for consideration.

Representative West moved to place HB 26 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to strike HB 5. Without objection, HB 5 was stricken.

Representative Matushefske brought HB 49 before the House for consideration.

Representative T. Brady brought HA 1 before the House for consideration. HA 1 to HB 49 was adopted by voice vote.

Representative Matushefske brought HA 2 before the House for consideration. HA 2 to HB 49 was adopted by voice vote.

Representative T. Brady introduced and brought HA 3 before the House for consideration. HA 3 to HB 49 was adopted by voice vote.

Representative Riddagh rose on a point of order.

The House recessed at 5:01 p.m. for the purpose of changing the audio tape and reconvened at 5:03 p.m.

Representative Jonkiert moved to place HB 49 in Committee. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Darling, Gilligan, Gordy, Jonkiert, Loughney, Minner, Morris, Oberle, Riddagh, Roy - 10.

NO: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Harrington, Hebner, Holloway, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Neal, Petrilli, Plant, Powell, Sincok, Smith, Vernon, West - 28.

NOT VOTING: Mr. Speaker Ferguson - 1.

ABSENT: Representatives Anderson, Clendaniel - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HB 49 w/HA 1,2,3 remained before the House.

Representative Gordy rose on a point of order.

The roll call on HB 49 w/HA 1,2,3 was taken.

Representative Matushefske moved to table the roll call. The motion was seconded by Representative Gordy.

Representative Cain rose on a point of order.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Holloway, Maroney, Matushefske, Maxwell, McKay, Neal, Petrilli, Plant, Powell, Sincok, Smith, Mr. Speaker Ferguson - 23.

NO: Representatives W. Brady, Clendaniel, Darling, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, McBride, Minner, Morris, Oberle, Riddagh, Roy, Vernon, West - 18.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HB 49 w/HA 1,2,3 was tabled.

Representative Gordy introduced HB 107, co-sponsored by Representatives McKay, Loughney, Plant, Clendaniel, Darling, Ferguson, Jonkiert, West, Holloway, Maxwell, Roy, Powell, Sincok, Ambrosino, Cathcart, Petrilli, Maroney, Riddagh, Free, Harrington, Senators Adams, Holloway, Kearns, McCullough, Sharp, Arnold, Berndt, Hale, Hughes, Knox, and Littleton.

HB 107 - An Act to Amend Chapter 70, Title 7, Delaware Code Relating to Oil and Gas Pipelines and Ancillary Support Facilities Within the Coastal Zone.

Mr. Speaker assigned HB 107 to the Environmental Control Committee.

Representative Kelly introduced HB 108, co-sponsored by Representatives Gilligan, Ambrosino and Connor.

HB 108 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to the Public Health and Safety, and Providing for a Uniform Alcoholism and Intoxication Treatment Act.

Mr. Speaker assigned HB 108 to the Health and Social Services Committee.

Representative Vernon moved to lift HB 29 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 29 - An Act to Amend Chapter 302, Volume 49, Laws of Delaware, as Amended, Being "An Act to Incorporate the Town of Fenwick Island, Delaware.

The roll call on HB 29 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 29 w/HA 1 was sent to the Senate for concurrence.

Representative Clendaniel introduced and brought HR 27 before the House for consideration.

HR 27 - Requesting the Department of Transportation to Investigate Methods of Stabilizing Roadbeds to Avoid Disasters During Unusual Periods of Weather.

HR 27 was adopted by voice vote.

The House recessed at 5:27 p.m. for Committee hearings.

The House was called to order at 5:54 p.m.

The Chief Clerk read the following committee reports into the record:

Judiciary: HB 69 - 1F, 5M.

Revenue & Finance: HB 100 - 5M, 1UF.

Corrections: HB 102 - 2F, 3M.

Community Affairs: HB 35 - 3F, 1M.

Representative Gordy moved to recess to the call of the Chair at 5:55 p.m.

10th LEGISLATIVE DAY
1st Session

January 30, 1979

The Speaker called the House to order at 1:58 p.m.

The Chief Clerk read the following Committee reports into the record:

Appropriations: HB 79 - 4F, 5M; HB 82 - 5F, 4M.

Constitution: HB 93 - 5M.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m. A prayer was offered by Father Patrick Brady of St. Joseph's Roman Catholic Church in Middletown, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

Mr. Speaker announced the appointment of Representative Minner to Legislative Council.

The following prefiled legislation was introduced:

HB 109 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Residence of Judges of the Family Court.

HB 110 - DARLING - NATURAL RESOURCES: An Act to Amend Chapter 23, Title 7, Delaware Code Relating to the Marking of Commercial Crab Pots and Vessels. (2/3 bill)

HB 111 - MCBRIDE, BENNETT, W. BRADY, CAIN, DARLING, GORDY, KELLY, MATUSHEFSKE, MAXWELL, AMBROSINO, T. BRADY, CATHCART, FALLON, HEBNER, MARONEY, OBERLE, PETRILLI, ROY, SMITH - EDUCATION: An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Relating to Public School Employees; and Providing for the Accumulation of Annual Leave and Absences for Other Reasons.

HB 112 - CONNOR, ANDERSON, AMBROSINO, KELLY, MATUSHEFSKE, GILLIGAN, OBERLE, T. BRADY (Joint Sponsors) - PUBLIC SAFETY: An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles; and Providing for a Separate Fee for Persons Sixty-Five Years of Age and Older.

HB 113 - HEBNER, ROY, OBERLE - HOUSE ADMINISTRATION: An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections.

HB 114 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to Appeals from the Family Court to the Superior Court. (2/3 bill)

HB 115 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to Political Party Membership of the Family Court Judges.

HB 116 - GILLIGAN, MATUSHEFSKE - BANKING & INSURANCE: A Bill to Amend Chapter 51, Title 29 of the Delaware Code to Provide that the State Shall Pay for Membership by State Employees and Their Families in the Blood Bank of Delaware, Inc.

HB 117 - RIDDAGH - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for the Addition of Certain Drugs to the List of Controlled Substances. (2/3 bill)

HB 118 - NEAL, ANDERSON - HOUSE ADMINISTRATION: An Act to Appropriate Monies to Madalyn Seeger, a Former State Employee in Settlement of Her Claim Against the State. (3/4 bill)

HA 1 to HB 87 - GILLIGAN - Placed with the bill.

HA 1 to HB 92 - CONNOR, POWELL, SINCOCK - Placed with the bill.

SB 16 - CICIONE, LITTLETON, REPRESENTATIVE GORDY - APPROPRIATIONS: An Act to Aid the Laurel Senior Center, by Making an Appropriation Therefor. (3/4 bill)

SB 25 - MARTIN, REPRESENTATIVE PETRILLI - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in a Prior Fiscal Year.

SB 68 w/SA 1 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapter 19, Title 7 of the Delaware Code Relating to Shellfishing.

SB 72 - COOK, CORDREY, REPRESENTATIVES GORDY, KELLY - APPROPRIATIONS: An Act to Amend Chapter 55, Title 29, Delaware Code, To Provide Post-Retirement Increases to Pensioners Who Retired Prior to 1978 and Providing a Supplemental Appropriation Therefor.

Representative Matushefske moved to lift the roll call on HB 49 w/HA 1,2,3. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 49 -An Act to Amend Title 10 of the Delaware Code Relating to Judicial Compensation and Making an Appropriation Therefor.

The roll call on HB 49 w/HA 1,2,3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Fallon, Free, George, Holloway, Maroney, Matushefske, Maxwell, McKay, Neal, Petrilli, Plant, Powell, Sincock, Mr. Speaker Ferguson - 21.

NO: Representatives W. Brady, Clendaniel, Connor, Darling, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, McBride, Minner, Morris, Oberle, Riddagh, Roy, Vernon, West - 19.

NOT VOTING: Representative Smith - 1.

Therefore, having received a constitutional majority, HB 49 w/HA 1,2,3 was sent to the Senate for concurrence.

Representative McBride introduced and brought HCR 13, co-sponsored by Senator Cicione before the House for consideration.

HCR 13 - Commending the Veterans of Foreign Wars, Delaware Department, for its Sponsorship of the Annual Voice of Democracy Contest.

HCR 13 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris announced that the minority caucus was appointing Representative Sincock to Legislative Council.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 72; SB 68 w/SA 1; SB 25; SB 16.

Representative Plant brought HB 10 before the House for consideration.

Representative Plant introduced and brought HA 1 to HB 10 before the House for consideration.

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

The Reading Clerk read the following communication into the record:

Representative Al O. Plant
Legislative Hall
Dover, DE 19901

Pertaining to Dr. Martin Luther King's Birthday.

The Membership of my Local Totaling 500 members wishes to inform you that we want Dr. Martin Luther King's birthday as a separate date independently of all other holidays.

Very truly yours,
Haze Eillard, Local 640
Delaware State Hospital Employees

The Speaker requested that the following communications be made a part of the record:

Representative Al O. Plant
Legislative Hall
Dover, DE 19901

I, President of Local 1989 am in favor of one holiday for Martin Luther King's birthday. Do not wish to combine with any other holiday.

Betty W. Grant
62 Maple Dr., Newark, DE 19713

Representative Al Plant
Legislative Hall
Dover, DE

As President of Local 218, desire one holiday for Martin Luther King's Birthday. Do not want combined with any other holiday.

William Hackett

Representative Al Plant
Legislative Hall
Dover, DE

To truly honor Martin Luther King as he deserves would be to create a holiday solely in his honor. It would be a disservice to him and what he stood for to merely exchange one holiday or delete one to add a holiday for Martin Luther King. Leave the standard holidays as is and place another holiday in our history for the glory of this man who gave life for all of us.

Friba Conner, President Local 516

Representative Al O. Plant
Legislative Hall
Dover, DE

The 600 members of Local 1607 AFSCME support your effort toward an independent legal holiday in memory of Martin Luther King. We, however, do not want it to have any effect on existing legal holidays.

Frank D. Capasso, President
Local 1607
1529 Bondridge Rd., Willow Run
Wilmington, DE 19805

The roll call on HB 10 w/HA 1 was taken.

Representative Plant moved to table the roll call on HB 10 w/HA 1. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Sincock introduced and brought HCR 14, co-sponsored by Representatives Burris and Hebner, before the House for consideration.

HCR 14 - Mourning the Death of Former Vice President Nelson Aldrich Rockefeller.

HCR 14 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady introduced and brought HR 28 before the House for consideration.

HR 28 - Requesting the Delaware Congressional Delegation to Use Its Good Offices to Persuade the Agriculture Department to Reverse its Policy Permitting the Use of Currency as Change in Food Stamp Transaction.

HR 28 was adopted by voice vote.

Representative Burris introduced and brought HCR 15, co-sponsored by Representative Minner and Senators Adams and Cook, before the House for consideration.

HCR 15 - Expressing the Congratulations of the 130th General Assembly of Delaware to Cassie Blizzard of Milford Who Will be 107 Years Old on January 30, 1979.

HCR 15 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincock introduced HB 119, co-sponsored by Representatives Minner, Burris, Hebner, Powell, Ambrosino, Smith, Roy, Petrilli, Neal, Free, Maroney and Fallon.

HB 119 - An Act Proposing an Amendment to Article II, Section 9, of

the Constitution of the State of Delaware Relating to Rules; Punishment and Expulsion of Members; Scope of Powers. (2/3 bill)

Mr. Speaker assigned HB 119 to the Constitution Committee.

Representative Sincok introduced HB 120, co-sponsored by Representatives Minner, Burris, Hebner, Ambrosino, Smith, Powell, Roy, Free and Neal.

HB 120 - An Act to Amend Chapter 9, Title 29, Delaware Code Relating to Vote Requirement for Ratification of Amendments to the United States Constitution.

Mr. Speaker assigned HB 120 to the Constitution Committee.

Representative Sincok introduced HB 121, co-sponsored by Representatives Minner, Burris, Hebner, Smith, Powell, Ambrosino, Roy, Petrilli, Fallon, Neal, Free and Maroney.

HB 121 - An Act to Amend Chapter 9, Title 29, Delaware Code Relating to Rules of Procedure Governing General Assemblies.

Mr. Speaker assigned HB 121 to the House Administration Committee.

Representative Gordy moved to recess for caucus at 3:05 p.m.

The House was called to order at 4:21 p.m.

Representative Gilligan brought HB 87 before the House for consideration.

HB 87 - An Act to Amend Chapter 91, Title 9, Delaware Code, Relating to Chief Deputies.

Representative Gilligan moved to strike HA 1 to HB 87. Without objection, HA 1 to HB 87 was stricken.

Representative Gilligan introduced and brought HA 2 to HB 87 before the House for consideration.

HA 2 to HB 87 was adopted by voice vote.

The roll call on HB 87 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Holloway, Kelly, Matushefske - 3.

Therefore, having received a constitutional majority HB 87 w/HA 2 was sent to the Senate for concurrence.

Representative Minner brought HB 94 before the House for consideration.

HB 94 - An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Merit System of Personnel Administration.

The roll call on HB 94 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Holloway, Kelly - 2.

Therefore, having received a constitutional majority, HB 94 was sent to the Senate for concurrence.

Representative Clendaniel brought HB 92 before the House for consideration.

HB 92 - An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees.

Representative Connor brought HA 1 to HB 92 before the House for consideration.

Representative Gordy moved to place HA 1 to HB 92 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Powell rose on a point of order. Mr. Speaker did not concur.

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

The roll call on HB 92 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36

NO: Representatives McBride, Neal, Riddagh, Roy - 4.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority HB 92 was sent to the Senate for concurrence.

Representative Maxwell brought SB 40 before the House for consideration.

SB 40 - An Act Pursuant to 22 Delaware Code, Section 813(c), Negating the vote on November 7, 1978, by the Citizens of the City of Wilmington on the Question of Adding an Annexation Amendment (Proposed Section 1-105) to the Wilmington Home Rule Charter of 1979.

The roll call on SB 40 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Gilligan, Gordy, Harrington, Hebner, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 32.

NO: Representatives T. Brady, Darling, Free, George, Holloway, Jonkiert, Neal, Plant - 8.

ABSENT: Representative W. Brady - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 40 was returned to the Senate.

Representative Anderson brought HB 8 before the House for consideration.

HB 8 - An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Exemption from School Taxes Granted to Persons Who Are 65 Years of Age or Older.

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

The roll call on HB 8 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Cain, Connor, Darling, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly,

Loughney, Matushefske, Maxwell, McBride, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, West, Mr. Speaker Ferguson - 25.

NO: Representatives Bennett, Burris, Hebner, Maroney, McKay, Sincock, Smith, Vernon - 8.

NOT VOTING: Representative T. Brady, Cathcart, Clendaniel, Fallon, Morris, Neal, Roy - 7.

ABSENT: Representative W. Brady - 1.

Therefore, having received a constitutional majority HB 8 was sent to the Senate for concurrence.

Representative Darling brought HB 41 before the House for consideration.

HB 41 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

The roll call on HB 41 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative W. Brady - 1.

Therefore, having received a constitutional majority HB 41 was sent to the Senate for concurrence.

Representative Burris brought HB 102 before the House for consideration.

HB 102 - An Act to Amend Volume 61, Chapter 376, Laws of Delaware, the 1978 Capital Improvements Act, by Repealing a Portion of the Sum Authorized for Construction of a Multi-Purpose Criminal Justice Facility and the Sum Authorized for Security Fencing and by Authorizing Funds for the Construction of a Facility at Delaware Correctional Center, and to Appropriate Such Funds to the Department of Correction.

The roll call on HB 102 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Maroney, Matushefske, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 31.

NO: Representatives Cain, Loughney, Maxwell, McBride, Plant, West, Mr. Speaker Ferguson - 7.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Anderson, W. Brady - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 102 was sent to the Senate for concurrence.

Representative Jonkiert introduced HB 122, co-sponsored by Representative T. Brady.

HB 122 - An Act to Amend Chapter 59, Title 29, Delaware Code, Section 5935, Relating to Veterans' Preference.

Mr. Speaker assigned HB 122 to the House Administration Committee.

Representative Gordy moved to recess for Committee Hearings at 5:50 p.m.

The House was called to order at 5:59 p.m.

The Chief Clerk read the following committee reports into the record.

Natural Resources: SB 68 - 3F, 3M.

Community Affairs: HB 24 - 1F, 5M.

Environmental Control: HB 107 - 1F, 4M.

Representative Gordy moved to recess to the call of the Chair at 6:01 p.m.

11th LEGISLATIVE DAY 1st Session

January 31, 1979

The Speaker called the House to order at 2:05 p.m.

The Chief Clerk read the following committee reports into the record:

Revenue & Finance: SB 72 - 6M.

Education: HB 111 - 4M.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the previous legislative day. The House reconvened at 2:07 p.m. A prayer was offered by Reverend Robert L. Thomas of the Emmanuel Methodist Church in Townsend, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Members absent: Representative Riddagh - 1.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 7;
HCR 12; HCR 15; HCR 13; HCR 14; SJR 6; SB 76; HB 36; HB 29 w/HA 1.

The following prefiled legislation was introduced:

HB 123 - BENNETT, MCKAY - APPROPRIATIONS: An Act to Amend Chapter 19, Title 29, Delaware Code, Relating to the Fiscal Projections.

HB 124 - ANDERSON, GORDY - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmen's Compensation.

HB 125 - GILLIGAN - JUDICIARY: An Act to Amend Chapter 45, Part III, Title 10 of the Delaware Code Relating to Juries; and Permitting Blind Persons to Qualify for Jury Service.

HB 126 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 9, Part I, Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware; and Providing a Minimum Age Whereby a Minor May be Proceeded Against as an Adult.

HB 127 - MCKAY, RIDDAGH - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Deductions for Federal Personal Income Tax.

HB 128 - MINNER, DARLING, BENNETT, SENATORS COOK, ZIMMERMAN, MURPHY - JUDICIARY: An Act to Amend Subchapter VII of Chapter 5, Title 11, Delaware Code, Relating to Cruelty to Animals.

HB 129 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code by Imposing Income Tax at a Lower Rate on Lump Sum Distributions from Pension Plans.

HB 130 - MAXWELL, SENATOR WEISS - HOUSE ADMINISTRATION: An Act to Amend Chapter 58A, Part V, Title 29 of the Delaware Code Relating to Financial Disclosure for State Officials and Employees.

HB 131 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to the Practice of Psychology.

HB 132 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax Rate.

HB 133 - BENNETT, AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to Disclosure by and Disqualification of Public Service Commissioners and Commission Personnel.

HB 134 - AMBROSINO, MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Prohibiting the Termination of Service by Utility Under Certain Circumstances.

HB 135 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to the Employment of Persons Sixteen Years of Age and Older Working in Retail Establishments.

HB 136 - BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Rate of the Corporation Income Tax.

HB 137 - BENNETT, MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Providing for an Underground Utility Damage Prevention and Safety Act.

HB 138 - BENNETT, MCKAY - REVENUE & FINANCE: An Act to Amend Chapters 23, 25, 27 and 29 of Title 30, Delaware Code, Relating to Occupational License Taxes, Contractors' Food Taxes, Manufacturer' License Taxes, Wholesaler License Taxes, Food Processor License Taxes, Grain and Feed Dealer License Taxes, Retailer License Taxes, Restaurant Retailer License Taxes and Farm Machinery Retailer License Taxes on Aggregate Gross Receipts.

HB 139 - BENNETT - CONSTITUTION: An Act Proposing an Amendment to Section 28, Article IV of the Constitution of the State of Delaware Relating to Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

HB 140 - MCKAY, MAXWELL, POWELL, PETRILLI - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to the Rate of Personal Income Tax.

HB 141 - CONNOR, JONKIERT, OBERLE, CATHCART, AMBROSINO, T. BRADY, KELLY, FREE, ROY - EDUCATION: An Act to Amend Chapter 1, Part I, Title 14 of the Delaware Code Relating to

Education; and Providing Homebound Instruction Under Certain Circumstances.

HB 142 - BENNETT - HOUSE ADMINISTRATION: An Act to Amend Title 29, Delaware Code, to Require Financial Disclosure for Certain Elected Officials and Candidates for Elective Office.

HB 143 - W. BRADY - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 60, Title 7 of the Delaware Code to Ban the Location of Landfills Within a Certain Distance of Hospitals and State Parks.

HB 144 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Capital Gains Taxation.

HB 145 - HARRINGTON, SENATOR HUGHES - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, of the Delaware Code Relating to an Employer's Return in Payment of Withholding Tax.

HA 1 to HB 44 - RIDDAGH - Placed with the bill.

HCR 16 - SINCOCK, GORDY, PETRILLI - HOUSE ADMINISTRATION: For the Purpose of Requesting Appropriate Action by the Congress, Either Acting by Consent of Two-Thirds of Both Houses Thereof, or Upon the Application of the Legislatures of Two-Thirds of the Several States, Calling a Constitutional Convention to Propose an Amendment to the Federal Constitution to Require, with Certain Exceptions, that the Total of all Federal Appropriations May not Exceed the Total of All Estimated Federal Revenues in Any Fiscal Year.

SB 76 - KEARNS - APPROPRIATIONS: An Act to Amend Chapter 407 and Chapter 409, Volume 61, Laws of Delaware, Formerly Senate Bill 689 and House Bill 888 Respectively, Relating to the Annual Appropriation Act for the Fiscal Year Ending June 30, 1979; and Providing Salary Increases for Certain State Employees.

SCR 7 - KEARNS - CORRECTIONS: Urging the Board of Pension Trustees to Broaden the Scope of its Study of a Pension Plan for Correctional Officers.

SJR 6 - CORDREY, BERNDT, REPRESENTATIVES CAIN, GEORGE - APPROPRIATIONS: Establishing the Revised Official Estimate of General Fund Revenues for the Fiscal Year Ending June 30, 1979.

Representative Maxwell introduced and brought HCR 17 before the House for consideration.

HCR 17 - Memorializing Bob Bergland, Secretary of the United States Department of Agriculture, to Resist Any Proposal Which Would Require a National Poultry Processing Line-Speed.

HCR 17 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle introduced and brought HR 29 before the House for consideration.

HR 29 - Commending Delmarva Vans, Inc.

HR 29 was adopted by voice vote.

Representative Morris introduced and brought HR 30 before the House for consideration.

HR 30 - Wishing for A Speedy and Complete Recovery for our Colleague and Friend Representative Robert W. (Bob) Riddagh.

HR 30 was adopted by voice vote.

Representative Free introduced HB 146, co-sponsored by Representatives Jonkiert, Plant, T. Brady and Holloway.

HB 146 - An Act to Authorize the Conveyance of the Property Known as 308 West Street in the City of Wilmington from the State of Delaware to the City of Wilmington.

Mr. Speaker assigned HB 146 to the Community Affairs Committee.

Representative Oberle introduced HB 147, co-sponsored by Representatives Gilligan, Hebner, Petrilli, Connor and Senator McDowell.

HB 147 - An Act to Amend Chapter 63 of Title 21 of the Delaware Code Relating to Sale of Used Motor Vehicles.

Mr. Speaker assigned HB 147 to the Public Safety Committee.

Representative George introduced HB 148, jointly sponsored by Representative Cain.

HB 148 - An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Exemptions.

Mr. Speaker assigned HB 148 to the Revenue & Finance Committee.

Representative George introduced HB 149, jointly sponsored by Representative Cain.

HB 149 - An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Modifications of Personal Income.

Mr. Speaker assigned HB 149 to the Revenue and Finance Committee.

Representative George introduced HB 150, jointly sponsored by Representative Cain.

HB 150 - An Act to Amend Chapter 11, Part II, Title 30, of the Delaware Code Relating to the Personal Income Tax.

Mr. Speaker assigned HB 150 to the Revenue and Finance Committee.

Representative George introduced HB 151, jointly sponsored by Representative Cain.

HB 151 - An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Exemptions.

Mr. Speaker assigned HB 151 to the Revenue and Finance Committee.

Representative Loughney brought HB 35 before the House for consideration.

Representative Loughney moved to place HB 35 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HB 100 before the House for consideration.

Representative Maxwell requested and was granted the privilege of the floor for Mr. William Houghton, Sheriff of New Castle County.

Representative Sincock rose on a point of order.

Representative Maxwell rose on a point of order. Mr. Speaker concurred.

Representative T. Brady introduced and brought HA 1 to HB 100, co-sponsored by Representatives McKay and Vernon, before the House for consideration.

Representative Gilligan rose on a point of order.

Mr. Speaker announced that the House would recess for a short caucus at 3:20 p.m.

The House was called to order at 3:34 p.m.

The roll call on HA 1 to HB 100 was taken.

Representative T. Brady moved to table the roll call on HA 1 to HB 100. The motion was seconded by Representative Sincok, but defeated by voice vote.

The roll call on HA 1 to HB 100 was revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Kelly, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Vernon - 20.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 19.

ABSENT: Representatives Jonkiert, Riddagh - 2.

Therefore, not having received a constitutional majority, HA 1 to HB 100 was defeated.

Representative Sincok moved to place HB 100 on the Speaker's table. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Kelly, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Vernon - 22.

NO: Representatives Anderson, Bennett, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 18.

ABSENT: Representative Riddagh - 1.

Therefore, having received a constitutional majority, the motion was adopted and HB 100 was placed on the Speaker's table.

Representative Oberle introduced and brought HB 69 before the House for consideration.

HB 69 - An Act to Amend Title 6, and Title 25 of the Delaware Code Relating to Door-to-Door and Other Solicitation Sales.

Representative Oberle brought HA 1 to HB 69 before the House for consideration.

HA 1 to HB 69 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for House Attorney, Michael Rich.

The roll call on HB 69 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Gilligan, Harrington, Hebner, Kelly, Loughney, Maroney, Matushefske, McKay, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 23.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Free, George, Gordy, Jonkiert, Maxwell, McBride, Minner, Morris, Neal, Plant - 16.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Riddagh - 1.

Therefore, having received a constitutional majority HB 69 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske brought HB 79 before the House for consideration.

HB 79 - An Act to Make a Supplementary Appropriation for Certain Grants-In-Aid.

The roll call on HB 79 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NO: Representatives Bennett, Hebner, Maroney, McKay - 4.

ABSENT: Representatives Ambrosino, Riddagh - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 79 was sent to the Senate for concurrence.

Representative Darling brought HB 93 before the House for consideration.

The roll call on HB 93 was taken.

Representative Darling moved to table the roll call on HB 93. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell introduced HB 152, co-sponsored by Representatives Ferguson, Cain, Ambrosino, Sincock, Darling, Minner and Senators Cicione, Murphy, Knox, Weiss and Hughes.

HB 152 - An Act to Amend Chapter 5 of Title 28 and Chapter 23 of Title 30, Delaware Code, Relating to the State Tax on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks and Related Taxes.

Mr. Speaker assigned HB 152 to the Revenue and Finance Committee.

Representative Jonkiert introduced HB 153.

HB 153 - An Act to Amend Chapter 25, Title 12, Delaware Code, Relating to the Fees of the Register of Wills in New Castle County.

Mr. Speaker assigned HB 153 to the Judiciary Committee.

Representative Jonkiert introduced HB 154.

HB 154 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Sheriff of New Castle County.

Mr. Speaker assigned HB 154 to the Administrative Services Committee.

Representative Jonkiert introduced HB 155.

HB 155 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Criminal Proceedings.

Mr. Speaker assigned HB 155 to the Judiciary Committee.

Representative Jonkiert introduced HB 156.

HB 156 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Civil Proceedings.

Mr. Speaker assigned HB 156 to the Judiciary Committee.

Representative Gilligan introduced and brought SCR 9, co-sponsored by Senators Martin, Sharp, Holloway, Knox, Arnold, Hale, Cicione, Kearns and Representatives Plant, T. Brady, Smith, Sincock, McKay, Gilligan, Oberle, Neal, Anderson, Cain and W. Brady, before the House for consideration.

SCR 9 - Recognizing the White Clay Creek and its Environs as One of Delaware's Outstanding Natural Resources and Calling for Its Preservation.

SCR 9 was adopted by voice vote and returned to the Senate.

Representative Cain brought HB 82 before the House for consideration.

HB 82 - An Act to Amend Chapter 409, Volume 61, Laws of Delaware to Revise the Deadline for Reporting Estimates of Anticipated General Fund Revenues.

The roll call on HB 82 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Matushefske, Riddagh, West - 3.

Therefore, having received a constitutional majority, HB 82 was sent to the Senate for concurrence.

Representative Holloway brought HB 24 before the House for consideration.

Representative Holloway moved to place HB 24 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy introduced SB 17, sponsored by Senator Cordrey.

SB 17 - An Act to Amend Chapter 47, Title 7 of the Delaware Code, to Permit the Department of Natural Resources and Environmental Control to Enter into a 25-Year Lease for the Use of Certain Lands Under its Control.

Mr. Speaker assigned SB 17 to the Natural Resources Committee.

Representative Darling brought SB 68 w/SA 1 before the House for consideration.

SB 68 - An Act to Amend Chapter 19, Title 7 of the Delaware Code Relating to Shellfishing.

Representative Vernon requested and was granted the privilege of the floor for Austin Olney, Secretary of Natural Resources.

Representative Darling requested the following letter be read into the record:

State of Delaware
Department of Natural Resources
and Environmental Control
Dover, Delaware 19901

January 17, 1979

Mr. Elisha C. Cropper
Cropper Oyster Company
Rt. 2, Box 45
Dagsboro, Delaware 19939

Dear Mr. Cropper:

In the process of evaluating your request for approval of the use of a Hanks Escalator for the harvesting of clams in Indian River Bay, I made a surprising discovery that I believe goes to the heart of your request.

On July 7, 1976, the Governor signed into law 60 Del. Laws, Chapter

513, which was a major revision of Delaware's shellfish laws (7 Delaware Code Chapters 19 through 27). Your lease of shellfish grounds was made prior to the new law and was valid at that time. Therefore, it was a "current lease" within the meaning of 7 Delaware Code, Section 1915. 7 Delaware Code, Section 1915 reads as follows:

"All valid leases currently in effect upon adoption of this chapter by the General Assembly will continue in full force and effect according to this chapter until April 30th of the year following the adoption of this chapter at which time said leases will be renewable pursuant to the provisions...set forth in this chapter..."

This means that any renewal of your lease of shellfish grounds after April 30, 1977, is subject to all of the provisions of 7 Delaware Code, Chapter 19.

7 Delaware Code Chapter 19, Section 1905 (b) (3) states that no lease may be granted for

"Shellfish grounds within the confines of Indian River, Indian River Bay or Rehoboth Bay until completion of the following:

- a. The current shellfish survey...
- b. Two public hearings regarding the shellfish management plan...
- c. The General Assembly...approves the shellfish management plan..."

Since none of these three steps have been completed, this Department was without authority to renew your leases after April 30, 1977. Therefore, the renewed leases made on April 5, 1978, must be considered void and of no validity.

This interpretation is required by the very terms of the lease made to you on July 27, 1971. This says that

"This lease is expressly subject to the provisions of Title 7, Delaware Code, Chapters 19, 21 and 23 and the rules and regulations promulgated pursuant thereto and any violation of such shall cause this lease to be voidable by the party of the first part."

It is regrettable that the latest renewal of your leases was allowed to be made before this problem came to light. However, it is clear that the Department had no authority to renew the leases until the requirements of the law were met. I do not have any choice in this matter: until final approval of a shellfish management plan by the General Assembly there is no authority for renewing leases of shellfish grounds. The "grandfather rights" established by 7 Delaware Code, Section 1915 continued only until April 30, 1977.

I regret the inconvenience this causes you, but your leases must be consider void.

Under these circumstances, I assume that you will want to reconsider your request for permission to use a Hanks Escalator to harvest clams in Indian River Bay.

Very truly yours,
Austin P. Olney, Secretary

Representative Burris moved to place SB 68 w/SA 1 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Hebner, Maroney, McKay, Neal, Oberle, Petrilli,

Powell, Roy, Sincok, Smith, Vernon - 18.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 21.

ABSENT: Representatives Kelly, Riddagh - 2.

Therefore, not having received a constitutional majority, the motion was defeated and SB 68 w/SA 1 remained before the House.

The roll call on SB 68 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Darling, Fallon, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 24.

NO: Representatives Ambrosino, T. Brady, Cathcart, Connor, Hebner, Neal, Oberle, Roy, Sincok, Vernon - 10.

NOT VOTING: Representatives Free, Maroney, McKay, Petrilli, Powell, Smith - 6.

ABSENT: Representative Riddagh - 1.

Therefore, having received a constitutional majority SB 68 w/SA 1 was returned to the Senate.

Representative Vernon introduced and brought HR 31 before the House for consideration.

HR 31 - Requesting that the Department of Natural Resources and Environmental Control Investigate, Hold Hearings and Prepare a Plan Relating to Shellfish Management.

HR 31 was adopted by voice vote.

Representative Minner moved to recess to the call of the Chair at 5:27 p.m.

12th LEGISLATIVE DAY 1st Session

February 1, 1979

The Speaker called the House to order at 2:29 p.m.

The Chief Clerk read the following Committee reports into the record:

Natural Resources: SB 17 - 1F, 5M.

Appropriations: SJR 6 - 1F, 6M; SB 16 - 1F, 6M; HB 68 - 7M.

Revenue & Finance: HB 152 - 2F, 3M.

Community Affairs: HB 146 - 4F, 1M.

Constitution: HB 84 - 2F, 1M, 3U.

Judiciary: HB 95 - 1F, 3M, 1U; HB 156 - 5M; HB 155 - 5M; HB 153 - 5M.

Administrative Services: HB 154 - 4M.

Public Safety: HB 59 - 3M; HB 112 - 2F, 1M; HB 85 - 2F, 1M; HB 147 - 1F, 2M.

The Majority Leader moved to adjourn at 2:35 p.m., thereby ending the previous legislative day. The House reconvened at 2:35 p.m. A

prayer was offered by Reverend Jon Widing from St. Anne's Episcopal Church in Middletown, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member absent: Representative Riddagh - 1.

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

The following prefiled legislation was introduced:

HB 157 - SINCOCK, ANDERSON, CATHCART, MAXWELL, ROY, SENATORS ARNOLD, BERNDT, CICIONE, HALE, HUGHES, KEARNS, KNOX - APPROPRIATIONS: An Act to Amend Chapter 409, Volume 61, Laws of Delaware, the 1979 Budget Act, Relating to Funds Appropriated for Teachers' Salaries.

HB 158 - KELLY, SENATOR MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapters 13 and 18, Title 2 and Chapter 1, Title 26 of the Delaware Code Relating to Regulation of Public Carriers.

HB 159 - MCKAY - EDUCATION: An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to the Number of Pupils Composing a Unit in Kindergarten and Grade One through Grade Twelve.

HB 160 - CAIN - COMMUNITY AFFAIRS: An Act to Amend Chapter 251, Volume 61, Laws of Delaware, Being an Act Entitled "An Act to Reincorporate the City of Delaware City" Relating to the Planning Commission; Indemnification of Officials and Employees; and Petitions. (2/3 bill)

HB 161 - MCKAY, BURRIS, VERNON - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Capital Gains Taxation.

HB 162 - AMBROSINO, CONNOR, KELLY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Utility Rates.

HB 163 - AMBROSINO, CATHCART, CONNOR, MATUSHEFSKE, GILLIGAN, T. BRADY, KELLY, MAXWELL - LABOR & COMMERCE: An Act to Amend Title 14 and Title 19 of the Delaware Code Relating to Employer-Employee Negotiations Between the State and Certain Public Employees.

HB 164 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31 of the Delaware Code, to Increase the Assistance Available to Families with Dependent Children.

HB 165 - NEAL, PETRILLI, W. BRADY, ANDERSON, OBERLE, CAIN, FERGUSON, SENATORS HALE, MARTIN, SHARP, SPENCE - COMMUNITY AFFAIRS: An Act to Amend Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by Removing the Prohibition Against Political Activity by Persons Holding Unpaid Appointive City Positions. (2/3 bill)

HS 1 for HB 99 - RIDDAGH, T. BRADY, HARRINGTON, JONKIERT, MATUSHEFSKE, MORRIS - LABOR & COMMERCE: An Act to Amend Subchapter I, Chapter 7, Title 19, of the Delaware Code Relating to Employment Practices to Provide Protection of the Employment of Jurors and Witnesses. (2/3 bill)

SB 41 w/SA 1 - MARTIN - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to

Public Officers and Employees; and Providing for an Increase in the Amount of Money Permitted to be Earned by Persons Under the State Employees' Pension Plan.

SB 44 - MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 72, Title 16, Delaware Code Relating to the Removal of Liquefied Petroleum Gas Containers.

SB 71 - MARSHALL, REPRESENTATIVE PLANT - COMMUNITY AFFAIRS: An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to Award of Contracts for Public Work or Goods.

SB 92 - ADAMS, CICIONE, HOLLOWAY, REPRESENTATIVE CLENDANIEL - APPROPRIATIONS: An Act to Aid the Bridgeville Senior Center, by Making an Appropriation Therefor. (3/4 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 92; SB 71; SB 17; SB 44; HB 25; SB 41 w/SA 1; SCR 9.

Representative Burris introduced and brought HCR 18, co-sponsored by Representative Minner and Senators Adams and Cook, before the House for consideration.

HCR 18 - Recognizing and Commending George Russell for His Services and Contributions to the City of Milford as City Manager.

HCR 18 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok introduced and brought HCR 19, co-sponsored by Senator Hughes, before the House for consideration.

HCR 19 -Congratulating the Delaware State Chamber of Commerce on its Selection of Former Governor J. Caleb Boggs as Recipient of the 1979 Josiah Marvel Cup for Community Service.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative Harrington introduced and brought HCR 20, co-sponsored by Senator Hughes before the House for consideration.

HCR 20 - Requesting the Governor to Designate the Period from February 12 to February 22, 1979 as National Defense Week.

HCR 20 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy rose on a point of order. Mr. Speaker concurred.

Representative Kelly introduced HB 166, co-sponsored by Senator Martin.

HB 166 - An Act to Amend Chapter 16 and Chapter 17, Title 2, of the Delaware Code, Relating to Conflict of Interest Provisions Relating to Commissioners or Employees of Local Transportation Authorities and Specialized Transportation Authorities.

Mr. Speaker assigned HB 166 to the Highways and Transportation Committee.

Representative Kelly introduced HB 167, co-sponsored by Senator Martin.

HB 167 -An Act to Amend Chapter 65, Title 29 and Chapter 17, Title 2, Delaware Code Relating to Reimbursement for Costs of Goods and Services Provided by Specialized Transportation Authorities to State Agencies and Departments.

Mr. Speaker assigned HB 167 to the Highways and Transportation Committee.

Representative Cain introduced HJR 5, co-sponsored by Representatives Maxwell and Kelly.

HJR 5 - Directing Each of the Public School Football Conferences to Schedule Football Games Between Teams Representing Public Schools and Teams Representing Delaware Non-Public Schools.

Mr. Speaker assigned HJR 5 to the Education Committee.

Representative West introduced HB 168.

HB 168 - An Act to Amend Chapter 1, Title 17 of the Delaware Code, to Establish a Highway Maintenance Fund.

Mr. Speaker assigned HB 168 to the Highways and Transportation Committee.

Representative West introduced HB 169.

HB 169 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Deposit of Motor Fuel Tax Receipts.

Mr. Speaker assigned HB 169 to the Revenue and Finance Committee.

Representative Matushefske introduced HB 170.

HB 170 - An Act to Amend Chapter 11, Title 24, of the Delaware Code, Relating to Dental Laboratories.

Mr. Speaker assigned HB 170 to the Banking and Insurance Committee.

Representative Matushefske moved to strike HB 65. Without objection, HB 65 was stricken.

Representative Matushefske moved to strike HB 55. Without objection, HB 55 was stricken.

Representative Oberle introduced and brought HCR 21, co-sponsored by Representative Maxwell and Senators Sharp and Arnold, before the House for consideration.

HCR 21 - Directing the Superintendent and School Board of the New Castle County School District to Assure Compliance, by Appropriate Measures, with the Memorandum of Agreement Between the Board and the Law Enforcement Agencies in New Castle County.

Representative Oberle requested and was granted the privilege of the floor for Lt. John B. Lingo, Jr. of the Delaware State Police.

Representative Loughney rose on a point of order stating that five members were standing to cut off debate. Mr. Speaker concurred.

HCR 21 was adopted by voice vote and sent to the Senate for concurrence.

Representative Loughney introduced HB 171.

HB 171 - An Act to Amend Chapter 16 of Title 16, Delaware Code Relating to Penalties for Litter Control and the Payment of Same by Mail. (2/3 bill)

Mr. Speaker assigned HB 171 to the Environmental Control Committee.

Representative Fallon introduced and brought HR 32 before the House for consideration.

HR 32 - Congratulating Lori Locke of Seaford High School for Being Selected to Participate in the "America's Youth in Concert" European Concert Tour.

HR 32 was adopted by voice vote.

Representative Fallon introduced HB 172.

HB 172 - An Act to Provide a Supplementary Appropriation to the

Seaford School System to Compensate a Teacher for Previous Underpayment.

Mr. Speaker assigned HB 172 to the Appropriations Committee.

Representative Jonkiert introduced and brought HCR 22, co-sponsored by Representatives Holloway and Plant before the House for consideration.

HCR 22 - Congratulating Tim Wilson Upon His Selection as Delaware Athlete of the Year by the Wilmington Sportswriters and Broadcasters Association.

HCR 22 was adopted by voice vote and sent to the Senate for concurrence.

The Chief Clerk read the following Committee report into the record:

House Administration: HCR 16 - 2F, 3M.

Representative T. Brady brought HR 33 before the House for consideration.

HR 33 - Mourning the Death of Lydia Barnes Vaughan Who Lived to be 102 Years of Age.

HR 33 was adopted by voice vote.

Representative T. Brady introduced HB 173, co-sponsored by Representatives Gordy and W. Brady.

HB 173 - An Act Proposing an Amendment to Article III of the Delaware Constitution Relating to the Election and Term of Office for Certain State Officers. (2/3 bill)

Mr. Speaker assigned HB 173 to the Constitution Committee.

Representative Gordy moved to recess for a caucus at 4:08 p.m.

The House was called to order at 5:00 p.m.

Representative Holloway moved to lift HB 24 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Holloway introduced and brought HA 1 to HB 24 before the House for consideration.

HA 1 to HB 24 was adopted by voice vote.

Representative Plant requested and was granted the privilege of the floor for Weston E. Nellius, Secretary of Finance.

Representative Plant requested and was granted the privilege of the floor for Mr. Madison Evans, President of the Senior Citizens.

Representative Connor moved to place HB 24 w/HA 1 on the Speaker's table. The motion was seconded by Representative Plant.

Mr. Speaker ruled that the motion to place HB 24 w/HA 1 on the Speaker's table was defeated by voice vote.

The roll call on HB 24 w/HA 1 was taken.

Representative Holloway moved to table the roll call on HB 24 w/HA 1. The motion was seconded by Representative Plant and adopted by voice vote.

Representative Gordy requested that HB 107 be placed at the end of the day's Agenda.

Representative George brought SB 72 before the House for consideration.

SB 72 - An Act to Amend Chapter 55, Title 29, Delaware Code, to Provide Post-Retirement Increases to Pensioners Who Retired Prior to 1978 and Providing a Supplemental Appropriation Therefor.

Representative George requested and was granted the privilege of the

floor for Weston E. Nellius, Secretary of Finance.

Representative Fallon stated that she would be recorded as Not Voting on the bill because of a conflict of interest.

Representative Morris stated that he would be recorded as Not Voting on the bill because of a conflict of interest.

The roll call on SB 72 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NOT VOTING: Representatives Fallon, Morris - 2.

ABSENT: Representatives Jonkiert, Kelly, Plant, Riddagh - 4.

Therefore, having received a constitutional majority, SB 72 was returned to the Senate.

Representative McBride brought HB 111 before the House for consideration.

Representative McBride introduced and brought HA 1 to HB 111 before the House for consideration. HA 1 to HB 111 was adopted by voice vote.

Representative T. Brady introduced and brought HA 2 to HB 111 before the House for consideration.

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

Representative McBride moved to place HB 111 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SJR 6 before the House for consideration.

SJR 6 - Establishing The Revised Official Estimate of General Fund Revenues for the Fiscal Year Ending June 30, 1979.

The roll call on SJR 6 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 36.

ABSENT: Representatives Harrington, Kelly, Matushefske, Riddagh, West - 5.

Therefore, having received a constitutional majority, SJR 6 was returned to the Senate.

Representative Gordy brought SB 16 before the House for consideration.

The roll call on SB 16 was taken.

Representative Jonkiert moved to table the roll call on SB 16. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Free brought HB 146 before the House for consideration.

Representative Gordy moved to place HB 146 on the Speaker's table.

The motion was seconded by Representative Minner and adopted by voice vote.

Representative Darling brought SB 17 before the House for consideration.

SB 17 - An Act to Amend Chapter 47, Title 7 of the Delaware Code, to Permit the Department of Natural Resources and Environmental Control to Enter into a 25-Year Lease for the Use of Certain Lands Under its Control.

The roll call on SB 17 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 37.

ABSENT: Representatives Kelly, Maroney, Riddagh, West - 4.

Therefore, having received a constitutional majority, SB 17 was returned to the Senate.

Representative Gilligan introduced and brought HR 34, co-sponsored by Representative Anderson, before the House for consideration.

HR 34 - Expressing Wishes for a Happy Marriage to House Attache Liz Kirch and Her Groom-to-be, Dennis Greenhouse.

HR 34 was adopted by voice vote.

Representative McBride moved to lift HB 111 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 111 - An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Relating to Public School Employees; and Providing for the Accumulation of Annual Leave and Absences for Other Reasons.

Representative T. Brady introduced and brought HA 2 to HB 111 before the House for consideration. HA 2 to HB 111 was adopted by voice vote.

The roll call on HB 111 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 34.

NO: Representatives Burris, Clendaniel, Minner, Morris - 4.

NOT VOTING: Representative McKay - 1.

ABSENT: Representatives Kelly, Riddagh - 2.

Therefore, having received a constitutional majority HB 111 w/HA 1,2 was sent to the Senate for concurrence.

Representative Maxwell brought HB 152 before the House for consideration.

Representative Maxwell moved to place HB 152 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Clendaniel moved to suspend the rules for the purpose of acting on SB 92. The motion was seconded by Representative Minner.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain,

Clendaniel, Darling, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Sincok, Vernon, West, Mr. Speaker Ferguson - 28.

NO: Representatives Ambrosino, T. Brady, Cathcart, Connor, Fallon, Hebner, Maroney, Powell, Roy, Smith - 10.

ABSENT: Representatives Kelly, McKay, Riddagh - 3.

Therefore, having received a constitutional majority, the motion was adopted and Representative Clendaniel brought SB 92 before the House for consideration.

The roll call on SB 92 was taken.

Representative Jonkiert moved to table the roll call on SB 92. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Clendaniel introduced HB 174, co-sponsored by Senator Adams.

HB 174 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Established to Continue the Pilot Project on the Concepts of Dynamic Seeding (Weather Modification); and Further Providing a Supplementary Appropriation Therefor.

Mr. Speaker assigned HB 174 to the Appropriations Committee.

Representative Burris introduced HB 175, co-sponsored by Representatives Hebner, Oberle, Petrilli, Maroney, T. Brady, Free, Sincok, Neal Cathcart, Harrington, Powell, Fallon, Connor, Ambrosino, Cain, Bennett, Darling, Maxwell, Gilligan, Holloway, Jr., Jonkiert, Gordy, Anderson, and Senators Cordrey, Adams, Holloway, Cicione, Murphy, McDowell, Knox, Arnold, Hale, Spence, Berndt, Hughes, Littleton and Weiss.

HB 175 - An Act to Make a Supplementary Appropriation for a Grant-in-Aid to Jobs for Delaware Graduates, Inc. (3/4 bill)

Mr. Speaker assigned HB 175 to the Appropriations Committee.

Representative Oberle introduced HB 176, co-sponsored by Representatives Maxwell, Neal, Petrilli, Gilligan, Hebner, Smith and Sincok and Senators Spence, Martin and Hughes.

HB 176 - An Act to Amend Delaware Code, Title 14, in Order to Provide a Gifted or Talented Instructional Funding Unit and Authorizing Staff or Services or Materials for Such Units in Public Schools.

Mr. Speaker assigned HB 176 to the Appropriations Committee.

Representative Neal introduced HB 177, co-sponsored by Representatives McBride and Ambrosino.

HB 177 - An Act to Amend Chapter 28, Title 24, of the Delaware Code Relating to the Applicability of the Freedom of Information Act to the Council of the Delaware Association of Professional Engineers.

Mr. Speaker assigned HB 177 to the Administrative Services Committee.

Representative Petrilli introduced HB 178, co-sponsored by Senator Hale.

HB 178 - An Act to Provide a Supplementary Appropriation to the New Castle County School District to Compensate Certain Teachers for Previous Nonpayment.

Mr. Speaker assigned HB 178 to the Appropriations Committee.

Representative Connor introduced HB 179, co-sponsored by

Representatives Kelly, Ambrosino and Cathcart.

HB 179 - An Act to Amend Title 14 of the Delaware Code Relating to Taxes: Eliminating the Local School Property Tax for Certain Owners of Residential Property; Providing for a State School Tax; and Providing for a Per Pupil Equalization Rate.

Mr. Speaker assigned HB 179 to the Revenue and Finance Committee.

Representative Gordy moved to recess to the call of the Chair at 7:18 p.m.

13th LEGISLATIVE DAY
1st Session

March 20, 1979

The Speaker called the House to order at 1:54 p.m.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m. A prayer was offered by the Reverend Robert F. Coon from the Christiana Presbyterian Church, Christiana, Delaware.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives T. Brady, Loughney - 2.

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

Representative Burris requested that the Reading Clerk read the following communication into the record:

March 15, 1979

The Honorable John P. Ferguson
Speaker of the House
Legislative Hall
Dover, Delaware

Dear Mr. Speaker:

This is to advise you that I will be out of town on business from March 19 through March 25, 1979.

Very truly yours,
Thomas E. Brady
Representative - 6th District

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HB 47 w/HA 1,2; HB 102; SB 63 w/SA 3; SB 37 w/SA 1; HB 49 w/HA 1,2,3; HB 87 w/HA 2; HB 78; HCR 18; HCR 19, HCR 20; HCR 21; HCR 22; HJR 4 w/HA 1.

LEGISLATIVE ADVISORY #4

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
1/31/79 - HJR 2. 2/6/79 - SJR 6; SB 17; SB 40; HB 29 w/HA 1; HB 25.

February 14, 1979

LEGISLATIVE ADVISORY #5

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
2/12/79 - HB 36. 2/13/79 - SB 72.

The Governor vetoed the following bill on the date indicated:
2/13/79 - SB 68 w/SA 1.

February 22, 1979

LEGISLATIVE ADVISORY #6

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on February 22, 1979 -
HB 82; HB 102; HB 87 w/HA 2; HB 47 w/HA 1,2; HB 78; HB 49 w/HA 1,2,3.

March 1, 1979

LEGISLATIVE ADVISORY #7

FROM: Office of Counsel to the Governor

HB 49 w/HA 1,2,3.

On February 27, 1979, the Governor was notified by the State Treasurer that on that date, in accordance with the terms of Section 8 of House Bill 49, as amended, he had received statements signed by all present members of the state judiciary electing to receive the benefits provided by the bill. The bill having been signed by the Governor on February 22, 1979 and each member of the judiciary elected on or before February 28, 1979 to accept all terms of the legislation, the legislation takes effect as of February 27, 1979 pursuant to the terms of Section 11.

March 5, 1979

Honorable John P. Ferguson, Speaker

State House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Mr. Speaker:

It was a very happy surprise and honor to receive the copy of House Concurrent Resolution No. 19 which was passed February 1, 1979 congratulating the Delaware State Chamber of Commerce on its selection of the Marvel Cup recipient.

Mr. Speaker, I thank you and through you each and every member of the House of Representatives.

I will keep this Resolution as a great treasure. You all were most kind to do this. I consider it a great honor to receive the Marvel Cup Award and to be mentioned in this Resolution.

Thank you.

With the warmest and highest personal regards and best wishes to you and to each member, I am

Sincerely,

J. Caleb Boggs

The following prefiled legislation was introduced:

HB 180 - GORDY, FERGUSON, OBERLE - HOUSE
ADMINISTRATION: An Act to Provide that a Referendum on the Equal

Rights Amendment be Held in the November 1980 General Election in Delaware.

HB 181 - KELLY, SENATOR MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 84, Title 29 of the Delaware Code, Relating to the Council on Transportation.

HB 182 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 35, Title 24, Delaware Code, Relating to the Practice of Psychology.

HB 183 - VERNON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 4 of the Delaware Code, Relating to Grounds for Refusal of a License to Sell Alcoholic Liquor.

HB 184 - CATHCART, MARONEY - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, of the Delaware Code, Relating to Motorcycle, Motorbike, Etc., Licenses.

HB 185 - HEBNER - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 85, Title 16, of the Delaware Code, Relating to Exemption of Pressure Vessels.

HB 186 - POWELL - HOUSE ADMINISTRATION: An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees.

HB 187 - KELLY, SENATOR MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 13, Title 2 and Chapter 84, Title 29 of the Delaware Code, Relating to the Powers and Duties of the Secretary of the Department of Transportation and the Director of the Delaware Transportation Authority.

HB 188 - MAXWELL - EDUCATION: An Act to Amend Chapter 13, Title 14 of the Delaware Code, Relating to Sick Leave for School Employees.

HB 189 - BURRIS - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code, Relating to the Fee for Special Intransit License Plates Used by Contractors.

HB 190 - BURRIS - JUDICIARY: An Act to Amend Title 4 and Title 10 of the Delaware Code, Relating to Statutory Liabilities of Persons Who Sell or Dispense Alcoholic Liquors. (2/3 bill)

HB 191 - BURRIS - LABOR & COMMERCE: An Act to Amend Subchapter I, Chapter 27, Title 6 of the Delaware Code, Relating to "Plain Language" Contracts.

HB 192 - BENNETT, GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to the Practice of Pharmacy.

HA 3 to HB 7 - GILLIGAN, OBERLE, SENATOR KEARNS - Placed with the bill.

HA 1 to HB 35 - BENNETT - Placed with the bill.

HA 1 to HB 57 - CONNOR - Placed with the bill.

HA 2 to HB 100 - T. BRADY, MCKAY, VERNON - Placed with the bill.

HA 1 to HB 107 - MINNER - Placed with the bill.

HA 1 to HB 131 - CONNOR - Placed with the bill.

HA 1 to HB 152 - MAXWELL - Placed with the bill.

SB 63 w/SA 3 - HOLLOWAY - JUDICIARY: An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Qualifications for Jury Duty.

Representative Plant introduced and brought HR 35 before the House for consideration.

HR 35 - Directing the Superintendent of Public Instruction to Explain his Remarks Made on March 7th in the House Chamber in Response to a Comment Concerning the State Board of Education's Budget Request.

Representative Plant moved to strike HR 35. Without objection, HR 35 was stricken.

Representative Gilligan introduced and brought HR 36, co-sponsored by Representative Morris, before the House for consideration.

HR 36 - Requesting the Chief Judge of the Family Court and the Commissioner of Correction to Meet Concerning a Proposed Program for Certain Juveniles Under the Jurisdiction of the Court.

HR 36 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 23, co-sponsored by Senator Adams, before the House for consideration.

HCR 23 - Expressing the Appreciation of the Members of the 130th General Assembly of Delaware for the 9th Annual Agricultural Industry Dinner.

HCR 23 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy moved to recess for caucus at 2:50 p.m.

The House was called to order at 4:10 p.m.

Representative Matushefske brought HB 95 before the House for consideration.

Representative Matushefske moved to place HB 95 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Jonkiert brought HB 153 before the House for consideration.

HB 153 - An Act to Amend Chapter 25, Title 13, Delaware Code, Relating to the Fees of the Register of Wills in New Castle County.

The roll call on HB 153 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 35.

NO: Representative Roy - 1.

ABSENT: Representatives Bennett, T. Brady, Clendaniel, Loughney, West - 5.

Therefore, having received a constitutional majority, HB 153 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 155 before the House for consideration.

HB 155 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Criminal Proceedings.

The roll call on HB 155 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant,

Powell, Riddagh, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

NO: Representatives Bennett, Roy - 2.

ABSENT: Representatives T. Brady, Hebner, Loughney - 3.

Therefore, having received a constitutional majority, HB 155 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 156 before the House for consideration.

HB 156 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Civil Proceedings.

The roll call on HB 156 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representatives Bennett, Roy - 2.

ABSENT: Representatives T. Brady, Loughney - 2.

Therefore, having received a constitutional majority, HB 156 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 154 before the House for consideration.

HB 154 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Sheriff of New Castle County.

The roll call on HB 154 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

NO: Representative Bennett - 1.

ABSENT: Representatives T. Brady, Loughney - 2.

Therefore, having received a constitutional majority, HB 154 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 68 before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for Col. Jabel Karin-Bey from the Blackman's Development Center.

The roll call on HB 68 was taken.

Representative Jonkiert moved to table the roll call on HB 68. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Oberle brought HB 85 before the House for consideration.

Representative Oberle moved to place HB 85 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Connor brought HB 112 before the House for

consideration.

Representative Connor introduced and brought HA 1 to HB 112 before the House for consideration.

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

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

Mr. Speaker advised Representative Connor that HB 112 would need a revised fiscal note.

Representative Connor moved to place HB 112 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Gordy brought HB 107 before the House for consideration.

Representative Gordy moved to recommit HB 107 to Committee. HB 107 was recommitted to the Environmental Control Committee.

Representative Morris brought SCR 10, co-sponsored by Senator Sharp, Representative Morris, Senators Adams, Cook, Cordrey, Holloway, Hughes, Spence and Representatives Darling, Holloway and Plant, before the House for consideration.

SCR 10 - Commending Delores J. Baylor, Superintendent of the Women's Correctional Institution, for her Outstanding Service to the Department of Correction.

SCR 10 was adopted by voice vote and returned to the Senate.

Representative Anderson introduced and brought HJR 6, co-sponsored by Representatives Cain, and Sincok and Senator Kearns, before the House for consideration.

HJR 6 - Directing the State Board of Education to File a Petition in the United States District Court for the District of Delaware, Relating to the composition of the New Castle County Board of Education.

Mr. Speaker assigned HJR 6 to the Education Committee.

Representative McBride introduced HB 193, co-sponsored by Representatives Anderson, George, Jonkiert, Ambrosino, Free and Harrington and Senators Holloway, Kearns, Marshall and McDowell.

HB 193 - An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code, Relating to Welfare; and Providing for Pharmaceutical Assistance to the Aged.

Mr. Speaker assigned HB 193 to the Aging Committee.

Representative Plant introduced HB 194.

HB 194 - An Act to Amend Chapter 53, Title 25, Delaware Code, Relating to Tenant's Remedies for Failure to Supply Heat.

Mr. Speaker assigned HB 194 to the Community Affairs Committee.

Representative Plant introduced HB 195.

HB 195 - An Act to Appropriate Funds to Certain State Agencies to Provide Needed Human Services for the Citizens of the State.

Mr. Speaker assigned HB 195 to the Appropriations Committee.

Representative Matushefske introduced the Report of the Overview Committee on Busing, New Castle County School District.

Representative Jonkiert moved to lift the roll call on HB 68 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 68 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for Programs at the Blackman's Development Center, Inc.

The roll call on HB 68 was revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Petrilli, Plant, Powell, Riddagh, Sincock, Vernon, West, Mr. Speaker Ferguson - 32.

NO: Representatives Bennett, Kelly, Maroney, McKay, Oberle, Roy, Smith - 7.

ABSENT: Representatives T. Brady, Loughney - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 68 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Report into the record.

Community Affairs: HB 160 - 6M.

Representative Gordy moved to recess to the call of the Chair at 6:02 p.m.

14th LEGISLATIVE DAY 1st Session

March 21, 1979

The Speaker called the House to order at 2:01 p.m.

The Chief Clerk read the following Committee Reports into the record:

House Administration: HB 180 - 4M; HB 4 - 5M; HB 118 - 1F, 4M; HB 57 - 4M, 1UF; HB 142 - 4M.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m. A prayer was offered by the Reverend Charles Moore from the Church of Christ in Newark, Delaware

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives T. Brady, Cathcart, Loughney - 3.

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

The Reading Clerk read the following communications into the record:

March 20, 1979

Representative John Ferguson
Speaker of the House of Representatives
State of Delaware
Dover, Delaware

Dear Mr. Speaker:

This is to inform you that on March 21 and 22, 1979, I will be absent from session.

The reason of this absence is due to travel out of town for business purposes.

Respectfully
Richard C. Cathcart
Representative, 18th District

The Senate wishes to inform the House that it has passed SCR 10, HCR 23.

House of Representatives
State of Delaware
Legislative Hall
Dover, DE 19901

March 13, 1979

Mr. Andrew B. Kirkpatrick, Jr., President
Delaware State Bar Association
25 Public Building
11th and King Streets
Wilmington, Delaware 19801

Dear Mr. Kirkpatrick:

As I am sure you are aware, there are no attorneys presently serving in the General Assembly. The negative connotations of this fact were brought home to me and several of my legislative colleagues recently when the Delaware Bar Association invited us to attend one of its regular meetings.

We thank you for the invitation. I am sure that my colleagues agree with my assessment that this meeting provided an excellent, and all too rare, opportunity to discuss mutual problems. It is important that we two groups keep a line of communication open at all times to see that good, workable legislation is passed.

In this light we would enthusiastically welcome the Bar Association's assistance in a legal matter that could have wide-ranging effects on Delaware Law. I refer to the recent move to rescind the Equal Rights Amendment. The proponents and opponents of this cause have made many charges, both positive and negative, about the effects of ERA on the laws of Delaware.

Therefore, we are asking if it would be possible for you Legislative Committee to review our state laws in order to determine the effect ERA would have on Delaware Law.

The first and most important question to be answered is: Whether the state can by law rescind the original vote on ERA? If not, there are many other questions that remain unanswered, such as:

1. What will be the effect of the ERA on property right laws.
2. Will the University of Delaware be forced to assign rooms on the basis of alphabetical listing rather than by sex?
3. Will a religious institution lose its non-profit status if it does not have women ministers?
4. Must federal and state affirmative action programs, aimed primarily at assisting women be abandoned?

These are just a few of the questions we hear most frequently. Surely, you can very readily think of many more areas that should be

examined. I sincerely hope that you and your colleagues will be good enough to assist us in this important matter. We will deeply appreciate any help you can offer.

Sincerely,
Gerard A. Cain, Representative

Representative Gordy introduced and brought HCR 24 before the House for consideration.

HCR 24 - Requesting the Delaware Congressional Delegation to Oppose any Proposal to Close Gasoline Service Stations on Sundays Because of the Potentially Severe Effect on Recreational Enterprise in the First State.

HCR 24 was adopted by voice vote and sent to the Senate for concurrence.

Representative Plant moved to strike HB 13. Without objection, HB 13 was stricken.

Representative Plant moved to strike HB 14. Without objection, HB 14 was stricken.

Representative Gordy moved to recess for caucus at 2:30 p.m.

The House was called to order at 3:29 p.m.

The following prefiled legislation was introduced:

HB 196 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter III, Title 26, Delaware Code, Related to Determination of Rate by the Public Service Commission.

HB 197 - HOLLOWAY - LABOR & COMMERCE: An Act to Amend Chapter 25, Title 6, Delaware Code, Relating to the Sale of New and Used Motor Vehicles.

HB 198 - MORRIS - CORRECTIONS: An Act Relating to the Name of the Ferris School for Boys.

HB 199 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code, Relating to Modifications of the Delaware Personal Income Tax.

HB 200 - CAIN - HOUSE ADMINISTRATION: An Act to Amend Title 1 and Title 14 of the Delaware Code, Relating to Legal Holidays.

HB 201 - BENNETT - BANKING & INSURANCE: An Act to Amend Chapter 18, Title 5 of the Delaware Code, Relating to Banking by Reducing the Franchise Tax for Building and Loan Associations.

HB 202 - BENNETT, GEORGE - HOUSE ADMINISTRATION: An Act to Permit Facsimile Signature by the Secretary of State Under Certain Conditions.

HB 203 - BENNETT - BANKING & INSURANCE: An Act to Amend Chapter 11, Title 5 of the Delaware Code, Relating to Banking by Decreasing the Rate of Tax on Net Income.

HB 204 - BENNETT - LABOR & COMMERCE: An Act to Amend Chapter 33, of Title 19, Delaware Code, Relating to Variations from Standard Rate.

HB 205 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter I, Chapter 69, Title 29, Delaware Code, Relating to Procurement of Materials by State Agencies.

HB 206 - BENNETT - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 207 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 24, Delaware Code, Relating to the Establishment of a State Board of Opticians.

HB 208 - ANDERSON (by request) - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, to Increase the Amount of the Pension that May be Subtracted from the Federal Adjusted Gross Income in Computing the State Income Tax.

HB 209 - JONKIERT - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code, by Creating a Commission on Hospitals and Health Care and Making an Appropriation Therefor.

HB 210 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code to Permit a Deduction for Certain Household and Dependent Care Expenses.

HB 211 - MCKAY, BURRIS - APPROPRIATIONS: An Act to Amend Chapter 74, Title 29 of the Delaware Code Relating to Limitations on Bonded Indebtedness of the State of Delaware.

HB 212 - MCKAY - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1 of the Delaware Code to Redesignate Lincoln's Birthday, Washington's Birthday and Columbus Day to Their Former Dates as Holidays.

HB 213 - MCKAY - BANKING & INSURANCE: An Act to Amend Chapter 11, Title 5, Delaware Code, Relating to the Rate of the Franchise Tax on Net Income of Banks, Trust Companies and National Banks.

HB 214 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code, Relating to the Rate of Personal Income Tax.

HB 215 - NEAL - REVENUE & FINANCE: An Act to Amend Subchapter 11, Chapter 11, Title 30, Delaware Code, Relating to an Income Tax Credit for Active Volunteer Firemen.

HB 216 - NEAL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to a Reduction in Personal Income Tax.

HB 217 - SMITH - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 15, Title 24 of the Delaware Code, Relating to Hotels, Restaurants and Places of Entertainment; and Providing for the Inspection of Food Preparation Areas.

HB 218 - SMITH - JUDICIARY: An Act to Amend Chapter 15, Title 13 of the Delaware code, Relating to the Delaware Divorce and Annulment Act.

HB 219 - VERNON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Employment of Persons Where Alcoholic Liquor is Served.

HB 220 - AMBROSINO - JUDICIARY: An Act to Amend Title 16 and Title 24 of the Delaware Code, Relating to Instruments and Paraphernalia for the Administering and Use of Drugs.

HB 221 - AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code, Relating to the Obligation of a Landlord to Supply and Maintain a Fit Rental Unit; and Providing for Adequate Heat to be Supplied to the Tenant.

HB 222 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code, Relating to the

Public Service Commission; and Prohibiting Termination of Utility Service Under Certain Circumstances.

HB 223 - OBERLE - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 16, of the Delaware Code, Relating to the Dumping or Flushing of Refuse.

HB 224 - GORDY - APPROPRIATIONS: An Act to Make an Appropriation to the Department of Transportation for the Purchase of Plows.

HA 2 to HB 107 - W. BRADY - Placed with the bill.

HA 1 to HB 129 - CAIN - Placed with the bill.

HA 2 to HB 129 - CAIN - Placed with the bill.

HA 1 to HB 157 - BENNETT - Placed with the bill.

SB 37 w/SA 1 - KEARNS, BERNDT, ZIMMERMAN - JUDICIARY: An Act to Amend Title 6 of the Delaware Code, Relating to Commerce and Trade; Prohibiting Restraints of Trade and Monopolistic Practices; Providing Remedies and Penalties Therefor; and Reposing Powers and Duties in The Attorney General.

HA 1 to SB 37 - MAXWELL - Placed with the bill.

HA 2 to SB 37 - MAXWELL - Placed with the bill.

Representative Matushefske introduced HB 225.

HB 225 - An Act to Amend Chapter 29, Title 14 of the Delaware Code to Require Installation of Shields in School Buses to Protect Drivers from Thrown Objects.

Mr. Speaker assigned HB 225 to the Education Committee.

Representative Matushefske introduced HB 226.

HB 226 - An Act to Amend Chapter 29, Title 14 of the Delaware Code, to Require Classroom and Job Training for Persons Seeking Positions as School Bus Drivers.

Mr. Speaker assigned HB 226 to the Education Committee.

Representative Matushefske introduced HB 227.

HB 227 - An Act to Amend Chapter 29, Title 14 of the Delaware Code, to Require that Seats on School Buses be Assigned to Pupils.

Mr. Speaker assigned HB 227 to the Education Committee.

Representative Matushefske introduced HB 228.

HB 228 - An Act to Make an Appropriation to the New Castle County School Board of Education for the Construction of a Central Repair Facility.

Mr. Speaker assigned HB 228 to the Appropriations Committee.

Representative Matushefske introduced HB 229.

HB 229 - An Act to Make an Appropriation to the New Castle County School Board of Education for the Purchase of 37 School Buses.

Mr. Speaker assigned HB 229 to the Appropriations Committee.

Representative Matushefske introduced HB 230.

HB 230 - An Act to Amend Chapter 41, Title 14 of the Delaware Code, to Provide Superintendents of Schools with Subpoena Power in Dealing with Uncooperative Parents.

Mr. Speaker assigned HB 230 to the Education Committee.

Representative Fallon introduced and brought HR 37 before the House for consideration.

HR 37 - Congratulating Kay Thompson for Winning the Annual Delaware State Volunteer Firemen's Association Fire Prevention Essay Contest.

HR 37 was adopted by voice vote.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell introduced and brought HB 231, co-sponsored by Representatives Ferguson, Cain, Ambrosino, Sincok, Darling and Minner and Senators Cicione, Murphy, Knox, Weiss and Hughes, before the House for consideration.

HB 231 - An Act to Amend Chapter 5, Title 28 and Chapter 23, Title 30, Delaware Code, Relating to the State Tax and Licensee's Commissions on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks, Licensee's Payments to the Delaware Standardbred Development Fund and State License Fees for Harness Racing Meet Operators, Harness Race Horse Owners, Trainers and Drivers.

Representative Maxwell requested and was granted the privilege of the floor for Mr. W. E. Hansen, from Brandywine Raceway.

Representative Jonkiert introduced and brought HA 1 to HB 231 before the House for consideration.

The roll call on HA 1 to HB 231 was taken and revealed:

YES: Representatives Ambrosino, Jonkiert, Kelly, Neal - 4.

NO: Representatives W. Brady, Burris, Clendaniel, Connor, Darling, Gordy, Harrington, Hebner, Maroney, Maxwell, McKay, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Mr. Speaker Ferguson - 21.

NOT VOTING: Representatives Bennett, George, Gilligan, Holloway, McBride - 5.

ABSENT: Representatives Anderson, T. Brady, Cain, Cathcart, Fallon, Free, Loughney, Matushefske, Plant, Vernon, West - 11.

Therefore, not having received a constitutional majority HA 1 to HB 231 was defeated.

Representative Jonkiert introduced and brought HA 2 to HB 231 before the House for consideration.

The roll call on HA 2 to HB 231 was taken and revealed:

YES: Representatives Jonkiert, Neal - 2.

NO: Representatives Ambrosino, Burris, Connor, Darling, Fallon, Gilligan, Gordy, Harrington, Hebner, Kelly, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 25.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Clendaniel, Holloway, McBride, West - 7.

ABSENT: Representatives T. Brady, Cain, Cathcart, Free, George, Loughney, Plant - 7.

Therefore, not having received a constitutional majority HA 2 to HB 231 was defeated.

The roll call on HB 231 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Cain, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, West, Mr. Speaker Ferguson - 33.

NO: Representatives Connor, Roy, Vernon - 3.

NOT VOTING: Representatives Bennett, Neal - 2.

ABSENT: Representatives T. Brady, Cathcart, Loughney - 3.

Therefore, having received a constitutional majority HB 231 was sent to the Senate for concurrence.

Representative Gordy moved to lift the roll call on SB 16. The motion was seconded by Representative Minner and adopted by voice vote.

SB 16 - An Act to Aid the Laurel Senior Center by Making an Appropriation Therefor.

The roll call on SB 16 was revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representatives Maroney, McKay - 2.

NOT VOTING: Representatives T. Brady, Cathcart - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, SB 16 was returned to the Senate.

Representative Clendaniel moved to lift the roll call on SB 92. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 92 - An Act to Aid the Bridgeville Senior Center, by Making an Appropriation Therefor.

The roll call on SB 92 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NOT VOTING: Representatives T. Brady, Cathcart, Maroney - 3.

ABSENT: Representative McKay - 1.

Therefore, having received a constitutional majority of at least three quarters members of the House, SB 92 was returned to the Senate.

Representative McBride introduced HB 232.

HB 232 - An Act Relating to the Patching of State Roads, Streets and Highways by Districts; and Providing an Appropriation Therefor.

Mr. Speaker assigned HB 232 to the Appropriations Committee.

Representative Vernon introduced HB 233.

HB 233 - An Act to Amend Chapter 8, Part I, Title 19 of the Delaware Code, Relating to Prohibition of Discriminatory Conditions of Employment.

Mr. Speaker assigned HB 233 to the Administrative Services Committee.

Mr. Speaker reconsidered and assigned HB 233 to the Labor Committee.

The Chief Clerk read the following committee report into the record.

Community Affairs: SB 71 - 1F, 4M; HB 194 - 1F, 5M.

Representative Gordy moved to recess to the call of the Chair at 5:13 p.m.

15th LEGISLATIVE DAY
1st Session

March 22, 1979

The Speaker called the House to order at 1:43 p.m.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the previous legislative day. The House reconvened at 1:44 p.m. A prayer was offered by the Reverend Donald J. Hurst from the Christiana United Methodist Church, Christiana, Delaware.

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives T. Brady, Cathcart, Loughney, Matushefske - 4.

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed HB 79; HB 153; HCR 24.

Representative Harrington introduced and brought HJR 8, co-sponsored by Senator Weiss and Representatives Bennett and Minner, before the House for consideration.

HJR 8 - Memorializing the United States Federal Government to Urge the German Federal Republic to Abolish, or Extend, the Statute of Limitations on Nazi War Criminals.

Mr. Speaker assigned HJR 8 to the House Administration Committee.

Representative Minner introduced and brought HCR 25, co-sponsored by Representatives Anderson, Ferguson, Gordy and Senator Cook, before the House for consideration.

HCR 25 - Welcoming Joan Mondale, Wife of Walter F. Mondale, 42nd Vice-President of the United States, to Delaware, the First State, for the Jefferson-Jackson Day Banquet, March 22, 1979.

HCR 25 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle introduced and brought HCR 26, co-sponsored by Representative Maxwell and Senators Sharp and Arnold, before the House for consideration.

HCR 26 - Urging the Superintendent and the School Board of the New Castle County School District to Promptly Review and Act Upon All the Administrative Recommendations for Expulsion.

Mr. Speaker assigned HCR 26 to the Education Committee.

The following prefiled legislation was introduced:

HB 234 - BENNETT - HOUSE ADMINISTRATION: An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Procurement of Materiel and Award of Contracts.

HB 235 - BENNETT, MINNER, MORRIS, DARLING - HOUSE ADMINISTRATION: An Act to Amend Chapter 23, Title 29 of the Delaware Code, Relating to Fees Charged by the Secretary of State.

HB 236 - JONKIERT - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's

Compensation with Respect to Certain Prohibited Practices of Employers and Insurance Carriers.

HB 237 - MAXWELL - HOUSE ADMINISTRATION: An Act to Amend Chapter 58A, Part V, Title 29 of the Delaware Code, Relating to the Conduct of Officers and Employees of the State.

HB 238 - GEORGE, SENATOR COOK - APPROPRIATIONS: An Act to Appropriate Funds to the Department of Public Safety, Division of State Police.

HB 239 - MINNER - LABOR & COMMERCE: An Act to Amend Chapter 15, Title 19 of the Delaware Code, Relating to Agricultural Labor.

HB 240 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31 of the Delaware Code, to Permit Certain Welfare Recipients to Work as Much as 20 Hours a Week Without Reduction of Their Grants.

HB 241 - HOLLOWAY, SENATOR HOLLOWAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code, to Increase the Personal Income Tax Exemption.

HB 242 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Chapter 63, Title 21 of the Delaware Code, to Provide a Warranty for all Used Cars. (2/3 bill)

HB 243 - GORDY, SENATOR ADAMS - APPROPRIATIONS: An Act Making an Appropriation to the University of Delaware to be Used at the Swine Research and Demonstration Facility at the Georgetown Substation.

HJR 7 - GORDY, SENATOR ADAMS, REPRESENTATIVES BENNETT, SMITH, SINCOCK, BURRIS, FALLON, RIDDAGH, W. BRADY, FERGUSON, WEST, MORRIS, DARLING, MATUSHEFSKE, MINNER, KELLY, GILLIGAN, CAIN, GEORGE, ANDERSON, ROY, MCKAY, CONNOR, HARRINGTON, OBERLE, PLANT, CLENDANIEL, AND SENATORS CICIONE, COOK, LITTLETON, SPENCE, ARNOLD, BERNDT - HOUSE ADMINISTRATION: Requesting President Jimmy Carter and the Delaware Congressional Delegation to Act to Revise the Federal Budget for Fiscal 1980 to Modestly Increase Funds Required for the Agricultural Research and Cooperative Extension Programs at the University of Delaware.

Representative Gordy moved to recess for caucus at 1:56 p.m.

The House was called to order at 3:50 p.m.

Representative Cain brought HB 160 before the House for consideration.

HB 160 - An Act to Amend Chapter 251, Volume 61, Laws of Delaware, Being an Act Entitled "An Act to Reincorporate the City of Delaware City", Relating to the Planning Commission; Indemnification of Officials and Employees; and Petitions.

The roll call on HB 160 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Vernon, West, Mr. Speaker Ferguson - 35.

ABSENT: Representatives Ambrosino, T. Brady, Cathcart, Loughney, Matushefske, Smith - 6.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 160 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 153 w/SA 1 before the House for consideration.

HB 153 - An Act to Amend Chapter 25, Title 12, Delaware Code, Relating to the Fees of the Register of Wills in New Castle County.

The roll call on HB 153 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

ABSENT: Representatives T. Brady, Cathcart, Loughney, Matushefske. - 4.

Therefore, having received a constitutional majority, HB 153 w/SA 1 was sent to the Governor.

Representative Jonkiert brought HB 154 w/SA 1 before the House for consideration.

HB 154 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Sheriff of New Castle County.

The roll call on HB 154 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

ABSENT: Representatives T. Brady, Cain, Cathcart, Loughney, Matushefske - 5.

Therefore, having received a constitutional majority, HB 154 w/SA 1 was sent to the Governor.

Representative Jonkiert brought HB 155 w/SA 1 before the House for consideration.

HB 155 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Criminal Proceedings.

The roll call on HB 155 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 34.

ABSENT: Representatives T. Brady, Cain, Cathcart, Hebner, Loughney, Matushefske, West - 7.

Therefore, having received a constitutional majority, HB 155 w/SA 1 was sent to the Governor.

Representative Jonkiert brought HB 156 w/SA 1 before the House for consideration.

HB 156 - An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to the Fees of the Prothonotary of New Castle County in Civil

Proceedings.

The roll call on HB 156 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36

ABSENT: Representatives T. Brady, Cathcart, Loughney, Matushefske, McKay - 5.

Therefore, having received a constitutional majority, HB 156 w/SA 1 was sent to the Governor.

Representative Maxwell moved to lift HB 152 - HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell moved to strike HB 152 - HA 1. Without objection, HB 152 - HA 1 was stricken.

Representative Gordy moved to recess to the call of the Chair at 4:18 p.m.

16th LEGISLATIVE DAY 1st Session

March 27, 1979

The Speaker called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by the Reverend H. Sterling Green from the Wesley and Indian Mission United Methodist Churches in Georgetown, Delaware.

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Hebner, Holloway, Kelly, Loughney - 4.

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed HB 153 w/SA 1; HB 154 w/SA 1; HB 155 w/SA 1; HB 156 w/SA 1; HCR 25.

Representative Neal requested the following communication be read into the record:

City of Newark

Delaware

Resolution No. 79-K

Opposing the De-Authorization/Authorization

Proposal of the Governor's Project Overhaul

WHEREAS, since 1960, the Council of the City of Newark has adopted many resolutions and motions endorsing and urging the

construction of the Newark Connector Highway running from Elkton Road to South College Avenue, now known as a segment of the Route 4 Improvement Project and

WHEREAS, the Council, on April 24, 1978, adopted the Newark Connector as Number 1 Highway priority for Newark, and

WHEREAS, the Federal Highway Administration has granted Location Approval to the Newark Connector as required for Federal funding, and

WHEREAS, the State Department of Highways issued an Environmental Impact Statement endorsing the Newark Connector as an urgently needed transportation improvement, and

WHEREAS, the De-Authorization/Authorization Proposal of the Governor's Project Overhaul would jeopardize continued funding for portions of the Route 4 Improvement Project in FY80 and FY81, and

WHEREAS, continued progress on the improvement of Route 4, especially the Newark Connector Road, is essential for citizens living and working in the Newark area;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newark opposes the De-Authorization/Authorization Proposal of the Governor's Project Overhaul.

BE IT FURTHER RESOLVED that the Council of the City of Newark feels that financing for emergency road repairs and resurfacing should come from surplus money.

BE IT FURTHER RESOLVED that if such surplus monies are not available, the current allocation of \$5.5 million not be transferred until a Bond Bill replacing it has been passed.

RESOLVED at a Regular Meeting of Council on March 26, 1979. VOTE: 7 to 0.

William M. Redd, Jr., Mayor

Attest: Betty Jane Steltz,
City Secretary

The following prefiled legislation was introduced:

HB 244 - POWELL, HOUSE ADMINISTRATION: An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees.

HB 245 - GILLIGAN, EDUCATION: An Act to Amend Chapter 13, Title 14 of the Delaware Code, Relating to the Salaries of School Nurses.

HB 246 - MCKAY, BURRIS, PETRILLI - APPROPRIATIONS: An Act to Amend Chapter 65, Title 29 of the Delaware Code, Relating to the Limitation on Appropriations to Permit Use of Part of the Budget Reserve Account to Help Retire the State's Indebtedness. (3/5 bill)

HB 247 - AMBROSINO - EDUCATION: An Act to Amend Chapter 29, Part I, Title 14 of the Delaware Code, Relating to the Transportation of Public School Pupils.

HB 248 - MCKAY, PETRILLI - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax.

HB 249 - MCBRIDE - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code, Relating to School Boards Created by Court Order.

HA 1 to HB 84 - FERGUSON - Placed with the bill.

Representative Gilligan introduced and brought HCR 27, co-sponsored by Representative West and Senator Holloway, before the House for consideration.

HCR 27 - Requesting the Secretary of Health and Social Services to Utilize Available, More Expedient Hiring Procedures for Certain Personnel.

HCR 27 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy introduced and brought HCR 28 before the House for consideration.

HCR 28 - Requesting the President of the United States and the Members of the Congress to Act to Ensure that the Federal Government Reimburses the States for Costs Incurred in the Implementation of New Programs or Increased Levels of Existing Program.

HCR 28 was adopted by voice vote and sent to the Senate for concurrence.

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

The House was called to order at 5:03 p.m.

Representative Jonkiert introduced and brought HR 38, co-sponsored by Representative Gilligan, before the House for consideration.

HR 38 - Expressing our Sincerest Hope for a Speedy Recovery to our Colleague, Representative Daniel A. Kelly Who is Hospitalized at Wilmington General.

HR 38 was adopted by voice vote.

Representative Fallon introduced and brought HR 39 before the House for consideration.

HR 39 - Congratulating Vanessa Stephens for her Selection as a Participant in the American Youth Symphony and Chorus 1979 Goodwill Concert Tour.

HR 39 was adopted by voice vote.

Representative Gilligan introduced and brought HR 40 before the House for consideration.

HR 40 - Expressing Our Hope for a Speedy and Complete Recovery for our Colleague, Representative Joseph C. Loughney of Claymont.

HR 40 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 29 before the House for consideration.

HCR 29 - Mourning the Death of Malloy Clark Vaughn, Sr., Former Secretary of the Former Delaware State Board of Agriculture.

HCR 29 was adopted by voice vote and sent to the Senate for concurrence.

Representative Maxwell requested that the following communications be read into the record:

State of Delaware
Department of Justice
State Office Building
820 N. French Street, 8th Floor
Wilmington, Delaware 19801

March 20, 1979

The Honorable Robert L. Maxwell, Representative
Legislative Hall
Dover, Delaware 19901

Dear Representative Maxwell:

I have your letter of February 9, 1979, requesting an opinion of the Attorney General concerning a possible conflict of interest for certain Members of the General Assembly who are teachers. You indicated that there may be legislation introduced to make available to the New Castle County School District State monies "saved" as a result of the teachers' strike in that District last Fall. You noted that a possible result of that legislation could be a salary benefit to the legislator-teachers. Enclosed is a copy of my letter of May 24, 1974 to certain legislators concerning the question whether a legislator who is a teacher or married to a teacher may vote on a bill granting salary increases for teachers. I believe your present question is sufficiently analogous to that answered in my May 24 letter to be answered by reference to it.

While noting that it would be impossible to foretell what the Delaware Courts would say on this matter, I concluded that I did not believe there would be a direct conflict of interest for any member of the legislature voting on a pay raise bill for teachers simply because in fact he was a teacher. I believe the same reasoning applies here. I note that the New Jersey statute on legislators' conflicts of interests which I found instructive in my May 24, 1974 letter has been incorporated in the rules of the House of Representatives, 130th General Assembly. See Rule 27, HR 2.

In conclusion, while I do not mean to intrude on the prerogatives of the House or Senate, it is my feeling that your participation in voting on the subject matter described in your February 9 letter would not constitute direct conflict of interest. If you have any further questions on this matter, please do not hesitate to call me.

Very truly yours,

Richard S. Gebelein,
Attorney General

State of Delaware
Department of Justice
State Office Building
820 N. French Street, 8th Floor
Wilmington, Delaware 19801

March 20, 1979

Honorable Robert L. Maxwell, Representative
Legislative Hall
Dover, Delaware 19901

Dear Representative Maxwell:

I have your letter of February 9, 1979, in which you ask whether a legislator who is a member of the board of directors of a senior center may seek a grant-in-aid of federal funds awarded through the Division of Aging, Department of Health and Social Services, and of State funds

from the General Assembly without becoming involved in a conflict of interest. In a subsequent conversation with Deputy Attorney General Christopher J. Curtin, you indicated that the senior centers are nonprofit corporations and that the board members receive no compensation for their services, nor are they salaried employees of the corporation.

Under Article II, Section 8 of the Delaware Constitution, I believe that the House of Representatives and the Senate are the sole judges of the qualifications of their members. That power of each House would seem to include the power to determine whether or not a member of the General Assembly was qualified to vote on any particular piece of legislation. Similarly, this power would seem to extend to other official deliberations of the General Assembly, for example, voting in committee on a particular measure.

Enclosed is a copy of my May 24, 1974 letter to certain legislators which discusses my view on the meaning of the "personal or private interest" language in Article II, Section 20 of the Delaware Constitution which governs voting on measures in which a legislator has an interest. We have not discovered any case which discusses the factual situation in which your question is rooted.

Although members of the General Assembly are specifically exempted from the coverage of the State Employees Code of Ethics/Conflict of Interest Act, 29 Del. C. Ch. 58A, should the House wish to turn to it for guidance, it would find that participation in the affairs of charitable, nonprofit or public service organizations is expressly exempted from Chapter 58A for those State employees who are bound by the Code, 29 Del.C. Section 5856. Therefore, if members of the General Assembly were covered by the Code of Ethics/Conflict of Interest Statute, their participation in the affairs of a nonprofit corporation as a director of the corporation in the factual context which you have raised would not constitute a conflict of interest.

Of course, as I have said, insofar as members of the General Assembly are concerned, I believe that it is the prerogative of the House in which they serve to determine whether a conflict of interest may be involved in a particular case. If I can be of further assistance, please feel free to call me.

Very truly yours,

Richard S. Gebelein,
Attorney General

The Chief Clerk read the following Committee Reports into the record:

House Administration: HB 121 - 2F, 2M; HB 237 - 4M; HB 235 - 4M; HB 15 - 3M, 1U; HB 202 - 3F, 1M; HB 234 - 4F; HJR 7 - 4F.

Corrections: HB 198 - 4F, 1M.

Health and Social Services: HB 11 - 4M; HB 60 - 2F, 3M; HB 182 - 3F, 2M; HB 207 - 4M; HB 209 - 1F, 4U; HB 217 - 3F, 2M.

Education: HJR 6 - 7M.

Judiciary: SB 14 - 5F; HB 109 - 5M; HB 114 - 4M, 1U; HB 218 - 4M, 1U.

Constitution: HB 9 - 1F, 3M; HB 46 - 1F, 3M.

Appropriations: HB 123 - 7F, 1M; HB 238 - 2F, 5M, 1U; HB 243 - 1F, 7M.

Representative George introduced HB 250, co-sponsored by Representatives Kelly, Roy and Sincock.

HB 250 - An Act to Make a Supplemental Appropriation to the Department of Transportation for the Purpose of Providing Overtime Pay for Snow Removal and Emergency Road Patching Work, Funds for Certain Highway and Bridge Maintenance and Repairs, and Acquisition of Heavy Equipment Through Lease Purchase Contracts.

Mr. Speaker assigned HB 250 to the Highways and Transportation Committee.

Representative Gordy moved to recess to the call of the Chair at 5:39 p.m.

17th LEGISLATIVE DAY
1st Session

March 28, 1979

The Speaker called the House to order at 1:58 p.m.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m. A prayer was offered by the Reverend Austin L. Brittingham from the Georgetown United Methodist Circuit, Georgetown, Delaware.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Holloway, Kelly, Loughney - 3.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SCR 12; SCR 13; SCR 14; HB 231.

The following prefiled legislation was introduced:

HB 251 - BURRIS - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, of the Delaware Code, Relating to Exemptions from the Merit System of the Personnel Administration.

HB 252 - T. BRADY - APPROPRIATIONS: An Act Making an Appropriation to the Department of Transportation for the Purposes of Repairing the Augustine Bridge.

HB 253 - JONKIERT, T. BRADY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Family Court for the Purpose of Funding the Additional Position of Judge of the Family Court, Required Support Personnel, and Related Expenses.

HB 254 - JONKIERT, T. BRADY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Supreme Court for the Purpose of Compensating the Two Associate Justices Added by the Passage of House Bill No. 581, Support Personnel, and Related Expenses.

HB 255 - PLANT - LABOR & COMMERCE: An Act to Amend Subchapter II, Chapter 33, Title 19, Delaware Code, Relating to

Unemployment Benefits for Persons Involved in Work Stoppage or Labor Management Disputes.

HB 256 - HARRINGTON, RIDDAGH; SENATORS LITTLETON, HUGHES - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code, Relating to Motor Vehicles; and Providing "In-Transit" Plates for Certain Types of Construction Equipment.

HB 257 - RIDDAGH, T. BRADY, HARRINGTON, JONKIERT, MATUSHEFSKE, MORRIS - LABOR & COMMERCE: An Act to Amend Chapter 7, Part I, Title 19 of the Delaware Code, Relating to Employment Practices; and Prohibiting the Discharge or Termination of Employees Absent from Work Because of Participation in Judicial Proceedings.

HB 258 - VERNON - PUBLIC SAFETY: An Act to Amend Chapter 1 of Title 21 of the Delaware Code, Relating to Registration of Vehicles Which Do Not Meet Minimum Inspection Standards.

HB 259 - VERNON - PUBLIC SAFETY: An Act to Amend Chapter 1 of Title 21 of the Delaware Code, Relating to Registration of Tripeds.

HB 260 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter I, Chapter 3, Title 9, Delaware Code, Relating to the Amount of Work or Material Which May be Procured by Kent County Without Public Bidding.

HB 261 - FERGUSON, GEORGE - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Department of Community Affairs and Economic Development to Maintain an Adequate Service Level.

HB 262 - PETRILLI, SENATOR HALE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the New Castle County School District to Compensate Certain Teachers for Previous NonPayment.

HB 263 - PLANT - HOUSE ADMINISTRATION: An Act to Amend Subchapter I, Chapter 48, Title 29, Delaware Code, Relating to the Disposition of Lottery Funds.

HB 264 - SINCOCK, GEORGE - HOUSE ADMINISTRATION; An Act to Amend Chapter 83, Title 29, Delaware Code for the Purpose of Clarifying the Powers and Responsibilities of the Budget Director.

HJR 9 - MCKAY, VERNON - REVENUE & FINANCE: Requiring a One-Time Reduction in Personal Income Tax for Calendar Year 1979.

HA 2 to HB 112 - W. BRADY - Placed with the bill.

HA 1 to HB 143 - W. BRADY - Placed with the bill.

HS 1 for HB 76 - WEST - PUBLIC SAFETY: An Act to Amend Chapter 7, Title 21, Delaware Code to Eliminate Radar.

Representative Gordy introduced and brought SCR 14, co-sponsored by Senators Holloway and Kearns, before the House for consideration.

SCR 14 - Expressing the Deep Appreciation of the People of Delaware to President Jimmy Carter for Leading the Way to the Signing of the Egyptian-Israeli Treaty.

SCR 14 was adopted by voice vote and returned to the Senate.

Representative Jonkiert introduced and brought SCR 12, co-sponsored by Senator Marshall and Representative Jonkiert and Senators Cicione and Kearns and Representative McBride, before the House for consideration.

SCR 12 - Extending Congratulations to the St. Elizabeth High School

Girls' Basketball Team on Winning the Delaware High School Girls' Basketball Tournament.

SCR 12 was adopted by voice vote and returned to the Senate.

Representative Darling introduced and brought HCR 30, co-sponsored by Representatives Morris, West, Clendaniel, W. Brady, Bennett, Gordy and Minner, before the House for consideration.

HCR 30 - Requesting the Delaware Congressional Delegation to Strive for a \$50 Million Federal Appropriation for Fiscal 1980 for the Resource Conservation and Development Program.

HCR 30 was adopted by voice vote and sent to the Senate for concurrence.

Representative Ferguson brought HB 84 - HA 1 before the House for consideration.

Representative Ferguson moved to place HB 84 - HA 1 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Neal brought HB 118 before the House for consideration.

HB 118 - An Act to Appropriate Monies to Madalyn Seeger, a Former State Employee, in Settlement of her Claim Against the State.

Representative Neal introduced and brought HA 1 to HB 118 before the House for consideration. HA 1 to HB 118 was adopted by voice vote.

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

The roll call on HB 118 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

ABSENT: Representatives Ambrosino, Holloway, Kelly, Loughney - 4.

Therefore, having received a constitutional majority HB 118 w/HA 1 was sent to the Senate for concurrence.

Representative Cain brought HB 4 - HA 1 before the House for consideration.

Representative Cain moved to place HB 4 - HA 1 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Bennett brought HB 142 before the House for consideration.

Representative Bennett moved to place HB 142 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 50 before the House for consideration.

The roll call on HB 50 was taken.

Representative Matushefske moved to table the roll call on HB 50. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant brought HB 194 before the House for consideration.

HB 194 - An Act to Amend Chapter 53, Title 25, Delaware Code, Relating to Tenant's Remedies for Failure to Supply Heat.

Representative Harrington announced that he would not vote on HB 194 because of a conflict of interest.

The roll call on HB 194 was taken and revealed:

YES: Representatives Cain, Connor, Jonkiert, Maxwell, McBride, Morris, Petrilli, Plant, Mr. Speaker Ferguson - 9.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Maroney, McKay, Minner, Neal, Powell, Riddagh, Roy, Sincock, Vernon, West - 24.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Ambrosino, Harrington, Holloway, Kelly, Loughney, Matushefske, Oberle - 7.

Therefore, not having received a constitutional majority, HB 194 was declared defeated.

Representative Plant brought SB 71 before the House for consideration.

SB 71 - An Act to Amend Chapter 3, Title 9 of the Delaware Code, Relating to Award of Contract for Public Work or Goods.

The roll call on SB 71 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Vernon, West, Mr. Speaker Ferguson - 36.

ABSENT: Representatives Ambrosino, Holloway, Kelly, Loughney, Smith - 5.

Therefore, having received a constitutional majority, SB 71 was returned to the Senate.

Representative Gordy brought HJR 7 before the House for consideration.

HJR 7 - Requesting President Jimmy Carter and the Delaware Delegation to Act to Revise the Federal Budget for Fiscal 1980 to Modestly Increase Funds Required for the Agricultural Research and Cooperative Extension Programs at the University of Delaware.

The roll call on HJR 7 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 34.

ABSENT: Representatives Ambrosino, Holloway, Jonkiert, Kelly, Loughney, Maxwell, Plant - 7.

Therefore, having received a constitutional majority HJR 7 was sent to the Senate for concurrence.

Representative Morris brought HB 198 before the House for consideration.

HB 198 - An Act Relating to the Name of the Ferris School for Boys.

The roll call on HB 198 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George,

Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, West, Mr. Speaker Ferguson - 35.

ABSENT: Representatives Ambrosino, Holloway, Kelly, Loughney, Matushefske, Vernon - 6.

Therefore, having received a constitutional majority HB 198 was sent to the Senate for concurrence.

Representative Gilligan brought HB 182 before the House for consideration.

Representative Gilligan moved to place HB 182 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 207 before the House for consideration.

Representative Gilligan moved to place HB 207 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Morris brought HB 60 before the House for consideration.

HB 60 - An Act to Amend Chapter 13, Title 14, Delaware Code, to Provide a Nurse for Each Vocational-Technical High School.

The roll call on HB 60 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

NO: Representatives Ambrosino, McKay - 2.

ABSENT: Representatives Holloway, Kelly, Loughney - 3.

Therefore, having received a constitutional majority HB 60 was sent to the Senate for concurrence.

Representative Jonkiert brought SB 14 before the House for consideration.

SB 14 - An Act to Amend Chapter 11, Title 28, Delaware Code, Relating to License Fee for Bingo Games.

Representative Jonkiert requested and was granted the privilege of the floor for Senator Zimmerman.

The roll call on SB 14 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Holloway, Kelly, Loughney - 3.

Therefore, having received a constitutional majority SB 14 was returned to the Senate.

Representative George introduced and brought HCR 31, co-sponsored by Senator McDowell, before the House for consideration.

HCR 31 - Extending the Congratulations of the Delaware General Assembly to Miss Mary Ellen Hannigan, of Wilmington, Who Will be 100 Years Old on March 29, 1979.

HCR 31 was adopted by voice vote and sent to the Senate for concurrence.

Representative Matushefske introduced and brought HCR 32 before the House for consideration.

HCR 32 - Requesting the New Castle County Council to Rezone the Property Purchased by the Delmarva Power Company at Summit so that the Company May Start Construction of a \$700 Million Energy-Producing Plant There.

The House recessed for the purpose of changing the audio tape at 3:52 p.m. and reconvened at 3:53 p.m.

Representative Matushefske requested and was granted the privilege of the floor for Mr. Hummel Sapp from the Delmarva Power Company.

Representative Matushefske moved to place HCR 32 on the Speaker's table.

Representative Matushefske withdrew his motion.

Representative Matushefske moved to strike HCR 32. Without objection, HCR 32 was stricken.

Representative Smith introduced and brought HR 41, co-sponsored by all Representatives, before the House for consideration.

HR 41 - Mourning the Death of Liz Sloan Spurney.

HR 41 was adopted by voice vote.

Representative Gordy brought HB 243 before the House for consideration.

HB 243 - An Act Making an Appropriation to the University of Delaware to be Used at the Swine Research and Demonstration Facility at the Georgetown Substation.

The roll call on HB 243 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 34.

ABSENT: Representatives Cain, George, Holloway, Jonkiert, Kelly, Loughney, Plant - 7.

Therefore, having received a constitutional majority, HB 243 was sent to the Senate for concurrence.

Representative Bennett brought HB 123 before the House for consideration.

HB 123 - An Act to Amend Chapter 19, Title 29, Delaware Code, Relating to the Fiscal Projections.

The roll call on HB 123 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 34.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Cain, George, Holloway, Kelly, Loughney, Matushefske - 6.

Therefore, having received a constitutional majority HB 123 was sent to the Senate for concurrence.

Representative Bennett brought HB 234 before the House for

consideration.

HB 234 - An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Procurement of Materiel and Award of Contracts.

The roll call on HB 234 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Holloway, Kelly, Loughney - 3.

Therefore, having received a constitutional majority, HB 234 was sent to the Senate for concurrence.

Representative Gordy moved to recess for caucus at 4:27 p.m.

The House was called to order at 5:55 p.m.

The Chief Clerk read the following committee report into the record:

Revenue & Finance: HB 1 - 4M; HB 129 - 5M.

Representative Petrilli moved to strike HB 178. Without objection, HB 178 was stricken.

Representative Gordy moved to recess to the call of the Chair at 5:56 p.m.

18th LEGISLATIVE DAY 1st Session

March 29, 1979

The Speaker called the House to order at 2:02 p.m.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m. A prayer was offered by Representative William Brady from the 29th Representative District.

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

The Chief Clerk called the roll.

Members Present: 38.

Members absent: Representatives Holloway, Kelly, Loughney - 3.

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

The Reading Clerk read the following communications into the record.

The Senate wishes to inform the House that it has passed HCR 28; HCR 29; HCR 31; SJR 10; HJR 7.

The following prefiled legislation was introduced:

HB 265 - ROY, NEAL - LABOR & COMMERCE: An Act to Amend Title 4 and Title 6 of the Delaware Code, Relating to Fair Trade on Alcoholic Beverages Sold Within This State.

HB 266 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to "PC" License Plates.

HB 267 - FALLON - EDUCATION: An Act to Amend Chapters 19 & 21, Title 14 of the Delaware Code, Relating to the Use of Voting Machines in Certain School District Elections.

HB 268 - GEORGE, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Chapter 29, Title 6, Delaware Code, Transferring the Office of Retail Gasoline Sales from the Division of Consumer Affairs of the Department of Community Affairs and Economic Development to the Division of Motor Fuel Tax of the Department of Public Safety.

HB 269 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21, of the Delaware Code, to Give Official Recognition to the Historical Vintage Car Club of Delaware, Incorporated in the Registration of Antique Motor Vehicles.

HB 270 - BENNETT, AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code, Relating to Disclosure by and Disqualification of Public Service Commissioners and Commission Personnel.

HB 271 - MINNER, SENATOR ADAMS - APPROPRIATIONS: An Act to Make an Appropriation to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control for Maintenance Dredging of Cedar Creek in Sussex County.

HB 272 - HARRINGTON, SENATOR SPENCE - JUDICIARY: An Act to Amend Chapter 9, Part 1, Title 10 of the Delaware Code, Relating to the Duties of an Officer Having a Child in Custody.

HA 3 to HB 129 - CAIN - Placed with the bill.

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

HA 1 to HB 182 - CONNOR - Placed with the bill.

HA 1 to HB 207 - CONNOR - Placed with the bill.

SJR 10 - SHARP, CORDREY, KNOX, ARNOLD; REPRESENTATIVES FERGUSON, GORDY, MINNER, BURRIS, HEBNER, CAIN, GEORGE - HOUSE ADMINISTRATION: Relating to Keeping the Headquarters Office of Hercules, Inc. in Wilmington, Delaware.

Representative W. Brady introduced and brought HCR 33 before the House for consideration.

HCR 33 - Requesting the New Castle County Council to Rezone the Property Purchased by the Delmarva Power Company at Summit so that the Company May Start Construction of a \$700 Million Coal-Fired Energy-Producing Plant There.

The roll call on HCR 33 was taken and revealed:

YES: Representatives W. Brady, Clendaniel, Gordy, Minner, Plant, Roy, West, Mr. Speaker Ferguson - 8.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Sincock, Smith, Vernon - 25.

NOT VOTING: Representatives Maxwell, McBride - 2.

ABSENT: Representatives Holloway, Jonkiert, Kelly, Loughney, Matushefske, Morris - 6.

Therefore, not having received a constitutional majority, HCR 33 was declared defeated.

Representative Gilligan introduced HB 273, co-sponsored by Representative McKay.

HB 273 - An Act to Amend Chapter 41, Title 14 of the Delaware Code, to Provide that Certificated School Personnel Must Teach at Least 45 Hours Each School Year.

Mr. Speaker assigned HB 273 to the Education Committee.

Representative Gordy moved to recess for caucus at 2:48 p.m.

The House was called to order at 3:53 p.m.

Representative Ferguson moved to lift HB 84 - HA 1 from the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Ferguson moved to strike HA 1 to HB 84. Without objection, HA 1 to HB 84 was stricken.

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

Representative Ferguson rose on a point of order.

Representative Sincok rose on a point of order.

Representative Cain requested and was granted the privilege of the floor for David Swayze, Counsel to the Governor.

The roll call on HB 84 was taken.

Representative Ferguson moved to table the roll call on HB 84. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske introduced HJR 10.

HJR 10 - Relating to the Use of the State's Self-Insurance Fund to Continue Fire Insurance Coverage on School Facilities No Longer Used for Educational Purposes, but Which are Leased to Nonprofit Organizations.

Mr. Speaker assigned HJR 10 to the Education Committee.

Representative Matushefske moved to lift HB 95 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 95 - An Act to Amend Chapter 1 and Chapter 92, Title 10, Delaware Code, to Provide for a Chief Magistrate to Administer the Justice of the Peace Court System Throughout the State; to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts and Making an Appropriation for the Position of Chief Magistrate for the Remainder of the Fiscal Year.

The roll call on HB 95 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Powell, Riddagh, Sincok, Mr. Speaker Ferguson - 29.

NO: Representatives Maroney, McKay, Neal, Petrilli, Roy, Smith, Vernon, West - 8.

ABSENT: Representatives Holloway, Kelly, Loughney, Plant - 4.

Therefore, having received a constitutional majority, HB 95 was sent to the Senate for concurrence.

Representative Ambrosino introduced and brought HR 42 before the House for consideration.

HR 42 - Extending Congratulations to all Mount Pleasant High School Sports Teams, Coaches and Individual Award-Winning Athletes for an Excellent Year in Winter Sports.

HR 42 was adopted by voice vote.

Representative Oberle moved to lift HB 85 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by

voice vote.

Representative Oberle introduced and brought HA 1 to HB 85 before the House for consideration.

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

Representative Oberle moved to place HB 85 - HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Anderson introduced and brought HCR 34, co-sponsored by Representative Neal and Senator Martin before the House for consideration.

HCR 34 - Mourning the Death of Frank C. Mayer, of Newark, Who Was Known as the Scourge of the Cigarette Smugglers During His Service with the State Tax Department.

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

Representative W. Brady introduced HB 274, co-sponsored by Representatives Anderson, Roy and Petrilli.

HB 274 - An Act to Amend Chapter 30, Title 30, of the Delaware Code, Relating to the Motor Vehicle Documentary Fee, to Encourage Improved Gasoline Mileage in New Cars.

Mr. Speaker assigned HB 274 to the Energy Committee.

Representative Free moved to lift HB 146 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

HB 146 - An Act to Authorize the Conveyance of the Property Known as 308 West Street in the City of Wilmington from the State of Delaware to the City of Wilmington.

The roll call on HB 146 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

ABSENT: Representatives Holloway, Kelly, Loughney, Morris, Plant - 5.

Therefore, having received a constitutional majority, HB 146 was sent to the Senate for concurrence.

Representative Gordy moved to recess to the call of the Chair at 5:43 p.m.

19th LEGISLATIVE DAY 1st Session

April 3, 1979

The Speaker called the House to order at 1:54 p.m.

The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m. A

prayer was offered by the Reverend Robert L. Soles from the Willow Grove Church of God in Willow Grove, Delaware.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Connor, Kelly, Loughney - 3.

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

Mr. Speaker granted the privilege of the floor to Miss Loucietia Hutchison from the Vocational Student Organization who presented Easter Lilies to each of the Representatives on behalf of the Vocational Student Organizations. Students from the Vocational Schools distributed the lilies to the Representatives.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SB 123 w/SA 1; SB 124.

The following prefiled legislation was introduced:

HB 275 - BENNETT - EDUCATION: An Act to Amend Delaware Code, Title 14, as it Relates to the Funding of Basic Skills Units in the Public Schools.

HB 276 - VERNON, DARLING, MCKAY, SMITH - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, of the Delaware Code, Relating to Realty Transfer Tax.

HB 277 - DARLING, MORRIS - APPROPRIATIONS: An Act Making A Supplementary Appropriation to Kent County for Reimbursement for Funds Paid to County Sheriff for Services as Peace Officers in Transporting Persons to the State Hospital Pursuant to 16 Del. C. Section 5122 (e).

HB 278 - DARLING, MORRIS - COMMUNITY AFFAIRS: An Act to Amend Subchapter II, Chapter 41 and Subchapter II, Chapter 84, Title 9, Delaware Code, to Empower the Government of Kent County to Invest Idle Funds as Recommended by the County Comptroller and Authorized by the County Government.

HB 279 - CONNOR - EDUCATION: An Act to Amend Chapter 12 and Chapter 13, Title 14 of the Delaware Code, Relating to Substitute Teachers.

HB 280 - MORRIS, SENATOR KEARNS - JUDICIARY: An Act to Amend Chapter 27, Title 25 of the Delaware Code, Relating to Mechanics' Liens Against Structures Used Solely as a Residence; Payment of Contractor by Owner or Residence as a Defense; and Payment for Labor and Materials and Release of Lien by Contractor.

HB 281 - BENNETT - APPROPRIATIONS: An Act to Provide an Appropriation in Support of Basic Skills Specialists Teachers in Basic Skills Subjects in the Public Schools.

HB 282 - GEORGE, AMBROSINO, ANDERSON, BENNETT, CAIN, FERGUSON, NEAL, ROY, SINCOCK; SENATORS ARNOLD, MARSHALL, SHARP - EDUCATION: An Act to Amend Chapter 10, Subchapter III, Title 14, of the Delaware Code, Relating to Service on the New Castle County Board of Education.

HB 283 - MORRIS - NATURAL RESOURCES: An Act to Amend Chapter 7, Subchapter I, Title 7, of the Delaware Code, Relating to Methods of Hunting for Disabled Persons. (2/3 bill)

HA 1 to HB 104 - CONNOR - Placed with the bill.

HA 1 to HB 147 - OBERLE - Placed with the bill.

HA 1 to HB 237 - MAXWELL - Placed with the bill.

HA 1 to HB 245 - GILLIGAN - Placed with the bill.

HA 1 to HJR 6 - ANDERSON - Placed with the bill.

SB 123 w/ SA 1 - CORDREY - COMMUNITY AFFAIRS: 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, and Relating to Residency of Commissioners, Time and Place of Annual Elections, Meeting of Commissioners, Authority of Commissioners, and Authority to Borrow Funds. (2/3 bill)

SB 124 - CORDREY - COMMUNITY AFFAIRS: An Act to Amend Chapter 144, Volume 41, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frankford," As Amended, by Changing the Dates of the Fiscal Year. (2/3 bill)

Representative Gordy moved to recess for caucus at 2:10 p.m.

The House was called to order at 5:52 p.m.

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

HCR 35 - Commending Earl Ferguson and the College of Marine Studies of the University of Delaware for the Excellent Film Presentation on Thursday, March 29, 1979 in the House Chamber.

HCR 35 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy introduced and brought SCR 15, co-sponsored by Senator Cordrey and All Senators and Representative Gordy and All Representatives, before the House for consideration.

SCR 15 - Expressing Appreciation to the Vocational Student Organizations of Delaware.

SCR 15 was adopted by voice vote and returned to the Senate.

Representative Matushefske introduced HB 284.

HB 284 - An Act to Amend Chapter 25, Title 29, of the Delaware Code, Relating to the Appointment of Special Counsel for Agencies, Boards and Commissions of the State by Eliminating the Need for Approval by the Governor.

Mr. Speaker assigned HB 284 to the House Administration Committee.

Representative Matushefske introduced HB 285.

HB 285 - An Act to Amend Chapter 93, Title 16, of the Delaware Code, Relating to Equitable Health Planning Review and Providing for a New Enlarged Definition of Health Care Facility and Thus More Comprehensive Health Planning System.

Mr. Speaker assigned HB 285 to the Health and Social Services Committee.

The Chief Clerk read the following Committee Reports into the record:

Constitution: HB 119 - 2F, 2M; HB 120 - 3F, 1M; HB 173 - 3F, 1M.

Education: HB 225 - 4M, 3U; HB 226 - 7M; HB 227 - 4F, 3M; HB 230 - 7M; HB 267 - 4M; HB 273 - 6M.

Energy - HB 274 - 2F, 3M.

Health & Social Services: HB 67 - 6M; HB 240 - 5M.

Judiciary: HB 61 - 5M; HB 115 - 5M.

Administrative Services: HB 177 - 4M.

Representative Gordy moved to recess to the call of the Chair at 6:10 p.m.

20th LEGISLATIVE DAY
1st Session

April 4, 1979

The Speaker Pro Tem, Representative Gordy, called the House to order at 2:10 p.m.

Representative Burris introduced Estelle Frankel, Marilyn Haas and students from the Warner School, Greenville School and the Highlands School who presented a musical program on the violin and cello for the members and guests of the Delaware State House of Representatives.

Representative T. Brady brought HR 43, co-sponsored by Representative Hebner before the House for consideration.

HR 43 - Welcoming Estelle Frankel, Marilyn Haas and New Castle County Music Students from Warner School, Greenville School and Highlands School to the House of Representatives as Part of the Observance of Music in Schools Week.

HR 43 was adopted by voice vote.

The Majority Whip moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m. A prayer was offered by the Reverend Robert L. Soles from the Willow Grove Church of God in Willow Grove, Delaware.

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Connor, Ferguson, Kelly, Loughney - 4.

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

The Reading Clerk read the following communications into the record:

House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19901

TO: Members of the House of Representatives of the 130th G.A.

FROM: Representative John P. Ferguson

SUBJECT: Speaker Pro Tempore

Due to my absence because of illness and pursuant to the provisions of Rule 6 of the Temporary Rules of the House of Representatives adopted on January 9, 1979, I hereby appoint Representative William J. Gordy as Speaker Pro Tempore.

The Senate wishes to inform the House that it has passed HB 71 w/HA 1, SA 1; HCR 34; HCR 30; SCR 15.

State of Delaware
Executive Department
Dover 19901

April 4, 1979

LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated:
3/30/79 - HJR 4 w/HA 1. 4/3/79 - SB 16; SB 92; HB 79.

Representative Neal requested that the following communication be made a part of the record:

City of Newark
P.O. Box 390
Newark, De 19711

March 30, 1979

Dear Governor du Pont:

Based upon the assurances given by you, Secretary of Transportation, Kermit Justice and Director of the Office of Management, Budget and Planning, Nathan Hayward at our meeting of March 28, 1979, the City Council hereby withdraws its objections to "Operation Overhaul" as expressed in our Resolution 79-K. Our concern centered around the possibility that the Route 4 improvement project, which has funding authorization, would be set back as a result of your proposed legislation. Your personal assurances that the Route 4 project will not be affected and will not require "reauthorization" satisfies our concerns.

The City encourages efforts by your Administration and the State Legislature to meet the needs for State-wide roadway resurfacing and reconstruction.

We thank you for your willingness to meet and discuss this rather complicated matter with representatives of the City.

Sincerely,

William M. Redd, Jr., Mayor

The following prefiled legislation was introduced:

HB 286 - GORDY, SENATOR LITTLETON - HOUSE
ADMINISTRATION: An Act Providing a Retroactive Deferral of Mandatory Retirement to a Former Employee of the Department of Transportation.

HB 287 - W. BRADY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 74, Title 16, of the Delaware Code, Relating to the Storage of Radioactive Waste.

HB 288 - PETRILLI, ROY - REVENUE & FINANCE: An Act to Amend Chapter 30, Title 30, of the Delaware Code to Provide that the Motor Vehicle Document Fee Shall be Called the Motor Vehicle Sales Tax.

HB 289 - WEST - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, of the Delaware Code, Relating to Suspension or Revocation of Driver's License.

HB 290 - WEST - BANKING & INSURANCE: An Act to Amend Chapter 25, Title 18, Delaware Code, Relating to Insurance Rates.

HB 291 - WEST - BANKING & INSURANCE: An Act to Amend Chapter 25, Part I, Title 18, of the Delaware Code, Relating to Motor Vehicle Insurance Rates; and Providing Certain Restrictions with Regard to Rate Increases.

HA 2 to HB 182 - GILLIGAN - Placed with the bill.

HA 1 to HB 192 - BENNETT - Placed with the bill.

HS 1 for HB 249 - MCBRIDE, BENNETT - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code, Relating to School Boards Created by Court Order.

SCR 13 - KNOX - HOUSE ADMINISTRATION: Fixing May 18, 1979, as Delaware Museum Day as a Part of the National Observance of Museum Day.

Representative Maxwell introduced HB 292, co-sponsored by Representatives Matushefske, Jonkiert and Petrilli and Senators Cook and Cicione.

HB 292 - An Act to Amend Title 11 and Title 29 of the Delaware Code, Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

Mr. Speaker assigned HB 292 to the Judiciary Committee.

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

HCR 36 - Commending the Council of Presidents of the Three Institutions of Higher Learning for Organizing Delaware's First Educational Opportunities Fair for April 4, 1979.

HCR 36 was adopted by voice vote and sent to the Senate for concurrence.

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

HCR 37 - Marking the Eleventh Year of the Death of Dr. Martin Luther King, Jr.

HCR 37 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gilligan introduced and brought HR 44, co-sponsored by Representatives Maxwell and Jonkiert, before the House for consideration.

HR 44 - Expressing Sorrow Upon Hearing of the Death of John D. Kelly, Jr. of Wilmington, Father of Representative Daniel A. Kelly.

HR 44 was adopted by voice vote.

Representative Jonkiert introduced and brought HCR 38, co-sponsored by Senator Marshall, before the House for consideration.

HCR 38 - Congratulating the St. Hedwig's Junior Boys' Basketball Team Upon Winning the Diocesan Championship.

HCR 38 was adopted by voice vote and sent to the Senate for concurrence.

Representative Holloway introduced and brought HR 45 before the House for consideration.

HR 45 - Extending Appreciation and Commendations to Child, Inc., a Private Agency, Founded by Mrs. Henry E.I. du Pont, for its Study and Recommendations for a Better Child Protective Service System for Delaware.

HR 45 was adopted by voice vote.

Representative Holloway introduced and brought HR 46 before the House for consideration.

HR 46 - Requesting Commissioner James T. Vaughn to Conduct a Thorough Study to Identify Mental Cases Uncorrected in Delaware Correctional Facilities and to Make Recommendations to the Members of the Delaware General Assembly.

HR 46 was adopted by voice vote.

Representative Petrilli introduced HB 293, co-sponsored by Representatives Powell, Cathcart, McKay, Oberle and Ambrosino.

HB 293 - An Act to Provide for the Addition of Members and for the Election of All Members to the Board of Education of a School District Created July 1, 1978 by Order of a Federal Court and Now Known as the New Castle County School District.

Mr. Speaker Pro Tem assigned HB 293 to the Education Committee.

Representative Holloway introduced HR 47.

HR 47 - Requesting that the Bronze Plaque Containing the Names of Members of the House of Representatives of the 122nd General Assembly be Corrected to Include the Name of Herman M. Holloway, Sr.

Representative Holloway moved to place HR 47 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Matushefske introduced HB 294.

HB 294 - An Act to Amend Chapter 59, Title 29, of the Delaware Code, Relating to Payments to State Employees Injured or Becoming Ill in the Course of Their Work.

Mr. Speaker Pro Tem assigned HB 294 to the Banking and Insurance Committee.

Representative Minner moved to recess for caucus at 3:15 p.m.

The House was called to order at 7:40 p.m.

Representative Minner moved to suspend the Agenda rules for the purpose of acting on four bills and a resolution. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative George brought HB 238 before the House for consideration.

HB 238 - An Act to Appropriate Funds to the Department of Public Safety, Division of State Police.

The roll call on HB 238 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West - 36.

ABSENT: Representatives Connor, Ferguson, Kelly, Loughney, Plant - 5.

Therefore, having received a constitutional majority, HB 238 was sent to the Senate for concurrence.

Representative Cain brought HB 129 - HA 1,2,3 before the House for consideration.

HB 129 - An Act to Amend Chapter 11, Title 30 of the Delaware Code, by Imposing Income Tax at a Lower Rate on Lump Sum

Distributions from Pension Plans.

Representative Cain moved to strike HA 1. Without objection, HA 1 to HB 129 was stricken.

Representative Cain moved to strike HA 2. Without objection, HA 2 to HB 129 was stricken.

Representative Cain brought HA 3 before the House for consideration. HA 3 to HB 129 was adopted by voice vote.

The roll call on HB 129 w/HA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West - 36.

NO: Representative Ambrosino - 1.

ABSENT: Representatives Connor, Ferguson, Kelly, Loughney - 4.

Therefore, having received a constitutional majority, HB 129 w/HA 3 was sent to the Senate for concurrence.

Representative Anderson brought HJR 6 - HA 1 before the House for consideration.

HJR 6 - Directing the State Board of Education to File a Petition in the United States District Court for the District of Delaware, Relating to the composition of the New Castle County Board of Education.

Representative Anderson brought HA 1 before the House for consideration. HA 1 to HJR 6 was adopted by voice vote.

Representative Maxwell rose on a point of order. Mr. Speaker Pro Tem concurred.

Representative Maxwell moved to close the debate. The motion was seconded by Representative Minner and adopted by voice vote.

The roll call on HJR 6 w/HA 1 was taken.

Representative Anderson moved to table the roll call. The motion was seconded by Representative Minner but defeated by voice vote.

The roll call on HJR 6 w/HA 1 was revealed as:

YES: Representatives Anderson, W. Brady, Cain, Clendaniel, Darling, Gilligan, Gordy, Harrington, Hebner, Maxwell, Minner, Morris, Neal, Oberle, Riddagh, Roy, Sincock, Smith, Vernon, West - 20.

NO: Representatives Ambrosino, Free, Maroney, Matushefske, McBride, McKay, Petrilli, Plant - 8.

NOT VOTING: Representatives Bennett, T. Brady, Burris, Cathcart, Fallon, George, Holloway, Jonkiert, Powell - 9.

ABSENT: Representatives Connor, Ferguson, Kelly, Loughney - 4.

Therefore, not having received a constitutional majority, HJR 6 w/HA 1 was defeated.

Representative Fallon brought HB 267 before the House for consideration.

HB 267 - An Act to Amend Chapters 19 & 21, Title 14 of the Delaware Code, Relating to the Use of Voting Machines in Certain School District Elections.

Representative Fallon introduced and brought HA 1 before the House for consideration. HA 1 to HB 267 was adopted by voice vote.

Representative Hebner stated that five members were standing; therefore, according to HR 2, debate on HB 267 w/HA 1 was closed.

The roll call on HB 267 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West - 30.

NO: Representatives Bennett, Cain, Gilligan, McBride - 4.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Anderson, Connor, Ferguson, Kelly, Loughney - 5.

Therefore, having received a constitutional majority, HB 267 w/HA 1 was sent to the Senate for concurrence.

Representative Maxwell brought HB 237 - HA 1 before the House for consideration.

HB 237 - An Act to Amend Chapter 58A, Part V, Title 29 of the Delaware Code, Relating to the Conduct of Officers and Employees of the State.

Representative Maxwell brought HA 1 before the House for consideration. HA 1 to HB 237 was adopted by voice vote.

Representative Maxwell requested and was granted the privilege of the floor for House Attorney, Richard Cooch.

Representative Maxwell requested that the following communication be read into the record.

State of Delaware
State Personnel Commission
Townsend Building
Dover, Delaware 19901

March 27, 1979

Henry N. Herndon, Jr.
P.O. Box 2306
Wilmington, Delaware 19899

RE: Title 29 Chapter 58A

Dear Mr. Herndon:

At its March 22, 1979 meeting, the State Personnel Commission voted to accept the Opinion of the Attorney General that the New Castle County Board of Education is a "political sub-division of the state" and therefore is not a "state agency" within the meaning of 29 Del.C. Section 5853 (f).

This concludes the Commission's inquiry into allegations of conflict of interest raised against any member of any school board in this state, based on this conclusion that they are "political sub-divisions."

By copy of this letter, the State Personnel Commission is asking the legislative leadership to remove this exemption for local school boards.

Local school boards spend and administer more than one fourth of the public funds expended in this state. If they are not subject to the conflict-of-interest laws that apply to nearly everyone else in state government, the legislature's stated desire for integrity in public officials is frustrated.

Very truly yours,

William S. Young, III, Chairman

The roll call on HB 237 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West - 32.

NO: Representatives Matushefske, Morris - 2.

ABSENT: Representatives Anderson, Connor, Ferguson, Free, Kelly, Loughney, Plant - 7.

Therefore, having received a constitutional majority, HB 237 w/HA 1 was sent to the Senate for concurrence.

Representative McBride introduced and brought HCR 39, co-sponsored by Representatives Gilligan, Jonkiert, and Maxwell and Senators Cicione, Sharp and Marshall, before the House for consideration.

HCR 39 - Directing te New Castle County School Board to Refrain from Making any Decision Concerning Future School Closings Unless and Until There has been Sufficient Citizen Input.

Representative Jonkiert stated that five members were standing to close debate on HCR 39.

Mr. Speaker Pro Tempore Gordy stated that an important question had been raised by Representative Sincock and granted the privilege of the floor for House Attorney, Michael Rich.

Representative Holloway rose on a point of order.

Representative Sincock rose on a point of order.

Representative McBride moved to place HCR 39 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Education: HB 282 - 4M.

Community Affairs - SB 123 - 5M; SB 124 - 5M.

Representative Minner moved to recess to the call of the Chair at 9:28 p.m.

21st LEGISLATIVE DAY 1st Session

April 5, 1979

The Speaker called the House to order at 2:40 p.m.

The Majority Leader moved to adjourn at 2:40 p.m., thereby ending the previous legislative day. The House reconvened at 2:41 p.m. A prayer was offered by the Reverend Robert L. Soles from the Willow Grove Church of God in Willow Grove, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Connor - 1.

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

The following prefiled legislation was introduced:

HB 295 - GILLIGAN, CAIN, BENNETT - EDUCATION: An Act to Amend Chapter 17, Title 14, of the Delaware Code, Relating to the Number of Units in a School District and the Method of Calculating Such Units to Determine State Financial Support to Public Schools During a Period of Declining Enrollment.

HB 296 - GILLIGAN, SENATOR HOLLOWAY - REVENUE & FINANCE: An Act to Amend Chapter 61, Title 29, Delaware Code, Relating to the Makeup of the General Fund and Exemptions Therefor.

HB 297 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code, Relating to the Procedure for the Involuntary Commitment of Mentally Ill Persons to the Delaware State Hospital and Other Hospitals and Discharge Therefrom.

HB 298 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 53, Title 16, Delaware Code, Relating to Departments Within the Governor Bacon Health Center.

HB 299 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code, Relating to the Procedure for Voluntary Admission of Mentally Ill Persons to the Delaware State Hospital and Other Hospitals and Discharge Therefrom.

HB 300 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Subchapter 1, Title 16, Delaware Code, Relating to Neglect of Duty.

HB 301 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 1, Title 31, Delaware Code, Relating to the Burial of the Remains of an Indigent Person by the State.

HB 302 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16, Delaware Code, Relating to the Procedure Relating to the Patients' Rights Bill.

HB 303 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code, Relating to Unlawful Substances; and Prohibiting the Inhaling of Certain Drugs or Other Noxious Chemical Substances and/or Causing Others to Do So.

HB 304 - OBERLE - LABOR & COMMERCE: An Act to Amend Chapter 7, Title 19, of the Delaware Code, Relating to Employment Practices.

HB 305 - PLANT - LABOR & COMMERCE: An Act to Amend Chapter 8, Part I, Title 19 of the Delaware Code, Relating to the Protection of Employees.

HB 306 - VERNON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to the Notification of Hearing and Date for Liquor Applications.

HB 307 - MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 52, Title 29, of the Delaware Code, to Provide for the Payment of Premium or Subscription Charges for Health Care Insurance for State Employees and Their Dependents.

HB 308 - AMBROSINO, GEORGE, PETRILLI, SENATOR CICIONE - EDUCATION: An Act to Amend Chapter 1, Part I, Title 14 of the Delaware Code, Relating to the Free Public Schools; and Providing for the Teaching of Italian as an Elective Language.

HB 309 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code, Relating to Conditions and Benefits Imposed Upon Withdrawal from the State Employees' Pension Plan.

HB 310 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code, Relating to Casualty Insurance Contracts; and Providing a Limitation on Premium Increases and Policy Cancellations.

HB 311 - BURRIS, OBERLE, MARONEY, SMITH, HEBNER - JUDICIARY: An Act to Amend Title 13 of the Delaware Code, by Adding a New Chapter Thereto, Providing for the Protection from Abuse by Members of a Family or Household.

SB 34 - ZIMMERMAN - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Young Men's Christian Association of Dover and Kent County. (3/4 bill)

SB 93 w/SA 1 - HOLLOWAY - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 5, Title 17 of the Delaware Code, Relating to the Naming of the New Third Street Bridge in Wilmington in Honor of the Late Representative William J. Winchester.

SB 110 - ADAMS, LITTLETON, REPRESENTATIVE FALLON - COMMUNITY AFFAIRS: An Act to Amend An Act Being Chapter 34, Volume 58, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Blades" to Eliminate the Qualification of Being a Freeholder for Mayor and Town Councilman, to Reduce the Length of Residence for the Mayor and Councilman, to Eliminate the Payment of Taxes as a Qualification for Mayor and Town Councilman, to Make the Word "Freeholder" Applicable to All Sections of the Charter, to Reduce the Age for Voting in the Annual Municipal Election to Eighteen (18) Years, to Allow Vacancies to be Filled by the Remaining Members of the Town Council, to Eliminate Qualification of Being a Freeholder for the Assessor, and to Allow the County Assessment to be the Town Assessment. (2/3 bill)

SJR 11 - MARSHALL, REPRESENTATIVES JONKIERT, MATUSHEFSKE - HIGHWAYS AND TRANSPORTATION: Directing the Department of Transportation to Designate and Name all that Portion of U.S. 40 Commencing from the Maryland Line Near Newark, Delaware to the State Road Intersection at U.S. 13 as the Pulaski Highway in Honor of the 200th Anniversary of Casimir Pulaski Who Gave His Life in the American Revolution; and Further Providing a Supplementary Appropriation Therefor.

Representative Maroney introduced and brought HR 48 before the House for consideration.

HR 48 - Congratulating the Concord High School Boys' Basketball Team Upon Winning the Delaware State Championship.

HR 48 was adopted by voice vote.

Representative Ambrosino moved to suspend the rules for the purpose of introducing and acting on HJR 11. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Ambrosino introduced and brought HJR 11 before the House for consideration.

HJR 11 - Directing the State Board of Education to Review Division II Appropriations to Assure that Funds Appropriated for

Vocational-Industrial Arts Programs are in Fact Being Allocated to Such Programs by Each School District and Report its Findings to the General Assembly.

The roll call on HJR 11 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

ABSENT: Representatives Connor, Free, George, Loughney - 4.

Therefore, having received a constitutional majority, HJR 11 was sent to the Senate for concurrence.

Representative Plant moved to strike HB 11. Without objection, HB 11 was stricken.

Representative Plant moved to strike HB 12. Without objection, HB 12 was stricken.

Representative McBride moved to lift HCR 39 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative McBride moved to strike HCR 39. Without objection, HCR 39 was stricken.

Representative McBride introduced and brought HCR 40, co-sponsored by Representatives Gilligan, Jonkiert and Maxwell, and Senators Cicione, Sharp and Marshall, before the House for consideration.

HCR 40 - Requesting the New Castle County School Board to Refrain from Making any Decision Concerning Future School Closings Unless and Until There has Been Sufficient Citizen Input.

HCR 40 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle introduced HB 312, co-sponsored by Representatives Hebner, Roy and Cathcart and Senator Arnold.

HB 312 - An Act to Amend Chapter 63, Title 21, of the Delaware Code, Relating to Tampering with Odometers.

Mr. Speaker assigned HB 312 to the House Administration Committee.

Representative Cathcart introduced HB 313.

HB 313 - An Act to Amend Chapters 9 and 39, Title 10 of the Delaware Code, Relating to Parental Liability. (2/3 bill)

Mr. Speaker assigned HB 313 to the Judiciary Committee.

Representative Plant moved to restore HJR 6 w/HA 1 to the calendar. The motion was seconded by Representative Gordy and adopted by voice vote.

HJR 6 - Directing the State Board of Education to File a Petition in the United States District Court for the District of Delaware, Relating to the Composition of the New Castle County Board of Education.

Representative Anderson moved to rescind the roll call on HJR 6 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HJR 6 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, George, Gilligan, Gordy,

Harrington, Hebner, Kelly, Maxwell, Minner, Morris, Neal, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 27.

NO: Representatives Bennett, Maroney, Matushefske, McBride, McKay, Plant - 6.

NOT VOTING: Representatives T. Brady, Burris, Holloway, Jonkiert, Petrilli - 5.

ABSENT: Representatives Connor, Free, Loughney - 3.

Therefore, having received a constitutional majority, HJR 6 w/HA 1 was sent to the Senate for concurrence.

Representative Fallon introduced and brought HR 49 before the House for consideration.

HR 49 - In Memory of the Highly Respected Seaford Educator and Architect, N.F. "Nick" Silverson.

HR 49 was adopted by voice vote.

Representative Minner brought HB 71 w/HA 1 & SA 1 before the House for consideration.

HB 71 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Inspections of Motor Vehicles.

The roll call on HB 71 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representative Roy - 1.

ABSENT: Representatives Connor, Loughney, Plant - 3.

Therefore, having received a constitutional majority, HB 71 w/HA 1, SA 1 was sent to the Governor.

Representative Bennett brought HB 235 before the House for consideration.

HB 235 - An Act to Amend Chapter 23, Title 29 of the Delaware Code, Relating to Fees Charged by the Secretary of State.

Representative Bennett brought HA 1 before the House for consideration. HA 1 to HB 235 was adopted by voice vote.

The roll call on HB 235 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Connor, Loughney - 2.

Therefore, having received a constitutional majority, HB 235 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 202 before the House for consideration.

HB 202 - An Act to Permit Facsimile Signature by the Secretary of State Under Certain Conditions.

The roll call on HB 202 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

ABSENT: Representatives Connor, Loughney, Matushefske, Plant - 4.

Therefore, having received a constitutional majority, HB 202 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 46 before the House for consideration.

HB 46 - An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware, Relating to the Salaries and Emoluments of Public Officers.

The roll call on HB 46 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

NO: Representative Minner - 1.

ABSENT: Representatives Connor, Loughney - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 46 was sent to the Senate for concurrence.

Representative Burris moved to suspend the rules for the purpose of acting on SJR 10. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Burris brought SJR 10 before the House for consideration.

SJR 10 - Relating to Keeping the Headquarters Office of Hercules, Inc. in Wilmington, Delaware.

The roll call on SJR 10 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Connor, West - 2.

Therefore, having received a constitutional majority, SJR 10 was returned to the Senate.

Representative George moved to suspend the rules for the purpose of introducing and acting on SJR 12. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SJR 12, co-sponsored by Senators Cordrey and Berndt and Representatives Cain and George, before the House for consideration.

SJR 12 - Establishing the Revised Official Estimate of General Fund Revenues for the Fiscal Year Ending June 30, 1979.

The roll call on SJR 12 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Connor, Harrington, West - 3.

Therefore, having received a constitutional majority, SJR 12 was returned to the Senate.

Representative Jonkiert brought HB 57 - HA 1 before the House for consideration.

Representative Jonkiert moved to place HB 57 - HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy introduced and brought HB 314, co-sponsored by Representatives Minner, Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Kelly, Holloway, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant and West, before the House for consideration.

HB 314 - An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Providing Overtime Pay for Snow Removal and Emergency Road Patching Work, and for Certain Highway and Bridge Maintenance and Repairs, and for Acquisition of Long-Life, Heavy Equipment Through Lease Purchasing Contracts, for Salaries and Wages of Employees, and Making a Supplemental Appropriation to Various Municipalities and to the State Treasurer. (3/4)

The roll call on HB 314 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Connor - 1.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 314 was sent to the Senate for concurrence.

Representative Sincok brought HB 121 before the House for consideration.

Representative Sincok moved to place HB 121 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Smith brought HB 217 before the House for consideration.

Representative Smith introduced and brought HA 1 before the House for consideration. HA 1 to HB 217 was adopted by voice vote.

Representative Smith moved to place HB 217 w/HA 1 on the Speaker's table. The motion was seconded by Representative Hebner

and adopted by voice vote.

Representative Jonkiert moved to lift HB 57 - HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to place HA 1 to HB 57 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert introduced and brought HA 2 before the House for consideration. HA 2 to HB 57 was adopted by voice vote.

Representative Sincock introduced and brought HA 3 to HB 57 before the House for consideration.

Representative Jonkiert moved to place HA 3 to HB 57 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion to place HA 3 on the Speaker's table was taken and revealed:

YES: Representatives Clendaniel, Darling, Gordy, Holloway, Jonkiert, Matushefske, Plant, West, Mr. Speaker Ferguson - 9.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Fallon, Free, Gilligan, Harrington, Hebner, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 28.

ABSENT: Representatives Cain, Connor, George, Loughney - 4.

Therefore, not having received a constitutional majority, the motion was defeated and HA 3 to HB 57 remained before the House.

The roll call on HA 3 to HB 57 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Darling, Fallon, Free, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West - 29.

NO: Representatives Ambrosino, Clendaniel, Darling, George, Gilligan, Holloway, Jonkiert, Kelly, Mr. Speaker Ferguson - 9.

ABSENT: Representatives Connor, Loughney, Matushefske - 3.

Therefore, having received a constitutional majority, HA 3 to HB 57 was adopted.

Representative Jonkiert moved to strike HB 57 w/HA 2,3. Without objection, HB 57 w/HA 2,3 was stricken.

Representative Burris introduced HB 315, co-sponsored by Representatives Hebner and Gordy and Senator Hughes.

HB 315 - An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

Mr. Speaker assigned HB 315 to the House Administration Committee.

Representative Burris introduced HB 316, co-sponsored by Representatives Hebner, Gordy and Senator Hughes.

HB 316 - An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

Mr. Speaker assigned HB 316 to the House Administration Committee.

Representative Burris introduced HB 317, co-sponsored by Representatives Hebner and Gordy and Senator Hughes.

HB 317 - An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

Mr. Speaker assigned HB 317 to the House Administration Committee.

Representative Roy introduced HB 318, co-sponsored by

Representatives Oberle, Powell, Sincok, Petrilli, Hebner, Ambrosino, McKay, Anderson and Loughney and Senator Arnold.

HB 318 - An Act to Amend Chapter 51, Subchapter III, Title 30, Delaware Code, Relating to Municipal Street Aid Funds.

Mr. Speaker assigned HB 318 to the Community Affairs Committee.

Representative Bennett moved to suspend the rules for the purpose of acting on SB 34. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought SB 34 before the House for consideration.

SB 34 - An Act Making a Supplemental Appropriation to the Young Men's Christian Association of Dover and Kent County.

Representative Bennett requested and was granted the privilege of the floor for Mr. Gary Kemp, Director of the Dover YMCA.

The roll call on SB 34 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Riddagh, Sincok, Vernon, Mr. Speaker Ferguson - 31.

NO: Representatives Burris, Hebner, McKay, Neal - 4.

NOT VOTING: Representatives Powell, Smith - 2.

ABSENT: Representatives Connor, Jonkiert, Roy, West - 4.

Therefore, having received a constitutional majority of at least three-quarters members of the House, SB 34 was returned to the Senate.

Representative Gordy moved to recess for caucus at 6:07 p.m.

The House was called to order at 7:10 p.m.

The following prefiled legislation was introduced:

HB 319 - BURRIS, HEBNER, GORDY, SENATOR HUGHES - HOUSE ADMINISTRATION: An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

HB 320 - BURRIS, GORDY, HEBNER, SENATOR HUGHES - HOUSE ADMINISTRATION: An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

HB 321 - BURRIS, GORDY, MCKAY, HEBNER, SENATOR HUGHES - HOUSE ADMINISTRATION: An Act to Amend Chapter 51, Title 29 of the Delaware Code, Relating to Public Officers and Employees.

HB 322 - PLANT, MAXWELL, MCBRIDE - JUDICIARY: An Act to Amend Chapters 43 and 45, Title 10, and Chapter 5, Title 11, Making it a Criminal Offense for an Employer to Subject an Employee to Discharge or Penalty on Account of Absence From Employment to Attend Judicial or Administrative Proceedings as a Witness or Juror.

HB 323 - T. BRADY, MCBRIDE; SENATORS MCDOWELL, CICIONE - APPROPRIATIONS: An Act Making an Appropriation to the Department of Public Instruction for Transportation Expense.

HJR 12 - T. BRADY, GORDY, FALLON, MCBRIDE; SENATORS MCDOWELL, CICIONE & LITTLETON - EDUCATION: Providing for the Transportation of Pupils in New Castle and Sussex Counties.

Mr. Speaker announced that he was appointing Representative Gilligan, Representative T. Brady, Representative Darling and Representative Vernon to work with Secretary of Highways and Transportation, Kermit Justice on SB 178.

Representative Gordy moved to recess to the call of the Chair at 7:14 p.m.

22nd LEGISLATIVE DAY
1st Session

April 24, 1979

The Speaker called the House to order at 2:17 p.m.

The Majority Leader moved to adjourn at 2:18 p.m., thereby ending the previous legislative day. The House reconvened at 2:18 p.m. A prayer was offered by the Reverend Raymond Eggers from the Victory Baptist Church in New Castle, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Kelly - 1.

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

The following prefiled legislation was introduced:

HB 324 - MAXWELL - JUDICIARY: An Act to Amend Chapter 83, Title 11 of the Delaware Code, Relating to Representation and Indemnification of Delaware State Policemen.

HB 325 - NEAL, OBERLE - COMMUNITY AFFAIRS: An Act to Amend Chapter 13, Title 9, Delaware Code, Relating to the Name of the Beautification Board.

HB 326 - GORDY, SENATOR LITTLETON - EDUCATION: An Act to Permit the Delmar School District to Transfer Certain Funds from its Debt Service Account to its Capital Improvement Account.

HB 327 - RIDDAGH - BANKING & INSURANCE: An Act to Amend Title 18 and Title 25 of the Delaware Code, Relating to Fire Insurance Liens.

HB 328 - RIDDAGH - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Delaware National Guard, to Pay a Prior Year's Obligation for a Liability Claim Payable to an Individual for Property Damage Occurring in 1977.

HB 329 - MATUSHEFSKE - LABOR & COMMERCE: An Act to Amend Chapter 31, Title 19, of the Delaware Code, Relating to Employment Records.

HB 330 - MATUSHEFSKE - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Title 29 of the Delaware Code, to Provide that Members of the Joint Finance Committee of the General Assembly Shall not be Paid When They are Absent from Meetings of the Committee.

HB 331 - LOUGHNEY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 3, Title 16, Delaware Code, Relating to the Availability of Restrooms in Public Places. (2/3 bill).

HB 332 - HEBNER - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21 of the Delaware Code, Relating to Rules of the Road. (2/3 bill).

HA 2 to HB 147 - OBERLE - Placed with the bill.

HA 1 to HB 193 - MCBRIDE - Placed with the bill.

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

HA 1 to HB 252 - T. BRADY - Placed with the bill.

HA 1 to HB 269 - BENNETT - Placed with the bill.

HA 1 to HB 274 - W. BRADY - Placed with the bill.

HA 1 to HB 282 - GEORGE - Placed with the bill.

SB 33 - MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to Trust Funds.

SB 118 - MURPHY, REPRESENTATIVE MINNER - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Bowers Beach Volunteer Fire Company. (3/4 bill)

SB 146 - CICIONE, REPRESENTATIVE MAXWELL - AGRICULTURE: An Act to Amend Part III, Title 3 of the Delaware Code, Relating to Baked Goods; and Providing for the Informational Labeling of Certain Products.

Representative Burris moved to suspend the rules for the purpose of introducing and acting on SB 178. The motion was seconded by Representative Hebner.

Representative Gilligan rose on a point of order.

The roll call on the motion to suspend the rules was taken and revealed:

YES: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 19.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, Gordy, Holloway, McBride, Morris, Plant, West, Mr. Speaker Ferguson - 12.

NOT VOTING: Representatives Gilligan, Loughney, Matushefske - 3.

ABSENT: Representatives Ambrosino, Cain, George, Jonkiert, Kelly, Maxwell, Minner - 7.

Therefore, not having received a constitutional majority, the motion was defeated and the rules were not suspended.

Representative Matushefske requested that the following letter be read into the record:

Law Offices

Wilson and Whittington, P.A.

1608 Farmers Bank Building

P.O. Box 1266

Wilmington, Delaware 19899

April 13, 1979

The Honorable Orlando J. George, Jr., Chairman

Joint Finance Committee

2707 Baynard Boulevard

Wilmington, Delaware 19802

Dear Representative George:

Since your schedule will not permit the meeting my clients requested prior to my departure at noon tomorrow, I thought it might be helpful to share with you some further information on the Family Court Project.

As you will note from the lease, Family Court is leasing 63,000 square feet of a total of 69,750 square feet in the building. Family Court

permits us to lease the remaining 6,750 square feet to others, but only for a term not exceeding two years, since Family Court has the option of occupying that space after two years. You will understand that office tenants for only a two year lease are difficult to obtain.

The construction cost of the building is \$4,000,000. Patterson-Schwartz has appraised the land at \$800,000, and a copy of that appraisal is available for your inspection. Architectural fees are \$200,000, interest during construction is \$220,000, the real estate commission is \$50,000, legal and accounting fees are \$60,000, and bond closing costs are \$140,000. This last figure represents the charges of Kidder, Peabody and Company, Saul, Ewing, Remick and Saul (Bond Counsel) and the City of Wilmington.

The total of those numbers is \$5,470,000.

Kidder, Peabody has advised that the longest bond maturity at 7.5% is 25 years. On \$5,470,000, that requires debt service of \$490,717 per year.

The rent to Family Court is \$9.37 per square foot per year. Of that amount, \$2.50 per foot per year is the cost of heat, light, fuel and janitorial and related services (the State pays \$3.33 per foot for the same items in the State Office Building). That leaves \$6.97 per foot for debt service. Multiplied by the 63,000 square feet the State is leasing that yields \$432,810, or \$57,907 less than the amount required.

Accordingly, the size of the borrowing has been reduced, and Miller is contributing \$300,000 of his \$800,000 land value to the Project. Net of reserve funds, the borrowing will be approximately \$5,170,000, requiring debt service of \$463,804 per year. That is still a minus cash flow, but it is hoped that the difference can be made up on rentals from the space which Family Court is not leasing.

The only gain for Miller in this Transaction is the depreciation on the building, which Miller can use to shelter other income. Since the State of Delaware is not a tax paying entity, depreciation tax credits are of no value to it. By structuring a transaction in which Miller can take depreciation, the State has gained itself occupancy of a building at the lowest possible price. There is no cash profit to the developer. The developer is building a building less expensively than the State could do it, and is donating \$300,000 in land value to make the bonding work. What the State gives up is depreciation, which it cannot use in any event.

I understand your view that the State should have some equity build up, even though the State, unlike Miller, is making no equity contribution. I further understand your view that this transaction should be structured as a lease-purchase by the State. A lease-purchase, however, under the Internal Revenue Code deprives Miller of the depreciation credit and confers that credit on the State, which has no conceivable way of using it. That necessarily means that the builder-developer must look to a higher rent just to break-even, and to an even higher rent if he is to make a profit.

If the building is now reopened for bids, the rental figure will necessarily be higher than \$9.37, for at least two reasons:

1. If the developer cannot have depreciation, he must make a profit.
2. The \$9.37 figure was based on November, 1978 prices. Inflation since November has been 1% per month, and there is no reason to think

that rate will decline in the near future.

We are told that Family Court must be in its new quarters by June 30, 1980. We respectfully submit that this goal cannot be achieved if the entire process is now interrupted and rebid. Architects, construction managers, lawyers, accountants, State personnel, City personnel and bond underwriters have expended thousands of hours on this project since January 22nd. Restarting that process now will cause severe losses to the public and private parties involved, substantially increase the cost of the building to the State, and delay occupancy of the new Family Court Building for a substantial period of time.

As before, we stand ready to meet with you, your committee, or any subcommittee thereof at any time. As you know, I will be out of the state on vacation from tomorrow to April 30th, but I would return for a day if you or the committee thought it useful or productive.

Respectfully yours,
Ernest S. Wilson, Jr.

Representative Sincock requested that the following communication be made a part of the record:

April 20, 1979

TO: The Springer Community

FROM: The Office of the Principal.

Within the past several weeks, we have experienced an increase in staff absenteeism, and have not been able to provide adequate substitute coverage for our students.

We are desperately in need of citizens who are interested in substituting to contact the Springer office, 478-5000, Ext. 297 or Mr. Nauman at 792-2744 to inform us of your interest. Substitutes are paid as follows: Class A - \$27.32, Class B - \$22.07, Class C - \$16.81.

Representative Ferguson appointed the following Representatives to serve on a committee to report on problems of teacher absences: Representative McBride, Chairman; Representative Maxwell, Representative Plant, Representative Sincock and Representative Connor.

The reading clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 35; HCR 36; HCR 37; SB 34; SB 110; SB 93 w/SA 1; SJR 11; HB 66; SJR 12; SCR 16; HB 267 w/HA 1; HCR 40; SB 178; SB 33; HB 68; HB 314; SB 118; HB 92; SB 146; HB 243; HB 129 w/HA 3; HB 238; HJR 11; HCR 38; HJR 6 w/HA 1.

April 5, 1979

LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on April 5, 1979: SB 71; SB 14; HB 231; HJR 7.

April 11, 1979

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:

4/6/79: HB 153 w/SA 1; HB 154 w/SA 1; HB 155 w/SA 1; HB 156 w/SA 1. 4/10/79: HB 129; HB 238; HB 267 w/HA 1; HB 314; SJR 12.

The Governor vetoed the following bill on the date indicated:
4/11/79: HJR 6 w/HA 1.

State of Delaware
Executive Department
Dover, DE 19901

April 11, 1979

To the Delaware State House of Representatives
of the 130th General Assembly of the State of Delaware

I am returning to the Delaware House of Representatives without my signature House Joint Resolution 6 as amended by House Amendment No. 1, entitled:

Directing the State Board of Education to File a Petition in the United States District Court for the District of Delaware, Relating to the Composition of the New Castle County Board of Education.

HJR 6, which, if signed, would have the force and effect of law, directs the Attorney General to file the necessary pleading in the United States District Court in the case of Evans v. Buchanan for the purpose of seeking the Court's permission for the establishment of a new school board for the New Castle County School District of not less than nine members who are to be elected in accordance with Title 14 of the Delaware Code. In the event that the Court does not act favorably on this pleading, the Attorney General is then instructed in the alternative to seek the Court's permission to expand the existing Board by four members, who are to be elected from the existing attendance areas in the New Castle County District.

In my judgment, any plan for the election of the membership of the New Castle County District which relies upon the prior approval of the United States District Court is both unnecessary and potentially self-defeating. Involving the Court in the first instance is unnecessary because of the decision of the United States Court of Appeals for the Third Circuit in State of Delaware v. Schwartz, in which the right of the General Assembly to establish the tax rate for the New Castle County District was upheld by unanimous vote of the Court, and the subsequent opinion of Judge Schwartz on remand of the same case, in which the District Court found in essence that the General Assembly has the right to determine the method of taxation for and the governance of its public schools, subject only to the requirement that the exercise of that right not impede the plan of desegregation. Requiring the Attorney General to seek the prior blessing of the Federal Court for the election of school board members, as HJR 6 commands, would amount to a roll back of the principle that Delaware retains its sovereignty in matters affecting the governance and taxation of and for its public schools, a principle that Delaware fought so hard and so successfully to restore.

Additionally, the directive to the Attorney General to seek the prior approval of the Court for an elected school board in New Castle County is potentially self-defeating. If there is to be an election of the

members of the New Castle County Board of Education prior to the school year commencing in September of 1979, that election must go forward in June. Because the petition which the Attorney General is required to file, and indeed, the filing of a second petition if the first is unsuccessful, are not in the nature of a suit for injunctive relief, and would otherwise enjoy no priority, there is substantial reason to believe that the Court would not rule on one or both petitions in time for the conduct of a school board election in June. And clearly, once the Attorney General has chosen the route of seeking the prior approval of the United States District Court in accordance with the mandate of the General Assembly, it would be inconsistent for the State to proceed with the holding of the election in the absence of an opinion of the Court approving same.

If it is the will of the General Assembly — and I hope it is — that the State should proceed with all deliberate speed to establish an elected school board for the New Castle County School District, legislation providing for that election should be acted upon as soon as the General Assembly next convenes. To that end, I am today making public draft legislation which, if enacted, would accomplish this critical task. Whatever legislation is ultimately adopted, I would ask that it recognize the constitutionally protected prerogative of the State to determine the method and manner of governing its school districts.

For the foregoing reasons, I return herewith House Joint Resolution 6, as amended by House Amendment 1, to the House of Representatives without my signature.

Respectfully submitted,
Pierre S. du Pont, Governor

Representative George introduced HB 333, co-sponsored by Senator Cook and Representatives Ambrosino, Bennett, Cain, Clendaniel, Gilligan, Maxwell, Neal, Sincock and Senators Cicione, Holloway, Littleton, Hughes, Murphy and Sharp.

HB 333 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 333 to the Appropriations Committee.

Representative Cain introduced HB 334, co-sponsored by Representative George.

HB 334 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Reduction of Each Personal Income Tax Rate and Employer's Return and Payment of Tax Withheld; to Amend Chapter 19, Title 30, Delaware Code, Relating to the Determination of the Entire Net Income of a Corporation as it Relates to the Cost of Modification for Handicapped Persons; and to Amend Chapter 13, Title 30, Delaware Code, Pertaining to the Valuation of Certain Farm and Small Business Real Property for Inheritance Tax.

Mr. Speaker assigned HB 334 to the Revenue and Finance Committee.

Representative Sincock introduced HB 335, co-sponsored by Representative Gilligan.

HB 335 - An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to the Exemption of Persons From Liability When Rendering

Emergency Care.

Mr. Speaker assigned HB 335 to the Health and Social Services Committee.

Representative Plant introduced and brought HCR 41 before the House for consideration.

HCR 41 - Commending Professional Secretaries for Their Contribution to Our Society and Designating the Week of April 23-29 as Secretaries' Week.

HCR 41 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady introduced and brought HCR 42 before the House for consideration.

HCR 42 - Providing for the Appointment of a Committee to Plan a Program to Commemorate the Completion of the Chesapeake and Delaware Canal on July 4, 1829.

HCR 42 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert introduced HB 336, co-sponsored by Senator Cicione and Representatives Plant, Brady, Riddagh, Matushefske and Loughney.

HB 336 - An Act to Amend Title 10 and Title 29, Delaware Code, Relating to Justice of Peace Compensation and Making an Appropriation Therefor.

Mr. Speaker assigned HB 336 to the Judiciary Committee.

Representative Gordy moved to recess for caucus and committee hearings at 3:48 p.m.

The House was called to order at 5:46 p.m.

Mr. Speaker reassigned HB 336 to the Appropriations Committee.

The Chief Clerk read the following Committee Reports into the record:

Judiciary: HB 322 - 6M; HB 128 - 3F, 3M; HB 336 - 2F, 4M, 1U; HB 220 - 4F, 2M.

Natural Resources: HB 39 - 4F, 2M; HB 283 - 4F, 2M.

Labor & Commerce: HB 255 - 1F, 4M, 1U.

Public Safety: HB 256 - 1F, 2M.

Representative Burris moved to strike HB 189. Without objection, HB 189 was stricken.

Representative Gordy moved to recess to the call of the Chair at 5:54 p.m.

23rd LEGISLATIVE DAY 1st Session

April 25, 1979

The Speaker called the House to order at 2:21 p.m.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the previous legislative day. The House reconvened at 2:22 p.m. A prayer was offered by the Reverend Raymond Eggers of the Victory Baptist Church in New Castle, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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

The following profiled legislation was introduced:

HB 337 - OBERLE - ADMINISTRATIVE SERVICES: An Act to Amend Title 24 and Title 29 of the Delaware Code, Relating to Certain Occupational Regulatory Boards and Commissions.

HB 338 - OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code, Relating to School Buses; and Restricting Such Vehicles to the Right-Hand or "Slow" Traffic Lanes.

HB 339 - AMBROSINO, CONNOR - ENVIRONMENTAL CONTROL: An Act Relating to Radioactive Pollution and Energy Generation.

HB 340 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 30 of the Delaware Code, Relating to Retailer License Taxes on Aggregate Gross Receipts.

HB 341 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 51, Part V, Title 16 of the Delaware Code, Relating to Mental Health; and Providing for the Expungement or Nullification of Certain Records.

HB 342 - AMBROSINO - EDUCATION: An Act to Amend Chapter 17, Title 14 of the Delaware Code, Relating to State Appropriations for Education. (2/3 bill)

HB 343 - GILLIGAN, SENATOR CICIONE - EDUCATION: An Act to Amend Title 14, Delaware Code, by Creating a Professional Counselor Licensure.

HB 344 - GILLIGAN - EDUCATION: An Act to Amend Chapter 13, Title 14 of the Delaware Code, Relating to the Salaries of School Nurses.

HB 345 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 24 of the Delaware Code, With Reference to Immunity When Participating With the Board of Medical Practice.

HB 346 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 24, of the Delaware Code, Relating to Out of State Emergency Paramedics.

HB 347 - CAIN, MAXWELL - LABOR & COMMERCE: An Act to Amend Title 19, Chapter 13 of the Delaware Code, Providing for Compulsory Arbitration of Labor Disputes For the Delaware State Police and the State of Delaware and Prescribing a Procedure Therefore, and the Enforcement Thereof.

HB 348 - BENNETT, SENATOR ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Subchapter I, Chapter 5, Title 7, Delaware Code, Relating to the Issuance of a Migratory Waterfowl Stamp. (3/4 bill)

HB 349 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Chapters 13 and 18, Title 2 and Chapter 1, Title 26 of the Delaware Code, Transferring Jurisdiction Over Taxicabs from the Public Service Commission to the Department of Transportation and Making Other Changes Relating to Public Carriers.

HB 350 - MATUSHEFSKE - LABOR & COMMERCE: An Act to

Amend Chapter 31, Title 29 of the Delaware Code, Relating to Records of Employing Units.

HB 351 - CONNOR, MCBRIDE, AMBROSINO - REVENUE & FINANCE: An Act to Amend Part III, Title 30 of the Delaware Code, Relating to State Tax Assessment and Collection; and Providing for a Unitary Tax Which Utilizes Uniform Division of Income for Tax Purposes as a Basis for Taxation Under Certain Circumstances.

HA 3 to HB 147 - OBERLE - Placed with the bill.

HA 1 to HB 177 - NEAL - Placed with the bill.

HA 3 to HB 182 - BURRIS, VERNON - Placed with the bill.

HA 1 to HB 281 - BENNETT - Placed with the bill.

HA 1 to HB 288 - PETRILLI, ROY - Placed with the bill.

SB 3 - CICIONE - PUBLIC SAFETY: An Act to Amend Chapter 19, Part II, Title 9 of the Delaware Code, Relating to Fire and Police Protection in New Castle County.

The privilege of the floor was granted to Mr. Mack A. Reece from the American Mushroom Institute.

Representative Petrilli introduced and brought HCR 43, co-sponsored by Representatives McKay and Senator Knox, before the House for consideration.

HCR 43 - Recognizing the Mushroom Industry of the State of Delaware.

HCR 43 was adopted by voice vote and sent to the Senate for concurrence.

Representative Morris introduced and brought HCR 44, co-sponsored by Representatives Bennett, Darling and Minner, before the House for consideration.

HCR 44 - Mourning the Death of Edward Kelly, a Leading Citizen of Kent County for Twenty-Five Years.

HCR 44 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady introduced and brought HCR 45 before the House for consideration.

HCR 45 - Mourning the Death of J. Fred Dolby, a Member of the 116th and 117th General Assemblies of Delaware.

HCR 45 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to suspend the rules for the purpose of introducing and acting on SB 178. The motion was seconded by Representative Hebner.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 20.

NO: Representatives Bennett, W. Brady, Clendaniel, Darling, Gordy, Holloway, Jonkiert, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 14.

NOT VOTING: Representatives Anderson, Cain, Gilligan, Kelly, Loughney, Matushefske - 6.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority, the motion to suspend the rules was declared defeated.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 3; HB 32 w/SA 1; HCR 41; HCR 42.

Representative Smith moved to suspend the rules for the purpose of introducing and acting on HJR 13. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Smith brought HJR 13, co-sponsored by Representatives Ambrosino, Anderson, Bennett, W. Brady, T. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Vernon, and Ferguson and Senators McDowell, Arnold, Cook, Hale, Hughes, Knox, Littleton, Spence and Weiss, before the House for consideration.

HJR 13 - To Reaffirm the State of Delaware's Commitment to Energy Conservation as a State Policy.

The roll call on HJR 13 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives George, Holloway - 2.

Therefore, having received a constitutional majority, HJR 13 was sent to the Senate for concurrence.

Representative Minner introduced and brought HCR 46, co-sponsored by Representative Gordy, before the House for consideration.

HCR 46 - Providing for a Draft Revision of Chapter 59, Title 29 of the Delaware Code, to Review the Present Status of State Personnel Management and to Make Recommendations.

The roll call on HCR 46 was taken and revealed:

YES: Representatives Bennett, T. Brady, Burris, Clendaniel, Darling, Fallon, Gordy, Harrington, Kelly, Maroney, McKay, Minner, Morris, Neal, Petrilli, Smith, Vernon, Mr. Speaker Ferguson - 18.

NO: Representatives Anderson, Gilligan, Hebner, Holloway, Loughney, Maxwell, McBride, Plant, Powell - 9.

NOT VOTING: Ambrosino, W. Brady, Cathcart, Oberle, Sincok, West - 6.

ABSENT: Representatives Cain, Connor, Free, George, Jonkiert, Matushefske, Riddagh, Roy - 8.

Therefore, not having received a constitutional majority, HCR 46 was declared defeated.

Representative W. Brady brought HB 32 w/SA 1 before the House for consideration.

HB 32 - An Act to Make a Supplementary Appropriation to the Division of Emergency Planning and Operations of the Department of Public Safety for the Installation of a Warning Siren at Port Penn.

The roll call on HB 32 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly,

Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Free, George - 2.

Therefore, having received a constitutional majority, HB 32 w/SA 1 was sent to the Governor.

Representative T. Brady introduced and brought HR 50 before the House for consideration.

HR 50 - Congratulating the Kelly Brothers, John and Michael, Nephews of our Esteemed Colleague, Representative Dan Kelly, for Their Successful Careers as Students and Athletes at Columbia University.

HR 50 was adopted by voice vote.

Representative Burris introduced and brought HR 51 before the House for consideration.

HR 51 - Mourning the Death of Mrs. Doris Dietrich, Mother-In-Law of Our Esteemed Colleague, Representative Joseph P. Ambrosino.

HR 51 was adopted by voice vote.

Representative Smith brought HB 218 before the House for consideration.

Representative Smith moved to place HB 218 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Plant brought HB 9 before the House for consideration.

Representative Plant moved to place HB 9 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to strike HB 15. Without objection, HB 15 was stricken.

Representative Matushefske brought HB 109 before the House for consideration.

HB 109 - An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Residence of Judges of Family Court.

The roll call on HB 109 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, McKay, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

NO: Representatives McBride, Neal - 2.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives George, Maxwell - 2.

Therefore, having received a constitutional majority, HB 109 was sent to the Senate for concurrence.

Representative Matushefske moved to strike HB 114. Without objection, HB 114 was stricken.

Representative Oberle brought HB 147 - HA 1,2,3 before the House for consideration.

Representative Minner stated that she would not participate in debate on the bill because of a conflict of interest.

Representative Oberle brought HA 1 before the House for consideration. HA 1 to HB 143 was adopted by voice vote.

Representative Oberle brought HA 2 before the House for consideration. HA 2 to HB 143 was adopted by voice vote.

Representative Oberle brought HA 3 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for House Attorney, Michael Rich.

HA 3 to HB 147 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for House Attorney, Michael Rich.

Representative Oberle moved to place HB 147 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Gilligan brought HB 1 before the House for consideration.

HB 1 - An Act to Amend Chapter 19 and Chapter 27, Title 30 of te Delaware Code, Relating to Corporation Income Taxes and Manufacturers License Taxes Attributable to New Manufacturing Facilities Within This State.

The roll call on HB 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 35.

NO: Representatives Ambrosino, Connor, Morris, West - 4.

ABSENT: Representatives George, Kelly - 2.

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

Representative Sincok brought HB 119 before the House for consideration.

Representative Sincok moved to place HB 119 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Sincok brought HB 120 before the House for consideration.

Representative Sincok moved to place HB 120 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Matushefske brought HB 115 before the House for consideration.

HB 115 - An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to Political Party Membership of the Family Court Judges.

The roll call on HB 115 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NO: Representatives Connor, Neal, Oberle, Sincok - 4.

ABSENT: Representatives George, Maxwell - 2.

Therefore, having received a constitutional majority, HB 115 was sent to the Senate for concurrence.

Representative Gordy moved to recess for committee hearings at 5:15 p.m.

The House was called to order at 5:43 p.m.

The Chief Clerk read the following committee reports into the record.

Environmental Control: HB 143 - 4M.

House Administration: HJR 8 - 2F, 3M; SCR 13 - 5F, 1M; HB 263 - 3M, 2U.

Agriculture: SB 146 - 5M.

Representative Gordy moved to recess to the call of the Chair at 5:48 p.m.

24th LEGISLATIVE DAY 1st Session

April 26, 1979

The Speaker called the House to order at 2:02 p.m.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m. A prayer was offered by the Reverend Raymond Eggers from the Victory Baptist Church in New Castle, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HCR 43, HCR 44, HCR 45.

The following prefiled legislation was introduced:

HB 352 - CLENDANIEL, WEST - NATURAL RESOURCES: An Act to Amend Chapter 7, Title 7 of the Delaware Code, Relating to Loads Permitted in Shotgun Shells.

HB 353 - MINNER, GORDY - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Election of the Secretary of State. (2/3 bill)

HB 354 - GILLIGAN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 1, Title 17, Delaware Code, by Providing for the Use of Signal Flags on Highway Repair or Construction Sites.

HB 355 - WEST - REVENUE & FINANCE: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to Compensation Paid by the United States for Service in the Armed Forces of the United States.

HB 356 - AMBROSINO - JUDICIARY: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code, Relating to a Tenant's Remedies for Failure by the Landlord to Supply Heat, Water or Hot

Water.

HB 357 - POWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 4, of the Delaware Code, Relating to Exemptions from Alcohol Tax.

HB 358 - CONNOR, SMITH - JUDICIARY: An Act to Amend Title 25 of the Delaware Code, Relating to Intellectual and Artistic Property.

HB 359 - CONNOR, SMITH, HEBNER - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code, Relating to the Personal Income Tax; and Providing for an Artistic Contributions Tax Deduction Act.

HB 360 - ROY, GILLIGAN, PETRILLI - PUBLIC SAFETY: An Act to Amend Chapter 1, Title 21, of the Delaware code, Relating to the Issuance of "RV" License Plates on Vans.

HB 361 - GILLIGAN, BURRIS, MAXWELL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Penalty for Late Filed Withholding Tax Returns.

HA 1 to HB 74 - GILLIGAN, ANDERSON, MINNER - Placed with the bill.

HS 1 for HB 295 - GILLIGAN, CAIN, BENNETT - EDUCATION: An Act to Amend Chapter 17, Title 14, of the Delaware Code, Relating to the Number of Units in a School District and the Method of Calculating Such Units to Determine State Financial Support to Public Schools During a Period of Declining Enrollment.

Representative McBride introduced and brought HR 52, co-sponsored by Representatives Sincock, Plant, Connor and Maxwell, before the House for consideration.

HR 52 - Providing for the Establishment of an Ad Hoc Committee of the House of Representatives to Study Teacher Absenteeism and the Substitute Teachers Program in the School Districts of the State.

The roll call on HR 52 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Oberle, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 30.

NO: Representatives Bennett, Morris - 2.

NOT VOTING: Representatives Clendaniel, Gordy, Minner - 3.

ABSENT: Representatives Ambrosino, Darling, Matushefske, Neal, Petrilli, Plant - 6.

Therefore, having received a constitutional majority, HR 52 was declared passed.

Representative Matushefske brought HB 225 before the House for consideration.

HB 225 - An Act to Amend Chapter 29, Title 14 of the Delaware Code, to Require Installation of Shields in School Buses to Protect Drivers from Thrown Objects.

The roll call on HB 225 was taken and revealed:

YES: Representatives Connor, Gilligan, Jonkiert, Matushefske - 4.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Darling, Fallon, Free, Gordy, Harrington, Hebner, Kelly, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr.

Speaker Ferguson - 30.

NOT VOTING: Representatives Holloway, Maxwell - 2.

ABSENT: Representatives Ambrosino, T. Brady, Cathcart, George, Plant - 5.

Therefore, not having received a constitutional majority, HB 225 was declared defeated.

Representative Matushefske brought HB 226 before the House for consideration.

Representative Matushefske moved to place HB 226 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske brought HB 227 before the House for consideration.

HB 227 - An Act to Amend Chapter 29, Title 14 of the Delaware Code, to Require that Seats in School Buses be Assigned to Pupils.

The roll call on HB 227 was taken and revealed:

YES: Representatives Cathcart, Darling, George, Holloway, Jonkiert, Kelly, Matushefske, Oberle, Petrilli, Roy, Mr. Speaker Ferguson - 11.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Powell, Riddagh, Sincok, Smith, Vernon, West - 28.

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, not having received a constitutional majority, HB 227 was declared defeated.

Representative Matushefske brought HB 230 before the House for consideration.

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

Representative Matushefske moved to place HB 230 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske moved to lift HB 226 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske moved to place HB 226 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske moved to lift the roll call on HB 50. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HB 50 was taken.

Representative Matushefske moved to table the roll call on HB 50. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 273 before the House for consideration.

Representative Gilligan moved to place HB 273 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Neal brought HB 177 - HA 1 before the House for

consideration.

HB 177 - An Act to Amend Chapter 28, Title 24, of the Delaware Code, Relating to the Applicability of the Freedom of Information Act to the Council of the Delaware Association of Professional Engineers.

Representative Neal brought HA 1 before the House for consideration. HA 1 to HB 177 was adopted by voice vote.

Representative Loughney rose on a point of order. Acting Speaker Cain concurred.

The roll call on HB 177 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Anderson, Darling, Powell - 3.

Therefore, having received a constitutional majority, HB 177 w/HA 1 was sent to the Senate for concurrence.

Representative W. Brady brought HB 274 - HA 1 before the House for consideration.

Representative W. Brady brought HA 1 before the House for consideration. HA 1 to HB 274 was adopted by voice vote.

The roll call on HB 274 w/HA 1 was taken.

Representative W. Brady moved to table the roll call on HB 274 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan moved to lift HB 273 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HA 1 to HB 273 before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for House Attorney, Michael Rich.

HA 1 to HB 273 was adopted by voice vote.

Representative Gilligan moved to place HB 273 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert introduced and brought HCR 47, co-sponsored by Representative Matushefske and Senator Cicone, before the House for consideration.

HCR 47 - Commending the U.S. Supreme Court on its Recent Decision in Herbert v. Lando in Which the Press is Compelled to Account for Its Actions.

The House recessed at 5:15 p.m. for the purpose of changing the audio tape and reconvened at 5:17 p.m.

The roll call on HCR 47 was taken.

Representative Jonkiert moved to table the roll call on HCR 47. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Sincok brought HR 53, co-sponsored by Representative Ferguson, before the House for consideration.

HR 53 - Congratulating Karen A. Olsen Upon Her Selection as a

Truman Scholarship Winner.

HR 53 was adopted by voice vote.

Representative Hebner introduced HB 362, co-sponsored by Senator Arnold.

HB 362 - An Act to Provide for the Election of Members of the Board of Education of a School District Created July 1, 1978 by Order of a Federal Court and Now Known as the New Castle County School District and to Further Provide for the Enlargement of that Board.

Mr. Speaker assigned HB 362 to the Education Committee.

Representative Connor introduced and brought HR 54 before the House for consideration.

HR 54 - Condemning the Supreme Court of the United States for Its Attack on Freedom of the Press in the Decision in *Herbert v. Lando*.

The roll call on HR 54 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Catheart, Connor, Fallon, Free, Maroney, McKay, Petrilli, Riddagh, Roy, Smith - 13.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Plant, Sincock, Vernon, West, Mr. Speaker Ferguson - 26.

NOT VOTING: Representative Powell - 1.

ABSENT: Representative Cain - 1.

Therefore, not having received a constitutional majority, HR 54 was declared defeated.

The Chief Clerk read the following committee report into the record:

Highways & Transportation: SJR 11 - 5F, 1M.

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

25th LEGISLATIVE DAY 1st Session

May 1, 1979

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

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the previous legislative day. The House reconvened at 2:11 p.m. A prayer was offered by the Reverend Dr. John T. Randolph from the Wyoming United Methodist Church in Wyoming, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

House of Representatives
State of Delaware

Legislative Hall
Dover, Delaware 19901

May 1, 1979

Senator Richard S. Cordrey
President Pro Tempore, Delaware State Senate
Legislative Hall
Dover, Delaware 19901

Dear Dick:

This afternoon, the House has requested the appearance of Mr. Justice and members of the staff of the Department of Transportation to ask questions on Operation Overhaul and Senate Bill 178. We hope to begin this questioning period around 2 p.m.

Although the Senate has passed Senate Bill 178, from my conversation with some members of the Senate, they still have some questions on this legislation. If the members of the Senate would like to attend this meeting, we would certainly welcome their presence.

Sincerely,
William J. Gordy, Majority Leader

The privilege of the floor was requested and granted to the following persons for the purpose of discussing SB 178:

Kermit Justice, Secretary of Transportation;

Robert Parke, Chief of Projects and Scheduling, Division of Highways;

Nathan Hayward, Director, Office of Management, Budget and Planning;

Richard Bewick, Jr., Acting Director, Division of Highways;

Chester Fulmer, Federal Highway Administration.

Representative Gordy moved to recess for caucus and committee hearings at 4:56 p.m.

The House was called to order at 6:43 p.m.

The following prefiled legislation was introduced:

HB 363 - GORDY - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21, of the Delaware Code, to Provide for the Issuance of Special License Plates to Former Prisoners of War.

HB 364 - MCBRIDE - EDUCATION: An Act to Amend Chapter 29, Part I, Title 14 of the Delaware Code Relating to the Transportation of Public School Pupils; and Providing for a Minimum Age for School Bus Drivers.

HB 365 - NEAL - APPROPRIATIONS: Making an Appropriation to the Human Relations Commission to Review the Delaware Code and Propose Revisions Thereto Relating to Sexually Discriminatory Laws. (2/3 bill)

HB 366 - W. BRADY, SENATOR SPENCE - COMMUNITY AFFAIRS: An Act to Amend Chapter 273, Volume 46, Laws of Delaware, Also Known as "An Act to Reincorporate the Town of Odessa in New Castle County; by Changing the Hours of Election Where There is No Contest. (2/3 bill)

HB 367 - CONNOR, T. BRADY, HEBNER - JUDICIARY: An Act to Amend Chapter 23, Title 11 of the Delaware Code to Prohibit the Use

of Search Warrants in Offices of the Press, Broadcast and Television Media.

HB 368 - FREE, NEAL, MCKAY, PETRILLI, SMITH, ROY, ANDERSON; SENATOR ARNOLD - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Motor Vehicle Registration Fees.

HB 369 - MCKAY, HARRINGTON - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, of the Delaware Code, Relating to the Application of the Workmen's Compensation Laws.

HB 370 - BURRIS - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code, Relating to the Fee for Special Intransit License Plates Used by Contractors.

HB 371 - CONNOR - EDUCATION: An Act to Amend Chapter 17, Part I, Title 14 of the Delaware Code, Relating to Units of Pupils; and Providing for Counselors in Elementary Schools.

HB 372 - CONNOR, PETRILLI, SMITH - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 1, Title 16 of the Delaware Code to Empower the State Board of Health to Post Notices Against Smoking in Certain Public Places.

HA 1 to HB 67 - CAIN - Placed with the bill.

HA 1 to HB 173 - T. BRADY - Placed with the bill.

HA 1 to HB 343 - CONNOR - Placed with the bill.

SB 125 w/SA 1 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 79, Title 29 of the Delaware Code, Relating to Payment for Services by Patients of the Delaware Hospital for the Chronically Ill.

SB 136 w/SA 1 - KNOX - PUBLIC SAFETY: An Act to Amend Chapter 42, Title 21 of the Delaware Code, Prohibiting the Removal of a Vehicle from the Scene of an Accident Except Under Specified Conditions.

The Chief Clerk read the following committee reports into the record:

Natural Resources: HB 110 - 1F, 3M; HB 352 - 4M; HB 348 - 3M, 1U.

Health & Social Services: HB 335 - 4F, 2M; HB 345 - 3F, 2M; HB 297 - 2F, 3M; HB 298 - 3F, 3M; HB 299 - 3F, 2M; HB 300 - 3F, 1U.

Representative Gordy moved to recess to the call of the Chair at 6:47 p.m.

26th LEGISLATIVE DAY

1st Session

May 2, 1979

The Speaker called the House to order at 2:17 p.m.

The Chief Clerk read the following committee reports into the record:

Health & Social Services: HB 301 - 1F, 3M; HB 346 - 2F, 2M; HB 302 - 3F, 2M.

Highways & Transportation: HB 354 - 4M; HB 158 - 4M; HB 166 - 4M; HB 167 - 4M; HB 187 - 4M; SB 93 - 5M; SB 33 - 5M.

Appropriations: HB 336 - 2F, 4M, 3U; HB 271 - 1F, 6M; SB 118 - 9M; HB 174 - 1F, 4M, 3U; HB 261 - 6M; HB 21 - 5M, 1U.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m. A prayer was offered by the Reverend Father Kochan from St. John the Beloved Catholic Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

Representative Morris requested the following communication be read into the record:

The Family Court of the State of Delaware

April 27, 1979

MEMORANDUM

TO: John P. Ferguson, Speaker of the House of Representatives of the 130th General Assembly

FROM: Robert D. Thompson, Chief Judge, Family Court

RE: House Resolution No. 36

Please be advised that the Commissioner of Corrections, James Vaughn and the Chief Judge of Family Court, Robert D. Thompson, met in accordance with the request of the House of Representatives of the 130th General Assembly as set forth in House Resolution No. 36, to explore the feasibility of establishing a program wherein certain juveniles under the jurisdiction of the Family Court would converse with selected long term prisoners. The Commissioner of Corrections, the Chief of the Bureau of Juvenile Corrections and the Chief Judge of Family Court on April 4, 1979, visited the Rahway prison in Rahway, New Jersey to view the on-going program there and sat through a juvenile-prisoner group session. Thereafter, we discussed their program with the president of the New Jersey Lifers Group in relation to setting up a similar program in Delaware. Further, we met with Representatives Morris, Oberle and Cathcart and concluded that a Rahway type program would be feasible in Delaware.

It was agreed between the Commissioner of Corrections and the Chief Judge of Family Court that a lifers program, known as "Project Aware" would officially be established in Delaware on or about June 1, 1979, after adequate training of prison inmates and completion of administrative details. It was further agreed that only those juveniles within the jurisdiction of Family Court and the Bureau of Juvenile Corrections would come within the program.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 20; SCR 18; SCR 19; SCR 21; SCR 22; SJR 13; SB 125 w/SA 1; SB 136 w/SA 1; HB 41; SB 127; SB 84 w/SA 1,2; HB 235 w/HA 1; HB 60.

The following prefiled legislation was introduced:

HB 373 - BENNETT - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 71, Title 7 of the Delaware Code, Relating to the Delaware Noise Control Act; and Providing that Certain Activities Shall be Exempted from the Said Act, and that Certain Activities Shall be

Specifically Subject to the Act.

HB 374 - BENNETT - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 71, Title 7, Delaware Code, Relating to Noise Control by Including Certain Railroad Operations Between the Hours of 11:00 p.m. and 7:00 a.m.

HB 375 - BENNETT - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 71, Part VII, Title 7 of the Delaware Code, Relating to the Delaware Noise Control Act; and Providing for Certain Activities to be Specifically Exempted from this Act and Certain Activities to be Specifically Subject to This Act. (2/3 bill)

HB 376 - BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, to Exempt from Realty Transfer Tax Transfers in Connection with, or in Lieu of, the Foreclosure of Certain Mortgages.

HB 377 - MATUSHEFSKE - HOUSE ADMINISTRATION: An Act to Amend Chapter 3, Title 1 of the Delaware Code, Relating to Limitation of Interest and Finance Charges.

HB 378 - NEAL, SMITH, FALLON, ANDERSON, OBERLE - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 74, Title 16 of the Delaware Code, Relating to Radiation Control.

HB 379 - T. BRADY, GORDY, W. BRADY - CONSTITUTION: An Act Agreeing to a Proposed Amendment to Article III of the Delaware Constitution Relating to the Election and Term of Office for Certain State Officers. (2/3 bill)

HB 380 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - COMMUNITY AFFAIRS: An Act to Amend Chapter 64, Title 9 of the Delaware Code, Relating to Sussex County Employees' Retirement Benefits.

HB 381 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - COMMUNITY AFFAIRS: An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to the Application or Tax Exemptions for Persons over 65 Years of Age.

HB 382 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - COMMUNITY AFFAIRS: An Act to Amend Chapter 70, Title 9 of the Delaware Code, Relating to the Acquisition of Insurance by the Department of Finance of Sussex County.

HB 383 - CONNOR, MORRIS, KELLY, T. BRADY, AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code, Relating to the State Employees' Pension Plan; and Providing Pension Rights for Certain Older State Employees.

HB 384 - HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program.

HA 1 to HB 196 - MAXWELL - Placed with the bill.

HA 1 to HB 362 - NEAL - Placed with the bill.

SB 84 w/ SA 1,2 - KEARNS - EDUCATION: An Act to Amend Title 14, Delaware Code, Relating to Disturbing Schools or Destroying School Property.

SB 127 - ZIMMERMAN, REPRESENTATIVE MINNER -

APPROPRIATIONS: An Act to Provide a Supplementary Appropriation for a New Auditory Amplification System in the Classrooms and Certain Other Facilities at the Margaret S. Sterck School for the Hearing Impaired.

Representative Plant introduced and brought HR 55 before the House for consideration.

HR 55 - Congratulating Kendall M. Wilson for Winning the First Annual Liberty Bell Award of the Delaware State Bar Association.

HR 55 was adopted by voice vote.

Representative Kelly moved to suspend the rules for the purpose of introducing and acting on SJR 13. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Kelly brought SJR 13, co-sponsored by Senator Martin and Representative Kelly, before the House for consideration.

SJR 13 - Directing the State Highway Division to Take Necessary Steps to Notify the Traveling Public That I-95 Still Exists and Can Be Used as Originally Intended.

The roll call on SJR 13 was taken.

Representative Kelly moved to table the roll call on SJR 13. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling introduced and brought SCR 22, co-sponsored by Senator Cook and Representative Darling, before the House for consideration.

SCR 22 - Congratulating Arthur B. Cahall, III, Mayor of Harrington, on his Selection as Harrington's Outstanding Citizen of the Year.

SCR 22 was adopted by voice vote and returned to the Senate.

Representative West brought HCR 48 before the House for consideration.

HCR 48 - Requesting President Jimmy Carter to Instruct the Department of Energy to Make Sufficient Gasoline Available to Assure Visitors to Delaware's Recreational Areas of a Supply for the Summer of 1979.

HCR 48 was adopted by voice vote and sent to the Senate for concurrence.

Representative Kelly moved to lift the roll call on SJR 13. The motion was seconded by Representative Gordy and adopted by voice vote.

SJR 13 - Directing the State Highway Division to Take Necessary Steps to Notify the Traveling Public that I-95 Still Exists and Can Be Used as Originally Intended.

The roll call on SJR 13 was revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 21.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Fallon, Free, Harrington, Maroney, McBride, McKay, Neal, Roy, Sincok, Smith, Vernon - 15.

NOT VOTING: Representatives Hebner, Oberle, Petrilli, Powell, Riddagh - 5.

Therefore, having received a constitutional majority, SJR 13 was returned to the Senate.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson introduced and brought HB 385, co-sponsored by Representative Powell and Senators Sharp and Kearns, before the House for consideration.

HB 385 - An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Making Repairs to the Stanton Underpass.

The roll call on HB 385 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, West, Mr. Speaker Ferguson - 34.

NO: Representatives Burris, Fallon, Maroney, Vernon - 4.

NOT VOTING: Representatives Hebner, Smith - 2.

ABSENT: Representative McBride - 1.

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

Representative Bennett brought HR 56 before the House for consideration.

HR 56 - Memorializing the Delaware Congressional Delegation to Demand that Conrail Live up to Its Announcement that it was Moving its Switching Operations from Dover to Harrington to Relieve the Residential Community Along New Burton Road of the Nocturnal Bumping and Grinding of Railroad Cars.

The roll call on HR 56 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gordy, Harrington, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 34.

NO: Representative Loughney - 1.

NOT VOTING: Representative Gilligan - 1.

ABSENT: Representatives Cain, Hebner, McBride, Roy, West - 5.

Therefore, having received a constitutional majority, HR 56 was adopted.

Representative Holloway introduced and brought HR 57 before the House for consideration.

HR 57 - Respectfully Requesting the Board of Directors and President James Harding of the Delaware Division to Reconsider Decision Concerning the Treatment of Inmates from the Delaware Correctional Center at Smyrna, Delaware.

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

Representative Holloway moved to strike HR 57. Without objection, HR 57 was stricken.

Representative Gordy moved to recess for caucus at 3:59 p.m.

The House was called to order at 5:23 p.m.

Representative Gilligan introduced and brought SCR 19, co-sponsored by Senator Cicione and Representative Gilligan, before the House for consideration.

SCR 19 - Extending the Congratulations of the General Assembly to Denise Elderkin, a McKean High School Senior, for winning First Place in the Distributive Education Clubs of America Statewide Competition in Creative Marketing.

SCR 19 was adopted by voice vote and returned to the Senate.

Representative Maxwell introduced and brought HR 58, co-sponsored by Representatives Matushefske and Jonkiert, before the House for consideration.

HR 58 - Requesting the Department of Energy to Make Either 1972 or 1978, at the Dealers' Discretion, the Allocation Base Year for Distribution of Gasoline to the Service Stations.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Michael A. Fusco from the Delaware Service Station Dealers Association.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Thomas Anderson, Executive Director of the Delaware Service Station Dealers Association.

HR 58 was adopted by voice vote.

Representative Ambrosino requested the personal privilege of the floor to inform the members of the House of Representatives of a senior from Mt. Pleasant Senior High School, Miss Diane Pascal who will accompany Isaacs Stern, a renowned violinist, in Washington D.C., this evening. She will be one of eight in a chamber orchestra. (Transcript of tape of Representative Ambrosino's remarks will be made a part of the minutes upon their availability.)

Representative West introduced and brought HCR 49 before the House for consideration.

HCR 49 - Supporting a Resolution of the United States Senate Asking President Jimmy Carter to Designate the Week of May 14 through 20, 1979, as National Fishing Week.

HCR 49 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy introduced and brought HR 59, co-sponsored by Representative Clendaniel, before the House for consideration.

HR 59 - Congratulating Representative Charles P. (The Man) West on His 58th Birthday.

HR 59 was adopted by voice vote.

Representative Matushefske moved to lift HB 230 from the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

HB 230 - An Act to Amend Chapter 41, Title 14 of the Delaware Code, to Provide Superintendents of Schools With Subpoena Power in Dealing With Uncooperative Parents.

Representative Matushefske brought HA 1 before the House for consideration. HA 1 to HB 230 was adopted by voice vote.

The roll call on HB 230 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon,

Free, George, Gilligan, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Gordy, Holloway - 2.

Therefore, having received a constitutional majority, HB 230 w/HA 1 was sent to the Senate for concurrence.

Representative Minner moved to recess to the call of the Chair at 5:58 p.m.

27th LEGISLATIVE DAY
1st Session

May 3, 1979

The Speaker called the House to order at 2:27 p.m.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 333 - 3F, 5M.

Revenue & Finance: HB 334 - 5F.

Community Affairs: HB 366 - 6M.

Judiciary: HB 303 - 4F, 2M.

The Majority Leader moved to adjourn at 2:28 p.m., thereby ending the previous legislative day. The House reconvened at 2:28 p.m. A prayer was offered by the Reverend Dr. John T. Randolph from the Wyoming United Methodist Church in Wyoming, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

Mr. Speaker Ferguson reassigned HB 377 to the Banking and Insurance Committee.

Representative Harrington requested that the following communication be made a part of the record:

House of Representatives
State of Delaware
Legislative Hall
Dover, DE 19901

May 3, 1979

The Honorable John P. Ferguson
Speaker of the House
Legislative Hall
Dover, DE 19901

Dear Mr. Speaker:

It is hereby requested that my name be removed as a sponsor on House Bills 84 and 107 and that this communication be made a part of

the record.

Very truly yours,

Michael J. Harrington
Representative, 31st District

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

University of Delaware
Newark, Delaware 19711

May 1, 1979

Representative William Gordy
House of Representatives
Legislative Hall
State of Delaware
Dover, DE 19901

Dear Bill:

Enclosed is a copy of a newsletter that goes to all of the "Land Grant" universities in the United States. As you can see, the Resolution that you sponsored is featured in this issue. It looks now like we are favorably influencing the Agricultural Appropriations Committees of the House and Senate, and we probably will get about a seven-percent increase over the present fiscal year funding.

Thank you, and all of our friends in the House and Senate, for this show of support for programs important to our state.

Sincerely,
D. F. Crossan, Dean and Director

The Senate wishes to inform the House that it has passed: SB 21 w/SA 1; SB 2; SB 153 w/SA 1; HB 385; HB 111 w/HA 1,2.

The Senate wishes to inform the House that it has defeated: HCR 48.

Representative McKay brought HB 61 before the House for consideration.

HB 61 - An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to the Definition of Public Servant.

Representative McKay requested and was granted the privilege of the floor for House Attorney, Michael Rich.

The roll call on HB 61 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Ambrosino, Anderson, Cain, Loughney - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 61 was sent to the Senate for concurrence.

Representative Gordy requested that SR 42, sponsored by Senator Cordrey, be read into the record:

SR 42 - Requesting the House of Representatives to Return Senate Bill No. 178 to the Senate.

WHEREAS, Senate Bill No. 178 was passed by the Senate of the 130th General Assembly on April 5, 1979; and

WHEREAS, Senate Bill No. 178 was then sent to the House of Representatives where it has been pending before the House for a vote; and

WHEREAS, because of defections in the bill the Senate wished to reconsider the bill,

NOW THEREFORE:

BE IT RESOLVED that the Senate hereby requests the House of Representatives to return Senate Bill No. 178, passed by the Senate on April 5, 1979, for further consideration.

BE IT FURTHER RESOLVED that this bill be delivered to the Senate by the Bill Clerk without delay.

Therefore, in accordance with SR 42, the House returned SB 178 to the Senate for reconsideration.

Representative T. Brady brought HB 173 - HA 1 before the House for consideration.

Representative T. Brady moved to strike HB 173 - HA 1. Without objection, HB 173 - HA 1 was stricken.

Representative Plant brought SB 123 w/SA 1 before the House for consideration.

SB 123 - 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 and Relating to Residency of Commissioners, Time and Place of Annual Elections, Meeting of Commissioners, Authority of Commissioners, and Authority to Borrow Money.

The roll call on SB 123 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Ambrosino - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 123 w/SA 1 was returned to the Senate.

Representative T. Brady introduced and brought HR 60 before the House for consideration.

HR 60 - Welcoming General Doroteo Monterroso, The Guatemalan Ambassador to the United States, to Delaware on May 8 When He Will be the Principal Speaker at the Annual Dinner of Sister Cities of Wilmington Inc.

HR 60 was adopted by voice vote.

Representative Holloway introduced and brought HR 61 before the House for consideration.

HR 61 - Requesting the Secretary of Administrative Services to Take Immediate Steps to Repair a Leak in the Roof and/or Cupola of Legislative Hall.

The House recessed at 3:03 p.m. for the purpose of changing the audio tape and reconvened at 3:05 p.m.

HR 61 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 386 - GORDY, SENATOR LITTLETON - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 24 of the Delaware Code, Relating to the Rendering of Medical, Surgical or Health Services by Persons Who are Members of Organized Emergency Programs.

HB 387 - GORDY, CAIN, MAXWELL, BURRIS, HEBNER, SINCOCK, OBERLE, PETRILLI, POWELL - HOUSE ADMINISTRATION: An Act to Amend Chapter 69, Title 29 of the Delaware Code, by Adding Definitions of Government Unit, Public Works Contract, Public Funds, Public Building and Subcontractor, and by Adding Requirements for Advertising, Preparation and Submission of Bid Invitations and Awarding of Contracts and Listing of Subcontractors.

HB 388 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - COMMUNITY AFFAIRS: An Act to Amend Chapter 67, Title 9 of the Delaware Code, Relating to the Lien of Service Charges on Real Estate for Sanitary Sewer or Water Districts in Sussex County.

HB 389 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - COMMUNITY AFFAIRS: An Act to Amend Chapter 61, Title 9 of the Delaware Code, Relating to Aid for Maintenance of Public Dumping Areas.

HB 390 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - JUDICIARY: An Act to Amend Chapter 23, Title 10 of the Delaware Code, Relating to the Deposit of Monies by the Prothonotary.

HB 391 - GORDY, CLENDANIEL, WEST, BURRIS, FALLON, VERNON; SENATORS CORDREY, ADAMS, LITTLETON - EDUCATION: An Act to Amend Chapter 19, Title 14 of the Delaware Code, Increasing the Penalty for School Tax Delinquencies in Kent County and Sussex County.

HB 392 - BENNETT, VERNON - LABOR & COMMERCE: An Act to Amend Subchapter I, Chapter 33, Title 19, Delaware Code, Relating to the Turnaround Time for Filing Claims for Unemployment Benefits.

HB 393 - MATUSHEFSKE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26, of the Delaware Code, Relating to Approval or Disapproval of Utility Rates by the General Assembly by Joint Resolution.

HB 394 - MCBRIDE - JUDICIARY: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code, Relating to Criminal Procedures; and Providing for Expungement Under Certain Circumstances.

HB 395 - KELLY - EDUCATION: An Act to Amend Chapter 13, Title 14 of the Delaware Code, Relating to Absence of Teachers and Other School Employees from Employment Because of Death in the Immediate Family.

HB 396 - T. BRADY, JONKIERT, GEORGE, FREE, HOLLOWAY, PLANT; SENATORS HOLLOWAY, MCDOWELL, MARSHALL - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21, of the Delaware

Code, Relating to Emergency Vehicles.

HB 397 - ROY - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 16 of Title 2, Delaware Code, to Provide for the Payment of Subsidies by Certain Political Subdivisions of the State to Local Transportation Authorities.

HB 398 - VERNON - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, Relating to The Realty Transfer Tax.

HB 399 - PETRILLI, FREE, CONNOR, POWELL, VERNON; SENATORS ARNOLD, KNOX - HOUSE ADMINISTRATION: An Act Relating to a Temporary Change in the Observance of Memorial Day.

HB 400 - RIDDAGH - REVENUE & FINANCE: An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code, Relating to State Taxes; and Providing an Exemption from the Retail and Wholesale Merchant's Taxes for Certain Persons.

HS 1 for HB 137 - BENNETT, MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Title 26 of the Delaware Code, Relating to Public Utilities and Providing for an Underground Utility Damage Prevention and Safety Act.

HA 3 to HB 207 - GILLIGAN - Placed with the bill.

HA 1 to HB 338 - OBERLE - Placed with the bill.

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

SB 2 - ZIMMERMAN - CONSTITUTION: An Act Concurring in a Proposed Amendment to Article 8 of the Constitution to Provide for a Three-Fifths Vote of the General Assembly to Enact Laws Authorizing an Increase in the Rate of Taxes and License Fees; to Provide an Exception Thereto for Laws Authorizing an Increase in the Rate of Taxes and License Fees to Satisfy the State's Pledge of its Faith and Credit for the Payment of Principal of and Interest on Debt After Provision Has Been Made Annually for Such Payment; and to Provide for the Allocation of Public Moneys to Make Such Payments. (2/3 bill)

SB 21 w/SA 1 - MCCULLOUGH, HUGHES - JUDICIARY: An Act to Amend Title 21, Delaware Code, by Adding a New Chapter 70 Relating to Stopping, Standing or Parking in Designated Fire Lanes and Areas Essential to Fire Safety and Providing Penalties Therefor. (2/3 bill)

SB 153 w/SA 1 - CICIONE, SHARP, ARNOLD, HUGHES; REPRESENTATIVES KELLY, MAXWELL, POWELL, OBERLE - EDUCATION: An Act to Amend Chapter 7 and Chapter 27, Title 14 of the Delaware Code, Relating to the Free Public Schools; and Providing Procedures for Suspension, Expulsion and Readmission of Pupils.

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

The House was called to order at 5:52 p.m.

Representative Matushefske introduced and brought HCR 50 before the House for consideration.

HCR 50 - Requesting the Newspapers of this State to Refrain from Publishing References to Unproven Criminal Charges in Obituaries and Other Family Announcements.

HCR 50 was adopted by voice vote and sent to the Senate for concurrence.

Representative West introduced and brought SCR 20, co-sponsored by Senator Adams and Representative West, before the House for consideration.

SCR 20 - Establishing a State Police Pension Reform Committee.

SCR 20 was adopted by voice vote and returned to the Senate.

Representative Plant brought SB 124 before the House for consideration.

SB 124 - An Act to Amend Chapter 144, Volume 41, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frankford," As Amended, by Changing the Dates of the Fiscal Year.

The roll call on SB 124 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority of at least two thirds members of the House, SB 124 was returned to the Senate.

Representative George requested that HB 282 be deferred until Tuesday, May 8, 1979.

Representative Plant brought HB 322 before the House for consideration.

HB 322 - An Act to Amend Chapters 43 and 45, Title 10, and Chapter 5, Title 11, Making it a Criminal Offense for an Employer to Subject an Employee to Discharge or Penalty on Account of Absence from Employment to Attend Judicial or Administrative Proceedings as a Witness or Juror.

Representative Plant brought HA 1 before the House for consideration. HA 1 to HB 322 was adopted by voice vote.

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

Representative Maxwell rose on a point of order. Mr. Speaker concurred.

The roll call on HB 322 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, West, Mr. Speaker Ferguson - 35.

NO: Representatives Bennett, Hebner, Vernon - 3.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Burris, Holloway - 2.

Therefore, having received a constitutional majority, HB 322 w/HA 1 was sent to the Senate for concurrence.

Representative Plant brought HB 255 before the House for consideration.

Representative Plant moved to place HB 255 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Morris brought HB 283 before the House for consideration.

HB 283 - An Act to Amend Chapter 7, Subchapter 1, Title 7, of the Delaware Code, Relating to Methods of Hunting for Disabled Persons.

The roll call on HB 283 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Holloway, Loughney - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 283 was sent to the Senate for concurrence.

Representative Matushefske moved to lift HB 226 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske brought HA 1 before the House for consideration.

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

Representative Matushefske moved to suspend the rules requiring a synopsis on certain amendments. The roll call on the motion was taken and revealed:

YES: Representatives Cain, Jonkiert, Kelly, Matushefske, Minner, Oberle, Plant, Mr. Speaker Ferguson - 8.

NO: Representatives Burris, Clendaniel, Darling, Fallon, Free, George, Gordy, Harrington, Hebner, Loughney, Maxwell, McBride, McKay, Morris, Neal, Petrilli, Powell, Riddagh, Roy, Sincock, West - 21.

NOT VOTING: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cathcart, Connor, Gilligan, Maroney, Smith, Vernon - 11.

ABSENT: Representative Holloway - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Matushefske moved to place HB 226 - HA 1 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Harrington brought HB 256 before the House for consideration.

HB 256 - An Act to Amend Title 21 of the Delaware Code, Relating to Motor Vehicles; and Providing "In-Transit" Plates for Certain Types of Construction Equipment.

The roll call on HB 256 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Holloway, West - 2.

Therefore, having received a constitutional majority, HB 256 was sent to the Senate for concurrence.

Representative Minner brought HB 59 before the House for consideration.

HB 59 - An Act to Amend Chapters 41 and 45 of Title 21, Delaware Code, Relating to Combination of Vehicles Used for Transportation of Motor Vehicles.

The roll call on HB 59 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Gordy, Holloway, Matushefske - 3.

Therefore, having received a constitutional majority, HB 59 was sent to the Senate for concurrence.

Representative Minner brought HB 128 before the House for consideration.

HB 128 - An Act to Amend Subchapter VII of Chapter 5, Title 11, Delaware Code, Relating to Cruelty to Animals.

The roll call on HB 128 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Gordy, Holloway - 2.

Therefore, having received a constitutional majority, HB 128 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Revenue & Finance: HB 45 - 3F, 2M.

Banking & Insurance: HB 377 - 1F, 3M.

Representative Gordy moved to recess to the call of the Chair at 6:55 p.m.

28th LEGISLATIVE DAY 1st Session

May 8, 1979

The Speaker called the House to order at 2:50 p.m.

The Majority Leader moved to adjourn at 2:50 p.m., thereby ending the previous legislative day. The House reconvened at 2:51 p.m. A prayer was offered by The Reverend Ron David from the Epworth Fellowship Church in Laurel, Delaware

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Kelly - 1.

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

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

House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19901

May 5, 1979

The Honorable Pierre S. du Pont, IV
Governor of Delaware
State Office Building
Wilmington, Delaware 19801

Dear Governor du Pont:

Enclosed is a copy of a Saturday morning, May 5, 1979 new article dealing with Title XX monies. When I read the article, I was shocked and, frankly, angry as hell, because you and I know there are many people in Delaware who are in need - young and old, black and white, and indeed citizens throughout our population.

I believe I have been very patient for several years, about AFDC, general assistance, needs of the elderly, etc., and the serious human services problems that we have here in Delaware. It seems to me I am bound to be upset to read this article and find that Dr. Patricia Schramm, Secretary of the Department of Health and Social Services, one of the most important and sensitive departments in State government, is so cold and insensitive to the needs which could be met under Title XX. It is my opinion that Dr. Schramm is a planner, not a person with the sensitivity to people that is so essential in her present job. Her statement that federal allocations for the poor are irresponsible and foolish on the part of the Federal Government, for putting money into the various communities, and that to distribute these monies is an administrative headache - certainly makes one wonder.

And to find that other States receiving these same monies have already planned how to spend their allocations, brings me to one conclusion - that is, Dr. Schramm is not the person to be Secretary of a department as vital to the people in this State as the Department of Health and Social Services. I am sure, with her brain power and technical know-how, there are other places in State government where she could better serve, and not hamper the proper functioning of State Government - which must go on for those in need.

Based on a reading of this article, it is clear to me that Dr. Schramm should not have the jurisdiction of underprivileged folks, and it appears some members of the Planning Panel appointed by her, share her coldness and insensitivity to the poor, since other States have proceeded with preparing to spend this type of money and Delaware is still twiddling its thumbs - with all the human-service problems we are faced with in this, the First State.

Our elderly need prescriptions that need to be filled, eyeglasses, transportation, food, and so on. For all of these things, I believe Title XX monies could be used; and the idea of turning back half a million

dollars of federal funds, with all the problems we have in this State, turns my stomach.

Having Dr. Schramm call Federal dollars coming into this State irresponsible and foolish seems to me enough to justify a change in the Department of Health and Social Services at the very top. And if you, Governor, share Dr. Schramm's insensitivity and cold attitude towards the poor, I think you should consider resigning your post also. Governor, as hard as I have worked for the poor and underprivileged in this State, to pick up the newspaper and see this enclosed article makes me feel outraged and angry as hell.

I am respectfully requesting some immediate action on this matter by you. It is my opinion that if this were a black administrator in the same position being quoted as Dr. Schramm was quoted, there would be no hesitation in taking action against that individual.

Finally, it would appear to me that Dr. Schramm and the persons around her should at all times be seeking monies to take care of the needs of those persons who fall under their jurisdiction; but instead it seems the opposite is taking place. I look forward to your immediate reply.

Sincerely,

Al O. Plant, Sr., Representative
2nd Representative District.

Representative Oberle requested the following communication be read into the record:

State of Delaware
Department of Justice
State Office Building
820 N. French Street, 8th Floor
Wilmington, De 19801

April 18, 1979

Honorable William A. Oberle, Jr.
State Representative
House of Representatives
State of Delaware
Legislative Hall
Dover, DE 19901

Re: Appointment of Members to Boards of Education Under Board of Education Reorganization Plan; Opinion No. 79-1012

Dear Representative Oberle:

You have asked for the Opinion of this Office regarding whether the membership of the New Castle County Board of Education ("NCCBE") must succeed to positions on the boards of education of districts which would be created if the General Assembly enables the State Board of Education to reorganize the New Castle County School District ("NCCSD"). For the reasons set out below, we conclude that present State statutes do not require such succession.

(A)

The NCCSD and NCCBE were established pursuant to a federal court

desegregation remedy order on January 9, 1978. In its order, the Court reviewed relevant Delaware Statutes and ordered those provisions inconsistent with its order to be inapplicable to the new district. The January, 1978 Order did not affect Sections 1026(b), 1028(b), and 1066(b) of Title 14.

Fourteen Del. C. Section 1028(b) requires that:

division, except in the case of the division of a reorganized vocational-technical school district, shall be by referendum

Section 1028(b) then requires that the required referendum shall be conducted pursuant to the procedures set forth in 14 Del. C. Section 1026(b). Section 1026(b) describes the notice requirements and voter qualifications for reorganization referenda.

Fourteen Del. C. Section 1066(b) is the school board member succession statute in Delaware. It requires that:

[a]ny member of the previously existing school board . . . shall continue to serve out his term for which he was elected or appointed in the divided school district as a member of the school board of the school district resulting from such division in which he resides.

Since it was not declared inconsistent with the January, 1978 Order, section 1066(b) must be closely examined for its applicability to the NCCBE. The NCCBE was not elected pursuant to a school referendum. Therefore, NCCBE members must have been "appointed" as that term is contemplated under Title 14 in order that the Section 1066(b) succession requirement apply.

Fourteen Del. C. Section 1051 requires that "[s]chool board members shall be elected by the qualified voters of the respective reorganized school districts, except as may otherwise be provided by Sections 1061, 1062, 1063, 1064, 1065, and 1066" These Code sections enumerate the method of initial appointment which permit later succession. Appointment to membership on the board of district created pursuant to a desegregation remedy order is not such a method.

We conclude, therefore, that the applicable provisions of Title 14 of the Delaware Code do not require that the present membership of the NCCBE succeed to positions on new district boards which would be created pursuant to reorganization of the NCCSD.

(B)

The State Board of Education has accepted the invitation of the Third Circuit Court of Appeals that:

"[s]tate authorities are still invited, nay, urged, to come forward with meaningful solutions to (the) vexing problem (of school desegregation.)" *Evans v. Buchanan*, 582 F.2d 750, 781 (1978; recited at p. iv, "Plan for the Division of the New Castle County School District into Four School Districts. ('Plan')".

On November 28, 1978, the State Board of Education approved a portion of the "Plan" which would amend 14 Del.C. Section 28 by adding a new paragraph (k). This new statutory provision would, if enacted, create a "school district," establish new district boundaries, and exempt the reorganization of the NCCSD from referendum. A further subsection would require the following:

The boards of education of school districts resulting from the division authorized by this subsection shall be established in accordance with Section 1066 of this Title.

This provision, if enacted, would enable present NCCBE members to succeed to positions on new district boards by making the Section 1066 succession clause specifically applicable to them.

In summary, the "Plan" would statutorily allow NCCBE members to succeed to positions on new district boards by specific statutory amendment. We have concluded, however, that without such amendment, succession is not legally required.

If I may answer any questions you have concerning this response, please do not hesitate to contact me.

Sincerely,

Roger A. Akin
Deputy Attorney General

APPROVED: Richard S. Gebelein, Attorney General

The Senate wishes to inform the House that it has passed: SR 42;
HCR 49; SB 75 w/SA 1.

The following prefiled legislation was introduced:

HB 401 - CATHCART, FERGUSON (Joint Sponsors), MATUSHEFSKE, SENATOR ARNOLD - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Reimbursing Parents or Guardians of Students for Pupil Transportation Cost.

HB 402 - GILLIGAN, CAIN, BURRIS, MAXWELL - REVENUE & FINANCE: An Act to Amend Chapter 20, Title 30, Delaware Code, to Provide Tax Credits Against Corporation Income Taxes and a Reduction in Manufacturers and Wholesalers Gross Receipts Taxes to Persons Developing New Business Facilities and Creating Additional Jobs Within Delaware.

HB 403 - SINCOCK - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Imposing Fees for Late Renewals of Vehicle Registration Fees.

HB 404 - MAXWELL, T. BRADY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 2, Title 24 of the Delaware Code, Relating to Landscape Architects.

HB 405 - MAXWELL, CAIN, SINCOCK, BURRIS - HOUSE ADMINISTRATION: An Act to Amend Chapter 29, Title 29 of the Delaware Code, to Require the State Auditor to Conduct a Post-Audit of the Financial Transactions of Grant-In-Aid Recipients.

HB 406 - PETRILLI, MINNER - HOUSE ADMINISTRATION: An Act to Amend Chapter 1, Title 1, Delaware Code, by Providing Free Copies of the Code to Public Libraries.

HB 407 - FALLON, HEBNER - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code, Relating to the Issuance of Temporary Instruction Permits Prior to Age 16.

HB 408 - POWELL - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 7, Title 24 of the Delaware Code, Relating to Chiropractic Examiners and the Practice of Chiropractic.

HB 409 - HARRINGTON, BURRIS, MCKAY, HEBNER, RIDDAGH, FALLON, SINCOCK, ROY, MARONEY; SENATOR ARNOLD - CONSTITUTION: An Act Proposing an Amendment to the Constitution

of the State of Delaware to Provide for Initiative by the People. (2/3 bill)

HA 1 to HB 335 - SINCOCK, GILLIGAN - Placed with the bill.

HA 1 to HB 379 - T. BRADY - Placed with the bill.

SB 75 w/SA 1 - MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 12, Title 17 of the Delaware Code, Relating to the Regulation of Junkyards.

HA 1 to SB 146 - MAXWELL - Placed with the bill.

Representative Matushefske moved to suspend the rules for the purpose of acting on HB 81.

The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Gilligan, Jonkiert, Loughney, Matushefske, McBride, Mr. Speaker Ferguson - 7.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, Darling, Free, Gordy, Harrington, Hebner, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Powell, Riddagh, Roy, Sincock, Vernon, West - 25.

NOT VOTING: Representatives Ambrosino, Cathcart, Fallon, Holloway, Petrilli, Smith - 6.

ABSENT: Representatives George, Kelly, Plant - 3.

Therefore, not having received a constitutional majority, the motion was defeated and the rules were not suspended.

Representative Gordy moved to recess for Committee hearings at 3:24 p.m.

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

Representative George brought HB 282 - HA 1 before the House for consideration.

Representative George moved to place HB 282 - HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ambrosino brought HB 220 before the House for consideration.

Representative Ambrosino introduced and brought HA 1 before the House for consideration. HA 1 to HB 220 was adopted by voice vote.

Representative Ambrosino requested and was granted the privilege of the floor for Detective Corporal Carl B. Kent from the Investigative Strike Force of the Delaware State Police.

Representative Sincock rose on a point of order.

Representative Jonkiert rose on a point of order.

The roll call on HB 220 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

NO: Representative Plant - 1.

NOT VOTING: Representatives Gordy, Holloway - 2.

ABSENT: Representatives Free, Kelly - 2.

Therefore, having received a constitutional majority HB 220 w/HA 1 was sent to the Senate for concurrence.

The Chief Clerk read the following committee reports into the record:

Public Safety: HB 269 - 3M; HB 259 - 3M; HB 266 - 3M; HB 258 - 3M; HB 332 - 3M; HB 360 - 4M.

House Administration: HB 399 - 2M, 3U; HB 268 - 3F, 2M; HB 383 - 5M.

Administrative Services: HB 357 - 5M.

Judiciary: HB 280 - 2F, 4M.

Representative Gordy moved to recess to the call of the Chair at 6:13 p.m.

29th LEGISLATIVE DAY
1st Session

May 9, 1979

The Speaker called the House to order at 2:20 p.m.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m. A prayer was offered by the Reverend Ron David from the Epworth Fellowship Church in Laurel, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 50; SJR 14; SB 81; SCR 24, SCR 23.

The following prefiled legislation was introduced:

HB 410 - CLENDANIEL, GORDY, SENATOR ADAMS - AGRICULTURE: An Act to Amend Title 3 of the Delaware Code, by Adding a New Chapter Relating to Agricultural Commodities Development. (2/3 bill)

HB 411 - LOUGHNEY - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 30, Delaware Code, Relating to License Requirements, License Fee and an Additional Fee on Aggregate Gross Receipts.

HB 412 - GILLIGAN, BENNETT, AMBROSINO, HARRINGTON; SENATORS CICIONE, HOLLOWAY, LITTLETON - APPROPRIATIONS: An Act to Amend An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980.", to Amend Related Statutory Provisions.

HB 413 - GILLIGAN, SENATOR CICIONE - APPROPRIATIONS: An Act Authorizing the State Board of Education to Transfer Funds from the Public to the NonPublic Pupil Transportation Allocations for Fiscal Year 1979.

HB 414 - NEAL - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Making Repairs to West Chestnut Hill Road.

HB 415 - MAXWELL, ROY, POWELL - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to

Unemployment Compensation, to Provide for Reimbursement by Electing Non-Profit Organizations and Public Employers.

HB 416 - MAXWELL, ROY, POWELL - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 417 - ROY, SENATOR SHARP - HOUSE ADMINISTRATION: An Act Authorizing a Pension for Helen M. Bunting, a Former Employee of the Stanton School District.

HB 418 - ROY - JUDICIARY: An Act to Amend Subchapter I, Chapter 1, Title 13, Delaware Code, Relating to Solemnization of Marriages.

HB 419 - BURRIS, T. BRADY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 31, Title 16 of the Delaware Code, Relating to the Issuance of Birth Certificates.

HJR 14 - CAIN - EDUCATION: Directing Each of the Public School Conferences to Schedule Games Between Teams Representing Public Schools and Teams Representing Delaware Non-Public Schools.

HA 2 to HB 143 - W. BRADY - Placed with the bill.

HA 2 to HB 343 - GILLIGAN - Placed with the bill.

SB 81 - CICIONE, REPRESENTATIVES MAXWELL, KELLY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 4 of the Delaware Code, Relating to Licenses for Sales of Alcoholic Liquors to be Consumed Off-Premises.

SJR 14 - CICIONE - HOUSE ADMINISTRATION: Requesting the Governor to Secure an Advisory Opinion from the Supreme Court Concerning the Constitutionality of Senate Concurrent Resolution No. 47, Enacted by the 126th General Assembly.

Representative Minner introduced and brought SCR 23, co-sponsored by Senator Adams and Representative Minner, before the House for consideration.

SCR 23 - Congratulating Linda Gray, of Milford, Upon Her Selection by the Delaware Janecees as the Outstanding Young Woman of the Year.

SCR 23 was adopted by voice vote and returned to the Senate.

Representative Roy introduced and brought SCR 24, co-sponsored by Senators Arnold and Sharp and Representatives Roy and Powell, before the House for consideration.

SCR 24 - Congratulating the Dickinson High School Color Guard and Twirling Corps on Their Recent Victory in the Regional Championships.

SCR 24 was adopted by voice vote and returned to the Senate.

Representative Maxwell introduced and brought HCR 51, co-sponsored by Senator Murphy, before the House for consideration.

HCR 51 - Requesting the Division of Social Services of the Department of Health and Social Services to Fully Implement Without Delay the Provisions of House Bill 303 of the 129th General Assembly, also Known as Chapter 334, Volume 61, Laws of Delaware, Relating to the Custody, Care and Treatment of Delinquent, Neglected and Dependent Children.

Representative Maxwell moved to place HCR 51 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Morris introduced and brought SCR 21, co-sponsored by Senator Murphy and Representatives Morris, Bennett, Darling and

Minner, before the House for consideration.

SCR 21 - Expressing Congratulations to Caesar Rodney High School on Being the Overall Winner at the Delaware Science Olympiad Held at Delaware State College, Dover, on Saturday, April 28, 1979.

SCR 21 was adopted by voice vote and returned to the Senate.

The Reading Clerk read the following communication into the record:

May 9, 1979

Pursuant to the provisions of Senate Concurrent Resolution No. 20, which has passed both Houses of the General Assembly, I hereby appoint Rep. Robert F. Gilligan and Rep. Robert S. Powell to serve on the State Police Pension Reform Committee created by said resolution.

John P. Ferguson, Speaker of the
House of Representatives

Representative Gordy moved to recess for party caucus at 2:45 p.m.

The House was called to order at 5:10 p.m.

Representative West brought HB 39 before the House for consideration.

Representative West moved to place HB 39 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy brought HB 180 before the House for consideration.

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

Department of Justice
Washington D. C. 20530

27 February, 1979

Honorable Don Edwards, Chairman
Subcommittee on Civil and Constitutional Rights
House Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter of February 21, 1979, requesting our views on the constitutionality and validity of bills apparently pending in the legislatures of several States which purport to "withdraw" prior ratifications of the proposed Equal Rights Amendment by those States if that proposed amendment is not ratified by the requisite number of States by March 22, 1979. For reasons set forth more fully in our opinion to the Counsel to the President of October 31, 1977 and in our testimony before your Subcommittee on November 1, 1977, we do not believe that State legislatures may "withdraw" ratifications of the proposed Equal Rights Amendment.

In our October 31 opinion, we concluded — after examination of relevant historical precedent and case law — that States may not rescind a ratification of a proposed amendment. We went on to say that applicable case law rejected the proposition that States, rather than Congress, are to have the final say concerning whether an amendment

has been ratified within a 'reasonable' time. It follows from these conclusions that a State's attempt to "withdraw" a prior ratification would not have legally binding effect on the 96th or 97th Congresses should either of them have occasion to decide whether the proposed Equal Rights Amendment has become part of the Constitution. */ When the 95th Congress adopted H.J. Res. 638, it necessarily decided that a period of slightly more than ten years was "reasonable" for the States to consider ratification of the proposed Equal Rights Amendment. It is our firm view that no State legislature may constitutionally set aside that judgment of the Congress by either "withdrawing" or "rescinding" a prior ratification.

Sincerely,

John M. Harnon
Assistant Attorney General
Office of Legal Counsel

*/ Our letter to Chairman Bayh of the Subcommittee on the Constitution of the Senate Committee on the Judiciary of September 14, 1978 discusses this issue as well as other related issues. A copy of that letter is attached.

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

The roll call on HA 1 to HB 180 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, McKay, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 32.

NO: Representatives Anderson, Bennett, Cain, Holloway, Matushefske, Maxwell, McBride, Neal, Plant - 9.

Therefore, having received a constitutional majority, HA 1 to HB 180 was adopted.

Representative Darling introduced and brought HA 2 before the House for consideration. HA 2 to HB 180 was adopted by voice vote.

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

Representative Gordy moved to place HB 180 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on SB 229. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy brought SB 229, co-sponsored by Senators Cordrey, Sharp, McCullough, Adams, Cicione, Cook, Holloway, Kearns, Marshall, Martin, McDowell, Zimmerman, Arnold, Littleton, Hughes and Representatives Gordy, Ferguson and Minner, before the House for consideration.

SB 229 - A Capital Improvement Act of the State of Delaware Authorizing the Issuance of Obligations to Finance the Reconstruction and Resurfacing of Roads and Bridges, Appropriating the Proceeds to the Department of Transportation for Application to Such Purposes, and

Temporarily Revoking Certain Authority of the State and the Department of Transportation to Contract for Capital Improvements Previously Authorized to be Funded from the Proceeds of Obligations and to Issue Bonds with Respect Thereto. (3/4 bill)

Representative Burris requested and was granted the privilege of the floor for Kermit Justice, Secretary of Transportation.

Representative Burris rose on a point of order.

Representative Burris introduced and brought HA 1 to SB 229, co-sponsored by Representative Hebner, before the House for consideration.

Representative George rose on a point of order.

Representative Gordy moved to place HA 1 to SB 229 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Kelly, Loughney, Maxwell, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 20.

NO: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 19.

ABSENT: Representatives Ambrosino, Matushefske - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HA 1 to SB 229 remained before the House.

Representative George rose on a point of order.

Representative Burris rose on a point of order.

Mr. Speaker ruled that HA 1 to SB 229 was not properly brought before the House because it did not have an adjusted debt statement. Therefore, HA 1 to SB 229 was no longer considered before the House.

The roll call on SB 229 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

NO: Representative Connor - 1.

ABSENT: Representatives Ambrosino, Matushefske - 2.

Therefore, having received a constitutional majority of at least three quarters members of the House, SB 229 was returned to the Senate.

Representative Gilligan requested that he be removed from the State Police Pension Reform Committee. Mr. Speaker appointed Representative Matushefske to replace Representative Gilligan on the Committee.

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

30th LEGISLATIVE DAY
1st Session

May 10, 1979

The Speaker called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by the Reverend Ron David from Epworth the Fellowship Church in Laurel, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative McKay - 1.

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

Representative Plant introduced and brought HR 62 before the House for consideration.

HR 62 - Expressing Our Appreciation and Respect to our Senior Citizens as we Observe Older Americans Month.

HR 62 was adopted by voice vote.

Representative Plant introduced and brought HR 63 before the House for consideration.

HR 63 - Requesting the Delaware Congressional Delegation to Oppose any Increase in the Percentage of Gross Income Which Must be Paid to Use Public Housing.

HR 63 was adopted by voice vote.

Representative Gilligan introduced and brought HCR 52, co-sponsored by Representatives Minner, Darling and Bennett and Senators Cook, Arnold and Zimmerman, before the House for consideration.

HCR 52 - Requesting the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control to Provide that Residents of Delaware May Reserve Camp Sites.

HCR 52 was adopted by voice vote and sent to the Senate for concurrence.

Representative Vernon introduced and brought HR 64 before the House for consideration.

HR 64 - Requesting the Division of Historical and Cultural Affairs to Actively Pursue the Assumption of the Historic Lighthouse at Fenwick Island.

HR 64 was adopted by voice vote.

Representative Cathcart introduced and brought HCR 53, co-sponsored by Representative Harrington, before the House for consideration.

HCR 53 - Wishing all of the State's Mothers a Happy and Memorable Mothers' Day on May 13, 1979.

HCR 53 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris introduced and brought HR 65 before the House for consideration.

HR 65 - Commending Boy Scout Troop 278 for Being Hosts to the 5th Annual Handicamporee.

HR 65 was adopted by voice vote.

Representative Holloway introduced and brought HCR 54 before the House for consideration.

HCR 54 - Congratulating United States Senator Joseph R. Biden, Jr. on His Victory in Obtaining the Rebuilding Project for the U.S.S. Saratoga and Three Other Aircraft Carriers for the Philadelphia Navy Yard.

HCR 54 was adopted by voice vote and sent to the Senate for concurrence.

Representative Holloway introduced and brought HR 66 before the House for consideration.

HR 66 - Requesting the United States Senate to Defeat a Resolution Approved by the House of Representatives Which Would End Revenue Sharing for the States for Fiscal 1980.

Representative Riddagh announced that he would not vote on HR 66 because of a conflict of interest.

The roll call on HR 66 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Plant, Powell, Roy, Sincock, Smith, West, Mr. Speaker Ferguson - 34.

NO: Representatives Harrington, Loughney, Neal, Petrilli, Vernon - 5.

ABSENT: Representatives McKay, Riddagh - 2.

Therefore, having received a constitutional majority, HR 66 was adopted.

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

House of Representatives
State of Delaware
Legislative Hall
Dover, DE 19901

May 10, 1979

Residents of Crestview Apartments
28 Market Street
Wilmington, DE

Dear Friends:

Mother's Day is here again and I want to express my appreciation and respect for all of the residents of Crestview Apartments who are Mothers. In my opinion we ought to celebrate Mother's Day every day of the year. We should make some gesture each day to let our Mothers know that we understand what they have done for us, the sacrifices they have made, the years they have given us.

The best way we can show our Mothers our love for them is to be good people, to succeed in the citizenship of life, for no one is ever so proud as a Mother whose child is a success as a person and as a member of the community. This brings joy and warmth to a Mother's heart. So, as we honor our Mothers on Sunday, May 13, can we ask ourselves to live honorably, to work happily to love our neighbor and to pray for the

person who has done so much for us and who has meant to much to us? I know we can.

Respectfully,

A.O. Plant, State Representative

The House recessed at 3:10 p.m. for the purpose of changing the audio tape and reconvened at 3:13 p.m.

The following prefiled legislation was introduced:

HB 420 - MINNER - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 71, Title 16 of the Delaware Code, Relating to Sporting Grade of Propellant Type Black Powder.

HB 421 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 25 and Chapter 67, Title 21 of the Delaware Code, Relating to the Transfer and Selling of Salvages or Total Loss Motor Vehicles and Relating to the Responsibility of the Vehicle Owners. (2/3 bill)

HB 422 - MINNER - PUBLIC SAFETY: An Act to Amend Chapters 3, 21 and 23, Title 21, Delaware Code, to Delete Certain Outdated Requirements and Procedures Pertaining to the Division of Motor Vehicles.

HB 423 - BENNETT - EDUCATION: An Act to Amend Chapter 1, Title 14, Delaware Code, to Provide for a Licensing of Non-Delaware Institutions of Higher Education that Offer Courses, Programs of Courses, or Degrees Within the State of Delaware.

HB 424 - ANDERSON - APPROPRIATIONS: An Act to Make an Appropriation to Kent County and New Castle County as Compensation for Revenues Not Received by Virtue of the Enactment into Law of House Bill No. 8 (Senior Citizen School Tax Exemption). (3/4 bill)

HB 425 - ROY - EDUCATION: An Act to Amend Subchapter III, Chapter 10, Title 14, Delaware Code, Relating to the Election of Vocational-Technical School Board Members.

HB 426 - MATUSHEFSKE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 7, Title 4 of the Delaware Code, Relating to the Regulation of the Sale of Alcoholic Liquors.

HB 427 - MATUSHEFSKE - REVENUE & FINANCE: An Act to Amend Chapter 23, Title 30 of the Delaware Code, to Provide Control Over Special Sales. (2/3 bill)

HA 2 to HB 282 - MATUSHEFSKE - Placed with the bill.

HA 2 to HB 335 - GILLIGAN, SINCOCK - Placed with the bill.

HA 3 to HB 343 - CONNOR - Placed with the bill.

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

SB 181 w/SA 1 - ADAMS, REPRESENTATIVE CLENDANIEL - COMMUNITY AFFAIRS: An Act to Amend Chapter 237, Volume 51, Laws of Delaware, as Amended, Relating to the Charter of the Town of Bridgeville, Providing for Appointments or Elections of Commissioners to Fill Unexpired Terms of Commissioners Who Die in Office or Resign from Office. (3/4 bill)

Representative Gordy moved to lift HB 180 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

HB 180 - An Act to Provide that a Referendum of the Equal Rights Amendment be Held in the November 1980 General Election in Delaware.

Representative Darling brought HA 3 before the House for consideration. HA 3 to HB 180 was adopted by voice vote.

The roll call on HB 180 w/HA 1,2,3 was taken and revealed:

YES: Representatives Cathcart, Clendaniel, Darling, Gordy, Harrington, Hebner, Kelly, Loughney, Oberle, Petrilli, Riddagh, Roy, Vernon, Mr. Speaker Ferguson - 14.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Matushefske, Connor, Fallon, Free, George, Gilligan, Holloway, Maroney, Cain, Maxwell, McBride, Minner, Morris, Neal, Powell, Sincok, Smith - 23.

ABSENT: Representatives Jonkiert, McKay, Plant, West - 4.

Therefore, not having received a constitutional majority, HB 180 w/HA 1,2,3 was declared defeated.

The reading clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 181 w/SA 1; SB 229; HB 160; HJR 13.

May 10, 1979

LEGISLATIVE ADVISORY #12

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
5/9/79 - HB 32 w/SA 1; HB 41.

Representative Loughney moved to lift HB 35 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought HA 1 before the House for consideration. HA 1 to HB 35 was adopted by voice vote.

Representative Vernon moved to place HB 35 w/HA 1 on the Speaker's table. The motion was seconded by Representative Hebner.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, Burris, Cain, Cathcart, Connor, Darling, Free, George, Gordy, Harrington, Hebner, Jonkiert, Kelly, Maroney, Sincok, Smith, Vernon - 16.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Clendaniel, Fallon, Gilligan, Kelly, Loughney, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, West, Mr. Speaker Ferguson - 21.

ABSENT: Representatives Holloway, Matushefske, McKay, Neal - 4.

Therefore, not having received a constitutional majority, the motion to place HB 35 w/HA 1 was declared defeated.

Representative Loughney moved to place HB 35 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Ferguson moved to lift the roll call on HB 84. The motion was seconded by Representative Minner and adopted by voice vote.

HB 84 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to Initiative and Referendum.

The roll call on HB 84 was revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Cain,

Cathcart, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, West, Mr. Speaker Ferguson - 29.

NO: Representatives Bennett, Burris, Free, Harrington, Holloway, Maroney, McKay, Plant, Vernon - 9.

NOT VOTING: Representatives T. Brady, Fallon, Hebner - 3.

Therefore, having received a constitutional majority of at least two thirds members of the House, HB 84 was sent to the Senate for concurrence.

Representative Gordy brought SCR 13 before the House for consideration.

SCR 13 - Fixing May 18, 1979, as Delaware Museum Day as a Part of the National Observance of Museum Day.

SCR 13 was adopted by voice vote and returned to the Senate.

Representative W. Brady brought HB 143 - HA 1,2 before the House for consideration.

Representative W. Brady brought HA 1 before the House for consideration. HA 1 to HB 143 was defeated by voice vote.

Representative W. Brady brought HA 2 before the House for consideration. HA 2 to HB 143 was defeated by voice vote.

Representative Jonkiert requested and was granted the privilege of the floor for N. C. Vasuki from the Delaware Solid Waste Authority.

Representative W. Brady moved to place HB 143 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan introduced HB 428, co-sponsored by Representatives Kelly, Ambrosino, Connor, Maxwell, Matushefske and McBride and Senators Holloway and Berndt.

HB 428 - An Act to Amend Chapter 11, Title 16 of the Delaware Code, Relating to the Public Health and Safety, and Providing for a Uniform Alcoholism and Intoxication Treatment Act.

Mr. Speaker assigned HB 428 to the Health and Social Services Committee.

Representative Roy introduced HB 429, co-sponsored by Representative Neal.

HB 429 - An Act to Amend Title 4 of the Delaware Code, Relating to Consumption of Alcohol Off Premises of Hotel, Restaurant, Club or Store.

Mr. Speaker assigned HB 429 to the Administrative Services Committee.

Representative Gordy moved to recess to the call of the Chair at 5:53 p.m.

31st LEGISLATIVE DAY 1st Session

May 15, 1979

The Speaker called the House to order at 2:04 p.m.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m. A prayer was offered by the Reverend Jesse H. Walker from the Mount Joy United Methodist Church in Wilmington, Delaware

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

The Chief Clerk called the roll.

Members Present: 41.

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

Representative Gordy requested and was granted the privilege of the floor for Mrs. Connie Davis who spoke on behalf of the Stop ERA representation.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 108 w/SA 1,2,3; SB 171 w/SA 1,2; HCR 52; HCR 53; HCR 54.

The following prefiled legislation was introduced:

HB 430 - W. BRADY - APPROPRIATIONS: An Act to Appropriate Funds to the Appoquinimink School District for the Purpose of Purchasing the Townsend Fire Hall.

HB 431 - W. BRADY - JUDICIARY: An Act to Amend Chapter 98, Title 10 of the Delaware Code, Relating to Justice of the Peace Costs.

HB 432 - CLENDANIEL, WEST - HOUSE ADMINISTRATION: An Act to Amend Chapter 6, Title 29 of the Delaware Code, Relating to Identification of State Vehicles.

HB 433 - MAXWELL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code, to Grant a Deduction from Gross Income Taxable Under the Delaware Personal Income Tax Law for Amounts Paid by Residential Sewer Users.

HB 434 - WEST - APPROPRIATIONS: An Act to Make a Supplementary Appropriation to the Department of Public Safety for the Settlement of Litigation Against the State of Delaware.

HA 1 to HB 176 - SINCOCK, OBERLE - Placed with the bill.

HA 1 to HB 297 - GILLIGAN - Placed with the bill.

HA 1 to HB 300 - GILLIGAN - Placed with the bill.

HA 1 to HB 345 - GILLIGAN - Placed with the bill.

HA 1 to HB 398 - VERNON - Placed with the bill.

SB 108 w/SA 1,2,3 - HOLLOWAY - LABOR & COMMERCE: An Act to Amend Subchapter I, Chapter 21, Title 19, Delaware Code, Relating to the Composition of the Industrial Accident Board.

SB 171 w/SA 1,2 - SHARP - PUBLIC SAFETY: An Act to Amend Chapter 29, Title 14 and Chapter 27, Title 21 of the Delaware Code, Relating to the Operation of School Buses and Qualifications of School Bus Drivers.

Representative Minner introduced and brought SCR 16, sponsored by Senator Hughes, before the House for consideration.

SCR 16 - Mourning the Death of Brigadier General James L. Whaley, a Former Leader of the Delaware National Guard.

SCR 16 was adopted by voice vote and returned to the Senate.

Representative Gordy moved to suspend the rules for the purpose of acting on SJR 14. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Gordy brought SJR 14 before the House for

consideration.

SJR 14 - Requesting the Governor to Secure an Advisory Opinion From the Supreme Court Concerning the Constitutionality of Senate Concurrent Resolution No. 47, Enacted by the 126th General Assembly.

The roll call on SJR 14 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 34.

NO: Representatives T. Brady, George, McBride - 3.

ABSENT: Representatives Ambrosino, Kelly, Matushefske, Maxwell - 4.

Therefore, having received a constitutional majority, SJR 14 was returned to the Senate.

Representative McKay introduced and brought HR 67, co-sponsored by Representatives Petrilli and Cain, before the House for consideration.

HR 67 - Requesting that the Speaker of the House Appoint a New Standing Committee of the House of Representatives.

The roll call on HR 67 was taken and revealed:

YES: Representatives T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 24.

NO: Representatives Anderson, Bennett, Darling, George, Holloway, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 13.

NOT VOTING: Mr. Speaker Ferguson - 1.

ABSENT: Representatives Ambrosino, Kelly, Maroney - 3.

Therefore, having received a constitutional majority, HR 64 was adopted.

Representative Bennett introduced and brought SCR 25, co-sponsored by Senator Cordrey and Representative Bennett, before the House for consideration.

SCR 25 - Commending Mrs. Nina Lou Bunting of Lord Baltimore Elementary School, Indian River School District, for Being Selected as Delaware Teacher of the Year for 1979.

SCR 25 was adopted by voice vote and returned to the Senate.

Representative Bennett requested and was granted the privilege of the floor for Nina Lou Bunting, Delaware Teacher of the Year for 1979.

Representative Jonkiert introduced and brought HCR 55, co-sponsored by Senator Holloway, before the House for consideration.

HCR 55 - Commending the Work of the Girls Club of Delaware and Marking the Week of May 13-19, 1979, as Girls Club Week.

HCR 55 was adopted by voice vote and sent to the Senate for concurrence.

Representative T. Brady introduced and brought SCR 26, sponsored by Senator Hughes, before the House for consideration.

SCR 26 - Congratulating Ruth Cann as the First Woman Named to Life Membership on the Advisory Board of the Salvation Army of Delaware.

SCR 26 was adopted by voice vote and returned to the Senate.

Representative Petrilli moved to suspend the rules for the purpose of acting on HB 399. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 399 before the House for consideration.

HB 399 - An Act Relating to a Temporary Change in the Observance of Memorial Day.

The roll call on HB 399 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McKay, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 29.

NO: Representatives Clendaniel, Darling, Gordy, Jonkiert, Matushefske, McBride, Minner, Morris, West, Mr. Speaker Ferguson - 10.

ABSENT: Representatives Anderson, Kelly - 2.

Therefore, having received a constitutional majority, HB 399 was sent to the Senate for concurrence.

Representative Gordy introduced and brought HCR 56 before the House for consideration.

HCR 56 - Congratulating George Shaver Schollenberger on his Election to the Delaware Sports Hall of Fame.

HCR 56 was adopted by voice vote and sent to the Senate for concurrence.

Representative Maxwell brought SB 146 before the House for consideration.

Representative Maxwell brought HA 1 before the House for consideration. HA 1 to SB 146 was adopted by voice vote.

Representative Harrington rose on a point of order.

The roll call on SB 146 w/HA 1 was taken.

Representative Maxwell moved to table the roll call on SB 146 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant brought HB 263 before the House for consideration.

Representative Matushefske introduced and brought HA 1, co-sponsored by Representatives Plant and Anderson, before the House for consideration. HA 1 to HB 263 was adopted by voice vote.

Representative Matushefske introduced and brought HA 2 before the House for consideration.

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

Representative Matushefske moved to strike HA 2. Without objection, HA 2 to HB 263 was stricken.

Representative Plant moved to place HB 263 w/HA 1 on the Speaker's table. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Harrington brought HJR 8 before the House for consideration.

HJR 8 - Memorializing the United States Federal Government to Urge the German Federal Republic to Abolish, or Extend, the Statute of Limitations on Nazi War Criminals.

The roll call on HJR 8 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Matushefske, Plant - 2.

Therefore, having received a constitutional majority, HJR 8 was sent to the Senate for concurrence.

Representative Jonkiert brought SJR 11 before the House for consideration.

SJR 11 - Directing the Department of Transportation to Designate and Name all That Portion of U.S. 40, Commencing from the Maryland Line Near Newark, Delaware to the State Road Intersection at U.S. 13 as the Pulaski Highway in Honor of the 200th Anniversary of Casimir Pulaski Who Gave His Life in the American Revolution; and Further Providing a Supplementary Appropriation Therefor.

The roll call on SJR 11 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 41.

Therefore, having received a constitutional majority, SJR 11 was returned to the Senate.

Representative Darling brought HB 110 before the House for consideration.

HB 110 - An Act to Amend Chapter 23, Title 7, Delaware Code, Relating to the Marking of Commercial Crab Pots and Vessels.

The roll call on HB 110 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Free, George, Gilligan, Gordy, Harrington, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Riddagh, Vernon, West, Mr. Speaker Ferguson - 29.

NO: Representatives T. Brady, Burris, Fallon, Hebner, Maroney, McKay, Neal, Powell, Roy, Sincock, Smith - 11.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority of at least two thirds members of the House, HB 110 was sent to the Senate for concurrence.

Representative Gilligan brought HB 335 - HA 1,2 before the House for consideration.

HB 335 - An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to the Exemption of Persons From Liability When Rendering Emergency Care.

Representative Gilligan brought HA 1 before the House for consideration. HA 1 to HB 335 was adopted by voice vote.

Representative Gilligan brought HA 2 before the House for consideration. HA 2 to HB 335 was adopted by voice vote.

The roll call on HB 335 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Matushefske, McBride, McKay, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 32.

NO: Representatives Ambrosino, Cain, Free, Loughney, Maroney, Neal - 6.

ABSENT: Representatives Holloway, Maxwell, Plant - 3.

Therefore, having received a constitutional majority, HB 335 w/HA 1,2 was sent to the Senate for concurrence.

Representative Gilligan brought HB 345 - HA 1 before the House for consideration.

HB 345 - An Act to Amend Chapter 17, Title 24 of the Delaware Code, with Reference to Immunity When Participating with the Board of Medical Practice.

Representative Gilligan brought HA 1 before the House for consideration. HA 1 to HB 345 was adopted by voice vote.

Representative Maroney announced that she would be recorded as "not voting" on HB 345 because of a conflict of interest.

The roll call on HB 345 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Kelly, Loughney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representatives Holloway, Jonkiert, Matushefske, Morris, Plant - 5.

Therefore, having received a constitutional majority, HB 345 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan brought HB 297 - HA 1 before the House for consideration.

HB 297 - An Act to Amend Title 16, Delaware Code, Relating to the Procedure for the Involuntary Commitment of Mentally Ill Persons to the Delaware State Hospital and Other Hospitals and Discharge Therefrom.

Representative Gilligan brought HA 1 before the House for consideration. HA 1 to HB 297 was adopted by voice vote.

Representative Gilligan requested and was granted the privilege of the floor for Robert C. Feeney, Director of the Delaware State Hospital.

The roll call on HB 297 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West - 38.

ABSENT: Representatives Holloway, Plant, Mr. Speaker Ferguson - 3.

Therefore, having received a constitutional majority, HB 297 w/HA 1 was sent to the Senate for concurrence.

The House recessed at 5:47 p.m. for the purpose of changing the audio

tape and was called to order at 5:48 p.m.

Representative Gilligan brought HB 298 before the House for consideration.

HB 298 - An Act to Amend Chapter 53, Title 16, Delaware Code, Relating to Departments Within the Governor Bacon Health Center.

The roll call on HB 298 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Holloway, Plant, West - 3.

Therefore, having received a constitutional majority, HB 398 was sent to the Senate for concurrence.

Representative Gilligan brought HB 299 before the House for consideration.

HB 299 - An Act to Amend Title 16, Delaware Code, Relating to the Procedure for Voluntary Admission of Mentally Ill Persons to the Delaware State Hospital and Other Hospitals and Discharge Therefrom.

The roll call on HB 299 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Petrilli, West - 2.

Therefore, having received a constitutional majority, HB 299 was sent to the Senate for concurrence.

Representative Holloway moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Holloway brought SB 239, sponsored by Senator Holloway before the House for consideration.

SB 239 - An Act Relating to a Temporary Change in the Observance of Memorial Day.

The roll call on SB 239 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 30.

NO: Representatives Clendaniel, Darling, Gordy, Jonkiert, Kelly, Matushefske, McBride, Minner, Morris, Neal - 10.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 239 was returned to the Senate.

Representative Gilligan brought HB 300 - HA 1 before the House for consideration.

HB 300 - An Act to Amend Subchapter I, Title 16, Delaware Code, Relating to Neglect of Duty.

Representative Gilligan brought HA 1 before the House for consideration. HA 1 to HB 300 was adopted by voice vote.

The roll call on HB 300 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives George, Matushefske, West - 3.

Therefore, having received a constitutional majority HB 300 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 336 before the House for consideration.

HB 336 - An Act to Amend Title 10 and Title 29, Delaware Code, Relating to Justice of Peace Compensation and Making an Appropriation Therefor.

The roll call on HB 336 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Cain, Clendaniel, Clendaniel, Darling, Free, Gilligan, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Plant, West, Mr. Speaker Ferguson - 22.

NO: Representatives Bennett, Burris, Connor, Harrington, Hebner, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Sincock, Vernon - 14.

NOT VOTING: Representatives Fallon, Powell, Riddagh, Smith - 4.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, HB 336 was sent to the Senate for concurrence.

Representative Minner brought SB 118 before the House for consideration.

The roll call on SB 118 was taken.

Representative Minner moved to table the roll call on SB 118. The motion was seconded by Representative Matushefske and adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Education: HB 275 - 5M.

Health & Social Services: HB 378 - 1F, 2M; HB 386 - 1F, 5M; HB 287 - 2F, 4M; HB 419 - 4F, 2M; SB 44 - 2F, 3M; HB 428 - 1F, 2M, 1U.

Agriculture: HB 410 - 1F, 3M.

House Administration: HB 387 - 1F, 3M.

Banking and Insurance: HB 294 - 1F, 3M.

Representative Matushefske moved to strike HB 64, HB 80, HB 307, HB 54, and HB 330. Without objection, HB 64, HB 80, HB 307, HB 54, and HB 330 were stricken.

Representative Matushefske introduced HB 435.

HB 435 - An Act to Amend Chapter 52, Title 29, of the Delaware Code, to Provide for the Payment of Premium or Subscription Charges for Health Care Insurance for State Employees and Their Dependents.

Mr. Speaker assigned HB 435 to the Banking and Insurance Committee.

Representative Burris moved to strike HB 370. Without objection, HB 370 was stricken.

Representative W. Brady moved to strike HB 274. Without objection, HB 274 was stricken.

Representative Gilligan moved to lift HB 207 - HA 1,2,3 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Gilligan moved to strike HB 207 - HA 1,2,3. Without objection, HB 207 - HA 1,2,3 was stricken.

Representative Bennett moved to strike HB 260. Without objection, HB 260 was stricken.

Representative Gordy moved to recess to the call of the Chair at 6:25 p.m.

32nd LEGISLATIVE DAY
1st Session

May 16, 1979

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

The Chief Clerk read the following Committee Reports into the record:

Judiciary: HB 72 - 5M; HB 390 - 5M.

Environmental Control: HB 171 - 3F, 1M; HB 420 - 5M.

The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the previous legislative day. The House reconvened at 2:12 p.m. A prayer was offered by the Reverend Jesse H. Walker from the Mount Joy United Methodist Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 185; SB 196 w/SA 1,2; SB 202 w/SA 1; SB 180 w/SA 1; SB 144; SB 129; SB 239; HCR 55; HCR 56; SCR 25.

May 15, 1979

LEGISLATIVE ADVISORY #13

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/12/79 - HB 111 w/HA 1; HB 60; HB 160; SB 124; SB 123 w/SA 1; HB 235 w/HA 1. 5/14/79 - SB 229; HB 385.

The Governor vetoed the following bill on 5/12/79 - SJR 13.

Representative Darling requested that his name be removed as a sponsor of HB 334.

Representative Gilligan requested that his name be removed as a sponsor of HB 334.

Representative Maroney requested that her name be removed as a sponsor of HB 107.

Representative Ambrosino requested that his name be removed as a sponsor of HB 107.

Representative Petrilli requested that his name be removed as a sponsor of HB 107.

Representative Sincok requested that his name be removed as a sponsor of HB 107.

Representative Cathcart requested that his name be removed as a sponsor of HB 107.

Representative Oberle requested that his name be removed as a sponsor of HB 334.

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

Representative Plant requested that his name be removed as a sponsor of HB 334.

Representative Plant introduced HB 446.

HB 446 - An Act to Amend Title 6, Delaware Code, Relating to the Requirement that Governors be Installed on New Vehicles Sold in this State.

Mr. Speaker assigned HB 446 to the Public Safety Committee.

Representative Kelly requested that his name be removed as a sponsor of HB 334.

Representative Fallon introduced and brought HR 68 before the House for consideration.

HR 68 - Congratulating Paul D. Roehrig Upon His Selection as a Participant in the "America's Youth in Concert" Program.

HR 68 was adopted by voice vote.

Representative Darling introduced and brought HCR 57, co-sponsored by Representative Morris, before the House for consideration.

HCR 57 - Requesting the United States Economic Development Administration to Make the Funds Necessary for Expanding the Industrial-Vocational Training Program at the Terry Campus of the Delaware Technical and Community College.

HCR 57 was adopted by voice vote and sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 69 before the House for consideration.

HR 69 - Commending the Sun Shipbuilding and Dry Dock Company of Chester, Pennsylvania, for Helping to Provide a Training Program for 45 Unemployed Residents of Delaware.

HR 69 was adopted by voice vote.

Representative Gordy introduced and brought HR 70, co-sponsored by Representatives Ferguson and Minner before the House for consideration.

HR 70 - Commending the Senior Citizens of Delaware for the Splendid Art Work that is Annually Displayed in the Foyer of Legislative Hall.

HR 70 was adopted by voice vote.

Representative Ferguson brought HB 261 before the House for consideration.

HB 261 - An Act to Provide a Supplemental Appropriation to the

Department of Community Affairs and Economic Development to Maintain an Adequate Service Level.

The roll call on HB 261 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

NO: Representatives McBride, Neal - 2.

Therefore, having received a constitutional majority, HB 261 was sent to the Senate for concurrence.

Representative Minner brought HB 271 before the House for consideration.

HB 271 - An Act to Make an Appropriation to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control for Maintenance Dredging of Cedar Creek in Sussex County.

The roll call on HB 271 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Vernon, West, Mr. Speaker Ferguson - 35.

NOT VOTING: Representatives Hebner, Roy, Smith - 3.

ABSENT: Representatives Cain, Loughney, Matushefske - 3.

Therefore, having received a constitutional majority, HB 271 was sent to the Senate for concurrence.

Representative Gordy moved to recess for caucus at 3:25 p.m.

The House was called to order at 6:28 p.m.

The following prefiled legislation was introduced:

HB 436 - CAIN, BENNETT, MAXWELL, MCKAY, POWELL, VERNON - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, to Grant a Deduction from Gross Income Taxable Under the Delaware Personal Income Tax Law for Amounts Paid by Residential Sewer Users.

HB 437 - FERGUSON - NATURAL RESOURCES: An Act to Amend Part VII, Title 7 of the Delaware Code, Relating to the Water and Air Resources of the State; and Providing for a Flood Plain Management Act.

HB 438 - GILLIGAN - HEALTH & SOCIAL SERVICES: An Act to Make a Supplementary Appropriation to the Department of Health and Social Services for the Purchase of Uniforms for Attendants at the Delaware State Hospital.

HB 439 - WEST - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 5, Title 9 of the Delaware Code, to Require that Specifications for the Laying, Repairing or Completion of Streets in Suburban Communities Shall be Equivalent to Those Required for Highways.

HB 440 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Subchapter II, Chapter 21, Title 21, Delaware Code, Relating to Special

License Plates for Justices of the Peace.

HB 441 - PLANT, MATUSHEFSKE - LABOR & COMMERCE: An Act to Amend Title 19, Delaware Code, by Creating a Public Work Program and Providing a Supplementary Appropriation Therefor.

HB 442 - LOUGHNEY - HIGHWAYS & TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of a Traffic Control Device at the Intersection of Harvey Road and Glenrock Road in Brandywine Hundred.

HB 443 - PETRILLI, SMITH, MCKAY, ROY, FREE, AMBROSINO, POWELL, CATHCART, NEAL, HEBNER, SINCOCK; SENATORS KNOX, ARNOLD, SPENCE, BERNDT - EDUCATION: An Act to Provide for the Election of Members to the Board of Education of the New Castle County School District, a School District Created July 1, 1978 by Order of the Federal Court and to Provide for Enlargement of the Board.

HB 444 - PETRILLI - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Constitutional Conventions. (2/3 bill).

HB 445 - HEBNER - BANKING & INSURANCE: An Act to Amend Chapter 68, Title 18 of the Delaware Code, Relating to Medical Expert Witnesses.

HA 1 to HB 187 - KELLY - Placed with the bill.

HA 1 to HB 233 - VERNON - Placed with the bill.

HA 1 to HB 287 - MATUSHEFSKE - Placed with the bill.

HA 1 to HB 333 - MCKAY, RIDDAGH, FALLON, MARONEY - Placed with the bill.

HA 2 to HB 333 - MCKAY, RIDDAGH, FALLON, MARONEY - Placed with the bill.

HA 3 to HB 333 - MCKAY - Placed with the bill.

HA 1 to HB 346 - GORDY - Placed with the bill.

HA 2 to HB 348 - BENNETT - Placed with the bill.

HS 1 for HB 104 - KELLY, CONNOR, T. BRADY, LOUGHNEY, PETRILLI, MATUSHEFSKE, ROY, JONKIERT, CATHCART, MAXWELL, AMBROSINO, GILLIGAN, SINCOCK, OBERLE, FREE, POWELL, SENATORS MARSHALL, MCDOWELL, KEARNS - JUDICIARY: An Act to Amend Part I, Title 14 of the Delaware Code, Relating to Education; and Providing for a Non-Public Elementary and Secondary Education Act.

SB 129 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 29, Title 21, Delaware Code, to Eliminate the Requirement for Filing SR-22 Insurance Certificates.

SB 144 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 7, Title 18, of the Delaware Code, Relating to the Fee Schedule of the Insurance Code for the State of Delaware.

SB 180 w/SA 1 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 21, Title 5 of the Delaware Code, Relating to Small Loan Companies.

SB 185 - ADAMS - ADMINISTRATIVE SERVICES: An Act to Authorize and Direct the Transfer of the Property Known as the Broadkill School and Formerly Used by the Department of Elections for Sussex County for Election Purposes to the Milton Jaycees, Inc.

SB 196 w/SA 1,2 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapters 5, 7 and 13 of Title 7, Delaware Code, Relating to

Hunting and Trapping.

SB 202 w/SA 1 - MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapters 13, 17, 20, 45 and 49 of Title 15, Delaware Code, Relating to Registraton and Voting by Physically Disabled and Elderly Persons.

The Chief Clerk read the following Committee Reports into the record:

Banking and Insurance: HB 435 - 2F, 2M.

Health and Social Services: HB 192 - 1F, 3M.

Community Affairs: SB 110 - 1F, 4M.

Administrative Services: SB 81 - 5M.

Judiciary: HS 1 for HB 104 - 2F, 4M.

Representative Minner requested that her name be removed as a sponsor of HB 334.

Representative Gordy moved to recess to the call of the Chair at 6:30 p.m.

33rd LEGISLATIVE DAY
1st Session

May 17, 1979

The Speaker called the House to order at 2:25 p.m.

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the previous legislative day. The House reconvened at 2:26 p.m. A prayer was offered by the Reverend Jesse H. Walker from the Mount Joy United Methodist Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 53; HB 146; HCR 57; SB 47.

Representative Connor introduced and brought HCR 58, co-sponsored by Representatives Kelly, Ambrosino and Catheart, before the House for consideration.

HCR 58 - Recognizing the Accomplishments of the Seven Delaware Sports Figures Recently Elected to the Delaware Sports Hall of Fame, and Extending the Congratulations and Good Wishes of the General Assembly.

HCR 58 was adopted by voice vote and sent to the Senate for concurrence.

Representative Bennett introduced and brought HR 71 before the House for consideration.

HR 71 - Commending Mrs. Elise du Pont, First Lady of Delaware, for Conducting Children's Days at the Governor's House for Three Days in May 1979.

HR 71 was adopted by voice vote.

Representative Burris introduced and brought HCR 59, co-sponsored

by Senator Knox, before the House for consideration.

HCR 59 - Saying Goodbye to Lucille Brown, Retiring after Twelve Years as Cook to Former Governors Russell W. Peterson and Sherman W. Tribbitt and Incumbent Governor Pierre S. du Pont, IV.

HCR 59 was adopted by voice vote and sent to the Senate for concurrence.

Representative McBride introduced and brought HCR 60, co-sponsored by Representatives Ferguson, Loughney and Oberle, before the House for consideration.

HCR 60 - Applying to the Congress of the United States Pursuant to Article V of the Constitution of the United States to Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States Pertaining to the Selection, Tenure, and Role of Federal Judges.

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

Five members of the House rose to cut off debate on the resolution. Therefore, according to the House Rules, debate on HCR 60 was ended.

The roll call on HCR 60 was taken and revealed:

YES: Representatives Cathcart, Clendaniel, Connor, Darling, Kelly, Loughney, McBride, Oberle, Riddagh, Roy, Vernon, West, Mr. Speaker Ferguson - 13.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Fallon, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Petrilli, Powell, Sincock, Smith - 25.

ABSENT: Representatives Free, George, Plant - 3.

Therefore, not having received a constitutional majority, HCR 60 was declared defeated.

Representative Matushefske introduced and brought HR 72 before the House for consideration.

HR 72 - Requesting the Major Gasoline Distributors to Instruct Their Delaware Dealers to Put Up Signs Notifying Potential Customers When They are out of Gasoline.

HR 72 was adopted by voice vote.

Representative Anderson introduced and brought HCR 61 before the House for consideration.

HCR 61 - Requesting the United States Commissioner of Rehabilitation Services to Honor his Previous Commitment to Allot a Full \$3,000,000 to the State of Delaware As Required by Public Law 95-602. (1978 Rehabilitation Amendments Act)

Representative Anderson moved to strike HCR 61. Without objection, HCR 61 was stricken.

The following prefiled legislation was introduced:

HB 447 - GORDY, FERGUSON, CLENDANIEL, PLANT, WEST, HOLLOWAY, DARLING, MAXWELL, LOUGHNEY, MCKAY, SINCOCK, RIDDAGH, ROY, POWELL, MARONEY - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to Pipelines in the Coastal Zone.

HB 448 - GORDY, FERGUSON, CLENDANIEL, PLANT, WEST, HOLLOWAY, DARLING, MAXWELL, LOUGHNEY, MCKAY, SINCOCK, RIDDAGH, ROY, POWELL, MARONEY - ENVIRONMENTAL

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

HB 449 - GORDY, MINNER - EDUCATION: An Act to Provide a Supplementary Appropriation to the State Board of Education to Increase the Division III Unit Allocation.

HB 450 - MINNER (By Request) - HOUSE ADMINISTRATION: An Act to Repeal Chapter 92, Title 29 of the Delaware Code, Relating to Land-Use Planning.

HB 451 - MINNER - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to Regulation and Transportation of Hazardous Substances on Highways and Toll Roads of this State; Providing for the Imposition of Duties Upon the Department of Public Safety, the State Police and Other Departments and Divisions of State Government; Prescribing Penalties and Further Providing for Enforcement of this Act.

HB 452 - FERGUSON - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Acquisition and Sale of Real Property by the Department of Highways and Transportation.

HB 453 - RIDDAGH, MORRIS - JUDICIARY: An Act to Amend Title 11 of the Delaware Code, Relating to the Delaware Criminal Code; and Providing for the Sentencing of Persons in Possession of Deadly Weapons During the Commission of Certain Felonies.

HB 454 - PETRILLI, OBERLE, CONNOR - EDUCATION: An Act to Amend Chapter 29, Title 14 of the Delaware Code, Relating to the Transportation of Pupils.

HA 1 to HB 383 - CONNOR - Placed with the bill.

SB 47 - KEARNS, HALE - JUDICIARY: An Act to Amend Section 101, Subchapter 1, Chapter 1, Title 13, of the Delaware Code, Relating to the Marriage of Mental Hospital Patients.

SB 53 - WEISS - LABOR & COMMERCE: An Act to Amend Section 704, Title 19, Delaware Code, Relating to Lie Detectors.

SB 77 - KEARNS - JUDICIARY: An Act to Amend Chapter 86, Part VI, Title 10 of the Delaware Code, Relating to the Recoupment of Defense Costs; and Providing for Recoupment in all Courts of the State. (2/3 bill)

Representative Minner moved to lift the roll call on **SB 118**. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 118 - An Act Making A Supplementary Appropriation to the Bowers Beach Volunteer Fire Company.

The roll call on **SB 118** was revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Vernon, West, Mr. Speaker Ferguson - 33.

NO: Representatives Burris, Maroney, McKay - 3.

NOT VOTING: Ambrosino, Free, Hebner, Roy, Smith - 5.

Therefore, having received a constitutional majority of at least three quarters members of the House, **SB 118** was returned to the Senate.

Representative Bennett brought **HB 348 - HA 1,2** before the House

for consideration.

HB 348 - An Act to Amend Subchapter I, Chapter 5, Title 7, Delaware Code, Relating to the Issuance of a Migratory Waterfowl Stamp.

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

Representative Bennett brought HA 2 before the House for consideration. HA 2 to HB 348 was adopted by voice vote.

The roll call on HB 348 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representatives W. Brady, Oberle - 2.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority of at least three quarters members of the House, HB 348 w/HA 1,2 was sent to the Senate for concurrence.

Representative Clendaniel brought HB 174 before the House for consideration.

HB 174 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Established to Continue the Pilot Project on the Concepts of Dynamic Seeding (Weather Modification): And Further Providing a Supplementary Appropriation Therefor.

Representative W. Brady announced that he would be recorded as "not voting" on HB 174 because of a conflict of interest.

Representative Clendaniel requested and was granted the privilege of the floor for James Baxter, Acting Secretary of the Department of Agriculture.

The roll call on HB 174 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Clendaniel, Fallon, George, Gordy, Holloway, Matushefske, Maxwell, Minner, Oberle, Petrilli, Sincock, West, Mr. Speaker Ferguson - 15.

NO: Representatives Bennett, T. Brady, Burris, Cain, Cathcart, Connor, Darling, Free, Gilligan, Harrington, Hebner, Jonkiert, Kelly, Maroney, McBride, McKay, Morris, Neal, Powell, Riddagh, Roy, Plant, Smith, Vernon - 23.

NOT VOTING: Representative W. Brady - 1.

ABSENT: Representatives Loughney, Plant - 2.

Therefore, not having received a constitutional majority, HB 174 was declared defeated.

Representative Gilligan brought HB 301 before the House for consideration.

Representative Gilligan moved to place HB 301 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 346 - HA 1 before the House for consideration.

HB 346 - An Act to Amend Chapter 17, Title 24, of the Delaware Code, Relating to Out of State Emergency Paramedics.

Representative Gordy brought HA 1 before the House for

consideration. HA 1 to HB 346 was adopted by voice vote.

The roll call on HB 346 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West - 40.

ABSENT: Representative Mr. Speaker Ferguson - 1.

Therefore, having received a constitutional majority, HB 346 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan brought HB 302 before the House for consideration.

HB 302 - An Act to Amend Title 16, Delaware Code, Relating to the Procedure Relating to the Patient's Rights Bill.

The roll call on HB 302 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon - 37.

ABSENT: Representatives Gordy, Jonkiert, West, Mr. Speaker Ferguson - 4.

Therefore, having received a constitutional majority, HB 302 was sent to the Senate for concurrence.

Representative Anderson introduced and brought HCR 62 before the House for consideration.

HCR 62 - Requesting the United States Commissioner of Rehabilitation Services to Honor his Previous Commitment to Allot a Full \$3,000,000 to the State of Delaware as Required by Public Law 95-602. (1978 Rehabilitation Amendments Act)

HCR 62 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gilligan brought HB 354 before the House for consideration.

Representative Gilligan introduced and brought HA 1 before the House for consideration. HA 1 to HB 354 was adopted by voice vote.

Representative Gilligan moved to place HB 354 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Kelly brought SB 93 w/SA 1 before the House for consideration.

SB 93 - An Act to Amend Chapter 5, Title 17 of the Delaware Code, Relating to the Naming of the New Third Street Bridge in Wilmington in Honor of the Late Representative William J. Winchester.

The roll call on SB 93 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy,

Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 41.

Therefore, having received a constitutional majority, SB 93 w/SA 1 was returned to the Senate.

Representative Ferguson introduced and brought HCR 63, co-sponsored by Senator Cordrey, before the House for consideration.

HCR 63 - Congratulating Former United States Senator John J. Williams, of Millsboro, as He Observes his 75th Birthday on May 17, 1979.

HCR 63 was adopted by voice vote and sent to the Senate for concurrence.

Representative Ferguson introduced and brought HR 73, co-sponsored by Representative Gordy, before the House for consideration.

HR 73 - Commending Norman Griffith for His Services as Chief of the Seaford Police Department and on Being the Oldest Active Chief of Police in the State of Delaware.

HR 73 was adopted by voice vote.

Representative Kelly brought SB 33 before the House for consideration.

SB 33 - An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to Trust Funds.

Representative Kelly requested and was granted the privilege of the floor for Willard Thomson from the Department of Transportation.

The roll call on SB 33 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Vernon, West, Mr. Speaker Ferguson - 36.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Cain, Free, Maxwell, Plant - 4.

Therefore, having received a constitutional majority, SB 33 was returned to the Senate.

Representative Kelly brought HB 158 before the House for consideration.

HB 158 - An Act to Amend Chapters 13 and 18, Title 2 and Chapter 1, Title 26 of the Delaware Code, Relating to Regulation of Public Carriers.

The roll call on HB 158 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Kelly, Loughney, Maroney, Matushefske, Maxwell, Minner, Morris, Neal, Powell, Riddagh, Sincock, Smith, Vernon, West - 31.

NO: Representatives Ambrosino, McBride, Oberle, Petrilli, Roy - 5.

NOT VOTING: Representative McKay - 1.

ABSENT: Representatives Free, Jonkiert, Plant, Mr. Speaker Ferguson - 4.

Therefore, having received a constitutional majority, HB 158 was sent to the Senate for concurrence.

Representative Kelly brought HB 166 before the House for consideration.

HB 166 - An Act to Amend Chapter 16 and Chapter 17, Title 2, of the Delaware Code, Relating to Conflict of Interest Provisions Relating to Commissioners or Employees of Local Transportation Authorities and Specialized Transportation Authorities.

Representative Kelly requested and was granted the privilege of the floor for Willard Thomson from the Department of Transportation.

The roll call on HB 166 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, George, Gordy, Holloway, Kelly, Loughney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Mr. Speaker Ferguson - 28.

NO: Representatives Ambrosino, Burris, Fallon, Gilligan, Harrington, Hebner, Jonkiert, Maroney, McBride, Smith, Vernon - 11.

ABSENT: Representatives Free, West - 2.

Therefore, having received a constitutional majority, HB 166 was sent to the Senate for concurrence.

Representative Kelly brought HB 167 before the House for consideration.

HB 167 - An Act to Amend Chapter 65, Title 29 and Chapter 17, Title 2, Delaware Code, Relating to Reimbursement for Costs of Goods and Services Provided by Specialized Transportation Authorities to State Agencies and Departments.

Representative Kelly requested and was granted the privilege of the floor for Willard Thomson from the Department of Transportation.

The roll call on HB 167 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Vernon, West - 36.

NO: Representatives Ambrosino, McBride, Smith - 3.

ABSENT: Representatives Loughney, Mr. Speaker Ferguson - 2.

Therefore, having received a constitutional majority, HB 167 was sent to the Senate for concurrence.

Representative Kelly brought HB 187 - HA 1 before the House for consideration.

HB 187 - An Act to Amend Chapter 13, Title 2 and Chapter 84, Title 29 of the Delaware Code, Relating to the Powers and Duties of the Secretary of the Department of Transportation and the Director of the Delaware Transportation Authority.

Representative Kelly brought HA 1 before the House for consideration. HA 1 to HB 187 was adopted by voice vote.

The roll call on HB 187 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative Loughney - 1.

Therefore, having received a constitutional majority, HB 187 w/HA 1

was sent to the Senate for concurrence.

Representative George brought HB 333 - HA 1,2,3 before the House for consideration.

HB 333 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative McKay brought HA 1 before the House for consideration. Representative McKay moved to strike HA 1 to HB 333. Without objection, HA 1 to HB 333 was stricken.

Representative McKay brought HA 2 before the House for consideration. Representative McKay moved to strike HA 2. Without objection, HA 2 to HB 333 was stricken.

Representative McKay brought HA 3 before the House for consideration. Representative McKay moved to strike HA 3. Without objection, HA 3 to HB 333 was stricken.

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

The roll call on HB 333 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, Minner, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 35.

NO: Representatives McKay, Morris, West - 3.

NOT VOTING: Representatives Fallon, McBride, Riddagh - 3.

Therefore, having received a constitutional majority, HB 333 was sent to the Senate for concurrence.

The House recessed at 6:42 p.m. for the purpose of changing the audio tape and reconvened at 6:45 p.m.

Representative Darling moved to restore HB 174 to the calendar. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Jonkiert rose on a point of order.

Representative Sincock rose on a point of order.

Mr. Speaker announced that HB 174 was restored to the House calendar.

Representative Clendaniel moved to suspend the rules for the purpose of considering HB 174. The motion was seconded by Representative Darling.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Mr. Speaker Ferguson - 35.

NO: Representatives McKay, Smith, Vernon - 3.

ABSENT: Representatives Free, West - 2.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Clendaniel brought HB 174 before the House for consideration.

HB 174 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Established to Continue the Pilot Project on the Concepts of Dynamic Seeding (Weather Modification): And Further Providing a Supplementary Appropriation Therefor.

The roll call on HB 174 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Cain, Clendaniel, Darling, Fallon, George, Gordy, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Petrilli, Plant, Sincock, Mr. Speaker Ferguson - 21.

NO: Representatives Bennett, T. Brady, Burris, Cathcart, Connor, Free, Gilligan, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Powell, Riddagh, Roy, Smith, Vernon, West - 19.

NOT VOTING: Representative W. Brady - 1.

Therefore, having received a constitutional majority, HB 174 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Administrative Services: HS 1 for HB 137 - 4F, 1M.

Representative Gordy moved to recess to the call of the Chair at 6:57 p.m.

34th LEGISLATIVE DAY 1st Session

May 22, 1979

The Speaker called the House to order at 2:39 p.m.

The Chief Clerk read the following Committee Reports into the record:

House Administration: SB 41 - 5M; HB 406 - 3F, 2M; HB 212 - 4M; HB 432 - 2M, 3U; HB 113 - 2F, 1M, 2U; HB 122 - 5M.

Labor & Commerce: HB 329 - 5M; HB 347 - 1F, 4M.

The Majority Leader moved to adjourn at 2:43 p.m., thereby ending the previous legislative day. The House reconvened at 2:44 p.m. A prayer was offered by the Reverend William Bowers from the Calvary United Presbyterian Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 41.

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

Representative Loughney requested that his name be removed as a sponsor of HB 334.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HJR 8 w/SA 1; SB 222; HCR 58; HCR 59; HCR 63; SB 213 w/SA 1; HB 202; SB 216.

May 17, 1979

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
5/17/79 - SB 239.

Representative Maxwell introduced HB 468, co-sponsored by Representatives George, Connor, Ambrosino, West, Sincock, Anderson, T. Brady, W. Brady, Roy, Gilligan, Oberle, and Plant; and Senators Holloway, McCullough, Adams, Martin, Cicione, Weiss, Littleton, Hughes and Berndt.

HB 468 - An Act to Amend an Act Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions, and Limitations for the Expenditure of Such Funds: and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 333 of the 130th General Assembly of the State of Delaware.

Mr. Speaker assigned HB 468 to the Appropriations Committee.

Representative Matushefske introduced HR 74.

HR 74 - Authorizing and Directing the Chief Clerk of the House of Representatives to Purchase and/or Lease and Install Electronic Voting Systems in the House Chamber, and Further Providing a Supplemental Appropriation Therefor.

Representative Matushefske moved to place HR 74 on the Speaker's table. The motion was defeated by voice vote.

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

The roll call on HR 74 was taken and revealed:

YES: Representatives W. Brady, Cain, Clendaniel, George, Gordy, Matushefske, McBride, Riddagh, Roy, Mr. Speaker Ferguson - 10.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Cathcart, Connor, Darling, Fallon, Free, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Vernon, West - 31.

Therefore, not having received a constitutional majority, HR 74 was declared defeated.

Representative West introduced HR 75.

HR 75 - Condemning the Use of the Work-Release Policy of the Department of Correction Which has Led to Another Murder and Requesting the Governor to Order the Policy Stopped.

Representative West moved to place HR 75 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

The following prefiled legislation was introduced:

HB 455 - ANDERSON, FREE, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to the Definition of Medical Care.

HB 456 - ANDERSON, FREE, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Chapter 11, Title 16, Delaware Code, Relating to Nursing Homes, Providing for Public Reports on Nursing Homes.

HB 457 - ANDERSON, FREE, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Chapter 79, Title 29, Delaware Code, Relating to the Advisory Council on the Aging.

HB 458 - ANDERSON, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Chapter 10, Title 22, Delaware Code, Relating to Exemptions from Municipal Taxation on Real Property for Persons 65 Years of Age or Over.

HB 459 - ANDERSON, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to General Assistance to Elderly Disabled Persons.

HB 460 - ANDERSON, HOLLOWAY, HARRINGTON, KELLY - AGING: An Act to Amend Subchapter II, Chapter 81, Title 9, Delaware Code, Relating to Exemptions from Taxation for Persons of 65 Years of Age or More.

HB 461 - ANDERSON - PUBLIC SAFETY: An Act to Amend Title 21, Chapter 27, Delaware Code, to Prohibit Drivers Aged 16 or 17 from Operating a Motor Vehicle During Certain Hours. (2/3 bill)

HB 462 - CLENDANIEL - NATURAL RESOURCES: An Act to Amend Chapter 17, Title 7 of the Delaware Code, to Permit a Person 62 Years of Age or More to License One Dog Without Paying a Fee.

HB 463 - GILLIGAN, ROY - APPROPRIATIONS: An Act to Aid the Capitol Little League. (3/4 bill)

HB 464 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Subchapter II, Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Officials Elected in Municipalities of this State.

HB 465 - HEBNER, MINNER - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, of the Delaware Code, Relating to Employer's Assessments for Unemployment Compensation.

HB 466 - VERNON, GORDY, FALLON, WEST, CLENDANIEL, BURRIS; SENATORS LITTLETON, ADAMS, CORDREY - COMMUNITY AFFAIRS: An Act to Authorize the Refunding of Certain Outstanding General Obligation Bonds Originally Issued in the Amount of \$9,600,000 by Sussex County, Delaware.

HB 467 - HARRINGTON, MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 30 of the Delaware Code, Relating to Gross Receipts Taxation.

HA 2 to HB 131 - CONNOR - Placed with the bill.

HA 1 to HB 334 - MAXWELL - Placed with the bill.

HA 1 to HB 396 - MINNER, T. BRADY - Placed with the bill.

HA 1 to HB 405 - MAXWELL - Placed with the bill.

HA 1 to HB 408 - CONNOR - Placed with the bill.

HA 1 to HB 436 - MINNER - Placed with the bill.

SB 213 w/SA 1 - ZIMMERMAN; REPRESENTATIVES BENNETT, HARRINGTON - COMMUNITY AFFAIRS: An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36, Laws of Delaware, as Amended, Relating to the Valuation of Farm Land Devoted to Agricultural, Horticultural or Forest Use. (2/3 bill)

SB 216 - ZIMMERMAN - HOUSE ADMINISTRATION: An Act to Amend Chapter 50, Title 15, Delaware Code, Relating to Voting Machines.

SB 222 - COOK; REPRESENTATIVE GORDY - EDUCATION: An Act to Amend Chapter 39, Title 14, Delaware Code, to Provide

Post-Retirement Increases to Retired and Disabled Teachers Who Retired Prior to 1978.

Representative Gordy moved to recess for caucus at 3:37 p.m.

The House was called to order at 6:19 p.m.

Representative Cain brought HB 334 before the House for consideration.

HB 334 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Reduction of Each Personal Income Tax Rate and Employer's Return and Payment of Tax Withheld; to Amend Chapter 19, Title 30, Delaware Code, Relating to the Determination of the Entire Net Income of a Corporation as it Relates to the Cost of Modification for Handicapped Persons; and to Amend Chapter 13, Title 30, Delaware Code, Pertaining to the Valuation of Certain Farm and Small Business Real Property for Inheritance Tax.

Representative Maxwell brought HA 1 before the House for consideration. HA 1 to HB 334 was adopted by voice vote.

Representative Maxwell introduced and brought HA 1 to HA 1 before the House for consideration. HA 1 to HA 1 to HB 334 was adopted by voice vote.

Representative Matushefske rose on a point of order.

Representative Connor requested and was granted the privilege of the floor for Thomas F. Field, Esq., a tax lawyer testifying as an expert witness.

Representative Cain rose on a point of order.

Representative Ambrosino rose on a point of order.

Representative West moved to adjourn. The motion was seconded by Representative Matushefske.

The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Kelly, Matushefske, Morris, West - 5.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 34.

ABSENT: Representatives Gordy, Plant - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and the House remained in session.

Representative Jonkiert introduced and brought HA 2 to HB 334 before the House for consideration.

Representative Bennett moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Fallon, Free, George, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Mr. Speaker Ferguson - 25.

NO: Representatives Ambrosino, Anderson, Cathcart, Clendaniel, Connor, Darling, Gilligan, Gordy, Jonkiert, Kelly, Loughney, McBride, Minner, Morris, Plant, West - 16.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HB 334 was laid on the Speaker's table.

Representative Jonkiert introduced and brought HA 3 to HB 334 before the House for consideration.

Representative George moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Fallon, Free, George, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, Neal, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 24.

NO: Representatives Ambrosino, Anderson, Cathcart, Clendaniel, Connor, Darling, Gilligan, Gordy, Jonkiert, Kelly, Loughney, McBride, Minner, Morris, Plant, West, Mr. Speaker Ferguson - 17.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HB 334 was placed on the Speaker's table.

Representative Connor requested and was granted the privilege of the floor for Weston E. Nellius, Secretary of Finance.

Representative Sincok rose on a point of order.

Representative Minner introduced and brought HA 4 to HB 334 before the House for consideration.

Representative Cain moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Fallon, Free, George, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 24.

NO: Representatives Ambrosino, Anderson, Cathcart, Clendaniel, Connor, Darling, Gilligan, Gordy, Loughney, McBride, Minner, Plant, West, Mr. Speaker Ferguson - 14.

ABSENT: Representatives Jonkiert, Kelly, Morris - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 4 to HB 334 was placed on the Speaker's table.

Representative Minner introduced and brought HA 5 to HB 334 before the House for consideration.

Representative Maxwell moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Fallon, Free, George, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 23.

NO: Representatives Ambrosino, Anderson, Cathcart, Clendaniel, Connor, Darling, Gilligan, Gordy, Jonkiert, Kelly, Loughney, McBride, Minner, Neal, Plant, West, Mr. Speaker Ferguson - 17.

ABSENT: Representative Morris - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 5 to HB 334 was placed on the Speaker's table.

The roll call on HB 334 w/HA 1 and HA 1 to HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Fallon, Free, George, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, Matushefske, Maxwell, McKay, Neal,

Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 31.

NO: Representatives Ambrosino, Cathcart, Connor, Darling, Gilligan, Kelly, Loughney, McBride, Minner - 9.

ABSENT: Representative Morris - 1.

Therefore, having received a constitutional majority, HB 334 w/HA 1 and HA 1 to HA 1 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Public Safety: HB 407 - 1F, 2M; HB 421 - 1F, 1M, 1U; HB 422 - 3M; HB 184 - 1F, 2M; HB 363 - 1 F, 1M, 1U; HB 396 - 3M; HB 403 - 1F, 2M.

Representative Gordy moved to recess to the call of the Chair at 9:25 p.m.

35th LEGISLATIVE DAY 1st Session

May 23, 1979

The Speaker called the House to order at 2:04 p.m.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m. A prayer was offered by the Reverend R. C. Miller from St. Matthews Catholic Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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

Representative Riddagh introduced Mrs. Florence Cook and the pre-school children of the Loving Care Nursery who presented a program of patriot songs for the Members and guests of the House of Representatives.

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

HR 76 - Welcoming Children of the Loving Care Nursery of Smyrna to the House of Representatives on Wednesday, May 23, 1979.

HR 76 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 469 - MINNER, BURRIS, CONNOR, AMBROSINO, CATHCART, GILLIGAN, T. BRADY, FREE, KELLY, ROY, MARONEY, SINCOCK, HEBNER, DARLING, CLENDANIEL, RIDDAGH, NEAL, PETRILLI, FALLON; SENATORS ADAMS, COOK, MURPHY, HOLLOWAY, LITTLETON, MARTIN, WEISS, MARSHALL, CICIONE - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to Classes for Partially Sighted Pupils.

HB 470 - GEORGE, GILLIGAN; SENATORS COOK, HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act Authorizing the Department of Health and Social Services to Pay Prior Years' Obligations from Budgetary Appropriations for the Fiscal Year Ending June 30, 1979.

HB 471 - ANDERSON, SINCOCK, W. BRADY, CAIN, HOLLOWAY, LOUGHNEY, MATUSHEFSKE, MAXWELL, MCBRIDE, NEAL, OBERLE, PETRILLI, PLANT, POWELL, SMITH, WEST; SENATORS MARTIN, ADAMS, CICIONE, HOLLOWAY, HUGHES, KEARNS, KNOX, MCDOWELL, SHARP, SPENCE - APPROPRIATIONS: 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. (3/4 bill)

HB 472 - CAIN - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code, Relating to Vocational-Technical School Districts; and Providing for an Elected School Board for the New Castle County Vocational-Technical School District.

HB 473 - ANDERSON - AGING: An Act to Amend Chapter 47, Part V, Title 7 of the Delaware Code, Relating to State Parks; and Extending Park Use Privileges for Purchasers of Certain Annual Permits.

HB 474 - WEST - APPROPRIATIONS: An Act to Amend An Act Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions, and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.", Being House Bill No. 333 of the 130th General Assembly of the State of Delaware.

HB 475 - WEST - NATURAL RESOURCES: An Act to Amend Chapter 5, Title 7 of the Delaware Code to Provide for an Additional Fee of \$1.00 for a Hunting License, the Money to be Used to Buy Rabbits and Quail for Distribution Throughout the State.

HB 476 - MORRIS - HOUSE ADMINISTRATION: An Act to Direct the Board of Pension Trustees to Include for the Purpose of Computing a Pension for Horace Wilkinson, 76 Days of Sick Leave Incurred When Horace Wilkinson Suffered the Loss of an Eye While in the Employ of the State.

HB 477 - MAXWELL - JUDICIARY: An Act to Amend Chapter 15, Title 13 of the Delaware Code, Relating to an Award of Alimony in Divorce and Annulment Actions.

HB 478 - OBERLE - EDUCATION: An Act to Amend Chapter 2, Title 14 of the Delaware Code, Relating to Procedures Upon Graduation from the Public School System.

HB 479 - OBERLE, CATHCART, CONNOR, GILLIGAN, HEBNER, ROY, VERNON, HARRINGTON, PETRILLI, RIDDAGH, MATUSHEFSKE, LOUGHNEY, POWELL, JONKIERT; SENATORS CICIONE, MARTIN, SPENCE, SHARP - JUDICIARY: An Act to Amend Chapter 39, Title 10, of the Delaware Code, Relating to Parental Liabilities. (2/3 bill)

HB 480 - ROY, HEBNER, VERNON, AMBROSINO, NEAL, PETRILLI, RIDDAGH, POWELL - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware to Provide for Initiative by the People. (2/3 bill)

HJR 15 - BENNETT, CONNOR, AMBROSINO, GILLIGAN - EDUCATION: Directing the State Superintendent of Public Instruction to Direct all School Districts to Administer the State Certification Rules Concerning Reading and Mathematics Personnel Authorized by

Delaware Code, Title 14, Section 1716 or Other Personnel Assigned Specifically to Fulfill a Court Order Including Guidance and Counseling Personnel Without Any Lowering of Standards.

HA 1 to HB 311 - SMITH - Placed with the bill.

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

SB 150 - ZIMMERMAN, REPRESENTATIVE HARRINGTON - ADMINISTRATIVE SERVICES: An Act to Make a Supplementary Appropriation to the Department of Administrative Services for Interest Owed the City of Dover in July, 1975.

SB 154 - ZIMMERMAN - APPROPRIATIONS: An Act Authorizing the Capital School District to Expend Funds.

SB 166 - CICIONE - JUDICIARY: An Act to Amend Chapter 28, Part II, Title 10 of the Delaware Code, Relating to Payments to Constables for the Conveying of Prisoners.

SB 169 w/SA 2 - CICIONE - JUDICIARY: An Act to Amend Chapter 98, Part VII, Title 10 of the Delaware Code, Relating to Justices of the Peace; and Providing Rates for the Processing of All Traffic and Criminal Cases.

SB 204 - MURPHY - BANKING & INSURANCE: An Act to Amend Article 4, Title 6, Delaware Code, Relating to Check Collections.

SB 219 - SHARP - JUDICIARY: An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Inmate Contacts Outside the Institution.

SB 230 - ZIMMERMAN - HOUSE ADMINISTRATION: An Act Awarding Special Pension Benefits to Alice L. Banta, a Former State Employee with the Department of Public Instruction, and Further Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware, and Further Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this Act, any Provision of Chapter 55, Title 29, Delaware Code to the Contrary Notwithstanding.

Representative West moved to lift HR 75 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Harrington moved to place HR 75 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, W. Brady, Burris, Cain, Connor, Darling, Fallon, Free, Gilligan, Harrington, Hebner, Holloway, Maroney, McKay, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon - 24.

NO: Representatives Anderson, Bennett, Clendaniel, Gordy, Jonkiert, Matushefske, McBride, Minner, West, Mr. Speaker Ferguson - 10.

ABSENT: Representatives Ambrosino, Cathcart, George, Kelly, Loughney, Maxwell, Plant - 7.

Therefore, having received a constitutional majority, the motion was adopted and HR 75 was placed on the Speaker's table.

Representative Morris requested and was granted the privilege of the floor for Frank Loftus from the State of Delaware Department of Corrections.

Representative Holloway rose on a point of order.

Representative Morris requested and was granted the privilege of the floor for James T. Vaughn, Commissioner of Corrections.

The House recessed at 3:59 p.m. for the purpose of changing the audio tape and reconvened at 4:01 p.m.

Representative Burris rose on a point of order.

Representative Sincok rose on a point of order.

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

HR 77 - Prohibiting Payment for Mileage to a House Member for Each Day a Member is not Present for the Roll Call of the Day.

Representative Burris moved to place HR 77 on the Speaker's table. The motion was seconded by Representative Hebner.

Representative Burris withdrew his motion.

Mr. Speaker assigned HR 77 to the House Administration Committee.

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

HR 78 - In Observance of the Memory of William A. Cochran, Chairman of the Delaware Advisory Council on Alcoholism.

HR 78 was adopted by voice vote.

Representative Bennett introduced and brought HR 79, co-sponsored by Representatives Morris, Darling and Minner, before the House for consideration.

HR 79 - Commending the Caesar Rodney High School Band for Their Outstanding Performances at the Annual Apple Blossom Festival in Winchester, Virginia, on May 11 and 12, 1979.

HR 79 was adopted by voice vote.

Representative Gilligan introduced and brought HR 80, co-sponsored by Representatives Maxwell, Roy, Kelly and Petrilli, before the House for consideration.

HR 80 - Expressing the Hope that Mrs. Elizabeth Swift, Member of the New Castle County Council from the Fourth District, will Make a Speedy Recovery From a Fall Suffered May 17, 1979.

HR 80 was adopted by voice vote.

Representative Gilligan introduced and brought HR 81 before the House for consideration.

HR 81 - Congratulating Elise du Pont, Wife of Governor Pierre S. du Pont, IV, upon Her Graduation from the University of Pennsylvania Law School.

HR 81 was adopted by voice vote.

Representative Darling introduced and brought HCR 64 before the House for consideration.

HCR 64 - Commending State Trooper Thomas W. Robbins for Outstanding Police Work in Catching and Subduing the Suspect in the Cheswold Murders.

HCR 64 was adopted by voice vote and sent to the Senate for concurrence.

Representative Holloway introduced and brought HR 82 before the House for consideration.

HR 82 - In Praise of Monsignor Thomas J. Reese, Leaving his Post as Director of the Department of Social Concerns for the Catholic Diocese, for Many Years of Support for People Causes.

HR 82 was adopted by voice vote.

Representative Holloway introduced and brought HR 83, co-sponsored by Representative Plant, before the House for consideration.

HR 83 - Mourning the Death of A. Philip Randolph, Former President of the International Brotherhood of Sleeping Car Porters and a Civil Rights Leader for Many Years.

HR 83 was adopted by voice vote.

Representative Harrington brought HJR 8 w/SA 1 before the House for consideration.

HJR 8 - Memorializing the United States Federal Government to Urge the German Federal Republic to Abolish, or Extend, the Statute of Limitations on Nazi War Criminals.

The roll call on HJR 8 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HJR 8 w/SA 1 was sent to the Governor.

Representative Riddagh introduced and brought HCR 65, co-sponsored by Senator Cook, before the House for consideration.

HCR 65 - Mourning the Deaths of Clara and Gilbert Lambertson of Kent County.

HCR 65 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 230; SB 204; HB 198; SB 150; SB 219; SB 154; SCR 28; HB 95; SB 169 w/SA 2; SB 166; SCR 27; HCR 62; SB 231; SB 232; SB 234; SB 236; SB 237; SB 238; HB 59.

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

Honorable J.P. Ferguson
State House
Dover, DE

The Honorable J.P. Ferguson, Distinguished Members of the House,

Thank you for your courtesy and support and consideration in regard to possible parkland acquisition in White Clay Creek Valley. Your foresight and understanding will bring much joy and happiness to both present and future generations. Once again, we thank you and extend our deepest appreciation.

P.S. Our apology for any member not presently contacted. Thank you.

Richard McDonaugh, President
United Auto Workers Local 1183 and
Don Sharp, Chairman
Local Conservation Organization.

Representative Ambrosino introduced HB 481, co-sponsored by Representative Jonkiert.

HB 481 - An Act to Amend Chapter 1, Title 14 of the Delaware Code, Relating to Courses of Instruction in the Italian and Polish Languages in the Public Schools.

Mr. Speaker assigned HB 481 to the Judiciary Committee.

Representative W. Brady brought HB 366 before the House for consideration.

HB 366 - An Act to Amend Chapter 273, Volume 46, Laws of Delaware, Also Known as "An Act to Reincorporate the Town of Odessa in New Castle County"; by Changing the Hours of Election Where There is No Contest.

The roll call on HB 366 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives George, Jonkiert, West - 3.

Therefore, having received a constitutional majority of at least two thirds members of the House, HB 366 was sent to the Senate for concurrence.

Representative Riddagh brought HB 303 before the House for consideration.

Representative Riddagh introduced and brought HA 1 before the House for consideration. HA 1 to HB 303 was adopted by voice vote.

Representative Riddagh moved to place HB 303 w/HA 1 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Plant brought HB 21 before the House for consideration.

Representative Plant moved to place HB 21 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Matushefske brought HB 377 before the House for consideration.

Representative Hebner requested and was granted the privilege of the floor for John Malarkey, State Bank Commissioner.

Representative Ambrosino moved to place HB 377 on the Speaker's table.

Representative Ambrosino withdrew his motion.

Representative Matushefske moved to place HB 377 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Burris introduced United States Senator Howard H. Baker, Jr., of Tennessee, who addressed the House of Representatives.

Representative Gordy introduced and brought HR 84, co-sponsored by Representatives Ferguson and Minner, before the House for consideration.

HR 84 - Welcoming United States Senator Howard H. Baker, Jr. of Tennessee, Minority Leader of the Senate, to Delaware on May 23, 1979.

HR 84 was adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Environmental Control: HB 448 - 1F, 3M; HB 447 - 4M.

Public Safety: HB 446 - 1F, 1M, 2U.

Community Affairs: HB 389 - 5M; HB 388 - 5M; HB 382 - 5M; HB 380 - 5M; HB 381 - 1F, 4M; HB 165 - 5M.

Labor & Commerce: HB 441 - 1F, 3M; HB 304 - 1F, 4M.

Representative Gordy moved to recess to the call of the Chair at 6:02 p.m.

36th LEGISLATIVE DAY
1st Session

May 24, 1979

The Speaker called the House to order at 1:47 p.m.

The Chief Clerk read the following Committee Report into the record:

House Administration: HB 476 - 5M.

The Majority Leader moved to adjourn at 1:49 p.m., thereby ending the previous legislative day. The House reconvened at 1:50 p.m. A prayer was offered by the Reverend R.C. Miller from St. Matthews Catholic Church in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 235 w/SA 1; SB 197; SB 198; HB 94; SB 250; SB 257.

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

John J. Williams
Post Office Box 467
Millsboro, Delaware 19966

May 22, 1979

Honorable John P. Ferguson
House of Representatives
Legislative Hall
Dover, DE 19901

Dear Mr. Ferguson:

It is hard to find words with which to express my sincere thanks for the thoughtfulness of you and your colleagues in sponsoring House Concurrent Resolution 63, wherein the House of Representatives extended greetings for my seventy-fifth birthday.

I hope that you will express to the co-sponsors and to the others who supported you, my deep appreciation.

Yours sincerely,

John J. Williams

Representative Holloway introduced and brought HCR 66 before the House for consideration.

HCR 66 - Expressing the Deep Regret of the 130th General Assembly for the Deaths Monday, May 21, 1979, of Gilbert Lambertson, 80, and His Wife, Clara Lambertson, 73, at the Hands of a Murderer who Supposedly was on a Work-Release Program of the Department of Correction; and Offering to Pay the Funeral Expenses of the Lambertsons.

Representative Holloway moved to strike HCR 66. Without objection, HCR 66 was stricken.

Representative Gordy introduced and brought SCR 28, sponsored by Senator Sharp, before the House for consideration.

SCR 28 - In Recognition of the Esteemed Honor Bestowed Upon the Delaware National Guard as a Result of the Newly Assigned Mission of Setting up and Supervising the Communications Network Serving the Army, Navy and Air Force in the Entire Area Covered by the Pacific Command.

SCR 28 was adopted by voice vote and returned to the Senate.

The following prefiled legislation was introduced:

HB 482 - DARLING - JUDICIARY: An Act to Amend Chapter 23, Title 10 of the Delaware Code, to Provide Parity in Salaries for the Chief Deputy Prothonotary of Each County.

HB 483 - MAXWELL, MATUSHEFSKE, MCBRIDE, GILLIGAN; SENATOR CICIONE - APPROPRIATIONS: An Act Making an Appropriation to the Town of Elsmere to Complete the Foreman Park Project. (3/4 bill)

HB 484 - CLENDANIEL; SENATOR ADAMS - COMMUNITY AFFAIRS: An Act to Amend An Act Entitled "An Act Amending, Revising and Consolidating the Charter of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, to Permit Interim Financing for Bond Issues. (2/3 bill)

HB 485 - ROY; SENATOR SHARP - HOUSE ADMINISTRATION: An Act Awarding Special Pension Benefits to Helen M. Bunting, a Former Employee of the Stanton School District; Appropriating Monies into the State Employees' Retirement Fund and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29 of the Delaware Code.

HB 486 - HEBNER - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 25, Title 24 of the Delaware Code, Relating to the Substitution of Drugs, Nonequivalent List Preparation.

HA 2 to HB 35 - BENNETT - Placed with the bill.

HA 2 to HB 193 - MCBRIDE - Placed with the bill.

HA 1 to HB 347 - MAXWELL - Placed with the bill.

HA 1 to HB 402 - CAIN - Placed with the bill.

SB 197 - LITTLETON; REPRESENTATIVE GORDY - HOUSE ADMINISTRATION: An Act Awarding Special Pension Benefits to Olin

Conaway, a Former State Employee; Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 198 - LITTLETON; REPRESENTATIVE GORDY - HOUSE ADMINISTRATION: An Act Awarding Special Pension Benefits to Mildred A. Tieman (Blades), a Former State Employee; Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 231 - CORDREY - PUBLIC SAFETY: An Act to Amend Chapter 1, and Chapter 27, Title 21 of the Delaware Code, Relating to Drivers License.

SB 232 - CORDREY - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code, Relating to a Fee for the Reinstatement of Driving Privileges for a Non-Resident.

SB 234 - CORDREY - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code, Relating to Suspension of Drivers Licenses for Lending Licenses.

SB 235 w/SA 1 - CORDREY - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code, Relating to the Definition of Proof of Financial Responsibility.

SB 236 - CORDREY - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Taxicabs. (2/3 bill)

SB 237 - CORDREY - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to the Reissuance of License Plates.

SB 238 - CORDREY - REVENUE & FINANCE: An Act to Amend Chapter 30, Title 30 of the Delaware Code, Relating to Credit Given on Vehicle Document Fees.

SB 250 - MARTIN - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21 of the Delaware Code, Relating to Parking Areas Designated for the Handicapped. (2/3 bill)

SB 257 - CORDREY; REPRESENTATIVE VERNON - COMMUNITY AFFAIRS: An Act to Amend an Act, Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach": To Provide for an Abatement of Taxes for Prompt Payment. (2/3 bill)

HA 1 to SA 3 to SB 108 - SMITH - Placed with the bill.

Representative Maxwell moved to lift the roll call on SB 146 w/HA 1. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Maxwell moved to rescind the roll call on SB 146 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Harrington brought HA 2 before the House for consideration. HA 2 to SB 146 was adopted by voice vote.

The Reading Clerk read the following communication into the record:

Medical Society of Delaware
1925 Lovering Avenue
Wilmington, DE 19806

May 21, 1979

Representative Howard A. Clendaniel, Chairman
House Agriculture Committee
Legislative Hall
Dover, DE 19901

Dear Representative Clendaniel:

The Medical Society of Delaware would like to lend its support to passage of SB 146, Relating to Baked Goods; and Providing for the Informational Labeling of Certain Products. We favor requiring bakeries to label any bakery product containing wood or cellulose fiber with the legend "The source of this fiber is wood" or "contains fiber derived from the pulp of trees."

Sincerely,

Anthony L. Cucuzzella, MD, President

Representative Maxwell requested and was granted the privilege of the floor for Senator Cicione.

Representative Maxwell moved to place SB 146 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincock moved to lift HB 120 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 120 - An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Vote Requirement for Ratification of Amendments to the United States Constitution.

The roll call on HB 120 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Ambrosino, T. Brady, George, Holloway, Plant - 5.

Therefore, having received a constitutional majority, HB 120 was sent to the Senate for concurrence.

Representative Plant moved to lift HB 21 from the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

HB 21 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program.

Representative Plant requested and was granted the privilege of the floor for Dr. Lulu Mae Nix from the Delaware Adolescent Program, Inc.

Representative Cain rose on a point of order.

Representative Plant requested and was granted the privilege of the floor for James Hill from the Delaware Adolescent Program, Inc.

Representative Plant introduced and brought HA 1 before the House for consideration. HA 1 to HB 21 was adopted by voice vote.

Representative Smith rose on a point of order.

The roll call on HB 21 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

NO: Representatives Bennett, McKay - 2.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 21 w/HA 1 was sent to the Senate for concurrence.

Representative Anderson moved to suspend the rules for the purpose of acting on a bill. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson brought HB 473 before the House for consideration.

HB 473 - An Act to Amend Chapter 47, Part V, Title 7 of the Delaware code, Relating to State Parks; and Extending Park Use Privileges for Purchasers of Certain Annual Permits.

Representative McKay announced that he would be recorded as "not voting" on the bill because of a conflict of interest.

Representative Morris announced that he would be recorded as "not voting" on the bill because of a conflict of interest.

The roll call on HB 473 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, West, Mr. Speaker Ferguson - 32.

NO: Representatives Burris, Fallon, Smith, Vernon - 4.

NOT VOTING: Representatives McKay, Morris, Riddagh - 3.

ABSENT: Representatives George, Holloway - 2.

Therefore, having received a constitutional majority, HB 473 was sent to the Senate for concurrence.

Representative Neal introduced and brought HR 85, co-sponsored by Representative Riddagh, before the House for consideration.

HR 85 - Congratulating Thomas M. Goyda and Cheryl Darling Upon Their Selection as Charles G. Mortimer Scholarship Winners.

HR 85 was adopted by voice vote.

Representative Riddagh introduced HA 2 to HB 303 and requested that it be placed with the bill.

Representative Maxwell moved to lift SB 146 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 146 - An Act to Amend Part III, Title 3 of the Delaware Code, Relating to Baked Goods; and Providing for the Informational Labeling of Certain Products.

Representative Neal brought HA 3 before the House for consideration. HA 3 to SB 146 was adopted by voice vote.

The roll call on SB 146 w/HA 1,2,3 was taken.

Representative Maxwell rose on a point of order.

Representative Maxwell moved to table the roll call on SB 146 w/HA 1,2,3. The motion was seconded by Representative Gordy, but defeated by voice vote.

The roll call on SB 146 w/HA 1,2,3 was announced:

YES: Representatives Ambrosino, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Gordy, Holloway, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, Powell, Riddagh, Roy, Smith, West, Mr. Speaker Ferguson - 24.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Free, Harrington, Hebner, Jonkiert, Maroney, McKay, Neal, Oberle, Petrilli, Sincok, Vernon - 16.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority of at least two thirds members of the House, SB 146 w/HA 1,2,3 was declared defeated.

The House recessed for caucus at 4:40 p.m.

The House was called to order at 5:23 p.m.

Representative Morris requested that HB 280 be placed on the Agenda for Tuesday, May 29, 1979.

Representative Jonkiert moved to restore SB 146 w/HA 1,2,3 to the calender. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Gordy, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Petrilli, Plant, Powell, Riddagh, Roy, Smith, West, Mr. Speaker Ferguson - 25.

NO: Representatives Burris, Harrington, Hebner, Maroney, McKay, Sincok, Vernon - 7.

NOT VOTING: Representatives T. Brady, W. Brady, Free, Neal, Oberle - 5.

ABSENT: Representatives Cain, George, Holloway, Kelly - 4.

Therefore, having received a constitutional majority, the motion was adopted and SB 146 w/HA 1,2,3 was restored to the calender.

Representative Maxwell moved to place SB 146 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HB 45 before the House for consideration.

Representative Maxwell moved to place HB 45 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Minner brought HB 269 before the House for consideration.

HB 269 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, to Give Official Recognition to the Historical Vintage Car Club

of Delaware, Incorporated in the Registration of Antique Motor Vehicles.

Representative Bennett brought HA 1 before the House for consideration. HA 1 to HB 269 was adopted by voice vote.

The roll call on HB 269 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives George, Kelly, Plant - 3.

Therefore, having received a constitutional majority, HB 269 w/HA 1 was sent to the Senate for concurrence.

Representative Minner brought HB 266 before the House for consideration.

HB 266 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to "PC" License Plates.

The Reading Clerk read the following communication into the record:

February 21, 1979

MEMORANDUM

TO: Representative Ruth A. Minner
FROM: Robert J. Voshell, Director, Division of Motor Vehicles
SUBJECT: Proposed Legislation to Eliminate New Issuance of "PC" License Plates.

Pursuant to your request, I am submitting a draft for a Bill to eliminate any new issuances of "PC" plates.

This Bill will allow owners with "PC" plates to continue to use them or to retain them on other vehicles as long as they desire. Thus, no owner with a low PC plate will lose or be forced to relinquish such plate as long as such owner desires to retain such plate.

Under this Bill, all station wagons registered in the future would be registered with passenger car license plates. This would include those scouts, Broncos and other types of ranch wagons and 4 wheel-drive vehicles which have glass windows all around the vehicle would also be issued a passenger car plate.

This Bill will eliminate the confusion about what type of plate to issue to those vehicles which look like a small passenger car, but have a door which lowers in the rear like other station wagons. It will also allow owners to retain a passenger car plate on a station wagon when they trade cars for wagons. This cannot be done now.

If you have any questions concerning this Bill, please let me know.

The roll call on HB 266 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives George, Kelly - 2.

Therefore, having received a constitutional majority, HB 266 was sent to the Senate for concurrence.

Representative Sincock brought HB 268 before the House for consideration.

HB 268 - An Act to Amend Chapter 29, Title 6, Delaware Code, Transferring the Office of Retail Gasoline Sales from the Division of Consumer Affairs of the Department of Community Affairs and Economic Development to the Division of Motor Fuel Tax of the Department of Public Safety.

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

Representative Sincock rose on a point of order.

The roll call on HB 268 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

NO: Representatives Jonkiert, Loughney - 2.

ABSENT: Representatives Anderson, George, Kelly, Minner - 4.

Therefore, having received a constitutional majority, HB 268 was sent to the Senate for concurrence.

Representative Roy moved to strike HB 417. Without objection, HB 417 was stricken.

The Chief Clerk read the following Committee Reports into the record:

Education: HB 395 - 6M.

Banking and Insurance: SB 129 - 5M; SB 180 - 5M; SB 144 - 5M; HB 445 - 5M; HB 310 - 4M; HB 170 - 1F, 3M; HB 327 - 5M; HB 290 - 4M; HB 213 - 4M, 1U; HB 291 - 4M; HB 201 - 3M, 1U; HB 203 - 3M, 1U; HB 116 - 2F, 3M.

Representative Gordy moved to recess to the call of the Chair at 6:12 p.m.

37th LEGISLATIVE DAY 1st Session

May 29, 1979

The Speaker called the House to order at 2:24 p.m.

The Chief Clerk read the following Committee Reports into the record:

House Administration: SB 198 - 4M; SB 216 - 5M; SB 197 - 5M; SB 230 - 5M.

Education: HJR 14 - 2F, 3U; HJR 15 - 4M; HB 89 - 4M; HB 188 - 4M; HSI for HB 295 - 4M; HB 326 - 4M; HB 391 - 4M; HB 423 - 2F, 2M; HB 443 - 2F, 2M; SB 222 - 4M.

Constitution: HB 379 - 4M; SB 2 - 4M.

Revenue & Finance: HB 376 - 4M.

Judiciary: HB 394 - 5M; HB 313 - 1F, 4M; HB 479 - 4M, 1U; SB 37 -

1F, 5M; SB 47 - 5M; SB 77 - 5M.

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the previous legislative day. The House reconvened at 2:30 p.m. A prayer was offered by Representative William Brady from the 29th Representative District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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

Mr. Speaker appointed a committee to work on the Bond Bill. Appointed to the Committee were Representative Jonkiert from the City of Wilmington, Representative Sincok from New Castle County, Representative Darling from Kent County and Representative Vernon from Sussex County.

Representative Sincok requested that his name be removed as a sponsor of HS 1 for HB 104.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 120; HB 230 w/HA 1, SA 1; HB 237 w/HA 1; HCR 64, HCR 65; HB 283; HB 348 w/HA 1,2; HB 473; SCR 30.

The following prefiled legislation was introduced:

HB 487 - FERGUSON - REVENUE & FINANCE: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, by Permitting the Motor Vehicle Document Tax to be Deductible from Adjusted Gross Income.

HB 488 - FERGUSON, RIDDAGH; SENATORS SHARP, ARNOLD - JUDICIARY: An Act to Amend Chapter 4, Part I, Title 11 of the Delaware Code, Relating to Defenses Against Criminal Liability; and Providing Protection to Persons Defending Real and Personal Property Against Felonies or Attempted Felonies.

HB 489 - GORDY, CLENDANIEL, MINNER, WEST, DARLING, FERGUSON, MORRIS, FALLON, VERNON; SENATORS LITTLETON, HUGHES, BERNDT, MURPHY, ADAMS, CICIONE, COOK, CORDREY - EDUCATION: An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions".

HB 490 - GORDY, CLENDANIEL, DARLING, FALLON; SENATORS ADAMS, LITTLETON - APPROPRIATIONS: An Act to Amend Chapter 692, Volume 60, Laws of Delaware, Relating to an Act Authorizing the State of Delaware to Borrow Money, Issue Bonds and Notes, and Appropriating the Funds to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control. (3/4 bill)

HB 491 - CAIN - LABOR & COMMERCE: An Act to Amend Chapter 26, Title 6 of the Delaware Code, Relating to Unfair Cigarette Sales Act.

HB 492 - CAIN - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 11, Title 9, Delaware Code, by Making Certain Technical Changes to Section 1163 Thereof, Relating to Power of County Council of New Castle Council to Create Debt.

HB 493 - BENNETT - EDUCATION: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Employment Formula and Salary Schedules for Certain Professional Personnel Employed by the School District.

HB 494 - WEST - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 1, Title 17 of the Delaware Code, to Change the Date for the Dedication of Rights-of-Way for Streets in Unincorporated Communities.

HB 495 - MORRIS, T. BRADY, RIDDAGH - CORRECTIONS: An Act to Amend Chapter 65, Title 11, Delaware Code, to Better Provide for the Custody of Inmates.

HB 496 - HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Bureau of Substance Abuse, Department of Health and Social Services for Operating Expenses for Fiscal 1980.

HB 497 - HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program. (3/4 bill)

HB 498 - MCBRIDE, FERGUSON, MAXWELL, CAIN, KELLY, ANDERSON, JONKIERT, GILLIGAN, LOUGHNEY, MINNER, BENNETT, RIDDAGH, AMBROSINO, HEBNER, NEAL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Part I, Title 9 of the Delaware Code, Relating to Counties; and Providing for Preliminary Electrical Work in the Subdivision and/or Development of Real Estate.

HA 2 to HB 67 - CAIN - Placed with the bill.

HA 2 to HB 383 - CONNOR - Placed with the bill.

SB 120 - MURPHY - HOUSE ADMINISTRATION: 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.

SB 227 - ADAMS - COMMUNITY AFFAIRS: An Act to Amend 37 Delaware Laws, Chapter 167, Entitled "An Act to Incorporate the Town of Slaughter Beach", as Amended by 52 Delaware Laws, Chapter 44 and 60 Delaware Laws, Chapter 300. (2/3 bill)

Representative Morris brought HB 280 before the House for consideration.

Representative Morris requested and was granted the privilege of the floor for Edgar B. Harmon, from the U.L. Harmon Company.

The House recessed at 3:04 p.m. for the purpose of changing the audio tape and reconvened at 3:05 p.m.

Representative Loughney rose on a point of order.

Mr. Speaker called for a recess at 3:10 p.m. to allow Mr. Harmon to register as a lobbyist.

The House reconvened at 3:13 p.m.

Representative Morris moved to place HB 280 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative W. Brady moved to suspend the rules for the purpose of introducing and acting on a resolution. The motion was seconded by Representative Minner and adopted by voice vote.

Representative W. Brady introduced and brought HJR 16 before the House for consideration.

HJR 16 - Encouraging Residents of Delaware to Throw Their Empty Bottles and Cans on Maryland or Pennsylvania Roads and Roadsides until Such Times as Those States Enact Legislation Supporting Delaware's Anti-Litter Law.

Mr. Speaker assigned HJR 16 to the Environmental Control Committee. Representative Matushefske moved to lift HB 377 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HA 1 before the House for consideration. HA 1 to HB 377 was adopted by voice vote.

Representative Matushefske requested the privilege of the floor for John Malarkey, State Bank Commissioner.

The House recessed at 4:23 p.m. and reconvened at 4:45 p.m.

Representative Matushefske moved to place HB 377 w/HA 1 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Roy brought HB 360 before the House for consideration.

HB 360 - An Act to Amend Chapter 1, Title 21 of the Delaware Code, Relating to the Issuance of "RV" License Plates on Vans.

The roll call on HB 360 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives George, Holloway - 2.

Therefore, having received a constitutional majority, HB 360 was sent to the Senate for concurrence.

Representative Cain brought HB 67 - HA 1, HA 2 before the House for consideration.

Representative Cain brought HA 1 before the House for consideration. HA 1 to HB 67 was adopted by voice vote.

Representative Cain brought HA 2 before the House for consideration. HA 2 to HB 67 was adopted by voice vote.

Representative Matushefske introduced and brought HA 3 to HB 67 before the House for consideration.

Representative Matushefske requested and was granted the privilege of the floor for Maureen M. Fink from the Delaware Pharmaceutical Society.

Representative Cain moved to place HB 67 w/HA 1,2, - HA 3, on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert rose on a point of order.

Representative Clendaniel brought HB 352 before the House for consideration.

Representative Clendaniel moved to place HB 352 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Hebner brought HB 332 before the House for consideration.

HB 332 - An Act to Amend Chapter 41, Title 21 of the Delaware Code, Relating to Rules of the Road.

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

The roll call on HB 332 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Matushefske, Minner, Morris, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 30.

NO: Representatives Jonkiert, Maxwell, McBride, Plant, West - 5.

NOT VOTING: Representatives Free, Holloway, Neal - 3.

ABSENT: Representatives George, Kelly, McKay - 3.

Therefore, having received a constitutional majority of at least two thirds members of the House, HB 332 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Aging: HB 455 - 1F, 5M; HB 456 - 6F; HB 457 - 2F, 4M; HB 459 - 1F, 5M.

Community Affairs: SB 213 - 5M; HB 484 - 5M.

Representative Gordy moved to recess to the call of the Chair at 6:04 p.m.

38th LEGISLATIVE DAY 1st Session

May 30, 1979

The Speaker called the House to order at 1:56 p.m.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by Representative Charles Hebner from the 9th Representative District.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representative T. Brady, George - 2.

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

Representative Fallon introduced and brought HR 86 before the House for consideration.

HR 86 - Congratulating the Delaware Citizens Committee (D.C.C.) for their Perseverance in Bringing Commercial and Public Television to the State of Delaware.

HR 86 was adopted by voice vote.

Representative Gordy introduced and brought HCR 67, co-sponsored by Representative Burris, before the House for consideration.

HCR 67 - Extending an Invitation to the Members of the Delaware Congressional Delegation, United States Senator William V. Roth, United States Senator Joseph R. Biden, Jr., and United States Representative Thomas B. Evans, Jr., to Visit the General Assembly from Time to Time

for the Purpose of Making Reports or Expressing Their Views on Matters of Substantial Public Interest.

HCR 67 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 499 - PLANT, MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 5, Title 13 of the Delaware Code, Relating to Support Orders. (2/3 bill)

HB 500 - GILLIGAN - JUDICIARY: An Act to Amend Chapter 19, Title 10, Delaware Code, Relating to Examination of Mortgage Satisfactions by Commissioners of New Castle County.

HB 501 - MCBRIDE (By Request), MAXWELL, PLANT, T. BRADY, MARONEY, NEAL; SENATORS MCDOWELL, WEISS - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 30, Part II, Title 31 of the Delaware Code, Relating to the State Human Relations Commission; and Permitting the Commission to Act as Conciliator in Matters Involving Discrimination Because of One's Sex or Physical Handicap.

HB 502 - MINNER, BENNETT, SINCOCK; SENATORS ADAMS, BERNDT, COOK, HOLLOWAY - REVENUE & FINANCE: An Act to Amend Part VI, Chapter 61, Title 29, Delaware Code, Relating to Certain Fees and Tuition Payments Collected by Delaware Technical and Community College.

HB 503 - DARLING - HOUSE ADMINISTRATION: An Act Making an Appropriation to the Department of Agriculture for the Purpose of Paying Sick Leave to J. Noble Carroll of Felton, Who was not Eligible for a Pension at the Time of His Job Termination in 1977.

HB 504 - RIDDAGH, JONKIERT - JUDICIARY: An Act to Amend Chapter 49, Title 10, of the Delaware Code, Relating to Executions.

HB 505 - HEBNER, LOUGHNEY; SENATOR HUGHES - HIGHWAYS & TRANSPORTATION: An Act Making an Appropriation to the Department of Transportation for the Purpose of Obtaining Participating Funds from the Federal Highway Administration to Erect a Visual Barrier Along a Portion of Interstate Routes 95 and 495.

HJR 17 - RIDDAGH, MORRIS, W. BRADY, OBERLE, T. BRADY, HOLLOWAY, DARLING, HARRINGTON; SENATORS SHARP, COOK, HUGHES, SPENCE - CORRECTIONS: Directing the Department of Corrections to Refuse the Availability of Work Release Programs, Leaves and the Like to Convicted Persons Who are Under Judicially Imposed Mandatory Sentences.

Representative Matushefske moved to lift HB 377 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 377 - An Act to Amend Chapter 3, Title 1 of the Delaware Code, Relating to Limitation of Interest and Finance Charges.

Representative Matushefske requested and was granted the privilege of the floor for John Malarkey, State Bank Commissioner.

The roll call on HB 377 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cathcart, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Gilligan, Harrington, Holloway, Jonkiert, Kelly, Matushefske, McKay, Minner, Morris, Petrilli, Plant, Powell, Riddagh, Sincock, Vernon, West, Mr. Speaker Ferguson - 26.

NO: Representatives Free, Maroney, Neal, Oberle, Roy - 5.

NOT VOTING: Representatives Gordy, Hebner, Maxwell, McBride, Smith - 5.

ABSENT: Representatives Ambrosino, T. Brady, Connor, George, Loughney - 5.

Therefore, having received a constitutional majority, HB 377 w/HA 1 was sent to the Senate for concurrence.

Representative Vernon moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Vernon brought SB 257, co-sponsored by Senator Cordrey, before the House for consideration.

SB 257 - An Act to Amend An Act, Being Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach", to Provide for an Abatement of Taxes for Prompt Payment.

The roll call on SB 257 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 35.

ABSENT: Representatives Ambrosino, T. Brady, Connor, George, Loughney, West - 6.

Therefore, having received a constitutional majority of at least two thirds members of the House, SB 257 was returned to the Senate.

Representative Gilligan moved to lift HB 301 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 301 - An Act to Amend Chapter 1, Title 31, Delaware Code, Relating to the Burial of the Remains of an Indigent Person by the State.

The roll call on HB 301 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cathcart, Clendaniel, Darling, Fallon, Free, Gilligan, Gordy, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 33.

NO: Representatives Harrington, Hebner, Neal - 3.

ABSENT: Representatives Ambrosino, T. Brady, Cain, Connor, George - 5.

Therefore, having received a constitutional majority, HB 301 was sent to the Senate for concurrence.

Representative Oberle introduced and brought SCR 31, sponsored by Senator Sharp, before the House for consideration.

SCR 31 - Urging the Governor to Proclaim June 16, 1979, as Ronny Holdren Day.

SCR 31 was adopted by voice vote.

Representative Plant moved to lift HB 263 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant introduced and brought HA 3 to HB 263 before

the House for consideration.

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

Representative Maxwell rose on a point of order.

Representative Plant rose on a point of order.

Representative Plant rose on a point of order.

Representative Plant moved to suspend the rules in order to waive the fiscal note requirement on the bill.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Minner, Morris, Plant, Mr. Speaker Ferguson - 16.

NO: Representatives Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Sincock, Smith, Vernon - 17.

ABSENT: Representatives Ambrosino, T. Brady, Cain, George, Kelly, McBride, Roy, West - 8.

Therefore, not having received a constitutional majority, the motion was defeated.

Representative Plant moved to place HB 263 w/HA 1 - HA 3 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Vernon moved to suspend the rules for the purpose of acting on HB 233 - HA 1. The motion was seconded by Representative Hebner.

Representative Maxwell moved to recess at 3:23 p.m.

The House was called to order at 5:20 p.m.

The House recessed at 5:25 p.m. and reconvened at 5:26 p.m.

The roll call on the motion to suspend the rules for the purpose of acting on HB 233 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, Gordy, Harrington, Hebner, Maroney, McKay, Minner, Morris, Neal, Petrilli, Riddagh, Sincock, Smith, Vernon - 22.

NO: Representatives Anderson, Cain, Cathcart, Gilligan, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Oberle, Plant, Powell, West, Mr. Speaker Ferguson - 17.

ABSENT: Representatives T. Brady, George - 2.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Vernon brought HB 233 - HA 1 before the House for consideration.

Representative Vernon brought HA 1 to HB 233 before the House for consideration.

Representative Vernon requested and was granted the privilege of the floor for House Attorney, Mike Rich.

Representative Sincock rose on a point of order.

Representative Burris rose on a point of order.

The roll call on HA 1 to HB 233 was taken and revealed:

YES: Representatives Bennett, W. Brady, Burris, Clendaniel, Darling, Fallon, Gordy, Harrington, Hebner, Minner, Morris, Neal, Petrilli, Riddagh, Sincock, Smith, Vernon - 17.

NO: Representatives Ambrosino, Anderson, Cain, Cathcart, Connor, Gilligan, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Oberle, Plant, Powell, Roy, West, Mr. Speaker Ferguson - 19.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives T. Brady, George, Maroney, McKay - 4.

Therefore, not having received a constitutional majority, HA 1 to HB 233 was declared defeated.

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

Representative Vernon moved to strike HB 233. Without objection, HB 233 was stricken.

Representative Gordy moved to recess to the call of the Chair at 5:48 p.m.

39th LEGISLATIVE DAY 1st Session

May 31, 1979

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

The Chief Clerk read the following Committee Reports into the record:

Corrections: HB 495 - 2F, 2M; HJR 17 - 4F, 1M.

Natural Resources: HB 437 - 6M; HB 475 - 6M; HB 462 - 1F, 5M; SB 196 - 6M.

Judiciary: HB 481 - 1F, 3M, 1U.

Administrative Services: SB 150 - 5M; HB 219 - 5M; HB 306 - 5M.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m. A prayer was offered by Representative Tina Fallon from the 39th Representative District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

Representative Cain moved to suspend the rules for the purpose of introducing and acting on a bill. The motion was seconded by Representative George and adopted by voice vote.

Representative Cain introduced and brought SB 275, co-sponsored by Senators McDowell, Holloway, Marshall, Murphy, Zimmerman and Cicione, before the House for consideration.

SB 275 - An Act to Amend An Act Entitled "An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Reduction of Each Personal Income Tax Rate and Employer's Return and Payment of Tax Withheld; to Amend Chapter 19, Title 30, Delaware Code, Relating to the Determination of the Entire Net Income of a Corporation as it Relates to the Cost of Modification for Handicapped Persons; and To Amend Chapter 13, Title 30, Delaware Code, Pertaining to the Valuation of Certain Farm and Small Business Real Property for Inheritance Tax", Formerly Known as House Bill No. 334 of the 130th General Assembly.

Representative Connor requested and was granted the privilege of the

floor for House Attorney, John Rich.

The roll call on SB 275 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Cain, Cathcart, Connor, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, McKay, Morris, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Mr. Speaker Ferguson - 28.

NO: Representatives Bennett, Burris, Darling, Fallon, Maroney, Minner, Neal, Petrilli, Vernon - 9.

NOT VOTING: Representatives Clendaniel, West - 2.

ABSENT: Representatives Ambrosino, Kelly - 2.

Therefore, having received a constitutional majority, SB 275 was returned to the Senate.

Representative Loughney introduced brought HR 87 before the House for consideration.

HR 87 - Requesting the Senate to Return House Bill No. 334 to the House of Representatives.

Mr. Speaker assigned HR 87 to the House Administration Committee.

Representative Oberle introduced and brought HR 88 before the House for consideration.

HR 88 - Commending the Organizers and Participants of the Fifth Annual "Academic Day," Recently Held at Fairwinds Christian School and Dover Christian School.

HR 88 was adopted by voice vote.

Representative Minner introduced HB 514.

HB 514 - An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to Regulation and Transportation of Hazardous Materials Within This State; Providing for the Imposition of Duties Upon the Department of Public Safety, the State Police and Other Departments and Divisions of State Government; Prescribing Penalties and Further Providing for Enforcement of This Act.

Mr. Speaker assigned HB 514 to the Highways and Transportation Committee.

Representative Minner moved to strike HB 451. Without objection, HB 451 was stricken.

Representative Holloway introduced and brought HCR 68 before the House for consideration.

HCR 68 - Requesting the Department of Corrections to Supply Cost Estimates to the House and Senate Standing Committees for the Construction and/or Installation of a Security System at the Plummer House Work Release Center.

HCR 68 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 506 - W. BRADY, KELLY, OBERLE, PETRILLI - PUBLIC SAFETY: An Act to Amend Chapter 29, Title 14 of the Delaware Code, to Require that School Bus Headlights be Turned on Whenever Students are Being Transported.

HB 507 - W. BRADY - HOUSE ADMINISTRATION: An Act Awarding Pension Benefits to Lawrence C. Pond, a Former State Employee; Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this

Act as if it Were Awarded Pursuant to Chapter 55, Title 29 of the Delaware Code.

HB 508 - MORRIS - JUDICIARY: An Act to Amend Chapter 15, Title 13 of the Delaware Code, Relating to an Award of Alimony in Divorce Actions.

HB 509 - PLANT - JUDICIARY: An Act to Amend Chapter 57, Title 25, Delaware Code, Relating to Landlord-Tenant Relationships by Providing for an Appeal from a Summary Proceeding for Possession.

HB 510 - PLANT - JUDICIARY: An Act to Amend Chapter 53, Title 25 of the Delaware Code, Relating to Landlord-Tenant Relationships by Providing for Verification of Excess Utility Charges.

HB 511 - PLANT, ANDERSON, HOLLOWAY, JONKIERT, ROY - JUDICIARY: An Act to Amend Section 5307, Chapter 53, Title 25, of the Delaware Code, Relating to Landlord-Tenant Relationships by Increasing the Abatement of Rent for Periods in which Heat or Water or Hot Water is Not Provided by a Landlord.

HB 512 - PLANT, ANDERSON, HOLLOWAY, JONKIERT, ROY - JUDICIARY: An Act to Amend Section 5515, Chapter 55, Title 25, Delaware Code, Relating to Landlord-Tenant Relationships by Clarifying the Existence of Tort Remedies Arising from the Landlord-Tenant Relationship.

HB 513 - PLANT, ANDERSON, HOLLOWAY, JONKIERT, ROY - AGING: An Act to Amend Section 6503, Chapter 65, Title 25, of the Delaware Code, Relating to Landlord-Tenant Relationships by Providing for the Creation of Rental Units for the Exclusive Use of Senior Citizens.

HJR 18 - MAXWELL, FERGUSON - HOUSE ADMINISTRATION: Supporting the National Rifle Association of America in its Condemnation of Federal Agency Policies Seeking to Curb the Constitutional Right to Possess Firearms.

SB 152 - CORDREY - NATURAL RESOURCES: An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Hunting and Fishing Licenses by Allowing Authorized Agents to Charge a Fee of no More Than Fifty Cents.

SB 167 w/SA 2 - CICIONE - JUDICIARY: An Act to Amend Chapter 98, Part VII, Title 10 of the Delaware Code, Relating to Justice of the Peace Courts; and Providing for Costs in Civil Proceedings Before Justices of the Peace.

SB 168 w/SA 1 - CICIONE - JUDICIARY: An Act to Amend Chapter 41, Part II, Title 11 of the Delaware Code, Relating to Criminal Procedure; and Permitting a Court, in its Discretion, to Cancel Certain Fines and Costs.

SB 187 - CORDREY - APPROPRIATIONS: 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 Wilson Creek.

SJR 16 - HOLLOWAY - HEALTH & SOCIAL SERVICES: Setting Forth the Procedures for Registering Medical Practitioners to Prescribe Marijuana to Patients for Medicinal Purposes.

Representative Holloway moved to lift the roll call on HB 24 w/HA 1. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HB 24 - An Act to Amend Chapter 5, Title 1, Delaware Code, Relating

to Legal Holidays.

The roll call on HB 24 w/HA 1 was revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, George, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Neal, Petrilli, Riddagh, Sincock, Vernon, West - 24.

NO: Representatives Bennett, W. Brady, Clendaniel, Darling, Gilligan, Maroney, McBride, McKay, Minner, Morris, Oberle, Plant, Roy, Smith, Mr. Speaker Ferguson - 15.

NOT VOTING: Representatives Gordy, Powell - 2.

Therefore, having received a constitutional majority, HB 24 w/HA 1 was sent to the Senate for concurrence.

Representative Plant moved to lift the roll call on HB 10 w/HA 1. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Plant moved to rescind the roll call on HB 10 w/HA 1. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Holloway rose on a point of order.

Representative Plant introduced and brought HA 2 to HB 10 before the House for consideration.

Representative Plant moved to strike HB 10 w/HA 1, - HA 2. Without objection, HB 10 w/HA 1, - HA 2 was stricken.

Representative Matushefske moved to strike HB 285. Without objection, HB 285 was stricken.

Representative Matushefske brought HB 230 w/HA 1 and SA 1 before the House for consideration.

HB 230 - An Act to Amend Chapter 41, Title 14 of the Delaware Code, to Provide Superintendents of Schools with Subpoena Power in Dealing with Uncooperative Parents.

The roll call on HB 230 w/HA 1 and SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

NO: Representative Neal - 1.

Therefore, having received a constitutional majority, HB 230 w/HA 1, SA 1 was sent to the Governor.

Representative Petrilli requested that his name be removed as a sponsor of HS 1 for HB 104.

Representative Maxwell moved to strike HB 45. Without objection, HB 45 was stricken.

Representative Gordy moved to recess for caucus at 3:18 p.m.

The House was called to order at 4:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 187; SB 152; HB 261; SCR 31; SB 167 w/SA 2; SB 168 w/SA 1; SJR 16; HCR 67; SB 275; HB 174; HB 334 w/HA 1 & HA 1 to HA 1.

May 30, 1979

LEGISLATIVE ADVISORY #15

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
5/24/79 - SJR 11. 5/26/79 - HB 473; SJR 14. 5/29/79 - HB 146; SB 118.

MEMORANDUM

TO: The Members of the House of Representatives of the 130th General Assembly.

FROM: The Staff of the House of Representatives of the 130th General Assembly.

SUBJECT: Staff Party

On behalf of the staff who serve you all,
A great big thanks, we had a ball.
From the call of the roll, to the tunes of the "jock",
We enjoyed the eve, dressed in our best frock.
Thanks again to you all, for the whole year long,
You have a place in our hearts, where you'll always belong.

Representative Connor brought HB 383 - HA 1,2 before the House for consideration.

HB 383 - An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code, Relating to the State Employees' Pension Plan; and Providing Pension Rights for Certain Older State Employees.

Representative Connor moved to strike HA 1. Without objection, HA 1 to HB 383 was stricken.

Representative Connor brought HA 2 before the House for consideration. HA 2 to HB 383 was adopted by voice vote.

Representative Minner rose on a point of order.

The roll call on HB 383 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 41.

Therefore, having received a constitutional majority, HB 383 w/HA 2 was sent to the Senate for concurrence.

Representative Vernon brought HB 258 before the House for consideration.

HB 258 - An Act to Amend Chapter 1 of Title 21 of the Delaware Code, Relating to Registration of Vehicles Which Do Not Meet Minimum Standards.

The roll call on HB 258 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 40.

NO: Representative McBride - 1.

Therefore, having received a constitutional majority, HB 258 was sent to the Senate for concurrence.

Representative Minner introduced and brought HR 89 before the House for consideration.

HR 89 - Requesting the Members of the Delaware Congressional Delegation and the Federal Department of Agriculture to Act Swiftly to Provide Assistance for Farmers Who Suffered Crop Damage of More than One Million Dollars in the Severe Hail Storm on the Night of May 29-30, 1979.

HR 89 was adopted by voice vote.

Representative Vernon brought HB 259 before the House for consideration.

HB 259 - An Act to Amend Chapter 1 of Title 21 of the Delaware Code, Relating to Registration of Tripeds.

The roll call on HB 259 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representative Ambrosino - 1.

ABSENT: Representatives Anderson, Cain, Plant - 3.

Therefore, having received a constitutional majority, HB 259 was sent to the Senate for concurrence.

Representative Powell brought HB 357 before the House for consideration.

HB 357 - An Act to Amend Chapter 5, Title 4, of the Delaware Code, Relating to Exemptions from Alcohol Tax.

The roll call on HB 357 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Gordy, Harrington, Plant - 3.

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

Representative Hebner moved to suspend the rules for the purpose of acting on HB 505. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative Hebner brought HB 505 before the House for consideration.

HB 505 - An Act Making an Appropriation to the Department of Transportation for the Purpose of Obtaining Participating Funds from the Federal Highway Administration to Erect a Visual Barrier Along a Portion of Interstate Routes 95 and 495.

Representative Hebner introduced and brought HA 1 before the House for consideration. HA 1 to HB 505 was adopted by voice vote.

Representative Burris rose on a point of order.

Representative Hebner moved to suspend the rules for the purpose of waiving the fiscal note requirement on the bill. The motion was seconded by Representative Vernon and adopted by voice vote.

The roll call on HB 505 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 38.

ABSENT: Representatives Harrington, Neal, West - 3.

Therefore, having received a constitutional majority, HB 505 w/HA 1 was sent to the Senate for concurrence.

The House recessed at 4:42 p.m. for the purpose of changing the audio tape and reconvened at 4:43 p.m.

Representative Gilligan brought HB 428 before the House for consideration.

HB 428 - An Act to Amend Chapter 11, Title 16 of the Delaware Code, Relating to the Public Health and Safety, and Providing for a Uniform Alcoholism and Intoxication Treatment Act.

Representative Kelly introduced and brought HA 1 before the House for consideration. HA 1 to HB 428 was adopted by voice vote.

Representative Gilligan requested and was granted the privilege of the floor for James F. Edwards, Acting Chairman of the Delaware State Advisory Council on Alcoholism.

Representative Gilligan requested and was granted the privilege of the floor for Milton T. Lassiter from the Delaware Alcoholism Council, Inc.

Representative Gilligan requested and was granted the privilege of the floor for James P. Campbell.

Representative Loughney requested and was granted the privilege of the floor for Thomas M. Loies.

The roll call on HB 428 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Hebner, Holloway, Kelly, Maroney, Matushefske, Maxwell, McBride, McKay, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 29.

NO: Representatives Bennett, Clendaniel, Gordy, Harrington, Jonkiert, Loughney, Minner, Morris, Neal, West - 10.

ABSENT: Representatives Plant, Riddagh - 2.

Therefore, having received a constitutional majority HB 428 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske moved to lift the roll call on HB 50. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HB 50 - An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Jai-Alai.

The roll call on HB 50 was revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Cain, Cathcart, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Petrilli, Plant, Powell, Riddagh, Mr. Speaker Ferguson - 28.

NO: Representatives Bennett, Burris, Clendaniel, Connor, Hebner, McKay, Neal, Oberle, Roy, Sincok, Smith, Vernon, West - 13.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 50 was sent to the Senate for concurrence.

Representative Darling moved to suspend the rules for the purpose of acting on HJR 17. The motion was seconded by Representative Minner and adopted by voice vote.

HJR 17 - Directing the Department of Corrections to Refuse the Availability of Work Release Programs, Leaves and the Like to Convicted Persons Who are Under Judicially Imposed Mandatory Sentences.

The roll call on HJR 17 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Vernon, West, Mr. Speaker Ferguson - 37.

NO: Representative Plant - 1.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Anderson, Kelly - 2.

Therefore, having received a constitutional majority, HJR 17 was sent to the Senate for concurrence.

Representative Gilligan brought SB 44 before the House for consideration.

SB 44 - An Act to Amend Chapter 72, Title 16, Delaware Code, Relating to the Removal of Liquefied Petroleum Gas Containers.

The roll call on SB 44 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 39.

ABSENT: Representatives Holloway, Kelly - 2.

Therefore, having received a constitutional majority, SB 44 was returned to the Senate.

Representative McBride introduced and brought HCR 69, co-sponsored by Representatives Gilligan and Jonkiert and Senator Marshall, before the House for consideration.

HCR 69 - Calling for the Enforcement of Delaware Laws which Prohibit the Sale of Cigarettes to Certain Minors.

Representative McBride moved to place HCR 69 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Ambrosino introduced HR 90.

HR 90 - Amending the Temporary Rules of the House of Representatives of the 130th General Assembly.

Mr. Speaker assigned HR 90 to the House Administration Committee.

Representative Burris brought HB 419 before the House for consideration.

HB 419 - An Act to Amend Chapter 31, Title 16 of the Delaware Code, Relating to the Issuance of Birth Certificates.

The roll call on HB 419 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 38.

ABSENT: Representatives George, Holloway, Kelly - 3.

Therefore, having received a constitutional majority, HB 419 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Judiciary: HB 508 - 1F, 4M, 1U.

Health & Social Services: HB 372 - 5M; HB 438 - 5M; HB 23 - 1F, 4M; HB 470 - 1F, 2M, 1U; SJR 16 - 2F, 2M; SB 125 - 1F, 4M; SB 202 - 1F, 3M, 1U; HB 223 - 1F, 3M; HB 486 - 1F, 3M; HB 331 - 3F, 1M; HB 185 - 1F, 3M; HB 341 - 1F, 3M; HB 469 - 1F, 3M.

Banking & Insurance: SB 204 - 4M.

Representative Bennett moved to strike HB 201. Without objection, HB 201 was stricken.

Representative Bennett moved to strike HB 203. Without objection, HB 203 was stricken.

At 6:48 p.m., Representative Gordy moved to recess until 3 p.m. on Tuesday, June 5, 1979.

40th LEGISLATIVE DAY 1st Session

June 5, 1979

The Speaker called the House to order at 2:22 p.m.

The Majority Leader moved to adjourn at 2:23 p.m., thereby ending the previous legislative day. The House reconvened at 2:23 p.m. A prayer was offered by Representative David McBride from the 15th Representative District.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Maroney, Morris - 2.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 220; SB 248 w/SA 1; HB 271; SCR 32..

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

New Castle County School District
4 Mt. Lebanon Road
Wilmington, DE 19808

May 11, 1979

MEMORANDUM

TO: All Junior High and Middle School Principals

FROM: Joseph E. Johnson

SUBJECT: Promotion and Retention Procedure for Junior High Schools

Using the recommendations from a meeting with Dr. Loren Thompson, Area Secondary Directors, and junior high and middle school principals, and amended as a result of the meeting held by Dr. George Kirk, with the principals of the high schools and junior high schools, the following promotion and retention administrative procedures were generated for the 1978-79 school year:

1. Seventh and eighth grade students should be promoted unless they fail either math or language arts or both. If they fail either of these two subjects, they may still be promoted, if in the judgment of the principal and the teachers who deal directly with the student, the best placement of the student is to promote him/her to the next grade level. If the student is retained, they are to be recommended for summer school.
2. Ninth grade students are to be promoted if they pass any subjects earning a total of two (2) or more credits. If a ninth grade student fails English, he or she is to be encouraged to enroll in summer school to satisfy the English credit.

The following prefiled legislation was introduced:

HB 515 - PLANT - COMMUNITY AFFAIRS: An Act to Amend Section 5306, Chapter 53, Title 25, of the Delaware Code, Relating to Landlord-Tenant Relationships by Increasing a Tenant's Remedy for Minor Defects in His Rental Unit.

HB 516 - MATUSHEFSKE, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 88, Title 29 of the Delaware Code, Relating to the State Bank Commissioner's Office.

HB 517 - MATUSHEFSKE, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 18, Title 5, Delaware Code, Relating to the Report of Net Earnings and Payment of Tax by Building and Loan Associations.

HB 518 - MATUSHEFSKE, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 19, Title 5, Delaware Code, Relating to Powers of Federally Chartered Institutions.

HB 519 - BENNETT, MCKAY, PETRILLI, SENATOR CORDREY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 29, Title 24 of the Delaware Code, Relating to Real Estate Brokers and Salespersons and Real Estate Appraisers.

HB 520 - PLANT - COMMUNITY AFFAIRS: An Act to Amend Section 5107, Chapter 51, Title 25 of the Delaware Code, Relating to Landlord-Tenant Relationships by Providing Clarification of the Notice Requirement Upon Termination of a Rental Agreement.

HB 521 - PLANT, AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Title 25 of the Delaware Code, Relating to Retaliatory Evictions and Rent Increases.

HA 1 to HA 1 to HB 217 - SMITH - Placed with the bill.

HA 1 to HB 280 - RIDDAGH - Placed with the bill.

SB 220 - CORDREY, MURPHY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Finance for Payment of a Bona Fide Veteran's Claim.

SB 248 w/SA 1 - CICIONE - JUDICIARY: An Act to Amend Chapter 35, Part IV, Title 12 of the Delaware Code, Relating to Trusts.

Representative Maxwell introduced HB 522, co-sponsored by Representatives Sincok, Neal, Anderson and McBride.

HB 522 - An Act to Amend Title 29, Chapter 8 of the Delaware Code, Relating to Composition and Reapportionment of the General Assembly.

Mr. Speaker assigned HB 522 to the House Administration Committee.

Representative W. Brady brought HB 287 - HA 1 before the House for consideration.

HB 287 - An Act to Amend Chapter 74, Title 16, of the Delaware Code, Relating to the Storage of Radioactive Waste.

Representative Matushefske brought HA 1 before the House for consideration.

Representative Matushefske moved to strike HA 1. Without objection, HA 1 to HB 287 was stricken.

Representative Loughney moved to reassign HB 287 to committee. The motion was seconded by Representative Cathcart.

The roll call on the motion was taken and revealed:

YES: Representatives Burris, Cathcart, Darling, Free, Kelly, Loughney, McKay, Minner, Roy, Vernon, Mr. Speaker Ferguson - 11.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Connor, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Matushefske, McBride, Neal, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith - 24.

ABSENT: Representatives T. Brady, Clendaniel, Maroney, Maxwell, Morris, West - 6.

Therefore, not having received a constitutional majority, the motion was defeated and HB 287 remained before the House.

Representative McKay requested and was granted the privilege of the floor for James L. Parks from the Delmarva Power and Light Company.

The roll call on HB 287 was taken.

Representative W. Brady moved to table the roll call on HB 287. The motion was seconded by Representative Anderson, but defeated by voice vote.

The roll call on HB 287 was revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Cain, George, Gilligan, Hebner, Neal, Oberle, Smith - 10.

NO: Representatives Bennett, T. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gordy, Harrington, Jonkiert, Kelly, Loughney, Matushefske, McBride, McKay, Minner, Petrilli, Riddagh, Sincok, Vernon - 22.

NOT VOTING: Representatives Holloway, Mr. Speaker Ferguson - 2.

ABSENT: Representatives Maroney, Maxwell, Morris, Plant, Powell, Roy, West - 7.

Therefore, not having received a constitutional majority, HB 287 was declared defeated.

Representative Gordy moved to strike HB 386. Without objection, HB 386 was stricken.

Representative Clendaniel brought HB 410 before the House for consideration.

HB 410 - An Act to Amend Title 3 of the Delaware Code, by Adding a New Chapter Relating to Agricultural Commodities Development.

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

The House recessed at 5:20 p.m. for the purpose of repairing the audio tape machine and reconvened at 6:05 p.m.

Representative Clendaniel moved to strike HA 1. Without objection, HA 1 to HB 410 was stricken.

Representative Clendaniel brought HA 2 before the House for consideration. HA 2 to HB 410 was adopted by voice vote.

The roll call on HB 410 w/HA 2 was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Clendaniel, Darling, Fallon, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, Minner, Neal, Riddagh, Sincock, Vernon, West, Mr. Speaker Ferguson - 23.

NOT VOTING: Representatives Ambrosino, T. Brady, W. Brady, Cathcart, Connor, Free, Hebner, McKay, Oberle, Petrilli, Powell, Roy, Smith - 13.

ABSENT: Representatives Anderson, George, Maroney, Morris, Plant - 5.

Therefore, not having received a constitutional majority of at least two thirds members of the House, HB 410 w/HA 2 was declared defeated.

Representative Jonkiert introduced HB 523, co-sponsored by Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Gilligan, Holloway, West, Loughney, McBride, Plant, Matushefske, Maxwell, Minner, Morris, Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Neal, Maroney, McKay, Oberle, Petrilli, Powell, Vernon, Riddagh, Roy, Sincock; Senators Cicione, Adams, Cook, Holloway, Kearns, Marshall, McDowell, Murphy, Zimmerman, Berndt, Hughes, Knox, Weiss.

HB 523 - An Act to Amend Title 10, Chapter 40 of the Delaware Code, by Adding New Provisions to the Tort Claims Act Reestablishing the Principle of Sovereign Immunity for Counties and Municipalities Throughout the State of Delaware. (2/3 bill)

Mr. Speaker assigned HB 523 to the Judiciary Committee.

Representative Matushefske introduced HB 524.

HB 524 - An Act to Amend Chapter 26, Part I, Title 14 of the Delaware Code, Relating to the Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.

Mr. Speaker assigned HB 524 to the Revenue and Finance Committee.

Representative Sincock introduced HB 525.

HB 525 - An Act to Amend Chapter 11, Title 9 of the Delaware Code, Relating to County Budgets.

Mr. Speaker assigned HB 525 to the House Administration Committee.

Representative Neal brought HB 378 before the House for consideration.

Representative Neal moved to place HB 378 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Bennett brought HB 275 before the House for consideration.

HB 275 - An Act to Amend Delaware Code, Title 14 as it Relates to the Funding of Basic Skills Units in the Public Schools.

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

The roll call on HA 1 to HB 275 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Cathcart, Clendaniel, Connor, Fallon, Free, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 26.

NO: Representatives Bennett, Burris, Darling, Gordy, Harrington, McBride, McKay, Minner, Neal - 9.

ABSENT: Representatives Cain, George, Holloway, Maroney, Morris, Plant - 6.

Therefore, having received a constitutional majority, HA 1 to HB 275 was adopted.

Representative Bennett moved to strike HB 275 w/HA 1. Without objection, HB 275 w/HA 1 was stricken.

Representative Loughney rose on a point of order.

Representative Gordy brought HB 387 before the House for consideration.

HB 387 - An Act to Amend Chapter 69, Title 29 of the Delaware Code, by Adding Definitions of Government Unit, Public Works Contract, Public Funds, Public Building and Submission of Bid Invitations and Awarding of Contracts and Listing of Subcontractors.

The roll call on HB 387 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 37.

ABSENT: Representatives Holloway, Maroney, Morris, Plant - 4.

Therefore, having received a constitutional majority, HB 387 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Public Safety: HB 461 - 2M, 3U.

Community Affairs: HB 466 - 1F, 3M.

Representative Gordy moved to recess to the call of the Chair at 6:37 p.m.

41st LEGISLATIVE DAY 1st Session

June 6, 1979

The Speaker called the House to order at 2:07 p.m.

The Chief Clerk read the following Committee Report into the record:

Judiciary: HB 523 - 3F, 3M.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by Rabbi Peter H. Grumbacher from Temple Beth Emeth in Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Maroney, Morris - 2.

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

The Reading Clerk read the following communications into the record:

State of Delaware
Executive Department
Dover

June 6, 1979

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, 130th GENERAL ASSEMBLY

This afternoon, I signed both House Bill 334 and Senate Bill 275. These two bills have the effect of cutting state personal income taxes by \$21.5 million and for providing a safeguard against the enactment of a state sales tax.

In my Budget Address in January, I said a bi-partisan effort was needed to reduce personal income taxes. Passage of this legislation in the Delaware House of Representatives was the result of cooperation on both sides of the aisle and in the Tax Policy Task Force. This joint effort proved to the people of our great state that we could work together to provide a reduction of taxes for each taxpayer. This legislation, as well, sends a clear signal to the business community here and around the nation that Delaware wants to strengthen its economy and provide jobs for our citizens.

This chamber will long be remembered in Delaware history as the body which enacted the first reduction in personal income taxes in recent memory. It is something for which we all can be proud.

On behalf of the people of the State of Delaware, thank you for your support and cooperation.

Sincerely yours,

Pierre S. du Pont, Governor

June 5, 1979

LEGISLATIVE ADVISORY #16
FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:
5/31/79 - HB 202; HB 237 w/HA 1; HB 198; SB 257; HJR 8 w/SA 1; SB 33. 6/1/79 - HB 95; HB 59; SB 93 w/SA 1.

The Senate wishes to inform the House that it has passed: HB 128 w/SA 1,2.

June 6, 1979

Dear Representatives,

I can never thank you enough for the lovely baby shower and the beautiful rocking chair. Chuck and I really appreciate your kind thoughtfulness, and will always remember how very special you made all three of us feel.

Thank you all so much.

Karen Pugh

The following prefiled legislation was introduced:

HB 526 - GORDY - EDUCATION: An Act to Amend Chapter 31, Title 14 of the Delaware Code, to Lower the Minimum Age of a Handicapped Person Requiring Special Educational Services to Three.

HB 527 - GORDY - EDUCATION: An Act to Amend Chapter 13, Title 14 of the Delaware Code, Relating to Salary Schedules and Working Conditions of School Employees and Making an Appropriation Therefor.

HB 528 - MINNER - LABOR & COMMERCE: An Act to Amend Chapter 7, Title 19 of the Delaware Code, Relating to the Use of the Polygraph and Similar Test by Law Enforcement Agencies and the Department of Corrections.

HB 529 - HOLLOWAY, NEAL; SENATOR HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Secretary of Community Affairs and Economic Development for the Purpose of Reviewing the Delaware Code, and Proposing Revisions Thereto Relating to Sexually Discrimintory Laws. (2/3 bill)

HB 530 - PLANT - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays an Establishing Martin Luther King's Birthday as a Legal Holiday.

HB 531 - PLANT - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

HB 532 - GILLIGAN; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 33, Title 24 of the Delaware Code, Relating to Veterinary Medicine by Increasing Compensation for the Board of Examiners: Providing for Examinations; and Providing for Renewal Fees and Procedures.

HB 533 - GILLIGAN - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 31, Title 24 of the Delaware Code, Relating to the Payment of Fees to Members of the Board of Funeral Service Practitioners; Setting Renewal Fees; and Providing for the Expiration of Certificates.

HB 534 - GILLIGAN; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 26, Title 24 of the Delaware Code, Relating to Physical Therapy to Provide for the Licensing of Foreign-Trained Physical Therapists, to Eliminate the Provision for Temporary Certificates, and to Revise the Section Dealing with Certificate Renewal.

HB 535 - GILLIGAN; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 12, Title 16, of the Delaware Code, Relating to Nursing Home Administrators; Providing for Election of Officers and Payment of Expenses; and Providing for Application and Renewal Fees.

HB 536 - AMBROSINO, CONNOR, JONKIERT - HEALTH & SOCIAL SERVICES: An Act to Amend Subchapter VIII, Chapter 17, Title 24 of the Delaware Code, Relating to Medicine, Surgery and Osteopathy: And Providing for an Infant Protection Act.

HA 1 to HS 1 for HB 104 - CONNOR, KELLY - Placed with the bill.

HA 2 to HS 1 for HB 104 - NEAL - Placed with the bill.

HA 3 to HS 1 for HB 104 - NEAL - Placed with the bill.

HA 4 to HB 147 - OBERLE - Placed with the bill.

HA 2 to HB 280 - NEAL - Placed with the bill.

HA 1 to HB 461 - ANDERSON - Placed with the bill.

Representative Gordy introduced and brought HR 91 before the House for consideration.

HR 91 - Providing for a Special Agenda for June 6, 1979, to Pughperse Other Agendas Until the Special Business Herein Contained is Pughpleted.

HR 91 was adopted by voice vote.

Representative Gilligan introduced and brought HR 92, co-sponsored by Representatives McBride and Vernon, before the House for consideration.

HR 92 - Honoring the Five Semi-Finalists and the Winner of the First Annual Nurse of the Year Award in Delaware.

HR 92 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 70, co-sponsored by Representative West and Senators Adams and Cordrey, before the House for consideration.

HCR 70 - Joining in the Congratulations for the Sussex Central Junior High School Indoor Drill Team for its Outstanding Record During 1979.

HCR 70 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy moved to recess for caucus at 2:30 p.m.

The House was called to order at 3:35 p.m.

Representative Minner brought HB 128 w/ SA 1,2 before the House for consideration.

HB 128 - An Act to Amend Subchapter VII of Chapter 5, Title 11, Delaware Code, Relating to Cruelty to Animals.

The roll call on HB 128 w/SA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

ABSENT: Representatives Jonkiert, Kelly, Maroney, Morris, Plant - 5.

Therefore, having received a constitutional majority, HB 128 w/SA 1,2 was sent to the Governor.

Representative Riddagh moved to suspend the rules for the purpose of acting on HB 495. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Hebner rose on a point of order.

HB 495 - An Act to Amend Chapter 65, Title 11, Delaware Code, to Better Provide for the Custody of Inmates.

The roll call on HB 495 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Ferguson - 36.

ABSENT: Representatives Jonkiert, Kelly, Maroney, Morris, Plant - 5.
Therefore, having received a constitutional majority, HB 495 was sent to the Senate for concurrence.

Representative Holloway brought HB 240 before the House for consideration.

Representative Holloway moved to place HB 240 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Holloway requested that HB 72 be deferred to a day certain, Thursday, June 7, 1979.

Representative Loughney brought HB 171 before the House for consideration.

Representative Loughney moved to place HB 171 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Smith moved to lift HB 217 w/HA 1 & HA 1 to HA 1 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Smith brought HB 217 w/HA 1 & HA 1 to HA 1 before the House for consideration.

HB 217 - An Act to Amend Chapter 15, Title 24 of the Delaware Code, Relating to Hotels, Restaurants and Places of Entertainment; and Providing for the Inspection of Food Preparation Areas.

Representative Minner rose on a point of order.

Representative Smith brought HA 1 to HA 1 before the House for consideration. HA 1 to HA 1 to HB 217 was adopted by voice vote.

The roll call on HB 217 w/HA 1 & HA 1 to HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Minner, Neal, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Vernon, Mr. Speaker Ferguson - 31.

NO: Representatives Bennett, Gordy, McBride, West - 4.

NOT VOTING: Representative Burris - 1.

ABSENT: Representatives Holloway, Kelly, Maroney, Morris, Plant - 5.

Therefore, having received a constitutional majority, HB 217 w/HA 1 & HA 1 to HA 1 was sent to the Senate for concurrence.

Representative Gordy brought HB 390 before the House for consideration.

HB 390 - An Act to Amend Chapter 23, Title 10 of the Delaware Code, Relating to the Deposit of Monies by the Prothonotary.

The roll call on HB 390 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Kelly, Loughney,