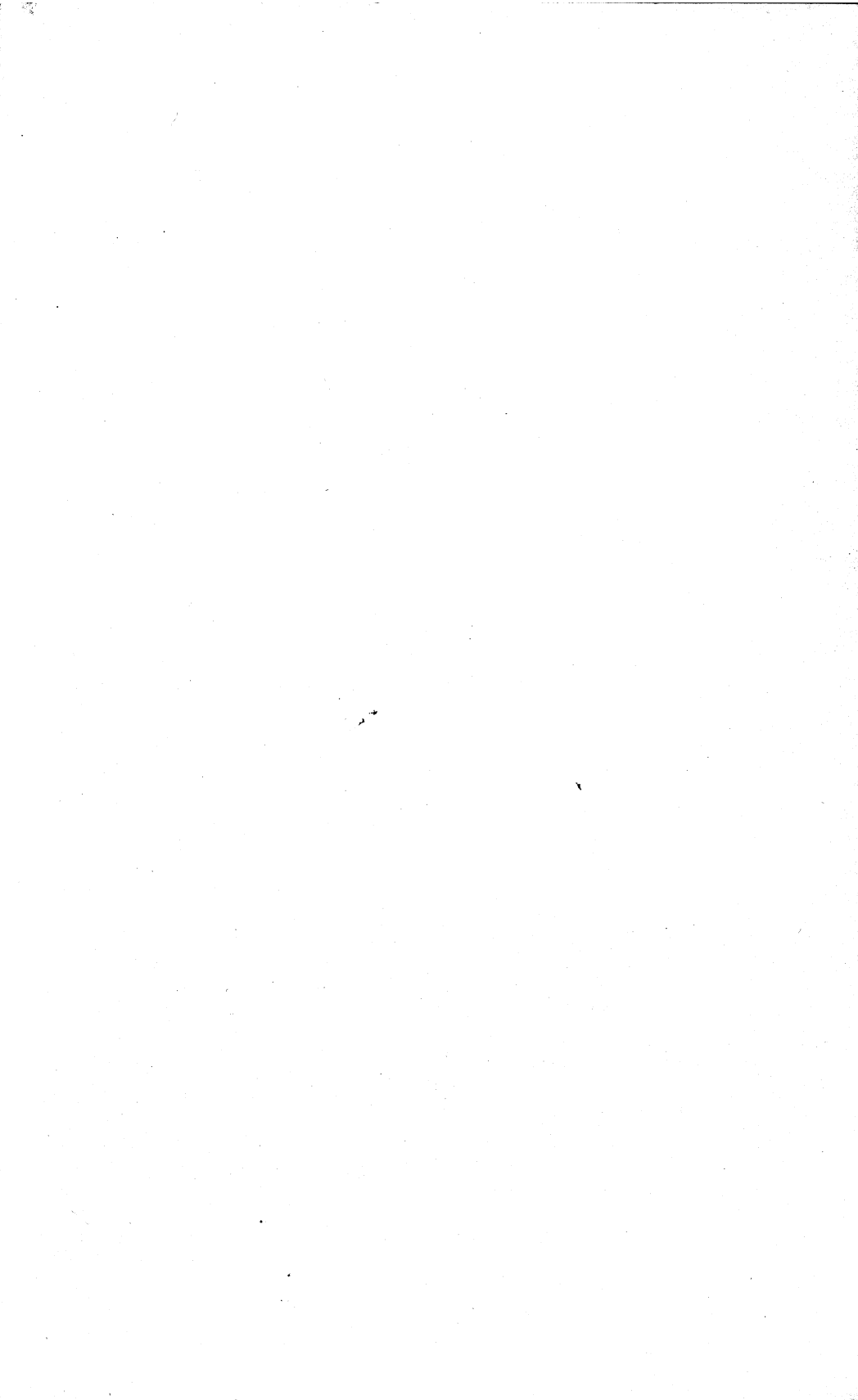


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**STATE OF DELAWARE**



**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**

**129TH GENERAL ASSEMBLY**

**1977 - 1978**



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
129th GENERAL ASSEMBLY

NEW CASTLE COUNTY

1. Orlando J. George, Jr., 2707 Baynard Boulevard, Wilmington.
2. Al O. Plant, 523 Eastlawn Avenue, Wilmington.
3. Henrietta Johnson, 1213 Lobdell Street, Wilmington.
4. Marcello Rispoli, 1412 W. 7th Street, Wilmington.
5. Casimir S. Jonkier, 403 S. Broom Street, Wilmington.
6. Thomas E. Brady, 2219 W. 17th Street, Wilmington.
7. Joseph P. Ambrosino, 24 N. Stuyvesant Drive, Wilmington.
8. Joseph C. Loughney, 109 Delaware Avenue, Wilmington.
9. Charles L. Hebner, 913 Darley Road, Wilmington.
10. Gwynne P. Smith, 1419 Fresno Road, Wilmington.
11. Richard Sincok, 2201 Beaumont Road, Wilmington.
12. C. Leslie Ridings, Jr., 3201 Kammerer Drive, Wilmington.
13. John P. McKay, West Farm, Greenville.
14. Robert L. Maxwell, 311 Village Road, Wilmington.
15. Robert L. Byrd, 10 Beech Avenue, Wilmington.
16. Daniel A. Kelly, 101 Brookside Avenue, Wilmington.
17. John Matushefske, 106 W. Franklin Avenue, New Castle.
18. Kenneth W. Boulden, 114 Somers 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 Road, Wilmington.
24. William A. Oberle, Jr., 188 Scottfield Drive, Newark.
25. John G.S. Billingsley, P.E., 110 Briar Lane, Newark.
26. Marian P. Anderson, 41 Anglin Drive, Newark.
27. Sandra Worthen, 16 Fairfield Drive, Newark.  
Joseph Petrilli, 21 Pinyon Pine Circle, Wilmington. (7/78)
28. Gerard A. Cain, 2 Stallion Drive, Newark.
29. William H. Brady, II, RD 1, Box 432, Middletown.

KENT COUNTY

30. Robert W. Riddagh, 24 Lake Drive, Smyrna.
31. Karen Jennings Miller, 836 Miller Drive, Dover.
32. Edward J. Bennett, Woodsedge Road, Box 344, Dover.
33. Ruth Ann Minner, RD 3, Box 694, Milford.
34. J. Edward Morris, 5 East Street, Camden.
35. Ronald Darling, Box 342, RD 1, Wyoming.

SUSSEX COUNTY

36. John M. Burris, 314 Lakelawn Drive, Milford.
37. William H. Vernon, 402 Bayard Avenue, Rehoboth Beach.
38. Howard A. Clendaniel, 670 N. Bedford Street, Georgetown.
39. Thomas A. Temple, Sr., 808 Oak Street, Seaford.
40. William J. Gordy, RD 2, Box 139, Laurel.
41. Donald J. Lynch, Gumboro Road, Selbyville.

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Overview - Casimir S. Jonkiert, Chairman; Joseph C. Loughney, Karen Jennings Miller, John G. S. Billingsley, Gwynne P. Smith.

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Rules - Robert L. Maxwell, Chairman, Gerard A. Cain, John Matushefske, Al O. Plant, Roger P. Roy, William H. Vernon.

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Richard Atkinson - Typist  
Rita Bayard - Page  
Barbara Bierman - Secretary  
Mary Blachowicz - Secretary  
Wessie Boney - Page  
William Bowman - Page  
Carl Carlisle - Sergeant-at-Arms  
Ann Case - Administrative Assistant  
John Cirasari - Assistant Recorder  
Mary Clifford - Page  
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Carrol Cordrey - Sergeant-at-Arms  
Andrea Dougherty - Secretary  
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Bettye Goldsberry - Page  
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Alma Gray - Page  
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Ruth Haggerty - Assistant Chief Clerk  
Edith Hemphill - Assistant Bill Clerk  
Gary B. Hindes - Administrative Assistant  
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Crystal Johnson - Secretary  
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Patricia Joseph - Page  
Pamela Kitchen - Bill Clerk  
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     Leslie Winkler - Reading Clerk  
     J. Dallas Winslow - Attorney  
     Joyce Wright - Typist

TEMPORARY RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF DELAWARE  
129TH GENERAL ASSEMBLY  
1977-1978

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.

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 - Speaker Pro Tempore, temporary presiding officer

A Speaker Pro Tempore shall be elected by a majority of all the members elected to the House. The Speaker Pro Tempore shall serve as Presiding-Officer of the House in the absence of the Speaker and shall have all the powers and perform all of the duties of the Speaker until the Speaker's return, provided the Speaker or the Speaker Pro Tempore, whoever may be presiding at the time, may name a member to preside. In the absence of the Speaker and the Speaker Pro Tempore, the House shall be called to order by the senior member in terms of service for the Majority Party who shall serve as temporary Presiding Officer until the return of Speaker or Speaker Pro Tempore.

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

Rule 8 - Assignment of Bills and Resolutions to Committees

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 pre-filed 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 legislative 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 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 the member addressing the House.

A member shall not be interrupted when speaking, except to a call to 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

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 options of a committee chairman to cancel a regular or special meeting or call additional meetings when necessary.

Rule 17 - 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. A signature without designation shall assume to be a vote upon the merits.

Rule 18 - Committee of the Whole

The committee of the whole shall mean and include a committee of the entire membership of the House. 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 19 - 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 sponsors' 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 20 - 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 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 150 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 the 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. At the end of each bill introduced the author shall include a brief synopsis of the intent of the bill.

#### Rule 21 - 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 a 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 22 - 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 23 - Amendments

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

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

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

#### Rule 24 - 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.

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

#### Rule 25 - 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 26 - 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. Motions

### Rule 27 - 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 be called.

### Rule 28 - Motion to Adjourn

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

### Rule 29 - Precedence 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 upon without debate)
5. to commit

6. to postpone to a day certain;
7. to postpone indefinitely; or
8. to amend.

Rule 30 - 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 31 - 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 31A - Motion to Lift a Tabled Roll Call; Motion to Take From the Table

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.

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 32 - 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 33 - 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, in the same manner and under the same conditions as House bills and resolutions, by its House floor manager.

#### Rule 34 - 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 35 - Amendment and Suspension of Rules

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

##### Rule 36 - 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 37 - 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 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 38 - 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 39 - Privilege of Floor

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

#### Rule 40 - 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 accomplishes 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, nor 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.

#### Rule 41 - Fiscal Information to Standing Committees

Immediately upon completion of the budget appropriation bill by the Joint Finance Committee and prior to its introduction and adoption, the Controller General shall furnish to the Chairman of the Standing Committees and members thereof copies of that portion of the budget appropriation bill for the corresponding agency or agencies that fall within their jurisdiction. In reviewing the agency or agencies that fall within the Standing Committees jurisdiction, the Committee shall have the authority to request the attendance of heads of agencies and any information, data, statistics which is needed to enable the Committee to thoroughly and objectively review and analyze the proposed budget. The Standing Committees shall have the authority to submit to the Joint Finance Committee written reports and recommendations for any changes, additions or deletions so determined by the Committee within six (6) legislative days.

1st LEGISLATIVE DAY  
FIRST SPECIAL SESSION  
129th GENERAL ASSEMBLY

According to the proclamation issued by Governor Sherman W. Tribbitt, the First Special Session of the One Hundred and Twenty-ninth General Assembly, State of Delaware, convened on Tuesday, January 4, 1977 at 1:14 p.m.

The House was called to order by Representative John Ferguson, he having seniority, from the 20th District.

Representative Ferguson requested that the Reading Clerk, Leslie Winkler, read the proclamation into the record as follows:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

PROCLAMATION

I, Sherman W. Tribbitt, Governor of the State of Delaware, pursuant to Article III, Section 16, of the Constitution of the State of Delaware, do hereby convene the House of Representatives and Senate of the 129th General Assembly of the State of Delaware into Special Session on Tuesday, January 4, 1977, at 1:00 p.m.

IN WITNESS WHEREOF, I, Sherman W. Tribbitt, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 23rd day of December in the year of our Lord one thousand nine hundred and seventy-six and of the Independence of the United States of America, the two hundred and first.

Sherman W. Tribbitt, Governor

Robert H. Reed, Secretary of State

There was a prayer by the Reverend Jackson Robinson, New Castle United Methodist Church, New Castle, Delaware.

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

"America the Beautiful" and "The American Trilogy" were sung by Representative Karen J. Miller, of the 31st Representative District.

Mrs. Karen 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 129th General Assembly according to district as follows:

Orlando J. George, Jr., First Representative District; Al O. Plant, Second Representative District; Henrietta Johnson, Third Representative District; Marcello Rispoli, 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 Sincock, Eleventh Representative District; C. Leslie Ridings, Jr., Twelfth Representative District; John P. McKay, Thirteenth Representative District; Robert L. Maxwell, Fourteenth Representative District; Robert L. Byrd, Fifteenth Representative District; Daniel A. Kelly, Sixteenth Representative District; John Matushefske, Seventeenth Representative District; Kenneth W. Boulden, 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; John G.S. Billingsley, Twenty Fifth Representative District; Marian P. Anderson, Twenty Sixth Representative District; Sandra D. Worthen, 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; Karen Jennings Miller, 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; Thomas A. Temple, Sr., Thirty Ninth Representative District; William J. Gordy, Fortieth Representative District; Donald J. Lynch, Forty First Representative District.

Mr. Jonkiert moved that Representative-elect Ferguson be made temporary Speaker of the House of Representatives to serve until the election of the permanent speaker. The motion was adopted by voice vote.

Mr. Jonkiert moved that Mrs. Pugh be made temporary chief clerk until a permanent chief clerk be appointed. The motion was adopted by voice vote.

The House recessed at 1:25 p.m. to examine the Certificates of Election, and reconvened at 1:40 p.m.

Representative-elect Jonkiert reported that the committee had examined the Certificates of Election and found that they were in order.

Mr. Ferguson requested 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-six 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, hereunto affixed at the Court House in said County on this Fifth day of November, A.D. 1976.

Albert J. Stiftel, President Judge

Andrew D. Christie, Resident Associate Judge

Representative-elect Jonkiert moved that the reading of one Certificate of Election constitute the reading of all. Motion was adopted by voice vote.

Mr. Jonkiert moved that the oath of office of Representative be administered to Mr. Ferguson by Chief Judge of the Common Pleas Court, Robert Wahl. The motion was adopted by voice vote.

The State of Delaware  
County of New Castle, ss

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware according to the best of my ability. And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

John P. Ferguson

Sworn to and Subscribed to this 4th day of January A.D., 1977 before me.

Robert A. Wahl, Chief Judge, Court of Common Pleas

Representative-elect Jonkiert moved that Judge Wahl administer the oath of office to the Representatives-elect. The motion was adopted by voice vote.

Judge Wahl administered the oath of office to all Representatives-elect.

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

Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, Thomas Brady, William Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle,

Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen - 41 Members present.

Representative Jonkiert moved that the roll as read by Mrs. Pugh be the permanent roll of the House of Representatives of the 129th General Assembly. The motion carried by voice vote.

Representative Gilligan introduced and brought HR 1 before the House for consideration.

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

Representative Darling moved to table HR 1. The roll call revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Gordy, Hebner, Lynch, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon - 24.

NO: Representatives Anderson, W. Brady, Byrd, Cain, Ferguson, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Plant, Rispoli, Worthen - 16.

ABSENT: Representative Boulden - 1.

Therefore, the motion carried and Representative Ferguson placed HR 1 on the Speakers Table.

Representative Jonkiert moved to recess to the call of the Chair at 2:04 p.m.

## 2nd LEGISLATIVE DAY FIRST SPECIAL SESSION

January 5, 1977

Mr. Acting Speaker Ferguson called the House to order at 1:26 p.m.

Representative Jonkiert moved to adjourn the previous Legislative Day at 1:26 p.m.

Mr. Acting Speaker Ferguson called the House to order at 1:27 p.m.

The Reverend C.J. Robinson, New Castle United Methodist Church, New Castle, Delaware said the prayer.

Mr. Acting Speaker Ferguson led those present in a salute to the flag.

The Acting Chief Clerk called the roll.

Members present: 41.

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

Representative Jonkiert moved to recess for caucus at 1:35 p.m.

Mr. Temporary Speaker Ferguson called the House to order at 5:38 p.m.

Representative Jonkiert moved to recess to the call of the Chair at 5:39 p.m.

## 1st LEGISLATIVE DAY

## FIRST SESSION

January 11, 1977

The Acting Speaker Ferguson called the House to order at 1:40 p.m. Representative Jonkiert moved to adjourn the First Special Session of the 129th General Assembly sine-die and the First Session of the 129th General Assembly of the State of Delaware convened pursuant to Article II, Section 4, the Constitution.

Mr. Acting Speaker Ferguson called the House to order at 1:42 p.m. and requested that Representative Gilligan and Representative Riddagh notify Governor Sherman W. Tribbitt that the 129th General Assembly had convened. A prayer was offered by Representative Temple of the 39th District.

Mr. Acting Speaker Ferguson led those present in a salute to the flag.

The Acting Chief Clerk called the roll.

Members present: 41.

The Reading Clerk read the following communication from Governor Sherman W. Tribbitt.

January 6, 1977

Lieutenant Governor Eugene D. Bookhammer,  
President of the Senate  
Senator Richard S. Cordrey,  
President ProTem, Senate  
Representative John P. Ferguson  
Acting Speaker of the House

Gentlemen:

I respectfully request that I be given the opportunity to deliver the State of the State and Fiscal Message to the 129th General Assembly on Thursday, January 13th, at 1:30 p.m.

I further request that I be given the opportunity to deliver this message in the House Chamber, where I started my political career in 1957, and where I of course served as Speaker of the House for six years.

I make the latter request for purely sentimental reasons.  
Sincerely,

Sherman W. Tribbitt, Governor

Representative Jonkiert moved to recess for caucus at 1:50 p.m.

Mr. Acting Speaker Ferguson called the House to order at 2:23 p.m.

The minutes of the previous day were approved as posted.

Representative Gilligan introduced HR 2 and brought it before the House for consideration.

HR 2 - In Reference to the Election of the Speaker of the House of Representatives.

Representative Gilligan moved to place HR 2 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to make Representative Ferguson acting speaker until the election of a permanent one. The motion was adopted by voice vote.

Representative Gilligan moved to lift HR 2 from the table. The motion was adopted by voice vote.

The roll call was taken and revealed:

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

ABSENT: Representatives Ambrosino, Boulden, Cain - 3.

Therefore, HR 2 having received a constitutional majority was declared passed by the House.

Mr. Jonkiert moved that HR 2 be made HR 1 of the First Session of the 129th General Assembly. The motion was adopted by voice vote.

Therefore, HR 2 became HR 1.

Mr. Acting Speaker Ferguson administered the Oath of Office of Speaker to Representative Kenneth Boulden.

The State of Delaware  
County of New Castle, ss

I, Kenneth W. Boulden, 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 the office of Speaker of the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability.

Kenneth W. Boulden.

Sworn and subscribed to this 11th day of January, A.D., 1977.

Sandra Krett, Notary Public

Representative Plant announced that the majority caucus had elected Casimir S. Jonkiert as Majority Leader.

Representative Minner announced that the majority caucus had elected William J. Gordy as Majority Whip.

Representative Riddagh announced that Representative Sincok had been elected Minority Leader and Representative McKay elected Minority Whip.

Representative Jonkiert introduced and brought HR 2 before the House for consideration.

HR 2 - Relating to Temporary Rules of the House of Representatives of the 129th General Assembly of the State of Delaware.

Representative Jonkiert moved to place HR 2 on the Speaker's Table. The motion was adopted by voice vote.

Representative Gordy introduced and brought HR 3 before the House for consideration.

HR 3 - In Reference to Election of Officers.

HR 3 was adopted by voice vote.

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

Representative Morris brought HJR 1 before the House for consideration.

HJR 1 - In Reference to Election of Officers.

The roll call was taken and revealed:

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

ABSENT: Representatives Ambrosino, Byrd, Cain - 3.

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

Mr. Richard Norwood, Sergeant-at-Arms of the Senate, informed the House that the Senate had adjourned the 1st Special Session of the 129th General Assembly and was now ready for business.

Representative Jonkiert introduced and brought HR 4 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.

Representative Matushefske and Representative Riddagh left the Chamber to notify Governor Sherman W. Tribbitt that the House was organized and ready for business.

Representative Jonkiert introduced and brought HR 5 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.

Representative Ferguson and Representative T. Brady notified the Senate that the House is organized and ready for business.

Representative Jonkiert introduced and brought HR 6 before the House for consideration.

HR 6 - Authorizing the Chief Clerk to Purchase Postage Stamps for the First Session of the 129th General Assembly.

HR 6 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:50 p.m.

Mr. Speaker called the House to order at 3:42 p.m.

Representative Gordy moved to suspend rules for introduction and action on SJR 1. The motion was adopted by voice vote.

Representative Gordy brought SJR 1 before the House.

SJR 1 - In Reference to Election of Officers.

The roll call on SJR 1 was taken and revealed:

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

NOT VOTING: Representative Riddagh - 1.

ABSENT: Representatives Billingsley, Cain, Clendaniel - 3.

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

Representative Jonkiert brought SCR 1 before the House for consideration.

SCR 1 - Requesting President-Elect Jimmy Carter to Reconsider His Decision to Grant a Blanket Pardon to Draft Evaders During the Vietnam War.

Representative Byrd moved to table SCR 1. The motion was defeated by voice vote.

The roll call on SCR 1 was taken and revealed:

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

NO: Representatives George, Miller, Plant, Worthen - 4.

NOT VOTING: Representative Byrd - 1.

ABSENT: Representative Cain - 1.

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

Representative Maxwell brought SCR 4 before the House for consideration.

SCR 4 - Congratulating the Athletic Department of the University of Delaware, The Blue Hens Outstanding Football Team of 1976, and Football Coach Harold "Tubby" Raymond for a Highly Successful Season.

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

Representative Anderson brought SCR 5 before the House for consideration.

SCR 5 - Extending Congratulations to the Newark High School Football Team and its Coach, William "Rocky" Rees, on Becoming the Division I Delaware Interscholastic Champion of 1976.

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

Representative Maxwell introduced and brought HR 7 before the House for consideration.

HR 7 - Commending the Alexis I. du Pont High School Field Hockey Team for Winning the State Tournament.

HR 7 was adopted by voice vote.

Representative Jonkiert moved to lift HR 2 from the Speaker's Table. The motion was adopted by voice vote.

Representative Jonkiert yielded to Representative Minner. Representative Minner introduced and brought HA 1 to HR 2 before the House for consideration.

HA 1 to HR 2 was adopted by voice vote.

On the motion of Representative Jonkiert, HR 2 w/HA 1 was adopted by voice vote.

Representative Jonkiert moved to recess to the call of the Chair at 4:15 p.m.

## 2nd LEGISLATIVE DAY

January 12, 1977

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 Representative Thomas Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 41.

The minutes of the previous day were approved as posted.

The following prefiled legislation was introduced:

HB 1 - MORRIS - JUDICIARY: An Act to Amend Chapter 5, Title 13, Delaware Code, Relating to Support Orders and Enforcement Thereof.

HB 2 - RIDINGS - HEALTH AND SOCIAL SERVICES: An Act to Amend Part II, Title 16 of the Delaware Code Relating to the Public Health and Welfare; and Providing for Cessation of Medical Care for Terminal Patients.

HB 3 - T. BRADY - APPROPRIATIONS: An Act to Amend Chapter 63, Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing Certain Requirements in the Consideration and Passage of the Budget Appropriation Bill.

HB 4 - T. BRADY - CONSTITUTION: An Act Proposing an Amendment to Section 22 and 23, Article III of the Delaware Constitution and Relating to the Office of Sheriff.

HB 5 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Establishment of a Division of Motor Fuel Tax Within the Department of Public Safety.

SB 16 - MURPHY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 28 of the Delaware Code Relating to Harness Racing.

SB 20 w/SA 2 - KEARNS - HOUSE ADMINISTRATION: An Act to Amend Chapter 51, Title 29, Relating to Continuity of Office for Certain Public Officials and Office Holders.

SB 29 - MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Work Contracts.

Communications:

The Senate wishes to inform the House that it has passed SB 20 w/SA 2, SB 29, SB 16, SCR 8, HJR 1, SJR 1, SCR 6, SCR 4, SCR 5, SCR 1.

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

HCR 1 - Requesting the Speaker of the House and the President Pro Tempore of the Senate to Improve Security Precautions in the Two Chambers.

Representative Plant moved to place HCR 1 on the Speaker's Table. The motion was adopted by voice vote.

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

HCR 2 - Providing that a Joint Session of the Senate and the House of Representatives be Convened to Hear the Governor's Annual State of the State Address and Budget Message.

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

Representative Bennett introduced and brought SCR 8 before the House for consideration.

SCR 8 - Expressing the Sincere Good Wishes of the Members of the 129th General Assembly to Harry C. McSherry, of Dover, Dean of Delaware's Active Journalists on Having Reached and Passed His 83rd Birthday and Having Continued into the 63rd Year of His Successful Career.

SCR 8 was adopted by voice vote and returned to the Senate.

Representative Gilligan introduced and brought HR 8 before the House for consideration

HR 8 - Amend House Resolution No. 2 by Adding Thereto a New Rule to Be Designated as Rule No. 41 Which New Rule Shall Read as Follows:

The roll call on HR 8 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives George, Lynch, Matushefske, Morris, Plant - 5.

NOT VOTING: Representatives Jonkiert, Sincock - 2.

ABSENT: Representatives Ambrosino, Hebner - 2.

Therefore, HR 8 was declared passed by the House.

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

HR 9 - Mourning the Death of the Rev. John T. Spragg, Former Director of Salesianum School's Musical and Fine Arts.

HR 9 was adopted by voice vote.

Representative Gordy introduced and brought HR 10 before the House for consideration.



HR 10 - Commending the Delmar High School Football Team for Winning the Division Two Championship.

HR 10 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:52 p.m.

The House was called to order at 4:57 p.m.

Representative W. Brady introduced and brought HR 11 before the House for consideration.

HR 11 - Expressing the Condolences of the House of Representatives of the 129th General Assembly to the Family of the Late Representative Isaac Green Cleaver of Fennimore Bridge Near Odessa.

HR 11 was adopted by voice vote.

Representative George introduced and brought HCR 3 before the House for consideration.

HCR 3 - Expressing Disapproval of the Substantial Rate Increase Requested by the Blue Cross and Asking the Insurance Commissioner to Hold a Public Hearing on the Request.

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

Representative Plant moved to strike HCR 1. Without objection, HCR 1 was then stricken.

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

HCR 4 - Requesting Legislative Council to Improve Security Precautions in the Two Chambers.

The roll call on HCR 4 was taken and revealed:

YES: Representatives Ambrosino, Byrd, George, Johnson, Jonkiert, Matushefske, Plant, Rispoli, Temple - 9.

NO: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 29.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Maxwell, Miller - 2.

Therefore, HCR 4 was declared defeated.

Representative Minner moved to suspend all rules for the purpose of acting on HB 5. The motion was adopted by voice vote.

Representative Minner introduced and brought HB 5 before the House for consideration.

HB 5 - An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Establishment of a Division of Motor Fuel Tax Within the Department of Public Safety.

The roll call was taken and revealed:

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

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

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Maxwell, Miller - 2.

Therefore, having received a constitutional majority, HB 5 was sent to the Senate for concurrence.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 6. The motion was passed by voice vote.

Representative Matushefske introduced and brought HB 6 before the House for consideration.

HB 6 - An Act to Amend Chapter 16, Title 2, Delaware Code, Relating to the Powers of a Local Transportation Authority to Fix Rates for the Aged.

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

Representative Ferguson moved for a waiver of a fiscal note for HB 6. The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 15.

ABSENT: Representatives Maxwell, Miller - 2.

Therefore, the motion was declared passed.

The roll call on HB 6 was taken and revealed:

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

ABSENT: Representatives Maxwell, Miller - 2.

Therefore, having received a constitutional majority, HB 6 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on SB 41. The motion was adopted by voice vote.

SB 41 - An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission.

The roll call on SB 41 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy,

Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives T. Brady, McKay, Oberle, Sincock, Vernon - 5.

ABSENT: Representatives Maxwell, Miller - 2.

Therefore, having received a constitutional majority, SB 41 was returned to the Senate.

Representative Sincock introduced and brought HR 12 before the House for consideration.

HR 12 - Expressing the Sympathy of the House to the Family of the Late Eugene W. Scarborough, A Former State Representative.

HR 12 was adopted by voice vote.

Representative Bennett introduced and brought SCR 9 before the House for consideration.

SCR 9 - Commending the Caesar Rodney "Riders" Football Team on Their Outstanding Record on the Gridiron During the Last Two Seasons.

SCR 9 was adopted by voice vote and returned to the Senate.

Representative George introduced HB 7.

HB 7 - An Act to Amend Part VI, Title 29, Delaware Code, Relating to Budgetary and Fiscal Matters of State Government and Providing for Zero Based Budgeting.

Mr. Speaker assigned HB 7 to Appropriations Committee.

Representative Jonkiert moved for a recess to the call of the Chair at 5:55 p.m.

### 3rd LEGISLATIVE DAY

January 13, 1977

The Speaker called the House to order at 1:40 p.m.

Representative Jonkiert moved to adjourn at 1:40 p.m. thereby ending the previous legislative day. The House reconvened at 1:41 p.m. A prayer was offered by Representative Thomas Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Maxwell, Ridings - 2.

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

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

HR 13 - WHEREAS, Mrs. Nancy Olsen has served well and faithfully the 125th, 126th, 127th, and 128th General Assemblies, and

WHEREAS, Nancy served with highest proficiency as Chief Clerk of the House during the 127th General Assembly, and

WHEREAS, Nancy has befriended literally hundreds of legislators and faithful House staff workers over the past

several years, and

WHEREAS, Nancy has, in a manner of speaking, been "called up yonder" to serve the next Chief Executive of Delaware.

NOW THEREFORE, BE IT RESOLVED THAT

The House of Representatives of the 129th General Assembly recognize her outstanding ability and service to this Chamber and expresses its thanks and best wishes in her future endeavors, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Nancy Olsen.

HR 13 was adopted by voice vote.

Representative Jonkiert moved to recess for a Joint Session at 1:30 p.m.

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

#### JOINT SESSION

Representative Jonkiert moved that the House and Senate convene in Joint Session. The Motion prevailed.

Representative Jonkiert moved that the Speaker of the House preside over the Joint Session. The Motion prevailed.

Representative Jonkiert 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 the following committee to escort the Governor to the House Chamber: Representatives Temple and Riddagh and Senators Martin and Kearns.

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:

Mr. Speaker

Mr. President

Mr. President Pro Tem

Ladies and Gentlemen of the 129th General Assembly

Governor-Elect du Pont

Mr. Chief Justice

Other Members of the Judiciary

Elected Constitutional Officers

Members of the Cabinet

Distinguished Guests, Fellow Delawareans:

Today, it is my honor to appear on this platform before this the first Joint Session of our new 129th General Assembly to present a budget for the coming year and to share with you some of my thoughts as to the direction our state should take in future years.

But first let me take this opportunity to extend my best wishes to Governor-elect du Pont, Lieutenant Governor-elect McGinnis, and the members, both old and new, of the 129th General Assembly.

During my four years as your Governor, Delaware has been buffeted by an unprecedented series of economic storms. Together, we have faced inflation, recession, and high unemployment.

These storms have, at least in part, dictated the actions taken by your government during the past four years.

To help the poor -- faced with a losing fight against raging inflation -- we have three times increased welfare benefits.

To help the unemployed, we have over the four years of my administration virtually doubled the maximum unemployment benefit.

To help those on fixed income, we repealed the residential utility tax.

To help those living on retirement pensions, we adjusted the personal income tax law to reduce their tax liability.

And we have worked hard to make Delaware a more attractive site for new industry. Our steps in this direction have been aided mightily by the excellent work done by the Delaware Tomorrow Commission.

At the present time, the Delaware Tomorrow Commission is hard at work preparing enabling legislation to be submitted to this General Assembly to direct the development of a meaningful statewide land use plan.

And action has already been taken by the General Assembly to rectify what the business community has described as the greatest roadblock to the attraction of new industry in Delaware. A reduction in the taxation of capital gains from 100% to 50% represents a direct and costly effort on our part to show our good faith to the business community.

It is now estimated that this change in tax law alone will cost Delaware up to \$10 million in revenue in fiscal 1978. This accommodation to the business community contributes greatly to the size of the 1978 deficit. And I firmly believe that if this tax reduction fails to help us attract significant new opportunities for our citizens, then it is quite likely that the old rate of taxation on capital gains will be reimposed.

Throughout the past four years, I did everything in my power to protect our citizens from the impact of a whole series of new taxes in a time of inflation, recession, and high unemployment. Rather than impose many new taxes, we took another route, and we implemented a series of changes in our tax laws to improve our state's cash flow, while at the same time generating additional revenues for the state.

These cash flow measures and the funds generated by their implementation have helped us immeasurably to provide the necessary level of services for our citizens, without the

need to implement a massive series of revenue measures comparable to those implemented by many of our sister states in the northeast.

But beyond these steps, we have implemented an important series of measures to reduce the cost of government.

We restructured the pension law which resulted in significant plan improvements, while at the same time significantly decreasing the cost of funding our system, by tying new employee benefits to social security.

We restructured our department of transportation and eliminated the need for mass transit subsidies from the general fund.

We changed the payment of franchise taxes from annually to quarterly, thus reducing short-term borrowing which, in turn, has resulted in a reduction in short-term interest costs.

We also implemented a long-range program to limit capital expenditures. It was evident that Delaware, with one of the highest levels of public debt on a per capita basis, was spending more than it could afford on capital projects. The Delaware Tomorrow Commission and the Delaware State Planning Office both estimated that if nothing was done to alter capital investment program policy, debt service would reach \$150 million a year by the mid 80's.

Further, I believe that over the long term, this legislation will demonstrate to the New York money market that Delaware is serious about controlling its capital debt and as a result, over time, Delaware bond ratings should improve.

But the overriding fact is that the cost-saving programs that have been put into effect will -- over the period of fiscal years 1976 through 1978 -- have saved the taxpayers \$25 million. And these savings have been achieved without any reduction in the quality or quantity of the services offered to our people. Beginning in fiscal year 1979, debt service cost savings as a result of our program to limit new capital authorizations will be evident.

By 1985, savings from all of these programs together are estimated to be \$340 million on a cumulative basis.

This is a first step in bringing under control the cost of government in the State of Delaware. It is a first step in keeping the cost of our state's government within our taxpayer's grasp.

But I want to emphasize that it is just that -- a first step. There is more, much more, that must be done.

Delaware is part of that region of our country stretching from Virginia to Maine. All of the states in this area are suffering from the common problems of a low rate of economic growth, a high demand for service and erosion or stagnation of the tax base.

The problem we face was brought sharply into focus by Newhouse News Service writer Phillip W. Smith who wrote, "Drawn by a warmer climate, lower taxes, and cheaper energy,

Americans are moving south in search of a better life just as they moved north in search of jobs."

He continues: "For the north, it is adding to the steady erosion of economic base that governors and mayors of that region are trying desperately to reverse."

And I tell you people today that the trend must be reversed.

This means that government in Delaware in the years ahead will have to be lean and efficient, rendering services on a "least-cost" basis. We must constantly review our service mix. We must constantly weed out unnecessary services to free funds to finance new demands.

And we cannot constantly expect to go back to the citizen taxpayer for more and more dollars to support a bigger, bulkier, and more unresponsive government. To do so will only worsen our problems . . . and erode public confidence in the ability of government to serve its people.

Let us take a few moments to look squarely at the financial problems we face today in Delaware.

In the last few months, we have seen revenue estimates -- as prepared by the Governor's Economic Advisors -- drop rapidly. And though the total of the drop has been large, it has been limited to two revenue sources -- personal income tax and the lottery. The lottery estimate has been reduced by \$6 million as a result of the lower-than-expected consumer acceptance of the sports betting program, which did not meet the originally anticipated sales volume.

The personal income tax estimate has been reduced to reflect the slowdown in the national economy, the higher-than-anticipated level of unemployment in Delaware, and the now-expected continuation of severely restricted year-end employee bonuses, the passage of the New Jersey income tax, and the changes made in Delaware's taxation of capital gains.

Turning to the other side of the ledger, our latest estimate reveals that total supplemental appropriations for this year, including the \$7.2 million already signed into law, will total \$20.7 million.

Thus, with the latest estimate of both expenditures and revenue in hand, we anticipate a deficit by June 30, 1977, of \$42.2 million. This deficit is equal to approximately 10% of the total general fund revenue.

Resolution of this problem -- a problem shared by many of our sister states from Virginia to Main -- requires action to further reduce the cost of government and, on the other hand, action in the form of levying new as well as increasing existing taxes.

Today, I will lay out before you a plan to accomplish both of these aims.

First, I am suggesting a modest spending program for FY 78 -- which includes a small number of increases necessary to continue to provide adequate levels of service

to our citizens, as well as a series of cuts designed to control the cost of government.

As you will be able to see by consulting the appendix attached to this speech, we anticipate total disbursements for FY '77 to be \$451 million. For FY '78, we anticipate disbursements of \$468.7 million, an increase of just 3.9% in total disbursements.

In addition, legislation will be introduced, which if adopted on a timely basis, would further reduce disbursements for FY '78 by an additional \$7.7 million, reducing net total disbursements to \$461 million. Adoption of the spending cuts incorporated in the FY '78 budget, and those submitted in the form of special legislation, would limit the growth in total expenditures on a year-to-year basis to just 2.3%.

Now let us look in detail at the FY '78 budget.

New and expanded programs in the budget include the staff for the Banton Building at Emily P. Bissell Hospital; additional staff for the Delaware Home and Hospital (for the Chronically Ill) at Smyrna; additional staff for the Hospital for the Mentally Retarded at Stockley; additional staff, training funds and work-release funds for the correctional system; additional funds to assume the full cost for the operation of the Terry Children's Psychiatric Center; additional funds for highway maintenance; funds to open the Wilmington State Office Building; as well as funds necessary to finance the next phase of the revenue management system to continue the process of increasing the ability of our Division of Revenue to collect the taxes already on the books.

The total allocated to new and expanded programs outlined is approximately \$4.5 million. Thus, our priorities for FY '78 are improved services at our institutions, our correctional system, and our revenue collection agency.

In order to contain the cost of government in FY '78, two major provisions to reduce costs in the coming fiscal year are included in the budget . . . and two others are submitted in the form of special legislation.

First, I propose returning to the school districts the responsibility of paying fringe benefit costs of salaries paid in whole, or in part, with local supplements.

I have long felt that it was wholly improper for a school district, by local action, to increase an employee's salary supplement and expect the state to pick up the fringe benefit costs associated with that increase. In effect, all our taxpayers are underwriting part of the cost of a decision made by a limited number of taxpayers. Returning this burden to its proper place reduces our appropriations by some \$6 million a year.

While the budget for FY '78 includes funding for so-called merit increases for state employees, it freezes cost-of-living benefits at the current level through June 30, 1978.



The cost-of-living freeze for 1978 will reduce expenditures by approximately \$12.4 million.

Further, I believe that the Governor-elect and the 129th General Assembly will have to take action to suspend either the so-called merit increase or the cost-of-living. I do not believe that, going forward, we will be able to support both of these programs as presently enacted.

In addition, separate legislation is submitted to switch the computation of public education units from the current method to one based on average daily attendance. It is anticipated that the adoption of this legislation, on a timely basis, will further reduce expenditures for FY '78 by approximately \$7.2 million.

And finally, I am resubmitting to the General Assembly my proposal to reorganize state government to eliminate needless bureaucrats which will, I believe, result in a government organized along more progressive lines . . . and one which can be administered more effectively and more efficiently. The initial savings from this legislation will be approximately one-half million dollars but, long term, there is a potential to save many millions.

I believe it is necessary, from time to time, to reorganize and restructure government. But it is very difficult to weed out unnecessary bureaucrats unless, periodically, that overall structure is dramatically altered so governors, general assemblies, administrators and the public can look at that bureaucracy from a different point of view.

It becomes the responsibility of the governor, the general assembly, the administrators and the public to insure that the duplication of effort and the waste exposed by the act of reorganization is eliminated.

If we -- the elected representatives of the Delaware citizenry -- fail to see that waste, and fail to correct it, then we are negligent in our trust to those who have elected us.

Simply put, the largest single cost of government is employees' salaries. The most effective means of controlling the cost of that government lies in controlling the number of employees. This weeding out process is never easy, but it is of utmost importance.

If all of the budget cuts that I have proposed, both in the budget, and separately, are adopted, total expenditures for FY '78 will be limited to \$461 million. If none of them are adopted, expenditures are likely to rise to \$486.8 million . . . that is, nearly \$26 million more! (And, of course, that means nearly \$26 million more in new taxes, also - to have a balanced budget!)

While I am sure the public recognizes that it will be necessary to increase some taxes, or in some cases levy new taxes, I am also sure that that same public will be extremely reluctant to see taxes increased, or new taxes

levied, if significant budget cuts are not made at the same time.

Therefore, the revenue program that I will outline today is predicated on budget cuts in the amounts I have outlined or, alternatively, other budget cuts of like amounts.

With the adoption of the budget cuts contained in the budget bill submitted today, and the additional budget cuts submitted separately, we can look for a deficit this fiscal year of \$42.2 million . . . and for FY '78 a deficit of \$19.6 million.

Therefore, we face a cumulative deficit on June 30, 1978, of \$61.8 million.

Again, let me emphasize that this assumes the adoption of all budget cuts already outlined.

To resolve this problem, in addition to the aforementioned budget cuts, I am proposing a revenue program designed to yield \$12.4 million during this fiscal year and \$53.5 million for FY '78.

In order for this tax program to yield \$12.4 million during this fiscal year, it is assumed that both proposals will be effective March 1, 1977.

The key measure in the tax package I am proposing today is an employer-paid payroll tax. I propose that this payroll tax be implemented by March 1st, at the rate of 2%, and that the rate be continued at 2% on an emergency basis through June 30, 1978. On July 1, 1978, this tax would be reduced from 2% to a permanent rate of 1%. This tax will yield \$12 million during FY '77, approximately \$52 million during FY '78 . . . and, subsequently, at the reduced rate of 1%, approximately \$28 million.

Finally, I am proposing increases in commercial motor vehicle registration fees, exclusive of basic registration. Again, effective March 1st, this increase should generate approximately \$.4 million and approximately \$1.5 million during FY '78 and beyond.

Once the dimension of the tax increases necessary to solve our financial problem became apparent, considerable effort was invested to develop a tax program which would generate the funds necessary, and at the same time properly adjust the balance of taxation between the individual and commerce and industry.

It became clear as a result of the study by the Delaware Tomorrow Commission, as well as from independent comments from many other groups and individuals, that the former rate of taxation on capital gains could well have been a powerful force in preventing decision makers from siting new plants in our state. The change in our capital gains tax laws has, I believe, alleviated that problem. At the same time, that change will result in a loss of approximately \$10 million in revenue during FY '78. This is equal to 50% of our anticipated deficit for FY '78 operations on a

12-month basis (not considering the carry-forward deficit from FY '77).

One means of recouping this lost revenue would have been to increase the personal income tax, but I do not believe that it would be appropriate for the many to subsidize the tax relief given to the few. Consequently, I have proposed no changes in the personal income tax.

However, studies conducted over the past few years by various groups, including one by the Pennsylvania economy league and a 1974 study by the New Jersey Manufacturers Association, clearly show that the taxes paid by a business firm operating in Delaware are substantially below the regional average. In fact, the New Jersey study ranks Delaware with South Carolina and calls both "low-burden states." Therefore, I have proposed the employer-paid payroll tax which will, I believe, increase taxes on business and industry in our state to the point where such taxes could be described as "of a moderate burden."

Studies also show that Delaware's commercial motor vehicle fees, in general, are well below the average of the other 49 states. It is also worth noting that most of these fees have not been adjusted for the last decade. Consequently, I feel that an upward adjustment of these fees is both reasonable and timely.

I think it would not be appropriate to leave the subject of taxation without mentioning the sales tax.

Due to the numerous one-item sales taxes already in place in our state -- such as the hotel-motel tax; the utility tax on commerce and industry; the lease tax; the motor vehicle document fee; and the mercantile tax -- the imposition of a general sales and use tax, exempting food and prescription drugs, would require the establishment of a rate of 3% simply to yield revenue equal to the taxes already imposed. They would, of course, have to be repealed upon the imposition of a general sales and use tax.

Each additional 1% of tax imposed would yield approximately \$12 million of new revenue.

Therefore, the implementation of at least a 4% sales tax would be necessary to generate a minimal \$12 or \$13 million in new revenue. Significant increases in income from a general sales and use tax would require a rate higher than 4%.

One of the most vigorous areas of Delaware's economy is the retail industry -- an industry that provides 42,200 jobs for our citizens and represents 19% of employment in our state. I believe that the imposition of such a sales tax at this time could lead to a serious disturbance in that industry.

But, I think even more powerful reasons for my not proposing a sales tax today are (1) that I am personally opposed to it; (2) it is my understanding that the Governor-elect is opposed to it; (3) and the vast majority of citizens

of Delaware are opposed to it.

Next, I want to turn to our capital improvement program for FY '78.

Today, I am submitting my second Bond Bill in conformance with the new law which I proposed last January and which was passed by the 128th General Assembly. This law limits new authorizations to a maximum of 75% of the prior fiscal year's principal payment. We are now entering an era of stable debt service. And we are entering an era wherein we will build that which we must have, and can afford . . . and not build that which we can do without, and can't afford.

Most important, future governors and future general assemblies will not see money that should go into useful programs eaten up by an ever-mushrooming debt service as happened this year. In preparing the FY '78 budget, it was necessary to increase the debt service appropriation by \$9 million. This will not happen again.

My 1978 capital investment program totals \$27.2 million, \$4 million less than the 1978 ceiling under our new legislation.

In addition, I am proposing that we establish a new category of capital improvements, by refining our method of funding capital improvements.

Of the total \$27.2 million proposed today, \$20.2 million consists of long-life projects. These I propose to fund with 20-year bonds. The remaining \$7 million consists of shorter-life improvements to be funded with 5-year bonds.

Over the long term, there will be considerable savings to the taxpayer by financing short-term improvements with short-term bonds.

In other words, we will cease the long-established practice of amortizing a short-life improvement over a longer period than the useful life of the project itself.

For example, if blacktopping a highway has an expected life of five years, it makes much greater sense to pay for the upgrading of that highway over a five-year span than it does to stretch it out over 20 years. Under the current system of amortizing the cost of short-life projects over a 20 year period, the benefit derived from the project and the amortization of the cost of the project are completely out of phase.

Thus, in many cases, we have reauthorized the same project time and time again, and by doing so, this has contributed to the continual growth in our high per capita debt, as well as putting an excessive burden on the General Fund to cover amortization costs.

Key projects contained in the \$20.2 million worth of long-term projects are \$7 million for the Highway Department; \$.5 million for the Delaware State Police; \$3.5 million for the University of Delaware to begin the new Agricultural Science Building; \$3.8 million for our Department of Corrections (with a major portion of those funds to be used

to increase the capacity of Delaware Correctional Center to over 700); and \$1.8 million for the Department of Health & Social Services to be used to repair and improve the whole series of facilities providing in-patient care to thousands of our less fortunate Delawareans.

Two and a half million is provided to the Department of Natural Resources and Environmental Control. One million dollars is provided for a total rehabilitation of the Environmental Control Lab here in Dover and \$1.3 million is also provided to the Department for Park Development.

In addition, sums are appropriated for public education, the Delaware Technical & Community College, Delaware State College, and the Department of State.

This modest but affordable and needed program of \$27.2 million will be augmented by over \$31 million in federal matching funds. Thus, the total Capital Improvement Program, as proposed, will generate almost \$60 million in projects.

As I come to the close of this, my final address as Governor to the Citizens of our State, let me put forth three significant challenges for Delaware's future.

First . . . as I stressed repeatedly during my campaign, I am convinced our State is in dire need of a comprehensive land use planning act.

As Delawareans, themselves, have expressed over and over in public opinion polls and in personal letters to me, they expect better planning in the creation of new communities, and expansion of existing ones to avoid the problems of "urban sprawl." Our people reject the helter-skelter planning that led to the construction of a Kirkwood Highway . . . or the choked and crowded communities that are ever-expanding and creating ever-greater demands on water, sewer, and other similar services.

Land-use planning would not hinder Delaware's ability to attract industry as the Coastal Zone Act did. On the contrary, it would spur Delaware's economic growth, thereby bolstering the entire financial well-being of our state.

The Delaware Tomorrow Commission strongly recommended a land use planning act. And to that end, I am -- today, by Executive Order -- extending the life of the "Delaware Tomorrow Commission" beyond my term in office, until June 1st, 1977, to permit them time to complete the drafting of appropriate land use planning legislation, to be submitted to this General Assembly on or before June 1st.

For the second challenge, I strongly urge all of you legislators to reconsider my 1976 proposal for a complete reorganization of state government.

As I said earlier, I am absolutely convinced that the way to cut out waste in government is to cut out unnecessary bureaucrats. By resubmitting my State Government Reorganization proposal to you members of the General Assembly, I am not only suggesting that it bears looking at a second

time, but I am urging you -- in the strongest way available to a Chief Executive -- to study this proposal, and perhaps introduce alternate proposals, but to ultimately streamline state government and cut out duplication.

Along those same lines, I issue a third challenge.

While the possibility of cutting down the size of state government is studied, so, too, should we consider the duplication of services rendered on a state, county, and municipal basis.

This is not a new problem.

We are all familiar with the over-lapping jurisdictions and the conflicting laws and plans in the area of police, housing, parks and other areas.

We are a small state. In fact, in terms of population, our entire state is the size of Columbus, Ohio . . . or Phoenix, Arizona!

A state with such moderate population should not require layers and layers of identical government.

We may well be the most over-governed state in the nation, when you consider all governmental units of all sizes which impinge upon, and influence, the life of the average Delaware citizen.

And these conflicting and duplicative layers of government also contribute in vast measure to our state's weakened economic status.

Therefore, I suggest that you take a hard and critical look at all governmental structures of all sizes . . . on a state, county and local level . . . to determine what services are rendered, by whom, and at what cost.

Thereafter, you should proceed to insure that all services are rendered on a "least-cost" basis.

If that means eliminating some jobs, then do so -- to cut down the tax burden on our citizens.

If that means altering or modifying existing governmental structures, then do so -- to cut down the tax burden on our citizens.

And if that means a sharp break with tradition -- in terms of governing our state and delivering services to its citizens -- then do so.

These goals may not be reached over the next hundred days, or indeed, among the next 1,000 days . . . but reach them we must, if Delaware is to recover its economic vitality.

Failure to act on this critical issue confronting us may well result in long-term economic stagnation for our state.

The ideas, concepts and suggestions I have mentioned this afternoon are not put forth lightly. They represent my considered judgment on the future of this state, based on my 10 years' experience as a legislator, four years as Lieutenant Governor, and four years as Governor.

The express idea of having a Governor deliver the "State of the State" address before ending his term of office is that he is best able to make an appraisal of the State's condition at the close of his four years of governing.

A State of the State Address should assess the condition of our State as of this date, project what may well happen in the future, and recommend the best possible course of action. I have done just that.

And with these thoughts and suggestions, I close out my four years as Chief Executive of Delaware, and wish you well as you members of the 129th General Assembly continue to lead our State into its third century.

Thank you.

The previously named committee escorted the Governor from the Chamber.

Representative Jonkiert 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 Jonkiert moved the two Houses separate to reconvene in their respective Chambers. The motion prevailed.

The House was called to order at 4:46 p.m.

Representative Jonkiert yielded to Representative Ferguson.

Representative Ferguson moved to suspend the rules to introduce and act on SB 29. The motion was adopted by voice vote.

Representative Ferguson introduced and brought SB 29 before the House for consideration.

SB 29 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Work Contracts.

The roll call on SB 29 was taken and revealed:

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

ABSENT: Representatives Maxwell, Riddagh, Ridings - 3.

Therefore, having received a constitutional majority, SB 29 was returned to the Senate.

The following prefiled legislation was introduced:

HB 8 - MATUSHEFSKE - CONSTITUTION: An Act Concurring in a Proposed Amendment to Article 4, Sections 2, 3, and 12 of the Constitution of the State of Delaware by Increasing the Supreme Court to Five Justices and Providing for a Quorum of the Supreme Court.

HB 9 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to

Amend Title 18 and Title 24 of the Delaware Code and Requiring the Inclusion of at Least One Member of the General Public to the Governing Body of Certain Agencies, Boards and Organizations.

HB 10 - GORDY, RIDINGS, SENATOR ADAMS - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code Relating to the Regulation of Bicycles, Mopeds, and Similar Vehicles.

HB 11 - GEORGE, GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees Pension Plan.

HB 12 - AMBROSINO - JUDICIARY: An Act to Amend Chapter 21, Part II, Title 11 of the Delaware Code Relating to the Release of Persons Accused of Crimes.

HB 13 - CAIN - REVENUE AND FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Extension of Time for Filing Personal Income Tax Returns.

HB 14 - CAIN - REVENUE AND FINANCE: An Act to Amend Chapter 29, Title 30 of the Delaware Code Relating to Exemption from Certain Retail and Wholesale Merchants' License Requirements and Taxes.

HB 15 - CAIN - JUDICIARY: An Act to Amend Chapter 19 and Chapter 25, Title 12, Delaware Code, Relating to Decedent's Estates and Register of Wills.

HB 16 - MINNER - APPROPRIATIONS: An Act to Amend Chapter 381, Volume 59, Laws of Delaware, Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1975, and to Amend Certain Pertinent Statutory Provisions", Formerly House Bill No. 750.

HB 17 - MATUSHEFSKE - LABOR AND COMMERCE: An Act to Amend Chapter 9, Title 5, Delaware Code Relating to Employment of 16-Year Olds.

HB 18 - MATUSHEFSKE - COMMUNITY AFFAIRS: An Act to Authorize and Direct the Transfer of the Property Formerly Used by the Department of Transportation for State Police Troop Number Two to the Wilmington Manor Volunteer Fire Company.

HB 19 - 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 20 - PLANT - JUDICIARY: An Act to Amend Chapter 5 of Title 13, Delaware Code, Relating to the Removal of Restrictions on Public Assistance Payments to Employables Between the Ages of 18 and 54 Years of Age.

HB 21 - RIDINGS - JUDICIARY: An Act to Amend Chapter 5, Title 13 of the Delaware Code Relating to Spousal Support; and Providing a Rebuttable Presumption Relating to the Decreased Need for Support if the Supported Party is Cohabiting with a Person of the Opposite Sex.

HB 22 - MATUSHEFSKE - EDUCATION: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Vocational-Technical School Districts.



HB 23 - T. BRADY - JUDICIARY: An Act Proposing an Amendment to the Constitution of the State of Delaware to Permit the Register in Chancery for New Castle County to be Appointed by the Chancellor.

HB 24 - CAIN - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to School Boards of Reorganized School Districts; and Providing Non-Voting Membership for Teachers on Local Boards.

HB 25 - RIDINGS - 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 26 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 19, Title 10, Delaware Code, Providing Penalties for Unauthorized Practice of Law.

HB 27 - CONNOR - APPROPRIATIONS: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to Budget, Fiscal, Procurement, Contracting and General Regulations for State Agencies; and Providing for a System of Legislative Review and Regulatory Accountability.

HB 28 - CAIN - LABOR & COMMERCE: An Act to Amend Title 6 of the Delaware Code Relating to Beverage Containers; and Providing Standards and Methods for the Promotion of Returnable Containers.

HJR 2 - CONNOR - EDUCATION: Commending Delaware's Professional Counselors, and Designating an Official Counselors' Day within the State of Delaware.

SB 24 - SHARP - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Bureau of Adult Correction for Additional Security Guard Force Coverage and Building Renovation for Inmate Housing at the Delaware Correctional Center.

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

SB 27 - SHARP - CORRECTIONS: An Act to Amend Chapter 89, Title 29, of the Delaware Code Relating to the Criteria for the Employment of Bureau Chiefs in the Department of Correction.

Representative Jonkiert introduced HB 29.

HB 29 - An Act to Amend Title 30, Delaware Code, By Adding a New Part VI Thereto, Relating to Employers' Payroll Taxes.

Mr. Speaker assigned HB 29 to Revenue and Finance Committee.

Representative Jonkiert introduced HB 30.

HB 30 - An Act to Amend Chapter 21 of Title 21 of the Delaware Code Relating to Vehicle Fees.

Mr. Speaker assigned HB 30 to Public Safety Committee.

Representative Gordy introduced HB 31.

HB 31 - An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to Other Employment Costs.

Mr. Speaker assigned HB 31 to Appropriations Committee.

Representative Gordy introduced HB 32.

HB 32 - An Act Suspending Cost-of-Living Salary Supplements for the Period Beginning April 1, 1977 and Ending June 30, 1978.

Mr. Speaker assigned HB 32 to Appropriations Committee.

Representative George introduced HB 33.

HB 33 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 33 to Appropriations Committee.

Mr. Speaker announced that HB 8 was moved from the Constitutional Revision Committee to the Judiciary Committee.

Representative Jonkiert moved to recess for a caucus at 5:05 p.m.

The House was called to order at 5:30 p.m.

Representative Matushefske moved to suspend the rules to introduce and act on HB 34. The motion was adopted by voice vote.

Representative Matushefske brought HB 34 before the House for consideration.

HB 34 - An Act Making an Appropriation to the Division of Revenue to Pay a Refund to Distributors of Tobacco Products Who Were Exempted from Taxation on Gross Receipts.

Representative Matushefske requested and was granted the privilege of the floor for Mr. Fred VanSant from the Controller's Office.

The roll call on HB 34 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Riddagh, Rispoli, Temple, Mr. Speaker Boulden - 25.

NO: Representatives Billingsley, T. Brady, Connor, George, Hebner, McKay, Oberle, Roy, Sincock, Smith, Vernon, Worthen - 12.

NOT VOTING: Representatives Burris, Powell - 2.

ABSENT: Representatives Maxwell, Ridings - 2.

Therefore, having received a constitutional majority, HB 34 was sent to the Senate for concurrence.

Representative Darling moved to suspend the rules to introduce and act on SB 16. The motion was adopted by voice vote.

Representative Darling brought SB 16, sponsored by Senator Murphy, before the House for consideration.

SB 16 - An Act to Amend Chapter 5, Title 28, of the Delaware Code Relating to Harness Racing.

The roll call on SB 16 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Byrd, Cain, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner, Morris, Oberle, Plant, Rispoli, Temple, Vernon, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Connor, McKay, Riddagh, Smith, Worthen - 9.

NOT VOTING: Representatives Clendaniel, Ferguson, Hebner, Powell, Roy, Sincok - 6.

ABSENT: Representatives Lynch, Maxwell, Ridings - 3.

Therefore, having received a constitutional majority, SB 16 was returned to the Senate.

Representative Jonkiert moved to recess at 5:52 p.m.

The House was called to order at 6:29 p.m.

Representative Miller moved to suspend the rules to introduce and act on SB 58 w/SA 1. The motion was adopted by voice vote.

Representative Miller brought SB 58 w/SA 1, sponsored by Senator Zimmerman, before the House for consideration.

SB 58 - An Act to Amend Chapter 11, Title 29 of the Delaware Code by Creating a Division of Maintenance, Communications and Capital Security.

Representative Miller requested the privilege of the floor for Senator Zimmerman.

Representative Sincok moved to table SB 58 w/SA 1.

The roll call to table was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Cain, Connor, George, Hebner, McKay, Oberle, Riddagh, Sincok, Smith, Vernon - 14.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

ABSENT: Representatives Lynch, Maxwell, Powell, Ridings, Roy - 5.

Therefore, the motion lost and SB 58 w/SA 1 remained before the House for consideration.

Senator Zimmerman was granted the privilege of the floor by Mr. Speaker.

Representative Miller moved to table the roll call.

Representative Matushefske seconded the motion.

Representative Matushefske withdrew the second to the motion.

Representative Miller withdrew the motion to table the roll call.

The roll call on SB 58 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Temple, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Cain, Connor, George, Hebner, McKay, Oberle, Riddagh, Sincok, Smith, Vernon, Worthen - 15.

NOT VOTING: Representative Lynch - 1.

ABSENT: Representatives Maxwell, Powell, Ridings, Roy - 4.

Therefore, having received a constitutional majority,  
SB 58 w/SA 1 was returned to the Senate.

Representative Jonkiert moved to recess at 6:59 p.m.

The House was called to order at 7:00 p.m.

Representative Jonkiert moved to recess to the call of  
 the Chair at 7:01 p.m.

#### 4th LEGISLATIVE DAY

January 18, 1977

The Speaker called the House to order at 10:50 a.m.

The Majority Leader moved to adjourn at 10:50 a.m.  
 thereby ending the previous legislative day. The House  
 reconvened at 10:51 a.m. A prayer was offered by  
 Representative Thomas Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 41.

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

Mr. Speaker moved to recess at 10:55 a.m.

The House was called to order at 11:01 a.m.

Representative Jonkiert introduced and brought SCR 11,  
 co-sponsored by Senators Cordrey, Martin and Cook, before  
 the House for consideration.

SCR 11 - Providing that a Joint Session of the House of  
 Representatives and the Senate be Convened to Receive the  
 Election Returns for the Office of Governor of the State  
 of Delaware.

SCR 11 was adopted by voice vote and returned to the  
 Senate.

Representative Jonkiert moved to recess at 11:04 a.m. to  
 join the Senate in Joint Session.

Mr. Speaker announced that the House would recess until  
 1:30 p.m.

The Sergeant-at-Arms announced the Speaker and Members  
 of the House. They were admitted and seated. The President  
 invited Speaker Boulden to a seat on the rostrum.

#### JOINT SESSION

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

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

Senator Cordrey moved that the Secretary of the Senate  
 and the Chief Clerk of the House act as secretaries of  
 the Joint Session. The motion prevailed.

The President directed the assistant secretary to read  
 the certificates of election from each county for the

offices of Governor and Lieutenant Governor. He also directed her to read the certificates from the referendum votes.

The State of Delaware  
New Castle County, 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-six, for New Castle County, according to the Constitution and Laws of the State of Delaware, 64,756 votes were given for Sherman W. Tribbitt for Governor; 100,032 votes were given for Pierre S. du Pont, IV for Governor; 733 votes were given for George W. Cripps for Governor; 229 votes were given for Harry H. Connor for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY, WHEREOF, We, Albert J. Stiftel and Andrew D. Christie, the 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 5th day of November, A.D. 1976.

Albert J. Stiftel,  
President Judge

Andrew D. Christie,  
Resident Associate Judge

The State of Delaware  
Kent County, 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 one thousand nine hundred and seventy-six for Kent County, according to the Constitution and Laws of the State of Delaware, 16,540 votes were given for Sherman W. Tribbitt for Governor; 11,849 votes were given for Pierre S. du Pont, IV for Governor; 377 votes were given for George W. Cripps for Governor; 36 votes were given for Harry H. Conner for Governor; which is manifest by calculating and ascertaining the aggregate amount of all 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, William Marvel and George R. Wright constituting the Superior Court for Kent 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 4th day of November, A.D. 1976.

William Marvel,  
Chancellor

George R. Wright,  
Resident Associate Judge

The State of Delaware  
Sussex County, 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 one thousand nine hundred and seventy-six, for Sussex County, according to the Constitution and Laws of the State of Delaware. 16,184 votes were given for Sherman W. Tribbitt for Governor; 18,650 votes were given for Pierre S. du Pont, IV for Governor; 145 votes were given for George W. Cripps for Governor; 32 votes were given for Harry H. Connor for Governor; 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, Claud L. Tease and Bernard Balick, the Judges constituting the Superior Court in Sussex 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 4th day of November, A.D., 1976.

Bernard Balick,  
Associate Judge

Claud L. Tease,  
Resident Associate Judge

The State of Delaware  
New Castle County, 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-six, for New Castle County, according to the Constitution and Laws of the State of Delaware, 76,682 votes were given for James D. McGinnis for Lieutenant Governor; 79,972 votes were given for Andrew Foltz for Lieutenant Governor; 1,058 votes were given for Margaret R. Mercer for Lieutenant Governor; 204 votes were given for Robert Appling for Lieutenant Governor; which is manifest by calculating and ascertaining

the aggregate amount of all the votes given for each person voted for in all the election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Albert J. Stiftel and Andrew D. Christie, the 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 5th day of November, A.D. 1976.

Albert J. Stiftel,  
President Judge

Andrew D. Christie,  
Resident Associate Judge

The State of Delaware  
Kent County, 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 one thousand nine hundred and seventy-six for Kent County, according to the Constitution and Laws of the State of Delaware, 17,043 votes were given for James D. McGinnis for Lieutenant Governor; 10,665 votes were given for Andrew Foltz, Jr. for Lieutenant-Governor; 200 votes were given for Margaret R. Mercer for Lieutenant-Governor; 47 votes were given for Robert Appling for Lieutenant-Governor; which is manifest by calculating and ascertaining the aggregate amount of all 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, William Marvel and George R. Wright constituting the Superior Court for Kent 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 4th day of November, A.D. 1976.

William Marvel,  
Chancellor

George R. Wright,  
Resident Associate Judge

The State of Delaware  
Sussex County, SS.

BE IT REMEMBERED, That at the General Election held on Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and seventy-six, for Sussex County, according to the Constitution and Laws of

the State of Delaware. 16,603 votes were given for James D. McGinnis for Lieutenant Governor; 16,438 votes were given for Andrew Foltz for Lieutenant Governor; 136 votes were given for Margaret R. Mercer for Lieutenant Governor; 44 votes were given for Robert Applling for Lieutenant Governor; 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, Claud L. Tease and Bernard Balick, the Judges constituting the Superior Court in Sussex 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 4th day of November, A.D., 1976.

Bernard Balick,  
Associate Judge

Claud L. Tease,  
Resident Associate Judge

The State of Delaware  
Kent County, 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 one thousand nine hundred and seventy-six for Kent County, according to the Constitution and Laws of the State of Delaware,

#### REFERENDUM

CONSTRUCTING OR ESTABLISHING A COUNTY AIRPORT	YES: 8,917
	NO: 10,026
STATE REGULATED AND CONTROLLED SLOT MACHINES	YES: 9,777
IN DELAWARE	NO: 10,006

which is manifest by calculating and ascertaining the aggregate amount of all votes given for the Referendums 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, William Marvel and George R. Wright constituting the Superior Court for Kent 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 4th day of November, A.D. 1976.

William Marvel, Chancellor  
George R. Wright; Resident  
Associate Judge



The President directed the certificates of election for the offices of Governor and Lieutenant Governor and the certificate from the referendum votes be made a part of the record.

Senator Cordrey moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

The Secretary of the Senate and the Chief Clerk of the House compared their Journals, found them to agree, and so notified the President.

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

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

Communications.

The Senate wishes to inform the House that it has passed:

SCR 11, HCR 5, HB 5, HB 34, SB 58 w/SA 1, SB 26, SJR 3,  
SCR 9, SB 41, SB 27, SB 24, SB 25, HCR 2.

LEGISLATIVE ADVISORY NO. 1

From: The Office of Counsel to the Governor.

The Governor approved the following legislation on the indicated date: 1/13/77: SB 41; SCR 9.

LEGISLATIVE ADVISORY NO. 2

From: The Office of Counsel to the Governor.

The Governor approved the following legislation on the indicated date: 1/15/77: SB 16; SB 29; SB 58 w/SA 1;  
HB 5; HB 34; SJR 1; SCR 1; SCR 4; SCR 5; SCR 8; HJR 1; HCR 3.

Representative Jonkiert moved to recess for caucus at 2:25 p.m.

The House was called to order at 2:52 p.m.

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

HR 14 - Expressing the Sympathy of the House of Representatives to the Family of the Late Warren W. Buckingham, Sr., A Former Mayor of Middletown.

HR 14 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 35 - FERGUSON, RIDINGS - REVENUE & FINANCE: An Act to Amend Chapter 9, Title 22 of the Delaware Code Relating to the Municipal User Tax.

HB 36 - MCKAY, BYRD - JUDICIARY: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to the Definition of Public Servant.

SB 26 - CICIONE, CORDREY, KNOX - APPROPRIATIONS: An Act to Amend Chapter 63, Part VI, Title 29 of the Delaware Code Relating to the Budget Appropriation Bill; and Providing a Date by Which the Annual Budget Appropriation Bill Must Be Ready for Review by Standing Committees.

SJR 3 - SHARP - ADMINISTRATIVE SERVICES: Relating to Contracts and Purchases Made By Agencies of This State.

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

HR 15 - Providing for the Appointment of an Overview Committee to Review Programs Enacted by Recent General Assemblies with Respect to Their Continued Value to the State.

HR 15 was adopted by voice vote.  
Representative McKay introduced and brought HR 16 before the House for consideration.

HR 16 - Expressing the Sympathy of the House to the Family of the Late Robert N. Downs, III, a Former Member of the House.

HR 16 was adopted by voice vote.  
Representative Matushefske moved to suspend all rules for the purpose of introducing and acting on HB 37. The motion was adopted by voice vote.

Representative Matushefske brought HB 37, co-sponsored by Representatives Kelly, Billingsley and Others, before the House for consideration.

HB 37 - An Act to Amend Chapter 16, Title 2, Delaware Code, Relating to the Powers of a Local Transportation Authority to Fix Rates for the Aged.

Representative Sincock asked if there was a fiscal note for HB 37

The Reading Clerk read the following Communication from the Controller's Office into the record:

State of Delaware  
 Office of the Controller General

18 January 1977

TO: Representative Matushefske

FROM: Robert E. Booth

SUBJECT: FISCAL NOTE for HB 37

TOPIC: Transportation Rates for the Aged.

Your proposed legislation does not require a fiscal note. Any fiscal information you may have concerning the proposed legislation will be appreciated.

Comments: No fiscal effect is anticipated for General Fund during FY 77, FY 78 and FY 79.

Representative Matushefske moved to place HB 37 on the Speaker's Table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess for Committee Hearings at 3:24 p.m.

The House was called to order at 3:55 p.m.

Representative Jonkiert moved to recess to the call of the Chair at 3:55 p.m.

#### 5th LEGISLATIVE DAY

January 19, 1977

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 Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Ferguson, Hebner - 2.

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

Communications:

January 19, 1977

TO: Kenneth W. Boulden, Speaker

FROM: Richard Sincok, Minority Leader

In accordance with statutory requirements it is my responsibility as House Minority Leader to appoint a member of our caucus to Legislative Council.

In complying with this requirement, I am appointing the Minority Whip, John P. McKay.

I would appreciate having the above read into the House record.

Mr. Speaker announced that the Majority Party's appointment to Legislative Council is Representative Gordy.

Representative Gordy introduced and brought HR 17 before the House for consideration.

HR 17 - Commending the State Police for Raiding Stores Selling Pornographic Books and Magazines.

HR 17 was adopted by voice vote.

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

HR 18 - Directing the Public Service Commission to Cease All Further Deliberations Relating to the Delmarva Power and Light Company Proposals for the Purchase of Nuclear Power from the Philadelphia Electric Company and the Purchase of Uranium Fuel Until the Commission Has All the Information Necessary for it to Make an Accurate Evaluation of the True Financial, Environmental and Social Costs and Hazards of These Proposals.

Representative Billingsley moved to have HR 18 assigned to Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Darling, Gordy, Johnson, Jonkiert, Lynch, Matushefske, McKay, Miller, Minner, Temple, Vernon, Worthen, Mr. Speaker Boulden - 20.

NO: Representatives Ambrosino, T. Brady, Burris, Connor, George, Gilligan, Kelly, Loughney, Maxwell, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith - 19.

ABSENT: Representatives Ferguson, Hebner - 2.

Therefore, the motion lost.

Representative Sincok requested the privilege of the floor for the House attorney.

Representative Ambrosino moved to place HR 18 on the Speaker's Table. The motion was adopted by voice vote. Representative Lynch introduced and brought HR 19 before the House for consideration.

HR 19 - Expressing the Sorrow of the House of Representatives at the Death of Manford J. Penuel, A Former Member of This Body.

HR 19 was adopted by voice vote.

Representative Ambrosino moved to lift HR 18 from the Speaker's table.

Representative Ambrosino moved to strike HR 18.

There being no objection, HR 18 was stricken.

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

The House was called to order at 4:08 p.m.

Representative Matushefske moved to lift HB 37 from the Speaker's table. The motion was adopted by voice vote.

HB 37 - An Act to Amend Chapter 16, Title 2, Delaware Code, Relating to the Powers of a Local Transportation Authority to Fix Rates for the Aged.

Representative Thomas Brady introduced and brought HA 1 to HB 37 before the House for consideration.

HA 1 to HB 37 was adopted by voice vote.

Representative Ridings introduced and brought HA 2 to HB 37 before the House for consideration.

The roll call on HA 2 to HB 37 was taken and revealed:

YES: Representatives Clendaniel, Darling, Gordy, McKay, Powell, Riddagh, Ridings, Sincok, Smith, Vernon - 10

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner, Morris, Oberle, Plant, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 26.

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Cain, Ferguson, Hebner, Lynch - 4.

Therefore, HA 2 to HB 37 was declared defeated.

The roll call on HB 37 w HA 1 was taken and revealed:

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

NO: Representative Ridings - 1.

ABSENT: Representatives Cain, Ferguson, Hebner, Lynch - 4.

Therefore, having received a constitutional majority, HB 37 w/HA 1 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:  
HB 38 - WORTHEN - ADMINISTRATIVE SERVICES - An Act to Amend Chapter 1, Title 26, Delaware Code Relating to Cable Television Systems.

HB 39 - BYRD, LOUGHNEY - LABOR & COMMERCE: An Act Relating to Public Works Contracts in Certain Cases, Providing for Prevailing Wages, Imposing Duties Upon the Department of Labor, and Providing Remedies and Penalties.

HB 40 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing Penalties for the Promotion of Prostitution.

HB 41 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 41, Part II, Title 11 of the Delaware Code Relating to the Collection of Fines and Costs.

HB 42 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 2 and Chapter 35, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representative Sincok announced that Representative Oberle would replace former Representative Arnold, now Senator Arnold, on the Joint Legislative Committee to study the function which the Legislature should assume in the School Desegregation Case (Evans vs. Buchanan). Representative Roy will replace Representative Sincok on the same committee.

Representative Matushefske introduced HCR 5.

HCR 5 - Urging the Attorney General of the United States to Order an Inquiry into the Conduct of the United States Attorney for the District of Delaware Relating to the Investigation of the Affairs of the New Castle County Government.

The Speaker assigned HCR 5 to the House Administration Committee.

The House recessed for Committee Hearings at 4:27 p.m. and was called to order at 5:06 p.m.

Committee Reports:

Judiciary: HB 1 - 6M; HB 26 - 6M.

Public Safety: HB 10 - 4M.

Representative Jonkiert moved to recess to the call of the Chair at 5:10 p.m.

#### 6th LEGISLATIVE DAY

January 25, 1977

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 Ed Morris, 34th District.

The Speaker led those present in a salute to the flag.  
The Chief Clerk called the roll.

Members present: 41.

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

Representative Ferguson introduced and brought HR 20 before the House for consideration.

HR 20 - Expressing the Sorrow of the House of Representatives at the Death of Mrs. Mary E. Rutter, Mother of Marion Cook, A House Page.

HR 20 was adopted by voice vote.

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

HR 21 - Expressing Appreciation of the House of Representatives of the 129th General Assembly to the Vikings Christiana Symphonic High School Band for their Melodious Contribution to the Governor's Inauguration.

HR 21 was adopted by voice vote.

Representative Oberle introduced and brought HR 22 before the House for consideration.

HR 22 - Expressing Appreciation of the House of Representatives of the 129th General Assembly to the Newark Colonial Fife and Drum Corps for Their Melodious Contribution to the Governor's Inauguration.

HR 22 was adopted by voice vote.

Representative Jonkiert introduced and brought HR 23 before the House for consideration.

HR 23 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

HR 23 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 43 - RIDDAGH, SPENCE - APPROPRIATIONS: An Act to Amend Chapter 271, Volume 60, Laws of Delaware, Entitled: "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts."

HB 44 - RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for a Termination of Tenancy Under Certain Circumstances.

HB 45 - RISPOLI - APPROPRIATIONS: An Act Authorizing and Directing the Board of Pension Trustees to Accept the Application for a Survivor's Pension from Mrs. Evelyn Widzowski, Widow of the Late Joseph Widzowski, a Former Employee of the State Board of Education; and Providing a Supplementary Appropriation Therefor.

HB 46 - MATUSHEFSKE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 9, Title 24, Delaware Code, Relating to Employment of 16-year olds.

HB 47 - TEMPLE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pensions for State Employees.

HB 48 - ROY, OBERLE - CONSTITUTION: An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware Relating to a Legislator's Immunity from Arrest.

HB 49 - CLENDANIEL - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Provision for a Permanent Number on Each Bicycle Sold in Delaware.

HB 50 - TEMPLE - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax Exemption.

HB 51 - MAXWELL - JUDICIARY: An Act to Amend Chapter 83, Part V, Title 11 of the Delaware Code Relating to the Powers and Duties of State Police and Local Police Officers Assisting the State Police.

HB 52 - GORDY, WORTHEN - APPROPRIATIONS: An Act to Amend Chapter 63, Title 29, Delaware Code, by Fixing a Deadline for the Introduction by the Joint Finance Committee of the Annual Budget Appropriation Bill.

SB 22 - SHARP - APPROPRIATIONS: An Act to Amend Chapter 63, Title 29, Delaware Code Relating to the Establishment of a Deadline in Which the Joint Finance Committee Shall Submit the Budget Appropriation Bill to the General Assembly for Formal Introduction.

SB 32 w/SA 1 - MURPHY, REPRESENTATIVE GORDY - BANKING & INSURANCE: An Act to Amend Chapter 9, Title 5 of the Delaware Code Relating to the Farmers Bank.

SB 42 w/SA 1 - HUGHES, CICIONE - LABOR & COMMERCE: An Act to Amend Chapter 9, of Title 4 Delaware Code Relating to the Employment of Minors in the Business of Catering.

Representative Jonkiert moved to recess for caucus at 2:15 p.m.

The House was called to order at 3:58 p.m.

Representative Morris brought HB 1 before the House for consideration.

HB 1 - An Act to Amend Chapter 5, Title 13, Delaware Code, Relating to Support Orders and Enforcement Thereof.

The roll call on HB 1 was taken and revealed:

YES: Representatives Ambrosino, W. Brady, Burris, Cain, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Powell, Riddagh, Ridings, Temple, Mr. Speaker Boulden - 22.

NO: Representatives Anderson, Bennett, Billingsley, T. Brady, Connor, George, Jonkiert, Maxwell, Oberle, Rispoli, Roy, Sincok, Smith, Vernon, Worthen - 15.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Byrd, McKay, Miller - 3.

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

Representative Matushefske moved to strike HB 26.  
Without objection, HB 26 was stricken.

Representative Gordy brought HB 10 before the House for consideration.

HB 10 - An Act to Amend Title 21 of the Delaware Code Relating to the Regulation of Bicycles, Mopeds, and Similar Vehicles.

Representative Gordy moved to place HB 10 on the Speaker's table. The motion was adopted by voice vote.

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

HCR 6 - Requesting the Delaware Congressional Delegation to Obtain Federal Assistance to Open the Frozen Nanticoke River Which Bears Valuable Cargo for Southern Delaware.

HCR 6 was adopted by voice vote and sent to the Senate for concurrence.

Representative Minner introduced HB 53.

HB 53 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to the Issuance of Special License Plates to CB License Holders.

Mr. Speaker assigned HB 53 to the Public Safety Committee.

The House recessed at 4:25 p.m. for committee hearings.

The House was called to order at 4:47 p.m.

Representative Ferguson introduced HB 54.

HB 54 - An Act to Amend Chapter 39, Title 7 of the Delaware Code Relating to Authority of Conservation Districts to Carry Out an Information and Education Program in the Furtherance of their Duties.

Mr. Speaker assigned HB 54 to the Agriculture Committee.

Representative Connor introduced and brought HR 24 before the House for consideration.

HR 24 - Requesting the New Castle County Council to Repeal a Recent County Ordinance Which Changes the Method by Which Sewer Taxes are Computed.

The roll call on HR 24 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Minner, Morris, Oberle, Plant, Riddagh, Roy, Temple, Vernon, Mr. Speaker Boulden - 25.

NO: Representatives Bennett, Billingsley, Byrd, Cain, George, Hebner, Maxwell, Rispoli, Sincok, Smith, Worthen - 11.

NOT VOTING: Representatives Miller, Powell, Ridings - 3.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, having received a constitutional majority, HR 24 was passed by the House.

Representative George introduced HB 55.

HB 55 - An Act to Amend Volume 60, Chapter 82, Laws of Delaware, Entitled, "An Act to Amend Chapter 7 of Title 29,



Delaware Code, Relating to Compensation and Expenses of Members of the General Assembly and the Lieutenant Governor."

HB 55 was assigned to the Appropriations Committee.

Committee Reports:

House Administration: HCR 5 - 3M; HB 11 - 4M.

Revenue and Finance: HB 13 - 5M.

Appropriations: HB 16 - 6M.

Representative Jonkiert moved to recess to the call of the chair at 5:05 p.m.

#### 7th LEGISLATIVE DAY

January 26, 1977

The Speaker called the House to order at 2:08 p.m.

The Majority Leader moved to adjourn at 2:08 p.m. thereby ending the previous legislative day. The House reconvened at 2:09 p.m. A prayer was offered by Representative Ed Morris, 34th District.

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

The Chief Clerk called the roll.

Members present: 38

Members absent: Representatives Anderson, Matushefske, McKay - 3.

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

The following prefiled legislation was introduced:

HB 56 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act to Amend Title 18 and Title 24 of the Delaware Code Relating to Health Care; and Providing for a Patients' Bill of Rights.

HB 57 - FERGUSON - JUDICIARY: An Act to Amend Chapter 51, Part V, Title 29 of the Delaware Code Relating to Public Officers and Employees; and Providing Certain Citizenship and Residence Requirements.

HB 58 - PLANT - JUDICIARY: An Act to Amend Chapter 51, of Title 29, Delaware Code Relating to Traffic Offenses by Public Officers and Employees.

HB 59 - PLANT - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Immunity from Arrest and Questioning of Speeches.

HB 60 - RIDDAGH, AMBROSINO, BENNETT, W. BRADY, BURRIS, CAIN, CLENDANIEL, CONNOR, DARLING, FERGUSON, GILLIGAN, GORDY, HEBNER, JONKIERT, LOUGHNEY, LYNCH, MAXWELL, MINNER, MORRIS, OBERLE, POWELL, RIDINGS, ROY, SINCOCK, TEMPLE, VERNON; SENATORS SHARP, COOK, CICIONE, HUGHES, ARNOLD, ADAMS, LITTLETON, SPENCE - JUDICIARY: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Method, Punishment and Review of Punishment for First Degree Murder.

HB 61 - BENNETT - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Senators and Representatives being Immune from Arrest.

HB 62 - GILLIGAN, SENATOR CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Making Formula Adjustments with the School Bus Contractors.

HB 63 - RISPOLI - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Division of Aging of the Department of Health and Social Services for the Purchase of a Mini-Bus.

HB 64 - ROY, OBERLE - REVENUE & FINANCE: An Act to Amend Chapter 9, Title 22 of the Delaware Code Relating to the Municipal User Tax; and Providing for the Repeal of Such Tax by Means of Gradual Reductions.

HA 1 to HB 32 - MCKAY - Placed with the bill.

SB 68 - MARTIN - PUBLIC SAFETY: An Act to Amend Chapter 83, Part V, Title 11 of the Delaware Code Relating to Powers and Duties of State Police and Local Police Officers Assisting State Police.

Representative George moved to strike HB 55. Without objection, HB 55 was stricken.

Communications:

The Senate wishes to inform the House that it has passed HCR 3, HB 37 w/HA 1, HCR 6, SB 68, SB 42 w/SA 1, SCR 10, SB 32 w/SA 1, SB 22.

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

HR 25 - Expressing Sympathy Over the Death of Alverta Winchester, Widow of Delaware's First Black Legislator. HR 25 was adopted by voice vote.

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

HR 26 - Commending Joe Campbell and Steve Gregg for Co-Winning the John J. Brady Memorial Award as Delaware Athletes of 1976.

Representative Jonkiert moved to recess for caucus at 2:17 p.m.

The House reconvened at 3:19 p.m.

Representative Jonkiert moved to defer HCR 5 until the next legislative day due to the illness of its sponsor.

Representative Minner brought HB 16 before the House for consideration.

HB 16 - An Act to Amend Chapter 381, Volume 59, Laws of Delaware, Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1975, and to Amend Certain Pertinent Statutory Provisions". Formerly House Bill No. 750.

The roll call on HB 16 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Ambrosino, Anderson, Clendaniel, Ferguson, Matushefske, McKay, Plant, Roy - 8.

Therefore, having received a constitutional majority, HB 16 was sent to the Senate for concurrence.

Representative George brought HB 11 before the House for consideration.

HB 11 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan.

Representative Billingsley and Representative Byrd requested and were granted the privilege of the floor for Mr. Duane Olsen, Controller General, State of Delaware.

Representative Ridings requested a ruling from the Chair regarding the necessity of a fiscal note for HB 11. Mr. Speaker concurred with Mr. Olsen and ruled that no fiscal note was required.

The roll call on HB 11 was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Billingsley, Burris, Hebner, Smith - 4.

NOT VOTING: Representatives Ambrosino, T. Brady, Connor, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Vernon - 10.

ABSENT: Representatives Anderson, Matushefske, McKay, Plant - 4.

Therefore having received a constitutional majority, HB 11 was sent to the Senate for concurrence.

Representative Cain brought HB 13 before the House for consideration.

Representative Cain moved to place HB 13 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert introduced and brought HR 27 before the House for consideration.

HR 27 - Relating to an Administrative Assistant for the Majority Party and an Administrative Assistant for the Minority Party of the House of Representatives.

HR 27 was adopted by voice vote.

Representative Maxwell moved for suspension of the rules for the purpose of acting on SB 68. The motion was passed by voice vote.

Representative Maxwell brought SB 68, sponsored by Senator Martin, before the House for consideration.

SB 68 - An Act to Amend Chapter 83, Part V, Title 11 of the Delaware Code Relating to Powers and Duties of State Police and Local Police Officers Assisting State Police.

Representative Gilligan requested and was granted the privilege of the floor for Colonel Irving B. Smith, Superintendent of the Delaware State Police and Colonel John T. McCool, Director of the New Castle County Police.

The roll call on SB 68 was taken and revealed:

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

ABSENT: Representatives Anderson, Matushefske, McKay - 3.

Therefore having received a constitutional majority, SB 68 was returned to the Senate.

Representative Darling moved for the suspension of the rules for the purpose of introducing and acting on HB 65. The motion was adopted by voice vote.

Representative Darling brought HB 65 before the House for consideration.

HB 65 - An Act Making a Supplementary Appropriation to the Bureau of Adult Correction for Additional Food Service Employees in the Newly Constructed Kitchen at the Sussex Correctional Institution.

The roll call on HB 65 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Billingsley - 1.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Ambrosino, Anderson, Hebner, Matushefske, McKay, Smith - 6.

Therefore, having received a constitutional majority, HB 65 was sent to the Senate for concurrence.

Representative Maxwell introduced and brought HR 28, co-sponsored by Representative Worthen, before the House for consideration.

HR 28 - Commending the Alexis I. du Pont High School Band for Outstanding Service in the Presidential Inaugural Ceremonies at Washington on January 20, 1977.

HR 28 was adopted by voice vote.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on HB 54. The motion was adopted by voice vote.

Representative Ferguson brought HB 54, co-sponsored by Representatives Maxwell and W. Brady, before the House for consideration.

HB 54 - An Act to Amend Chapter 39, Title 7 of the Delaware Code Relating to Authority of Conservation Districts to Carry Out an Information and Education Program in the Furtherance of Their Duties.

The roll call on HB 54 was taken and revealed:

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

ABSENT: Representatives Anderson, Gordy, Matushefske, McKay - 4.

Therefore having received a constitutional majority, HB 54 was sent to the Senate for concurrence.

Representative Plant introduced and brought HR 29 before the House for consideration.

HR 29 - Requesting Governor Pierre S. du Pont IV to Issue an Executive Order Banning the Use of State Cars Except by Law-Enforcement Officers and Others Whose Principal Function Requires Their Use.

HR 29 was adopted by voice vote.

Representative Jonkiert moved to recess for committee hearings at 4:47 p.m.

The House was called to order at 5:16 p.m.

Committee Reports:

Administrative Services: HB 38 - 4M.

Revenue and Finance: HB 35 - 4M.

Representative Jonkiert recessed to the call of the Chair at 5:18 p.m.

#### 8th LEGISLATIVE DAY

January 27, 1977

The Speaker called the House to order at 2:47 p.m.

Committee Reports:

Labor and Commerce: SB 42 - 4M

The Majority Leader moved to adjourn at 2:48 p.m. thereby ending the previous legislative day. The House reconvened at 2:48 p.m. A prayer was offered by Representative Ed Morris, 34th District.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Lynch, McKay - 2.

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

Communications:

The Senate wishes to inform the House that it has passed SJR 8, SJR 7.

House of Representatives  
State of Delaware  
Legislative Hall  
Dover, DE 19901

January 27, 1977

TO: Members of the House of Representatives of the 129th  
General Assembly.  
FROM: Kenneth W. Boulden, Speaker of the House.  
SUBJECT: APPOINTMENTS TO HOUSE COMMITTEE ON INTERSTATE  
COOPERATION.  
DATE: January 27, 1977

Pursuant to Chapter 39, Title 29, Delaware Code, I hereby  
appoint the following Representatives to serve on the House  
Committee on Interstate Cooperation:

Representative John P. Ferguson, Chairman  
Representative John Matushefske  
Representative Robert S. Powell

House of Representatives  
State of Delaware  
Legislative Hall  
Dover, DE 19901

January 27, 1977

TO: Members of the House of Representatives of the 129th  
General Assembly.  
FROM: Kenneth W. Boulden, Speaker of the House.  
SUBJECT: APPOINTMENTS TO OVERVIEW COMMITTEE.  
DATE: January 27, 1977

Pursuant to House Resolution No. 15, which passed  
the House on January 18, 1977, I hereby appoint the following  
Representatives to serve on the House Overview Committee:

Representative Casimir S. Jonkiert, Chairman  
Representative Gerard A. Cain  
Representative Karen Jennings Miller  
Representative John G.S. Billingsley  
Representative Gwynne P. Smith

The following prefiled legislation was introduced:  
HB 66 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act  
to Amend Title 6 and Title 24 of the Delaware Code  
Relating to Professions and Occupations; and Removing  
Certain So-Called Regulatory Restrictions Upon the Right  
of Legitimate Advertisement.

HB 67 - OBERLE, ROY - COMMUNITY AFFAIRS. An Act to  
Amend Chapter 22, Title 9, Delaware Code, Relating to  
New Castle County Sewer Service Charges.

HB 68 - MAXWELL, BYRD - PUBLIC SAFETY: An Act to Amend Chapter 63, Part IV, Title 21 of the Delaware Code Relating to Records Required to be Kept by Used Car Dealers; and Providing Ready Access to Certain Information by Prospective Purchasers.

HB 69 - RIDDAGH, SENATORS COOK, ZIMMERMAN - CONSTITUTION: An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware.

HB 70 - GILLIGAN - JUDICIARY: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Shoplifting.

HB 71 - GORDY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees, Agencies and Departments.

HB 72 - GILLIGAN, BILLINGSLEY, FERGUSON, RIDINGS, BRADY, CAIN, MILLER, SMITH, WORTHEN, CONNOR, HEBNER, RIDDAGH, SINCOCK - APPROPRIATIONS: An Act to Amend Subchapter III, Chapter 63, Title 29, Delaware Code Relating to the Consideration by the General Assembly of the Budget Appropriation Bill.

HB 73 - DARLING - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 69, Part VI, Title 29, of the Delaware Code Relating to the Procurement of Material and Award of Contracts for Public Works by State Agencies.

HA 1 to HB 9 - WORTHEN - Placed with the bill.

Representative Hebner introduced and brought HR 30 before the House for consideration.

HR 30 - Requesting Attorney General Richard Wier to Take Cognizance of the Recent Supreme Court Decision on Forced Busing of Public School Pupils and Utilize it in the Delaware Case.

Representative Hebner moved to strike HR 30. Without objection, HR 30 was stricken.

Representative Gordy moved to suspend all rules to act on SJR 7. The motion was adopted by voice vote.

Representative Gordy brought SJR 7, co-sponsored by Senator Cicione and Representatives Temple and Gordy, before the House for consideration.

SJR 7 - Directing the State Board of Education to Extend the School Bus Contractors Deadline of Notification to the State Board for the Impending Academic Year From January 31 to April 30.

The roll call on SJR 7 was taken and revealed:

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

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Darling, Lynch, McKay, Roy - 4.

Therefore having received a constitutional majority, SJR 7 was returned to the Senate.

Representative Ferguson moved to suspend the rules to introduce and act on SJR 8. The motion was adopted by voice vote.

Representative Ferguson brought SJR 8, co-sponsored by Senator Sharp, Representative Ferguson, Senators Hughes, Kearns, Arnold, McCullough, Martin and Spence, before the House for consideration.

SJR 8 - Requesting the New Castle County Council to Postpone Billing New Castle County Residents for Sewage Service Fees Until March 31, 1977 so as to Permit the Council Time to Arrive at a More Equitable Service Charge.

The roll call on SJR 8 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 33.

NOT VOTING: Representatives Billingsley, Burris, Sincock, Worthen - 4.

ABSENT: Representatives Byrd, Darling, Lynch, McKay - 4.

Therefore, having received a constitutional majority, SJR 8 was returned to the Senate.

Mr. Speaker reassigned HB 56 from the Health and Social Services Committee to the Banking and Insurance Committee.

Representative Jonkiert moved to recess for caucus at 3:20 p.m.

The House was called to order at 6:02 p.m.

Representative Matushefske brought HCR 5 before the House for consideration.

HCR 5 - Urging the Attorney General of the United States to Order an Inquiry Into the Conduct of the United States Attorney for the District of Delaware Relating to the Investigation of the Affairs of the New Castle County Government.

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

Representative Worthen brought HB 38 before the House for consideration.

HB 38 - An Act to Amend Chapter 1, Title 26, Delaware Code Relating to Cable Television Systems.

Representative Billingsley introduced and brought HA 1 to HB 38 before the House for consideration.

Representative Worthen moved to table HA 1 to HB 38.

The roll call on the motion to table HA 1 to HB 38 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Clendaniel, Darling, George, Gordy, Johnson, Jonkiert, Kelly, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 20.



NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Cain, Connor, Ferguson, Gilligan, Hebner, Loughney, Maxwell, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 19.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, the motion was defeated and the amendment remained before the House.

The roll call on HA 1 to HB 38 was taken and revealed:

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

NO: Representative Bennett - 1.

NOT VOTING: Representative Matushefske - 1.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, HA 1 to HB 38 was declared passed by the House.

The roll call on HB 38 w/HA 1 was taken and revealed:

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

ABSENT: Representatives Lynch, McKay - 2.

Therefore, having received a constitutional majority, HB 38 w/HA 1 was sent to the Senate for concurrence.

#### Communication:

House of Representatives  
State of Delaware  
Legislative Hall  
Dover, DE 19901

#### Memorandum

TO: Members of the House of Representatives of the 129th General Assembly  
FROM: Kenneth W. Boulden, Speaker of the House.  
SUBJECT: APPOINTMENTS TO THE ENERGY COMMITTEE  
DATE: January 27, 1977

Pursuant to the authority vested in me as Speaker of the House of Representatives, I hereby appoint the following Representatives to serve on the Energy Committee:

Representative Ronald L. Darling, Chairman  
Representative Robert L. Byrd  
Representative Howard A. Clendaniel

Representative Robert F. Gilligan  
 Representative John M. Burris  
 Representative Gwynne P. Smith

Representative Ferguson brought HB 35 before the House for consideration.

HB 35 - An Act to Amend Chapter 9, Title 22 of the Delaware Code Relating to the Municipal User Tax.

Representative Matushefske moved to recommit HB 35 to Committee.

The roll call on the motion to recommit was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Byrd, George, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Plant, Rispoli, Mr. Speaker Boulden - 14.

NO: Representatives Anderson, Billingsley, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen - 23.

NOT VOTING: Representatives Ambrosino, Gordy - 2.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, the motion to recommit HB 35 to Committee was declared defeated by the House.

Representative Byrd moved to table HB 35.

The roll call on the motion to table HB 35 was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Byrd, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Plant, Rispoli, Temple - 15.

NO: Representatives Ambrosino, Anderson, Billingsley, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 24.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, the motion was defeated and HB 35 remained before the House.

The roll call on HB 35 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Loughney, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Bennett, T. Brady, George, Johnson, Jonkiert, Kelly, Matushefske, Miller, Plant, Rispoli - 10.

NOT VOTING: Representative Byrd - 1.

ABSENT: Representatives Gordy, Lynch, McKay - 3.

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

Representative Byrd brought SB 42 w/SA 1 before the House for consideration.

Representative Byrd moved to table SB 42 w/SA 1. The motion was adopted by voice vote.

Representative George moved to suspend the rules to introduce and act on HB 74. The motion was adopted by voice vote.

Representative George brought HB 74, co-sponsored by Representative Sincok, before the House for consideration.

HB 74 - An Act Making a Supplementary Appropriation to the Department of Justice for Extradition Expenses.

The roll call on HB 74 was taken and revealed:

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

ABSENT: Representatives T. Brady, Lynch, McKay - 3.

Therefore, having received a constitutional majority, HB 74 was sent to the Senate for concurrence.

Representative Morris moved to suspend the rules to introduce and act on SB 80. The motion was adopted by voice vote.

Representative Morris brought SB 80, co-sponsored by Senators Sharp and Cook, before the House for consideration.

SB 80 - An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Entitled: "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and To Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts."

The roll call on SB 80 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives George, Johnson, Jonkiert, Plant, Rispoli - 5.

ABSENT: Representatives T. Brady, Lynch, McKay - 3.

Therefore, having received a constitutional majority, SB 80 was returned to the Senate.

Representative Byrd moved to lift SB 42 w/SA 1 from the Speaker's table. The motion was adopted by voice vote.

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

Representative Byrd moved to table SB 42 w/SA 1. The motion was adopted by voice vote.

Representative Gordy moved to suspend the rules to introduce and act on SB 69. The motion was adopted by voice vote.

Representative Gordy brought SB 69, sponsored by Senator Murphy, before the House for consideration.

SB 69 - An Act Making a Supplemental Appropriation to the Office of the State Treasurer for the Purpose of Meeting the Farmers Bank Commission's Expenses Through June 30, 1977.

Representative Gordy requested that the Reading Clerk read the following communication from W.S. Shockley into the record.

Frederic G. Krapf, Jr.  
P.O. Box 2167  
Wilmington, Delaware 19899  
December 30, 1976

William J. Gordy, Representative  
State House  
Dover, Delaware 19901

Dear Representative Gordy:

RE: Expense Appropriation, Farmers Bank Commission

Following our phone conversation of December 20, and at the request of Mr. Frederic G. Krapf, Chairman of the Farmers Bank Commission, I herewith submit a reasonable estimate of the Commission's needs through June 30, 1977.

Legal Expense	\$15,000
Car and Plane Travel	2,000
Hotel, Meals, Etc.	1,500
Total	<u>\$18,500</u>

The above breaks down as follows: Legal - \$10,000 billed to date. One-half that amount to June 30. Travel - Approximately 7500 miles, car use - rest and other modes, if billed. Hotel, etc. - All allowable far below actual, but of doubtful use by members.

This is assuming our aggregate of twenty-four (24) meetings per year, all in Wilmington, to conserve expense.

If you have any questions regarding the above, please give me a call and I hope to be able to fill you in.

We solicit your cooperation and support of prompt legislative action in securing the above appropriation, as well as a directive regarding channels for the clearance and payment of submitted invoices.

Respectfully submitted,

W.S. Shockley  
FOR THE COMMISSION

The House recessed at 6:48 p.m. to repair the audio tape.

The House was called to order at 6:59 p.m.

The roll call on SB 69 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert,

Kelly, Loughney, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Ferguson, Lynch, Matushefske, McKay, Plant - 5.

Therefore, having received a constitutional majority, SB 69 was returned to the Senate.

Representative Byrd moved to suspend the rules to introduce and act on SB 82. The motion was adopted by voice vote.

Representative Byrd brought SB 82, co-sponsored by Senators Cicione and Hughes, before the House for consideration.

SB 82 - An Act to Amend Chapter 19, Part II, Title 9 of the Delaware Code Relating to Fire and Police Protection in New Castle County.

Representative Jonkiert moved to place SB 82 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Billingsley, T. Brady, Gordy, Hebner, Johnson, Jonkiert, Morris, Rispoli, Temple - 9.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 27.

NOT VOTING: Representative Burris - 1.

ABSENT: Representatives George, Lynch, McKay, Plant - 4.

Therefore, the motion was defeated and SB 82 remained before the House.

The roll call on SB 82 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Mr. Speaker Boulden - 28.

NO: Representatives Billingsley, T. Brady, George, Hebner, Johnson, Jonkiert, Plant, Rispoli, Vernon, Worthen - 10.

ABSENT: Representatives Ferguson, Lynch, McKay - 3.

Therefore, having received a constitutional majority, SB 82 was returned to the Senate.

Representative Anderson introduced and brought HR 32, co-sponsored by Representative Loughney, before the House for consideration.

HR 32 - Requesting the Third United States Circuit Court of Appeals to Invalidate a Desegregation Order Affecting Wilmington and Ten Suburban School Districts Since the 1968 Educational Advancement Act Did Not Intentionally Discriminate.

HR 32 was adopted by voice vote.

Representative Gordy moved to strike HB 32. Without objection, HB 32 was stricken.

Representative George moved to suspend the rules to introduce and act on SB 89.

The roll call on the motion to suspend the rules was taken and revealed:

YES: Representatives Anderson, Bennett, Byrd, Cain, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Hebner, Powell, Ridings, Roy, Sincok, Smith, Vernon - 15.

ABSENT: Representatives Lynch, McKay - 2.

Therefore, the rules were suspended in order to introduce and act on SB 89.

Representative George brought SB 89, sponsored by Senator Cordrey, before the House for consideration.

SB 89 - An Act Making a Supplementary Appropriation to the Office of Lieutenant Governor for the Purpose of Employing an Administrative Assistant.

The roll call on SB 89 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Clendaniel, Connor, Darling, Hebner, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 17.

ABSENT: Representatives Lynch, McKay, Morris - 3.

Therefore, having received a constitutional majority, SB 89 was returned to the Senate.

Representative T. Brady introduced and brought HR 33 before the House for consideration.

HR 33 - Requesting Governor Pierre S. du Pont IV to Set Up a Program for Full Cooperation by All Citizens of the State in Energy-Saving.

Representative T. Brady moved to strike HR 33. Without objection, HR 33 was stricken.

Representative Minner introduced and brought HR 31 before the House for consideration.

HR 31 - Requesting the Department of Natural Resources and Environmental Control to Make a Survey of Weather Damage to the Delaware Coastline and of Weather-Caused Economic Losses to the State's Watermen.

Representative Minner introduced HA 1 to HR 31 and brought it before the House for consideration.

HA 1 to HR 31 was adopted by voice vote.

HR 31 w/HA 1 was adopted by voice vote.

Representative Gordy introduced HB 75.

HB 75 - An Act to Amend Chapter 21, Title 21, Delaware Code, to Provide an Exemption for Certain Older Persons From the Payment of Motor Vehicle Registration Fees.

Mr. Speaker assigned HB 75 to the Public Safety Committee.

Representative Gordy introduced HB 76, co-sponsored by Representative Jonkiert.

HB 76 - An Act to Amend Chapter 29, Title 5, of the Delaware Code Relating to the Financing of the Sale of Motor Vehicles.

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

Representative Smith introduced HB 77, co-sponsored by Representatives Gordy, Ambrosino and Others.

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

Mr. Speaker assigned HB 77 to the Labor and Commerce Committee.

Representative Cain moved to lift HB 13 from the Speaker's table. The motion was adopted by voice vote.

Representative Cain moved to strike HB 13. Without objection, HB 13 was stricken.

Committee Report:

Judiciary: HB 60 - 3F, 3M.

Representative Jonkiert moved to strike HB 29 and HB 30. Without objection, HB 29 and HB 30 were stricken.

Representative Jonkiert moved to recess to the call of the Chair at 7:53 p.m.

#### 9th LEGISLATIVE DAY

March 1, 1977

The Speaker called the House to order at 1:53 p.m.

The Majority Leader moved to adjourn at 1:53 p.m. thereby ending the previous legislative day. The House reconvened at 1:54 p.m. A prayer was offered by Colonel Irvin Smith of the Delaware State Police.

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

The Chief Clerk called the roll.

Members present: 38.

Members absent: Representatives Ambrosino, Ferguson, Powell - 3.

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

The following prefiled legislation was introduced:

HB 78 - W. BRADY - AGRICULTURE: An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase a Tract of Land Within Lums Pond State Park, Pencader Hundred, New Castle County, Kirkwood, Delaware.

HB 79 - DARLING - HOUSE ADMINISTRATION: An Act to Amend Chapter 68, Part VI, Title 29 of the Delaware Code Relating to the Powers and Duties of the Division of Purchasing of the Department of Administrative Services.

HB 80 - T. BRADY - BANKING & INSURANCE: An Act to Provide for Indemnification of the Directors of the Farmers Bank by the State of Delaware.

HB 81 - MINNER - ADMINISTRATIVE SERVICES: An Act to Authorize and Approve the Sale at Public Auction of the Matthew Lowber House and Lot Consisting of Approximately 0.595 Acres and Situated in the Town of Magnolia, Kent County, Delaware.

HB 82 - DARLING, RIDDAGH - JUDICIARY: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Carrying a Concealed Deadly Weapon; and Providing a Mandatory Sentence Therefor.

HB 83 - FERGUSON, OBERLE - REVENUE & FINANCE: An Act to Amend Chapter 23, Part III, Title 30 of the Delaware Code Relating to Occupational and Business Licenses and Taxes; and Designating Massage Parlors Separately as an Occupation Requiring Such License and/or Fee.

HB 84 - FERGUSON, GILLIGAN, RIDDAGH - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Initiative and Referendum.

HB 85 - BYRD, MINNER - PUBLIC SAFETY: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to the Operation and Equipment of Certain Motor Vehicles.

HB 86 - DARLING - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 60, Title 7, Delaware Code to Require Issuance of a Certification Regarding Suitability of Building Lots for Installation of Septic Tank Sewage Disposal Systems.

HB 87 - FERGUSON, GILLIGAN, KELLY, CONNOR, AMBROSINO - REVENUE & FINANCE: An Act to Amend Part III, Title 30 of the Delaware Code Relating to State Taxes; and Providing for a Tax Upon X-Rated Motion Pictures.

HB 88 - DARLING - ENVIRONMENTAL CONTROL: An Act to Amend Subchapter II, Chapter 60, Title 7, of the Delaware Code by Prohibiting the Sale of Building Lots Unless Soil Conditions are Satisfactory for Septic Tank, or Sewer Lines or Adequate Sewage Treatment Facilities are in Existence.

HB 89 - MILLER - LABOR & COMMERCE: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a Delaware Restraint of Trade Act.

HB 90 - MAXWELL, CAIN, SENATOR CICIONE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Division of Highways of the Department of Transportation, to Compensate Said Division for Its Snow Removal Expenses.

HB 91 - BILLINGSLEY, FERGUSON - JUDICIARY: An Act to Amend Chapter 83, Part V, Title 11, of the Delaware Code Relating Powers and Duties of State Police and Local Police Officers Assisting State Police.

HB 92 - GILLIGAN - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 17, Title 24, Delaware Code Relating to the Medical Practices Act.



HB 93 - GEORGE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Justice for Operation Expenses.

HB 94 - GEORGE, LYNCH - HOUSE ADMINISTRATION: An Act Authorizing Standing Committees of the 129th General Assembly to Employ Professional Staff Assistance Subject to Approval of the Legislative Council and Providing the Funds Therefor.

HS 1 for HB 13 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Extension of Time for Filing Personal Income Tax Returns.

HA 1 to SB 32 - T. Brady - Placed with the bill.

HA 2 to SB 32 - T. Brady - Placed with the bill.

HA 3 to SB 32 - Worthen, Gordy - Placed with the bill.

HA 4 to SB 32 - Worthen, Gordy - Placed with the bill.

#### Communications:

The Senate wishes to inform the House that it has passed HB 65, SB 82, SB 89, SB 69, SB 80.

#### LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor.

The Governor approved the following legislation on the date indicated: 1/27/77 - SB 68; SJR 7.

#### LEGISLATIVE ADVISORY #4

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 2/1/77 - SB 89; 2/4/77 - HB 37 a/a/b HA 1; 2/7/77 - SB 82, SB 80, SB 69, HB 65, SJR 8.

Representative Jonkiert introduced and brought SCR 10, sponsored by Senator Kearns, before the House for consideration.

SCR 10 - Memorializing the Delaware Congressional Delegation to Support Efforts to Accelerate the Allocation of Federal Funds for the Repair and Replacement of Unsafe Bridges.

SCR 10 was adopted by voice vote and returned to the Senate.

Representative Minner introduced and brought HR 34, co-sponsored by Representative Burris, before the House for consideration.

HR 34 - Expressing Condolences Upon Hearing of the Death of Mr. W. Truitt Webb, of Milford, Delaware, A Former State Representative.

HR 34 was adopted by voice vote.

Representative Jonkiert introduced and brought HCR 7, co-sponsored by Representatives Gordy, Sincok, McKay and Senators Cordrey, Cook, Knox and Hughes, before the House for consideration.

HCR 7 - Providing that a Joint Session of the House of Representatives and the Senate be Convened for the Purpose of Hearing a Message from the Governor.

HCR 7 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert introduced and brought HR 35 before the House for consideration.

HR 35 - Expressing Consent of the House of Representatives of the 129th General Assembly of the State of Delaware to the Appointment of F. Earl McGinnes as Director of Research of Legislative Council Pursuant to Section 1106 (a), Title 29, Delaware Code.

HR 35 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:19 p.m.

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

Representative Gilligan introduced HB 95, co-sponsored by Representatives Powell, Ferguson, Roy, Worthen and Senators Sharp, Martin, Knox and Arnold.

HB 95 - An Act to Permit the Board of Education of the Stanton Reorganized School District to Transfer Certain Funds from its Debt Service Account to its Current Operating Account.

Mr. Speaker Boulden assigned HB 95 to the Appropriations Committee.

Representative George moved to suspend the rules to introduce and act on SB 24. The motion was adopted by voice vote.

Representative George brought SB 24, sponsored by Senator Sharp, before the House for consideration.

SB 24 - An Act Making a Supplementary Appropriation to the Bureau of Adult Correction for Additional Security Guard Force Coverage and Building Renovation for Inmate Housing at the Delaware Correctional Center.

The roll call was taken and revealed:

YES: Representatives Bennett, T. Brady, W. Brady, Clendaniel, George, Gilligan, Loughney, Minner, Morris, Oberle, Riddagh, Temple, Mr. Speaker Boulden - 13.

NO: Representatives Plant, Rispoli - 2.

NOT VOTING: Representatives Ambrosino, Anderson, Billingsley, Burris, Byrd, Cain, Connor, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Powell, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 24.

ABSENT: Representatives Darling, Ferguson - 2.

Therefore, SB 24, not receiving a constitutional majority, was declared defeated in the House.

Representative Sincok moved to restore SB 24 to the calendar.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh,

Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 38.

NO: Representative Clendaniel - 1.

ABSENT: Representatives Darling, Ferguson - 2.

Therefore, Mr. Speaker declared SB 24 restored to the calendar.

Representative Gordy moved to strike HB 31. There being no objection, HB 31 was stricken.

Representative Riddagh brought HB 60 before the House for consideration.

Representative Riddagh moved to lay HB 60 on the Speaker's table. The motion was adopted by voice vote.

Representative Sincok introduced and brought HR 36, on behalf of all members of the House, before the House for consideration.

HR 36 - Expressing the Sympathy of the House to the Family of the Late Thomas E. Brady, Sr.

HR 36 was adopted by voice vote.

Representative Riddagh moved to lift HB 60 from the Speaker's Table. The motion was adopted by voice vote.

Representative Riddagh moved to place HB 60 on the Speaker's table. Representative Sincok seconded the motion. The motion was adopted by voice vote.

Representative Anderson introduced and brought HR 37 before the House for consideration.

HR 37 - Commending Ethel Tomhave, of Newark, for Winning the Community Service Award of the Greater Newark Chamber of Commerce.

HR 37 was adopted by voice vote.

Representative Rispoli moved to restore SB 24 to the Calendar. Another motion was necessary because the motion to restore must be made by a Representative who cast a negative vote on the original roll call of the bill. Representative Sincok who had made the original motion to restore SB 24 to the calendar had not cast a negative vote on the original roll call of the bill.

The roll call on the second motion to restore SB 24 to the calendar was taken and revealed:

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

ABSENT: Representatives Darling, Ferguson, Kelly, Matushefske, Powell, Ridings - 6.

Therefore, SB 24 was properly restored to the calendar.

Representative Jonkiert introduced HB 96.

HB 96 - An Act to Amend Chapter 100, Title 29, Delaware Code, Entitled Freedom of Information Act, By Excluding Political Party Caucuses of Legislative Bodies.

Mr. Speaker assigned HB 96 to the House Administration Committee.

The House recessed at 5:02 p.m. for Committee hearings. The House was called to order at 6:41 p.m.

Committee Reports:

Community Affairs: HB 44 - 1F, 3M.

Agriculture: HB 78 - 6M.

Appropriations: HB 93 - 6M; HB 95 - 2F, 4M.

House Administration: HB 94 - 2F, 2M; HB 96 - 2F, 3M.

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

# 10th LEGISLATIVE DAY

March 2, 1977

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

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by the Chaplain, Reverend Eldon Fowler from the Capital Baptist Church, Dover, Delaware.

The Speaker led those present in a salute to the flag. The Chief Clerk called the roll.

Members present: 40

Members absent: Representative Ferguson - 1.

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

The following prefiled legislation was introduced:

HB 97 - LYNCH - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 27, Title 24, Delaware Code, Relating to Professional Land Surveyors.

HB 98 - GILLIGAN - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Fees for Hunting and Trapping Licenses for Nonresidents.

HB 99 - ANDERSON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Grounds for Refusal to Grant a Liquor License.

HB 100 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Security Deposits.

HB 101 - MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 7, Title 18, Delaware Code by Increasing the Special Tax on Gross Premiums for Benefit of Firemen and Fire Companies.

HB 102 - LOUGHNEY & ANDERSON - JUDICIARY: An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to the Sentence of Life-Imprisonment.

HB 103 - GEORGE - JUDICIARY: An Act to Amend Title 29 of the Delaware Code, Relating to the Minimum Pension of a Judge.

HB 104 - MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 52, Part V, Title 29 of the Delaware Code by Providing that the State Shall Pay All of the Premium or Subscription Charge for Health Care Insurance for State Employees.

HB 105 - MATUSHEFSKE - APPROPRIATIONS: An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for Employees of the State, Its Agencies and Departments.

HB 106 - MATUSHEFSKE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 7, Title 4, Delaware Code, to Permit Home Delivery of Alcoholic Liquors by Retail Outlets.

HB 107 - LOUGHNEY - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Dogs Running at Large.

HB 108 - MINNER - REVENUE & FINANCE: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Special Fuel Dealers Paying Tax on Receipt.

HB 109 - ANDERSON, OBERLE, ROY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 14, Title 2 of the Delaware Code Relating to the Delaware Turnpike; and Prohibiting the Sale of Alcoholic Beverages on the Delaware Turnpike.

HB 110 - JONKIERT, SMITH - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 29, Delaware Code by Providing for the Designation of the Official Mineral of the State of Delaware.

HB 111 - GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 63, Title 29, Delaware Code, to Require Local School Districts to Pay Other Employment Costs Incurred by Referendums.

HB 112 - TEMPLE - JUDICIARY: An Act to Amend Chapter 83, Title 11, Delaware Code Relating to Payment of Pensions to Retired State Police Who Accept Other State Employment.

HB 113 - MATUSHEFSKE - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 11, Title 24, of the Delaware Code, Relating to Dental Laboratories.

HB 114 - GILLIGAN - APPROPRIATIONS: An Act Awarding Special Pension Benefits to Joyce Simpson, The Wife of Richard A. Simpson, A Former State Employee; Directing the Board of Pension Trustees to Administer Payment of Such Pension; and Providing an Appropriation Therefor.

HB 115 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exempting Farm Trucks from this Act If Exempt from Motor Vehicle Registration.

HB 116 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Vehicle Registration Fees for Amateur Radio Operators.

HB 117 - LOUGHNEY - HOUSE ADMINISTRATION: An Act to Amend Chapter 60, Title 29, Delaware Code, to Provide that Certain State Employees Shall Make Full Disclosure of Their Personal Assets and Income.

HB 118 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 92, Title 10, Delaware Code, Relating to Salaries of the Justices of the Peace.

HB 119 - W. BRADY - BANKING & INSURANCE: An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to a Tax on Life Insurance Which is Part of a Decedent's Estate.

HB 120 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Authorize and Approve of the Transfer of Certain State Real Property Situated in East Dover Hundred, Kent County, Delaware.

HB 121 - MAXWELL, WORTHEN - HEALTH & SOCIAL SERVICES: An Act to Amend Part I, Title 31 of the Delaware Code Relating to the Establishment of Multi-Purpose Service Programs for Displaced Homemakers.

HB 122 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Flat-Fee Permits.

HA 1 to HB 50 - TEMPLE - Placed with the bill.

HA 1 to HB 75 - GORDY - Placed with the bill.

Communications:  
State of Delaware  
House of Representatives  
Legislative Hall  
Dover, Delaware 19901

March 2, 1977

The Honorable Pierre S. du Pont, IV  
Governor of the State of Delaware  
Legislative Hall  
Dover, Delaware 19901

Dear Governor du Pont:

At our hearing last night, held at your request to review the report of the Governor's Revenue Study Committee, Mr. Vincent Croze of the United Auto Workers presented petitions with over 2,000 signatures against the imposition of a state sales tax.

The petitions are available for review by you or your staff, should you so desire.

Yours very truly,

Gerard A. Cain

Representative Jonkiert moved to recess for caucus at 2:04 p.m.

The House was called to order at 3:44 p.m.

Representative Anderson introduced and brought HR 38 before the House for consideration.

HR 38 - Commending Sergeant Ronald O. Branble for his Service as a Member of the Newark Police Department for 20 Years.

HR 38 was adopted by voice vote.

Representative Gordy introduced and brought HR 39 before the House for consideration.

HR 39 - Commending the Delaware Jaycees for Selecting John Joseph Shwed, of Laurel, as the Year's Outstanding Young Man.

HR 39 was adopted by voice vote.

Representative Maxwell moved to suspend the rules for the purpose of introducing HJR 3. The motion was adopted by voice vote.

HJR 3 - Memorializing Each Member of the Delaware Congressional Delegation to Introduce and Support Legislation Which Would Provide Certain Mandatory Retirement Guidelines for Federal District Court Judges.

Mr. Speaker assigned HJR 3 to the Judiciary Committee.

Representative Gilligan brought HB 95 before the House for consideration.

HB 95 - An Act to Permit the Board of Education of the Stanton Reorganized School District to Transfer Certain Funds from its Debt Service Account to its Current Operating Account.

The roll call on the bill was taken and revealed:

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

NO: Representative Darling - 1.

ABSENT: Representatives Ferguson, Kelly - 2.

Therefore, having received a constitutional majority, HB 95 was sent to the Senate for concurrence.

Representative Jonkiert placed HB 96 at the end of the agenda and yielded to Representative Minner.

Representative Minner moved for the suspension of the rules for the purpose of introducing and acting on HB 123, co-sponsored by Representatives W. Brady, Sincock and Clendaniel. The motion was adopted by voice vote.

Representative Minner brought HB 123 before the House for consideration.

HB 123 - An Act to Provide Funds for the Design, Development and Construction of the Delaware Agriculture Museum by Appropriating and Transferring Funds from the Capital Investment Fund to the Delaware Agricultural Museum Association, Inc.,; and Further Authorizing and Empowering the Board of Trustees of Delaware State College to Lease Ten Acres of Land to the Delaware Agricultural Museum Association, Inc. for the Site of the Agriculture Museum; and Further Repealing Chapter 657, Volume 60, Laws of Delaware.

The roll call on the bill was taken and revealed:

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

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 123 was sent to the Senate for concurrence.

Representative William Brady brought HB 78 before the House for consideration.

HB 78 - An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase a Tract of Land Within Lums Pond State Park, Pencader Hundred, New Castle County, Kirkwood, Delaware.

Representative Brady requested and was granted the privilege of the floor for Mr. Ray Wilkins from the Department of Natural Resources.

The roll call on the bill was taken and revealed:

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

NO: Representative Hebner - 1.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 78 was sent to the Senate for concurrence.

Representative Rispoli brought HB 44 before the House for consideration.

HB 44 - An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for a Termination of Tenancy Under Certain Circumstances.

The roll call on the bill was taken and revealed:

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

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 44 was sent to the Senate for concurrence.



Representative George brought HB 93 before the House for consideration.

HB 93 - An Act Making a Supplementary Appropriation to the Department of Justice for Operation Expenses.

Representative George introduced and brought HA 1 to HB 93 before the House for consideration. The amendment was adopted by voice vote.

The roll call on HB 93 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Oberle, Powell, Riddagh, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Billingsley, Burris, Jonkiert, McKay, Morris, Plant, Roy, Vernon - 8.

ABSENT: Representatives Ferguson, Ridings - 2.

Therefore, having received a constitutional majority, HB 93 w/HA 1 was sent to the Senate for concurrence.

Representative George brought HB 94 before the House for consideration.

HB 94 - An Act Authorizing Standing Committees of the 129th General Assembly to Employ Professional Staff Assistance Subject to Approval of the Legislative Council and Providing Funds Therefor.

Representative George introduced and brought HA 1 to HB 94, co-sponsored by Representative Sincok, before the House for consideration. The amendment was adopted by voice vote.

Representative Ridings moved to table HB 94. Representative McKay seconded the motion. Representative Sincok called for a roll call on the motion.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 15.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 25.

ABSENT: Representative Ferguson - 1.

Therefore, the bill remained before the House.

The roll call on HB 94 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Oberle, Plant, Riddagh, Ridings, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Billingsley, T. Brady, Connor, McKay, Morris, Powell, Roy, Smith, Vernon - 10.

NOT VOTING: Representative Sincok - 1.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 94 w/HA 1 was sent to the Senate for concurrence.

Representative George moved to rescind the roll call on SB 24.

The roll call on the motion was taken and revealed:

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

ABSENT: Representatives Ferguson, Maxwell - 2.

Therefore, the roll call on SB 24 was rescinded.

Representative George moved for the suspension of the agenda rules to act on SB 24. The motion was adopted by voice vote.

The roll call on SB 24 was taken and revealed:

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

NO: Representatives Billingsley, McKay, Roy - 3.

NOT VOTING: Representative Powell - 1.

ABSENT: Representative Ferguson - 1.

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

Representative McKay moved for the suspension of the rules for the purpose of introducing and acting on HJR 4. The motion was adopted by voice vote.

Representative McKay brought HJR 4, co-sponsored by Representatives Billingsley and Maxwell and Senators Hale and Knox, before the House for consideration.

HJR 4 - Commending John T. Kephart, Jr. Upon His Selection as Delaware "Engineer of the Year".

The roll call on the resolution was taken and revealed:

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

ABSENT: Representatives Ferguson, Matushefske, Sincok - 3.

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

Representative Gordy moved to lift HB 10 from the Speaker's table. The motion was adopted by voice vote.

Representative Gordy requested that HB 10 be deferred and placed on tomorrow's agenda.

The House recessed for Committee hearings at 5:13 p.m.

The House was called to order at 5:40 p.m.

Committee Reports:

Community Affairs: HB 18 - 5M.

Judiciary: HB 40 - 4M; HB 70 - 4F; HB 100 - 4M; HB 102 - 2F, 2M; HB 112 - 4M.

Public Safety: HB 53 - 4F, 1M; HB 75 - 2F, 2M; HB 85 - 4M; HB 115 - 1F, 3M; HB 116 - 3F, 2M.

Administrative Services: HB 71 - 4M; HB 110 - 4M.

Health and Social Services: HB 92 - 2F, 3M.

House Administration: HB 111 - 5M.

Corrections: SB 27 - 3F, 2M.

At 5:45 p.m., the House recessed to the call of the Chair on motion of Representative Jonkiert.

#### 11th LEGISLATIVE DAY

March 3, 1977

The Speaker called the House to order at 1:10 p.m.

The Majority Leader moved to adjourn at 1:10 p.m., thereby ending the previous legislative day. The House reconvened at 1:11 p.m. A prayer was offered by the Chaplain, Reverend Grier of Harrington, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Ferguson - 1.

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

Representative Jonkiert moved to recess at 1:15 p.m. for a Joint Session.

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

#### JOINT SESSION

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

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

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

The Speaker appointed the following committee to escort the Governor to the House Chamber: Representatives Gilligan and McKay; Senators Berndt and McDowell.

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:

Mr. Speaker, Lt. Governor McGinnis, Mr. President Pro Tempore, Justices of the Supreme Court, Members of the 129th General Assembly, Elise, Honored Guests, and most particularly the people of the State of Delaware.

On a June evening almost eight years ago I stood for the last time on the floor of the House of Representatives as a Member of the 125th General Assembly, little imagining that I might next return, today, to address the 129th General Assembly concerning the greatest financial catastrophe in the history of our state.

It is indeed an honor to address such a distinguished assemblage of the leadership of Delaware's government, but there is no joy in the message that I am about to deliver -- no joy for those in this Chamber, but more importantly, no joy for those hundreds of thousands of Delawareans who are not here today. They are the people who are going about their daily lives, serving in restaurants, teaching in schools, managing small businesses, or working in large ones. They are minding their own business, obeying the laws of the land, bearing the burden of the taxes, and trusting those of us in this Chamber to do what is best for them and their families. So it is not just those here assembled today, to whom I address myself, but also the people of the State of Delaware who have an infinitely large stake in what we say and do here.

On a very cold January afternoon six weeks ago, when I became Governor, I talked of the inability of limited government to satisfy our many demands, and of the difficult job of adjusting to the fact that we cannot always expect more, but may have to become accustomed to the same, even less from government.

I talked of the personal discipline from each of us, and the political discipline from all of us, that would be required in recognizing our limitations, establishing our priorities, and living within our means.

Today, we begin the process of testing and strengthening that discipline, for we are face-to-face with economic disaster. The State of Delaware is bankrupt with insufficient funds to pay its bills through the end of the year. It lives day-to-day on borrowed money which is rapidly dwindling. Today, Delaware's budget is awash in a \$56 million sea of red ink and facing a potential deficit of \$65 million for the upcoming fiscal year beginning

July 1st. These are hard, cold, irrefutable facts -- not bad dreams that will vanish with the sunlight, not small shortages that can be papered over, ignored or explained away. The \$121 million deficit is real, it is here facing us, and it will not go away.

The \$121 million cumulative deficit Delaware faces today represents the price that must be paid for past decisions -- decisions made by previous governors and previous General Assemblies. The deficits which I have inherited came about because many people in the past permitted us to spend more than we had, and approved programs without knowing what they cost. As a State we have refused to say, "No" to special interest groups. We have built too many structures, neglected the condition of our state bank, and made a host of decisions that were politically expedient, but practically and financially unwise. The decisions were no doubt not the best ones, but they have been made -- and now all of us in this Chamber and in the State of Delaware must pull together to extricate our state from financial bankruptcy. Now is the time we must pay the price of the past, and we must do so soon. For until firm, irreversible plans are approved to pay off our debt, no new jobs will come to Delaware, no new programs can be started, and there is virtually no hope for renewed confidence in our governmental institutions.

So today we must begin the process of returning Delaware to financial reality. Most of the people of Delaware, I am sure, want to know how it happened -- how did Delaware go bankrupt in such a short period of time? In 1975, our deficit was \$2.5 million; in 1976, it was \$5.2 million; in 1977, it will be \$48.9 million; in 1978, unless we change our ways, the deficit will be \$64.6 million. That totals \$121 million in overspending in four years. Although the details of how it happened are complex, I believe the overall reasons are fairly clear. The reasons are basically the same as those which led the Delaware Tomorrow Commission, a year and a half ago, to predict a \$373 million deficit for our state by 1985 if we did not change our ways. The first reason is that Delaware state government has not had the courage to limit the growth in state spending to the revenues available. Second, the economic foundation upon which our state's fiscal policy is based is too narrow. With no effective cost control mechanism to limit the growth of our spending, we have expanded our programs and relied upon a patchwork revenue system that does not grow with the nation's economy, which is highly volatile during times of economic uncertainty. Rather than face up to these problems, we have used gimmicks, passed hidden taxes and taken the expedient way out by enacting politically "easy" taxes, rather than establishing for Delawareans a sound, effective, and equitable tax system.

The result of these policies is not only Delaware's bankrupt situation today, but equally important, Delaware has become economically stagnant, its unemployment rate equals or exceeds the national average -- a far cry from past years. Jobs for young people are becoming more and more scarce, and the fastest growing taxes and the heaviest debt in America are discouraging decision-makers from wanting to be part of our state. We cannot continue down this road to ruin. We must take immediate strong, and positive action to solve our problems.

I am proposing today a three point program to rescue Delaware from bankruptcy, to stabilize our finances, and to do so in a way which will begin our economic recovery, provide jobs for Delawareans, and reverse the declining competitive situation of our state.

First, we must promptly pay off the \$56 million deficit which I inherited on January 18th.

Second, I propose to reduce next year's \$65 million deficit by cutting the cost of state government \$40 million -- cuts that will be permanent and help us every year.

Third, to solve the remaining \$25 million deficit for next year, I propose to expand our tax base in a manner which will provide a sound basis for our programs in the future, and provide equitable, and economically viable taxes.

This three point program will rid us of two staggering financial problems -- a \$56 million problem inherited from the past, and a \$65 million problem in the next fiscal year for a total of \$121 million. Now is the time, this is the moment, to solve our problems permanently and completely, and in a manner which will help reverse Delaware's competitive position in the national economy. Forty-eight of the fifty states of the union have better credit ratings than Delaware. Only New York shares with us the lowest state credit rating in the country. That's a disgrace that must be corrected before we can hope to move forward.

Now is the time to bite the bullet and eliminate that \$121 million deficit. The future of Delaware depends upon it, and as Governor, I must see that it is accomplished. Although we can disagree freely and constructively over details, there can be absolutely no compromise on solving our problem permanently. Delawareans have had enough of patchwork taxes, uncontrolled spending, and juggling of our state's financial books. Now is the time to put all facts on the table and have an open, candid and forthright discussion of how to solve the problem. But solve the problem we must, and as Governor I can promise the people of the State of Delaware that I shall not approve any package of legislation which does not fully and completely solve our problem once and for all.

### Paying Off Our Existing Debts

The first step in the solution is to promptly pay off our \$56 million deficit from past administrations. With only four months left in this fiscal year, it is clear that we cannot pay off a \$56 million deficit in such a short period of time. Therefore, I propose that we repay this deficit over the next two and one half years by borrowing \$56 million, and raising specific taxes, earmarking the receipts to pay off the debt. The taxes should have a "self-destruct clause" in them so that when the debt is paid off, the taxes automatically revert to their previous levels. I have been advised by the investment community that such an earmarking of taxes would help immeasurably in the marketing of Delaware's securities and in attracting sufficient numbers of people who will lend us the money we need. To accomplish this I propose the following:

- \* Auto registration fees will be raised from \$20 to \$30 along with other miscellaneous fees in the Division of Motor Vehicles, to raise a total of \$6.0 million annually.
- \* Gasoline taxes will be increased from 9¢ per gallon to 11¢ per gallon, netting \$6.0 million.
- \* Cigarette taxes will be increased from 14¢ per pack to 16¢ per pack, which will net \$.8 million.
- \* The automobile document fee will be increased from 2% to 4%, netting \$5.6 million.
- \* Mercantile taxes will be increased an average of 15% across-the-board, for a yield of \$3.5 million.

The \$23.3 million which this tax package will yield the first year, and slightly more in the following years, will be earmarked for and will be sufficient to pay off the \$56 million deficit with interest and costs. Once the deficit is paid off, the taxes will then revert to their previous levels.

Second, to eliminate next year's \$65 million deficit, I propose to cut state spending \$40 million, thereby relying on spending reductions to solve almost twice as much of the deficit as tax increases. In structuring, spending reductions and fee increases totaling nearly \$40 million, the impact has been spread throughout state government in proportions approximating the percentage of state funds consumed in each area. Exclusive of the non-controllable expenses: debt service on monies already borrowed, revenue refunds to our taxpayers, and federally mandated direct welfare payments. Education consumes approximately 60% of the state's budget and the remaining state government consumes approximately 40%. Therefore, the reductions in education approximate 60% of \$40 million, or \$24 million; and the reductions in the balance of state government approximate 40% of \$40 million -- \$16 million to be precise.

Our proposals affect nearly every department and many, many programs. They affect services, and they affect people. They are painful and they are unfortunate, but they are the only alternative to a total halt in the operation of state government, since we can no longer borrow money to finance these crippling deficits.

#### REDUCING THE COST OF FUTURE YEAR'S PROGRAMS

Nothing is more critical to the future of State Government than the adoption of long overdue management improvements. We simply cannot scramble out of today's bankruptcy only to face tomorrow's crisis. We need to put in place the sound principles of cost control and performance measurement that successful private enterprises have long used.

To accomplish this vital objective, I am taking the following actions:

- \* I have requested an additional \$650,000 for a complete overhaul and modernization of the management of the State's data processing operation.

- \* I will be directing the Secretary of Administrative Services to institute a mandatory central purchasing system for all agencies, an improvement which can save the State more than \$1 million yearly in excess costs.

- \* I am creating a new Office of Management, Budget and Planning to devote full attention to improving the ways in which essential programs are delivered and to concentrating on the total fiscal impacts of executive and legislative decisions.

- \* I will be sending to the legislature my recommendations for much needed revisions in the processes for developing and presenting the State's annual budget; our objective must be to shift to program budgeting for Fiscal Year 1979.

- \* I am today proposing a \$40 million cut in spending for next year. But that is not enough -- there are other years beyond the next, and spending must be limited in those years too. To meet that problem, I am proposing a constitutional amendment to limit government spending. Early next month I will submit to the legislature a draft constitutional amendment to limit annual state spending so that it does not outstrip revenue growth. Exceptions would be permitted by a 2/3 vote of each house of the General Assembly to allow for bonafide emergencies. Such an amendment will meet one of the great challenges of our time: harnessing the galloping growth of governmental expenditures.

Together the Executive and the Legislature must work to improve the tools of government so that the taxpayers of our State receive the maximum benefit for their dollars.

But no longer range management improvements cannot immediately solve our current fiscal crisis. We also need to take decisive action now. Our State devotes the greatest share of its resources to vital human resource programs. However, we cannot, at this time, ask the people of the State to pay



for additional programs until we are convinced that the existing services we provide are the highest priority and that they are being managed most effectively.

Consequently, I have recommended that once newly renovated space becomes available in the Banton Building at the Emily Bissell Hospital, that adult patients now at Governor Bacon Health Center be transferred there and that a careful analysis be made of the future use of space at the Tilton Building.

Other recommendations in Health and Social Services involve converting one pod at the Terry Psychiatric Center to an out-patient clinic to reduce the State's cost of over \$1 million for approximately 30 patients, increasing funding for the Stockley Hospital for the Mentally Retarded in order to take advantage of Federal entitlements, and terminating State grants to private hospitals.

In the Department of State, I have recommended that State museums go to a cost-saving winter/summer schedule and begin charging nominal fees. I have also recommended an increase in certain corporation fees. In the Department of Agriculture, I am recommending certain fee increases and the transfer of the meat inspection program to the federal government. In Natural Resources, I am recommending increasing user fees, reducing overtime and eliminating unnecessary positions.

In Public Safety, I have recommended an end to motor vehicle inspections in Delaware because I am not convinced from the data I have studied that there is any substantial correlation between State-wide motor vehicle inspection and auto accidents. I have also recommended deferring the hiring of additional State Police officers and the purchase of new vehicles.

In the Department of Transportation, I am recommending a reduction of 100 general fund positions which I believe to be unnecessary in light of my resolve to reduce capital spending.

In the Administration of Justice areas, I have recommended certain reductions in Corrections, but they have been more than offset by the costs of complying with the recent Federal court order reducing inmate population. Further, I am recommending that the state return the cost of the county law libraries to the counties and not to fill expanded personnel requests of both the Attorney General's office and in the Courts.

In education which consumes 60% of the controllable budget, we have had to make some very difficult decisions in order to keep our spending reduction program on target. I am endorsing Governor Tribbitt's recommendations of returning State-funded fringe benefit costs of locally funded employees to the local districts. I am also recommending that 30% of the over \$10 million in school

busing costs now borne by the State to be returned to local districts and that the State support for busing of private school students end. I am recommending through repeal of the class size reduction bill no change in elementary student class sizes, but I am recommending a change in the high school class size from 1-20 to 1-22. I also feel we need substantial reductions in the number of administrators -- both in local districts and in the Department of Public Instruction.

In higher education I am recommending continued State support to all institutions at last year's level -- no increase, but no reductions. I am also, with great difficulty, recommending a 2/3 reduction in the DIMER program of support for Delaware medical education by eliminating all payments except scholarship.

Finally, I think the time has arrived to make some basic changes in our treatment of State employees. State employees deserve pay and adequate pay increases. But we can no longer afford both "merit" and cost of living increases that may bring to many employees annual pay increments in excess of ten percent. For too long, "merit" increases have been given to all who are eligible regardless of merit or performance. If merit increases are to be continued, they should be granted only to those whose performance warrants it. We must recognize productivity and not longevity as the barometer of promotions and rewards. In adopting Governor Tribbitt's recommendation of a cost of living suspension through the next fiscal year, I am creating a Governor's Select Committee on State Employment Practices, and will ask them to recommend to me, within 180 days, needed legislative and administrative changes which will strengthen career service in State government.

In addition to these important reviews of operating programs, I will today sign an Executive Order constituting a cabinet level Capital Review Committee. The Committee will carefully analyze more than \$110 million in existing and proposed capital projects and will report to me within 60 days on its recommendations for cancellations or deferrals. Within (90) days I will send legislation to the General Assembly detailing my proposed revisions to more than 300 capital projects. I believe a careful review of all authorized capital spending projects could result in savings in debt service as great as \$2 million per year.

In addition to the financial problems caused by past errors of judgement and weakness of will we are also faced with the prospect of additional expenses being forced upon us by the federal government. I have already personally discussed with President Carter the inequities forced upon the states by the requirements of the federal bureaucracy. Federal action could cost Delaware several

million dollars in busing costs, dollars to meet accelerated guidelines for education of the handicapped, and further expenses in the Corrections field. Our budget projections for fiscal year 1978 do not include any of these potential expenses. A continuation of such orders from federal officials regardless of their social intentions can only make Delaware's financial future even more bleak.

#### IMPROVING THE REVENUE SYSTEM FOR LONG TERM GROWTH

Third, to finance the remaining \$25 million of Delaware's \$65 million deficit of next year, I am proposing a \$25 million permanent tax increase in a manner which I think is, to the maximum extent possible, consistent with our long-term aims and objectives in Delaware.

Every tax study conducted in the past eight years in Delaware -- from the first Tunnell Commission through the Delaware Tomorrow Commission and the most recent Tunnell Commission -- have agreed that income tax reform is essential -- a broader base, more equity, and a more enforceable system -- if we are to be able to compete and survive in the economic world in which we live.

I propose raising the corporation income tax 21%, from the current level of 7.2% on corporate profits to 8.7%. Second, I propose a restructured income tax, returning to pre 1975 treatment of pensions, broadening the revenue base by calculating the tax on the adjusted gross income figure. By using an adjusted gross income tax, more people will pay the tax, deductions will be eliminated, the more equitable federal tax brackets (not rates) will be adopted, exemptions are reduced from \$600 to \$300, and the nominal rates for all are lowered since the tax base is so much broader. In addition, enforcement will be much easier because of the direct correlation for the federal form.

Let me spend a moment discussing what we decided not to recommend, in raising additional revenues for the State of Delaware. We decided against a simple increase on the existing personal income tax because the base is too narrow, it is already the highest in the nation, and it is forcing individuals to leave Delaware or stay away, thereby costing us jobs and growth. To raise this tax further, in my judgment, would only compound our difficulties, not lessen them.

We considered and rejected a payroll tax, because it is a tax on jobs. We need to bring jobs to Delaware to solve our long-term problems; not drive them away.

Next, we examined a state-wide property tax but found difficult problems. Since our property assessments vary widely between the three counties, in order to make the tax fair and constitutional, the state would have to undertake a complete reassessment of all of the property in the state and keep it updated on a continual basis.

We also examined a doubling of the mercantile tax but it is, in reality, a discriminatory, hidden sales tax higher on some merchants than others, and not deductible to the Delaware taxpayers who pay it directly or indirectly. Because I am seeking to avoid permanent dependence on poorly constructed taxes -- which I believe the mercantile tax to be -- it was rejected.

We considered increasing the corporation franchise taxes (in addition to a 21% increase which I have recommended in corporation income taxes), but here Delaware is in probably the most competitive and vulnerable situation of all. The corporations which pay overwhelmingly large percentages of tax do not do business in Delaware and are incorporated here only because it is convenient to be so. At the slightest provocation -- they could flee our state, throwing even larger burdens upon our already narrow tax base. If the federal Congress, were to pass a federal incorporation law (and there are several currently before it), Delaware's entire \$55 million franchise tax would disappear or be reduced substantially.

Finally, we gave careful consideration to a sales tax -- at least a 3% sales tax exempting food, clothing, and drugs would be needed. As many of you know, I have been opposed to it and for two reasons: it impacts most upon those least able to pay; and once a sales tax is in place at 3%, it goes quickly to 4%, 5%, 6% or even to 7% as it is now proposed in Pennsylvania. I seriously doubt we will ever have any effective financial control over state spending if the tempting option of "just adding 1 penny to the sales tax" is ever present.

I believe the gross income tax and a 21 % increase in the corporation income tax to be the best choices of all and I have, therefore, recommended their adoption. But let me add a word of caution: I think the shift to a gross income tax and the restructuring I have proposed approaches the limit of reliance upon the personal income tax in Delaware. Should the General Assembly fail to approve \$40 million in spending reductions, then I believe that the sales tax is the only long range, viable solution for our people. In my judgment, the choices are either \$40 million worth of spending cuts and a maximum of \$25 million and a sales tax. It is just that simple. I have recommended the former because I firmly believe that our citizens want more reliance on spending cuts than they do upon tax increases.

Let me also say that I certainly do not believe that I have all of the answers, or that the program I have proposed today is the only conceivable way to meet our state's financial disaster. I will eagerly listen to other ideas and work out areas of common and well-intentioned

disagreement. But there are two points which I view as essential: first, the total package of spending reductions and tax increases must total at least \$65 million; and, second, the solution must be a permanent and long-term solution to our state's financial and economic problems. Any legislative package which falls short of these two tests will be vetoed. That means we cannot seek relief by temporary postponements of spending or one-shot tax speed-ups. We cannot rely on taxes which do not have a growth base or which are placed solely and purely for political advantage. We must settle the issue of financial security firmly and finally. As a practical matter, we will have to work together, even from the outset, for Wall Street has made it clear that both the Executive and the General Assembly must devote their best effort to solving our financial ills. No assurance of improvements may mean no money. It's that simple.

\* \* \*

In summary, my proposals involve permanent spending cuts of \$40 million, permanent tax increases of \$25 million, and a two and one half year payoff of the deficits left to this administration from the past. It is a proposal to reduce nearly \$2 million in spending for every dollar in increased taxes.

What I have proposed today will not be easy to accept or to accomplish. I am sure that the special interest groups will respond to these reductions with anger. The spending cuts will probably be labeled unfair to one group or the other. We will hear from each and every group a familiar plea: "cut any other program you like, but don't cut mine". The result will be an enormous pressure to do nothing -- to make no cuts at all. But let me assure the people of the State of Delaware that if they let that happen, they will pay much higher taxes. I am going to ask each person who objects, "what is your program, if you don't like mine?" "Does your program provide for the future long-term economic growth of our state?" "Is your program a permanent solution to our problem?"

I believe my program is a good one, although it will not be easy to accept or accomplish. But it is a program which will work, it is a program which will restore the long-term financial and economic health of our state, and it is a program which is as fair as possible to all concerned.

And I want to remind each Delawarean that every dollar less than the \$40 million cut from the budget, is another \$1 in taxes out of your pocket.

Now is the time, and this is the place the responsibility belongs, to all of us, to me, the General Assembly and the people of this First State. For too long we have

deceived ourselves, taken the easy way out, postponed the difficult decisions until another day. There is no other day; there is no easy way. There are no taxes which do not affect "the people"; no program cuts that do not touch "human services"; nor any spending reduction program which can survive without touching education as well.

No, my friends, our problem is here, today, now. For too long elected officials have been a part of the problem, rather than a part of the solution. As Pogo said, "We have met the enemy, and he is us." For many years the enemy has been us, and those who have suffered have been the people of the State of Delaware. Now it is time to accomplish a permanent, lasting, equitable solution to Delaware's catastrophic economic situation so that we can move forward to a brighter future for our state and our people.

Thank you.

The previously named committee escorted the Governor from the Chamber.

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

The House was called to order at 2:48 p.m.

Representative Jonkiert moved to recess for caucus at 2:50 p.m.

The House was called to order at 4:17 p.m.

The following prefiled legislation was introduced:

HB 124 - TEMPLE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Adjusting the Formula for Reimbursement to the School Bus Contractors and the School Districts for the Transportation of Public School Pupils During the Fiscal Year Ending June 30, 1977.

HB 125 - BENNETT - APPROPRIATIONS: An Act Making a Supplementary Appropriation to Delaware Technical and Community College for the Purpose of Establishing a Revolving Fund for the Payment of Legal Fees.

HB 126 - TEMPLE - APPROPRIATIONS: An Act to Amend Chapter 25, Title 10, Delaware Code, To Change the Annual Compensation of the Chief Deputy Register in Chancery.

HB 127 - WORTHEN - NATURAL RESOURCES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Water Allocation by the Secretary of the Department of Natural Resources and Environmental Control.

HB 128 - W. BRADY - PUBLIC SAFETY: An Act to Amend Chapters 1 and 21, Title 21, Delaware Code to Provide for a Definition and Registration for Snowmobiles.

HB 129 - MAXWELL - EDUCATION: An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to Education; and Controlling the Introduction of Certain Weapons and Other Materials into the Public Schools.

HB 130 - GORDY, CLENDANIEL - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, to Provide that Property Valued at Less than \$5,000 Shall Not be Subject to the Realty Transfer Tax.

HB 131 - GILLIGAN, SENATORS MURPHY, LITTLETON - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Insurance Department for the Purpose of Employing an Attorney.

HB 132 - MORRIS, GORDY, MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 5, Title 13, Delaware Code, Relating to Support Orders and Enforcement Thereof.

HB 133 - LOUGHNEY, ANDERSON - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to the Coastal Zone.

HB 134 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Part IX, Title 29 of the Delaware Code Relating to Art Works for Public Property, Buildings and Other Facilities.

HB 135 - BYRD, LOUGHNEY - LABOR: An Act to Amend Title 19, Delaware Code, by Creating a New Chapter to be Designated as Chapter 14 to Provide for the Implementation of a State Occupational Safety and Health Act in Accordance With the Provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 and Providing a Supplemental Appropriation to Implement the Provisions of this Act.

SB 33 - MARTIN - NATURAL RESOURCES: An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase a Tract of Land Within Walter S. Carpenter, Jr. State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware.

Representative Byrd introduced and brought HCR 8, co-sponsored by Senator Murphy, before the House for consideration.

HCR 8 - Welcoming James Earl Carter IV, Grandson of President Jimmy Carter, Upon His Delivery by the Stork on Friday, February 25, 1977.

HCR 8 was adopted by voice vote.

Representative Jonkiert deferred HB 96 and brought HB 110 before the House for consideration.

HB 110 - An Act to Amend Chapter 3, Title 29, Delaware Code by Providing for the Designation of the Official Mineral of the State of Delaware.

The roll call on HB 110 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Connor, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Cain, Clendaniel, Darling, Gilligan, Gordy, Hebner, Morris, Vernon - 8.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives Billingsley, Ferguson, George - 3.

Therefore, having received a constitutional majority, HB 110 was sent to the Senate for concurrence.

Representative Gordy brought HB 10 before the House for consideration.

HB 10 - An Act to Amend Title 21 of the Delaware Code Relating to the Regulation of Bicycles, Mopeds, and Similar Vehicles.

Representative Gordy introduced and brought HA 1 to HB 10 before the House for consideration. The amendment was adopted by voice vote.

The roll call on HB 10 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, McKay, Miller, Morris, Plant, Riddagh, Ridings, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Billingsley, T. Brady, Gilligan, Kelly, Oberle, Rispoli - 6.

NOT VOTING: Representatives Maxwell, Minner, Powell - 3.

ABSENT: Representatives Ferguson, George, Sincock - 3.

Therefore, having received a constitutional majority, HB 10 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan brought HB 92 before the House for consideration.

HB 92 - An Act to Amend Chapter 17, Title 24, Delaware Code Relating to the Medical Practices Act.

The roll call on HB 92 was taken and revealed:

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

NO: Representative Oberle - 1.

NOT VOTING: Representative Ambrosino - 1.

ABSENT: Representatives Ferguson, George - 2.



Therefore, having received a constitutional majority, HB 92 was sent to the Senate for concurrence.

Representative Gordy deferred HB 111 until the next legislative day, March 8, 1977.

Mr. Speaker reassigned HB 71 to the Appropriations Committee due to the fact that it appropriates more than \$50,000.

Representative Matushefske brought HB 18 before the House for consideration.

HB 18 - An Act to Authorize and Direct the Transfer of the Property Formerly Used by the Department of Transportation for State Police Troop Number Two to the Wilmington Manor Volunteer Fire Company.

Representative Matushefske introduced and brought HA 1 to HB 18 before the House for consideration. The amendment was adopted by voice vote.

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

The roll call on HB 18 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Mr. Speaker Boulden - 29.

NO: Representatives Bennett, Burris, Hebner - 3.

NOT VOTING: Representatives Billingsley, McKay, Ridings, Smith, Vernon - 5.

ABSENT: Representatives T. Brady, Ferguson, Minner, Worthen - 4.

Therefore, having received a constitutional majority, HB 18 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske brought HB 100 before the House for consideration.

Representative Rispoli moved that HB 100 be put back into the Community Affairs Committee. Representative Roy seconded the motion. The motion was adopted by voice vote.

Mr. Speaker assigned HB 100 to Community Affairs Committee.

Representative Darling brought SB 27 before the House for consideration.

SB 27 - An Act to Amend Chapter 89, Title 29, of the Delaware Code Relating to the Criteria for the Employment of Bureau Chief's in the Department of Corrections.

Representative Plant introduced HA 1 to SB 27 and brought it before the House for consideration.

The roll call on the amendment was taken and revealed:

YES: Representatives T. Brady, W. Brady, Byrd, Connor, George, Johnson, Jonkiert, Matushefske, Maxwell, Miller, Minner, Plant, Rispoli - 13.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Burris, Clendaniel, Darling, Gilligan, Gordy, Hebner, Loughney, Lynch, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Worthen, Mr. Speaker Boulden - 23

NOT VOTING: Representatives Temple, Vernon - 2.

ABSENT: Representatives Cain, Ferguson, Kelly - 3.

Therefore, the amendment was declared defeated.

The roll call on SB 27 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Byrd, Clendaniel, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincock, Temple, Vernon, Mr. Speaker Boulden - 28.

NO: Representatives Ambrosino, Billingsley, Burris, Connor, Hebner, Maxwell, McKay, Roy, Smith, Worthen - 10.

ABSENT: Representatives Cain, Ferguson, Kelly - 3.

Therefore, having received a constitutional majority, SB 27 was returned to the Senate.

Representative Temple brought HB 112 before the House for consideration.

Representative Temple introduced HA 1 and brought it before the House for consideration. The amendment was adopted by voice vote.

Representative Plant introduced HA 2 to HB 112 and brought it before the House for consideration.

At 5:34 p.m., the House recessed while the audio tape was changed and reconvened at 5:36 p.m.

Representative Plant moved to strike HA 2 to HB 112. Without objection, HA 2 to HB 112 was stricken.

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

Representative Plant moved to restore HA 2.

Representative Sincock made a point of order that a stricken bill or amendment cannot be restored. Mr. Speaker ruled in favor of Representative Sincock.

Representative Temple introduced HA 3 to HB 112 and brought it before the House for consideration. The amendment was adopted by voice vote.

Representative Temple moved to place HB 112 w/HA 1, 3 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert introduced HB 136, co-sponsored by Senator Cicione.

HB 136 - An Act to Amend Chapter 21, Title 21, Delaware Code, to Provide for a Reduction in the Motor Vehicle Registration Fee Paid by Members of the Disabled American Veterans.

Mr. Speaker assigned HB 136 to Public Safety Committee.

Representative Jonkiert introduced HB 137.

HB 137 - An Act to Amend Chapter 100, Title 29, Delaware Code, Relating to the Freedom of Information Act.

Mr. Speaker assigned HB 137 to House Administration Committee.

Representative Jonkiert moved to recess for Committee hearings at 5:54 p.m.

The House was called to order at 5:59 p.m.

Committee Reports:

House Administration: HB 137 - 1F, 4M.

Banking & Insurance: SB 32 - 1F, 2M, 1UF.

Representative Jonkiert moved to recess to the call of the Chair at 6:03 p.m.

## 12th LEGISLATIVE DAY

March 8, 1977

The Speaker called the House to order at 2:00 p.m.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by the Reverend Emmanuel Hedgebeth, People's United Church of Christ; Dover.

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

The Chief Clerk called the roll.

Members present: 40.

Members absent: Representative Connor - 1.

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

The following prefiled legislation was introduced:

HB 138 - AMBROSINO - ADMINISTRATIVE SERVICES - An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code Relating to Public Utilities; and Providing Certain Restrictions on the Granting of Automatic Rate Increases.

HB 139 - CAIN - ENVIRONMENTAL CONTROL - An Act to Amend Subchapter I, Chapter 7, Part I, Title 7 of the Delaware Code Relating to Prohibited Hunting and Trapping Devices and Methods.

HB 140 - SINCOCK - ADMINISTRATIVE SERVICES - An Act to Amend Chapter 1, Title 24, Delaware Code, To Require Annual Renewal of Certificates of Certified Public Accountants, and Setting a Fee Therefor.

HB 141 - SINCOCK - NATURAL RESOURCES - An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to the Establishment of a Big Game License (Deer Stamp) for Taking Deer in Delaware.

HB 142 - SINCOCK - ADMINISTRATIVE SERVICES - An Act to Amend Section 2729, Title 24, Delaware Code, to Require Annual Renewal of Certificates of Registration of Professional Land Surveyors and Setting a Fee Therefor.

HB 143 - SINCOCK - ADMINISTRATIVE SERVICES - An Act to Amend Section 1133, Chapter 11, Title 28, Delaware Code, Relating to License Fees for Bingo.

HB 144 - SINCOCK - BANKING & INSURANCE - An Act to Amend Section 2908, Chapter 29, Title 24, Delaware Code, Relating to Increases of Annual Renewal Fees for Licenses of Real Estate Brokers and Salesmen.

HB 145 - SINCOCK - ENVIRONMENTAL CONTROL - An Act to Amend Section 3606, Title 24, Delaware Code, Relating to Registration Fees for Geologists.

HB 146 - SINCOCK - LABOR & COMMERCE - An Act to Amend Section 3155, Part III, Title 29, Delaware Code, Relating to License Fees for Employment Agencies.

HB 147 - SINCOCK - REVENUE & FINANCE - An Act to Amend Section 1706, Title 3, Delaware Code, to Increase the Registration Fee for Commercial Feed.

HB 148 - SINCOCK - ADMINISTRATIVE SERVICES - An Act to Amend Section 1424 (a), Title 24, Delaware Code, to Increase the Registration Fee of Electricians.

HB 149 - SINCOCK - ADMINISTRATIVE SERVICES - An Act to Amend Section 314, Chapter 3, Title 24, Delaware Code, to Increase the Fee for the Renewal of a Certificate of Registration for an Architect.

HB 150 - SINCOCK - NATURAL RESOURCES - An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Fees for Resident and Non-Resident Hunting Licenses.

HB 151 - SINCOCK - ENVIRONMENTAL CONTROL - An Act to Amend Section 105, Title 23, Delaware Code, Relating to the License Fee for Renewal of a Pilot's License.

HB 152 - SINCOCK - ENVIRONMENTAL CONTROL - An Act to Amend Title 23, Chapter 21, Delaware Code, Relating to Registration and Licensing Fees for Motorboats.

HB 153 - SINCOCK - REVENUE & FINANCE - An Act to Amend Part III, Title 30, Delaware Code, Relating to Occupational and Business Licenses and Taxes.

HB 154 - SINCOCK - PUBLIC SAFETY - An Act to Amend Chapters 21, 23, and 25, Title 21, Delaware Code, Relating to the Fees for Registration, Title and Liens of Vehicles.

HB 155 - SINCOCK - REVENUE & FINANCE - An Act to Amend Chapter 41, Title 30, Delaware Code, Relating to Telegraph and Telephone Companies.

HB 156 - SINCOCK - HOUSE ADMINISTRATION - An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to Visiting Fees at Historical Buildings, Sites, and Museums.

HB 157 - SINCOCK - REVENUE & FINANCE - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Motor Fuel Tax.

HB 158 - SINCOCK - REVENUE & FINANCE - An Act to Amend Chapter 53, Title 30, Delaware Code, Relating to the Tobacco Product Tax.

HB 159 - SINCOCK - HOUSE ADMINISTRATION - An Act to Amend Chapter 5, Title 29, Delaware Code, Relating to the Payment of Costs for Microfilming by the Division of Historical and Cultural Affairs.

HB 160 - SINCOCK - HOUSE ADMINISTRATION - An Act to Amend Section 391, Title 8, Delaware Code, To Increase the Fee Collected and Paid to the Secretary of State for Certifying Copies of Papers Relating to Corporations on File with the Secretary of State.

HB 161 - SINCOCK - BAKING & INSURANCE - An Act to Amend Chapter 11, Title 5, Delaware Code, Relating to Banks and Trust Companies.

HB 162 - SINCOCK - BANKING & INSURANCE - An Act to Amend Chapter 18, Title 5, Delaware Code, Relating to Taxation of Building and Loan Associations.

HB 163 - SINCOCK - Revenue & Finance - An Act to Amend Chapter 30, Title 30, Delaware Code Relating to the Motor Vehicle Document Fee.

HB 164 - SINCOCK - REVENUE & FINANCE - An Act to Amend the Personal Income Tax Law to Adjust Personal Deductions, Exemptions and Tax Rates.

HB 165 - SINCOCK - REVENUE & FINANCE - An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax.

HB 166 - SINCOCK - EDUCATION - An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to Calculating Units of Pupils.

HB 167 - SINCOCK - EDUCATION - An Act to Amend Section 1321, Title 14, Delaware Code, Relating to the Employment Formulae for Certain Professional Personnel of Public School Districts.

HB 168 - SINCOCK - REVENUE & FINANCE - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Modification of Adjusted Gross Income in Computing Personal Income Tax.

HB 169 - CONNOR - ENVIRONMENTAL CONTROL - An Act to Amend Chapter 17, Part I, Title 7 of the Delaware Code Relating to Dogs; and Providing Restrictions for Persons Owning Three or More Dogs Under Certain Circumstances.

HA 1 to HB 33 - Sincock - Placed with the bill.

HJR 5 - CONNOR - EDUCATION - Directing the Department of Public Instruction to Explicitly Permit, In Its Rules and Regulations, Professional Educational Organizations to Utilize One of Their In-Service Days During the Year to Maintain and Upgrade the Professional Abilities of Their Members and Other Related Personnel.

HJR 6 - RIDDAGH - HOUSE ADMINISTRATION - Directing the State Treasurer, When Issuing Certain Paychecks to Members of the General Assembly, to Deduct Ten Percent and to Retain the Sum so Deducted Within the General Fund of the State.

SB 95 - CORDREY - PUBLIC SAFETY - An Act to Amend Chapter 72, Title 16, Delaware Code, Relating to Liquefied Petroleum Gas Containers.

SJR 10 - HOLLOWAY - HEALTH & SOCIAL SERVICES - Requiring Persons Receiving Services from Publicly-Funded Alcohol Rehabilitation Programs to Perform Certain Housekeeping Chores.

Communications:

The Senate wishes to inform the House that it has passed:  
HJR 4 w/HA 1; HCR 8; HCR 7; SCR 15, SJR 10; SB 95; SCR 14; SB 33.

Representative Boulden introduced and brought HR 40, co-sponsored by Representative Sincok, before the House for consideration.

HR 40 - Presenting a Homecoming Welcome to the Accomplished Former Chief Clerk Louise "Twinkie" Smith.

HR 40 was adopted by voice vote.

Representative Boulden moved to recess for caucus at 2:17 p.m.

The House was called to order at 4:00 p.m.

Representative Riddagh moved to lift HB 60 w/HA 1 from the table. The motion was adopted by voice vote.

Representative Riddagh brought HB 60 w/HA 1 before the House for consideration.

HB 60 - An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Method, Punishment and Review of Punishment for First Degree Murder.

Representative Byrd brought HA 1 to HB 60 before the House for consideration.

The roll call on HA 1 to HB 60 was taken and revealed:

YES: Representatives Anderson, T. Brady, Byrd, Johnson, Miller, Plant, Smith, Worthen - 8.

NO: Representatives Ambrosino, Bennett, W. Brady, Burris, Clendaniel, Darling, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Temple, Vernon, Mr. Speaker Boulden - 27.

ABSENT: Representatives Billingsley, Cain, Connor, George, Gordy, Rispoli - 6.

Therefore, HA 1 to HB 60 was declared defeated.

Representative Maxwell introduced and brought HA 2 to HB 60 before the House for consideration.

The roll call on HA 2 to HB 60 was taken and revealed:

YES: Representatives Billingsley, Jonkiert, Maxwell - 3.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Clendaniel, Darling, Ferguson, Gilligan, Hebner, Johnson, Kelly, Loughney, Lynch, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

ABSENT: Representatives Byrd, Cain, Connor, George, Gordy, Matushefske - 6.

Therefore, HA 2 to HB 60 was declared defeated.

Representative Maxwell introduced and brought HA 3 to HB 60 before the House for consideration. The amendment was adopted by voice vote.

Representative Billingsley introduced and brought HA 4 to HB 60, co-sponsored by Representatives Ambrosino, Vernon and Kelly, before the House for consideration. The amendment was adopted by voice vote.

Representative Maxwell introduced and brought HA 5 to HB 60 before the House for consideration. The amendment was adopted by voice vote.

Representative Jonkiert moved to recess at 4:42 p.m.

The House was called to order at 4:47 p.m.

The roll call on HB 60 w/HA 3,4,5 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Mr. Speaker Boulden - 30.

NO: Representatives Billingsley, T. Brady, Byrd, Johnson, Miller, Plant, Smith, Worthen - 8.

ABSENT: Representatives Anderson, Connor, Hebner - 3.

Therefore, having received a constitutional majority, HB 60 w/HA 3,4,5 was sent to the Senate for concurrence.

Representative Gordy moved to place HB 111 on the Speaker's table. The motion was adopted by voice vote.

Representative Temple moved to lift HB 112 w/HA 1,3 from the Speaker's table. The motion was adopted by voice vote.

Representative Plant introduced and brought HA 4 to HB 112 before the House for consideration.

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

Representative Plant moved to place HA 4 to HB 112 on the Speaker's table. The motion was adopted by voice vote.

Representative Temple moved to place HB 112 w/HA 1,3 on the Speaker's table. The motion was adopted by voice vote.

Representative Minner brought HB 53 before the House for consideration.

HB 53 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special License Plates to CB License Holders.

Representative Minner brought HA 1 to HB 53 before the House for consideration. HA 1 to HB 53 was adopted by voice vote.

The roll call on HB 53 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner,

Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NOT VOTING: Representative Byrd - 1.

ABSENT: Representative Connor - 1.

Therefore, having received a constitutional majority, HB 53 w/HA 1 was sent to the Senate for concurrence.

Representative Minner asked to have HB 116 recommitted to committee.

Mr. Speaker so ordered HB 116 recommitted to Public Safety Committee.

Representative Minner yielded to Representative Worthen.

Representative Worthen brought SB 32 w/SA 1, HA 1,2,3,4 before the House for consideration.

SB 32 - An Act to Amend Chapter 9, Title 5 of the Delaware Code Relating to the Farmers Bank.

Representative T. Brady moved to strike HA 1 to SB 32. Without objection, HA 1 to SB 32 was stricken.

Representative T. Brady moved to strike HA 2 to SB 32. Without objection, HA 2 to SB 32 was stricken.

Representative Worthen moved to strike HA 3 to SB 32. Without objection, HA 3 to SB 32 was stricken.

Representative Worthen moved to strike HA 4 to SB 32. Without objection, HA 4 to SB 32 was stricken.

Representative Worthen introduced and brought HA 5, co-sponsored by Representative T. Brady, before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Mr. Richard Jones, Esq., a member of the Delaware Bar.

HA 5 to SB 32 was adopted by voice vote.

Representative Billingsley introduced and brought HA 6, co-sponsored by Representative Loughney, before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Mr. Richard Jones, Esq.

HA 6 to SB 32 was adopted by voice vote.

Representatives Clendaniel and Lynch announced that they would not vote on SB 32 w/SA 1 and HA 5,6 because of a conflict of interest.

The roll call on SB 32 w/SA 1 and HA 5,6 was taken and revealed:

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



NOT VOTING: Representatives Clendaniel, Lynch - 2.

ABSENT: Representative Connor - 1.

Therefore, having received a constitutional majority, SB 32 w/SA 1 and HA 5,6 was returned to the Senate for action on the amendments.

Representative George introduced HB 170.

HB 170 - An Act to Amend Chapter 1, Title 26, Delaware Code Relating to Public Utilities, by Amending Certain Procedures in Rate-Change Hearings.

Mr. Speaker assigned HB 170 to Administrative Services Committee.

Representative Ridings introduced HB 171, co-sponsored by Representatives Ridings, Ambrosino and Lynch.

HB 171 - An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Medical Practices Act; and Prohibiting Certain Types of Interference with Physician-Patient Relationships.

Mr. Speaker assigned HB 171 to Health and Social Services Committee.

Representative McKay introduced HB 172.

HB 172 - An Act to Rescind the Salary Supplement for State Employees Authorized by Title 29, Delaware Code, Section 6532, and Scheduled for April 1, 1977.

Mr. Speaker assigned HB 172 to Appropriations Committee.

Representative Matushefske introduced HB 173.

HB 173 - An Act to Provide that the Standard Work Week for State Employees Shall be 40 Hours.

Mr. Speaker assigned HB 173 to Labor and Commerce Committee.

Representative Cain moved to strike HB 28. There being no objection, HB 28 was stricken.

Representative Brady moved to strike HB 80. There being no objection, HB 80 was stricken.

The House recessed for Committee hearings at 6:00 p.m.

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

The House recessed to the call of the Chair at 6:06 p.m.

# 13th LEGISLATIVE DAY

March 9, 1977

The Speaker called the House to order at 2:14 p.m. The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous legislative day. The House reconvened at 2:15 p.m. A prayer was offered by the Reverend Emmanuel Hedgebeth, People's United Church of Christ, Dover.

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 legislative was introduced:  
HB 174 - CAIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to the Regulation of Outdoor Advertising.

HB 175 - CAIN - 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 a Reduction in State Income Tax Deductions and Other Modifications, and an Increase in Exemptions.

HB 176 - GEORGE - JUDICIARY: An Act to Amend Title 29 of the Delaware Code, Relating to the Minimum Pension of a Judge.

HB 177 - PLANT - CONSTITUTION: An Act Proposing an Amendment to Article X, Section 2 of the Constitution of the State of Delaware to Remove the Requirement for Separate Schools for White and Black Children. (2/3 bill).

HB 178 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 1 and Chapter 92, Title 10, Delaware Code to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts.

HB 179 - KELLY - REVENUE & FINANCE: An Act to Amend Chapter 23 and Chapter 51, Title 29, Delaware Code, to Provide that No Charge Shall be Made for Providing Certificates of Appointment to Volunteers Named to Advisory Councils.

HB 180 - GORDY - CONSTITUTION: An Act Agreeing to a Proposed Amendment to Article V, Section 4A. of the Constitution of the State of Delaware to Permit a Registered Voter to Vote an Absentee Ballot if the Voter is on Vacation. (2/3 bill)

SJR 5 - MURPHY & REPRESENTATIVE WORTHEN - BANKING & INSURANCE: Requesting the State Banking Commissioner and the Council on Banking to Study the State of Delaware's Banking Code and General Banking Conditions and Report to the Senate-House Joint Banking Committee and the Governor.

Communications:

The Senate wishes to inform the House that it has passed SJR 5; HB 93 w/HA 1, SA 1.

Representative Johnson requested that the following copy of House Joint Resolution Number 2 of 1977, Filed in the Office of Secretary of State in the State of Arkansas be read into the record:

By: Representative Willems

HJR 2

House Joint Resolution

To Make Application to the Congress of the United States for the Calling of a Convention for Proposing an Amendment to the Constitution of the United States to Provide That Every Human Being Subject to the Jurisdiction of the United States or Any State Shall be Deemed to be a Person From the Moment of Conception or Fertilization, and Entitled to the Right to Life Guaranteed in the United States Constitution.

WHEREAS, The Constitution of the United States guarantees the right to life, and this right to life should be proclaimed to exist from the moment of conception or fertilization, and

WHEREAS, the Constitution of the United States provides that upon application of the Legislatures of two-thirds of the states, the U.S. Congress shall call a constitutional convention for proposing constitutional amendments, NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF THE MEMBERS OF EACH HOUSE AGREEING THERETO:

SECTION 1. The State of Arkansas hereby applies to the Congress of the United States of America, under the authority granted in Article V of the United States Constitution, to call a convention for the purpose of proposing an amendment to the United States Constitution and to do the following:

(a) With respect to the right to life guaranteed in the United States Constitution, to provide that every human being subject to the jurisdiction of the United States or any state shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

(b) To provide that Congress and the several states shall have concurrent powers to enforce such an amendment by appropriate legislation.

SECTION 2. The constitutional convention applied for herein shall be held for the sole purpose of considering a constitutional amendment described in Section 1 hereof.

SECTION 3. Copies of this Resolution shall be sent to the legislatures of all the states, to the clerk of the United States House of Representatives and the Secretary of the Senate in Washington, D.C., requesting the several states to also pass an identical application to the United States Congress so as to meet the constitutional requirements for application for such a convention by two-thirds of the states.

Committee Reports:

Natural Resources: HB 127 - 1F, 5M; SB 33 - 5M, 1U.

Representative Jonkiert moved to recess for caucus at 2:24 p.m.

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

Representative George moved to suspend the rules for the purpose of introducing and acting on HB 181. The motion was adopted by voice vote.

Representative George brought HB 181, co-sponsored by Representative Sincock, before the House for consideration.

HB 181 - An Act Providing a Supplemental Appropriation to the Department of Finance, Division of Revenue, for Seasonal Employees.

The roll call on HB 181 was taken and revealed:

YES: Representatives Anderson, Billingsley, W. Brady, Burris, Byrd, Cain, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 29.

NO: Representatives Bennett, T. Brady, Clendaniel, Darling, Ferguson, Gilligan, Minner, Morris - 8.

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Ambrosino, Connor, Worthen - 3.

Therefore, having received a constitutional majority, HB 181 was sent to the Senate for concurrence.

Representative Temple moved to lift HB 112 w/HA 1,3 from the Speaker's table.

Representative Plant brought HA 5 before the House for consideration. HA 5 to HB 112 was adopted by voice vote.

Representative Temple moved to table HB 112 w/HA 1,3,5. The motion was adopted by voice vote.

Representative Jonkiert introduced and brought HCR 9, co-sponsored by Representatives Ambrosino, Gilligan, Johnson, Kelly, Matushefske, Rispoli and Senator Kearns, before the House for consideration.

HCR 9 - Memorializing the Congress of the United States to Call a Convention to Propose an Amendment to Protect the Lives of the Unborn.

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

Representative Minner brought HB 115 before the House for consideration.

HB 115 - An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exempting Farm Trucks from this Act if Exempt From Motor Vehicle Registration.

The roll call was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Rispoli, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Ambrosino, Billingsley, Ridings - 3.

ABSENT: Representatives Connor, Ferguson, Riddagh, Temple - 4.

Therefore, having received a constitutional majority, HB 115 was sent to the Senate for concurrence.

Representative Cain introduced HJR 7.

HJR 7 - Providing for the Establishment of an Ad Hoc Committee to Study the Operation of the State Lottery.

Mr. Speaker assigned HJR 7 to the House Administration Committee.

Representative Matushefske introduced HB 182.

HB 182 - An Act to Amend Chapter 47, Title 16 of the Delaware Code to Eliminate the Distinction Between Persons Addicted to Narcotic Drugs and Those Not so Addicted with Reference to the Sentences Prescribed for Delivery and Possession, Manufacture and Possession with Intent to Deliver Narcotic Drugs.

Mr. Speaker assigned HB 182 to Judiciary Committee.

The House recessed for Committee hearings at 6:01 p.m.

The House was called to order at 6:13 p.m.

Committee Reports:

Administrative Services: HB 120 - 1F, 3M.

Judiciary: HB 178 - 1F, 4M; HB 182 - 1F, 3M.

House Administration: HJR 7 - 5M.

Public Safety: SB 95 - 2F, 3M; HB 136 - 5F; HB 76 - 1F, 3M, 1U.

Representative Jonkiert moved to recess to the call of the Chair at 6:15 p.m.

14th LEGISLATIVE DAY

March 10, 1977

The Speaker called the House to order at 3:10 p.m. The Majority Leader moved to adjourn at 3:11 p.m., thereby ending the previous legislative day. The House reconvened at 3:11 p.m. A prayer was offered by Representative Thomas Temple, 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.

The following prefiled legislation was introduced:

HB 183 - WORTHEN - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 431, Volume 60, Laws of Delaware Relating to Public Hearings on Applications to Change the Fuel Adjustment Rate.

HB 184 - SINCOCK - BANKING & INSURANCE: An Act to Amend Title 5, Chapter 1, Section 127, Delaware Code, Relating to Examination Fees Levied by the State Bank Commissioner.

HB 185 - GILLIGAN, WORTHEN, AMBROSINO, BYRD, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 19, Title 24, Delaware Code Relating to Nursing and Schools of Nursing.

HB 186 - AMBROSINO, RIDINGS - LABOR & COMMERCE: An Act to Amend Title 6 and Title 8 of the Delaware Code Relating to Corporations; and Providing for a Delaware Business Takeover Act.

HB 187 - GORDY, CLENDANIEL - HOUSE ADMINISTRATION: An Act to Repeal Chapter 59, Title 29, of the Delaware Code Relating to the Merit System and Inserting a New Chapter 59.

HB 188 - CAIN - COMMUNITY AFFAIRS: An Act to Amend Title 9, Delaware Code Relating to the Establishment of Community Park Districts.

HB 189 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 80, Part VI, Title 15 of the Delaware Code Relating to Campaign Contributions and Expenditures.

HB 190 - LOUGHNEY - JUDICIARY: An Act to Amend Chapter 5, Subchapter II, Subpart D, of Title 11, Delaware Code Relating to Sexual Offenses.

HA 1 to HB 156 - SINCOCK - Placed with the bill.

HCR 10 - GILLIGAN - RULES: In Reference to the Rules of the Senate and the House of Representatives.

HCR 11 - GILLIGAN - RULES: In Reference to the Rules of the Senate and the House of Representatives.

#### Communications:

The Senate wishes to inform the House that it has passed: HB 10; SB 47; SB 51; SJR 11.

Representative Bennett introduced and brought SCR 14, co-sponsored by Senators Zimmerman, Berndt, Knox, Cordrey, Murphy and Adams, before the House for consideration.

SCR 14 - Memorializing the Members of the Delaware Congressional Delegation to Use Every Effort to Secure Adequate Funding for Maintenance Dredging to Restore the Delaware River and Bay Ship Channel and Anchorage Areas to Their Authorized Depths.

SCR 14 was adopted by voice vote and returned to the Senate.

Representative Gilligan introduced and brought SCR 15, sponsored by Senator Holloway, before the House for consideration.

SCR 15 - Providing for an Advisory Committee to Study Alternatives for Regulating the Use of Marijuana.

SCR 15 was adopted by voice vote and returned to the Senate.

Representative Jonkiert moved to recess for caucus at 3:31 p.m.

The House was called to order at 5:21 p.m.

Representative Connor introduced and brought HR 41 before the House for consideration.

HR 41 - Congratulating Mrs. Edna F. Challenger in the Celebration of Her One Hundredth Birthday, and for her Years of Service to her Community and Church.

HR 41 was adopted by voice vote.

Representative Riddagh brought HB 40 before the House for consideration.

HB 40 - An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing Penalties for the Promotion of Prostitution.

Representative Plant introduced and brought HA 1 to HB 40 before the House for consideration.

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

Representative Plant moved to strike HA 1 to HB 40.  
Without objection, HA 1 to HB 40 was stricken.

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

The roll call on HB 40 was taken and revealed:

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

Therefore, having received a constitutional majority, HB 40 was sent to the Senate for concurrence.

Representative Morris moved to suspend the rules for the purpose of introducing and acting on SJR 11. The motion was adopted by voice vote.

Representative Morris brought SJR 11, co-sponsored by Senator Sharp and Representative Morris, before the House for consideration.

SJR 11 - Requesting the Department of Administrative Services to Supply Members of the Delaware Legislature and Legislative Council with Certain Data Relating to the Leasing and/or Rental of Property for State Use.

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

The roll call on SJR 11 was taken and revealed:

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

NO: Representative Billingsley - 1.

NOT VOTING: Representatives Ambrosino, T. Brady, Cain, Connor, George, Hebner, McKay, Powell, Roy, Sincock, Vernon - 11.

ABSENT: Representatives Burris, Oberle - 2.

Therefore, having received a constitutional majority, SJR 11 was returned to the Senate.

Representative Cain brought HJR 7 before the House for consideration.

HJR 7 - Providing for the Establishment of an Ad Hoc Committee to Study the Operation of the State Lottery.

The roll call on HJR 7 was taken and revealed:

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

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, having received a constitutional majority, HJR 7 was sent to the House for concurrence.

Representative Gordy deferred HB 75 to the end of the Agenda and yielded to Representative Matushefske.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on SB 51. The motion was adopted by voice vote.

Representative Matushefske brought SB 51, sponsored by Senator Cordrey, before the House for consideration.

SB 51 - An Act Making a Supplementary Appropriation to Legislative Council for the Purpose of Purchasing Additional Sets of the Delaware Code Annotated, 1974.

Representative Matushefske requested and was granted the privilege of the floor for MacDonald Coker, Assistant Director of Legislative Council.

The roll call on SB 51 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Vernon, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Connor, Gilligan, Hebner, Kelly, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Smith - 15.

ABSENT: Representative Sincock - 1.

Therefore, having received a constitutional majority, SB 51 was returned to the Senate.

Representative Jonkiert moved to recess at 6:19 p.m.

The House was called to order at 8:25 p.m.

Representative Cain introduced HB 191.

HB 191 - An Act to Amend Chapter 27, Title 29, Delaware Code, Relating to the State Treasurer by Establishing a Special Bank Account to be Known as the "Deficit Repayment Account".

Mr. Speaker assigned HB 191 to Banking and Insurance Committee.

Representative Vernon introduced HB 192.

HB 192 - An Act to Amend Chapter 7 of Title 29, Delaware Code, Relating to Compensation and Expenses of Members of the General Assembly.

Mr. Speaker assigned HB 192 to Appropriations Committee.

Representative Plant introduced HB 193.

HB 193 - An Act to Amend Subchapter VII, Title 11, Delaware Code Relating to Offenses Involving Prostitution.

Mr. Speaker assigned HB 193 to Judiciary Committee.

Representative George brought HB 93 w/HA 1 and SA 1 before the House for consideration.

HB 93 - An Act Making a Supplementary Appropriation to the Department of Justice for Operation Expenses.

The roll call on HB 93 w/HA 1 and SA 1 was taken and revealed:



YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Morris, Oberle, Powell, Roy, Smith - 12.

NOT VOTING: Representatives Riddagh, Ridings, Vernon - 3.

ABSENT: Representatives Jonkiert, Sincok - 2.

Therefore, having received a constitutional majority, HB 93 w/HA 1 and SA 1 was declared passed by the House.

The following communications were read from Representative George:

March 10, 1977

TO: Chairmen, House Standing Committees

Chairmen, Senate Standing Committees

FROM: Representative Orlando J. George, Jr., Chairman,  
Joint Finance Committee  
Senator Anthony Cicione, Vice Chairman,  
Joint Finance Committee

SUBJECT: Operating Budget for Fiscal Year 1978

The Chairman and Vice-Chairman of the Joint Finance Committee are requesting the respective Standing Committees of each house to meet jointly for the purpose of reviewing the Governor's proposed Fiscal Year 1978 budget (House Bill 33 - with House Amendment 1) for the agency or agencies that fall within the Standing Committee's jurisdiction.

It is further requested that such reviews of the proposed Fiscal Year 1978 budget be accomplished within the two-week period starting Monday, March 14, 1977. Please submit your written report on priorities and impact to Duane O. Olsen, Controller General on or before Friday, March 25, 1977.

Mr. Earl McGinnes, Research Director will be responsible for coordinating and scheduling the Committee meeting rooms during this two-week period. He will make the necessary arrangements for coordination of available staff to the Committees. In order to reduce printing costs, please bring your copy of House Bill Number 33 and House Amendment Number 1 with you to the Committee meeting.

Attached is a copy of a memorandum sent by Representative George to all Departments and agencies requesting their response to 4 basic questions.

As a suggestion, you might consider requesting each Department/Agency to supply you and your committee with their response to this memo.

In addition, you might want to ask the Secretaries and other Department/Agency heads to discuss changes in the Delaware Code relating to their Department/Agency which might be helpful to them in carrying out their responsibilities.

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January 25, 1977

TO: All Departments and Agencies  
FROM: Representative Orlando J. George, Jr.  
Chairman, Joint Finance Committee  
SUBJECT: OPERATING BUDGET FOR FY 1978

In his message to the Joint Session of the General Assembly on January 13, 1977, Governor Tribbitt explained in some detail the critical fiscal situation facing the State of Delaware. Management must respond with aggressive efforts to pare expenditures to what is absolutely essential. Programs, laws, even State aid must be scrutinized in terms of economy, efficiency and effectiveness.

In order to assist the Joint Finance Committee in their deliberations of the State's operating budget for FY 1978, each Department and Agency is requested to provide information in answer to the following questions on or before (as indicated in 2 b below) the scheduled date of the public hearing on your budget request:

1. a) What functions and/or programs are the responsibility of the Department/Division?
- b) Are there well-defined measureable objectives?
- c) If the answer to "b" is yes, how well is the Department/Division doing toward reaching its measureable objectives?
- d) What functions and/or programs are of a lower priority and could be reduced or eliminated?

2. In order to use our time efficiently, the Joint Finance Committee would like all Departments/Agencies who are requesting changes (increases or decreases) in the Governor's proposed budget (House Bill No. 33), to put in writing their requests using the following format:

- a) First, a summary page indicating by line item what the requested change is. For example:

Travel (\$1,000)\*  
Capital Outlay 1,200

\*( ) indicates decrease

This format should be used for each Division within the Department/Agency in which a change by line item is requested. Of course, any typographical errors in House Bill No. 33 can be noted using this format.

A net dollar change for each Division, Office, Bureau, etc., and each Department/Agency should be included.

b) Second, back-up material to support the requested changes. This back-up material should repeat the requested change, and be of such a nature that it reflects only absolutely necessary changes. In addition, priorities must be placed on each requested change within each Department/Agency. Consequences of not making the requested change must be addressed specifically. Twenty (20) copies of a) and b) should be supplied to the Controller General in advance of your scheduled public hearing.

3. a) What efforts have been made by the Department or Agency to procure Federal Funds in support of high priority programs thereby reducing or eliminating the need for State funds?

b) What programs supported wholly, or in part, by Federal funds will be impacted in FY 1978 by the loss of Federal funds?

c) What programs have been audited by Federal agencies?

d) Have all audit recommendations been adopted?

If not, why?

e) Have any Federal funds been withheld?

f) Are copies of program audits by the Feds available? Explain.

4. What services are being performed by State employees that could be performed cheaper on a contract basis? Provide cost-benefit analysis for each such service identified.

The above order of questions will be followed in the public hearings. The Department/Agency should plan their presentation so as to allow time for questions from members of the Joint Finance Committee.

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Representative Sincock introduced HA 2 to HB 33, and had it placed with the bill.

Representative Jonkiert moved to recess to the call of the Chair at 8:47 p.m.

# 1st LEGISLATIVE DAY EXTRAORDINARY SESSION

March 15, 1977

According to the proclamation issued by Governor Pierre S. du Pont, IV, the Extraordinary Session of the One Hundred and Twenty-ninth General Assembly, State of Delaware, convened at 1:56 p.m.

The House was called to order by Speaker Boulden. A prayer was offered by Representative Ed Morris, 34th District.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Rispoli - 1.

Speaker Boulden requested that the Reading Clerk read the proclamation into the record as follows:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

PROCLAMATION

I, Pierre S. du Pont, IV, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the 129th General Assembly into Extraordinary Session on Tuesday, March 15, 1977, at 1:30 p.m., for the purpose of considering and acting upon House Bill No. 172, and such further business as may lawfully come before it.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 12th day of March, in the year of our Lord, one thousand nine hundred and seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. du Pont, IV, Governor

ATTEST:

Glenn C. Kenton,  
Secretary of State

Representative Jonkiert moved that the Proclamation be accepted. The motion was adopted by voice vote.

Representative Jonkiert moved that the House notify the Governor that the House had convened in Extraordinary Session. The motion was adopted by voice vote.

Mr. Speaker sent Representatives Clendaniel and Riddagh to notify the Governor that the House was in extraordinary session.

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

The House was called to order at 12:40 a.m., March 16, 1977.

Representative McKay moved to suspend the rules to act on HB 172. Representative Sincock seconded the motion. The motion was adopted by voice vote.

Representative Gilligan moved to place HB 172 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Johnson, Kelly, Loughney, Matushefske, Maxwell, Plant, Worthen - 14.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Gordy, Hebner,

Jonkiert, Lynch, McKay, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 25.

ABSENT: Representatives Morris, Rispoli - 2.

Therefore, the motion was defeated and HB 172 remained before the House.

HB 172 - An Act to Rescind the Salary Supplement for State Employees Authorized by Title 29, Delaware Code, Section 6532, and Scheduled for April 1, 1977.

The House recessed at 12:55 a.m. to change the audio tape, and reconvened at 12:56 a.m.

Representative Gilligan requested and was granted the privilege of the floor for James Stone, Executive Director of the Delaware State Education Association.

The roll call on HB 172 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Gordy, Hebner, Jonkiert, Lynch, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Anderson, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Johnson, Kelly, Loughney, Matushefske, Maxwell, Minner, Plant, Worthen - 17.

ABSENT: Representatives Morris, Rispoli - 2.

Therefore, having received a constitutional majority, HB 172 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess at 1:03 a.m., sine die.

#### 15th LEGISLATIVE DAY

April 5, 1977

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

The Majority Leader moved to adjourn at 1:55 p.m. thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by the Chaplain, Reverend Herbert J. Hoeflinger of St. Andrew's United Presbyterian Church, Brookside, Newark, Delaware.

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

The Chief Clerk called the roll.

Members present: 36.

Members absent: Representatives T. Brady, Byrd, Gilligan, Maxwell, Worthen - 5.

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

Communications:

LEGISLATIVE ADVISORY #5

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated:

3/6/77 - SB 24. 3/17/77 - SB 27; HB 93 a/a/b HA 1 and SA 1. 3/22/77 - HJR 4; SB 51; HB 181, HB 54, SJR 11.

## LEGISLATIVE ADVISORY #6

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated:

3/24/77 - HB 110. 3/25/77 - HB 94 a/a/b HA 1; HB 172.

The Governor vetoed the following legislation on 3/25/77: HB 123.

State of Delaware  
Executive Department  
Dover, 19901

March 24, 1977

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

On March 14, 1977 I received House Bill No. 123, entitled as follows: AN ACT TO PROVIDE FUNDS FOR THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DELAWARE AGRICULTURE MUSEUM BY APPROPRIATING AND TRANSFERRING FUNDS FROM THE CAPITAL INVESTMENT FUND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC.; AND FURTHER AUTHORIZING AND EMPOWERING THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO LEASE TEN ACRES OF LAND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC. FOR THE SITE OF THE AGRICULTURE MUSEUM; AND FURTHER REPEALING CHAPTER 657, VOLUME 60, LAWS OF DELAWARE."

Although I support the intent and purpose of this bill, I am reluctantly returning it without my signature because the bill repeals the incorrect Chapter of Volume 60, Laws of Delaware.

The legislation provides funds for the Delaware Agriculture Museum by transferring certain funds to a private corporation, the Delaware Agricultural Museum Association, Inc. An integral ingredient of the legislation is the repeal of the provisions contained in Volume 60, Laws of Delaware, which established a Delaware Agriculture Museum Board as an agency of the State. The correct Chapter number of that provision is Chapter 656, Volume 60, Laws of Delaware; however, House Bill No. 123 refers in its Title and in the body of the bill to Chapter 657 of Volume 60, Laws of Delaware. Chapter 657 deals with mandatory sentences for juvenile offenders.

Because the legislation contemplates the construction of a building, a long term lease of real property, and the development and operation of a permanent public museum, it is essential that the authorizing legislation be free of any possible legal cloud.

Although this concern may appear to be a highly technical one, I feel it is important that the problem be dealt with

at this stage so that the Association may develop the museum without concern about its authority to do so.

Accordingly, I have determined that for this reason I must return House Bill No. 123 to you without my signature.

Respectfully submitted,

Pierre S. du Pont, IV, Governor

The Senate wishes to inform the House that it has passed:  
HB 123, HB 181, HB 54, HB 94 w/HA 1, SCR 16, SJR 14, HB 172.

The following prefiled legislation was introduced:

HB 194 - AMBROSINO, RIDINGS - JUDICIARY: An Act to Amend Part I, Part II, Part III, Part IV and Part V, Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations; and Providing for a Uniform Probate Code.

HB 195 - BILLINGSLEY - HOUSE ADMINISTRATION: An Act Relating to the Expenses of Members of the General Assembly.

HB 196 - TEMPLE, T. BRADY - CONSTITUTION: 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)

HB 197 - HEBNER, POWELL - CONSTITUTION: An Act Proposing an Amendment to Article III of the Delaware Constitution Relating to the Office of the Lieutenant-Governor and Making the Lieutenant-Governor of the Same Political Party as the Governor. (2/3 bill)

HB 198 - BYRD - HOUSE ADMINISTRATION: An Act to Amend Chapter 19, Title 29, Delaware Code by Providing for Economic Impact Statements for Certain Proposed Legislation.

HB 199 - MILLER - JUDICIARY: An Act to Amend Chapter 15, Title 13, of the Delaware Code Relating to Alimony in Divorce Actions.

HB 200 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 16, Part II, Title 29 of the Delaware Code Relating to the Registration of Legislative Agents; and Providing for a Delaware Lobbying Disclosure Act.

HB 201 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 15, Title 24 of the Delaware Code Relating to Hotels, Restaurants and Places of Entertainment: And Prohibiting "Automatic" or Mandatory Tips.

HB 202 - FERGUSON, SENATOR ARNOLD - ADMINISTRATIVE SERVICES: An Act to Amend Title 27 of the Delaware Code Relating to Charities and the Solicitation of Charitable Contributions.

HB 203 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Changes in the Height of School Bus Flashing Lights.

HB 204 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 43, of Title 21, Delaware Code Relating to Changes in Minimum School Bus Size.

HB 205 - KELLY - REVENUE & FINANCE: An Act to Amend Chapter 23, Title 30, Delaware Code, To Increase the Exemption from Occupational Fees and Licenses for Persons 65 Years of Age or Older.

HB 206 - KELLY - NATURAL RESOURCES: An Act to Amend Chapter 47, Title 7, Delaware Code to Exempt Residents 60 Years of Age or Older from Payment of Park and Recreation Fees.

HB 207 - KELLY - REVENUE & FINANCE: An Act to Amend Chapter 23, Title 30 of the Delaware Code Relating to Exemptions for the Elderly from the Cost of Occupational Licenses and Fees.

HB 208 - KELLY - AGRICULTURE: An Act to Amend Part III, Title 3, Delaware Code Relating to the Marketing of Agricultural Products, by Providing for the Sale of Small, Quantities of Fresh Fruits and Vegetables.

HB 209 - RISPOLI, MILLER, SENATORS MCDOWELL & SCHLOR - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Part I, Title 29 of the Delaware Code Relating to the State Song.

HB 210 - RISPOLI, SENATOR SCHLOR - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Modifications of Taxable Income.

HB 211 - RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to Tenant Obligations and Landlord Remedies.

HB 212 - RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code Relating to Landlord Obligations and Tenant Remedies.

HB 213 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 24, Delaware Code by Substituting a New Chapter 3 Relating to Architects, The Board of Examiners, Registration of Architects, and Penalties for Violations of Said Chapter.

HB 214 - MAXWELL, BYRD, SENATOR CICIONE - EDUCATION: An Act to Amend Chapter 17, Title 14 of the Delaware Code to Provide a Twelve-Month Instructional Schedule for Trainable Mentally Handicapped Children Under the Jurisdiction of the Public School System; and to Provide an Appropriation Therefor.

HB 215 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Providing for a Delaware Lifeline Utilities Act.

HB 216 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Public Utilities; and Providing for the Temporary Disqualification of Certain Persons for Membership on the Public Service Commission.

HB 217 - AMBROSINO, CONNOR - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter IV, Chapter 5, Title 28 of the Delaware Code Relating to the Delaware Standardbred



Development Fund; and Providing for a Percentage of All Contributions to be Retained by the Fund.

HJR 8 - AMBROSINO, RIDINGS - HEALTH & SOCIAL SERVICES: Memorializing the United States Food and Drug Administration to Conduct Research Concerning the Properties of Laetrile, an Anti-Cancer Medication.

HA 1 to HB 96 - JONKIERT - Placed with the bill.

HA 1 to HB 141 - SINCOCK - Placed with the bill.

HA 1 to HB 153 - CAIN - Placed with the bill.

HA 1 to HB 185 - AMBROSINO, FERGUSON, JOHNSON - Placed with the bill.

SB 47 - SHARP - APPROPRIATIONS: An Act Making a Supplementary Appropriation to Office of the Commissioner, Department of Correction, for Continuation of the Staff Training Program for Correctional Officers.

HA 1 to SB 95 - MINNER - Placed with the bill.

Representative Billingsley introduced and brought HR 42, co-sponsored by Representative McKay before the House for consideration.

HR 42 - Expressing Best Wishes for Continued Success to Kristin Goff from Members of the House of Representatives of the 129th General Assembly.

HR 42 was adopted by voice vote.

Representative Sincock brought HCR 12 before the House for consideration.

HCR 12 - Expressing the Sympathy of the 129th General Assembly of the State of Delaware to the Family of the Late William V. Roth, Sr.

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

Representative Bennett moved to suspend the rules to introduce and act on SJR 14, sponsored by Senator McDowell. The motion was adopted by voice vote.

SJR 14 - Directing Delmarva Power & Light Company to Formulate a Comprehensive Energy Distribution Plan, the Objective of Which is to Maintain the Highest Amount of Employment Possible in Every Type of Energy Crisis or Emergency.

The roll call on SJR 14 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Smith, Temple, Vernon, Mr. Speaker Boulden - 28.

NO: Representatives Billingsley, Hebner, McKay, Ridings, Roy - 5.

NOT VOTING: Representative Sincock - 1.

ABSENT: Ambrosino, T. Brady, Byrd, Gilligan, Maxwell, Powell, Worthen - 7.

Therefore, having received a constitutional majority, SJR 14 was returned to the Senate.

Representative Lynch introduced and brought HR 43 before the House for consideration.

HR 43 - Requesting the Department of Administrative Services to Enforce a Policy of Conservation on Night-Time Illumination in State Buildings.

Representative Lynch moved to strike HR 43. There being no objection, HR 43 was stricken.

Representative Gordy introduced and brought HCR 13, co-sponsored by Representatives Burris, Clendaniel, Lynch, Temple, Vernon, Sincok, Senators Adams, Cordrey, Littleton and Hughes, before the House for consideration.

HCR 13 - Expressing the Sympathy of the Members of the 129th General Assembly to the Family of Former Insurance Commissioner Robert A. Short Who Died March 29, 1977.

HCR 13 was adopted by voice vote and sent to the Senate for concurrence.

Representative Clendaniel introduced and brought HCR 14 before the House for consideration.

HCR 14 - Commending Delaware's Agriculture Industry for its Continuing Contributions to the Growth of the First State.

Representative Clendaniel moved to place HCR 14 on the Table.

Representative George announced that he had a communication and requested that it be made a part of the record.

General Assembly  
State of Delaware  
Dover, Delaware 19901

April 5, 1977

TO: Members of the General Assembly

FROM: Representative Orlando J. George, Jr.  
Chairman, Joint Finance Committee

Senator Anthony J. Cicione  
Vice Chairman, Joint Finance Committee

SUBJECT: Governor du Pont's Educational Budget Proposals.

Attached please find a series of three charts dealing with the impact Governor du Pont's proposed educational cost transfers will have on local school districts and the tax bills paid by individual taxpayers in each district.

\* Table One itemizes the cost to each district in dollar value per classification of cost transfer, i.e., transportation, fringe benefits, Division I, II, and III. It also includes the \$1 million in equalization contingency which partially offsets these transfers.

\* Table Two takes the dollar amounts from Table One and converts these into cents of additional tax rate increases which would be required to make up these cost transfers, again by classification of transfer.

\* Table Three indicates how much additional tax would have to be paid by persons with homes with assessed valuations of \$10,000, \$20,000, and \$30,000, per school districts.

As you know, the Governor has proposed cuts and cost transfers approximately \$37.4 million. Of that figure, \$12.1 million are the educational expenditure transfers which are the subject of the charts included herewith. That leaves approximately \$25 million in actual budget cuts, a figure that will approximate our recommendation to the Joint Finance Committee.

Of particular concern, however, and one which must be addressed very shortly, is the actuality of the \$12.1 million in educational pass-backs. The \$12.1 million represents not cuts in costly administration, but primarily elimination of State funding where it can be felt most and do the most damage, in the classroom itself.

In our opinion, responsible action on these cost transfers cannot be taken until we have more information from the Governor with regard to how he feels the school districts should deal with his actions. Is it the Governor's intention that these cost transfers should not be picked up by the school districts and that they should become, in reality, cuts? Is it the Governor's intention, to paraphrase the News-Journal editorial writers, that "the State lower its contribution to public education by \$12.1 million and that local school districts make up much of it through higher property taxes"? Is it the Governor's intention to allow the taxpayers of each school district to vote on proposed tax increases? What is the effect of 14 Delaware Code Section 1902 (b) on the Governor's education proposal?

In our opinion, we as legislators would be acting in an irresponsible manner were we to act upon his educational cost transfer proposals without knowing what the effects of our actions would be. We know the effect would be devastating if the transfers were passed on to the taxpayer in the form of increased property taxes. For example, taxpayers in the Woodbridge School District would be asked to pay 93% more in school taxes for the same services they are receiving today. And as you can see from Table II, this is not a unique situation.

We have written to the Governor requesting that he give us answers to the questions posed in this letter; and we have asked the Governor to respond as soon as possible so that the Committee can consider his answers in dealing with the proposed budget.

Representative Minner introduced HB 218, co-sponsored by Representatives W. Brady, Sincock, Clendaniel.

HB 218 - An Act to Provide Funds for the Design, Development and Construction of the Delaware Agriculture Museum by Appropriating and Transferring Funds From the Capital Investment Fund to the Delaware Agricultural Museum

Association; and Further Authorizing and Empowering the Board of Trustees of Delaware State College to Lease Ten Acres of Land to the Delaware Agricultural Museum Association for the Site of the Agriculture Museum; and Further Repealing Chapter 656, Volume 60, Laws of Delaware.

Mr. Speaker assigned HB 218 to the Agriculture Committee.

Representative Jonkiert introduced HB 219.

HB 219 - An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Legislative Journals by Simplifying Printing Requirements.

Mr. Speaker assigned HB 219 to the House Administration Committee.

Representative Jonkiert moved to recess for caucus at 3:04 p.m. The House was called to order at 4:02 p.m.

Representative Clendaniel moved to lift HCR 14 from the Table. The motion was adopted by voice vote.

HCR 14 - Commending Delaware's Agriculture Industry for its Continuing Contributions to the Growth of the First State.

HCR 14 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert deferred HB 96 to the end of the agenda and yielded to Representative Minner.

Representative Minner moved to suspend the rules to act on HB 218. The motion was adopted by voice vote.

HB 218 - An Act to Provide Funds for the Design, Development and Construction of the Delaware Agriculture Museum by Appropriating and Transferring Funds from the Capital Investment Fund to the Delaware Agricultural Museum Association; and Further Authorizing and Empowering The Board of Trustees of Delaware State College to Lease Ten Acres of Land to the Delaware Agricultural Museum Association for the Site of the Agriculture Museum; and Further Repealing Chapter 656, Volume 60, Laws of Delaware.

The roll call on HB 218 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple Vernon, Mr. Speaker Boulden - 32.

NO: Representatives Billingsley, Roy - 2.

NOT VOTING: Representative Ambrosino - 1.

ABSENT: Representatives T. Brady, Byrd, Gilligan, Maxwell, Plant, Worthen - 6.

Therefore, having received a constitutional majority, HB 218 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 137 to the end of the agenda and yielded to Representative Miller.

Representative Miller brought SB 33 before the House for consideration.

SB 33 - An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase a Tract of Land Within Walter S. Carpenter, Jr. State Park, White Clay Creek Hundred, New Castle County, Newark, Delaware.

The roll call on SB 33 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Mr. Speaker Boulden - 32.

NO: Representatives Ambrosino, Roy, Vernon - 3.

ABSENT: Representatives T. Brady, Byrd, Gilligan, Maxwell, Plant, Worthen - 6.

Therefore, having received a constitutional majority, SB 33 was returned to the Senate.

Representative Jonkiert moved to recess for Committee Hearings at 5:13 p.m.

The House was called to order at 5:20 p.m.

Committee Reports:

Environmental Control: HB 98 - 5M; HB 139 - 2F, 2M.

Judiciary: HB 190 - 4M.

Administrative Services: HB 73 - 4M; HB 99 - 5M;  
SJR 3 - 3M.

Revenue and Finance: HB 99 - 5M.

Constitution: HB 180 - 4F; HB 177 - 4F; HB 84 - 3F,  
2M; HB 69 - 5F.

Representative Temple moved to strike HB 47 and HB 112. There being no objection, HB 47 and HB 112 were stricken.

Representative George stated that he is not a joint sponsor to HB 214.

Representative Sincok introduced HJR 9, co-sponsored by Senator Murphy.

HJR 9 - Authorizing the Governor to Enter into a Contract or Contracts with the Federal Deposit Insurance Corporation and the Farmers Bank of the State of Delaware.

Mr. Speaker assigned HJR 9 to the House Administration Committee.

Representative Jonkiert moved to recess to the call of the chair at 5:34 p.m.

# 16th LEGISLATIVE DAY

April 6, 1977

The Speaker called the House to order at 2:11 p.m.

The Majority Leader moved to adjourn at 2:11 p.m. thereby ending the previous legislative day. The House reconvened at 2:12 p.m. A prayer was offered by the Chaplain, Reverend Herbert J. Hoeflinger of St. Andrew's United Presbyterian Church, Brookside, Newark, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Worthen - 1.

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

Communications:

The Senate wishes to inform the House that it has passed:  
HB 218, HCR 12, HCR 13, HCR 14, SCR 17.

The following prefiled legislation was introduced:

HB 220 - CAIN - HOUSE ADMINISTRATION: An Act to Amend Chapter 27, Title 29, Delaware Code, Relating to the State Treasurer by Establishing a Special Fund Account to be Known as the "Deficit Repayment Account".

HB 221 - PLANT - JUDICIARY: An Act to Amend Chapter 5, Title 11, of the Delaware Code Relating to the Offense of Patronizing a Prostitute. (2/3 bill)

HB 222 - TEMPLE, SENATOR ADAMS - REVENUE & FINANCE: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Municipal Street Aid.

HB 223 - DARLING - REVENUE & FINANCE: An Act to Amend Title 30, Chapter 54 of the Delaware Code Relating to Commissions to be Paid to Agents Collecting Realty Transfer Tax for the Department of Finance.

HB 224 - AMBROSINO, CONNOR - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter IV and Subchapter V, Chapter 5, Title 28 of the Delaware Code Relating to the Delaware Standardbred Development Fund.

HB 225 - PLANT - REVENUE & FINANCE: An Act to Amend Chapter 27, Title 30, Delaware Code, Relating to a Tax on Petroleum Refineries.

HB 226 - SINCOCK - JUDICIARY: An Act to Amend Chapter 19 of Title 10, Delaware Code, Relating to the Law Libraries in Each County.

HB 227 - SINCOCK - PUBLIC SAFETY: An Act to Amend Part II, Title 21, Delaware Code, Relating to Inspection of Motor Vehicles.

HB 228 - SINCOCK - PUBLIC SAFETY: An Act to Amend Part II, Subchapter IV, Title 21, Delaware Code, to Establish a Fee for Processing Late Renewals of Motor Vehicle Registration.

HB 229 - MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 7, Title 18, Delaware Code by Increasing the Allocation on Gross Premiums of Certain Insurance Coverage Written in Delaware for the Benefit of Firemen and Fire Companies.

HB 230 - FERGUSON - JUDICIARY: An Act to Provide that a Referendum be Held in the November, 1978 General Election in which the Qualified Voters of the State of Delaware Shall

Decide Whether or Not Initiative, Referendum and Recall (or Any One of Them) Shall be Included within the Constitution of the State.

HB 231 - OBERLE & FERGUSON - LABOR & COMMERCE: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing Certain Minimum Regulatory Restrictions for Adult Book Stores.

HB 232 - FERGUSON - LABOR & COMMERCE: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Prohibitions Against the Hiring of Illegal Aliens.

HB 233 - OBERLE & FERGUSON - HEALTH & SOCIAL SERVICES: An Act to Amend Part II, Title 16 of the Delaware Code Relating to Regulatory Provisions Concerning Public Health; and Applying Certain Minimum Regulatory Provisions to Massage Parlors.

HB 234 - BILLINGSLEY - LABOR & COMMERCE: An Act to Amend Title 6 of the Delaware Code by Creating a New Chapter Relating to the Sale of Certain Beverages in Non-Returnable or Disposable Beverage Containers Within the State of Delaware.

HB 235 - FERGUSON - ADMINISTRATIVE SERVICES: An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to the State Police and Detectives; and Providing for a Delaware State Police Commission.

HB 236 - BYRD, POWELL - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 16 of Title 16 of the Delaware Code Relating to the Control of Litter.

HB 237 - SINCOCK - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, Delaware Code, to Increase Fees for Return of Suspended or Revoked Drivers' Licenses.

HB 238 - RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to Security Deposits Paid by Tenants to Landlords.

HB 239 - RISPOLI - JUDICIARY: An Act to Amend Title 10 and Title 25 of the Delaware Code Relating to Landlord-Tenant Relationships; and Providing for Landlord-Tenant Juries in the Court of Common Pleas.

HA 1 to HB 163 - GORDY - Placed with the bill.

HA 1 to HB 165 - PLANT - Placed with the bill.

Representative Bennett introduced and brought SCR 17, co-sponsored by Senator Zimmerman and Representatives Bennett and Miller, before the House for consideration.

SCR 17 - Extending Congratulations to the Dover High School Basketball Squad and Their Coach Denny O'Brien Upon Reaching the State Finals.

SCR 17 was adopted by voice vote and returned to the Senate.

Representative Maxwell introduced and brought HR 44 before the House for consideration.

HR 44 - Congratulating the Alexis I. du Pont High School Girls Basketball Team for Winning the State Championship.

HR 44 was adopted by voice vote.

Representative Bennett introduced and brought HCR 15 before the House for consideration.

HCR 15 - Requesting all Departments, Agencies, Boards, Commissions and Authorities who Receive Public Funds to Conserve Paper by Printing Back to Back.

HCR 15 was adopted by voice vote.

Representative Temple introduced and brought HR 45 before the House for consideration.

HR 45 - Requesting the Federal Food and Drug Administration to Reconsider, Until Convincing Tests are Completed, Its Ban on the Use of Saccharin as a Sweetener.

HR 45 was adopted by voice vote.

Representative Vernon introduced HJR 10.

HJR 10 - Relating to the Use of the State Dredge.

Mr. Speaker assigned HJR 10 to the Environmental Control Committee.

Representative Jonkiert moved to recess for caucus at 2:44 p.m.

The House was called to order at 4:56 p.m.

Representative Byrd brought HB 85 w/HA 1 before the House for consideration.

Representative Oberle brought HA 1 before the House for consideration.

Representative Byrd moved to table HB 85 w/HA 1. The motion was adopted by voice vote.

Representative Gilligan brought HB 70 before the House for consideration.

HB 70 - An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Shoplifting.

The roll call on HB 70 was taken and revealed:

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

NO: Mr. Speaker Boulden - 1.

ABSENT: Representatives Lynch, Worthen - 2.

Therefore, having received a constitutional majority, HB 70 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 127 to the end of the agenda and yielded to Representative Cain.

Representative Cain brought HB 139 before the House for consideration.

Representative Cain introduced and brought HA 1 before the House for consideration. HA 1 to HB 139 was adopted by voice vote.

Representative Cain moved to place HB 139 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.



Representative Minner brought SB 95 w/HA 1 before the House for consideration.

SB 95 - An Act to Amend Chapter 72, Title 16, Delaware Code, Relating to Liquefied Petroleum Gas Containers.

Representative Minner brought HA 1 before the House for consideration. HA 1 to SB 95 was adopted by voice vote.

The roll call on SB 95 w/HA 1 was taken and revealed:

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

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives Ferguson, Worthen - 2.

Therefore, having received a constitutional majority, SB 95 w/HA 1 was returned to the Senate for action on the amendment.

Representative Jonkiert deferred HB 136 to the end of the agenda and yielded to Representative Gordy.

Representative Gordy brought HB 76 before the House for consideration.

HB 76 - An Act to Amend Chapter 29, Title 5, of the Delaware Code Relating to the Financing of the Sale of Motor Vehicles.

Representative Sincok stated that he had a conflict of interest and would therefore ask to be recorded as not voting on the bill.

The roll call on HB 76 was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 31.

NOT VOTING: Representatives Clendaniel, George, Gilligan, Maxwell, Minner, Ridings, Sincok - 7.

ABSENT: Representatives Ambrosino, Bennett, Worthen - 3.

Therefore, having received a constitutional majority, HB 76 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 178 to the end of the agenda and yielded to Representative Plant.

Representative Plant brought HB 177 before the House for consideration.

HB 177 - An Act Proposing an Amendment to Article X, Section 2, of the Constitution of the State of Delaware to Remove the Requirement for Separate Schools for White and Black Children.

The roll call on HB 177 was taken and revealed:

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

NOT VOTING: Representative Ridings - 1.

ABSENT: Representatives Anderson, Worthen - 2.

Therefore, having received a constitutional majority, HB 177 was sent to the Senate for concurrence.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on HB 240. The motion was adopted by voice vote.

Representative Lynch brought HB 240, co-sponsored by Representatives Miller, Sincok and Riddagh, before the House for consideration.

HB 240 - An Act to Amend Chapter 14, Title 14, Delaware Code Relating to Termination of Services of Public School Teachers.

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

Representative Byrd moved to place HB 240 on the Speaker's table. The motion was adopted by voice vote.

Mr. Speaker reassigned HB 236 to the Labor and Commerce Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:00 p.m.

#### 17th LEGISLATIVE DAY

April 7, 1977

The Speaker called the House to order at 2:07 p.m.

The Majority Leader moved to adjourn at 2:07 p.m. thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by the Chaplain, Reverend David Paul of the Felton United Methodist Church, Felton, Delaware.

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

The Chief Clerk called the roll.

Members present: 39

Members absent: Representatives Powell, Worthen - 2.

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

The House recessed at 2:12 p.m.

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

Communications:

Senate  
State of Delaware  
Legislative Hall  
Dover, Delaware 19901

April 6, 1977

Representative Kenneth Boulden  
Speaker of the House  
Legislative Hall  
Dover, DE 19901

Dear Mr. Speaker,

I am returning herewith House Bill No. 60 with House Amendments Nos. 3, 4, and 5, requested by a vote of the State Senate.

It is being returned for proper consideration and fiscal note.

Sincerely,

Richard S. Cordrey  
President Pro Tempore

Mr. Speaker recommitted HB 60 to the Judiciary Committee. Representative Lynch introduced and brought HR 46 before the House for consideration.

HR 46 - Requesting the Division of Maintenance, Communications and Capitol Security to Enforce a Policy of Conservation on Night-Time Illumination in State Buildings.

HR 46 was adopted by voice vote.

Representative Connor introduced HR 47, co-sponsored by Representative Worthen.

HR 47 - Amending the Temporary Rules of the House of Representatives; and Providing for the Consideration of Legislative Bills in Open Committee Hearings.

Representative Jonkiert moved to assign HR 47 to the Rules Committee.

Mr. Speaker assigned HR 47 to the House Administration Committee.

Representative Jonkiert requested Mr. Speaker to reconsider and reassign HR 47 to the Rules Committee.

Mr. Speaker reassigned HR 47 to the Rules Committee.

The following prefiled legislation was introduced:

HB 241 - FERGUSON - HOUSE ADMINISTRATION: An Act to Amend Chapter 7, Part II, Title 29 of the Delaware Code Relating to the General Assembly; and Providing for an Annual Legislative Art Show.

HB 242 - GILLIGAN, MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 87, Title 10, of the Delaware Code Relating to Sheriff's Fees.

HB 243 - MAXWELL - JUDICIARY: An Act to Amend Title 10 and Title 11 of the Delaware Code Relating to the Legal Defense of Public Officers and Employees.

HB 244 - DARLING - CONSTITUTION: An Act to Amend Section 9, Article III of the Constitution of the State of Delaware Relating to the Appointing Power of the Governor. (2/3 bill).

HB 245 - ANDERSON, CAIN, RIDDAGH, OBERLE- JUDICIARY: An Act to Amend Chapter 100, Part X, Title 29 of the Delaware Code Relating to the Freedom of Information Act; and Exempting Certain Information from Public Scrutiny.

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

HB 247 - CONNOR, KELLY, T. BRADY, RISPOLI, AMBROSINO, JONKIERT, GILLIGAN - JUDICIARY: An Act to Amend Chapter 72, Part IV, Title 10 of the Delaware Code Relating to Obscenity and Lewdness; and Providing for an Injunction Procedure for the Abatement of Such Nuisance.

HB 248 - CONNOR - 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 Pertaining to Certain Regulatory Agencies; and Establishing a System for the Periodic Review and for the Termination, Continuation, or Re-Establishment Thereof.

HA 1 to HB 161 - PLANT - Placed with the bill.

HA 2 to HB 165 - PLANT - Placed with the bill.

HA 1 to HB 166 - MAXWELL - Placed with the bill.

SB 113 w/SA 1 - CICIONE, REPRESENTATIVE MATUSHEFSKE - PUBLIC SAFETY: An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to the Inspection of Motor Vehicles; and Providing for Inspection Fees.

Representative Maxwell introduced and brought HR 48 before the House for consideration.

HR 48 - Congratulating the Alexis I. du Pont High School Wrestling Team and its Coach, George Lascny, Upon Winning the Delaware Secondary School Athletic Association Wrestling Championship.

HR 48 was adopted by voice vote.

Representative Plant introduced and brought HR 49 before the House for consideration.

HR 49 - Marking the Ninth Anniversary of the Assassination of the Rev. Dr. Martin Luther King Jr. in Memphis, Tennessee.

HR 49 was adopted by voice vote.

Representative Plant introduced and brought HR 50 before the House for consideration.

HR 50 - Criticizing United States Representative Thomas B. Evans Jr. for Voting Against Funds to Continue the Congressional Probe of the Assassinations of President John F. Kennedy, United States Senator Robert F. Kennedy and the Rev. Dr. Martin Luther King Jr.

Representative Jonkiert moved to assign HR 50 to Committee.

Mr. Speaker assigned HR 50 to the House Administration Committee.

Representative Jonkiert moved to recess for caucus at 2:50 p.m.

The House was called to order at 6:43 p.m.

Representative Darling brought SCR 19, co-sponsored by Senator Cook and Representative Darling, before the House for consideration.

SCR 19 - Expressing the Sympathy of the 129th General Assembly to the Family of Leon E. Donovan of Harrington, a Former Member of Both the House and the Senate, Who Died April 6, 1977.

SCR 19 was adopted by voice vote and returned to the Senate.

Representative Gilligan moved to suspend the rules for the purpose of considering SB 78. The motion was adopted by voice vote.

Representative Gilligan introduced and brought SB 78 before the House for consideration.

SB 78 - An Act to Provide a Supplementary Appropriation to the State Board of Education for the Transportation Reimbursement of Pupils Attending Non-Public and Non-Profit Schools.

The roll call on SB 78 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Morris, Oberle, Plant, Riddagh, Rispoli, Roy, Sincok, Smith, Mr. Speaker Boulden - 26

NO: Representatives Bennett, Burris, Darling, McKay, Temple, Vernon - 6.

NOT VOTING: Representatives T. Brady, Clendaniel, Hebner, Minner, Ridings - 5.

ABSENT: Representatives Billingsley, Lynch, Powell, Worthen - 4.

Therefore, having received a constitutional majority, SB 78 was returned to the Senate.

Representative Bennett brought HB 120 before the House for consideration.

HB 120 - An Act to Authorize and Approve of the Transfer of Certain State Real Property Situated in East Dover Hundred, Kent County, Delaware.

The roll call on HB 120 was taken and revealed:

YES: Representatives Anderson, Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Plant, Ridings, Rispoli, Sincok, Temple, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, T. Brady, W. Brady, Burris, Connor, Hebner, Maxwell, McKay, Oberle, Morris, Riddagh, Roy, Smith, Vernon - 14.

NOT VOTING - Representative Kelly - 1.

ABSENT: Representatives Billingsley, Powell, Worthen - 3.

Therefore, having received a constitutional majority, HB 120 was sent to the Senate for concurrence.

Representative Roy introduced and brought SCR 21, co-sponsored by Senators Arnold, Sharp and Representatives Roy and Powell, before the House for consideration.

SCR 21 - Commending the John Dickinson High School Color Guard and Twirlers, Recent Champions of the Cavalcade Indoor Drill Association.

SCR 21 was adopted by voice vote.

Representative Cain moved to lift HB 139 from the Speaker's Table. The motion was adopted by voice vote.

Representative Clendaniel introduced and brought HA 2 before the House for consideration.

The roll call on HA 2 to HB 139 was taken and revealed:

YES: Representatives Bennett, Clendaniel, Darling, Gordy, Lynch, Minner, Morris, Riddagh, Temple, Vernon - 10.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Plant, Ridings, Rispoli, Roy, Sincok, Smith, Mr. Speaker Boulden - 26.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives Billingsley, Oberle, Powell, Worthen - 4.

Representative Clendaniel moved to table the roll call. The motion was defeated by voice vote.

Therefore, HA 2 to HB 139 was defeated.

Representative Cain requested and was granted the privilege of the floor for Mr. Bill Jones of the Delaware Sportsmen's Association.

Representative Cain moved to table the roll call on HB 139 w/HA 1.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Mr. Speaker Boulden - 32.

NO: Representatives Clendaniel, Darling, Vernon - 3.

ABSENT: Representatives Billingsley, Ferguson, Oberle, Powell, Riddagh, Worthen - 6.

Therefore, the roll call on HB 139 w/HA 1 was tabled.

Representative George moved to suspend the rules to introduce and act on SB 47, sponsored by Senator Sharp. The motion was adopted by voice vote.

SB 47 - An Act Making a Supplementary Appropriation to Office of the Commissioner, Department of Correction, for Continuation of the Staff Training Program for Correctional Officers.

The roll call on SB 47 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel,

Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 34.

ABSENT: Representatives Billingsley, Matushefske, Oberle, Powell, Riddagh, Roy, Worthen - 7.

Therefore, having received a constitutional majority, SB 47 was returned to the Senate.

Representative Bennett brought SJR 3 before the House for consideration.

SJR 3 - Relating to Contracts and Purchases Made By Agencies of This State.

The roll call on SJR 3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 33.

ABSENT: Representatives Billingsley, Byrd, Hebner, Oberle, Powell, Riddagh, Roy, Worthen - 8.

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

Representative Jonkiert introduced HB 250.

HB 250 - An Act to Amend Chapter 51, Part III, Title 11 of the Delaware Code Relating to Pleas and Plea Bargaining.

Mr. Speaker assigned HB 250 to the Judiciary Committee.

Representative Darling introduced HB 249, co-sponsored by Representatives Riddagh, Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Lynch, Maxwell, Minner, Morris, Oberle, Powell, Ridings, Roy, Sincok, Temple and Vernon; Senators, Sharp, Cook, Cicione, Hughes, Arnold, Adams, Littleton and Spence.

HB 249 - An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Method, Punishment and Review of Punishment for First Degree Murder.

Mr. Speaker assigned HB 249 to the Judiciary Committee.

Representative Smith introduced and brought SCR 18, co-sponsored by Senator Weiss and Representatives Smith and Ridings, before the House for consideration.

SCR 18 - Congratulating Brandywine High School Winners in the Twenty-First Annual Delaware State D.E.C.A. Leadership Conference.

SCR 18 was adopted by voice vote and returned to the Senate.

Representative Jonkiert moved to recess to the call of the Chair at 7:56 p.m.

## 18th LEGISLATIVE DAY

April 19, 1977

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

The Majority Leader moved to adjourn at 2:03 p.m. thereby ending the previous legislative day. The House reconvened at 2:04 p.m. A prayer was offered by Representative Thomas Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 38

Members absent : Representatives Hebner, Miller,

Powell - 3.

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

Communications:

The Senate wishes to inform the House that it has passed: SB 151, SB 146, SB 124, SCR 18, SB 78, SCR 20, SCR 21, SB 113 w/SA 1, SCR 19.

FROM: Al O. Plant, Representative, 2nd District:

"Approximately 2½ years ago, I informed the House members that we have hundreds, if not thousands, of Delawareans who are at the mercy of the State because of no jobs, no employment compensation, and, in many situations, not being eligible for food stamps because they have no dwelling or kitchen to prepare the food.

"Persons between the ages of 18 and 54, who are able bodied, employable, and single, cannot get general assistance under our present Delaware Code. And if they were eligible for public assistance, it would be based on 1949 or 1950 standard of need, approximately 27 years behind our present cost-of-living standard.

"This is a disgrace within itself.

"Now we are faced with another situation which has caused a serious problem. We have ex-offenders who are being released because of a federal court order, and these men are coming back into our community with nothing at all to look forward to.

"The Comprehensive Employment and Training Act, better known as CETA, is no help whatsoever to most, if not all, of our ex-offenders, because one must be unemployed for a period of 15 weeks, and time in prison does not count as being unemployed.

"This is something the federal people will have to deal with - such as our Delaware congressional delegation - and they are aware of the problem.

"At this present time we, the State, need to provide help in this unusual emergency situation.

"Because I strongly believe governments are formed by citizens to meet certain needs and provide services that are essential to mere survival when our citizens cannot provide for themselves.



"We have institutions that are created by our government through which these needed services can be delivered - which citizens have agreed to pay for.

"The problem is, the Delaware House of Representatives has not seen fit to pass legislation that I have brought before it, which would minimize this problem.

"We are faced with a very serious problem, and it involves all of us. I am asking you to give strong consideration to passing emergency legislation that will provide some type of relief, or a temporary job program, because if something is not done I foresee the State having a larger problem than any relief or temporary job legislation will ever cost us. Some people have said, 'Why help ex-offenders? - but these same persons should stop to think that when you help an ex-offender you are helping the law-abiding citizen as well.

"Also, it should be taken into consideration that legislation passed to help the ex-offender will also help other needy people as well.

"This is not just a Wilmington problem; this is a State problem. From 7:30 a.m. to 5:30 p.m., Monday through Friday, the Wilmington population moved from 80,000 to 250,000. This means the additional 170,000 have a problem also, because they are part of our city during this time frame - and I am sure those 170,000 have Representatives in this House chamber.

"Should the support which is needed not come forth, there will be no hard feelings coming from me. My position will be, whatever happens, we will be faced with it. And I can proudly say that I did honestly try to forewarn that there may be serious problems.

The following prefiled legislation was introduced:

HB 251 - GORDY - JUDICIARY: An Act to Amend Chapter 9 and Chapter 13 Title 10 Delaware Code Relating to the Family Court and Court of Common Pleas for the State of Delaware.

HB 252 - GILLIGAN, MATUSHEFSKE - JUDICIARY: An Act to Amend Subchapter V, Chapter 25 of Title 6, Delaware Code, Relating to Security for Franchised Distributors.

HB 253 - GILLIGAN, SINCOCK - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 23 of Title 9, Delaware Code to Allow the Creation of Consolidated Sanitary Sewer Districts.

HB 254 - FERGUSON, ROY - PUBLIC SAFETY: An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles; and Providing for Special Automobile Plates to Vehicles Designated as "Street Rods".

HB 255 - CAIN - APPROPRIATIONS: An Act Making A Supplementary Appropriation to Satisfy a Settlement Agreement Entered into Between the State of Delaware and Certain

Individuals in Connection with the Claims of Certain Individuals for Unpaid Overtime and Minimum Wage Compensation Under the Fair Labor Standards Act.

SB 124 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 79, Subchapter I, Title 29, Delaware Code Relating to the Establishment of a Delaware Emergency Medical Service Advisory Council.

SB 146 - SHARP - APPROPRIATIONS: An Act Making A Supplementary Appropriation to the Department of Correction for the Purpose of Compensating the Institutional Release Classification Board.

SB 151 - SHARP - APPROPRIATIONS: An Act to Amend Chapter 691, Volume 60, Laws of Delaware Entitled: "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts"; Provide Funds for a Central Administration Office for the Department of Corrections; and Further Authorizing and Approving of the Transfer of Certain Real Property by the Smyrna School District to the Department of Correction for a Central Administration Office.

Representative T. Brady introduced and brought HR 51, co-sponsored by Representative Sincock and Senator Berndt, before the House for consideration.

HR 51 - Expressing the Sorrow of the Members of the 129th General Assembly at the Death on April 14, 1977, of Former Wilmington Mayor and Municipal Court Judge Thomas Herlihy, Jr.

HR 51 was adopted by voice vote.

Representative Cain introduced and brought HCR 16 before the House for consideration.

HCR 16 - Commending Those Families Who Have Participated in the Fresh Air Program.

HCR 16 was adopted by voice vote.

Representative Smith moved to suspend the rules to introduce and act on HJR 11. The motion was adopted by voice vote.

Representative Smith brought HJR 11, jointly sponsored by Representatives Darling, Burris, Clendaniel & Gilligan, Senators McDowell, Berndt, Knox, Martin, McCullough, and Spence, before the House for consideration.

HJR 11 - To Adopt Energy Conservation as a State Policy and to Set Goals for the State of Delaware.

The roll call on HJR 11 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Ambrosino, Byrd, Connor, George, Hebner, Matushefske, Miller, Powell - 8.

Therefore, having received a constitutional majority, HJR 11 was sent to the Senate for concurrence.

Representative Gilligan brought HCR 17, co-sponsored by Representatives Anderson and Ferguson and Senators Cook and Cicione, before the House for consideration.

HCR 17 - Requesting the Governor to Recommend a Program Which will Enable the State to Collect Millions of Dollars in Unpaid Personal Income Taxes.

HCR 17 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 3:47 p.m.

The House was called to order at 4:04 p.m.

Representative Matushefske brought HB 182 before the House for consideration.

HB 182 - An Act to Amend Chapter 47, Title 16, of the Delaware Code to Eliminate the Distinction Between Persons Addicted to Narcotic Drugs and Those Not So Addicted with Reference to the Sentences Prescribed for Delivery and Possession, Manufacture and Possession With Intent to Deliver Narcotic Drug.

The roll call on HB 182 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Anderson, Johnson, Oberle, Plant, Ridings, Roy, Sincock, Vernon - 8.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Byrd, Hebner, Miller, Powell - 4.

Therefore, having received a constitutional majority, HB 182 was sent to the Senate for concurrence.

Representative George introduced and brought HR 52 before the House for consideration.

HR 52 - Expressing the Condolences of the House of Representatives to the Family of Bernard (Bernie) Bleiberg, Well-Known Master of Ceremonies and Raconteur, Who Passed Away April 11, 1977.

HR 52 was adopted by voice vote.

Representative Clendaniel brought HB 49 before the House for consideration.

Representative Clendaniel introduced and brought HA 1 to HB 49 before the House for consideration.

Representative Clendaniel moved to place HB 49 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Gordy brought HB 75 w/HA 1 and HA 2 and HA 1 to HA 1 before the House for consideration.

Representative Gordy moved to strike HA 1 to HB 75. Without objection, HA 1 to HB 75 was stricken.

Representative Gordy deferred to Representative Temple.

Representative Temple brought HA 2 to HB 75 before the House for consideration. HA 2 to HB 75 was adopted by voice vote.

Representative Jonkiert stated that the striking of HA 1 to HB 75 also struck HA 1 to HA 1. The sponsor of HA 1 to HA 1 was not present.

Representative Gordy moved to lay HB 75 w/HA 2 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert deferred HB 96 and yielded to Representative Riddagh.

Representative Riddagh moved to suspend the rules for the purpose of acting on HB 249. The motion was adopted by voice vote.

Representative Riddagh moved to lay HB 249 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert brought HB 137 before the House for consideration.

Representative Jonkiert introduced and brought HA 1 to HB 137 before the House for consideration.

Representative Jonkiert moved to table the roll call on HA 1 to HB 137. The motion was adopted by voice vote.

Representative Jonkiert moved to table HB 137. The motion was adopted by voice vote.

Representative Loughney brought HB 190 before the House for consideration.

HB 190 - An Act to Amend Chapter 5, Subchapter 11, Subpart D, of Title 11, Delaware Code Relating to Sexual Offenses.

The roll call on HB 190 was taken and revealed:

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

ABSENT: Representatives Byrd, Hebner, Miller, Powell - 4.

Therefore, having received a constitutional majority, HB 190 was sent to the Senate for concurrence.

Representative Gordy brought HB 180 before the House for consideration.

HB 180 - An Act Agreeing to a Proposed Amendment to Article V, Section 4A of the Constitution of the State of

Delaware to Permit a Registered Voter to Vote an Absentee Ballot if the Voter is on Vacation.

The roll call on HB 180 was taken and revealed:

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

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Byrd, Hebner, Miller, Powell - 4.

Therefore, having received a constitutional majority, HB 180 was sent to the Senate for concurrence.

Representative Riddagh deferred HB 69 and yielded to Representative George.

Representative George moved to suspend the rules for the purpose of introducing and acting on SB 172, sponsored by Senator Cicione. The motion was adopted by voice vote.

Representative Goerge brought SB 172 before the House for consideration.

SB 172 - An Act Making a Supplementary Appropriation to the State Treasurer for Revenue Refunds.

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

Mr. Speaker ruled that in accordance with Mr. Rich's testimony, SB 172 was in order.

The roll call on SB 172 was taken and revealed:

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

NOT VOTING: Representatives Ambrosino, T. Brady - 2.

ABSENT: Representatives Hebner, Miller, Powell - 3.

Therefore, having received a constitutional majority, SB 172 was returned to the Senate.

Representative Riddagh moved to lift HB 249 from the Speaker's table. The motion was adopted by voice vote.

Representative Plant introduced and brought HA 1 to HB 249 before the House for consideration.

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

The roll call on HA 1 to HB 249 was taken and revealed:

YES: Representatives Anderson, Cain, George, Johnson, Jonkiert, Plant, Rispoli, Smith - 8.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Gilligan, Gordy, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 28.

ABSENT: Representatives Ferguson, Hebner, Matushefske, Miller, Powell - 5.

Therefore, HA 1 to HB 249 was declared defeated.

Representative Plant introduced and brought HA 2 to HB 249 before the House for consideration.

The roll call on HA 2 to HB 249 was taken and revealed:

YES: Representatives Anderson, Clendaniel, Johnson, Loughney, Lynch, Plant, Rispoli, Temple, Vernon - 9.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Gilligan, Gordy, Jonkiert, Kelly, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Sincock, Smith, Worthen, Mr. Speaker Boulden - 25.

ABSENT: Representatives Ferguson, George, Hebner, Matushefske, Miller, Powell, Roy - 7.

Therefore, HA 2 to HB 249 was declared defeated.

Representative Plant introduced and brought HA 3 to HB 249 before the House for consideration.

Representative Gordy requested a ruling as to the necessity of a fiscal note for HA 3 to HB 249. Mr. Speaker ruled that the fiscal note of the bill should be amended.

Representative Plant moved to table HA 3. The motion was adopted by voice vote.

Representative Plant introduced and brought HA 4 to HB 249 before the House for consideration.

Representative Riddagh moved to table HA 4 to HB 249. The motion was adopted by voice vote.

The roll call on HB 249 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Mr. Speaker Boulden - 30

NO: Representatives Billingsley, T. Brady, Byrd, Johnson, Plant, Smith, Worthen - 7.

ABSENT: Representatives Anderson, Hebner, Miller, Powell - 4.

Therefore, having received a constitutional majority, HB 249 was sent to the Senate for concurrence.

Representative W. Brady moved to strike HB 119. Without objection, HB 119 was stricken.

Representative Plant moved to strike HB 193 and HB 225. Without objection HB 193 and HB 225 were stricken.

Representative Sincock moved to strike HB 148. Without objection, HB 148 was stricken.

Representative Oberle introduced HB 256, co-sponsored by Representative Ferguson.

HB 256 - An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to the Sexual Exploitation of Children; and the Transportation and Dissemination of Magazines, Photographs or Films Depicting Such Exploitations.

Mr. Speaker assigned HB 256 to the Judiciary Committee.  
Representative Ridings introduced HB 257.

HB 257 - An Act to Amend Part I, Title 19 of the Delaware Code Relating to Labor; and Providing for a Delaware Right-To-Work Act.

Mr. Speaker assigned HB 257 to Labor and Commerce Committee.

Committee Reports:

Appropriations: HB 126 - 1F, 5M.

Constitution: HB 196 - 1F, 3M.

Judiciary: HB 221 - 2F, 2M; HB 251 - 2F, 2M.

Representative Jonkiert moved to recess to the call of the Chair at 6:23 p.m.

#### 19th LEGISLATIVE DAY

April 20, 1977

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

The majority Leader moved to adjourn at 2:10 p.m. thereby ending the previous legislative day. The House reconvened at 2:11 p.m. A prayer was offered by the Chaplain, Reverend C. Jon Widing, Rector, St. Anne's Episcopal Church, Middletown, Delaware.

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

The Chief Clerk called the roll.

Members present: 39

Members absent: Representatives Hebner, Powell - 2.

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

Communications:

The Senate wishes to inform the House that it has passed:  
HCR 16, SB 172, SB 28 w/SA 1, 2, 9.

The following prefiled legislation was introduced:

HB 258 - AMBROSINO - LABOR & COMMERCE: An Act to Amend Chapter 3, Chapter 4 and Chapter 5, Title 28 of the Delaware Code Relating to Sports and Amusements; and Prohibiting the Employment of Certain Persons.

HB 259 - FERGUSON, GILLIGAN, RIDDAGH - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Recall of Public Officials.

HB 260 - WORTHEN, CAIN - REVENUE & FINANCE: An Act to Amend Title 30, Delaware Code, Relating to Itemized Income Tax Deductions to Allow a Deduction for Certain Household and Dependent Care Expenses.

HB 261 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Taxicab Driver Licenses.

HB 262 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Chapter 83, Part VIII, Title 29 of the Delaware Code Relating to the Board of Pension Trustees; and Providing Ex Officio Membership to the State Treasurer.

HB 263 - DARLING - CONSTITUTION: An Act Proposing an Amendment to Section 9, Article III, of the Constitution of the State of Delaware Relating to the Appointing Power of the Governor. (2/3 bill)

HB 264 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter II, Title 30, Delaware Code Relating to Extension of Time for Filing a State Personal Income Tax Return or Other Required Document.

HB 265 - MAXWELL - LABOR & COMMERCE: An Act to Amend Title 6 and Title 16 of the Delaware Code Relating to the Sale of Certain Articles, Materials or Commodities.

HS 1 for HB 135 - BYRD - LABOR & COMMERCE: An Act to Amend Title 19 of the Delaware Code by Creating a New Chapter to be Designated as Chapter 14 to Provide for the Implementation of a State Occupational Safety and Health Act in Accordance with the Provisions of the Williams-Steiger Occupational Safety and Health Act of 1970, and Providing a Supplemental Appropriation to Implement the Provisions of this Act.

HA 1 to HB 56 - AMBROSINO - Placed with the bill.

HA 2 to HB 153 - CAIN - Placed with the bill.

HJR 12 - DARLING, VERNON, CLENDANIEL, SENATOR BERNDT - ENVIRONMENTAL CONTROL: Memorializing Delaware's Congressional Delegation to Urge Congress to Adopt a National Uniform and Comprehensive Government Liability and Compensation Fund for Damages and Cleanup Costs Caused by Oil Pollution.

SB 28 w/SA 1, 2, 9 - SHARP - JUDICIARY: An Act to Amend Chapter 42 of Title 11, Delaware Code, Relating to the Method, Punishment, and Review of Punishment for First Degree Murder.

Committee Report:

Environmental Control: HB 107 - 1F, 5M.

Representative Jonkiert moved to recess for caucus at 2:23 p.m.

The House was called to order at 3:25 p.m.

Representative Worthen introduced and brought SCR 16, sponsored by Senator Murphy, before the House for consideration.

SCR 16 - Memorializing the Delaware Congressional Delegation to Carefully Weigh the Impact on Delaware of Any Legislation Relating to the Federal Chartering of Insurance Companies.

SCR 16 was adopted by voice vote and returned to the Senate.

Representative Worthen brought HB 127 before the House for consideration.

HB 127 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Water Allocation by the Secretary of the Department of Natural Resources and Environmental Control.

The roll call on HB 127 was taken and revealed:



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

ABSENT: Representatives Hebner, Plant, Powell - 3.

Therefore, having received a constitutional majority, HB 127 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 136 to the end of the agenda and yielded to Representative Gordy.

Representative Gordy brought HB 251 before the House for consideration.

HB 251 - An Act to Amend Chapter 9 and Chapter 13 Title 10 Delaware Code Relating to the Family Court and Court of Common Pleas for the State of Delaware.

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

The roll call on HB 251 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Riddagh, Rispoli, Sincok, Temple, Mr. Speaker Boulden - 25

NO: Representatives Billingsley, T. Brady, Cain, Connor, George, Gilligan, McKay, Oberle, Ridings, Smith, Vernon, Worthen - 12.

ABSENT: Representatives Hebner, Plant, Powell, Roy - 4.

Therefore, having received a constitutional majority, HB 251 was sent to the Senate for concurrence.

Representative Matushefske brought HB 178 before the House for consideration.

HB 178 - An Act to Amend Chapter 1, and Chapter 92, Title 10, Delaware Code to Abolish the Office of Deputy Administrator of the Justice of the Peace Courts.

The roll call on HB 178 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Mr. Speaker Boulden - 33.

NO: Representatives Maxwell, Smith, Worthen - 3.

ABSENT: Representatives Hebner, Miller, Oberle, Plant, Powell - 5.

Therefore, having received a constitutional majority, HB 178 was sent to the Senate for concurrence.

Representative Anderson brought HB 99 before the House for consideration.

Representative Anderson moved to place HB 99 on the Speaker's table. The motion was adopted by voice vote.

Representative Ferguson deferred HB 84 to the end of the agenda and yielded to Representative Clendaniel.

Representative Clendaniel moved to lift HB 49 w/HA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Clendaniel brought HB 49 before the House for consideration.

Representative Clendaniel introduced and brought HA 2 to HB 49 before the House for consideration.

HA 2 to HB 49 was adopted by voice vote.

Representative Clendaniel moved to strike HA 1 to HB 49. Without objection, HA 1 to HB 49 was stricken.

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

Representative Clendaniel moved to place HB 49 w/HA 2 on the Speaker's table. The motion was adopted by voice vote.

Representative Gilligan brought HB 98 before the House for consideration.

HB 98 - An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Fees for Hunting and Trapping Licenses for Nonresidents.

Representative Gilligan introduced and brought HA 1 to HB 98, co-sponsored by Representative Lynch, before the House for consideration.

HA 1 to HB 98 was adopted by voice vote.

The roll call on HB 98 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Bennett - 1.

ABSENT: Representatives Ambrosino, George, Hebner, Maxwell, Miller, Plant, Powell - 7.

Therefore, having received a constitutional majority, HB 98 w/HA 1 was sent to the Senate for concurrence.

Representative Anderson moved to lift HB 99 from the Speaker's table. The motion was adopted by voice vote.

HB 99 - An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Grounds for Refusal to Grant a Liquor License.

Representative Byrd introduced and brought HA 1 to HB 99 before the House for consideration. HA 1 to HB 99 was defeated by voice vote.

The roll call on HB 99 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Loughney,

Lynch, Matushefske, Maxwell, McKay, Miller, Oberle, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Burris, Byrd, Johnson, Jonkiert, Minner, Morris, Riddagh, Rispoli - 8.

NOT VOTING: Representatives Kelly, Ridings - 2.

ABSENT: Representatives Hebner, Plant, Powell - 3.

Therefore, having received a constitutional majority, HB 99 was sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules for the purpose of acting on HJR 9. The motion was adopted by voice vote.

Representative Sincok brought HJR 9, co-sponsored by Senator Murphy, before the House for consideration.

HJR 9 - Authorizing the Governor to Enter into a Contract or Contracts with the Federal Deposit Insurance Corporation and the Farmers Bank of the State of Delaware.

The roll call on HJR 9 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, Darling, Ferguson, George, Gilligan, Lynch, McKay, Miller, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 22.

NO: Representatives Anderson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Maxwell, Minner, Morris, Oberle, Plant, Rispoli, Roy, Worthen - 14.

NOT VOTING: Cain, Clendaniel - 2.

ABSENT: Representatives Hebner, Matushefske, Powell - 3.

Therefore, having received a constitutional majority, HJR 9 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for Committee Hearings at 5:13 p.m.

The House was called to order at 5:15 p.m.

Committee Reports:

House Administration: HB 117 - 5M; HB 187 - 5M;  
HB 198 - 4M, 1U; HB 219 - 5M; HB 241 - 5M.

Banking & Insurance: SJR 5 - 2F, 2M.

Representative Gordy moved to recess to the call of the Chair at 5:19 p.m.

## 20th LEGISLATIVE DAY

April 21, 1977

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

Committee Report:

Education: SB 173 - 2F, 2M.

The Majority Leader moved to adjourn at 1:55 p.m. thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by the Chaplain, Reverend Nelson Benjamin of the Trinity United Methodist Church, Frederica, Delaware.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Matushefske, Powell - 2.

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

Communications:

The Senate wishes to inform the House that it has passed: HJR 7, SB 173, SCR 22.

The following prefiled legislation was introduced:

HB 266 - ROY - APPROPRIATIONS: An Act Authorizing and Directing the Board of Pension Trustees to Process and Grant a Disability Pension to Edward C. Sobolewski, a Former Employee with the University of Delaware; and Further Providing a Supplementary Appropriation Therefor.

HB 267 - GORDY, JONKIERT - REVENUE & FINANCE: An Act to Amend §6340, Title 29, Delaware Code, Relating to Other Employment Costs.

HB 268 - CAIN - LABOR & COMMERCE: An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for the Employment of Minors in Certain Bowling Alleys. (2/3 bill)

HB 269 - AMBROSINO, CONNOR, T. BRADY - REVENUE & FINANCE: An Act to Amend Chapter 3, Title 28 of the Delaware Code Relating to Horse Racing; and Providing for a Tax on Pari-Mutuel and Totalizator Pools.

HA 1 to HB 202 - FERGUSON - Placed with the bill.

SB 173 - ARNOLD & REPRESENTATIVE MAXWELL - EDUCATION: An Act to Amend the Laws of Delaware as they Relate to Students Voluntarily Transferring from one Public School District to Another.

Representative Maxwell introduced and brought SCR 22, co-sponsored by Senator Arnold, before the House for consideration.

SCR 22 - Embodying Reasons Why the General Assembly Believes The Attorney General's Motion for a Stay of the Evans V. Buchanan Judgment of June 15, 1976 Should Be Granted.

Representative Maxwell moved to place SCR 22 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:14 p.m.

The House was called to order at 4:10 p.m.

Representative Darling introduced and brought SCR 24, co-sponsored by Senators Berndt, Sharp and Arnold; Representatives Darling, Roy, Byrd, McKay and Loughney, before the House for consideration.

SCR 24 - Calling Upon the President and the Congress of the United States to Insure that Adequate Research and Development Funding Be Provided for Nuclear and Coal Energy Development and Alternate Energy Resources.

SCR 24 was adopted by voice vote.

Representative Maxwell moved to lift SCR 22 from the table. The motion was adopted by voice vote.

SCR 22 - Embodying Reasons Why the General Assembly Believes the Attorney General's Motion for a Stay of the Evans V. Buchanan Judgment of June 15, 1976 Should be Granted.

The roll call on SCR 22 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Johnson, Jonkiert, Rispoli - 3.

NOT VOTING: Representative T. Brady - 1.

ABSENT: Representatives Billingsley, George, Lynch, Matushefske, Plant, Powell - 6.

Therefore, having received a constitutional majority, SCR 22 was returned to the Senate.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on SB 173. The motion was adopted by voice vote.

Representative Maxwell brought SB 173, co-sponsored by Senators Arnold and Martin and Representative Maxwell, before the House for consideration.

SB 173 - An Act to Amend the Laws of Delaware as they Relate to Students Voluntarily Transferring From One Public School District to Another.

Representative Plant moved to recommit SB 173 to Committee. The roll call was taken on the motion and revealed:

YES: Representatives Johnson, Jonkiert, Plant, Rispoli - 4.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 30.

NOT VOTING: Representatives Ferguson, Miller, Temple - 3.

ABSENT: Representatives George, Gordy, Matushefske, Powell - 4.

Therefore, the motion to recommit SB 173 was declared defeated.

Representative Plant moved to place SB 173 on the Speaker's Table. The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Darling, Gordy, Johnson, Jonkiert, Lynch, Minner, Morris, Plant, Rispoli, Temple - 11.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Hebner, Kelly, Loughney,

Maxwell, McKay, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 26.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives George, Matushefske, Powell - 3.

Therefore, the motion to place SB 173 on the Speaker's table was declared defeated.

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

Representative Plant moved to recess. The roll call on the motion was taken and revealed:

YES: Representatives Clendaniel, Darling, Gordy, Johnson, Jonkiert, Plant, Rispoli - 7.

NO: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 28

NOT VOTING: Representative Temple - 1.

ABSENT: Representatives Ambrosino, T. Brady, George, Matushefske, Powell - 5.

Therefore, the motion to recess was declared defeated, and the House remained in session.

Representative Jonkiert introduced and brought HA 1 to SB 173 before the House for consideration.

The roll call on HA 1 to SB 173 was taken and revealed:

YES: Representatives T. Brady, Byrd, Gordy, Johnson, Jonkiert, Lynch, Plant, Rispoli, Mr. Speaker Boulden - 9.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Ridings, Roy, Sincock, Smith, Vernon, Worthen - 27.

NOT VOTING: Representative Temple - 1.

ABSENT: Representatives George, Matushefske, Powell, Riddagh - 4.

Therefore, HA 1 to SB 173 was declared defeated.

The roll call on SB 173 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen - 28.

NO: Representatives T. Brady, Clendaniel, Johnson, Jonkiert, Lynch, Morris, Plant, Rispoli, Temple, Mr. Speaker Boulden - 10.

ABSENT: Representatives George, Matushefske, Powell - 3.

Therefore, having received a constitutional majority, SB 173 was returned to the Senate.

Representative Ferguson moved to recess to the call of the Chair at 5:27 p.m.

## 21st LEGISLATIVE DAY

April 26, 1977

The Speaker called the House to order at 2:00 p.m.

Committee Report:

Community Affairs: HB 19 - 2F, 3M.

Public Safety: HB 122 - 6M; HB 203 - 6M; HB 204 - 6M.

Administrative Services: HB 209 - 4M.

Revenue & Finance: HB 222 - 5M; HB 235 - 4M.

Public Safety: HB 261 - 6M.

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 Nelson Benjamin of the Trinity United Methodist Church, Frederica, 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 270 - KELLY - JUDICIARY: An Act to Amend Subchapter V, Title 11, Delaware Code, Relating to the Use of Children for Pornographic purposes.

HB 271 - BYRD - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Operating or Riding on Motorcycles.

HB 272 - CONNOR - 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 the Taxation of Long-Term Capital Gains.

HB 273 - GORDY, JONKIERT - HIGHWAYS & TRANSPORTATION: An Act to Amend Title 9 and Title 14 of the Delaware Code Relating to School Buses Utilized for the Transportation of Pupils.

HB 274 - GORDY, JONKIERT - HIGHWAYS & TRANSPORTATION: An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to School Buses Utilized for the Transportation of Pupils.

HB 275 - GORDY, BOULDEN, JONKIERT, BENNETT, W. BRADY, BYRD, CAIN, CLENDANIEL, DARLING, FERGUSON, JOHNSON, KELLY, LYNCH, MATUSHEFSKE, OBERLE, PLANT, RIDDAGH, RISPOLI, ROY, TEMPLE, SENATORS ADAMS, BERNDT, SHARP, HOLLOWAY, CICIONE, HUGHES, ARNOLD - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to the Establishment of a Coastal Zone and the Limitation of Certain Uses Therein.

SB 99 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 21, Subchapter I of Title 21 of Delaware Code Relating to the Rights of Subrogation Under the Delaware No-Fault Insurance for Motor Vehicles.

SB 119 - SHARP - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 22, Title 9, Delaware Code, Relating to the Computation of Sewer Service Charges in New Castle County.

SB 128 - MURPHY, LITTLETON, REPRESENTATIVES GILLIGAN, GEORGE, POWELL, SINCOCK, WORTHEN - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Insurance Department for the Purpose of Retaining Professional Assistance and/or Advice with Respect to Certain Rate Filings Made Before the Insurance Department.

SB 171 - ADAMS, KNOX, REPRESENTATIVE CLENDANIEL - AGRICULTURE: An Act to Amend Chapter 74, Title 3, Delaware Code, Relating to the Diagnosis and Testing Expenses of the Equine Infectious Anemia Program.

HA 1 to SB 28 - RIDDAGH - Placed with the bill.

Representative Cain congratulated Representative Worthen for having received the Good Government Award from the Committee of 39.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HJR 13. The motion was adopted by voice vote.

Representative Matushefske brought HJR 13 before the House for consideration.

HJR 13 - Proclaiming May 1 as Law Day.

The roll call on HJR 13 was taken and revealed:

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

ABSENT: Representatives Darling, George, Rispoli - 3.

Therefore, having received a constitutional majority, HJR 13 was sent to the Senate for concurrence.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on SJR 16. The motion was adopted by voice vote.

Representative Gordy brought SJR 16, sponsored by Senator Cicione, before the House for consideration.

SJR 16 - Recognizing the Importance of Today's Secretary in Industry, the Professions, and Government; and Proclaiming the Week of April 24 through April 30, 1977, as Secretaries' Week.

The roll call on SJR 16 was taken and revealed:

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



NO: Representative Hebner - 1.

ABSENT: Representatives Darling, Rispoli - 2.

Therefore, having received a constitutional majority, SJR 16 was returned to the Senate.

Representative Jonkiert deferred HB 96 w/HA 1 to the end of the Agenda and brought HB 219 before the House for consideration.

HB 219 - An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Legislative Journals by Simplifying the Printing Requirement.

The roll call on HB 219 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Darling, Matushefske - 3.

Therefore, having received a constitutional majority, HB 219 was sent to the Senate for concurrence.

Representative Riddagh brought HB 69 before the House for consideration.

HB 69 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware.

The roll call on HB 69 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Darling, Lynch - 3.

Therefore, having received a constitutional majority, HB 69 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 2:32 p.m.

The House was called to order at 3:37 p.m.

Representative Jonkiert introduced and brought SCR 25, co-sponsored by Senators Cicione, Cordrey, Hughes and Representatives Boulden and Sincok, before the House for consideration.

SCR 25 - Welcoming William Rogers, National Commander, American Legion to Delaware, the First State.

SCR 25 was adopted by voice vote.

Representative Gilligan introduced and brought SCR 26, co-sponsored by Senators Spence and Holloway before the House for consideration.

SCR 26 - Commending the Lower New Castle County Medical Center, Incorporated.

SCR 26 was adopted by voice vote and returned to the Senate.

Representative Worthen introduced and brought SCR 23, co-sponsored by Senators Murphy, Cook and Berndt and Representatives T. Brady, Worthen and Morris, before the House for consideration.

SCR 23 - Relating to the Establishment of an Ad Hoc Committee to Study the Committee System of the Delaware Legislature.

SCR 23 was adopted by voice vote and returned to the Senate.

Representative George introduced and brought HCR 18 before the House for consideration.

HCR 18 - Expressing the Appreciation of the Delaware General Assembly for the Generous Gift by Greg Luzinski, Star Outfielder for the Philadelphia Phillies, of Game Tickets to Under-Privileged Children from Wilmington and Dover.

HCR 18 was adopted by voice vote and sent to the House for concurrence.

Representative Jonkiert introduced and brought SCR 20, sponsored by Senator Zimmerman, before the House for consideration.

SCR 20 - Expressing the Appreciation of the 129th General Assembly to the Delaware Vocational Student Organizations and the Students of Delcastle Technical High School for Easter Lilies Presented to Members.

SCR 20 was adopted by voice vote and returned to the Senate.

Representative Plant brought HB 221 before the House for consideration.

HB 221 - An Act to Amend Chapter 5, Title 11, of the Delaware Code Relating to the Offense of Patronizing a Prostitute.

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

The roll call on HB 221 was taken and revealed:

YES: Representatives Anderson, Billingsley, W. Brady, Cain, George, Gordy, Hebner, Johnson, Loughney, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Smith, Worthen - 21.

NO: Representatives Ambrosino, Bennett, T. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Jonkiert, Kelly, Morris, Ridings, Vernon, Mr. Speaker Boulden - 15.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives Byrd, Lynch, Matushefske, Temple - 4.

Therefore, not having received a constitutional majority of at least two-thirds of the members of the House of Representatives, HB 221 was declared defeated.

Representative Ferguson deferred HB 84 to the end of the Agenda.

Representative Gordy deferred HB 187 to the end of the Agenda.

Representative Gordy moved to lift HB 75 from the Speaker's table. The motion was adopted by voice vote.

Representative Gordy brought HB 75 w/HA 2 before the House for consideration.

Representative Oberle introduced and brought HA 3 to HB 75 before the House for consideration. The amendment was adopted by voice vote.

Representative Gordy brought HB 75 w/HA 2 and HA 3 before the House for consideration.

Representative Ridings requested and was granted the privilege of the floor for Mr. Garry Gaukler from the Controller General's Office.

Representative Gordy moved to place HB 75 w/HA 2 and HA 3 on the Speaker's table. The motion was adopted by voice vote.

Representative Worthen brought SJR 5 before the House for consideration.

Representative Worthen moved to place SJR 5 on the Speaker's table. The motion was adopted by voice vote.

Representative Loughney brought HB 107 before the House for consideration.

Representative Minner introduced and brought HA 1 to HB 107 before the House for consideration. The amendment was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 107 before the House for consideration.

Representative Gilligan requested a point of order as to whether Representative Oberle's amendment was in order.

Mr. Speaker ruled that the amendment would have to be redrafted.

Representative Oberle moved to strike HA 2 to HB 107. Without objection, HA 2 to HB 107 was stricken.

Representative Loughney moved to place HB 107 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Loughney brought HB 117 before the House for consideration.

HB 117 - An Act to Amend Chapter 60, Title 29, Delaware Code, to Provide that Certain State Employees Shall Make Full Disclosure of Their Personal Assets and Income.

The roll call on HB 117 was taken and revealed:

YES: Representatives Clendaniel, Connor, Ferguson, George, Gordy, Jonkiert, Loughney, Miller, Minner, Morris, Oberle, Plant, Roy, Temple - 14.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Darling, Gilligan, Hebner, Johnson, Maxwell, McKay, Powell, Ridings, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 22.

ABSENT: Representatives Kelly, Lynch, Matushefske, Riddagh, Rispoli - 5.

Therefore, not having received a constitutional majority, HB 117 was declared defeated.

Representative Ferguson brought HB 241 before the House for consideration.

Representative Ferguson moved to place HB 241 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess at 5:03 p.m.

The House was called to order at 5:32 p.m.

Representative Temple introduced HB 276.

HB 276 - An Act to Amend Chapter 25, Title 10, Delaware Code, to Change the Annual Compensation of the Chief Deputy Register in Chancery for Sussex County.

Mr. Speaker assigned HB 276 to the Judiciary Committee.

Representative Plant introduced HB 277, co-sponsored by Representative Johnson and Senator Holloway.

HB 277 - An Act Making an Appropriation of \$15,000 to the Department of Corrections to be Used for Discharge Allowances Under Title 11, Delaware Code.

Mr. Speaker assigned HB 277 to the Appropriations Committee.

Representative Jonkiert moved to recess for committee hearings at 5:35 p.m.

The House was called to order at 6:10 p.m.

Representative Ferguson moved to lift HB 241 from the Speaker's table.

HB 241 - An Act to Amend Chapter 7, Part II, Title 29, of the Delaware Code Relating to the General Assembly; and Providing for an Annual Legislative Art Show.

Representative Ferguson introduced and brought HA 1 to HB 241 before the House for consideration. HA 1 to HB 241 was adopted by voice vote.

The roll call on HB 241 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Maxwell, Miller, Minner, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Billingsley, T. Brady, Morris, Plant, Vernon - 5.

ABSENT: Representatives Ambrosino, Burris, Connor, George, Kelly, Lynch, Matushefske, McKay, Sincock - 9.

Therefore, having received a constitutional majority, HB 241 w/HA 1 was sent to the Senate for concurrence.

Committee Reports:

Judiciary: HB 245 - 1F, 3M; HB 250 - 1F, 3M; HB 276 - 4M.

Public Safety: HB 254 - 1F, 5M; HB 271 - 2F, 2M.

Agriculture: SB 171 - 2F, 4M.

Representative Jonkiert moved to recess to the call of the Chair at 6:25 p.m.

22nd LEGISLATIVE DAY

April 27, 1977

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 Charles Shields of St. Paul's Roman Catholic Church, Delaware City, Delaware.

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

The Chief Clerk called the roll.

Members present: 40

Member absent: Representative Ambrosino - 1.

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

The following prefiled legislation was introduced:

HB 278 - SINCOCK - APPROPRIATIONS: An Act to Amend Chapter 511, Volume 60, Laws of Delaware, The 1977 Budget Appropriation Act, Enacted as House Bill No. 1274, Amended By House Amendment No. 1.

HB 279 - WORTHEN - ADMINISTRATIVE SERVICES: An Act Authorizing the Budget Office to Transfer Certain Special Funds to the Work Education Release Program, Department of Correction, and Appropriating Funds to the Work Education Release Program.

HB 281 - SINCOCK - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation for the Purpose of Paying the Commission on the Collection of the Realty Transfer Tax.

HB 282 - W. BRADY - NATURAL RESOURCES: An Act to Amend Chapter 68, Title 7, Delaware Code, Relating to the Use of Snowmobiles.

HB 283 - AMBROSINO, CONNOR, GILLIGAN, RISPOLI, JONKIERT, LOUGHNEY, KELLY, GEORGE, SENATORS CICIONE, KEARNS - 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.

HB 284 - LOUGHNEY, ANDERSON, W. BRADY, BILLINGSLEY - REVENUE & FINANCE: An Act to Amend Chapter 27, Title 30, Delaware Code, To Provide a Partial Waiver for Ten Years of the Aggregate Gross Receipts Tax for New Manufacturies.

HB 285 - LOUGHNEY, ANDERSON, W. BRADY - APPROPRIATIONS: An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to Supplementary Appropriations Required Because of Court Orders.

HB 286 - LOUGHNEY, ANDERSON - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 70, Title 7, Delaware Code Relating to the Coastal Zone Act.

HB 287 - FERGUSON - CORRECTIONS: An Act to Amend Chapter 663, Volume 60, Laws of Delaware, Relating to Pension Benefits of Corrections Officers.

HA 3 to HB 33 - SINCOCK - Placed with the bill.

HA 1 to HA 1 to HB 33 - SINCOCK - Placed with the bill.

HA 1 to HA 2 to HB 33 - SINCOCK - Placed with the bill.

HA 2 to HB 163 - SINCOCK - Placed with the bill.

HA 1 to HB 211 - RISPOLI - Placed with the bill.

HA 1 to HB 268 - CAIN - Placed with the bill.

HA 1 to HB 271 - OBERLE - Placed with the bill.

SB 52 - KEARNS - JUDICIARY: An Act to Amend Part VI, Title 10 of the Delaware Code Relating to Fees and Costs; and Providing for the Recoupment of Defense Costs.

SB 115 - KEARNS - COMMUNITY AFFAIRS: An Act to Amend Chapter 22, Title 9, Delaware Code, Relating to Penalties for Failure to Pay Sewer Service Charges.

SB 157 w/SA 1 - SHARP, KEARNS, REPRESENTATIVE DARLING - JUDICIARY: An Act to Amend Chapter 53, Part III, Title 11 of the Delaware Code Relating to the Right to the General Provisions in the Court of Common Pleas Covering the Right to Trial By Jury. (2/3 bill)

#### Communications:

The Senate wishes to inform the House that it has passed SB 157 w/SA 1; HB 70; HB 74; HB 40; SCR 25; SCR 26; HJR 9; SB 119; SCR 23; SJR 16; HB 11; SB 115; SB 128; SCR 24; SB 52; SB 99; SB 171.

#### LEGISLATIVE ADVISORY #7

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 4/6/77 - SB 33; 4/8/77 - HB 218; 4/21/77 - SB 78, SB 47, SJR 3; 4/22/77 - SB 172.

The Governor vetoed the following legislation on 4/7/77: SJR 14.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on a HJR 14. The motion was adopted by voice vote.

Representative Jonkiert brought HJR 14, co-sponsored by Representative Cain and Senator Holloway, before the House for consideration.

HJR 14 - Recognizing the Importance of Girls Clubs of Delaware and Proclaiming the Week of May 8 Through May 14, 1977 as Girls Club Week.

The roll call on HJR 14 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Clendaniel, Minner - 3.

Therefore, having received a constitutional majority, HJR 14 was sent to the Senate for concurrence.

Representative George introduced HB 300, co-sponsored by Representative Sincock and Senator Cicone.

HB 300 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 300 to the Appropriations Committee.

Representative George introduced and brought HCR 19, co-sponsored by Representatives Bennett, Gilligan, Matushefske, Worthen, Ambrosino, Connor and Senators Cicone, McDowell, Kearns, Holloway, Cook, Hale, Littleton, before the House for consideration.

HCR 19 - Commending the Controller General and His Staff for Their Exceptional Work in Preparing the General Appropriation Bill.

WHEREAS, the annual preparation of the General Appropriation Bill is an assignment fraught with problems and adjustments to the State's financial condition; and

WHEREAS, in the assembling of the Budget Bill that we are presenting today the usual problems were intensified by the lack of hard knowledge about the immediate financial future of the State of Delaware, including the impact of continuing inflation; and

WHEREAS, preparation of the Budget Bill, which will provide operational expenses for the State for the Fiscal Year starting July 1, 1977, was further complicated by changes in the system including the input of joint committees of the two branches of the 129th General Assembly as they consulted with their corresponding cabinet departments; and

WHEREAS, despite these complications and largely because of the work of Controller General Duane Olsen and his staff, a Budget Bill has been prepared and is being introduced at a comparatively early stage in the session; and

WHEREAS, such early introduction should, with the co-operation of the General Assembly, provide for an early passage of the Budget Bill, avoiding the last-minute frenzy of other years; and

WHEREAS, this will help to restore the confidence of the citizens in the budget-making procedures of the General Assembly; and

WHEREAS, it is proper at this time to commend and thank Duane Olsen, the Controller General, who, using his extensive experience of budget-making, was of great help to the Joint Legislative Finance Committee; and

WHEREAS, it is equally proper to commend the members of Duane Olsen's staff, Garry L. Gaukler, John Frazer, III, Ann K. Eliassen, and Mary Anne King, for their competent contributions to the Budget Bill during a period when the staff was seriously understaffed.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 129th General Assembly, the Senate concurring therein, that this resolution expresses the commendations of the members of the 129th General Assembly for the outstanding services rendered by Duane Olsen, the Controller General, and his staff, in the preparation of the General Appropriation Bill for Fiscal 1978.

BE IT FURTHER RESOLVED that copies of his resolution be prepared and delivered to Duane Olsen and his staff.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative Cain introduced and brought HCR 20 before the Senate for consideration.

HCR 20 - Commending the President on his Efforts to Deal With Our Nation's Energy Shortage and Urging all Delawareans to Support Such Efforts.

HCR 20 was adopted by voice vote.

Representative Temple introduced HB 280.

HB 280 - An Act to Repeal an Act Entitled "An Act to Rescind the Salary Supplement for State Employees Authorized by Title 29, Delaware Code, Section 6532, and Scheduled for April 1, 1977," Also Known as Chapter 20, Volume 61, Laws of Delaware.

Representative Minner brought HB 122 before the House for consideration.

HB 122 - An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Flat-Fee Permits.

Representative Minner introduced and brought HA 1 to HB 122 before the House for consideration. HA 1 to HB 122 was adopted by voice vote.

The roll call on HB 122 w/HA 1 was taken and revealed:

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



ABSENT: Representatives Ambrosino, Matushefske - 2.  
Therefore, having received a constitutional majority,  
HB 122 w/HA 1 was sent to the Senate for concurrence.

Representative Minner brought HB 204 before the House for consideration.

HB 204 - An Act to Amend Chapter 43, of Title 21, Delaware Code Relating to Changes in Minimum School Bus Size.

The roll call on HB 204 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Matushefske - 2.

Therefore, having received a constitutional majority, HB 204 was sent to the Senate for concurrence.

Representative Minner brought HB 203 before the House for consideration.

HB 203 -An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Changes in the Height of School Bus Flashing Lights.

The roll call on HB 203 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Roy - 2.

Therefore, having received a constitutional majority, HB 203 was sent to the Senate for concurrence.

Representative Minner deferred HB 261 until the next Legislative Day, April 28, 1977.

Representative Temple brought HB 222 before the House for consideration.

HB 222 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Municipal Street Aid.

The roll call on HB 222 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Cain, Matushefske, Smith, Mr. Speaker Boulden - 5.

Therefore, having received a constitutional majority, HB 222 was sent to the Senate for concurrence.

Representative Plant brought HB 19 before the House for consideration.

Representative Plant introduced and brought HA 1 to HB 19 before the House for consideration.

Representative Plant moved to lay HB 19 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert deferred HB 96 to the end of the Agenda.

Representative Temple moved to strike HB 126. Without objection, HB 126 was stricken.

Representative Jonkiert deferred HB 136 to the end of the Agenda.

Representative Ferguson brought HB 84 before the House for consideration.

Representative Ferguson moved to lay HB 84 on the Speaker's table. The motion was adopted by voice vote.

Representative Gordy deferred HB 187 to the end of the Agenda and yielded to Representative Byrd.

Representative Byrd brought HB 271 w/HA 1 before the House for consideration.

Representative Oberle brought HA 1 to HB 271 before the House for consideration.

The roll call on HA 1 to HB 271 was taken and revealed:

YES: Representatives Anderson, Billingsley, W. Brady, Burris, Cain, Darling, George, Gilligan, Johnson, Jonkiert, Loughney, Miller, Oberle, Plant, Riddagh, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 20.

NO: Representatives Bennett, Byrd, Clendaniel, Connor, Ferguson, Gordy, Hebner, Kelly, Lynch, McKay, Minner, Morris, Powell, Ridings, Rispoli, Roy, Sincok - 17.

ABSENT: Representatives Ambrosino, T. Brady, Matushefske, Maxwell - 4.

Therefore, not having received a constitutional majority, HA 1 to HB 271 was declared defeated.

HB 271 - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Operating or Riding on Motorcycles.

The roll call on HB 271 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Clendaniel, Ferguson, Gilligan, Gordy, Hebner, Kelly, Lynch, Matushefske, Maxwell, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Vernon - 25.

NO: Representatives Billingsley, T. Brady, Cain, Connor, Darling, George, Johnson, Jonkiert, Loughney, McKay, Miller, Morris, Temple, Worthen, Mr. Speaker Boulden - 15.

ABSENT: Representative Ambrosino - 1.

Therefore, having received a constitutional majority, HB 271 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for committee hearings at 4:26 p.m.

The House was called to order at 4:52 p.m.

## Committee Reports:

Administrative Services: HB 71 - 4M; HB 183 - 1F, 3M.Environmental Control: HB 253 - 4M.Revenue & Finance: HB 260 - 4F, 1M; HB 223 - 4M, 1U.Appropriations: HB 105 - 4M.Highways & Transportation: HB 273 - 4M, 2U; HB 274 - 4M, 2U.Judiciary: SB 28 - 3F, 1M.

Representative Jonkiert moved to recess to the call of the Chair at 4:55 p.m.

## 23rd LEGISLATIVE DAY

April 28, 1977

The Speaker called the House to order at 1:49 p.m.

## Committee Report:

Appropriations: SB 128 - 1F, 4M.

The Majority Leader moved to adjourn at 1:51 p.m., thereby ending the previous legislative day. The House reconvened at 1:51 p.m. A prayer was offered by Representative Thomas Temple, 39th District.

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

The Chief Clerk called the roll.

Members present: 41.

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

The following prefiled legislation was introduced:

HB 288 - ANDERSON - JUDICIARY: An Act to Amend Chapter 5, Title 13, Delaware Code, Relating to Enforcement of Support Orders.

HB 289 - SINCOCK - APPROPRIATIONS: An Act to Amend Chapter 511, Volume 60, Laws of Delaware, the 1977 Budget Appropriation Act, Enacted as House Bill No. 1274, Amended by House Amendment No. 1.

HB 290 - FERGUSON - PUBLIC SAFETY: An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Public Safety; and Providing for a Public Safety Commission.

HA 1 to HB 97 - CONNOR - Placed with the bill.HA 1 to HB 171 - LYNCH - Placed with the bill.HA 1 to HB 228 - SINCOCK - Placed with the bill.

SB 180 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 40, Title 31, Delaware Code Relating to Public Housing Tenants.

SJR 18 - MCDOWELL - ENERGY: Directing the Delmarva Power & Light Company and the Chesapeake Utilities Corporation to Formulate a Comprehensive Energy Distribution Plan, the Objective of Which is to Maintain the Highest Amount of Employment Possible in Every Type of Energy Crisis or Emergency.

HA 1 to SB 113 - GEORGE, SINCOCK, MATUSHEFSKE, SENATOR CICONI - Placed with the bill.

Communications:

The Senate wishes to inform the House that it has passed:  
SB 180; SJR 19; HCR 19; HCR 20; HJR 13; SJR 18; HB 44; HB 251;  
HCR 18; HCR 15.

Representative Gilligan introduced and brought HR 53, co-sponsored by Representatives Jonkiert, Kelly, Johnson, George, Sincock and T. Brady, before the House for consideration.

HR 53 - Commending our Colleague, Representative Marcello Rispoli, for Thirty-One Years of Service as he Retires from the DuPont Company.

HR 53 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:03 p.m.

The House was called to order at 4:45 p.m.

Representative Byrd moved to lift HB 85 w/HA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Byrd moved to strike HB 85 w/HA 1. Without objection, HB 85 w/HA 1 was stricken.

Representative Minner brought HB 261 w/HA 1 before the House for consideration.

HB 261 - An Act to Amend Chapter 27, Title 21, of the Delaware Code Relating to Taxicab Driver Licenses.

Representative Minner brought HA 1 to HB 261 before the House for consideration. HA 1 to HB 261 was adopted by voice vote.

The roll call on HB 261 w/HA 1 was taken and revealed:

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

NOT VOTING: Representatives Ambrosino, Billingsley, Burris, Ridings, Smith - 5.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, HB 261 w/HA 1 was sent to the Senate for concurrence.

Representative Byrd deferred HB 198 to the end of the Agenda and yielded to Representative Matushefske.

Representative Matushefske brought SB 28 w/SA 1,2,9, and HA 1 before the House for consideration.

SB 28 - An Act to Amend Chapter 42, of Title 11, Delaware Code, Relating to the Method, Punishment, and Review of Punishment for First Degree Murder.

Representative Riddagh brought HA 1 to SB 28 before the House for consideration. HA 1 to SB 28 was adopted by voice vote.

Representative Matushefske brought SB 28 w/SA 1,2,9, and HA 1 before the House for consideration.

Representative Plant introduced and brought HA 2 to SB 28 before the House for consideration.

Representative Riddagh moved to place HA 2 to SB 28 on the Speaker's table. The motion was adopted by voice vote.

The roll call on SB 28 w/SA 1,2,9 and HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Mr. Speaker Boulden - 31.

NO: Representatives Anderson, Billingsley, T. Brady, Byrd, Johnson, Miller, Plant, Smith, Worthen - 9.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, SB 28 w/SA 1,2,9 and HA 1 was returned to the Senate for action on the amendment.

Representative Ferguson deferred HB 235 to the end of the Agenda and moved for the suspension of the rules for the purpose of introducing and acting on HB 291. The motion was adopted by voice vote.

Representative Ferguson brought HB 291, co-sponsored by Representative Riddagh, before the House for consideration.

HB 291 - An Act to Amend Chapter 663, Volume 60, Laws of Delaware, Relating to Pension Benefits of Corrections Officers.

The roll call on HB 291 was taken and revealed:

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

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, HB 291 was sent to the Senate for concurrence.

Representative Kelly brought SB 171 before the House for consideration.

SB 171 - An Act to Amend Chapter 74, Title 3, Delaware Code Relating to the Diagnosis and Testing Expenses of the Equine Infectious Anemia Program.

The roll call on SB 171 was taken and revealed:

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

ABSENT: Representatives Hebner, Matushefske - 2.

Therefore, having received a constitutional majority, SB 171 was returned to the Senate.

Representative Temple brought HB 276 before the House for consideration.

HB 276 - An Act to Amend Chapter 25, Title 10, Delaware Code, to Change the Annual Compensation of the Chief Deputy Register in Chancery for Sussex County.

The roll call on HB 276 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Connor, McKay, Oberle, Powell, Ridings, Roy, Sincok, Smith, Vernon - 13.

ABSENT: Representatives Hebner, Riddagh - 2.

Therefore, having received a constitutional majority, HB 276 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 250 and yielded to Representative Gordy.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on SJR 19. The motion was adopted by voice vote.

Representative Gordy brought SJR 19, co-sponsored by Senator Cicione, Representatives Temple, Gordy, Gilligan, Maxwell, Byrd and Kelly, before the House for consideration.

SJR 19 - Directing the State Board of Education to Extend the Date by Which School Bus Contractors May Serve Notice if they do not Intend to Provide Service During the School Year Starting in September 1977.

The roll call on SJR 19 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Ambrosino, T. Brady, Ridings, Smith - 4.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Hebner, Miller - 2.

Therefore, having received a constitutional majority, SJR 19 was returned to the Senate.

Representative Anderson brought HB 245 before the House for consideration.

HB 245 - An Act to Amend Chapter 100, Part X, Title 29 of the Delaware Code Relating to the Freedom of Information Act; and Exempting Certain Information From Public Scrutiny.

The roll call on HB 245 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Burris, Cain, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 28.

NO: Representatives Bennett, Billingsley, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Kelly, Maxwell, McKay, Morris, Worthen - 12

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, HB 245 was sent to the Senate for concurrence.

Representative Ferguson brought HB 254 before the House for consideration.

Representative Jonkiert moved to recess at 5:50 p.m.

The House was called to order at 5:58 p.m.

HB 254 - An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles; Designated as "Street Rods".

The roll call on HB 254 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, Billingsley, McKay, Powell, Ridings, Sincok - 6.

NOT VOTING: Representatives Maxwell, Smith - 2.

ABSENT: Representatives T. Brady, Burris, Hebner, Kelly, Oberle, Riddagh, Vernon - 7.

Therefore, having received a constitutional majority, HB 254 was sent to the Senate for concurrence.

Representative Jonkiert removed HB 96 from the Agenda and yielded to Representative Plant.

Representative Plant moved to suspend the rules for the purpose of acting on HB 277. The motion was adopted by voice vote.

Representative Plant brought HB 277 before the House for consideration.

HB 277 - An Act Making an Appropriation of \$15,000 to the Department of Correction to be Used for Discharge Allowances under Title 11, Delaware Code.

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

The roll call on HB 277 was taken and revealed:

YES: Representatives Anderson, Billingsley, W. Brady, Burris, Byrd, Cain, George, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Miller, Plant, Powell, Riddagh, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Bennett, Clendaniel, Connor, Darling, Gilligan, Kelly, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Roy, Vernon - 15.

ABSENT: Representatives T. Brady, Ferguson, Hebner, Ridings - 4.

Therefore, having received a constitutional majority, HB 277 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 136 to the end of the Agenda and yielded to Representative Worthen.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on SB 175. The motion was adopted by voice vote.

Representative Worthen brought SB 175, sponsored by Senator Murphy, before the House for consideration.

SB 175 - An Act Authorizing the Department of Insurance to Transfer Between Lines.

Representative Worthen requested and was granted the privilege of the floor for Senator William Murphy.

The roll call on SB 175 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Oberle, Plant, Powell, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Miller, Minner, Morris, Riddagh, Rispoli - 5.

ABSENT: Representatives Hebner, Ridings - 2.

Therefore, having received a constitutional majority, SB 175 was returned to the Senate.

Representative W. Brady moved to strike HB 128. Without objection, HB 128 was stricken.

Representative Byrd introduced HA 1 to HB 198. HA 1 to HB 198 was placed with the bill.

Representative Jonkiert moved to recess to the call of the Chair at 2:58 p.m.

#### 24th LEGISLATIVE DAY

May 3, 1977

The Speaker called the House to order at 2:00 p.m. The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by the Chaplain, Reverend Eleanor Kendall of St. Georges, Delaware City and Port Penn United Methodist Churches.

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

The Chief Clerk called the roll:

Members present: 38

Members absent: Representatives Billingsley, Cain, Miller - 3.

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



## Announcements:

Representative Jonkiert, Chairman of House Overview  
Committee

Many volunteer fire companies have failed to respond to a House committee's request for information about their expenditures and may be lopped off the list for Fiscal 1978 starting July 1.

This was the message today from Rep. Casimir S. Jönkiert, chairman of the House Overview Committee, who was joined by Rep. Gwynne P. Smith, a member.

"The State's volunteer fire companies, many of whom operate ambulance services and rescue trucks, were asked in a questionnaire sent to each one early in February to provide the House Overview Committee with information about their budgets and the use of the money the State provides.

"As of this noon, when the House Overview Committee met in a pre-bill drafting session, 20 companies had not replied. Reports from two were expected momentarily. Letters from three companies explained that they were trying to get the material together.

"The volunteer fire companies of the State are the backbone of our fire-protective service and we appreciate the great amount of assistance they give us year in and year out, but the House Overview Committee is at an impasse. If the majority of the companies can fill the questionnaires and return them, then all of the companies should do so.

"The law, in Title 29, Section 6508, requires annual reports from agencies receiving funds from the State. We do not wish any company to be overlooked in the grants-in-aid bill that will be prepared within the next few days, but the failure of the companies to respond may bring that result.

"We regret having to call this to the attention of the members, but we request that the members of the House check the lists of nonresponsive companies and try to reach them within the next few days for replies."

Representative Ambrosino:

Mr. Speaker: Ladies & Gentlemen:

Today, I wish to speak to you about a situation that will affect all the citizens in the State of Delaware - TAXES!!!

There has been a great deal written and spoken about our financial dilemma in Delaware and what taxes would be fair for the different segments of our population.

A recent hearing conducted by Rep. Jerry Cain had Mr. Chuck Welch from the du Pont Corporation, Mr. Shipley, from the Wilmington Trust and others inferring that a sales tax would be the best possible route over the long haul for the State of Delaware to travel.

I also hear these rumblings between the lines in some of the presentations made to the Legislature - especially when a member of the Governor's Cabinet stated, "\$20 to \$25 MM can be reaped for every 1% of a sales tax.

Since 1974, when Mr. McCoy, formerly of the du Pont Corporation spoke in favor of a sales tax with the gleeful sanction of the indirect du Pont owned papers, and the big business oriented, Delaware State Chamber of Commerce, there has been a very subtle and sophisticated attempt to propagandize the public into believing a sales tax is a fair tax since everybody pays. This modern day triumvirate reminds me of the syndrome which the late Charles Wilson, former president of the General Motors Co. and Secretary of Defense under late-President Eisenhower, was guilty of when he quipped, "What is good enough for General Motors is good enough for the United States." Translated into present vernacular it seems what is good enough for the du Pont Corporation is good enough for the State of Delaware.

I cannot fault the large conglomerates, multinationals and large corporations in trying to secure a better tax advantage on top of their 10% investment tax break plus an additional 2% proposed by President Carter to stimulate expansion. This means 12% off the top ---. At whose expense?

I am not here to chastize anyone for their opinions but I would like your kind indulgence to show you what a really fair and equitable graduated gross income tax would do for the State and its people. (And I'm not speaking of the Governor's Gross Income Tax).

The reason for me in sharing my data with you is to show how a Graduated Gross Income Tax can best resolve our financial Waterloo. I wish to pass this data out to each one of you at this present time.

There are a number of reasons for a graduated gross income tax. I wish to list them at this time in order for you to see the benefits of such.

The Graduated Gross Income tax produces two things no other tax can do:

1. Revenue Increase
2. Budget Decrease

No other tax can make that statement. Let me explain: Turn to the first page of the handout. As you can see, the amount taken in by the state for 242,000 resident tax returns under the present system is \$118 MM - under the proposed tax: \$135 MM, an increase of \$17 MM - This increase does not place much of a burden on anyone group (i.e.) give a specific example. (Remember, I did not include the non-resident tax payers which would be an additional amount of revenue.)

As for the decrease in the budget - In 1974 the State Supreme Court had ruled to place the tax refund money in the budget. The Personal Income Tax refund amounts to approximately \$20 MM - thus with a Graduated Gross Income Tax, none or little tax refund will be necessary. If we gyrate these figures with the proposed budget, HB 300, instead of \$463 MM it would be reduced to \$443 MM without the burden to the public or curtailment of state services.

If we put the revenue increase together with the budget decrease, the people in this state would be \$27 MM to the good without too much of a tax increase.

As for the other features that are a plus for this type of tax they are as follows:

1. Everybody pays.
2. Tax collections would be so much easier.
3. Less personnel necessary for the Revenue Division - Thus more time could be utilized in collecting past taxes.
4. Getting rid of \$268,000 in the Revenue Division for seasonal help.
5. No more supplemental appropriations needed for tax refunds as in the past.
6. People making less than \$10,000 will pay less taxes than they do now (on an average).
7. Reducing the maximum from 19.8% to 15.5%.

The second part of this speech deals with the rhetoric about how "anti-business" this state is. I wish to propose a tax that has never been suggested to my knowledge and that is a Delaware No Corporate Tax Law. What I mean by this is simply that any new business that comes into the State after the signing of the bill will be granted a 3 year "no paying" of corporate tax. The other particulars are in the bill and need not be discussed at this time.

I felt that this would be a positive approach on the part of the state and we would not have to resort to "Mandrake, The Magician tactics" in order to persuade new businesses to settle in Delaware.

Now, we will lay it on the line besides our many fine assets and attributes for businesses to come to Delaware, we are forgiving any corporate taxes for 3 years.

I believe this is the way we should be talking not the pessimism the du Pont Corporation, News Journal, and State Chamber of Commerce have been spewing for the past 2½ years.

I do appreciate your kindness in allowing me to give my own rhetoric based on accurate data.

Thank you all.

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Representative Ambrosino introduced HB 295.

HB 295 - An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to State Taxes; and Providing for a Graduated Percentage Personal Income Tax.

Mr. Speaker assigned HB 295 to the Revenue & Finance Committee.

## Communications:

Chip and Caron join us in thanking you for your congratulations and good wishes on the birth of our grandson, James Earl Carter IV.

Rosalynn Carter  
Jimmy Carter

The Senate wishes to inform the House that is has passed:  
SCR 28, SB 182, SB 118, SB 100, SB 175, SB 162 w/SA 1,  
SB 164 w/SA 1, HB 180, SB 160 w/SA 1, HB 291.

## LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 4/28/77 - SJR 16; SB 32 a/a/b SA 1,  
HA 5,6; SB 95 a/a/b HA 1; HB 74; HB 291.

Representative Johnson introduced and brought HR 54, co-sponsored by all members of the House, before the House for consideration.

HR 54 - Commending the Staff and Declaring a Day Honoring Them for Putting up with Us.

WHEREAS, members of the House of Representatives have many tasks which could not be accomplished without the aid and assistance of its fifty-one (51) member staff; and

WHEREAS, said staff often has to work late into the night and early into the morning in order to accomplish and successfully complete the many tasks required to keep this House in order; and

WHEREAS, said staff has to put up with the off-key singing of "The Tatooed Lady" by the Representative from the 20th district, the philosophical ramblings by the Representative from the 31st, the waving arms of "Fiorello LaGuardia" of the 7th, and the constant shushing by "Mistah Speakah",  
NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 129th General Assembly of the State of Delaware that this resolution expresses the appreciation of its members for its staff and proclaims Thursday, May 5, 1977, to be STAFF APPRECIATION DAY, at which time all staff shall report to work just like any other day.

HR 54 was adopted by voice vote.

Representative Matushefske introduced and brought SCR 28, co-sponsored by Senator Kearns, before the House for consideration.

SCR 28 - Requesting the Support of the Delaware Congressional Delegation for Senate Bill 551 which would Appropriate Funds to States for Innocent Victims of Violent Crimes.

Representative Matushefske moved to table the roll call on SCR 28. The motion was adopted by voice vote.

Representative Matushefske introduced and brought SCR 29, sponsored by Senator Kearns, before the House for consideration.

SCR 29 - Providing for the Appointment of an Ad Hoc Committee to Consider the Feasibility of State Purchase of the Wilmington Downtown Post Office Building for Use by State Courts and Related Offices.

SCR 29 was adopted by voice vote and returned to the Senate.

Representative Jonkiert moved to recess for caucus at 2:46 p.m.

The House was called to order at 3:09 p.m.

Representative Gordy brought HB 187 w/HA 1 before the House for consideration.

Representative Gordy moved to place HB 187 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Gordy moved to defer HB 273 to the end of the agenda and yielded to Representative Worthen.

Representative Worthen moved to lift SJR 5 from the Speaker's table. The motion was adopted by voice vote.

Representative T. Brady introduced and brought HA 1 to SJR 5, co-sponsored by Representative Billingsley, before the House for consideration. The amendment was adopted by voice vote.

Representative Worthen brought SJR 5 w/HA 1 before the House for consideration.

SJR 5 - Requesting the State Banking Commissioner and the Council on Banking to Study the State of Delaware's Banking Code and General Banking Conditions and Report to the Senate House Joint Banking Committee and the Governor.

The roll call on SJR 5 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Ambrosino, Billingsley, Byrd, Cain, Ferguson, Kelly, Maxwell, Miller - 8

Therefore, having received a constitutional majority, SJR 5 was returned to the Senate.

Representative Matushefske moved to lift the roll call on SCR 28. The motion was adopted by voice vote.

SCR 28 - Requesting the Support of the Delaware Congressional Delegation for Senate Bill 551 which Would Appropriate Funds to States for Innocent Victims of Violent Crimes.

The roll call on SCR 28 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Minner, Plant, Powell, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, T. Brady, Burris, Clendaniel, Connor, Hebner, Lynch, McKay, Morris, Oberle, Ridings, Sincock, Smith, Vernon - 14.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Billingsley, Cain, Miller - 3.

Therefore, having received a constitutional majority, SCR 28 was returned to the Senate.

Representative Jonkiert deferred HB 274 to the end of the agenda and yielded to Representative Plant.

Representative Plant moved to lift HB 19 from the Speaker's table. The motion was adopted by voice vote.

Representative Plant introduced and brought HA 2 to HB 19 before the House for consideration. The amendment was adopted by voice vote.

Representative Plant moved to place HB 19 w/HA 1 and HA 2 on the Speaker's table. The motion was adopted by voice vote.

Representative Gilligan brought HB 253 before the House for consideration.

HB 253 - An Act to Amend Chapter 23, Title 9, Delaware Code to Allow the Creation of Consolidated Sanitary Sewer Districts.

The roll call on HB 253 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Clendaniel, Darling, George, Gilligan, Johnson, Jonkiert, Loughney, Lynch, McKay, Minner, Morris, Plant, Powell, Rispoli, Roy, Sincock, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Connor, Ferguson, Oberle, Riddagh, Ridings, Smith - 6.

NOT VOTING: Representatives Hebner, Vernon - 2.

ABSENT: Representatives Ambrosino, Billingsley, Byrd, Cain, Gordy, Kelly, Matushefske, Maxwell, Miller - 9.

Therefore, having received a constitutional majority, HB 253 was sent to the Senate for concurrence.

Representative Worthen brought HB 183 before the House for consideration.

HB 183 - An Act to Amend Chapter 431, Volume 60, Laws of Delaware Relating to Public Hearings on Applications to Change the Fuel Adjustment Rate.

The roll call on HB 183 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Clendaniel, Darling, Ferguson, George, Johnson, Jonkiert, Loughney, Lynch, McKay, Plant, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Connor, Gilligan, Hebner, Kelly, Minner, Morris, Oberle, Powell, Ridings - 9.

ABSENT: Representatives Ambrosino, Billingsley, Byrd, Cain, Gordy, Matushefske, Maxwell, Miller - 8.

Therefore, having received a constitutional majority, HB 183 was sent to the Senate for concurrence.

Representative Jonkiert introduced HA 1 to HB 250. HA 1 to HB 250 was placed with the bill.

The following prefiled legislation was introduced:

HB 292 - LOUGHNEY - 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 293 - RIDDAGH & OBERLE - JUDICIARY: An Act to Amend Title 6, Title 25 and Title 27 of the Delaware Code Relating to Door-To-Door and Other Solicitation Sales.

HB 294 - RIDDAGH & OBERLE - ADMINISTRATIVE SERVICES: An Act to Amend Title 24 of the Delaware Code Relating to Professions and Occupations; and Removing Certain Restrictions in the Manner in Which Professional and Occupational Regulatory Boards are Appointed.

SB 100 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend an Act, Being Chapter 63, Volume 12, Laws of Delaware, Entitled "An Act to Incorporate the Artisans' Savings Bank", by Amending Section 2 Thereof to Provide for the Election of Not less than Thirteen Nor More than Twenty Directors.

SB 118 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 37, Title 31 of the Delaware Code Relating to Licensed Clinical Social Workers.

SB 160 w/SA 1 - SHARP, KEARNS, REPRESENTATIVE DARLING - JUDICIARY: An Act to Amend Chapter 7, Part I, Title 21 of the Delaware Code Relating to Appeals from Convictions in Inferior Courts to the Superior Court.

SB 162 w/SA 1 - SHARP, KEARNS, REPRESENTATIVE DARLING - JUDICIARY: An Act to Amend Subchapter I, Chapter 45, Part III, Title 10 of the Delaware Code Relating to the Right to Trial by Petit Jury in Criminal Cases.

SB 164 w/SA 1 - KEARNS - JUDICIARY: An Act to Amend Chapter 5 of Title 31, Delaware Code Relating to Jurisdiction of Fraudulent Acts.

SB 182 - ZIMMERMAN, MARTIN, HOLLOWAY, REPRESENTATIVE MORRIS - JUDICIARY: An Act to Amend Chapter 83, Title 11, Delaware Code Relating to Disposition of Lost or Stolen Property.

Representative Jonkiert moved to recess for Committee hearings at 4:29 p.m.

The House was called to order at 4:38 p.m.

Committee Reports:

Public Safety: HB 290 - 1F, 3M.

Representative Jonkiert moved to recess at 4:41 p.m., to the call of the Chair.

## 25th LEGISLATIVE DAY

May 4, 1977

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

Committee Report:

Banking & Insurance: SB 99 - 1F, 3M; SB 100 - 1F, 3M.

Judiciary: HB 252 - 1F, 3M.

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 the Chaplain, Reverend Sterling Green of the Wesley United Methodist Church, Georgetown, Delaware.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Billingsley, Miller - 2.

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

Communications:

The Senate wishes to inform the House that it has passed: SB 73; SB 90; SB 14w/SA 1; SCR 30; HB 241 w/HA 1, SA 1; SB 93 w/SA 1; SB 186; SB 10; SB 144 w/SA 1.

The following prefiled legislation was introduced:

HB 296 - LOUGHNEY - COMMUNITY AFFAIRS: An Act to Amend Chapter 69, Subchapter I, Title 29, Delaware Code, Relating to Public Work Contracts and Procurements by Exempting the County Library Departments from the Requirements Thereof.

HB 297 - FERGUSON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Professions and Occupations, To Exempt State Employees from Registration as Landscape Architects.

HB 298 - LOUGHNEY, W. BRADY, ANDERSON, TEMPLE, JONKIERT, LYNCH, RISPOLI, JOHNSON, GILLIGAN, MAXWELL, KELLY, WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 23, Title 18, Delaware Code Relating to Discrimination Against Blind or Deaf Persons.

HB 299 - HEBNER - JUDICIARY: An Act to Amend Section 1311 and Section 1312 of Title 11, Delaware Code, Relating to Harassment.

SB 10 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Requirements for Various Insurance Licenses to Transact Insurance in Delaware.

SB 93 w/SA 1 - CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Office of the Public Defender to Pay Wages Past Due to Jan Lawton.

SB 144 w/SA 1 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Subchapter V, Chapter 40, Part III, of Title 31, Delaware Code Relating to the Requirement of Security Guards at all Public Housing Units in Certain Municipalities.



SB 186 - CORDREY - COMMUNITY AFFAIRS: An Act to Amend an Act Entitled "An Act to Reincorporate the City of Lewes," Being Chapter 170, Volume 57, Laws of Delaware, by Conferring Upon the City Council Certain Powers Relating to the Taxation of Real Estate Transfers Within the City of Lewes.

Representative Matushefske introduced and brought HR 55 before the House for consideration.

HR 55 - Commending the American Gold Star Mothers, Inc. for their Dedication to Those who have Lost Their Lives in the Service of our Nation.

HR 55 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 56 before the House for consideration.

HR 56 - Congratulating Jeffrey A. Lucas for his Outstanding Essay in the "Ability Counts" Survey Contest Sponsored by the Governor's Committee for Employment of the Handicapped.

HR 56 was adopted by voice vote.

Representative Connor introduced and brought HCR 21, co-sponsored by Representatives T. Brady, Jonkiert, Ambrosino, Gilligan, Kelly, Boulden, Matushefske, Ferguson, Rispoli and Senators McCullough, Schlor and Kearns, before the House for consideration.

HCR 21 - Commending the Very Reverend Eugene Francis Clarahen for Twenty-Five Years of Outstanding Service.

HCR 21 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:12 p.m.

The House was called to order at 3:15 p.m.

Representative Gordy brought HB 71 before the House for consideration.

HB 71 - An Act to Amend Chapter 71, Title 29, Delaware Code, Relating to the Mileage Rate for State Employees, Agencies and Departments.

The roll call on HB 71 was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Ridings, Roy, Vernon - 10.

NOT VOTING: Representatives Maxwell, Morris, Powell, Riddagh, Sincock, Smith - 6.

ABSENT: Representatives Bennett, Billingsley, Miller - 3.

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

Representative Matushefske moved to strike HB 105. Without objection, HB 105 was stricken. Representative Matushefske then yielded to Representative Rispoli.

Representative Rispoli brought HB 209 before the House for consideration.

HB 209 - An Act to Amend Chapter 3, Part I, Title 29, of the Delaware Code Relating to the State Song.

Representative Rispoli requested and was granted the privilege of the floor for Mr. Floyd Hart, retired State Supervisor of Music Education.

The roll call on HB 209 was taken and revealed:

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

ABSENT: Representatives Billingsley, Miller, Plant - 3.

Therefore, having received a constitutional majority, HB 209 was sent to the Senate for concurrence.

Representative Temple brought HB 196 before the House for consideration.

HB 196 - An Act Proposing an Amendment to Article III of the Delaware Constitution Relating to the Election and Term of Office for Certain State Officers.

The roll call on HB 196 was taken and revealed:

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

NO: Representatives Gilligan, Riddagh - 2.

ABSENT: Representatives Billingsley, Miller - 2.

Therefore, having received a constitutional majority, HB 196 was sent to the Senate for concurrence.

Representative Worthen brought HB 260 before the House for consideration.

HB 260 - An Act To Amend Title 30, Delaware Code, Relating to Itemized Income Tax Deductions to Allow A Deduction for Certain Household and Dependent Care Expenses.

The roll call on HB 260 was taken and revealed:

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

ABSENT: Representatives Billingsley, Miller - 2.

Therefore, having received a constitutional majority, HB 260 was sent to the Senate for concurrence.

Representative Clendaniel introduced and brought SCR 30, co-sponsored by Senators Adams and Cook and Representative Clendaniel, before the House for consideration.

SCR 30 - Expressing the Sorrow of the Members of the 129th General Assembly at the Death of Edgar T. English, a Member of the House of Representatives During the 119th and 120th General Assemblies.

SCR 30 was adopted by voice vote.

Representative Temple introduced HB 301, co-sponsored by Representative Gordy.

HB 301 - An Act to Amend Chapter 65, Title 29, Delaware Code, Relating to the Budget and Fiscal Regulations for State Agencies, by Providing Cost of Living Salary Increases for Certain State Employees and Pensioners.

Mr. Speaker assigned HB 301 to the Appropriations Committee.

Representative Darling brought HB 223 before the House for consideration.

Representative Darling moved to place HB 223 on the Speaker's table. The motion was adopted by voice vote.

Representative Worthen deferred SB 128 until Tuesday, May 10, 1977.

Representative Jonkiert deferred HB 250 and yielded to Representative Ferguson.

Representative Ferguson brought HB 241 w/HA 1 and SA 1 before the House for consideration.

HB 241 - An Act to Amend Chapter 7, Part II, Title 29 of the Delaware Code Relating to the General Assembly; and Providing for an Annual Legislative Art Show.

The roll call on HB 241 w/HA 1 and SA 1 was taken and revealed:

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

ABSENT: Representatives Billingsley, Matushefske, Miller - 3.

Therefore, having received a constitutional majority, HB 241 w/HA 1 and SA 1 was declared passed by the House.

Representative Jonkiert deferred HB 136 to the end of the Agenda and yielded to Representative Ferguson.

Representative Ferguson brought HB 290 before the House for consideration.

Representative Ferguson moved to table HB 290. The motion was adopted by voice vote.

Representative Gordy deferred HB 273 to the end of the Agenda and yielded to Representative Bennett.

Representative Bennett brought HB 120 w/SA 1 before the House for consideration.

HB 120 - An Act to Authorize and Approve of the Transfer of Certain State Real Property Situated in East Dover Hundred, Kent County, Delaware.

The roll call on HB 120 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representative Hebner - 1.

ABSENT: Representatives Billingsley, Ferguson, Matushefske, Maxwell, Miller, Smith - 6.

Therefore, having received a constitutional majority, HB 120 w/SA 1 was declared passed by the House.

Representative Gordy deferred HB 274 to the end of the Agenda and moved to lift HB 75 w/HA 2, 3. The motion was adopted by voice vote.

HB 75 - An Act to Amend Chapter 21, Title 21, Delaware Code to Provide an Exemption for Certain Older Persons from the Payment of Motor Vehicle Registration Fees.

Representative Gordy introduced and brought HA 4 to HB 75, co-sponsored by Representatives Billingsley, Hebner and Oberle, before the House for consideration. The amendment was adopted by voice vote.

Representative Gordy brought HB 75 w/HA 2,3,4 before the House for consideration.

The roll call on HB 75 w/HA 2,3,4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Worthen, Mr. Speaker Boulden - 33.

NOT VOTING: Representatives Hebner, Vernon - 2.

ABSENT: Representatives Billingsley, Ferguson, Matushefske, Miller, Sincok, Smith - 6.

Therefore, having received a constitutional majority, HB 75 w/HA 2,3,4 was sent to the Senate for concurrence.

Representative Darling moved to lift HB 223 from the Speaker's table. The motion was adopted by voice vote.

HB 223 - An Act to Amend Title 30, Chapter 54 of the Delaware Code Relating to Commissions to be Paid to Agents Collecting Realty Transfer Tax for the Department of Finance.

The roll call on HB 223 was taken and revealed:

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

Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NOT VOTING: Representatives Burris, McKay, Roy - 3.

ABSENT: Representatives Billingsley, Cain, Miller, Smith - 4.

Therefore, having received a constitutional majority, HB 223 was sent to the Senate for concurrence.

Representative Hebner moved to suspend the rules for the purpose of introducing and acting on HJR 15. The motion was adopted by voice vote.

Representative Hebner brought HJR 15, co-sponsored by Representative Loughney and Senator Hughes.

HJR 15 - Congratulating the Claymont High School Band, Drum Majors, Color Guard, Baton Twirlers, Flag Bearers and Rifle Squad for Their Outstanding Performances in the Fiftieth Shenandoah Apple Blossom Festival.

The roll call on HJR 15 was taken and revealed:

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

ABSENT: Representatives Billingsley, Cain, Maxwell, Miller - 4.

Therefore, having received a constitutional majority, HJR 15 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for Committee hearings at 5:27 p.m. The House reconvened at 5:48 p.m.

#### Committee Reports:

Judiciary: HB 41 - 2F, 3M; HB 42 - 2F, 3M; HB 57 - 2F, 3M.

Administrative Services: HB 97 - 4M; HB 106 - 4M, 1U; HB 46 - 3M, 1U; HB 216 - 4M; HB 279 - 1F, 3M.

Community Affairs: HB 211 - 4M; HB 296 - 5M; SB 186 - 1F, 3M.

Appropriations: HB 281 - 5M, 1U; HB 289 - 5M, 1U.

Labor & Commerce: HB 17 - 6M; HB 173 - 5M; HB 231 - 6M; HB 232 - 6M; HB 268 - 6M.

Representative Jonkiert moved to recess to the call of the Chair at 5:54 p.m.

#### 26th LEGISLATIVE DAY

May 5, 1977

The Speaker called the House to order at 2:40 p.m.

#### Committee Report:

Judiciary: SB 182 - 2F, 2M.

The Majority Leader moved to adjourn at 2:41 p.m. thereby ending the previous legislative day. The House reconvened at 2:41 p.m. A prayer was offered by the Chaplain, Reverend David Paul from Viola, Felton and Manship's Methodist Church.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Billingsley - 1.

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

Communications:

The Senate wishes to inform the House that it has passed SB 111; HB 178; HB 120 w/SA 1; HB 18 w/HA 1; HCR 21; HJR 14; SB 54; SB 193; SB 189; HB 209; HB 204; HB 203; HB 219; HB 222.

The following prefiled legislation was introduced:

HB 302 - WORTHEN - BANKING & INSURANCE: An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Insurance; and Providing for a Definition of Injured Person.

HB 303 - WORTHEN, HEBNER - HEALTH & SOCIAL SERVICES: An Act to Amend Title 10, Title 11 and Title 31 of the Delaware Code, Relating to the Custody, Care and Treatment of Delinquent, Neglected and Dependent Children.

HA 1 to HB 207 - KELLY - Placed with the bill.

SB 14 w/SA 1 - 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 Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach: By Providing for an Enlargement of Time for Filing Petitions for a Referendum and to Prescribe the Qualifications of Voters in a Referendum Election. (2/3 bill)

SB 54 - COOK - APPROPRIATIONS: An Act Making A Supplementary Appropriation to the Department of Public Safety for the Purpose of Paying an Employee who Failed to Receive Her Annual Increment.

SB 73 - MURPHY, REPRESENTATIVES MORRIS, BENNETT - COMMUNITY AFFAIRS: An Act to Amend an Act, Being Chapter 108 of Volume 47, Laws of Delaware, Entitled: "An Act Extending the Corporate Limits of the Town of Camden" by Adding New Areas Thereto.

SB 90 - ZIMMERMAN - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to the Division of Environmental Control. (2/3 bill).

SB 111 - KNOX - COMMUNITY AFFAIRS: An Act to Amend Title 29, Delaware Code, Chapter 59, Section 5910, Relating to the Appointment and Qualifications of the Director of Personnel.

SB 189 - CORDREY - HOUSE ADMINISTRATION: An Act Providing that the Reigning Miss Delaware and Her Successors be Made Honorary Hostess for the State of Delaware.

SB 193 - 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 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.

Representative Jonkiert moved to recess for caucus at 2:49 p.m.

The House was called to order at 4:40 p.m.

Representative Matushefske moved to suspend the rules for the purpose of introducing and acting on HB 304. The motion was adopted by voice vote.

Representative Matushefske brought HB 304 before the House for consideration.

HB 304 - An Act Directing the State Police to Return to Jack Croft and John Weber the Sum of \$980 which They Found and Turned Over to the State Police.

The roll call on HB 304 was taken and revealed:

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

NO: Representatives Burris, Maxwell - 2.

ABSENT: Representatives Billingsley, Powell - 2.

Therefore, having received a constitutional majority, HB 304 was sent to the Senate for concurrence.

Representative Temple introduced and brought HCR 22 before the House for consideration.

HCR 22 - Wishing All of the State's Mothers a Happy and Memorable Mothers' Day on May 8, 1977.

HCR 22 was adopted by voice vote and sent to the Senate for concurrence.

Representative Darling introduced and brought HCR 23, co-sponsored by Representatives Byrd, Clendaniel, Gilligan, Burris and Smith, before the House for consideration.

HCR 23 - Recommending the Appointment of a Committee to Work with the Public Schools in the Development and Enforcement of an Energy Saving Program.

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

Representative Worthen brought SB 99 before the House for consideration.

SB 99 - An Act to Amend Chapter 21, Subchapter I of Title 21, of the Delaware Code Relating to the Rights of Subrogation Under the Delaware No-Fault Insurance for Motor Vehicles.

The roll call on SB 99 was taken and revealed:

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

ABSENT: Representatives Billingsley, Byrd, Minner, Powell - 4.

Therefore, having received a constitutional majority, SB 99 was returned to the Senate.

Representative Worthen brought SB 100 before the House for consideration.

SB 100 - An Act to Amend an Act, Being Chapter 63, Volume 12, Laws of Delaware. Entitled "An Act to Incorporate the Artisans' Savings Bank", by Amending Section 2 Thereof to Provide for the Election of Not Less Than Thirteen nor More Than Twenty Directors.

The roll call on SB 100 was taken and revealed:

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

ABSENT: Representatives Billingsley, Ferguson - 2.

Therefore, having received a constitutional majority, SB 100 was returned to the Senate.

Representative Gilligan deferred HB 252 until May 10, 1977.

Representative Jonkiert deferred HB 250 w/HA 1 to the end of the Agenda and yielded to Representative Loughney.

Representative Loughney brought HB 296 before the House for consideration.

HB 296 - An Act to Amend Chapter 69, Subchapter I, Title 29, Delaware Code, Relating to Public Work Contracts and Procurements by Exempting the County Library Departments from the Requirements Thereof.

The roll call on HB 296 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, Burris, Byrd, Cain, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Oberle, Plant,



Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives W. Brady, Clendaniel, Darling, Kelly, Minner, Morris - 6

ABSENT: Representatives Billingsley, Smith - 2.

Therefore, having received a constitutional majority, HB 296 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 136 to the end of the Agenda and yielded to Representative Morris.

Representative Morris brought SB 182 before the House for consideration.

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

Representative Morris moved to lay SB 182 on the Speaker's table. The motion was adopted by voice vote.

Representative Gordy deferred HB 273 and HB 274 and asked that they be placed at the end of the Agenda.

Representative Ferguson brought HB 57 before the House for consideration.

The House recessed at 5:42 p.m. for the purpose of changing the audio tape and reconvened at 5:44 p.m.

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

Representative Ferguson moved to place HB 57 on the Speaker's table. The motion was adopted by voice vote.

The Reading Clerk read the following communication from the Governor:

May 5, 1977

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

On April 26, 1977 I received House Joint Resolution No. 7, entitled as follows:

"PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE OPERATION OF THE STATE LOTTERY."

As you are aware, the Delaware State Lottery has been operating without a director since Mr. Simmons resigned from that office as of January 7, 1977. Furthermore, a new Lottery Director, Mr. Ralph F. Batch, who is a national leader in the design and operation of state lotteries, has been selected to head the Delaware Lottery and will take office on June 27, 1977.

House Joint Resolution 7 requires the conduct of a study of the State Lottery for the purpose of recommending to the Governor and General Assembly a course of action as to the future operation of lottery games in the State of Delaware. According to HJR 7, the results of this study are to be reported no later than June 1, 1977. It is my belief that this timing is not in the best interest of the State given recent developments in the selection of a Lottery Director.

Any study plotting out the future course of events for the Delaware Lottery should take advantage of the talents of Mr. Batch. Consequently, I am returning HJR 7 without my signature.

I have discussed this matter with the sponsor of this Resolution, Representative Gerard Cain, and he agrees that the timing of this Resolution is now inopportune. However, I shall direct Secretary of Finance, Weston E. Nellius, and Mr. Batch to undertake a study of the operations of the lottery and make positive recommendations which I will make available to the General Assembly within sixty days after Mr. Batch takes office. Meanwhile, I have directed Secretary Nellius to begin preparing background information on the historical operations of the lottery from the date of its inception until the present time, which will constitute a basis of information upon which to develop recommendations.

Respectfully submitted,

Pierre S. du Pont, IV, Governor

Representative Lynch introduced HB 305, co-sponsored by Representatives Ridings and Ambrosino.

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

Mr. Speaker assigned HB 305 to the Health and Social Services Committee.

Representative Oberle introduced HB 306.

HB 306 - An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Prohibited Trade Practices; and Prohibiting Certain Automotive Repair Practices.

Mr. Speaker assigned HB 306 to the Commerce and Labor Committee.

Representative Jonkiert moved to recess to the call of the Chair at 5:59 p.m.

## 27th LEGISLATIVE DAY

May 10, 1977

The Speaker called the House to order at 1:47 p.m. The Majority Leader moved to adjourn at 1:47 p.m. thereby ending the previous legislative day. The House reconvened at 1:48 p.m. A prayer was offered by the Chaplain, Reverend Austin L. Brittingham of 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: 41.

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

Representative Minner requested and was granted the privilege of the floor for Mr. F. Eugene Thomure, Director of the Sterck School for the Hearing Impaired, to comment on Deaf Awareness Week and to introduce some of the students from the Sterk School.

Mr. Thomure introduced Francis Medon and Bill Mercante, students from Wilmington, Sue Pienta, a student from Georgetown, Sherri Wootten, a student from Dover and Susanna Nester, the Coordinator of the Deaf/Blind Program for the State.

Communications:

The Senate wishes to inform the House that it has passed: HJR 15; SB 203 w/SA 1; HB 78; HCR 17; HCR 22.

Representative Temple introduced and brought HR 57 before the House for consideration.

HR 57 - Requesting the Senate to Return House Bill No. 276 to the House of Representatives.

HR 57 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 58 before the House for consideration.

HR 58 - Expressing the Happiness of the House of Representatives to Mrs. Liliana Petrina D'Orazio on Becoming a Citizen of the United States of America.

HR 58 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 59 before the House for consideration.

HR 59 - Expressing the Happiness of the House of Representatives to Mr. Concetta Di Eleuterio on Becoming a Citizen of the United States of America.

HR 59 was adopted by voice vote.

Representative Worthen brought SB 128 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for State Insurance Commissioner, David Elliott.

Representative Worthen moved to table SB 128. The motion was adopted by voice vote.

The following prefiled legislation was introduced:

HB 307 - LYNCH - EDUCATION: An Act to Amend Chapter 29, Title 14, Delaware Code, Relating to School Bus Contracts.

HB 308 - CLENDANIEL - PUBLIC SAFETY: An Act to Amend Subchapter XII, Chapter 41, Title 21, Delaware Code Relating to Bicycles by Requiring that an Identifying Number Be Stamped or Cast on the Frame of a Bicycle Prior to Being Sold at Retail. (2/3 bill)

HB 309 - RISPOLI, AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to Payment of Interest on Security Deposits Paid by Renters of Certain Residential Property.

HB 310 - MAXWELL - JUDICIARY: An Act to Amend Part IV, Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations; and Providing for a Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act.

HB 311 - MATUSHEFSKE - JUDICIARY: An Act Relating to the State Employees' Pension Plan to Permit a State Employee to Purchase Credit Service for Other Service with This State.

HA 1 to HB 197 - HEBNER - Placed with the bill.

HA 1 to HB 231 - FERGUSON - Placed with the bill.

HA 2 to HB 231 - FERGUSON - Placed with the bill.

HA 1 to HB 299 - HEBNER - Placed with the bill.

SB 203 w/SA 1 - CORDREY - APPROPRIATIONS: An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Known as the "Annual Capital Improvements Act of 1977" and Chapter 719, Volume 60, Laws of Delaware, Which Authorized the Transfer of Funds from the School Bond Reversion Act to the Department of Correction, for the Purpose of Authorizing the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

Representative Jonkiert moved to recess for caucus at 2:50 p.m.

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

Representative Matushefske introduced HA 1 to HB 46. HA 1 to HB 46 was placed with the bill.

Representative Ferguson introduced HA 1 to HB 232. HA 1 to HB 232 was placed with the bill.

Representative Kelly moved to suspend all rules for the purpose of introducing and acting on HB 312. The motion was adopted by voice vote.

Representative Kelly brought HB 312, co-sponsored by Representative Gilligan and Senator Cicione, before the House for consideration.

HB 312 - An Act to Permit the Marriage of Two Delaware Citizens Prior to the Expiration of Twenty-Four (24) Hours From the Issuance of the Marriage License.

The roll call on HB 312 was taken and revealed:

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

NO: Representative Loughney - 1.

ABSENT: Representatives Johnson, Lynch, Plant, Riddagh - 4.

Therefore, having received a constitutional majority, HB 312 was sent to the Senate for concurrence.

Representative Byrd moved to lift SB 42 w/SA 1, HA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Byrd moved to recommit SB 42 w/SA 1, HA 1 to the Labor and Commerce Committee. Without objection, Mr. Speaker assigned SB 42 w/SA 1, HA 1 to the Labor and Commerce Committee.

Representative Gilligan moved to strike HB 252. Without objection HB 252 was stricken.

Representative Matushefske brought HB 46 before the House for consideration.

Representative Matushefske introduced HA 1 to HB 46.

Representative Matushefske moved to strike HA 1 to HB 46. Without objection, HA 1 to HB 46 was stricken.

Representative Ferguson moved to table the roll call on HB 46. The motion was adopted by voice vote.

Representative Temple moved that the House receive HB 276 as requested in HR 57. The motion was adopted by voice vote.

Representative Temple brought HB 276 before the House for consideration.

HB 276 - An Act to Amend Chapter 25, Title 10, Delaware Code to Change the Annual Compensation of the Chief Deputy Register in Chancery for Sussex County.

Representative Temple moved to rescind the roll call on HB 276. Representative Gordy seconded the motion.

The roll call on the motion to rescind the roll call on HB 276 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Billingsley, Cain, Kelly, Matushefske - 5.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HB 276 was rescinded.

Representative Temple moved to strike HB 276. Without objection, HB 276 was stricken.

Representative Darling introduced and brought HCR 24, co-sponsored by Representative Clendaniel and Senator Adams, before the House for consideration.

HCR 24 - Expressing Condolences Upon Hearing of the Death of Mr. Thomas N. Stayton, a Former Representative.

HCR 24 was adopted by voice vote.

Representative Matushefske moved to strike HB 106. Without objection, HB 106 was stricken.

Representative Rispoli brought SB 186 before the House for consideration.

SB 186 - An Act to Amend an Act Entitled "An Act to Reincorporate the City of Lewes," Being Chapter 170, Volume 57, Laws of Delaware, by Conferring Upon the City Council Certain Powers Relating to the Taxation of Real Estate Transfers Within the City of Lewes.

The roll call on SB 186 was taken and revealed:

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

NO: Representative Ridings - 1.

ABSENT: Representatives Bennett, Billingsley, Kelly - 3.

Therefore, having received a constitutional majority, SB 186 was returned to the Senate.

Representative Rispoli brought HB 211 w/HA 1 before the House for consideration.

Representative Rispoli brought HA 1 before the House for consideration. HA 1 to HB 211 was adopted by voice vote.

Representative Rispoli moved to place HB 211 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Worthen brought HB 279 before the House for consideration.

Representative Worthen moved to place HB 279 on the Speaker's table. The motion was adopted by voice vote.

Representative Riddagh brought HB 41 before the House for consideration.

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

Representative Riddagh moved to place HB 41 on the Speaker's table. The motion was adopted by voice vote.

Representative Riddagh brought HB 42 before the House for consideration.

HB 42 - An Act to Amend Chapter 2, and Chapter 35, Title 11, of the Delaware Code Relating to Crimes and Criminal Procedure.

Representatives Gordy and Plant requested and were granted the privilege of the floor for House Attorney John Rich.

The roll call on HB 42 was taken and revealed:

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

NO: Representatives Anderson, Byrd, Johnson, Plant, Worthen - 5.

NOT VOTING: Representative Maxwell - 1.

Therefore, having received a constitutional majority, HB 42 was sent to the Senate for concurrence.

A message from Governor du Pont was received by the House at 5:38 p.m.

Representative Byrd introduced HJR 16, co-sponsored by Representatives Maxwell and Sincok.

HJR 16 - Directing the State Board of Education to Prepare a List by Seniority and Areas of Certification of all Teachers Terminated Because of Reduction in Force and Directing that Boards of Education Recall Teachers from the Compiled List as Positions Open.

Mr. Speaker assigned HJR 16 to the Education Committee.

Representative Jonkiert introduced HA 1 to HB 136, co-sponsored by Senator Cicione. HA 1 to HB 136 was placed with the bill.

The Reading Clerk read the following communications from the Governor:

May 10, 1977

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

On April 28, 1977 I received House Bill 44, entitled as follows:

"AN ACT TO AMEND CHAPTER 55, PART III, TITLE 25, OF THE DELAWARE CODE, RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR A TERMINATION OF TENANCY UNDER CERTAIN CIRCUMSTANCES."

Although I am in sympathy with the basic intent of House Bill 44 which would permit those who must move from the State upon induction into the armed services to terminate their tenancies upon thirty days notice, I am returning the bill without my signature for the following reasons:

1. The bill completely rewrites Section 1703 of Title 25, which sets out several categories of tenants who may terminate a tenancy on thirty days notice. As drafted, the bill inadvertently strikes a provision in the existing section which specifies that the thirty day period shall begin on the first of the month following the day notice is given. This provision has been part of the law and apparently has worked well and without undue hardship on tenants. Although there may be good reason to strike it insofar as members of the armed forces are concerned, to strike it for the other categories as well appears unnecessary and deviates from the first day of the rental term pattern used throughout the Landlord-Tenant Code.

2. Secondly, I am advised by the Consumer Affairs Division, Department of Administrative Services, that there is no compelling need for this legislation. According to the Division, it has received only a handful of complaints

about rental disputes arising under the circumstances addressed by the bill. The Division advises that the most numerous complaints stem from vague language in the present statute, and I would therefore urge that this legislation be modified to incorporate further amendments into Section 1703.

Respectfully submitted,

Pierre S. du Pont, IV  
Governor

- - - - -

May 10, 1977

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

On April 28, 1977 I received House Bill 251, entitled as follows:

"AN ACT TO AMEND CHAPTER 9 AND CHAPTER 13, TITLE 10, DELAWARE CODE, RELATING TO THE FAMILY COURT AND COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE."

I am returning House Bill 251 without my signature for the following reasons:

1. House Bill 251 would eliminate the requirement that any nominee for a judgeship in either the Family Court or the Court of Common Pleas must have been admitted to the practice of law before the Delaware Supreme Court for a minimum of five years. While no similar requirement exists with respect to the Delaware Supreme Court, Superior Court or Court of Chancery, that does not, in my judgment, warrant a lessening of standards for the two statutory courts. It is critical that our judges, in whatever court they sit, have extensive experience and professional maturity that is most frequently the by-product of a sustained legal practice. Because the Family Court and the Court of Common Pleas are "lesser" courts by reason of their circumscribed jurisdictions and statutory basis, the temptation is always greater to ignore these fundamental qualifications in selecting nominees for both benches. I therefore regard the additional protection afforded by 10 Delaware Code, Section 906 (c), as both desirable and necessary to guarantee judges in Family Court and the Court of Common Pleas of equal knowledge and maturity as those historically selected to sit on the various constitutional courts.

2. Our experience is that the current qualifications in 10 Delaware Code, Section 906 (c) have not constricted the pool of highly qualified applicants for judgeships in either Family Court or the Court of Common Pleas. Indeed, the quality of both benches is admirable and the interest among those qualified to serve on both benches remains



strong. In the absence of any showing that Section 906 (c) has served to diminish the quality of justice in either Court, I find no cause to alter the qualifications mandated by that section.

3. If our goal is to make the qualifications for serving as a judge in Delaware uniform as to all courts, I would favor a constitutional amendment which imposed the more restrictive standards applied to Family Court and the Court of Common Pleas Judgeships upon the other courts, rather than diminishing the standards now limited to the former. This course of action would be symbolic of our effort to assure a maximum of public confidence in the quality of our judiciary and the system of justice which the judiciary is charged with upholding.

Based upon the foregoing objections, I return herewith House Bill 251 to the House of Representatives for reconsideration pursuant to the provisions of Article III, Section 18, Delaware Constitution of 1897.

Respectfully submitted,

Pierre S. du Pont, IV  
Governor

Representative Jonkiert moved to recess for committee hearings at 5:50 p.m.

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

Committee Reports:

Community Affairs: SB 14 - 1F, 3M; SB 73 - 4M; SB 115 - 4M; SB 193 - 4M.

Health and Social Services: HB 305 - 2F, 1M, 1U.

Representative Jonkiert moved to recess to the call of the chair at 6:07 p.m.

## 28th LEGISLATIVE DAY

May 11, 1977

The Speaker called the House to order at 2:12 p.m. The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the previous legislative day. The House reconvened at 2:13 p.m. A prayer was offered by the Chaplain, Reverend Alvin J. Willink of the Asbury United Methodist Church, Harrington, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

The Senate wishes to inform the House that it has passed:  
HB 245; HCR 24; HB 95; SB 192 w/SA 1; SB 88; HB 190; SB 200;  
SB 30 w/SA 1; HB 312.

The following prefiled legislation was introduced:

HB 313 - HEBNER - LABOR & COMMERCE: An Act to Amend Section 711, Title 19, of the Delaware Code Establishing an Employees Right to Refuse to Work More Than a 60 Hour Work Week.

HB 314 - GEORGE - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Delaware National Guard, to Pay a Prior Year's Obligation for a Liability Claim Payable to the United States Government for the Balance of Expenses Incurred in March 1967, Motor Vehicle Accident.

HB 315 - CAIN - AGRICULTURE: An Act to Amend Chapter 24, Part II, Title 3 of the Delaware Code Relating to Certain Plants which are Noxious and Harmful; and Providing for Their Control.

HB 316 - MINNER - AGRICULTURE: An Act to Amend Chapter 67, Title 25 of the Delaware Code Relating to Agricultural Leases.

HB 317 - RIDDAGH, DARLING, SENATOR SPENCE - REVENUE & TAXATION: An Act to Amend Title 30 of the Delaware Code Relating to Taxes; and Providing for a Delaware Sales and Use Tax Act.

HA 2 to HB 185 - GILLIGAN - Placed with the bill.

HA 1 to HB 305 - RIDINGS - Placed with the bill.

SB 30 w/SA 1 - SHARP - PUBLIC SAFETY: An Act to Amend Chapter 42, of Title 21, Delaware Code Relating to Accidents Resulting in Property Damage.

SB 88 - HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Health and Social Services for the Purpose of Continuing the Streptococcal Detection Program.

SB 192 w/SA 1 - WEISS, BERNDT - PUBLIC SAFETY: An Act to Amend Subchapter X, Chapter 41, Part III, Title 21 of the Delaware Code Relating to Parking Regulations. (2/3 bill).

SB 200 - ARNOLD, CICIONE, SPENCE, HUGHES, MCCULLOUGH, SHARP; REPRESENTATIVES MAXWELL, WORTHEN, BYRD, ROY, OBERLE, RIDINGS - EDUCATION: An Act to Authorize Expenditure from the Educational Contingency Fund.

Representative George introduced and brought HR 60 before the House for consideration.

HR 60 - Commending Evelyn Miller, of Wilmington, on her Selection as Delaware Home Economics Teacher of the Year.

HR 60 was adopted by voice vote.

Representative Morris introduced HA 1 to HB 300. HA 1 to HB 300 was placed with the bill.

Representative Morris introduced HA 2 to HB 300. HA 2 to HB 300 was placed with the bill.

Representative Jonkiert moved to recess for caucus at 2:26 p.m.

The House was called to order at 4:26 p.m.

Representative Sincock brought HB 281 before the House for consideration.

HB 281 - An Act to Provide a Supplemental Appropriation for the purpose of Paying the Commission on the Collection of the Realty Transfer Tax.

The roll call on HB 281 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Ambrosino - 1.

NOT VOTING: Representative T. Brady - 1.

ABSENT: Representatives Billingsley, Lynch, Minner, Plant, Ridings, Smith - 6.

Therefore, having received a constitutional majority, HB 281 was sent to the Senate for concurrence.

Representative Johnson introduced and brought HR 61 before the House for consideration.

HR 61 - Congratulating Helen Baynard, Chief of the Legislative Hall Snack Bar on the Celebration of her 53rd Birthday.

HR 61 was adopted by voice vote.

Representative Sincock brought HB 289 before the House for consideration.

HB 289 - An Act to Amend Chapter 511, Volume 60, Laws of Delaware the 1977 Budget Amended by House Amendment No. 1.

The roll call on HB 289 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Matushefske, Maxwell, Miller, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Darling, Loughney - 3.

NOT VOTING: Representatives T. Brady, Clendaniel, Connor, Ferguson, Kelly, Lynch, McKay, Minner, Morris, Vernon - 10.

ABSENT: Representatives Cain, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 289 was sent to the Senate for concurrence.

Representative Ferguson deferred HB 232 w/HA 1 to the end of the Agenda and brought HB 254 w/SA 1 before the House for consideration.

HB 254 - An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles; Designated as "Street Rods".

The roll call on HB 254 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle,

Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Hebner, Lynch, McKay, Sincok, Smith, Vernon - 10.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, HB 254 w/SA 1 was declared passed in the House.

Representative Byrd moved to strike HB 198 w/HA 1. Without objection, HB 198 w/HA 1 was stricken.

Representative Byrd yielded to Representative Plant.

Representative Plant moved to lift HB 19 w/HA 1, HA 2 from the Speaker's table. The motion was adopted by voice vote.

Representative Plant moved to strike HA 1 to HB 19. Without objection, HA 1 to HB 19 was stricken.

Representative Ridings requested and was granted the privilege of the floor for Mr. Garry Gaukler of the Controller General's office.

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

Representative Plant moved to table the roll call on HB 19 w/HA 2. The motion was adopted by voice vote.

Representative Cain deferred HB 268 to the end of the Agenda.

Representative Jonkiert deferred HB 250 to the end of the Agenda and yielded to Representative Morris.

Representative Morris brought SB 73 before the House for consideration.

SB 73 - An Act to Amend an Act, Being Chapter 108 of Volume 47, Laws of Delaware, Entitled: "An Act Extending the Corporate Limits of the Town of Camden" by Adding New Areas Thereto.

The roll call on SB 73 was taken and revealed:

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

NOT VOTING: Representative Johnson - 1.

ABSENT: Representative Ferguson, Matushefske, Oberle - 3.

Therefore, having received a constitutional majority of two-thirds members of the House, SB 73 was returned to the Senate.

Representative Jonkiert brought HB 136 w/HA 1 before the House for consideration.

Representative Jonkiert moved to place HB 136 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Gordy deferred HB 273 to the end of the Agenda and yielded to Representative Worthen.

Representative Worthen moved to lift SB 128 from the Speaker's table. The motion was adopted by voice vote.

Representative Worthen brought SB 128 before the House for consideration.

SB 128 - An Act Making a Supplementary Appropriation to the Insurance Department for the Purpose of Retaining Professional Assistance and/or Advice with Respect to Certain Rate Filing Made Before the Insurance Department.

The roll call on SB 128 was taken and revealed:

YES: Representatives Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Lynch, Matushefske, McKay, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Worthen - 24.

NO: Representatives Ambrosino, Bennett, Billingsley, W. Brady, Kelly, Loughney, Morris, Roy, Vernon, Mr. Speaker Boulden - 10.

NOT VOTING: Representatives T. Brady, Byrd - 2.

ABSENT: Representatives Anderson, Maxwell, Miller, Minner, Oberle - 5.

Therefore, having received a constitutional majority, SB 128 was returned to the Senate.

Representative Gordy deferred HB 274 to the end of the Agenda and yielded to Representative Maxwell.

Representative Maxwell moved to suspend the rules for the purpose of acting on SB 200. The motion was adopted by voice vote.

Representative Maxwell brought SB 200 before the House for consideration.

Representative Maxwell moved to place SB 200 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess for Committee hearings at 5:42 p.m.

The House was called to order at 5:54 p.m.

Committee Report:

Education: HB 22 - 4M.

Representative Temple moved to strike HB 124. Without objection, HB 124 was stricken.

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

## 29th LEGISLATIVE DAY

May 12, 1977

The Speaker called the House to order at 2:06 p.m. The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:07 p.m. A prayer was offered by the Chaplain, Reverend C. Jackson Robinson of the New Castle United Methodist Church, New Castle, Delaware.

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

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

Representative Bennett announced that he was requesting that his name be removed as a co-sponsor of HB 275.

Communications:

The Senate wishes to inform the House that it has passed:  
HB 16; HB 115; HB 254 w/SA 1; HB 261 w/HA 1; SCR 31;  
HB 10 w/HA 1, SA 1.

The following prefiled legislation was introduced:

HB 318 - SINCOCK, BILLINGSLEY - HIGHWAYS & TRANSPORTATION: An Act to Amend Section 1709 of Title 2, Delaware Code Relating to Exemption from Certain Laws by the Specialized Transportation Authority.

HB 319 - MAXWELL - NATURAL RESOURCES: An Act to Amend Title 7 of the Delaware Code Relating to Falconry Licensing and the Creation of a Falconry Advisory Board.

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

HA 3 to HB 185 - OBERLE - Placed with the bill.

HA 4 to HB 185 - OBERLE - Placed with the bill.

HA 1 to HB 316 - GORDY, CLENDANIEL - Placed with the bill.

Representative Morris introduced and brought HR 62, co-sponsored by Representatives Morris, Minner, Bennett, Gordy, Clendaniel, Temple and Ferguson, before the House for consideration.

HR 62 - Expressing the Condolences of the Members of the House of Representatives to our Colleague, Ronnie Darling, Whose Grandmother Died Monday.

HR 62 was adopted by voice vote.

Representative Matushefske introduced HB 321.

HB 321 - An Act to Amend Chapter 19, Title 10, Delaware Code, Relating to Temporary Assignment of Judges.

Mr. Speaker assigned HB 321 to the Judiciary Committee.

Representative Rispoli brought SB 14 w/SA 1 before the House for consideration.

SB 14 - An Act to Amend an Act Being Chapter 197, Volume 54, Laws of Delaware, As Amended, Entitled: "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach: By Providing for an Enlargement of Time for Filing Petitions for a Referendum and to Prescribe the Qualifications of Voters in a Referendum Election.

The roll call on SB 14 w/SA 1 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Byrd, Ferguson, Plant - 4.

Therefore, having received a constitutional majority of at least two-thirds of the members of the House of Representatives, SB 14 w/SA 1 was returned to the Senate.

Representative Rispoli brought SB 115 before the House for consideration.

SB 115 - An Act to Amend Chapter 22, Title 9, Delaware Code Relating to Penalties for Failure to Pay Sewer Service Charges.

The roll call on SB 115 was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Powell, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Bennett, Morris - 2.

NOT VOTING: Representatives Burris, Riddagh, Sincok - 3.

ABSENT: Representatives Ambrosino, Ferguson, Plant - 3.

Therefore, having received a constitutional majority, SB 115 was returned to the Senate.

Representative Rispoli brought SB 193 before the House for consideration.

SB 193 - 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 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 SB 193 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Ferguson, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority of more than two-thirds members of the House of Representatives, SB 193 was returned to the Senate.

Representative Cain deferred HB 268 w/HA 1 to the end of the Agenda.

Representative Gordy brought HB 10 w/HA 1 and SA 1 before the House for consideration.

HB 10 - An Act to Amend Title 21 of the Delaware Code Relating to the Regulation of Bicycles, Mopeds, and Similar Vehicles.

The roll call on HB 10 w/HA 1 and SA 1 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Ferguson, Plant, Rispoli - 4.

Therefore, having received a constitutional majority, HB 10 w/HA 1 and SA 1 was declared passed by the House.

Representative Worthen moved to lift HB 279 from the Speaker's table. The motion was adopted by voice vote.

Representative Worthen brought HB 279 before the House for consideration.

HB 279 - An Act Authorizing the Budget Office to Transfer Certain Special Funds to the Work Education Release Program, Department of Correction, and Appropriating Funds to the Work Education Release Program.

The roll call on HB 279 was taken and revealed:

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

NOT VOTING: Representative Ambrosino - 1

ABSENT: Representatives Kelly, Plant - 2.

Therefore, having received a constitutional majority of more than two-thirds of the members of the House of Representatives, HB 279 was sent to the Senate for concurrence.

Representative Riddagh moved to lift HB 41 w/HA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Riddagh brought HA 1 to HB 41 before the House for consideration. HA 1 to HB 41 was adopted by voice vote.

Representative Riddagh brought HB 41 w/HA 1 before the House for consideration.



HB 41 - An Act to Amend Chapter 41, Part II, Title 11, of the Delaware Code Relating to the Collection of Fines and Costs.

The roll call on HB 41 w/HA 1 was taken and revealed:

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

NOT VOTING: Representative Johnson - 1.

ABSENT: Representatives Plant, Roy - 2.

Therefore, having received a constitutional majority, HB 41 w/HA 1 was sent to the Senate for concurrence.

Representative Maxwell moved to lift SB 200 from the Speaker's table. The motion was adopted by voice vote.

Representative Maxwell brought SB 200 before the House for consideration.

SB 200 - An Act to Authorize Expenditure From the Educational Contingency Fund.

The roll call on SB 200 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Bennett, T. Brady, Clendaniel, Darling, George, Gordy, Johnson, Matushefske, Minner, Morris, Rispoli, Temple - 12.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority, SB 200 was returned to the Senate.

Representative Ferguson moved to lift HB 84 from the Speaker's table. The motion was adopted by voice vote.

Representative Worthen introduced and brought HA 1 to HB 84, co-sponsored by Representatives Miller and Anderson, before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Legislative Council Attorney Tom Shiels.

Representative Worthen moved to strike HA 1 to HB 84. Without objection, HA 1 to HB 84 was stricken.

Representative Ferguson requested and was granted the privilege of the floor for Legislative Council Attorney Tom Shiels.

Representative Ferguson moved to place HB 84 on the Speaker's table. The motion was adopted by voice vote.

Representative Cain moved to lift the roll call on HB 139 w/HA 1. The motion was adopted by voice vote.

Representative Cain brought HB 139 w/HA 1 before the House for consideration.

HB 139 - An Act to Amend Subchapter I, Chapter 7, Part I, Title 7 of the Delaware Code Relating to Prohibited Hunting and Trapping Devices and Methods.

The roll call on HB 139 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Connor, Ferguson, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, T. Brady, Burris, Clendaniel, Darling, George, Gordy, Hebner, Matushefske, McKay, Minner, Smith, Vernon, Worthen - 14.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HB 139 was sent to the Senate for concurrence.

Representative Worthen introduced HB 322, co-sponsored by Representative Powell.

HB 322 - An Act to Amend Chapter 9 and Chapter 11 Title 5, of the Delaware Code Relating to Banking and Reports to the Banking Commissioner and Time for Assessment and Payment of Bank Franchise Taxes.

Mr. Speaker assigned HB 322 to the Banking and Insurance Committee.

Representative Worthen introduced HB 323, co-sponsored by Representatives T. Brady and Gordy.

HB 323 - An Act to Amend Chapter 9, Title 5 of the Delaware Code Relating to the Farmers Bank and Indemnification of Farmers Bank Directors by the State.

Mr. Speaker assigned HB 323 to the Banking and Insurance Committee.

Representative Worthen introduced HB 324, co-sponsored by Representative Powell.

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

Mr. Speaker assigned HB 324 to the Banking and Insurance Committee.

Representative George moved to suspend the rules for the purpose of introducing and acting on SB 203 w/SA 1. The motion was adopted by voice vote.

Representative George brought SB 203 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 203 - An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Known as the "Annual Capital Improvements Act of 1977" and Chapter 719, Volume 60, Laws of Delaware, Which Authorized the Transfer of Funds From the School Bond Reversion Act to the Department of Correction, for the Purpose Authorizing the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

Representative Jonkiert moved to recess for caucus at 3:41 p.m.

The House was called to order at 4:28 p.m.

Representative Jonkiert moved to place SB 203 w/SA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Ferguson introduced and brought HR 63 before the House for consideration.

HR 63 - Congratulating Certain Organizations and Persons for Their Efforts to Preserve the Historical Heritage of the Town of Christiana on the Occasion of Their Bicentennial Celebration.

HR 63 was adopted by voice vote.

Representative Connor introduced HR 64.

HR 64 - Permitting Each Member of the House of Representatives Free Choice in Determining Where He Shall Sit.

Mr. Speaker assigned HR 64 to the House Administration Committee.

Representative George moved to lift SB 203 w/SA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative George brought SB 203 w/SA 1 before the House for consideration.

SB 203 - An Act to Amend Chapter 691, Volume 60, Laws of Delaware, Known as the "Annual Capital Improvements Act of 1977" and Chapter 719, Volume 60, Laws of Delaware, Which Authorized the Transfer of Funds from the School Bond Reversion Act to the Department of Correction, for the Purpose of Authorizing the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

The roll call on SB 203 w/SA 1 was taken and revealed:

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

NO: Representatives Bennett, W. Brady, Cain, George, Gilligan, Johnson - 6,

NOT VOTING: Representative Maxwell - 1.

Therefore, having received a constitutional majority of more than three-quarters of the members of the House of Representatives, SB 203 w/SA 1 was returned to the Senate.

Representative Anderson introduced and brought HR 65 before the House for consideration.

HR 65 - Requesting the Delmarva Power Company to Reconsider its Proposal to Install Peak-Load Pricing Until it Has Provided a Protection for Senior Citizens.

The roll call on HR 65 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Miller, Minner, Morris, Plant, Rispoli, Smith, Mr. Speaker Boulden - 21.

NO: Representatives Billingsley, T. Brady, Burris, Lynch, Oberle, Riddagh, Ridings, Roy, Sincock, Temple - 10.

NOT VOTING: Representatives Gilligan, Hebner, Matushefske, Maxwell, McKay, Powell, Vernon, Worthen - 8.

ABSENT: Representatives Bennett, Cain - 2.

Therefore, having received a constitutional majority, HR 65 was declared passed by the House.

The House recessed at 4:45 p.m. for the changing of the audio tape and reconvened at 4:46 p.m.

Representative Jonkiert moved to recess for Committee hearings at 4:48 p.m.

The House was called to order at 6:04 p.m.

Committee Reports:

Public Safety: HB 308 - 5M; SB 30 - 4M; SB 192 - 4M.

Judiciary: HB 311 - 1F, 3M; HB 321 - 1F, 3M.

Banking & Insurance: HB 322 - 2F, 4M; HB 323 - 2F, 3M; SB 10 - 5M.

Representative Jonkiert moved to recess to the call of the Chair at 6:06 p.m.

### 30th LEGISLATIVE DAY

May 17, 1977

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

Committee Report:

Energy: SJR 18 - 2F, 3M.

The Majority Leader moved to adjourn at 2:11 p.m., thereby ending the previous legislative day. The House reconvened at 2:11 p.m. A prayer was offered by the Chaplain, Reverend William Hitchens of the Silverbrook Methodist Church, Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Representative Riddagh moved to strike HB 60 and HB 249. Without objection, HB 60 and HB 249 were stricken.

Communications:

May 13, 1977

Honorable William Gordy  
Majority Whip  
House of Representatives  
Dover, Delaware 19901

Dear Bill,

After attending the public hearing on HB 275 at Claymont High School, I feel there were many more questions raised than answered. I stand firm in my position that we must do something to overcome Delaware's anti-industry image, but I'm not entirely sure HB 275 is the perfect answer.

I do agree with your statement that HB 275 is a starting point. However, until an acceptable compromise bill is drafted, and one that I feel is acceptable, I respectfully request my name be deleted as a joint sponsor of HB 275.

Sincerely,

William A. Oberle, Jr.

- - -

The Senate wishes to inform the House that it has passed SCR 32; SB 11.

#### LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 5/3/77 - SB 173. 5/5/77 - HJR 9; HB 40; HJR 13; SB 171. 5/7/77 - HB 70; HB 11. 5/10/77 - SJR 19; SB 175.

The Governor vetoed the following legislation on the dates indicated: 5/5/77 - HJR 7. 5/10/77 - HB 251; HB 44.

Representative Billingsley moved to strike HB 318. Without objection, HB 318 was stricken.

Representative Darling introduced and brought SCR 32, sponsored by Senator Kearns, before the House for consideration.

SCR 32 - Reminding State Administrators and Purchasing Agents that Delaware Law Requires Them to Give Preference to the Delaware Bureau for the Visually Impaired in the Purchase of Supplies Which are Available from the Bureau.

SCR 32 was adopted by voice vote.

Mr. Speaker announced that HB 249 could not be stricken because it had passed the House and was now in the Senate.

Representative Matushefske introduced HB 327.

HB 327 - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to the Employment of 16-Year Olds.

Mr. Speaker assigned HB 327 to the Administrative Services Committee.

Representative Jonkiert moved to recess for caucus at 2:29 p.m.

The House was called to order at 4:43 p.m.

The following prefiled legislation was introduced:

HB 325 - KELLY - AGING: An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to the Payment of Park and Recreation Fees.

HB 326 - WORTHEN - PUBLIC SAFETY: An Act to Amend Title 21, Delaware Code, Relating to Motor Vehicles and Requiring the Registration and Control of Off-Highway Vehicles.

HA 2 to HB 84 - FERGUSON - Placed with the bill.

HA 2 to SB 113 - MINNER - Placed with the bill.

SCR 31 - SPENCE - JUDICIARY: Requesting the Attorney General to Investigate Standards of Release from Mental Institutions.

A message was received from Governor Pierre S. du Pont, IV at 4:45 p.m.

Representative Ridings brought HB 305 w/HA 1 before the House for consideration.

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

Representative Ridings moved to strike HA 1 to HB 305. Without objection, HA 1 to HB 305 was stricken.

Representative Ridings introduced and brought HA 2 to HB 305 before the House for consideration.

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

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

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

HA 2 to HB 305 was adopted by voice vote.

Representative Maxwell introduced and brought HA 3 to HB 305 before the House for consideration.

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

The roll call on HA 3 to HB 305 was taken and revealed:

YES: Representatives Anderson, Byrd, Cain, Jonkiert, Maxwell, Miller - 6.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 34.

ABSENT: Representative Worthen - 1.

Therefore, not having received a constitutional majority, HA 3 to HB 305 was declared defeated.

Representative Gilligan requested and was granted the privilege of the floor for Dr. Graybeal, President of the Delaware Medical Society.

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

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

NO: Representatives Bennett, T. Brady, Cain, George, Jonkiert - 5.

ABSENT: Representatives Clendaniel, Worthen - 2.

Therefore, having received a constitutional majority, HB 305 w/HA 2 was sent to the Senate for concurrence.

Representative Byrd moved to suspend the rules for the purpose of introducing and acting on SJR 22. The motion was adopted by voice vote.

Representative Byrd brought SJR 22, co-sponsored by Senator Cicione and Representatives Byrd, Kelly and Maxwell, before the House for consideration.

SJR 22 - Commending the Elkton, Maryland, Jaycees for Their Efforts on Behalf of a Good Cause, and Requesting That Delaware's Department of Public Safety and State Police Lend Their Assistance to the Jaycees in "Project Bathtub".

The roll call on SJR 22 was taken and revealed:

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

NO: Representative Billingsley - 1.

ABSENT: Representatives Kelly, Ridings, Worthen - 3.

Therefore, having received a constitutional majority, SJR 22 was returned to the Senate.

Representative Jonkiert introduced HB 328.

HB 328 - An Act to Amend Chapter 21, Title 21, Delaware Code, To Provide for a Reduction in the Motor Vehicle Registration Fee Paid by Certain Disabled Veterans of the Armed Forces of the United States.

Mr. Speaker assigned HB 328 to the Public Safety Committee.

Representative Minner introduced HB 329, co-sponsored by Representative Bennett.

HB 329 - An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to Park and Recreation Fees for School Children on an Official School Outing.

Mr. Speaker assigned HB 329 to the Natural Resources Committee.

Representative Jonkiert moved to recess for Committee hearings at 6:39 p.m.

The House was called to order at 6:42 p.m.

Representative Worthen introduced HA 1 to HB 323. HA 1 to HB 323 was placed with the bill.

Representative Ferguson introduced HA 3 to HB 84, co-sponsored by Representative Roy. HA 3 to HB 84 was placed with the bill.

Representative Ferguson introduced HA 4 to HB 84. HA 4 to HB 84 was placed with the bill.

Committee Report:

Public Safety: HB 328 - 5M.

Representative Jonkiert moved to recess to the call of the Chair at 6:44 p.m.

## 31st LEGISLATIVE DAY

May 18, 1977

The Speaker called the House to order at 1:25 p.m. The Majority Leader moved to adjourn at 1:25 p.m., thereby ending the previous legislative day. The House reconvened at 1:26 p.m. A prayer was offered by Representative John Ferguson of the 20th 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.

## Communications:

The Senate wishes to inform the House that it has passed  
SR 57; HCR 23; SB 56; SJR 22; HJR 11.

May 17, 1977

## MEMORANDUM

FROM: Senator Roger A. Martin & Representative John Ferguson  
RE: Public Hearing on Senate Bill #163 w/SA 1  
TO: Senate and House Highway & Transportation Committees

Tuesday, May 24, 1977

Delaware Technical & Community College, Georgetown, DE  
7:30 p.m.

Wednesday, May 25, 1977

Senate Chambers, Dover, DE 7:30 p.m.

Thursday, May 26, 1977

Ag. Hall, University of Delaware, Newark, DE 7:30 p.m.

May 17, 1977

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

On May 5, 1977, I received House Bill No. 241, as amended, entitled as follows:

"AN ACT TO AMEND CHAPTER 7, PART II, TITLE 29, OF THE DELAWARE CODE, RELATING TO THE GENERAL ASSEMBLY; AND PROVIDING FOR AN ANNUAL LEGISLATIVE ART SHOW."

Although the bill does not contain an appropriation for an art show or for the purchase or lease of works of art, the bill clearly contemplates a future appropriation for these purposes. I anticipate that the cost of properly hanging an art exhibit and the purchase of works of art will be far greater than the \$500 estimate contained in the fiscal note. With the present fiscal crisis in the State, it appears to me inappropriate for the Legislature to undertake and expend funds on a project such as a legislative art show.



In addition, I note that the legislature annually appropriates funds to the Delaware State Arts Council, which also receives federal funding. It is my belief that the State Arts Council would have the necessary expertise, experience and funds to sponsor an exhibit for the State similar to that proposed in the legislation.

For the foregoing reasons, House Bill 241, as amended, is returned herewith without my signature.

Respectfully yours,

Pierre S. du Pont, Governor

May 17, 1977

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

On May 5, 1977, I received House Bill No. 120, as amended, entitled as follows:

"AN ACT TO AUTHORIZE AND APPROVE OF THE TRANSFER OF CERTAIN STATE REAL PROPERTY SITUATED IN EAST DOVER HUNDRED, KENT COUNTY, DELAWARE."

I am today returning House Bill 120 without my signature as authorized by Article III, Section 18, of the Delaware Constitution of 1897. I do so for the following reasons:

1. House Bill 120, as amended, is unclear as to whether the lands and improvements comprising the Delaware Youth Center must be conveyed to Kent County on July 1, 1979, or whether the decision to do so on and after that date is left to the discretion of the Governor. The Title of the Act states that its intent is only to "authorize and approve" the transfer, while Section 2 speaks of the subject property as being "herein transferred". Under the circumstances, I must assume that the conveyance is mandatory, and not discretionary.

2. Whether mandatory or discretionary, I am totally in agreement with the majority of both the Senate and House that the Delaware Youth Center be returned to Kent County at the first available time. But for the order of the United States District Court, which requires the State to utilize all available prison space in Delaware to house prisoners, and to reduce substantially our prison population at a time when that population is increasing at the rate of approximately thirteen inmates a month, I would have promptly signed this legislation, and recommended against the expenditure of \$96,000 for upgrading the facility for adult use. But under the strict circumstances of the District Court Order, which the Corrections Committee of both the House and Senate recognized when their membership unanimously recommended the use of DYC to house lesser risk adult male offenders for the indefinite future, I have no choice but to comply with its requirement.

I intend to work closely with the General Assembly in making the transfer of the Delaware Youth Center facility to Kent County a reality as soon as the current overcrowding, as expansively defined by the federal court, abates. Hopefully, this will occur at a time proximate to July 1, 1979, which would have been the effective date of House Bill 120. In the absence of any guarantee that we can meet that deadline, I must return House Bill 120 to the House of Representatives without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

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May 17, 1977

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

On May 5, 1977, I received House Bill No. 178 entitled as follows:

"AN ACT TO AMEND CHAPTER 1 AND CHAPTER 92, TITLE 10, DELAWARE CODE, TO ABOLISH THE OFFICE OF DEPUTY ADMINISTRATOR OF THE JUSTICE OF THE PEACE COURTS."

I am this day returning House Bill 178 to the House of Representatives without my signature for further reconsideration pursuant to Article III, Section 18, of the Delaware Constitution of 1897. I do so for the following reasons:

1. The Synopsis of House Bill 178 justifies its passage on the ground that the position of Deputy Administrator of the Justice of the Peace Courts is no longer required. I respectfully disagree. At a time when our Justices of the Peace are undergoing the most intensive training in the history of their court; at a time when the efficient administration of justice in that court requires the most careful testing and selection of nominees; at a time when the State is considering complex changes and innovations in Justice of the Peace Courts, including central arraignments, bail reform, and upgraded use of CLUES, the presence of an administrator to coordinate and oversee these efforts is absolutely essential.

2. As you know, the position of Deputy Administrator for Justice of the Peace Courts is currently vacant because of a constitutional question as to whether the power to appoint the Deputy Administrator rests with the Governor or the Chief Justice. I have heretofore requested an advisory opinion from the Justices of the Supreme Court which will resolve that question. Whatever its resolution, the proper appointing authority will undoubtedly fill the vacancy at the first available time. Any alteration of the jurisdiction and powers of that office would in my judgment await that appointment.

For the foregoing reasons, House Bill 178 is returned herewith without my signature.

Respectfully yours,

Pierre S. du Pont, Governor

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Representative Jonkiert introduced and brought HCR 25, co-sponsored by Representatives Boulden and Gordy and Senators Cordrey, Martin and Cook before the House for consideration.

HCR 25 - Welcoming Kenneth M. Curtis, Former Governor of Maine, Now Chairman of the Democratic National Committee, to Delaware, the First State.

HCR 25 was adopted by voice vote.

Representative T. Brady introduced and brought HR 66, co-sponsored by Representatives Jonkiert and Hebner, before the House for consideration.

HR 66 - Congratulating the Music Programs Staged by Marilyn and John Haas and Pupils of the Wilmington School District and the Alfred I. du Pont School District.

HR 66 was adopted by voice vote.

Representative Ferguson deferred HB 232 to the end of the Agenda and moved to lift HB 84 w/HA 2,3,4 from the Speaker's table. The motion was adopted by voice vote.

HB 84 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Initiative and Referendum.

Representative Ferguson moved to strike HA 2 to HB 84. Without objection, HA 2 to HB 84 was stricken.

Representative Ferguson brought HA 3 to HB 84 before the House for consideration. HA 3 to HB 84 was adopted by voice vote.

Representative Ferguson brought HA 4 to HB 84 before the House for consideration. HA 4 to HB 84 was adopted by voice vote.

The roll call on HB 84 w/HA 3, 4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32

NO: Representatives Billingsley, Jonkiert, Rispoli, Sincock, Smith - 5.

ABSENT: Representatives Clendaniel, Matushefske, Plant, Powell - 4.

Therefore, having received a constitutional majority, HB 84 w/HA 3,4 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess at 2:05 p.m.  
 The House was called to order at 2:08 p.m.  
 The following prefiled legislation was introduced.

HB 330 - GEORGE, SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Insurance Department for the Purpose of Meeting the Expense of Workmen's Compensation Through June 30, 1977.

HB 331 - RIDDAGH - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays, and Providing for the Celebration of a Holiday or Birth Date on its True or Traditional Date in Certain Instances.

HB 332 - GEORGE, SINCOCK - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the State Judiciary Agencies.

HB 333 - BYRD, T. BRADY - COMMUNITY AFFAIRS: An Act to Amend Chapter 29, Part II, Title 9 of the Delaware Code Relating to the Public Health and Welfare; and Providing for the Physically Handicapped Access to Commercial Areas Under Certain Circumstances.

HB 334 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to Habitual Criminals; and Providing that Certain Violations of the Uniform Controlled Substances Act be Included within the Provisions of the Habitual Criminals Act.

HB 335 - AMBROSINO, CONNOR - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 28 of the Delaware Code Relating to Horse Racing; and Providing for a Tax on Pari-Mutuel Totalizator Pools.

HB 336 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan and the Rights of Certain Employees to a Service Pension.

HB 337 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Title 6 and Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

HB 338 - AMBROSINO - JUDICIARY: An Act to Amend Chapter 21, Part II, Title 11 of the Delaware Code Relating to Criminal Procedure; and Providing for Pre-Trial Release Under Certain Circumstances.

HB 339 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 51, Part V, Title 29 of the Delaware Code Relating to Pension Plan Payments by State Employees.

HA 1 to HB 301 - TEMPLE, GORDY - Placed with the bill.

SB 11 - MURPHY - JUDICIARY: An Act to Amend Titles 24 and 31, Delaware Code, Relating to the Eligibility of Chiropractic Physicians for Compensation from Insurance, Group Hospital Services and Related Plans; and Further Providing Medical Care to the Indigent and Medically Indigent.

SB 56 - ADAMS, COOK - CONSTITUTION: An Act Concurring in a Proposed Amendment of Section 1, Article VIII of the Constitution of the State of Delaware Relating to Taxation and the Power of Counties and Incorporated Municipalities to Exempt Property Within Their Respective Boundaries from Property Taxation.

Representative Jonkiert removed HB 250 w/HA 1 from the Agenda and brought HB 328 before the House for consideration.

HB 328 - An Act to Amend Chapter 21, Title 21, Delaware Code, to Provide for a Reduction in the Motor Vehicle Registration Fee Paid by Certain Disabled Veterans of the Armed Forces of the United States.

Representative Jonkiert announced that he had a conflict of interest and would be recorded as not voting on the bill.

The roll call on HB 328 was taken and revealed:

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

NOT VOTING: Representatives Burris, Jonkiert, Matushefske, Smith - 4.

ABSENT: Representative Powell - 1.

Therefore, having received a constitutional majority, HB 328 was sent to the Senate for concurrence.

Representative Gordy removed HB 273 from the Agenda and yielded to Representative Worthen.

Representative Worthen brought SB 10 before the House for consideration.

SB 10 - An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Requirements for Various Insurance Licenses to Transact Insurance in Delaware.

The roll call on SB 10 was taken and revealed:

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

NO: Representative Loughney - 1.

NOT VOTING - Representative Byrd - 1.

ABSENT: Representatives Cain, Jonkiert, Kelly, Powell - 4.

Therefore, having received a constitutional majority, SB 10 was returned to the Senate.

Representative Gordy removed HB 274 from the Agenda and yielded to Representative Minner.

Representative Minner brought SB 30 w/SA 1 before the House for consideration.

SB 30 - An Act to Amend Chapter 42, of Title 21, Delaware Code Relating to Accidents Resulting in Property Damage.

The roll call on SB 30 w/SA 1 was taken and revealed:

YES: Representatives Ferguson, Jonkiert, Lynch, Matushefske, Minner - 5.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Gilligan, Gordy, Hebner, Johnson, Loughney, Maxwell, McKay, Miller, Morris, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 24.

NOT VOTING: Representatives Billingsley, T. Brady, Roy, Worthen - 4.

ABSENT: Representatives Ambrosino, Connor, George, Kelly, Oberle, Plant, Powell, Riddagh - 8.

Therefore, not having received a constitutional majority of at least two-thirds of the members of the House, SB 30 w/SA 1 was declared defeated.

Representative Lynch brought HB 97 w/HA 1 before the House for consideration.

Representative Lynch moved to place HB 97 w/HA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Matushefske brought HB 311 before the House for consideration.

Representative Matushefske introduced and brought HA 1 to HB 311 before the House for consideration. HA 1 to HB 311 was adopted by voice vote.

Representative Matushefske introduced and brought HA 2 to HB 311 before the House for consideration. HA 2 to HB 311 was adopted by voice vote.

Representative Matushefske requested and was granted the privilege of the floor for the Controller General Duane Olsen.

Representative Matushefske moved to table the roll call on HB 311 w/HA 1,2. The motion was adopted by voice vote.

Representative Matushefske brought HB 321 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 321 on the Speaker's table. The motion was adopted by voice vote.

Representative Minner brought SB 192 w/SA 1 before the House for consideration.

Representative Minner requested and was granted the privilege of the floor for Senator Weiss.

Representative Minner moved to lay SB 192 w/SA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Clendaniel brought HB 308 before the House for consideration.

Representative Clendaniel moved to table the roll call on HB 308. The motion was adopted by voice vote.

Representative Minner moved to lift SB 192 w/SA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Minner requested and was granted the privilege of the floor for Senator Weiss.

Representative Minner moved to place SB 192 w/SA 1 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to lift HB 136 w/HA 1 from the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to strike HB 136. Without objection, HB 136 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 3:55 p.m.

### 32nd LEGISLATIVE DAY

May 19, 1977

The Speaker called the House to order at 1:57 p.m. 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 the Chaplain, Reverend Wayne Grier of the Trinity United Methodist Church, Harrington, 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 Jonkiert introduced and brought HR 67 before the House for consideration.

HR 67 - Fixing a Deadline for the Introduction of New Legislation During the First Session of the 129th General Assembly.

Representative Jonkiert moved to table the roll call on HR 67. The motion was adopted by voice vote.

Representative Gordy introduced and brought HCR 26, co-sponsored by Senator Littleton, before the House for consideration.

HCR 26 - Thanking the Laurel Historical Society Inc. for Inviting the General Assembly to the Services Honoring Nathaniel Mitchell, Governor of Delaware from 1805 to 1808.

HCR 26 was adopted by voice vote.

Representative Plant introduced HB 343.

HB 343 - An Act Proposing an Amendment to Section 2, Article V of the Constitution of the State of Delaware Relating to Voting Qualifications.

Mr. Speaker assigned HB 343 to the Constitution Committee.

## Communications:

The Senate wishes to inform the House that it has passed:  
SB 205; SB 187; SB 213; HCR 25; SB 199 w/SA 1; SB 231.

May 17, 1977

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor.

The Governor approved the following legislation on the dates indicated: HB 180 (no date, 2nd leg of Constitutional Amendment); 5/11/77 - HB 312; 5/13/77 - SB 203 a/a/b SA 1; 5/14/77 - SB 28 a/a/b SA 1,2,9 and HA 1; 5/16/77 - SJR 5 a/a/b HA 1; 5/17/77 - SB 100; HB 18 a/a/b HA 1; HB 222; HB 209; HJR 14; HB 219; HB 203; HB 204.

The Governor vetoed the following legislation on the dates indicated: 5/17/77 - HB 120 a/a/b SA 1; SB 99; HB 241 a/a/b HA 1, SA 1; HB 178.

May 19, 1977

Honorable Kenneth Boulden  
 Speaker of the House  
 House of Representatives  
 Dover, Delaware 19901

Dear Mr. Speaker,

In cooperation with the member physicians, the Medical Society of Delaware plans to have a doctor on hand for at least one session of the General Assembly each week from now to June 30.

It will not be the purpose of these physicians to act as lobbyists in any formal sense. They will, however, respond to the best of their ability to any questions at all that members of the General Assembly may have for them. The physician on hand this week will be Dr. Helmi A. El-Ramli, who is a specialist in emergency treatment. We would appreciate it if you would announce his presence in Legislative Hall on Thursday, May 19th. Subsequently, I will inform your secretary of the identity of the physician who will attend sessions each week.

Sincerely,

Ned Davis

The following prefiled legislation was introduced:

HB 340 - SINCOCK - APPROPRIATIONS: An Act to Permit the Board of Education of the Alfred I. du Pont Reorganized School District to Transfer Certain Funds From its Debt Service Account to Its Current Operating Account.

HB 341 - CAIN, BYRD, MAXWELL, MCKAY, BILLINGSLEY, SINCOCK, POWELL, RIDINGS - REVENUE & FINANCE: An Act to



Amend Chapter 23, Title 30, Delaware Code, Pertaining to Occupational Licenses and Fees for Professional Engineers.

HB 342 - GEORGE, SINCOCK - APPROPRIATIONS: An Act to Provide Supplementary Appropriations to the Several Agencies for the Purpose of Paying Salaries and Other Employment Costs.

HA 1 to HB 329 - MINNER - Placed with the bill.

SB 187 - WEISS - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Trials by Jury in Civil Actions. (2/3 bill).

SB 205 - ZIMMERMAN - JUDICIARY: An Act to Amend Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations; and Providing for a Uniform Disclaimer of Property Interests Act.

SB 213 - LITTLETON - JUDICIARY: An Act to Amend §123, Subchapter I, Chapter 1, Title 13, of the Delaware Code, Relating to Marriages between Minors who are Prospective Parents of a Child.

Representative Jonkiert moved to recess for caucus at 2:39 p.m.

The House was called to order at 6:39 p.m.

Representative Jonkiert moved to lift the roll call on HR 67. The motion was adopted by voice vote.

HR 67 - Fixing a Deadline for the Introduction of New Legislation During the First Session of the 129th General Assembly.

The roll call on HR 67 was taken and revealed:

YES: Representatives Bennett, Gordy, Johnson, Jonkiert, Plant, Rispoli, Mr. Speaker Boulden - 7.

NO: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Powell, Roy, Smith, Temple, Worthen - 25.

NOT VOTING: Representatives Billingsley, T. Brady, Burris, Matushefske, McKay, Riddagh, Ridings, Sincock, Vernon - 9.

Therefore, not having received a constitutional majority, HR 67 was declared defeated.

Representative Plant introduced HB 344.

HB 344 - An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to the Amount of Assistance Granted as Aid to Families with Dependent Children.

Mr. Speaker assigned HB 344 to Health and Social Services Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:44 p.m.

## 33rd LEGISLATIVE DAY

May 24, 1977

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

Committee Report:

Judiciary: HB 20 - 2M, 2U.

Natural Resources: HB 329 - 2F, 2M.

The Majority Leader moved to adjourn at 2:06 p.m. thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by Representative Kelly from the 16th District.

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

Members present: 40.

Member absent: Representative T. Brady - 1.

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

Communications:

The Senate wishes to inform the House that it has passed:

SB 212; SB 48 w/SA 1; SB 159 w/SA 1,3; SB 161 w/SA 3.

Committee Report:

House Administration: SB 189 - 5M.

Representative Jonkiert introduced and brought HCR 27 before the House for consideration.

HCR 27 - Requesting the Governor to ask the State Supreme Court for an Advisory Concerning the Constitutionality of a Certain Section of the Budget Act for Fiscal Year 1977.

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

Representative Jonkiert moved to place HCR 27 on the Speaker's table. The motion was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 28, co-sponsored by Senators Adams and Cook, before the House for consideration.

HCR 28 - Expressing the Sorrow of the 129th General Assembly at the Passing of Warren C. Newton, of Bridgeville, Banker, Farmer, Civic Leader.

HCR 28 was adopted by voice vote.

Representative Matushefske introduced HB 355.

HB 355 - An Act to Amend Chapter 17, Title 2, Delaware Code Relating to the Authority of the Secretary of the Department of Transportation.

Mr. Speaker assigned HB 355 to Highways and Transportation Committee.

Representative Matushefske introduced HB 356.

HB 356 - An Act to Amend Chapter 7, Title 18, Delaware Code by Increasing the Allocation on Gross Premiums of Certain Insurance Coverage Written in Delaware For the Benefit of Firemen and Fire Companies and By Increasing the Premium Tax, and Relating to Premium Reductions. (3/4 bill)

Mr. Speaker assigned HB 356 to Banking and Insurance Committee.

Representative Matushefske introduced HB 357, co-sponsored by Senator Kearns.

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

Mr. Speaker assigned HB 357 to Administrative Services Committee.

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

The House was called to order at 4:20 p.m.

The following prefiled legislation was introduced:

HB 345 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 1, Title 1 of the Delaware Code Relating to the Distribution of the Delaware Code and Its Supplements to the State Police.

HB 346 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 28 of the Delaware Code Relating to State Taxes and Licensee's Commissions on Contributions to Pari-Mutuel and Totalizator Pools at Harness Racing Meets.

HB 347 - WORTHEN, ANDERSON, W. BRADY, BILLINGSLEY, OBERLE, SENATORS HALE, MARTIN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 14, Title 2 of the Delaware Code Relating to the Delaware Turnpike and Nonannexation.

HB 348 - GILLIGAN - JUDICIARY: An Act to Amend Chapter 12, Title 30, Delaware Code, To Increase the Fine for Tax Evasion.

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

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

HB 351 - AMBROSINO - EDUCATION: An Act To Amend Chapter 17, Part I, Title 14 of the Delaware Code Relating to the Determination of Units of Pupils for Purposes of State Appropriations to Free Public Schools.

HB 352 - 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 353 - GEORGE, SINCOCK - APPROPRIATIONS: An Act Making an Appropriation to the Department of Health and Social Services, Division of Social Services, for Certain Public Welfare Programs from Entitlement Payments Received by the State from the Federal Antirecession Fiscal Assistance to State and Local Governments Act.

HB 354 - GEORGE, SINCOCK - APPROPRIATIONS: An Act Authorizing a Supplemental Appropriation to the Department of Health and Social Services for the Fiscal Year Ending June 30, 1977, and Prior Year's Expense.

SB 48 w/SA 1 - MARTIN - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Reimbursing the Ogletown Baptist Church Located at 316 Red Mill Road, Newark, Delaware.

SB 159 w/SA 1,3 - SHARP, KEARNS, REPRESENTATIVE DARLING - JUDICIARY: An Act to Amend Chapter 45, Part II, Title 11 of the Delaware Code Relating to Appeals from Convictions Before any Alderman or Mayor and Providing for an Accused's Right to Election to be Tried in the Court of Common Pleas. (2/3 bill)

SB 161 w/SA 3 - SHARP, KEARNS, REPRESENTATIVE DARLING - JUDICIARY: An Act to Amend Chapter 53, Part III, Title 11 of the Delaware Code Relating to Election by Accused to Have Certain Cases Tried in the Court of Common Pleas When Proceedings are Originally Brought Before Justices of the Peace, or any Alderman or Mayor of Any Incorporated City or Town. (2/3 bill)

SB 199 w/SA 1 - CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Making Formula Adjustments with the School Bus Contractors.

SB 212 - MURPHY - JUDICIARY: An Act to Amend Part III, Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations: and Providing for a Uniform Disclaimer of Transfers Under Non-Testamentary Instruments Act.

SB 231 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 21, Subchapter I of Title 21 of Delaware Code Relating to the Rights of Subrogation Under the Delaware No-Fault Insurance for Motor Vehicles.

Representative Boulden introduced and brought HR 68, co-sponsored by Representatives Jonkiert, Gordy, Sincock and McKay, before the House for consideration.

HR 68 - Providing a Supplemental Appropriation to the House of Representatives to Fund Total Salaries and Personal Services for Fiscal Year 1977.

HR 68 was adopted by voice vote.

Representative Gordy introduced and brought SCR 33, co-sponsored by Senator Littleton and Representative Gordy, before the House for consideration.

SCR 33 - Extending Congratulations to Ron Waller on the Occasion of His Induction into the Delaware Sports Hall of Fame.

SCR 33 was adopted by voice vote.

Representative Cain requested that HB 268 w/HA 1 be recommitted to Labor and Commerce Committee. Mr. Speaker ordered that HB 268 w/HA 1 be recommitted to Labor and Commerce Committee.

Representative Worthen brought HB 322 before the House for consideration.

HB 322 - An Act to Amend Chapter 9 and Chapter 11, Title 5, of the Delaware Code Relating to Banking and Reports to the Banking Commissioner and Time for Assessment and Payment of Bank Franchise Taxes.

The roll call on HB 322 was taken and revealed:

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

ABSENT: Representatives T. Brady, Clendaniel, George, Oberle, Sincock - 5.

Therefore, having received a constitutional majority, HB 322 was sent to the Senate for concurrence.

Representative Worthen brought HB 323 before the House for consideration.

HB 323 - An Act to Amend Chapter 9, Title 5 of the Delaware Code Relating to the Farmers Bank and Indemnification of Farmers Bank Directors by the State.

Representative Worthen brought HA 1 before the House for consideration. HA 1 to HB 323 was adopted by voice vote.

The House recessed at 4:34 p.m. to change the audio tape and reconvened at 4:35 p.m.

The roll call on HB 323 w/HA 1 was taken and revealed:

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

NOT VOTING: Representatives Clendaniel, Lynch - 2.

ABSENT: Representative T. Brady - 1.

Therefore, having received a constitutional majority, HB 323 w/HA 1 was sent to the Senate for concurrence.

Representative Darling brought SJR 18 before the House for consideration.

SJR 18 - Directing the Delmarva Power and Light Company and the Chesapeake Utilities Corporation to Formulate a Comprehensive Energy Distribution Plan, the Objective of Which is to Maintain the Highest Amount of Employment Possible in Every Type of Energy Crisis or Emergency.

The roll call on SJR 18 was taken and revealed:

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

NOT VOTING: Representative Ridings - 1.

ABSENT: Representatives T. Brady, Loughney, Minner, Sincock - 4.

Therefore, having received a constitutional majority, SJR 18 was returned to the Senate.

Representative Jonkiert introduced and brought HCR 29 before the House for consideration.

HCR 29 - Requesting the Governor to Ask the State Supreme Court for an Advisory Opinion Concerning the Constitutionality of a Certain Section of the Budget Act for Fiscal Year 1977.

HCR 29 was adopted by voice vote.

Representative Jonkiert moved to lift HCR 27 from the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to strike HCR 27. Without objection, HCR 27 was stricken.

Representative Ferguson deferred HB 232 to the end of the Agenda and yielded to Representative Matushefske.

Representative Matushefske moved to lift HB 321 from the Speaker's table. The motion was adopted by voice vote.

Representative Matushefske moved to table the roll call on HB 321. The motion was adopted by voice vote.

Representative Minner moved to defer HB 329 and yielded to Representative George.

Representative George moved to suspend the rules for the purpose of acting on HB 353. The motion was adopted by voice vote.

Representative George brought HB 353 before the House for consideration.

HB 353 - An Act Making an Appropriation to the Department of Health and Social Services, Division of Social Services, for Certain Public Welfare Programs from Entitlement Payments Received by the State from the Federal Antirecession Fiscal Assistance to State and Local Governments Act.

The roll call on HB 353 was taken and revealed:

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

ABSENT: Representatives T. Brady, Matushefske - 2.

Therefore, having received a constitutional majority, HB 353 was sent to the Senate for concurrence.

Representative Plant deferred HB 20 to the end of the Agenda and yielded to Representative Gilligan.

Representative Gilligan brought HB 92 w/SA 2 before the House for consideration.

HB 92 - An Act to Amend Chapter 17, Title 24, Delaware Code Relating to the Medical Practices Act.

The roll call on HB 92 w/SA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert,

Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Oberle - 1.

NOT VOTING: Representatives Billingsley, Ridings, Smith - 3.

ABSENT: Representatives T. Brady, Matushefske - 2.

Therefore, having received a constitutional majority, HB 92 w/SA 1 was declared passed by the House.

Representative Jonkiert moved to recess for Committee hearings at 5:15 p.m.

The House was called to order at 6:40 p.m.

The following communication from the Speaker was read into the record:

Pursuant to the provisions of Senate Joint Resolution No. 5, as amended, which was signed by the Governor on May 16, 1977, I have appointed Representative Sandra Worthen and Representative C. Leslie Ridings, Jr. to serve as members of the group to study the Delaware State Banking Code and the Banking Industry in Delaware as established by said Resolution.

- - - - -

Pursuant to the provisions of Senate Concurrent Resolution No. 23, which passed the House on April 26, 1977, I have appointed Representative John P. Ferguson, Representative Ruth Ann Minner and Representative Roger P. Roy to serve on the Ad Hoc Committee to study the Committee System of the Delaware Legislature as created by said Resolution.

- - - - -

Pursuant to Section 3206, Chapter 32, Title 18 of the Delaware Code, and by the power vested in me as Speaker of the House, I have appointed Representative William J. Gordy and reappointed Representative Richard Sincock to serve on the State Group Life Insurance Committee.

- - - - -

Representative Plant introduced HB 358.

HB 358 - An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmen's Compensation for Total Disability.

Mr. Speaker assigned HB 358 to Labor and Commerce Committee.

Committee Reports:

Administrative Services: HB 140 - 5M, 1U; HB 142 - 4M, 2U; HB 327 - 4M, 1U; HB 339 - 5M.

Public Safety: HB 326 - 1F, 4U.

Constitution: HB 343 - 5M.

Banking and Insurance: SB 231 - 2F, 2M.

Appropriations: HB 43 - 1F, 3M; HB 246 - 5M; HB 255 - 1F, 4M; HB 314 - 5M; HB 330 - 5M; HB 332 - 5M; HB 340 - 1F, 4M; HB 342 - 4M; HB 354 - 4M; SB 48 - 1F, 2M, 1U; SB 54 - 5M; SB 88 - 1F, 3M; SB 93 - 5M; SB 146 - 4M.

Representative Jonkiert moved to recess to the call of the Chair at 5:50 p.m.

### 34th LEGISLATIVE DAY

May 25, 1977

The Speaker called the House to order at 1:49 p.m.

Representative Jonkiert moved to recess for Committee hearings at 1:55 p.m. The House reconvened at 2:05 p.m.

#### Committee Reports:

Revenue and Finance: HB 157 - 4M; HB 165 - 5M.

House Administration: HB 160 1F, 4M.

Banking and Insurance: HB 161 - 3M, 2U; HB 162 - 3M, 2U.

Labor and Commerce: HB 236 - 2F, 1M, 1U.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by the Chaplain, Reverend William L. Bowers of the Calvary United Presbyterian Church, Wilmington, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Members absent: Representative T. Brady - 1.

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

#### Communications:

The Senate wishes to inform the House that it has passed:

HB 92 w/SA 2; SB 114 w/SA 1,3; SJR 20; SCR 33; HCR 26; SB 155; HCR 28; SS 1 for SB 211.

Representative Kelly introduced and brought HR 69, co-sponsored by Representatives Byrd and Maxwell, before the House for consideration.

HR 69 - Commending Clifford M. Stelle for his Many Years of Dedicated Service on the Board of Trustees of the Conrad School District.

HR 69 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:41 p.m.

The House reconvened at 5:15 p.m.

The following prefiled legislation was introduced:

HB 359 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Title 9 and Title 30 of the Delaware Code Relating to Taxes Paid by Corporations; and Providing for Waivers and Other Forms of Tax Relief Under Certain Circumstances.

HB 360 - GORDY - JUDICIARY: An Act to Amend Chapter 15, Title 13, and Chapter 9, Title 10, Delaware Code by Providing For Court Service Officers for Family Court and by Replacing the "Sheriffs" as the Servers of Process in Divorce and Annulment Actions in Family Court and a Supplemental Appropriation for their Salaries and Expenses.



HB 361 - FERGUSON - LABOR & COMMERCE: An Act to Amend Chapter 7, Part I, Title 19 of the Delaware Code Prohibiting the Hiring of Illegal Aliens.

HB 362 - DARLING, RIDDAGH, FERGUSON, MORRIS, W. BRADY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Corrections, Office of the Adult Correction Bureau Chief, for Providing Funds to Staff and Operate the Kent Correctional Institution.

HB 363 - ROY - JUDICIARY: An Act to Amend Subchapter I, Chapter 1, Title 13, Delaware Code Relating to Solemnization of Marriages.

HB 364 - GILLIGAN, KELLY - JUDICIARY: An Act to Amend Subchapter VII, Subpart B of Title 11, Delaware Code Relating to the Operations of Massage Parlors.

HB 365 - ANDERSON, W. BRADY, LOUGHNEY - JUDICIARY: An Act to Amend Title 30, Delaware Code, to Provide for a Finder's Fee for Those who Provide the Department of Finance with Certain Information about those Who Violate Title 30.

HB 366 - FERGUSON - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 11, Part I, Title 31 of the Delaware Code Relating to Welfare Agencies and Recipients of Assistance.

HB 367 - FERGUSON - HEALTH & SOCIAL SERVICES: An Act to Amend Title 31 of the Delaware Code Relating to the Method of Payment for Welfare and Public Assistance.

HB 368 - WORTHEN, ANDERSON, W. BRADY, OBERLE, BILLINGSLEY, SENATORS MARTIN, HALE - COMMUNITY AFFAIRS: An Act to Amend Chapter 3, Subchapter I, Title 22 of the Delaware Code Relating to Remedies for Violation of Zoning Regulations.

HJR 17 - AMBROSINO, OBERLE, MILLER - BANKING & INSURANCE: Calling Upon the State Insurance Commissioner to Release the Results of his Study Initiated as a Result of House Resolution No. 70 (May 28, 1975), Relating to Alternatives to the State's Present Contractual Arrangements with Blue Cross-Blue Shield.

HJR 18 - GORDY, DARLING, MORRIS, FERGUSON, MINNER, LYNCH, CLENDANIEL, TEMPLE, RIDDAGH - CORRECTIONS: Requesting the State Board of Parole to Reverse its Decision to Parole Thomas H. Winsett who was Convicted of the Murder of a State Police Officer in 1963.

HA 1 to HB 77 - GORDY, SMITH - Placed with the bill.

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

HA 3 to HB 300 - W. BRADY - Placed with the bill.

HA 4 to HB 300 - W. BRADY - Placed with the bill.

HA 1 to HB 320 - ANDERSON - Placed with the bill.

SB 114 w/SA 1, 3 - ADAMS - HEALTH & SOCIAL SERVICES: Act to Amend Chapter 6, Title 31, Delaware Code, Relating to the Misuse of Food Stamps.

SB 155 - KEARNS, ZIMMERMAN, MURPHY - NATURAL RESOURCES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Shot Size Allowed to Take Game.

SS 1 to SB 211 - SHARP - APPROPRIATIONS: An Act to Amend Chapter 65, Title 11, Delaware Code, by Providing for a Discharge Allowance and Making an Appropriation Therefor.

SJR 20 - HOLLOWAY - HEALTH & SOCIAL SERVICES: Requesting Secretary Schramm to Make Recommendations on Reorganization of the Department of Health and Social Services.

Representative Ferguson deferred HB 232 w/HA 1 and yielded to Representative Plant.

Representative Plant brought HB 20 before the House for consideration.

Representative Plant moved to lay HB 20 on the Speaker's table. The motion was adopted by voice vote.

Representative Plant brought HB 343 before the House for consideration.

HB 343 - An Act Proposing an Amendment to Section 2, Article V, of the Constitution of the State of Delaware Relating to Voting Qualifications.

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

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

The roll call on HB 343 was taken and revealed:

YES: Representatives George, Johnson, Matushefske, Plant, Rispoli - 5.

NO: Representatives Ambrosino, Bennett, Billingsley, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Kelly, Loughney, Lynch, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Temple, Vernon, Mr. Speaker Boulden - 21.

NOT VOTING: Representatives Anderson, W. Brady, Cain, Hebner, Jonkiert, Maxwell, McKay, Miller, Powell, Sincock, Smith - 11.

ABSENT: Representatives T. Brady, Byrd, Gordy, Worthen - 4.

Therefore, not having received a constitutional majority of at least two-thirds of the members of the House, HB 343 was declared defeated.

Representative Minner brought HB 329 w/HA 1 before the House for consideration.

Representative Minner brought HA 1 to HB 329 before the House for consideration. HA 1 to HB 329 was adopted by voice vote.

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

Representative Minner moved to table HB 329. The motion was adopted by voice vote.

Representative Connor introduced HB 369, co-sponsored by Representatives Ambrosino, Miller and Senator McDowell.

HB 369 - An Act to Amend Part III, Title 30 of the Delaware Code Relating to State Tax Assessment and Collection; and Utilizing the Uniform Division of Income For Tax Purposes Act as a Basis for Taxation Under Certain Circumstances.

Mr. Speaker assigned HB 369 to Revenue and Finance Committee.

The House recessed at 5:45 p.m. for Committee hearings.  
The House reconvened at 6:00 p.m.

Committee Reports:

Constitution: HB 197 - 2F, 2M; HB 345 - 4M.

Representative Hebner moved to strike HB 339. Without objection, HB 339 was stricken.

The following amendments were introduced:

HA 1 to HB 157 - SINCOCK - Placed with the bill.

HA 2 to HB 161 - SINCOCK - Placed with the bill.

HA 3 to HB 165 - SINCOCK - Placed with the bill.

Representative Jonkiert moved to recess to the call of the Chair at 6:04 p.m.

### 35th LEGISLATIVE DAY

May 26, 1977

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

Committee Report:

Labor and Commerce: HB 77 - 2M, 4U.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:20 p.m. A prayer was offered by the Chaplain, Reverend Larry Cornell of the 1st Baptist Church of 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.

Communications:

State of Delaware  
Department of Public Instruction  
Dover, DE 19901

May 26, 1977

The Honorable Daniel A. Kelly, Representative  
Legislative Hall  
Dover, DE 19901

Dear Representative Kelly:

This note will respond to your telephone call of this morning relating to HB 19 and the attached fiscal note.

Assumption No. 6 on the fiscal note indicates "additional school day will not be required". That assumption is correct in terms of salaries for teachers and some other employees. I am sending you a copy of the school calendar for 1977-78 and in the following paragraph will predict what might happen if HB 19 is passed.

The school calendar now shows Martin Luther King holiday as a local option. If a district chooses to recognize this holiday, that district then adds one day to its school schedule so that students attend school for 180 days and teachers work for 185 days. If the holiday becomes a legal holiday and the schools are required to be closed, then it is likely that the last day of school will be moved from June 14 to June 15, 1978.

I discussed this matter with Mr. Garry Gaukler of the Controller General's office and he indicates that the estimate for "premium pay" is probably adequate to cover the overtime pay expenses for custodial and security people who would be required to maintain our school buildings during the closed holiday.

Sincerely,

Howard E. Row  
Assistant State Superintendent

The Senate wishes to inform the House that it has passed:  
SB 185 w/SA 1; SB 188; HB 353; HB 260.

LEGISLATIVE ADVISORY # 11

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 5/18/77: SJR 22; HJR 15; HB 16.  
5/19/77: SB 200. 5/20/77: SB 186. 5/21/77: SB 128;  
HB 78. 5/23/77: HB 95; HB 245; HB 190. 5/24/77: SB 73;  
SB 193; HB 115; HB 261 a/a/b HA 1; SB 14 a/a/b SA 1;  
HB 254 a/a/b SA 1.

The Governor vetoed S.B. 115 on 5/24/77.

Representative Ferguson introduced and brought HR 70 before the House for consideration.

HR 70 - Commending the Division of Aging for Sponsoring the Art-For-All-Seasons Exhibition in the Lobby of Legislative Hall.

HR 70 was adopted by voice vote.

Representative Minner introduced and brought HCR 30, co-sponsored by Senator Murphy, before the House for consideration.

HCR 30 - Commending Helen Byrd Achtenberg, Jane Boone, William Dawson, Mike Gosch and Beverly Tuthill for their Volunteer Work with the Bowers Beach Maritime Museum, Inc.

HCR 30 was adopted by voice vote.

Representative Byrd introduced and brought HCR 31, jointly sponsored by Representative Darling and Senator Berndt, before the House for consideration.

HCR 31 - Memorializing the President and the Congress of the United States to Accept the "El Paso" Proposal of Natural Gas Transportation off the North Slope of the State of Alaska.

HCR 31 was adopted by voice vote.

Representative Anderson introduced and brought HR 71 before the House for consideration.

HR 71 - Congratulating the Brookside Elementary School on its Production of the Wizard of Oz.

HR 71 was adopted by voice vote

Representative Hebner introduced and brought HR 72, co-sponsored by Representatives Smith and Ridings, before the House for consideration.

HR 72 - Congratulating Charles H. Reid Jr. on his Nomination to Phi Beta Kappa.

HR 72 was adopted by voice vote.

Representative Anderson introduced and brought HR 73 before the House for consideration.

HR 73 - Requesting the Administrative Services Committee to Supply Senior House Attorney John Rich with a Beeper so he Can Be Quickly Summoned to the House Chamber.

Representative Jonkiert moved to assign HR 73 to Committee.

Mr. Speaker announced that HR 73 would be assigned to a committee at a later date.

The following prefiled legislation was introduced:

HB 370 - JONKIERT - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Municipal Street Aid Fund.

HB 371 - GEORGE, WORTHEN, BENNETT, GILLIGAN, MATUSHEFSKE, AMBROSINO, CONNOR; SENATORS CICIONE, MCDOWELL, COOK, HOLLOWAY, KEARNS - APPROPRIATIONS: An Act to Amend Part VI, Title 29, Delaware Code, Relating to Budgetary and Fiscal Matters of State Government and Providing for Zero-Based Budgeting.

HB 372 - MAXWELL, BYRD, GEORGE, AMBROSINO, SENATOR CICIONE - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Eliminating Certain Limits on Pension Benefits.

HB 373 - FERGUSON, JONKIERT, POWELL, BILLINGSLEY, MCKAY, BENNETT, TEMPLE, BURRIS, LOUGHNEY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

HB 374 - LOUGHNEY, OBERLE, RIDINGS, POWELL - NATURAL RESOURCES: An Act to Amend Chapter 17, Title 7, Delaware Code Relating to Dogs Running at Large. (2/3 bill)

HB 375 - GILLIGAN - JUDICIARY: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax.

HB 376 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 3, Title 24 of the Delaware Code Relating to Regulation of the Practice of Architecture.

HA 1 to HB 293 - RIDDAGH, OBERLE - Placed with the bill.

HA 5 to HB 300 - GILLIGAN, MAXWELL, KELLY, FERGUSON, SENATOR COOK - Placed with the bill.

HA 1 to HB 368 - WORTHEN - Placed with the bill.

HJR 19 - AMBROSINO, MILLER, OBERLE (Joint Sponsors) - 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.

SB 185 w/SA 1 - SCHLOR - JUDICIARY: An Act to Amend Chapter 39, Title 11 of the Delaware Code Relating to Concurrent and Consecutive Sentences.

SB 188 - SHARP, MARTIN, ADAMS, KEARNS, COOK, CICIONE - JUDICIARY: An Act to Amend Title 6 of the Delaware Code Relating to the Regulation of Adult Entertainment Businesses.

(2/3 bill)

Representative Jonkiert moved to recess for caucus at 3:05 p.m.

The House reconvened at 4:14 p.m.

Representative Jonkiert brought SB 189 before the House for consideration.

SB 189 - An Act Providing that the Reigning Miss Delaware and her Successors be Made Honorary Hostess for the State of Delaware.

The roll call on SB 189 was taken and revealed:

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

ABSENT: Representatives Johnson, Kelly, Miller, Plant - 4.

Therefore, having received a constitutional majority, SB 189 was returned to the Senate.

Representative Worthen brought SB 231 before the House for consideration.

SB 231 - An Act to Amend Chapter 21, Subchapter I of Title 21, of Delaware Code Relating to the Rights of Subrogation Under the Delaware No-Fault Insurance for Motor Vehicles.

The roll call on SB 231 was taken and revealed:

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

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

ABSENT: Representatives Gordy, Jonkiert, Kelly - 3.

Therefore, having received a constitutional majority, SB 231 was returned to the Senate.

Representative George brought HB 314 before the House for consideration.

HB 314 - An Act to Provide a Supplemental Appropriation to the Delaware National Guard, to Pay a Prior Year's Obligation for a Liability Claim Payable to the United States Government for the Balance of Expenses Incurred in March 1967, Motor Vehicle Accident.

The roll call on HB 314 was taken and revealed:

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

NO: Representatives Billingsley, Burris, McKay, Oberle, Ridings, Roy - 6.

Therefore, having received a constitutional majority, HB 314 was sent to the Senate for concurrence.

Representative George brought HB 330 before the House for consideration.

HB 330 - An Act Making a Supplemental Appropriation to the Insurance Department for the Purpose of Meeting the Expense of Workmen's Compensation Through June 30, 1977.

Representative Connor requested and was granted the privilege of the floor for Mr. Ronald Mosher, Budget Director of the State of Delaware.

The roll call on HB 330 was taken and revealed:

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

NO: Representatives Hebner, Morris, Ridings, Roy, Vernon - 5.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HB 330 was sent to the Senate for concurrence.

Representative George brought HB 332 before the House for consideration

HB 332 - An Act to Provide a Supplemental Appropriation to the State Judiciary Agencies.

The roll call on HB 332 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Oberle, Plant, Powell, Riddagh, Rispoli, Sincock, Smith, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Clendaniel, Ferguson, Hebner, Lynch, McKay, Minner, Morris, Ridings, Roy, Temple, Vernon - 11.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority, HB 332 was sent to the Senate for concurrence.

Representative George brought HB 342 before the House for consideration.

HB 342 - An Act to Provide Supplemental Appropriations to The Several Agencies for the Purpose of Paying Salaries and Other Employment Costs.

Representative George introduced and brought HA 1 to HB 342 before the House for consideration. The amendment was adopted by voice vote.

The roll call on HB 342 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Bennett, T. Brady, Burris, Hebner, Loughney, Morris, Ridings, Roy - 8.

ABSENT: Representatives Billingsley, McKay, Vernon - 3.

Therefore, having received a constitutional majority, HB 342 w/HA 1 was sent to the Senate for concurrence.

Representative George brought HB 354 before the House for consideration.

Representative George moved to place HB 354 on the Speaker's table. The motion was adopted by voice vote.

Representative George brought SB 48 before the House for consideration.

Representative George moved to place SB 48 on the Speaker's table. The motion was adopted by voice vote.

Representative George brought SB 54 before the House for consideration.

SB 54 - An Act making a Supplementary Appropriation to the Department of Public Safety for the Purpose of Paying an Employee who Failed to Receive Her Annual Increment.

The roll call on SB 54 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Hebner, Ridings, Roy - 3.



ABSENT: Representatives Billingsley, Burris, Cain, McKay, Vernon - 5.

Therefore, having received a constitutional majority, SB 54 was returned to the Senate.

Representative George brought SB 88 before the House for consideration.

SB 88 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services for the Purpose of Continuing the Streptococcal Detection Program.

The roll call on SB 88 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Billingsley, Hebner, Oberle, Ridings, Roy, Smith - 6.

ABSENT: Representative Burris - 1.

Therefore, having received a constitutional majority, SB 88 was returned to the Senate.

Representative George brought SB 93 w/SA 1 before the House for consideration.

SB 93 - An Act Making a Supplementary Appropriation to the Office of the Public Defender to Pay Wages Past Due to Jan Laton.

The roll call on SB 93 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Hebner, Ridings, Roy, Vernon - 4.

ABSENT: Representatives Cain, Miller, Oberle, Sincock, Smith - 5.

Therefore, having received a constitutional majority, SB 93 w/SA 1 was returned to the Senate.

Representative George brought SB 146 before the House for consideration.

SB 146 - An Act Making a Supplementary Appropriation to the Department of Correction for the Purpose of Compensating the Institutional Release Classification Board.

The roll call on SB 146 was taken and revealed:

YES: Representatives Ambrosino, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Worthen, Mr. Speaker Boulden - 26

NO: Representative Anderson, Bennett, Billingsley, Gilligan, Hebner, McKay, Oberle, Ridings, Roy, Sincock, Smith, Temple, Vernon - 13.

NOT VOTING: Representatives T. Brady, Maxwell - 2.

Therefore, having received a constitutional majority, SB 146 was returned to the Senate.

The following amendments were introduced:

HA 1 to HB 160 - MCKAY, BILLINGSLEY, VERNON - Placed with the bill.

HA 3 to HB 161 - MCKAY, BILLINGSLEY, VERNON - Placed with the bill.

HA 1 to HB 162 - MCKAY, BILLINGSLEY, VERNON - Placed with the bill.

HA 2 to HB 162 - SINCOCK - Placed with the bill.

HA 4 to HB 165 - MCKAY, BILLINGSLEY, VERNON - Placed with the bill.

Representative Gordy moved to recess at 5:23 p.m.

The House was called to order at 6:40 p.m.

Representative Jonkiert moved to suspend the Agenda rules for the purpose of acting on a packet of bills. The motion was adopted by voice vote.

Representative Jonkiert yielded to Representative Sincock.

Representative Sincock brought HB 160 before the House for consideration.

HB 160 - An Act to Amend Section 391, Title 8, Delaware Code, to Increase the Fee Collected and Paid to the Secretary of State for Certifying Copies of Papers Relating to Corporations on File with the Secretary of State.

Representative McKay moved to strike HA 1 to HB 160. Without objection, HA 1 to HB 160 was stricken.

Representative McKay introduced HA 2 to HB 160, co-sponsored by Representatives Billingsley and Vernon, before the House for consideration.

Representative Jonkiert moved to table HA 2 to HB 160. The motion was adopted by voice vote.

The roll call on HB 160 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, George, Gilligan, Hebner, McKay, Minner, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 21.

NO: Representatives Anderson, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Morris, Plant, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 16.

NOT VOTING: Representatives Byrd, Maxwell, Miller - 3.

ABSENT: Representative Kelly - 1.

Therefore, having received a constitutional majority, HB 160 was sent to the Senate for concurrence.

Representative Sincock brought HB 161 w/HA 1, 2, 3 before the House for consideration.

HB 161 - An Act to Amend Chapter II, Title 5, Delaware Code, Relating to Banks and Trust Companies.

Representative Plant moved to strike HA 1 to HB 161.  
Without objection, HA 1 to HB 161 was stricken.

Representative Sincock brought HA 2 before the House for consideration. HA 2 to HB 161 was adopted by voice vote.

Representative McKay moved to strike HA 3 to HB 161.  
Without objection, HA 3 to HB 161 was stricken.

Representative McKay introduced and brought HA 4 to HB 161, co-sponsored by Representatives Billingsley and Vernon, before the House for consideration.

Representative McKay moved to strike HA 4 to HB 161.  
Without objection, HA 4 to HB 161 was stricken.

The roll call on HB 161 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Byrd, Connor, Hebner, Johnson, Matushefske, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Mr. Speaker Boulden - 21.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Lynch, Maxwell, Minner, Morris, Rispoli, Temple, Worthen - 18.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Kelly - 1.

Therefore, having received a constitutional majority, HB 161 w/HA 2 was sent to the Senate for concurrence.

Representative Sincock brought HB 162 w/HA 1,2 before the House for consideration.

HB 162 - An Act to Amend Chapter 18, Title 5, Delaware Code, Relating to Taxation of Building and Loan Associations.

Representative McKay moved to strike HA 1 to HB 162. Without objection, HA 1 to HB 162 was stricken.

Representative Sincock brought HA 2 before the House for consideration. HA 2 to HB 162 was adopted by voice vote.

The roll call on HB 162 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Byrd, Connor, Gordy, Hebner, Maxwell, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Plant, Worthen, Mr. Speaker Boulden - 19.

NOT VOTING: Representative Miller - 1.

Therefore, having received a constitutional majority, HB 162 w/HA 2 was sent to the Senate for concurrence.

Representative Sincock moved to suspend the rules for the purpose of introducing and acting on HB 382. The motion was adopted by voice vote.

HB 382 - An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Rate of the Corporation Income Tax.

Representative Sincock introduced and brought HA 1 to HB 382 before the House for consideration.

Representative Sincock moved to place HA 1 to HB 382 on the Speaker's table. The motion was adopted by voice vote.

Representative Billingsley introduced and brought HA 2, co-sponsored by Representatives McKay and Vernon, before the House for consideration.

Representative Gordy moved to place HA 2 to HB 382 on the Speaker's table. The motion was adopted by voice vote.

Representative Jonkiert moved to recess at 7:05 p.m.

The House was called to order at 8:30 p.m.

Representative Sincock moved to lift HA 1 to HB 382 from the Speaker's table. The motion was adopted by voice vote. Representative Sincock moved to strike HA 1 to HB 382. Without objection, HA 1 to HB 382 was stricken.

Representative Sincock introduced and brought HA 3 to HB 382 before the House for consideration. HA 3 to HB 382 was adopted by voice vote.

The roll call on HB 382 w/HA 3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, Darling, George, Hebner, Johnson, McKay, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 21.

NO: Representatives Bennett, Cain, Clendaniel, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 18.

NOT VOTING: Representatives Byrd, Miller - 2.

Therefore, having received a constitutional majority, HB 382 w/HA 3 was sent to the Senate for concurrence.

Representative Sincock brought HB 157 w/HA 1 before the House for consideration.

HB 157 - An Act to Amend Chapter 51, Title 30, Delaware Code Relating to Motor Fuel Tax.

Representative Sincock moved to strike HA 1 to HB 157. Without objection, HA 1 to HB 157 was stricken.

Representative Sincock brought HA 2 to HB 157 before the House for consideration. HA 2 to HB 157 was adopted by voice vote.

The roll call on HB 157 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, Jonkiert, Kelly, Matushefske, McKay, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Rispoli, Temple - 20.

Therefore, having received a constitutional majority, HB 157 w/HA 2 was sent to the Senate for concurrence.

Mr. Speaker assigned HR 73 to the House Administration Committee.

Representative Darling introduced and brought HCR 32, co-sponsored by Senator Berndt and others, before the House for consideration.

HCR 32 - Relating to Proceeds of a National Gasoline Tax and a Rebate to the States.

HCR 32 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules for the purpose of introducing and acting on HB 383. The motion was adopted by voice vote.

HB 383 - An Act Authorizing the State of Delaware to Issue General Obligation Bonds to Finance Cumulative General Fund Obligations of the State Incurred or to be Incurred Through June 30, 1977, and Providing a Means of Securing Repayment of Such Bonds.

Representative Sincok introduced and brought HA 1 to HB 383 before the House for consideration. HA 1 to HB 383 was adopted by voice vote.

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

The roll call on HB 383 w/HA 1 was taken and revealed:

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

NOT VOTING: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 383 w/HA 1 was sent to the Senate for concurrence.

Representative Lynch introduced HB 377.

HB 377 - An Act to Amend Chapter 31, Title 14 of the Delaware Code Relating to the Advisory Committee on the Needs of Exceptional Children.

Mr. Speaker assigned HB 377 to House Administration Committee.

Representative Lynch introduced HB 378.

HB 378 - An Act to Amend Chapters 13, 19, 27 and 31, Title 14 of the Delaware Code Relating to Exceptional Persons; Requiring the State to Provide an Educational Program for all Handicapped Persons.

Mr. Speaker assigned HB 378 to House Administration Committee.

Representative Jonkiert moved to recess to the call of the Chair at 9:17 p.m.

## 36th LEGISLATIVE DAY

May 31, 1977

The Speaker called the House to order at 1:59 p.m. The Majority Leader moved to adjourn at 1:59 p.m., thereby ending the previous legislative day. The House reconvened at 2:00 p.m. A prayer was offered by Representative Ferguson of the 20th District.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Matushefske - 1.

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

Communications:

The Senate wishes to inform the House that it has passed: SJR 21; SB 216; SB 215; HB 157 w/HA 2; HB 383 w/HA 1; HB 160; HB 161 w/HA 2; HB 162 w/HA 2; HB 382 w/HA 3.

Representative Jonkiert introduced and brought HR 74 before the House for consideration.

HR 74 - Commending Thomas H. Elliott, Jr., for his Work in Founding and Directing the Sciarra Memorial Drum and Bugle Corps.

HR 74 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:12 p.m. Representative Gordy seconded the motion.

The House was called to order at 3:30 p.m.

The following prefiled legislation was introduced:

HS 1 for HB 275 - GORDY, LOUGHNEY - LABOR & COMMERCE: An Act to Amend Chapter 70, Title 7, Delaware Code, Relating to the Establishment of a Coastal Zone and the Limitation of Certain Uses Therein.

HB 379 - MAXWELL - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects.

HA 1 to HB 121 - MAXWELL - Placed with the bill.

HA 1 to HB 365 - ANDERSON - Placed with the bill.

HA 1 to HB 374 - OBERLE - Placed with the bill.

SB 215 - MURPHY - BANKING & INSURANCE: An Act to Amend Title 5 of the Delaware Code Relating to Banking.

SB 216 - MURPHY - BANKING & INSURANCE: An Act to Amend Title 5 of the Delaware Code Relating to Banking.

Representative George moved to lift HB 354 from the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

HB 354 - An Act Authorizing a Supplemental Appropriation to the Department of Health and Social Services for the Fiscal Year Ending June 30, 1977, and Prior Year's Expense.

The roll call on HB 354 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Sincok, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Burris, Clendaniel, Darling, Hebner, Morris, Ridings, Roy, Smith, Vernon - 9.

ABSENT: Representatives Matushefske, Temple - 2.

Therefore, having received a constitutional majority, HB 354 was sent to the Senate for concurrence.

Representative George moved to lift SB 48 from the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative George requested and was granted the privilege of the floor for Senator Roger Martin of the 14th Senatorial District.

Representative George moved to table the roll call on SB 48. Representative Lynch seconded the motion. The motion was adopted by voice vote.

The House recessed at 4:03 p.m. for the purpose of changing the audio tape, and reconvened at 4:05 p.m.

Representative Darling moved to strike HJR 18. Representative Gordy seconded the motion. Without objection, HJR 18 was stricken.

Representative Minner moved to lift HB 329 w/HA 1 from the Speaker's table. Representative Gordy seconded the motion. The motion was adopted by voice vote.

HB 329 - An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to Park and Recreation Fees for School Children on an Official School Outing.

Representative Minner introduced and brought HA 2 to HB 329 before the House for consideration. HA 2 to HB 329 was adopted by voice vote.

The roll call on HB 329 w/HA 1, 2 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Plant, Rispoli, Sincok, Temple, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Billingsley, Connor, Hebner, Kelly, McKay, Oberle, Riddagh, Ridings, Roy, Smith, Vernon, Worthen - 13.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives George, Matushefske - 2.

Therefore, having received a constitutional majority, HB 329 w/HA 1,2 was sent to the Senate for concurrence.

Representative Worthen deferred HB 326 to the end of the Agenda.

Representative Ferguson deferred HB 246 to the end of the Agenda and yielded to Representative Byrd.

Representative Byrd brought HB 236 before the House for consideration.

HB 236 - An Act to Amend Chapter 16 of Title 16 of the Delaware Code Relating to the Control of Litter.

Representative Byrd introduced and brought HA 1 to HB 236 before the House for consideration. HA 1 to HB 236 was adopted by voice vote.

Representative Miller introduced and brought HA 2 to HB 236 before the House for consideration. HA 2 to HB 236 was adopted by voice vote.

Representative Cain asked for a ruling from the Chair regarding the necessity of a fiscal note.

Mr. Speaker ruled that no fiscal note was needed.

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

Representative Powell introduced and brought HA 1 to HA 1 to HB 236 before the House for consideration. HA 1 to HA 1 to HB 236 was adopted by voice vote.

Representative Byrd moved to table the roll call on HB 236 w/HA 1, HA 2, HA 1 to HA 1. Representative Powell seconded the motion. The motion was adopted by voice vote.

The House recessed for Committee hearings at 6:05 p.m.

The House was called to order at 6:17 p.m.

#### Committee reports:

Revenue & Finance: HB 179 - 1F, 4M; HB 207 - 4M;  
HB 341 - 2F, 3M.

Labor & Commerce: HS 1 for HB 275 - 2F, 2M

Administrative Services: HB 297 - 4M; HB 370 - 4M;  
HB 373 - 4M.

Appropriations: HB 300 - 1F, 4M; HB 362 - 3M, 1U;  
HB 371 - 4M; SB 25 - 2M, 2U.

Representative Sincock moved to strike HB 165. Without objection, HB 165 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 6:20 p.m. Representative Gordy seconded the motion.

### 37th LEGISLATIVE DAY

June 1, 1977

The Speaker called the House to order at 1:59 p.m. The Majority Leader moved to adjourn at 1:59 p.m., thereby ending the previous legislative day. The House reconvened at 2:00 p.m. A prayer was offered by Reverend Donald Clendaniel of the United Methodist Church, Roxanna, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Members absent: Representative Matushefske - 1.



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

Communications:

The Senate wishes to inform the House that it has passed: SB 98; HB 69; SB 244; SB 197 w/SA 1; HB 322; HB 323 w/HA 1.

Representative Gilligan introduced and brought HCR 33, co-sponsored by Representatives Gordy, Morris, Darling, Ferguson, Minner, Lynch, Clendaniel, Temple, Riddagh and Senators Cicione and Spence, before the House for consideration.

HCR 33 - Requesting the State Board of Parole to Reconsider its Decision to Grant a Conditional Parole to Thomas H. Winsett who was Convicted of the Murder of a State Police Officer in 1963.

HCR 33 was adopted by voice vote.

Representative Maxwell introduced HA 3 to HB 77 and requested it be placed with the bill.

Representatives Byrd, Powell and Loughney introduced HA 4 to HB 77 and requested it be placed with the bill.

Representatives Byrd, Powell and Loughney introduced HA 5 to HB 77 and requested it be placed with the bill.

Representatives Gordy and Smith introduced HA 6 to HB 77 and requested it be placed with the bill.

Representatives Gordy and Smith introduced HA 7 to HB 77 and requested it be placed with the bill.

Representatives Gordy and Smith introduced HA 8 to HB 77 and requested it be placed with the bill.

The following prefiled legislation was introduced:

HB 380 - SINCOCK, BILLINGSLEY, AMBROSINO, T. BRADY, BURRIS, HEBNER, MCKAY, OBERLE, POWELL, RIDDAGH, RIDINGS, ROY, SMITH, VERNON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 29, Chapter 65, Title 29, Chapter 17, Title 2, and Chapter 51, Title 14, Delaware Code Relating to Reimbursement for Costs of Goods and Services Provided by State Agencies and Departments.

HB 381 - POWELL - HOUSE ADMINISTRATION: An Act to Amend Chapter 69, Part VI, Title 29 of the Delaware Code Relating to the Procurement of Materiel and Award of Contracts for Public Works by State Agencies.

HB 384 - MILLER, MINNER - HOUSE ADMINISTRATION: Amend Chapter 1, Title 1, Delaware Code, by Providing Free Copies of the Code to Public Libraries.

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

HB 386 - MILLER - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 21, Title 31, Delaware Code, Relating to Commission for the Blind.

HB 387 - GORDY, SENATOR LITTLETON - COMMUNITY AFFAIRS: An Act to Reincorporate the Town of Delmar. (2/3 bill)

HB 388 - MORRIS, DARLING, BENNETT, MINNER, RIDDAGH, SENATOR COOK - JUDICIARY: An Act to Amend Chapter 13, Title 10, Delaware Code, Relating to Certain Fees Received by the Court of Common Pleas.

HB 389 - SINCOCK, BILLINGSLEY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 5, Title 29, Chapter 65, Title 29, Chapter 17, Title 2, and Chapter 51, Title 14, Delaware Code Relating to Reimbursement for Costs of Goods and Services Provided by State Agencies and Departments.

HA 2 to HB 374 - OBERLE - Placed with the bill.

SB 98 - HOLLOWAY - APPROPRIATIONS: An Act to Make a Supplemental Appropriation to the Department of Corrections for the Purpose of Meeting Certain Payroll Obligations Necessitated by an Arbitration Ruling.

SB 244 - ZIMMERMAN, REPRESENTATIVES BENNETT, MILLER - APPROPRIATIONS: An Act Authorizing the Capital School District to Transfer Funds from the Local Balance of Minor Capital Improvements Program to the Capital School District Operating Account.

Representative Gordy moved to recess for caucus at 2:12 p.m.

The House was called to order at 4:21 p.m.

Representative Sincock deferred HB 140 to the end of the Agenda and yielded to Representative Darling.

Representative Darling brought HB 362 before the House for consideration.

HB 362 - An Act Making a Supplementary Appropriation to the Department of Corrections, Office of the Adult Corrections Bureau Chief, for Providing Funds to Staff and Operate the Kent Correctional Institution.

The roll call on HB 362 was taken and revealed:

YES: Representatives T. Brady, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gordy, Hebner, Kelly, Loughney, Lynch, McKay, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Ambrosino, Anderson, Bennett, Burris, Connor, George, Gilligan, Johnson, Jonkiert, Maxwell, Miller, Plant, Ridings, Roy - 14.

NOT VOTING: Representative Vernon - 1.

ABSENT: Representatives Billingsley, Matushefske - 2.

Therefore, having received a constitutional majority, HB 362 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the Agenda rules for the purpose of acting on a bill. Representative Gordy seconded the motion. The motion was adopted by voice vote.

Representative Jonkiert yielded to Representative Sincock.

Representative Sincock brought HB 340 before the House for consideration.