

The Senate reconvened at 2:08 p.m., March 26, 1980, Senator Cordrey presiding.

Senator Kearns marked PRESENT.

The following Committee reports were announced from the Executive Committee: SB 377 - 1 Favorable, 4 Merits; SB 444 - 5 Merits.

The following legislation was introduced:

SB 477 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TERM OF THE OFFICE OF SHERIFF. Sponsors: Senators Sharp and Weiss. Assigned to Executive Committee.

SR 76 - COMMENDING BILL DILL FOR HIS CONSISTENT DAILY ATTENDANCE AT THE MEETINGS OF THE SENATE. Sponsors: Senators Knox and Sharp. Laid on the table at the request of Senator Knox.

SA 1 to SB 477. Sponsor: Senator Weiss. Placed with the Bill.

SB 478 - AN ACT TO AMEND CHAPTER 21, TITLE 10 OF THE DELAWARE CODE RELATING TO THE OFFICE OF SHERIFF. Sponsors: Senators Weiss and Sharp. Assigned to Judiciary Committee.

SA 1 to SB 478. Sponsor: Senator Weiss. Placed with the Bill.

SB 479 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES. Sponsor: Senator Arnold. Assigned to Health and Social Services Committee.

SB 480 - AN ACT TO AMEND CHAPTER 37, TITLE 31, DELAWARE CODE, RELATING TO LICENSING OF SOCIAL WORKERS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

HCR 111 - REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE NO CUTBACKS IN FEDERAL AID TO STATES, COUNTIES AND MUNICIPALITIES UNTIL A SIGNIFICANT REDUCTION IS MADE IN FOREIGN AID. Sponsors: Representatives Ferguson, W. Brady, Darling, Bennett, Vernon.

The roll call vote on the Resolution was taken on motion of Senator Sharp and revealed 12 Senators voting YES and 9 (Arnold, Cicione, Holloway, Marshall, Martin, McCullough, McDowell, Murphy, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The Secretary announced that a message from the House informed the Senate that it had passed SB 152 and SB 302.

On motion of Senator Sharp, the Senate adjourned at 2:28 p.m. to immediately convene for the 17th Legislative Day.

#### 17TH LEGISLATIVE DAY

March 26, 1980

The Senate convened at 2:28 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Murphy - 1.

The Journal of the previous day was approved as read.

HB 381 was taken up for consideration on motion of Senator Marshall:

HB 381 - AN ACT TO AMEND CHAPTER 81, TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPLICATION OR TAX EXEMPTIONS FOR PERSONS OVER 65 YEARS OF AGE.

Senator Cicione marked PRESENT.

The privilege of the floor was extended to Joseph Conaway (Sussex County Administrator) after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (McCullough) NOT VOTING, and 2 (McDowell and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 389 was taken up for consideration on motion of Senator Marshall:

HB 389 - AN ACT TO AMEND CHAPTER 61, TITLE 9 OF THE DELAWARE CODE, RELATING TO AID FOR MAINTENANCE OF PUBLIC DUMPING AREAS.

The privilege of the floor was extended to Joseph Conaway (Sussex County Administrator) after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, McDowell and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 390 was taken up for consideration on motion of Senator Cicione:

HB 390 - AN ACT TO AMEND CHAPTER 23, TITLE 10 OF THE DELAWARE CODE, RELATING TO THE DEPOSIT OF MONIES BY THE PROTHONOTARY.

The privilege of the floor was extended to Joseph Conaway (Sussex County) Administrator after which the Bill was laid on the table on further motion of Senator Cicione.

At 3:08 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Senator Adams presiding.

The following legislation was introduced:

SB 481 - AN ACT TO AMEND CHAPTER 51, TITLE 30, OF THE DELAWARE CODE RELATING TO REFUNDS OF MOTOR FUEL TAXES. Sponsors: Senator Holloway and Representative Holloway. Assigned to Revenue and Taxation Committee.

SB 482 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE USE OF THE RATE BASE IN COMPUTING CERTAIN UTILITY RATES. Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 483 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE TRANSPORTATION REIMBURSEMENT OF PUPILS ATTENDING NONPUBLIC AND NONPROFIT SCHOOLS. Sponsors: Senators Cicione, McDowell, Marshall; Representatives McBride and Maxwell. Assigned to Finance Committee.

SB 484 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO GENERAL ASSEMBLY APPROVAL OR DISAPPROVAL OF CERTAIN UTILITY RATES. Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 485 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, ACKNOWLEDGING THE RIGHTS AND DEFINING THE LIMITATIONS OF LEGISLATIVE OFFICE, ESTABLISHING A CODE OF LEGISLATIVE CONDUCT,

AND ESTABLISHING A JOINT COMMITTEE ON LEGISLATIVE CONDUCT IN THE GENERAL ASSEMBLY. Sponsors: Senators Hale, Weiss, Berndt, Hughes, Arnold, Zimmerman. Assigned to Executive Committee.

SA 1 to SB 101 was introduced by Senator Zimmerman and placed with the Bill.

Senator McDowell marked PRESENT.

HB 390 was lifted from the table for consideration on motion of Senator Cicione and the privilege of the floor was extended to Russell Larson of the Controller General's Staff after which the Bill was again tabled on further motion of Senator Cicione.

HB 380 was taken up for consideration on motion of Senator Marshall:

HB 380 - AN ACT TO AMEND CHAPTER 64, TITLE 9 OF THE DELAWARE CODE, RELATING TO SUSSEX COUNTY EMPLOYEES' RETIREMENT BENEFITS.

The privilege of the floor was extended to Joseph Conoway (Sussex County Administrator) and Dennis Schrader, Esq. after which the roll call vote on the Bill was taken.

Before the vote was announced, Senator Marshall moved that it be laid on the table; however, there was an objection and the Senator withdrew his motion and the roll call vote on HB 380 was announced:

YES: Senators Adams, Berndt, Cook, Holloway, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Weiss - 12.

NOT VOTING: Senators Arnold, Hale, Hughes, Sharp, Spence, Zimmerman - 6.

ABSENT: Senators Cicione, Cordrey and Murphy - 3.

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

SA 2 to SB 386 was introduced by Senator Cordrey and placed with the Bill.

SR 77 was introduced and considered for adoption on motion of Senator Martin:

SR 77 - URGING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO REDOUBLE THEIR EFFORTS TO REACQUIRE FROM THE FEDERAL GOVERNMENT THE REMAINING ACREAGE ADJACENT TO CAPE HENLOPEN STATE PARK KNOWN AS FORT MILES. Sponsors: Senators Martin, Holloway, Adams, Zimmerman, Cook, Hughes, Hale, Berndt, Spence, Arnold, Knox, Marshall, Cicione, Kearns.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (McCullough) NOT VOTING, and 3 (Cicione, Cordrey and Murphy) ABSENT; therefore, the Resolution was declared adopted.

The following Bills were stricken at the request of the sponsor, Senator Holloway: SB 52, SB 126, SB 156, SB 158, SB 179.

Senator Cordrey requested that his name be removed as a sponsor of HB 380.

At 5:35 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 27, 1980.

The Senate reconvened at 2:13 p.m., March 27, 1980, Lt. Governor McGinnis presiding.

HCR 112 was introduced and laid on the table on motion of Senator McDowell:

HCR 112 - REQUESTING THE NEW CASTLE COUNTY BOARD OF EDUCATION TO REASSIGN SCHOOL ADMINISTRATIVE PERSONNEL TO THE SCHOOL BUILDINGS IN THE ATTENDANCE AREAS AND TO DISPOSE OF THE SURPLUS ADMINISTRATION BUILDINGS TO THE FINANCIAL ADVANTAGE OF THE STATE. Sponsors: Representatives George, Anderson, Cain, Ferguson, McBride; Senators Cicione, McDowell and Sharp.

SB 486 (sponsored by Senator Holloway) was introduced and assigned to the Finance Committee:

SB 486 - AN ACT TO AMEND CHAPTER 7, TITLE 29, DELAWARE CODE, RELATING TO THE COMPENSATION OF THE LIEUTENANT GOVERNOR.

SB 475 was reported out of the Agriculture Committee: 2 Favorable, 3 Merits.

Senator McDowell moved that HCR 112 be lifted for consideration.

Senator McCullough moved that the Resolution be placed in the Education Committee. The roll call vote on the motion to place the Resolution in Committee was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Marshall, McCullough, Spence, Weiss, Zimmerman - 13.

NO: Senators Adams, Cicione, Cordrey, Littleton, Martin, McDowell, Sharp - 7.

ABSENT: Senator Murphy - 1.

Therefore, the motion prevailed and the Resolution was assigned to Education Committee.

SR 78 (sponsored by Senator Kearns) was introduced and considered for adoption on his motion:

SR 78 - URGING COUNTY GOVERNMENTS TO ASSURE THAT NO SENIOR CITIZEN LOSES HIS PROPERTY TAX EXEMPTION BECAUSE OF MISSING APPLICATION DEADLINE FOR REASONABLE CAUSE.

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

SCR 70 (sponsored by Senators Spence, Weiss, Hughes, Littleton and Arnold) was introduced and considered for adoption on motion of Senator Spence:

SCR 70 - COMMENDING THE TRIBUTE TO THE AMERICAN FAMILY TO BE HELD AT THE CAESAR RODNEY JUNIOR HIGH SCHOOL ON APRIL 15, 1980.

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

At 2:53 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 18th Legislative Day.

#### 18TH LEGISLATIVE DAY March 27, 1980

The Senate convened at 2:53 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.



Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following Bills were stricken at the request of the sponsor, Senator Holloway: SB 390, SB 391, SB 393, SB 394.

SB 386 w SA 1 was lifted for consideration on motion of Senator Cordrey.

SA 2 to the Bill which had been placed with the Bill, was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 386 w SA 1, 2 was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Knox, Littleton, Martin, McCullough, Sharp, Spence, Weiss - 14.

NO: Senators Adams and McDowell - 2.

NOT VOTING: Senators Hughes, Kearns, Zimmerman - 3.

ABSENT: Senators Marshall and Murphy - 2.

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

SB 462 was taken up for consideration on motion of Senator Cordrey.

The privilege of the floor was extended to Jack Russell after which the roll call vote was taken which revealed 19 Senators voting YES and 2 (Cicione and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SJR 38 was taken up for consideration on motion of Senator Zimmerman:

SJR 38 - REQUESTING THE PLANNING DIVISION OF THE OFFICE OF MANAGEMENT, BUDGET AND PLANNING TO MAKE A PRELIMINARY STUDY OF ALL ASPECTS OF PIPELINE ACTIVITY WITH THE STATE.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Sharp, Spence, Weiss, Zimmerman - 16.

NOT VOTING: Senators Hale and Hughes - 2.

ABSENT: Senators Cicione, Holloway, Murphy - 3.

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

At 3:28 p.m., Senator Adams presiding.

SB 101 was taken up for consideration on motion of Senator Zimmerman:

SB 101 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO NON-RESIDENT HUNTING LICENSES.

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

The roll call vote on SB 101 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Cicione and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:55 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:18 p. m., Senator Cordrey presiding.

The following legislation was introduced:

SB 487 - AN ACT TO AMEND CHAPTER 2, TITLE 15, DELAWARE CODE, RELATING TO METHOD OF COMPENSATION OF MEMBERS OF THE VARIOUS DEPARTMENTS OF ELECTIONS. Sponsor: Senator Sharp. Assigned to Banking, Insurance and Elections Committee.

SB 488 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF FIREFIGHTING STAND-PIPES. Sponsors: Senators McDowell, Cicione, Marshall, Sharp and Holloway; Representatives Jonkiert, T. Brady, Gilligan, Matushefske, Holloway, Jr., George, Maxwell, VanSciver, Plant. Assigned to Finance Committee.

SB 489 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS AND EMPLOYEES. Senators Weiss and Hale. Assigned to Executive Committee.

SA 1 to SB 454. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 444. Sponsor: Senator Holloway. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 69.

The following legislation was introduced:

HB 165 - AN ACT TO AMEND SECTION 1104, ARTICLE XI, OF THE CHARTER OF THE CITY OF NEWARK, DELAWARE, BY REMOVING THE PROHIBITION AGAINST POLITICAL ACTIVITY BY PERSONS HOLDING UNPAID APPOINTIVE CITY POSITIONS. Sponsors: Representatives Neal, Petrilli, W. Brady, Anderson, Oberle, Cain, Ferguson; Senators Hale, Martin, Sharp, Spence. Assigned to Community Affairs Committee.

HB 391 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE INCREASING THE PENALTY FOR SCHOOL TAX DELINQUENCIES IN KENT COUNTY AND SUSSEX COUNTY. Sponsors: Representatives Gordy, Clendaniel, West, Burris, Fallon, Vernon; Senators Cordrey, Adams, Littleton. Assigned to Revenue and Taxation Committee.

HCR 113 - COMMENDING THE LIBRARIES OF THE STATE OF DELAWARE FOR THE EXCELLENT SERVICE PROVIDED TO DELAWARE CITIZENS AND TO ENCOURAGE THESE LIBRARIES THROUGH LEGISLATIVE SUPPORT TO EXTEND THE SERVICES AND COOPERATE AMONG THEMSELVES. Sponsors: Representatives Fallon, Maroney and Minner.

The Resolution was considered for adoption on motion of Senator Sharp and revealed 19 Senators voting YES and 2 (Littleton and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 114 - CONGRATULATING DAVE COOK OF INDIAN RIVER UPON HIS SELECTION AS STATE HIGH SCHOOL BASKETBALL COACH OF THE YEAR. Sponsors: Representatives West and Maxwell; Senator Cordrey.

The Resolution was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 (Littleton and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 115 - CONGRATULATING VICTOR F. BATTAGLIA, PRESIDENT OF THE DELAWARE BAR ASSOCIATION, UPON HIS SELECTION AS THE 1980 WINNER OF THE GOOD GOVERNMENT AWARD PRESENTED BY THE COMMITTEE OF 39. Sponsors: Representatives George, Ambrosino, Petrilli, Vernon, VanSciver, Powell, Bennett, Hebner.

The Resolution was considered for adoption on motion of Senator Marshall and the roll call vote taken which revealed 18 Senators voting YES and 3 (Littleton, Murphy and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

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

OFFICE OF COUNTY EXECUTIVE  
March 22, 1980

The Honorable Calvin R. McCullough  
605 Central Avenue  
New Castle, Delaware

Dear Senator McCullough:

I am very sorry that I was unable to be with you Saturday night when you were presented the DSFSA Special Recognition Award. It is most fitting that you receive this award because it represents the many outstanding contributions you have made to your community.

Congratulations, Senator, on receiving the DSFSA Special Recognition Award.

Sincerely,  
Mary D. Jornlin  
County Executive

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

SENATE  
STATE OF DELAWARE  
DOVER, DELAWARE

March 27, 1980

TO: All Senators  
FROM: Senator Richard S. Cordrey, President Pro Tempore  
Chairman, Ethics Committee

SUBJECT: Report of the Senate Ethics Committee Relative  
to Allegations Regarding Senator Marshall

The Ethics Committee met on March 13, 1980, at 7:30 p.m., in Senator Cordrey's Office. Members of the Ethics Committee present were: Senator Cordrey, Senator Sharp, Senator Knox, and Senator Arnold. Also in attendance were Senator Marshall and his legal counsel, Victor Battaglia, and Attorney General for the State of Delaware, Richard S. Gebelein. The meeting was open to the public. At the conclusion of the discussion, which lasted for two hours, the following facts were agreed upon by all in attendance.

The Attorney General stated that his investigation had concluded that there was insufficient evidence to prove guilt under the existing Profiteering and Official Misconduct laws of our State. The Attorney General's investigation did conclude that: "It was clear, however, that the actions violated the Constitutional prohibition against conflict of interest contained in Article II, Section 20."

The Senate Ethics Committee has carefully reviewed the evidence and the conclusions presented by the Attorney General in his letter of February 14, 1980, referring this matter to the Senate. In Addition, the Committee has further explored the evidence and the allegations in question at its meeting on March 13, involving Senator Marshall his legal counsel, and Attorney General Gebelein.

After consideration of all relevant facts available to the Ethics Committee regarding Senator Marshall's role in the purchase and sale of the property at 1300 Linden Street, the members unanimously agree that the Committee cannot conclusively determine that the actions of Senator Marshall in that transaction, or his vote on Senate Bill 347, constituted a conflict of interest in violation of Article II, Section 20, of the Delaware Constitution.

The members of the Ethics Committee do feel that it was extremely poor judgement on Senator Marshall's part to sell the property to the Community Center, because, as a minimum, this created the appearance of a conflict.

The entire Committee present feels that there is a need to update and strengthen our current laws and procedures so that in the future, there will be definite evidence, rules, and guidelines defining what a conflict of interest is and providing penalties for violations.

The members of the Committee present, as a whole, feel so strongly on this matter, that, in talking with the Attorney General, we will be more than glad to co-sponsor any such legislation which he feels is necessary to define a conflict of interest.

(Signed)

Senator Richard S. Cordrey,  
Chairman  
Senator Thomas B. Sharp  
Senator Andrew G. Knox  
Senator John H. Arnold  
Senator Calvin R. McCullough

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HB 72 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 72 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 11, DELAWARE CODE RELATING TO THE MINIMUM WAGE FOR EMPLOYEES IN DEFAULT OF PAYMENT OF FINES.

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

HB 166 and HB 187 w HA 1 were reassigned to Highways and Transportation Committee on motion of Senator Martin.

At 5:43 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 1, 1980.

The Senate reconvened at 2:30 p.m. April 1, 1980, Senator Cordrey presiding.

Senator Murphy marked PRESENT.

HB 391 was reported out of the Revenue and Taxation Committee - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 490 - AN ACT TO AMEND TITLE 3, DELAWARE CODE RELATING TO AGRICULTURE AND FORESTAL OPERATIONS NOT BEING CONSIDERED NUISANCES. Sponsor: Senator Adams. Assigned to Agriculture Committee.

SA 1 to SB 215. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 and SA 2 to SB 450. Sponsor: Senator Cordrey. Placed with the Bill.

SCR 71 - MOURNING THE DEATH OF JESSE OWENS, THE HERO OF THE 1936 OLYMPICS, AT THE AGE OF 66. Sponsors: Senators Holloway, Hughes, Cicione.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES, and 2 (Weiss and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 72 - REQUESTING THE GOVERNOR TO PROCLAIM MAY 1, 1980, DELAWARE BICYCLING DAY. Sponsor: Senator Knox.

The Resolution was considered for adoption on motion of Senator Knox and the roll call vote taken which revealed 19 Senators voting YES, and 2 (Weiss and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 2:36 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY  
April 1, 1980

The Senate convened at 2:36 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the previous day was approved as read.

SB 450 was taken up for consideration on motion of Senator Holloway:

SB 450 - AN ACT TO AMEND CHAPTER 1, TITLE 24, DELAWARE CODE, RELATING TO PUBLIC AND CERTIFIED ACCOUNTANTS.

During discussion of the Bill and the Amendments which were offered to it, the privilege of the floor was extended to Richard I. Wade (Delaware Society of Public Accountants) and Richard L. Engle (Delaware Society of Public Accountants).

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Marshall, McCullough, McDowell, Murphy, Sharp, Spence - 17.

NO: Senators Knox and Zimmerman - 2.

ABSENT: Senators Martin and Weiss - 2.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill was introduced by Senator Cicione and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES, and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

SB 450 w SA 1, 2, 3 was then laid on the table on motion of Senator Holloway.

At 3:30 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., Senator Sharp presiding.

The following legislation was introduced:

SB 491 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE TO CREATE THE OFFENSE OF SEXUAL RELATIONS ON A DETENTION FACILITY. Sponsors: Senators Sharp, Cook, Holloway, Hughes, Spence. Assigned to Corrections Committee.

SB 492 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PROHIBIT THE PLACEMENT OF FEMALE CORRECTIONAL OFFICERS IN MALE HOUSING UNITS AND TO PROHIBIT PLACEMENT OF MALE CORRECTIONAL OFFICERS IN FEMALE HOUSING UNITS. Sponsors: Senators Sharp, Holloway, Hughes, Spence. Assigned to Corrections Committee.

SB 493 - AN ACT AUTHORIZING CERTAIN PAY GRADE AND CLASSIFICATION CHANGES FOR POSITIONS OF EMPLOYMENT WITHIN THE DEPARTMENT OF CORRECTION. Sponsors: Senators Sharp, Cook, Holloway, Hughes, Spence; Representatives Petrilli, T. Brady, Free, Oberle, W. Brady, Holloway, Jr., Morris. Laid on the table at the request of Senator Cook.

SB 494 - AN ACT TO AMEND CHAPTER 53, TITLE 25, DELAWARE CODE, RELATING TO LANDLORD OBLIGATIONS AND TENANT REMEDIES. Sponsors: Senators Holloway and Representative Holloway, Jr. Assigned to Judiciary Committee.

SS 1 for SB 472 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsors: Senator Martin, Arnold, Knox, McDowell, Sharp, Holloway, Kearns, Hale; Representatives Anderson, Maxwell, McBride, Petrilli, Minner, Clendaniel, Gilligan, Loughney, Powell, W. Brady, Ferguson, Neal, Cain, Oberle.

On motion of Senator Martin, SB 472 which had been stricken was restored to the Calendar and the Substitute Bill was adopted in lieu thereof and assigned to Finance Committee.

SA 4 to SB 450. Sponsor: Senator Holloway. Placed with the Bill.

Senator Holloway moved that SB 450 w SA 1, 2, 3 be lifted from the table for consideration; however, there was an objection and the Senator withdrew his motion.

SB 475 was taken up for consideration on motion of Senator Adams:

SB 475 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE, DIVISION OF STANDARDS AND INSPECTIONS, FOR THE PURPOSE OF ESTABLISHING TWO NEW POSITIONS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES, 1 (Zimmerman) voting NO, and 3 (Holloway, Hughes and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:05 p.m., Senator Cordrey presiding.

SB 493 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Sharp:

SB 493 - AN ACT AUTHORIZING CERTAIN PAY GRADE AND CLASSIFICATION CHANGES FOR POSITIONS OF EMPLOYMENT WITHIN THE DEPARTMENT OF CORRECTION.

The privilege of the floor was extended to John L. Sullivan, Commissioner of Correction, after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HCR 116 was introduced and considered for adoption on motion of Senator Cook:

HCR 116 - EXPRESSING DEEP APPRECIATION FOR THE EASTER LILLIES GIVEN ANNUALLY BY THE VOCATIONAL STUDENT ORGANIZATIONS OF DELAWARE DURING THIS HOLY WEEK. Sponsors: Representative Burris and all the Representatives; Senator Cordrey and all the Senators.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 63 w SA 3 and adopted SCR 70.

SR 79 (Sponsored by Senator Holloway) was introduced and considered for adoption on his motion:

SR 79 - COMMENDING UNITED STATES SENATOR HARRY M. (SCOOP) JACKSON FOR RECOMMENDING THAT ALL UNITED STATES AUTOMAKERS BE REQUIRED TO PRODUCE VEHICLES BY 1982 THAT ACHIEVE 40 MILES PER GALLON OF GASOLINE AND REQUESTING SUPPORT OF THE DELAWARE CONGRESSIONAL DELEGATION.

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

YES: Senators Adams, Cicione, Holloway, Kearns, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp - 11.

NO: Senators Arnold, Cook, Cordrey, Knox, Spence, Zimmerman - 6.

NOT VOTING: Senators Berndt and Hughes - 2.

ABSENT: Senators Hale and Weiss - 2.

Therefore, the Resolution was declared adopted.

SR 80 (Sponsored by Senator Marshall) was introduced and considered for adoption on his motion:

SR 80 - COMMENDING THE HERCULES CORPORATION AND ITS PRESIDENT, MR. GIACCO FOR DECIDING TO RETAIN THEIR CORPORATE HEAD-QUARTERS IN THE CITY OF WILMINGTON.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Marshall, Martin, McCullough, Murphy, Spence - 15.

NOT VOTING: Senators Arnold, Sharp, Zimmerman - 3.

ABSENT: Senators Hughes, McDowell, Weiss - 3.

Therefore, the Resolution was declared adopted.

The following legislation was introduced:

SB 495 - AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, RELATING TO UNIT PROPERTIES. Sponsors: Senators McDowell, Marshall, Cicione, Hughes; Representatives McBride, Jonkiert, Matushefske. Senator McDowell moved that the Bill be laid on the table; however, there was an objection and the Bill was assigned to the Judiciary Committee.



SB 496 - AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, RELATING TO UNIT PROPERTIES. Sponsors: Senators McDowell, Marshall, Cicione, Hughes; Representatives McBride, Jonkiert, Matushefske. Assigned to Judiciary Committee.

SB 497 - AN ACT TO AMEND TITLE 25, DELAWARE CODE, BY REPEALING CHAPTER 22 THEREOF. Sponsors: Senators McDowell, Marshall, Cicione, Hughes; Representatives McBride, Jonkiert, Matushefske. Assigned to Judiciary Committee.

SJR 40 - URGING A MORATORIUM ON THE ISSUANCE OF LICENSES FOR THE CONVERSION OF APARTMENT BUILDINGS TO CONDOMINIUMS UNTIL JUNE 30, 1980. Sponsors: Senators Marshall, McDowell, Cicione, Hughes; Representatives Jonkiert and Matushefske. Assigned to Community Affairs Committee.

HS 1 for HB 444 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO CONSTITUTIONAL CONVENTIONS. Sponsor: Representative Petrilli. Assigned to Executive Committee.

HB 534 w HA 1, 2 - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY TO PROVIDE FOR THE LICENSING OF FOREIGN-TRAINED PHYSICAL THERAPISTS, TO ELIMINATE THE PROVISION FOR TEMPORARY CERTIFICATES, AND TO REVISE THE SECTION DEALING WITH CERTIFICATE RENEWAL. Sponsors: Representative Gilligan and Senator Holloway. Assigned to Administrative Services Committee.

HB 541 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO MOPEDS. Sponsors: Representatives T. Brady and Vernon. Assigned to Public Safety Committee.

HB 590 - AN ACT TO AMEND CHAPTER 45, TITLE 6 OF THE DELAWARE CODE RELATING TO EQUAL ACCOMMODATIONS; AND PROVIDING FOR A TIME LIMITATION WITHIN WHICH COMPLAINTS SHALL BE FILED. Sponsor: Representative McBride. Assigned to Judiciary Committee.

At 5:53 p.m., on motion of Senator Sharp, the Senate adjourned until 2:00 p.m., April 2, 1980.

#### 20TH LEGISLATIVE DAY

April 2, 1980

The Senate convened at 2:32 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

HB 541 which was assigned to Public Safety Committee on April 1, 1980 was sent to the Senate from the House in error, so the previous action on the Bill was withdrawn.

Legislative Advisory #31 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following legislation on April 1, 1980: SB 163, SB 172, SB 323.

The following Committee reports were announced:  
From the Agriculture Committee: SB 490 - 2 Favorable, 3 Merits.

From the Correction Committee: SB 48 - 4 Favorable.

From the Judiciary Committee: SB 492 - 3 Favorable, 1 Merits.

From the Executive Committee: HB 603 - 5 Merits.

The following letter of nomination for appointment from the Governor was read and assigned to the Executive Committee:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

January 10, 1979

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry W. Heath, Jr., 2808 Kennedy Road, Wilmington, Delaware, to be a member of the Environmental Appeals Board for a term of 3 years, to fill the expired term of Ray Klair Woodward.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

The following legislation was introduced:

HB 292 w HA 2, 3 - AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO LAW ENFORCEMENT ADMINISTRATION; AND PROVIDING FOR THE REORGANIZATION OF CERTAIN LAW ENFORCEMENT AGENCIES. Sponsors: Representatives Maxwell, Matushefske, Jonkiert and Petrilli; Senators Cook and Cicione. Assigned to Judiciary Committee.

HB 601 - AN ACT TO AMEND CHAPTER 5, TITLE 9, DELAWARE CODE, TO PERMIT FIRE COMPANIES TO INSPECT FIRE HYDRANTS AND WATER MAINS AND TO REPORT THEIR FINDINGS AND TO PERMIT TESTING OF FIRE-FIGHTING EQUIPMENT. Sponsor: Representative Gilligan. Assigned to Community Affairs Committee.

HB 632 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representatives Maxwell, Plant, McBride, Loughney, Powell, Roy. Assigned to Banking, Insurance and Elections Committee.

SA 2 to SB 407. Sponsor: Senator Murphy. Placed with the Bill.

SB 498 - AN ACT TO AMEND CHAPTER 22, TITLE 25 OF THE DELAWARE CODE RELATING TO UNIT PROPERTIES. Sponsors: Senator Hughes and Representative T. Brady. Senator Hughes moved that the Bill be laid on the table and the roll call vote on the Motion was taken which revealed:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Littleton, McCullough, Weiss - 9.

NO: Senators Adams, Cook, Cordrey, Kearns, Marshall, Martin, McDowell, Murphy, Sharp, Zimmerman - 10.

NOT VOTING: Senator Spence - 1.

ABSENT: Senator Cicione - 1.

Therefore, the motion was defeated and the Bill was assigned to Judiciary Committee.

SR 81 - REQUESTING THE DIRECTOR OF THE DELAWARE TURNPIKE TO PUBLICIZE INTENSIVELY THE EMERGENCY ASSISTANCE AVAILABLE TO STRANDED MOTORISTS DURING THE ABSENCE OF AN OPERATING TELEPHONE SYSTEM. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

Senator Zimmerman introduced to the Senate Jean Bonkowski, winner of the V.F.W. oratorical contest. She was granted the privilege of the floor to present her winning speech.

SB 444 was taken up for consideration on motion of Senator Holloway:

SB 444 - AN ACT TO ENSURE THAT THE STATE OF DELAWARE AND THE NATIONAL OBSERVANCES OF MEMORIAL DAY WILL COINCIDE.

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

The privilege of the floor was extended to William Keene, P.H.D. (State Superintendent of Public Instruction) and William W. Craig (Department of Delaware American Legion) after which SB 444 w SA 1 was laid on the table on further motion of Senator Holloway.

SB 407 was taken up for consideration on motion of Senator Murphy:

SB 407 - AN ACT TO AMEND CHAPTER 39, TITLE 18, OF THE DELAWARE CODE, RELATING TO CASUALTY INSURANCE CONTRACTS FOR MOTOR VEHICLES.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Murphy.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Marshall, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Berndt and Holloway - 2.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Martin and Hale - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 407 w SA 2 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Littleton,, Marshall, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senators Berndt and Holloway - 2.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Martin - 1.

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

At 3:51 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:16 p.m., Senator Sharp presiding.

The following legislation was reported out of the Judiciary Committee: SB 95 - 5 Merits; SB 467 - 5 Merits; SB 495 - 1 Favorable, 1 Merits, 3 Unfavorable; SB 496 - 1 Favorable, 2 Unfavorable.

The following legislation was introduced:

SB 499 - AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO THE REQUIREMENT THAT EACH DEPARTMENT, AGENCY, COMMISSION OR AUTHORITY OF THIS STATE ADOPT A FORMS MANAGEMENT PLAN WHICH MEETS CERTAIN CRITERIA; PROVIDING FOR A FORMS MANAGEMENT OFFICER IN EACH AGENCY; REQUIRING EACH AGENCY TO USE ONLY FORMS APPROVED UNDER ITS FORMS MANAGEMENT PLAN; REQUIRING EACH AGENCY TO FILE ITS PLAN WITH THE BUREAU OF ARCHIVES AND RECORDS; PROVIDING FOR THE APPROVAL AND MONITORING OF EACH PLAN BY THE BUREAU OF ARCHIVES AND RECORDS. Sponsor: Senator McDowell. Assigned to Administrative Services Committee.

SB 500 - AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND REFINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES. Sponsors: Senators Holloway; Representatives Sincok and Gordy. Laid on the table at the request of the sponsor.

HB 391 was taken up for consideration on motion of Senator Cordrey:

HB 391 - AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE, INCREASING THE PENALTY FOR SCHOOL TAX DELINQUENCIES IN KENT COUNTY AND SUSSEX COUNTY.

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

SB 276 was taken up for consideration on motion of Senator Murphy:

SB 276 - AN ACT TO AMEND CHAPTER 7 AND 9 OF TITLE 5, DELAWARE CODE, RELATING TO BANK BRANCHES.

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

SB 455 was taken up for consideration on motion of Senator Murphy:

SB 455 - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, BY ADDING A SUBCHAPTER RELATING TO THE VOTER REGISTRATION OF CERTAIN SICK AND DISABLED PERSONS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Harry Terry (Senate Attorney) after which SB 455 w SA 1 was laid on the table on further motion of Senator Murphy.

On motion of Senator Cordrey, the roll call vote on SB 13 was lifted and announced:

YES: Senators Arnold, Berndt, Cicione, Cordrey, Hale, Kearns, Knox, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Weiss - 14.

NO: Senators Adams, Cook, Hughes, Littleton, Spence, Zimmerman - 6.

NOT VOTING: Senator Holloway - 1.

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

SB 421 was reported out of the Executive Committee: 2 Favorable, 3 Merits.

The following legislation was introduced:

SA 1 to SA 2 to SB 450. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 495. Sponsor: Senator Hughes. Placed with the Bill.

SA 1 to SA 1 to SB 495. Sponsor: Senator Hughes. Placed with the Bill.

SA 1 to SB 498. Sponsor: Senator Hughes. Placed with the Bill.

SR 82 (Sponsored by Senator Marshall) was introduced and considered for adoption on his motion:

SR 82 - COMMENDING THE POSTMASTER GENERAL, WILLIAM BOLGER, FOR HONORING EMILY P. BISSELL ON A POSTAGE STAMP TO BE ISSUED ON MAY 31, 1980.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cicione, Hale and Spence) ABSENT; therefore, the Resolution was declared adopted.

SR 83 (Sponsored by Senators Zimmerman and Martin) was introduced and considered for adoption on motion of Senator Zimmerman:

SR 83 - URGING THE DEPARTMENT OF NATURAL RESOURCES TO REFRAIN FROM ISSUING A PERMIT FOR CONSTRUCTION OF A HAZARDOUS WASTE TREATMENT PLANT NEAR NEWARK AND REPORT TO THE GENERAL ASSEMBLY ON SAFETY PRECAUTIONS BEING TAKEN BEFORE ISSUANCE OF SUCH PERMITS.

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

YES: Senators Cook, Cordrey, Holloway, Kearns, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 12.

NO: Senators Adams, Arnold, Berndt, Hughes, Knox, Littleton, Weiss - 7.

ABSENT: Senators Cicione and Hale - 2.

Therefore, the Resolution was declared adopted.

SCR 73 was introduced and considered for adoption on motion of Senator Marshall:

SCR 73 - URGING A MORATORIUM ON THE ISSUANCE OF LICENSES FOR THE CONVERSION OF APARTMENT BUILDINGS TO CONDOMINIUMS UNTIL JUNE 30, 1980. Sponsors: Senators Marshall, Cicione, McDowell, Hughes; Representatives Jonkiert and McBride.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on the Resolution was taken and revealed:

YES: Senators Cook, Marshall, Martin, McDowell, Sharp, Zimmerman - 6.

NO: Senators Adams, Arnold, Berndt, Cordrey, Kearns, Knox, McCullough, Murphy, Spence, Weiss - 10.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Cicione, Hale, Holloway, Littleton - 4.

Therefore, the Resolution was declared lost.

SJR 41 was introduced and assigned to Administrative Services Committee:

SJR 41 - DIRECTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO UNDERTAKE A THOROUGH STUDY OF SMALL BUSINESSES IN THIS STATE TO ASCERTAIN THEIR OPPORTUNITIES TO DO BUSINESS WITH THE STATE BY SELLING GOODS AND SERVICES THERETO AND TO SUBMIT THEIR FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE. Sponsor: Senator McDowell.

At 6:31 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., April 3, 1980.

The Senate reconvened at 2:30 p.m., April 3, 1980, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SA 1 to SB 496. Sponsor: Senator Hughes. Placed with the Bill.

SA 1 to SB 500. Sponsor: Senator Cordrey. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 463 and SB 424 and adopted SCR 71 and SCR 72.

The following legislation was introduced:

HB 707 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS. Sponsors: Representatives Gordy and Sincok, Senators Cook, Cordrey and Berndt. Laid on the table on motion of Senator Cordrey.

HB 804 - AN ACT TO AMEND VOLUME 57, CHAPTER 323, LAWS OF DELAWARE, RELATING TO THE CARE AND MAINTENANCE OF THE "PUBLIC BUILDING" IN WILMINGTON BY REPEALING SAME: AUTHORIZING THE PURCHASE OF SAID BUILDING BY THE STATE FROM THE CITY OF WILMINGTON AND NEW CASTLE COUNTY AT FAIR MARKET VALUE AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Representatives Sincok, T. Brady, Cain Jonkiert; Senators Cook, Knox, McDowell. Assigned to Finance Committee.

HCR 117 - COMMENDING PROFESSIONAL SECRETARIES FOR THEIR CONTRIBUTION TO OUR SOCIETY AND DESIGNATING THE WEEK OF APRIL 20-26 AS NATIONAL SECRETARIES WEEK AND WEDNESDAY, APRIL 23, AS SECRETARIES DAY. Sponsors: Representative Cain and all Representatives and all the Senators.

The Resolution was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES and 4 (Martin, McCullough, McDowell and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 118 - DESIGNATING APRIL 17, 1980 AS "FREE ENTERPRISE DAY" IN DELAWARE. Sponsors: Representatives McKay, Oberle, Cathcart, Neal, Harrington, Smith, Petrilli, Sincok, Maroney, Roy, Fallon, T. Brady, Hebner, Powell, Burris, Riddagh, Vernon, Free, VanSciver, West, Morris, Minner, Ambrosino, W. Brady, Clendaniel, Plant, Anderson, George, Gilligan, Loughney, Gordy, Matushefske, Bennett, McBride, Cain, Jonkiert; Senators Arnold, Holloway, Sr., Hughes, Berndt, Littleton, Spence, Cook, Knox, Hale.

The Resolution was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES and 3 (Martin, McCullough and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 2:38 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 21st Legislative Day.

## 21ST LEGISLATIVE DAY

April 3, 1980

The Senate convened at 2:38 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 417 was taken up for consideration on motion of Senator Berndt:

SB 417 - AN ACT TO AMEND CHAPTER 4, TITLE 24, OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EXAMINERS OF BARBERS.

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

SB 491 was taken up for consideration on motion of Senator Sharp:

SB 491 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE, TO CREATE THE OFFENSE OF SEXUAL RELATIONS IN A DETENTION FACILITY.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 2 (McCullough and McDowell) NOT VOTING; and 1 (Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 492 was taken up for consideration on motion of Senator Sharp:

SB 492 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PROHIBIT THE PLACEMENT OF FEMALE CORRECTIONAL OFFICERS IN MALE HOUSING UNITS AND TO PROHIBIT PLACEMENT OF MALE CORRECTIONAL OFFICERS IN FEMALE HOUSING UNITS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING, and 1 (Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 490 was taken up for consideration on motion of Senator Adams:

SB 490 - AN ACT TO AMEND TITLE 3, DELAWARE CODE RELATING TO AGRICULTURE AND FORESTAL OPERATIONS NOT BEING CONSIDERED NUISANCES.

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

At 3:12 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SA 1 to SB 320. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SA 1 to SB 496. Sponsor: Senator Hughes. Placed with the Bill.

SA 2 to SA 1 to SB 495. Sponsor: Senator Hughes. Placed with the Bill.

The Governor's nomination for appointment of Christopher J. Warner was reported out of the Executive Committee: 4 Favorable, 1 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 251 and SB 397 w SA 1, HA 1.

Legislative Advisory #32 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SB 132, SB 152 and SB 302 on April 3, 1980.

HB 707 w HA 1 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook:

HB 707 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES, 1 (McDowell) voting NO and 3 (Adams, Arnold and Kearns) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.



On motion of Senator McCullough, the necessary rules were suspended for reconsideration of SB 397 w SA 1 which had passed the Senate and as now further amended by HA 1.

The roll call vote on SB 397 w SA 1, HA 1 was then taken and revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the Bill was declared passed.

HB 603 was taken up for consideration on motion of Senator Adams:

HB 603 - AN ACT APPROVING THE SALE OF A PARCEL OF LAND OWNED BY THE LAUREL SCHOOL DISTRICT TO MAURICE L. AND NANCY B. CANNON.

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

At 5:05 p.m., Senator Sharp presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Rev. Ellsworth B. Jackson was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Arnold and Hale) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Christopher J. Warner and the roll call vote taken which revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the appointment was declared confirmed.

HB 403 was taken up for consideration on motion of Senator Cordrey:

HB 403 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE, RELATING TO IMPOSING FEES FOR LATE RENEWALS OF VEHICLE REGISTRATION FEES.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES, 1 (Marshall) voting NO and 2 (Arnold and Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 403 w SA 1 was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Weiss - 17.

NO: Senators Marshall, Spence and Zimmerman - 3.

ABSENT: Senator Arnold - 1.

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

SB 496 was taken up for consideration on motion of Senator McDowell:

SB 496 - AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, RELATING TO UNIT PROPERTIES.

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

YES: Senators Adams, Berndt, Cook, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Sharp, Spence, Weiss - 13.

NO: Senators Cicione and Cordrey - 2.

NOT VOTING: Senators Holloway, Marshall and McCullough - 3.

ABSENT: Senators Arnold, Murphy, Zimmerman - 3.

Therefore, the Amendment to the Amendment was declared adopted.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which Senator Holloway moved that the Bill be laid on the table. The roll call vote on the motion was taken and revealed:

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

NO: Senators Hughes and McDowell - 2.

ABSENT: Senators Arnold and Littleton - 2.

Therefore, the motion prevailed and the Bill was laid on the table.

SR 84 (Sponsored by Senator Cordrey, Sharp, Cook and all the Senators) was introduced and considered for adoption on motion of Senator Cordrey:

SR 84 - CONGRATULATING KAREN DIAMOND, OUTSTANDING RADIO EDITOR AND REPORTER, UPON HER PROMOTION TO THE MUTUAL BROADCASTING COMPANY NEWS HEADQUARTERS IN WASHINGTON, D.C.

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

SR 85 (Sponsored by Senators Holloway, Weiss, Marshall and Kearns) was introduced and considered for adoption on motion of Senator Holloway:

SR 85 - EXPRESSING GET WELL WISHES TO NEWS COLUMNIST WILLIAM "BILL" FRANK OF THE NEWS JOURNAL COMPANY.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Arnold, Cicione, Hughes, Littleton, McCullough) ABSENT; therefore, the Resolution was declared adopted.

At 6:53 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 7:37 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 501 - AN ACT TO AMEND CHAPTER 15, TITLE 26, DELAWARE CODE, RELATING TO THE REMOVAL OF THE RIGHT OF EMINENT DOMAIN FORMERLY GRANTED TO OIL COMPANIES. Sponsor: Senator Zimmerman. Assigned to Administrative Services Committee.

SB 502 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE TO REGULATE THE RENEWAL OF CONTRACTS WITH SCHOOL BUS CONTRACTORS. Sponsors: Senators Cicione, Hughes, Littleton, Berndt; Representatives Gilligan, Jonkiert, Gordy, Minner, Ferguson, Sincok, Matushefske. Assigned to Education Committee.

SB 503 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSES OF REIMBURSING PARENTS OR GUARDIANS OF STUDENTS FOR PUPIL TRANSPORTATION COSTS. Sponsor: Senator Kearns. Assigned to Finance Committee.

SB 504 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE, RELATING TO CERTAIN MEATS AND SEAFOODS; AND PROVIDING FOR A DELAWARE FOOD STANDARDS ACT. Sponsor: Senator Cicione. Assigned to Agriculture Committee.

SB 505 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE, RELATING TO DETERMINATION OF AMOUNT OF SUPPORT. Sponsors: Senators Marshall, Berndt; Representatives Jonkiert, Ambrosino (all by request). Assigned to Judiciary Committee.

SA 2 to SB 496. Sponsor: Senator McDowell. Placed with the Bill.

HB 845 w HA 1, 2 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Holloway:

HB 845 w HA 1, 2 - AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND REFINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES. Sponsors: Representatives Sincock, Grady and Ferguson; Senator Holloway.

The privilege of the floor was extended to State Bank Commissioner, John Malarkey, and Tom Sandbach, Senate Attorney, after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Marshall, McDowell - 2.

NOT VOTING: Senator Martin - 1.

ABSENT: Senators Arnold and Littleton - 2.

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

HB 788 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Sharp:

HB 788 - AN ACT AUTHORIZING THE PUBLIC SERVICE COMMISSION TO EXPEND FUNDS FROM THE PUBLIC SERVICE COMMISSION REGULATORY REVOLVING FUND TO PAY FOR THE SERVICES OF CONSULTANTS RETAINED BY THE COMMISSION FOR CURRENT RATE HEARINGS, ASSOCIATED RATE HEARING EXPENSES, AND OTHER CONTRACTUAL SERVICES. Sponsor: Representative Neal.

Senator Sharp yielded to Senator Martin to floor manage the Bill and the roll call vote on the Bill was taken on his motion and revealed 19 Senators voting YES and 2 (Arnold and Littleton) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

The Secretary announced that a message from the House informed the Senate that it had passed SB 493 and SB 476.

SB 149 was stricken at the request of the sponsor, Senator Sharp.

At 8:50 p.m., April 3, 1980, the Senate recessed to the call of the President Pro Tempore on motion of Senator Sharp.

The Senate reconvened at 2:21 p.m., April 22, 1980, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 456 and SB 475.

The following legislation was introduced:

HB 673 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR PROHIBITIONS AGAINST THE POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA. Sponsors: Representatives Ambrosino, Powell, Smith, Oberle, Cathcart, Van-Sciver, Loughney, Bennett, Anderson. Assigned to Health and Social Services Committee.

HB 698 - AN ACT TO AMEND VOLUME 58, CHAPTER 583 LAWS OF DELAWARE RELATING TO THE AUTHORITY OF THE LEVY COURT OF KENT COUNTY TO ISSUE BONDS ON THE FULL FAITH AND CREDIT OF THE COUNTY NOT TO EXCEED \$2,000,000. Sponsors: Representatives Bennett, Darling, Minner, Morris, Harrington; Senators Cook, Murphy and Zimmerman. Assigned to Community Affairs Committee.

SB 506 - AN ACT TO AMEND SECTIONS 1706 AND 1751, CHAPTER 17 OF TITLE 18, DELAWARE CODE, RELATIVE TO THE LICENSING OF LIMITED REPRESENTATIVES. Sponsors: Senator Murphy and Representative Harrington. Assigned to Banking, Insurance and Elections Committee.

SB 507 - AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE, THE 1980 FISCAL YEAR BUDGET APPROPRIATION BILL, BEING H.B. 333 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE, AND TO AMEND CHAPTER 86, VOLUME 62, LAWS OF DELAWARE, THE 1980 FISCAL YEAR OMNIBUS BUDGET BILL, BEING S. B. 373 OF THE 130TH GENERAL ASSEMBLY DEALING WITH APPROPRIATIONS FOR THE OPERATION OF THE OFFICE OF THE INSURANCE COMMISSIONER. Sponsors: Senator Murphy and Representative Harrington. Assigned to Finance Committee.

Legislative Advisories #31, 32, 33 and 34 received from the Office of Counsel to the Governor were read which informed the Senate that the Governor signed SB 163, SB 172 and SB 323 on April, 1, 1980; SB 132, SB 152 and SB 302 on April 3; SB 424 on April 9; SB 63 w SA 3 on April 11; SB 493, SB 251, SB 463, SB 476 on April 15.

At 2:27 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 22nd Legislative Day.

#### 22ND LEGISLATIVE DAY

April 22, 1980

The Senate convened at 2:27 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SR 86 (Sponsored by Senators Zimmerman, Murphy, Cook and Adams) was introduced and considered for adoption on motion of Senator Zimmerman:

SR 86 - CONGRATULATING VERNON B. DERRICKSON OF DOVER ON HIS 80TH BIRTHDAY.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Kearns, Marshall, Martin) ABSENT; therefore, the Resolution was declared adopted.

SR 76 was lifted from the table on motion of Senator Knox for consideration. All the Senators were added as co-sponsors after which the roll call vote taken which revealed 18 Senators voting YES AND 3 (Holloway, Martin, Weiss) ABSENT; therefore, the Resolution was declared adopted.

Senator Murphy marked PRESENT.

At 2:37 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:11 p.m., Senator Cordrey presiding.

Senators Martin and Holloway marked PRESENT.

The following legislation was introduced:

SB 508 - AN ACT TO AMEND CHAPTER 25, TITLE 18, OF THE DELAWARE CODE TO REQUIRE INSURERS TO PROVIDE REDUCTIONS IN MOTOR VEHICLE INSURANCE PREMIUM RATES FOR DRIVERS COMPLETING A MOTOR VEHICLE ACCIDENT PREVENTION COURSE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 509 - AN ACT TO AMEND CHAPTER 5, TITLE 18 OF THE DELAWARE CODE TO ESTABLISH FEES FOR SERVICE OF PROCESS AGAINST INSURANCE COMPANIES. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 510 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO REIMBURSING STATE EMPLOYEES. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 511 - AN ACT TO AMEND CHAPTER 41, TITLE 18 OF THE DELAWARE CODE RELATING TO PROPERTY INSURANCE CONTRACTS. Sponsors: Senator Murphy; Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SB 512 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE, REGARDING THE EXAMINATION PROCEDURES OF AGENTS, BROKERS, SURPLUS LINES BROKERS, CONSULTANTS, LIMITED REPRESENTATIVES, FRACTIONAL REPRESENTATIVES, ADJUSTERS, AND APPRAISERS. Sponsors: Senator Murphy; Representatives Harrington and Matushefske. Assigned to Banking, Insurance and Elections Committee.

SB 513 - AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE RELATING TO THE IDENTIFICATION OF THE PRINCIPAL PLACE OF BUSINESS WHEN RECOVERING CLAIMS FROM AN INSURER. Sponsors: Senator Murphy; Representative Harrington. Assigned to Banking, Insurance and Elections Committee.

HCR 119 - EXPRESSING THE SORROW OF THE MEMBERS OF THE 130TH GENERAL ASSEMBLY OF DELAWARE AT THE DEATH OF ZELDA K. HERRMANN, WIFE OF CHIEF JUSTICE DANIEL L. HERRMANN. Sponsor: Representative George.

The Resolution was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cook, Littleton, McCullough and Murphy) ABSENT; therefore, the Resolution was declared adopted and returned to the House.

HCR 120 - MOURNING THE DEATH OF MARY BABIARZ, MOTHER OF FORMER MAYOR JOHN E. BABIARZ OF WILMINGTON. Sponsors: Representative George and Senator Berndt and all the Senators.

The Resolution was considered for adoption on motion of Senator Berndt and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cook, Littleton, McCullough and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 95 was taken up for consideration on motion of Senator Arnold:

SB 95 - AN ACT TO AMEND CHAPTER 4, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO DEFENSES AGAINST CRIMINAL LIABILITY; AND PROVIDING PROTECTION TO PERSONS DEFENDING REAL AND PERSONAL PROPERTY AGAINST FELONIES OR ATTEMPTED FELONIES.

Sensors Sharp, Cicione, Adams, Marshall, Littleton, Hughes and Spence were added as co-sponsors of the Bill.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, after which the roll call vote on the Bill was taken and revealed 17 Senators voting YES, 2 (Kearns and Weiss) voting NO and 2 (Hale and Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 514 - AN ACT TO AMEND AN ACT, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO AMEND THE QUALIFICATIONS FOR VOTERS AT THE ANNUAL MUNICIPAL ELECTION, TO PROVIDE FOR THE APPOINTMENT OF A TOWN CLERK, TO DELETE THE PROVISION FOR A TOWN MANAGER, TO ELIMINATE THE REQUIREMENT THAT THE PRESIDENT OF COUNCIL BE ELECTED BY BALLOT, TO PROVIDE FOR A TREASURER OF THE TOWN, AND TO PERMIT A COLLECTION CHARGE TO BE IMPOSED ON DELINQUENT ACCOUNTS. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SCR 74 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT S 2565 WHICH WILL ESTABLISH A MINORITY BUSINESS DEVELOPMENT AGENCY IN THE DEPARTMENT OF COMMERCE. Sponsor: Senator Holloway. Laid on the table at the sponsor's request.

SJR 42 - DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A STUDY OF THE FEASIBILITY OF INSTITUTING A FOUR-DAY WORK WEEK FOR CERTAIN STATE EMPLOYEES, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Marshall, Cicione, McDowell; Representatives Connor, McBride, Jonkiert, Ambrosino. Assigned to Revenue and Taxation Committee.

SB 515 - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE II, SECTION 17 OF THE DELAWARE CONSTITUTION OF 1897 RELATING TO LOTTERIES AND OTHER GAMBLING. Sponsors: Senator Cicione; Representative McBride. Assigned to Judiciary Committee.

At 5:20 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 23, 1980.

The Senate reconvened at 2:23 p.m., April 23, 1980, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 516 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FEES FOR EXAMINATION AND SUPERVISORY ASSESSMENT. Sponsor: Senator Cordrey. Assigned to Banking, Insurance and Elections Committee.

SB 517 - AN ACT TO AMEND CHAPTER 58A, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE. Sponsors: Senators Spence, Berndt, Hale. Assigned to Executive Committee.

SR 87 - IN REFERENCE TO ELECTION OF STAFF MEMBERS. Sponsor: Senator Cordrey.

The Resolution was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 14 Senators voting YES and 7 (Hale, Holloway, Hughes, Marshall, McDowell, Murphy and Spence) ABSENT; therefore, the Resolution was declared adopted.

SB 477 was reported out of the Executive Committee: 2 Favorable, 3 Merits.

At 2:30 p.m., on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 23rd Legislative Day.

#### 23RD LEGISLATIVE DAY

April 23, 1980

The Senate convened at 2:30 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

At 2:33 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., Senator Cordrey presiding.

Senators Cordrey, Holloway, Hughes, Murphy marked PRESENT.

The following legislation was introduced:

SB 518 - AN ACT TO REPEAL CERTAIN SECTIONS OF TITLE 11 AND TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE PERFORMANCE OF ABORTIONS. Sponsors: Senator Marshall; Representatives Ambrosino, Loughney, Petrilli, Roy, Jonkiert, Matushefske, Cathcart, Gilligan, Sincock, Free, Oberle, Powell, Connor, T. Brady. Assigned to Health and Social Services Committee.

SJR 43 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsor: Senator Cordrey.

The Resolution was considered for adoption under suspension of the necessary rules on motion of Senator Sharp (acting at the request of the sponsor, Senator Cordrey) and the roll call vote taken which revealed 17 Senators voting YES and 4 (Arnold, Cicione, McCullough and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 519 - AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND RE-FINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES, FORMERLY KNOWN AS HOUSE BILL NO. 845 OF THE 130TH GENERAL ASSEMBLY. Sponsors: Senators Berndt and Holloway; Representatives Sincok and Gordy. Laid on the table at the request of Senator Berndt.

The following legislation was introduced:

SA 1 to SB 488. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HB 363. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 494. Sponsor: Senator Holloway. Placed with the Bill.

SR 88 - URGING THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO CONSIDER THE FEASIBILITY OF REVISING THE SCHEDULE OF THE STATE ARCHIVES FOR THE CONVENIENCE OF THE PUBLIC. Sponsor: Senator Martin.

The Resolution was considered for adoption on motion of Senator Martin and the roll call vote taken which revealed 18 Senators voting YES, 1 (Zimmerman) voting NO, 1 (Murphy) NOT VOTING, and 1 (Cicione) ABSENT; therefore, the Resolution was declared adopted.

SCR 75 - MEMORIALIZING THE UNITED STATES CONGRESS TO ENCOURAGE THE EXPLORATION OF ALASKA'S RESOURCES TO ENABLE THE UNITED STATES TO BECOME ENERGY SELF-SUFFICIENT. Sponsors: Senator Sharp and Representative Burris.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, McCullough, Sharp, Spence, Weiss - 16.

NO: Senators Martin, McDowell, Murphy, Zimmerman - 4.

ABSENT: Senator Cook - 1.

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

The following Committee reports were announced:

From the Health and Social Services Committee: SB 366 - 4 Merits; SB 479 - 4 Merits, 1 Unfavorable.

SA 2 to HB 21 was introduced by Senator Holloway and placed with the Bill.

SB 320 was taken up for consideration on motion of Senator Holloway:



SB 320 - AN ACT TO AMEND CHAPTER 15, TITLE 15, DELAWARE CODE RELATING TO REGISTRATION OFFICERS.

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

Final consideration of SB 320 w SA 1 was then deferred on further motion of Senator Holloway.

SB 495 was taken up for consideration on motion of Senator McDowell:

SB 495 - AN ACT TO AMEND CHAPTER 22, TITLE 25, DELAWARE CODE, RELATING TO UNIT PROPERTIES.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Hughes.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Marshall, Martin, McDowell, Murphy, Spence, Weiss - 15.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Cicione, Holloway, Littleton, McCullough - 4.

Therefore, the Amendment to the Amendment was declared adopted.

SA 2 to SA 1 which had been placed with the Bill was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 17.

NO: Senator Zimmerman - 1.

NOT VOTING: Senators Berndt and Sharp - 2.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment to the Amendment was declared adopted.

Senator Zimmerman moved that the Bill be laid on the table and the roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Cicione, Zimmerman - 3.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 16.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Holloway - 1.

Therefore, the motion failed and the Bill remained before the Senate.

SA 1 as amended by SA 1, SA 2 was then taken up for consideration on motion of Senator Hughes and the roll call vote taken; however, before being announced, Senator Hughes moved that it be laid on the table. Senator Sharp objected and the roll call vote on the tabling motion was taken and revealed:

YES: Senators Arnold, Cicione, Cordrey, Hale, Marshall, McDowell, Weiss - 7.

NO: Senators Adams, Berndt, Cook, Hughes, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Spence - 11.

ABSENT: Senators Holloway, Littleton, Zimmerman - 3.

Therefore, the motion failed and the roll call vote on SA 1 as amended by SA 1 and SA 2 to SB 495 was announced:

YES: Senators Arnold, Berndt, Hughes, Knox, Marshall, McDowell, Spence, Weiss - 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Hale, Kearns, Martin, McCullough, Murphy, Sharp - 10.

ABSENT: Senators Holloway, Littleton, Zimmerman - 3.

Therefore, the Amendment was declared lost.

The roll call vote on SB 495 was then taken on motion of Senator McDowell and revealed:

YES: Senators Marshall and McDowell - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Martin, McCullough, Murphy, Spence, Weiss - 14.

NOT VOTING: Senators Hughes and Sharp - 2.

ABSENT: Senators Holloway, Littleton, Zimmerman - 3.

Therefore, the Bill was declared lost.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 43.

Legislative Advisory #35 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SB 397 (Volume 62, Chapter 229, Laws of Delaware), SB 456 (Volume 62, Chapter 23, Laws of Delaware), and SB 475 (Volume 62, Chapter 231, Laws of Delaware) on April 23, 1980.

HCR 121 was introduced and considered for adoption on motion of Senator Adams:

HCR 121 - COMMENDING THE MILFORD HIGH SCHOOL MARCHING BUCS FOR THEIR OUTSTANDING PERFORMANCE AT THE SOUTHERN NATIONAL MUSIC FESTIVAL IN ORLANDO, FLORIDA, ON APRIL 11 AND 12, 1980. Sponsors: Representatives Minner, Burris; Senators Adams and Cook.

The roll call vote was taken and revealed 17 Senators voting YES and 4 (Hale, Holloway, Hughes, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 5:29 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 24, 1980.

The Senate reconvened at 2:20 p.m., April 24, 1980, Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 478 - 5 Merits.

From the Public Safety Committee: HB 363 - 3 Merits, 1 Unfavorable.

From the Revenue and Taxation Committee: SB 510 - 4 Favorable; HB 626 - 1 Favorable, 3 Merits; SJR 42 - 4 Merits.

The following legislation was introduced:

SB 520 - AN ACT TO AMEND SECTION 6533 OF TITLE 29, DELAWARE CODE, TO DEFINE TERMS USED THEREIN. Sponsor: Senator Cordrey. Placed with SB 1 on the table at the sponsor's request.

SB 521 - AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF OUTDOOR ADVERTISING BY REQUIRING THAT THE PERMIT FEE FOR BILLBOARDS AND OTHER ADVERTISING DEVICES SHALL INCLUDE THE COST OF REMOVAL OF THE SIGNS WHEN REQUIRED BY THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 522 - AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF OUTDOOR ADVERTISING BY REQUIRING THE REMOVAL OF BILLBOARDS AND OTHER DEVICES WHICH FALL INTO DISREPAIR OR ARE DAMAGED. Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 523 - AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF OUTDOOR ADVERTISING BY FORBIDDING THE ADVERTISING OF ANY DRUG OR SUBSTANCE CONSIDERED HARMFUL OR POTENTIALLY HARMFUL. Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 524 - AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF OUTDOOR ADVERTISING BY LIMITING THE SIZE OF BILLBOARDS AND OTHER OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES. Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

The following legislation was introduced:

HB 695 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF PHARMACY, PHARMACISTS AND ASSISTANT PHARMACISTS, HOSPITAL PHARMACIES, RETAIL PHARMACIES, PHARMACEUTICAL ESTABLISHMENTS OTHER THAN RETAIL PHARMACIES; AND PROVIDING FOR PROHIBITED ACTS AND PENALTIES. Sponsors: Representatives Jonkiert, Ambrosino, Loughney; Senator Marshall. Assigned to Health and Social Services Committee.

SA 3 to SB 105. Sponsor: Senator Knox. Placed with the Bill.

SR 89 - IN RECOGNITION OF APRIL 25TH THROUGH MAY 1ST AS MUSHROOM WEEK IN DELAWARE. Sponsor: Senator Marshall. Laid on the table at the request of Senator Sharp.

The following communication from the White House was read:

THE WHITE HOUSE  
WASHINGTON  
April 18, 1980

Dear Ms. Caniford:

On behalf of the President, I want to thank the General Assembly of the State of Delaware for its resolution urging the citizens of Delaware to conserve energy.

Energy conservation is the cornerstone of the President's national energy policy. It is the cheapest and quickest means of reducing our dependence on imported oil and constitutes an alternative source of oil supply. To the extent that we conserve -- in our homes, factories, cars and public buildings -- we make the task of providing secure sources of energy for the future that much more attainable.

All of us working together can help resolve our nation's energy crisis; the President appreciates the efforts of the citizens of Delaware in conserving energy.

Warm regards.

Sincerely,  
Jack H. Watson, Jr.  
Assistant to the President  
for Intergovernmental Affairs

The Honorable Betty Jean Caniford  
Secretary of the Senate of the State of Delaware  
Legislative Hall  
Dover, Delaware 19901

\* \* \* \* \*

The following Committee reports were announced:

From the Administrative Committee: SB 499 - 1 Favorable, 4 Merits; HB 219 - 5 Merits; SB 501 - 4 Favorable.

From the Banking, Insurance and Elections Committee: SB 516 - 4 Merits; SB 131 - 1 Favorable, 4 Merits; SB 508 - 2 Favorable, 2 Merits; SB 509 - 4 Merits; SB 511 - 2 Favorable, 2 Merits; SB 512 - 4 Merits; SB 513 - 1 Favorable, 3 Merits; HB 445 w HA 1 - 2 Merits, 1 Unfavorable.

At 2:32 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY  
April 24, 1980

The Senate convened at 2:32 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 200 was stricken at the request of the sponsor, Senator Hughes.

SB 366 was taken up for consideration on motion of Senator Adams:

SB 366 - AN ACT TO TRANSFER LAND FROM THE MILFORD SCHOOL DISTRICT TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

HB 310 w HA 2 as amended by HA 1 was taken up for consideration on motion of Senator Murphy:

HB 310 w HA 2 as amended by HA 1 - AN ACT TO AMEND CHAPTER 39, PART 1, TITLE 18 OF THE DELAWARE CODE, RELATING TO CASUALTY INSURANCE CONTRACTS; AND PROVIDING A LIMITATION ON PREMIUM INCREASES AND POLICY CANCELLATIONS.

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

Senator Holloway marked PRESENT.

The following legislation was reported out of the Community Affairs Committee: SB 514 - 4 Merits; HB 601 - 4 Merits.

Joseph DiNorscia, representing the American Mushroom Growers, was introduced to the Senate by Senator Knox and granted the privilege of the floor at the Senator's request.

SR 89 was lifted from the table for consideration on motion of Senator Marshall and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

Senator Martin marked PRESENT.

At 2:54 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:22 p.m., Senator Cordrey presiding.

SB 261 was reported out of the Executive Committee: 6 Merits.

The following legislation was introduced:

SB 525 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO AN AWARD OF ALIMONY IN DIVORCE AND ANNULMENT ACTIONS. Sponsors: Senators Berndt and Kearns; Representatives T. Brady and Maroney. Laid on the table at the request of Senator Kearns.

SB 526 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO DETERMINATION OF DEATH. Sponsors: Senators Berndt, Sharp, Hughes, Weiss, Arnold; Representatives McBride, Maroney. Laid on the table at the request of Senator Sharp.

SB 527 - AN ACT TO AMEND CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO", AS AMENDED, TO REVISE THE QUALIFICATIONS FOR VOTERS IN MUNICIPAL ELECTIONS AND TO PERMIT ABSENTEE VOTING IN SUCH ELECTIONS. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 528 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR THE DELAWARE ADOLESCENT PROGRAM. Sponsors: Senator Holloway; Representatives Plant and Holloway, Jr. Assigned to Finance Committee.

HCR 122 - EXPRESSING OUR ADMIRATION FOR WILLIAM THOMAS WATSON, OF LAUREL, WHO OBSERVED THE CENTENARY OF HIS BIRTH ON APRIL 23, 1980. Sponsor: Representative Gordy.

The Resolution was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cicione, Cook, Murphy and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SCR 76 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION ESTABLISHING A NATIONAL MEMORIAL TO FRANKLIN DELANO ROOSEVELT, THE 32ND PRESIDENT OF THE UNITED STATES. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

HCR 123 - COMMENDING DELAWARE V.I.C.A. FOR THE SERVICE IT RENDERS IN PROVIDING VALUABLE SKILL TRAINING, CIVIC RESPONSIBILITY, AND SOCIAL GROWTH FOR VOCATIONAL STUDENTS; AND CONGRATULATING THE STUDENT WINNERS OF THE 1980 V.I.C.A. COMPETITIONS IN VOCATIONAL SKILL AND LEADERSHIP. Sponsors: Representative Connor, Ambrosino, VanSciver, Neal.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 124 - RECOGNIZING THE MUSHROOM INDUSTRY OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli, McKay; Senator Knox.

The Resolution was considered for adoption on motion of Senator Knox and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 519 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Sharp:

SB 519 - AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND REFINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES, FORMERLY KNOWN AS HOUSE BILL NO. 845 OF THE 130TH GENERAL ASSEMBLY.

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

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

NOT VOTING: Senators Hughes, Marshall, Martin, McDowell - 4.

ABSENT: Senator Holloway - 1.

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

SB 526 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Sharp:

SB 526 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO DETERMINATION OF DEATH.

The privilege of the floor was extended to Senate Attorneys, Tom Sandbach and Harry Terry, after which the Bill was laid on the table on motion of Senator Berndt.

SA 1 to SB 526 was introduced by Senator Berndt and placed with the Bill.

SB 527 was reported out of the Community Affairs Committee: 4 Merits.

The following legislation was introduced:

SB 529 - AN ACT TO AMEND CHAPTER 51, TITLE 25, OF THE DELAWARE CODE RELATING TO THE LIMITATION PLACED ON LANDLORDS REGARDING THE AMOUNT OF PAYMENT THE LANDLORD MAY DEMAND FOR EACH PET MAINTAINED IN AN APARTMENT UNIT BY A TENANT. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 530 - AN ACT TO AMEND CHAPTER 53, TITLE 25, OF THE DELAWARE CODE RELATING TO THE OBLIGATION OF A LANDLORD TO ALLOW TENANTS TO LOCATE APPROPRIATE WASHING MACHINES AND DRYERS WITHIN THE RENTAL UNIT. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 531 - AN ACT TO AMEND CHAPTER 51, TITLE 25, OF THE DELAWARE CODE RELATING TO LIMITATIONS PLACED ON RAISING OF RENT BY LANDLORD. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

At 5:31 p.m. on motion of Senator Sharp, the Senate recessed until April 29, 1980.

The Senate reconvened at 2:27 p.m., April 29, 1980, Lt. Governor McGinnis presiding.

SB 487 was reported out of the Banking, Insurance and Elections Committee: 1 Favorable, 2 Merits, 1 Unfavorable.

The following legislation was introduced:

SB 532 - AN ACT TO AMEND CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 181, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR THE CITY OF NEW CASTLE", RELATING TO THE SALARIES OF THE COMMISSIONERS. Sponsors: Senator McCullough; Representative Connor. Assigned to Community Affairs Committee

SB 533 - AN ACT TO AMEND CHAPTER 11 AND 29, TITLE 18, DELAWARE CODE RELATING TO THE INTEREST RATE USED FOR CALCULATING MINIMUM RESERVES AND NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES AND ANNUITY CONTRACTS, AND FOR VARIABLE CONTRACTS. Sponsors: Senator Murphy and Representative Harrington. Assigned to Banking, Insurance and Elections Committee.

SR 90 - EXPRESSING THE DISPLEASURE OF THE SENATE WITH THE CHANGING OF SENATE TELEPHONE NUMBERS WITHOUT PRIOR NOTIFICATION. Sponsor: Senator Zimmerman. Laid on the table at the request of the sponsor.

At 2:30 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY  
April 29, 1980

The Senate convened at 2:30 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 464 was stricken at the request of the sponsor, Senator Murphy.

SB 1 was taken up for consideration on motion of Senator Cordrey:

SB 1 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 8, SECTION 6 OF THE CONSTITUTION OF THE STATE OF DELAWARE BY LIMITING APPROPRIATIONS TO 98 PERCENT OF THE STATE REVENUE.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Arnold, Cicione, Holloway and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Weiss marked PRESENT.

SB 520 was taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SB 520 - AN ACT TO AMEND SECTION 6533 OF TITLE 29 DELAWARE CODE, TO DEFINE TERMS USED THEREIN.

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

Senators Cicione, Holloway and Martin marked PRESENT.

SB 514 was taken up for consideration on motion of Senator Cordrey:

SB 514 - AN ACT TO AMEND AN ACT, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO AMEND THE QUALIFICATIONS FOR VOTERS AT THE ANNUAL MUNICIPAL ELECTION, TO PROVIDE FOR THE APPOINTMENT OF A TOWN CLERK, TO DELETE THE PROVISION FOR A TOWN MANAGER, TO ELIMINATE THE REQUIREMENT THAT THE PRESIDENT OF THE COUNCIL BE ELECTED BY BALLOT, TO PROVIDE FOR A TREASURER OF THE TOWN, AND TO PERMIT A COLLECTION CHARGE TO BE IMPOSED ON DELINQUENT ACCOUNTS.

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

SB 510 was taken up for consideration on motion of Senator Cordrey:



SB 510 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO REIMBURSING STATE EMPLOYEES.

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

SB 516 was taken up for consideration on motion of Senator Cordrey:

SB 516 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FEES FOR EXAMINATION AND SUPERVISORY ASSESSMENT.

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

SB 527 was taken up for consideration on motion of Senator Cordrey:

SB 527 - AN ACT TO AMEND CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO", AS AMENDED, TO REVISE THE QUALIFICATIONS FOR VOTERS IN MUNICIPAL ELECTIONS AND TO PERMIT ABSENTEE VOTING IN SUCH ELECTIONS.

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

HB 363 was taken up for consideration on motion of Senator Cordrey:

HB 363 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE, TO PROVIDE FOR THE ISSUANCE OF SPECIAL LICENSE PLATES TO FORMER PRISONERS OF WAR.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 363 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Berndt) voting NO, and 1 (Hale) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 501 was taken up for consideration on motion of Senator Zimmerman:

SB 501 - AN ACT TO AMEND CHAPTER 13, TITLE 26, DELAWARE CODE, RELATING TO THE REMOVAL OF THE RIGHT OF EMINENT DOMAIN FORMERLY GRANTED TO OIL COMPANIES.

Before final action was taken on the Bill, however, it was temporarily deferred on further motion of the Senator.

SB 261 was taken up for consideration on motion of Senator Hughes:

SB 261 - AN ACT TO AMEND TITLE 8, SECTION 391, DELAWARE CODE REGARDING TAXES AND FEES PAYABLE TO THE SECRETARY OF STATE FOR CERTAIN NON-PROFIT CORPORATIONS.

Senators McDowell and McCullough were added as co-sponsors of the Bill.

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

The roll call vote on SB 261 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 131 was taken up for consideration on motion of Senator Weiss:

SB 131 - AN ACT TO AMEND SECTION 2906, CHAPTER 29, TITLE 18, OF THE DELAWARE CODE, RELATING TO NOTICE REQUIRED UPON NON-PAYMENT OF LIFE INSURANCE PREMIUMS.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Marshall, Martin, McDowell, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senator Murphy - 1.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Arnold, Littleton and McCullough - 3.

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

Senator Marshall introduced to the Senate, members of the St. Hedwig's Senior Center who were present in the Chamber.

At 4:07 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:53 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 483 - 7 Merits; SB 488 - 1 Favorable, 6 Merits; SB 528 - 4 Merits 3 Unfavorable.

The following legislation was introduced:

SB 534 - AN ACT TO AMEND CHAPTER 69 OF TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A CONTRACT COMPLIANCE ACT AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 535 - AN ACT TO AMEND TITLE 11, DELAWARE CODE, TO PROVIDE THAT TERMS OF IMPRISONMENT IMPOSED FOR FELONIES INCLUDE HARD LABOR. Sponsors: Senators Marshall and Representative Jonkiert. Assigned to Corrections Committee.

SB 536 - AN ACT TO AMEND CHAPTER 29, TITLE 6 OF THE DELAWARE CODE RELATING TO THE PRICING OF PETROLEUM PRODUCTS. Sponsors: Senators Cicione and McDowell; Representatives Cathcart, Connor, Fallon, Free, Neal, Powell, Oberle. Assigned to Energy Committee.

SB 537 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURCHASE OF DELAWARE STATE FLAGS. Sponsors: Senator Cicione and Representative Maxwell. Assigned to Community Affairs Committee.

SA 2 to SB 320. Sponsor: Senator Cicione. Placed with the Bill.

SA 1 to SB 441. Sponsor: Senator Knox. Placed with the Bill.

SJR 44 - DIRECTING THE DEPARTMENT OF CORRECTIONS TO DEVELOP A PLAN TO INCORPORATE HARD LABOR AS PART OF THE REHABILITATION OF CONVICTED FELONS. Sponsors: Senator Marshall and Representative Jonkiert. Assigned to Corrections Committee.

The Secretary announced that a message from the House informed the Senate that it had passed SB 395 and adopted SCR 76 and SJR 39.

HB 478 was introduced and assigned to Education Committee:

HB 478 - AN ACT TO AMEND CHAPTER 2, TITLE 14 OF THE DELAWARE CODE RELATING TO PROCEDURES UPON GRADUATION FROM THE PUBLIC SCHOOL SYSTEM. Sponsor: Representative Oberle.

HCR 125 was introduced and considered for adoption on motion of Senator Marshall:

HCR 125 - COMMENDING THE WORK OF THE GIRLS CLUBS OF DELAWARE AND MARKING THE WEEK OF MAY 1117, 1980, AS GIRLS CLUBS WEEK. Sponsors: Representatives Jonkiert, Maroney, Loughney; Senator Marshall.

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

SJR 42 was taken up for consideration on motion of Senator Marshall:

SJR 42 - DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A STUDY OF THE FEASIBILITY OF INSTITUTING A FOUR-DAY WORK WEEK FOR CERTAIN STATE EMPLOYEES, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The roll call vote on the Resolution was taken on motion of Senator Marshall; however, before it was announced, Senator Marshall moved that the roll call be laid on the table.

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

YES: Senators Adams, Berndt, Cicione, Cook, Holloway, Marshall, Martin, McDowell, Murphy, Sharp, Spence, Zimmerman - 12.

NO: Senators Arnold, Hale, Hughes, Knox, Littleton, McCullough, Weiss - 7.

ABSENT: Senators Cordrey and Kearns - 2.

Therefore, the motion prevailed and the roll call vote on SJR 42 was laid on the table.

At 5:21 p.m. on motion of Senator McCullough, the Senate recessed until 2:00 p.m. April 30, 1980.

The Senate reconvened at 2:28 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SA 1 to SB 396. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 441. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 533. Sponsor: Senator Murphy. Placed with the Bill.

SB 538 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE TO PROHIBIT THE PAYMENT OF MOTOR VEHICLE FINES BY MAIL FOR MINORS. Sponsors: Senators Hughes and Adams. Assigned to Public Safety Committee.

SB 539 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO LEGISLATIVE COUNCIL, OFFICE OF RESEARCH DIRECTOR; FOR THE PURPOSE OF EMPLOYING PROFESSIONAL AND PARA-PROFESSIONAL STAFF TO ASSIST STANDING COMMITTEES OF THE GENERAL ASSEMBLY. Sponsor: Senator McDowell. The Bill was immediately stricken at the request of the sponsor.

SB 540 - AN ACT TO AMEND CHAPTER 25, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE FRANCHISE SECURITY LAW; AND PROVIDING FOR THE CURTAILMENT OF CERTAIN PRACTICES IN THE SALE OF PETROLEUM PRODUCTS. Sponsors: Senator Cicione and McDowell; Representatives Cathcart, Connor, Fallon, Free, Neal, Powell, Oberle. Assigned to Judiciary Committee.

SR 91 - CONGRATULATING THE SELBYVILLE MIDDLE SCHOOL MARCHING BAND FOR WINNING FIRST PLACE IN THE NORFOLK, VIRGINIA, AZALEA FESTIVAL AND PARADE ON APRIL 26, 1980. Sponsor: Senator Cordrey.

The Resolution was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 16 Senators voting YES and 5 (Holloway, Marshall, Martin, McCullough, Murphy) ABSENT; therefore, the Resolution was declared adopted.

SB 541 - AN ACT TO AMEND SECTION 4189, CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PUTTING GLASS, ETC. ON HIGHWAYS AND PARKING LOTS. Sponsor: Senator Arnold. Assigned to Public Safety Committee.

At 2:35 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 26th Legislative Day.

26TH LEGISLATIVE DAY  
April 30, 1980

The Senate convened at 2:35 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 512 was taken up for consideration on motion of Senator Murphy:

SB 512 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE, REGARDING THE EXAMINATION PROCEDURES OF AGENTS, BROKERS, SURPLUS LINES BROKERS, CONSULTANTS, LIMITED REPRESENTATIVES, FRATERNAL REPRESENTATIVES, ADJUSTERS, AND APPRAISERS.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cicione, Holloway, Martin, McCullough and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:39 p.m., Senator Cordrey presiding.

SB 511 was taken up for consideration on motion of Senator Murphy:

SB 511 - AN ACT TO AMEND CHAPTER 41, TITLE 18 OF THE DELAWARE CODE RELATING TO PROPERTY INSURANCE CONTRACTS.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cicione, Holloway, Martin, McCullough and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 509 was taken up for consideration on motion of Senator Murphy:

SB 509 - AN ACT TO AMEND CHAPTER 5, TITLE 18 OF THE DELAWARE CODE TO ESTABLISH FEES FOR SERVICE OF PROCESS AGAINST INSURANCE COMPANIES.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cicione, Hale, Holloway, Martin and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:50 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:09 p.m., Senator Cordrey presiding.

Senator Holloway marked PRESENT.

SB 420 was taken up for consideration on motion of Senator Holloway:

SB 420 - AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE, RELATING TO NUMBER OF COSMETOLOGIST'S APPRENTICES AND THE FEE SCHEDULE FOR THIS PROFESSION.

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

YES: Senators Adams, Arnold, Cicione, Cordrey, Holloway, Kearns, Knox, Marshall, McCullough, McDowell, Sharp, Weiss - 12.

NO: Senators Cook, Murphy, Zimmerman - 3.

NOT VOTING: Senators Berndt, Hughes, Littleton - 3.

ABSENT: Senators Hale, Martin, Spence - 3.

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

Senator McCullough marked PRESENT.

SB 483 was taken up for consideration on motion of Senator Cicione:

SB 483 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE TRANSPORTATION REIMBURSEMENT OF PUPILS ATTENDING NONPUBLIC AND NONPROFIT SCHOOLS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 2 (Sharp and Spence) NOT VOTING and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 528 was taken up for consideration on motion of Senator Holloway:

SB 528 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR THE DELAWARE ADOLESCENT PROGRAM.

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

YES: Senators Holloway, Knox, Marshall, McDowell, Weiss, Zimmerman - 6.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Littleton, Martin, Murphy, Sharp, Spence - 13.

ABSENT: Senators Cicone and McCullough - 2.

Therefore, the Bill was declared lost.

Senator Martin marked PRESENT.

SB 508 was taken up for consideration on motion of Senator Murphy:

SB 508 - AN ACT TO AMEND CHAPTER 25, TITLE 18, OF THE DELAWARE CODE TO REQUIRE INSURERS TO PROVIDE REDUCTIONS IN MOTOR VEHICLE INSURANCE PREMIUM RATES FOR DRIVERS COMPLETING A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

SA 1 to the Bill was introduced by Senator Murphy and considered for adoption on his motion.

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

YES: Senators Adams, Arnold, Berndt, Cicone, Cook, Cordrey, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senators Hale and Hughes - 2.

ABSENT: Senators Holloway and Kearns - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 508 w SA 1 was then taken and revealed:

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Holloway, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Weiss, Zimmerman - 16.

NO: Senators Arnold, Hale, Hughes, Spence - 4.

ABSENT: Senator Kearns - 1.

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

The following Committee reports were announced:

From the Education Committee: SB 461 - 1 Favorable, 6 Merits; SB 502 - 7 Merits; HB 141 w HA 1 - 7 Merits.

The following legislation was introduced:

SB 542 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RELATING TO THE FARMERS BANK COMMISSION. Sponsors: Senator Murphy and Representative Harrington. Assigned to Banking, Insurance and Elections Committee.

SB 543 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, TO REQUIRE THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS TO INSPECT APARTMENT HOUSE RETENTION BASINS AND PUMPS AT LEAST TWICE A YEAR, AND TO ENFORCE SAME. Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SB 544 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, OFFICE OF THE SECRETARY TO REPAY MONIES LOANED FROM THE BUDGET COMMISSION CONTINGENCY FUND FOR THE OPERATION OF THE "WHY NOT DELAWARE" COMMITTEE FOR OPERATIONS IN FISCAL YEAR 1980. Sponsor: Senator Murphy. Assigned to Finance Committee.

SA 1 to SB 518. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 541. Sponsor: Senator Arnold. Placed with the Bill.

SB 361 was stricken at the request of the sponsor, Senator Martin.

SB 480 was reported out of the Health and Social Services Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 519.

At 5:26 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 1, 1980.

The Senate reconvened at 2:25 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 545 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DEL. C., RELATING TO CONSTRUCTION CONTRACTS AND THE RETENTION OF PROJECT OR CONSTRUCTION MANAGERS. Sponsor: Senator Sharp. Laid on the table at the request of the sponsor.

SB 546 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OMNIBUS CHANGES IN THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY. Sponsors: Senator Cordrey and Representative Cathcart. Assigned to Public Safety Committee.

SB 547 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OMNIBUS CHANGES IN THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY. Sponsors: Senator Cordrey and Representative Cathcart. Assigned to Public Safety Committee.

SB 548 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO ADD A DEFINITION FOR ALCOHOL CONCENTRATION IN THE BODY AND TO AMEND THE SECTION RELATED TO THIS DEFINITION. Sponsors: Senator Cordrey and Representative Cathcart. Assigned to Public Safety Committee.

SB 549 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE DEFINING OF SCHOOLCHILD AND SCHOOL BUS OPERATION. Sponsors: Senator Cordrey and Representative Cathcart. Assigned to Public Safety Committee.

SB 550 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE HOSPITAL FOR THE MENTALLY RETARDED AT STOCKLEY FOR THE PURPOSE OF INCREASING ESSENTIAL STAFF AND SERVICES FOR THE MENTALLY RETARDED. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 551 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO LEGISLATIVE COUNCIL, OFFICE OF RESEARCH DIRECTOR; FOR THE PURPOSE OF EMPLOYING PROFESSIONAL AND PARA-PROFESSIONAL STAFF TO ASSIST STANDING COMMITTEES OF THE GENERAL ASSEMBLY. Sponsors: Senators McDowell, Cook, Weiss, Sharp; Representatives Minner, Ferguson, Roy. Assigned to Finance Committee.

SS 1 for SB 416 (same title as Original). Sponsor: Senator Holloway. Adopted in lieu of the Original.

SJR 45 - DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A STUDY OF THE FEASIBILITY OF INSTITUTING A FOUR-DAY WORK WEEK FOR CERTAIN STATE EMPLOYEES. Sponsor: Senators: Marshall, Cicone, McDowell; Representatives Connor, McBride, Jonkiert, Ambrosino. Assigned to Executive Committee.

HB 583 - AN ACT TO AMEND SUBCHAPTER I, OF CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO PROJECTIONS FROM THE PERIPHERY OF TIRES. Sponsors: Representatives Sincock, Powell, Fallon and Gordy. Assigned to Public Safety Committee.

HB 820 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO AUTHORITY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO ESTABLISH A SUPERVISED CUSTODY PROGRAM PERMITTING THE SUPERVISED PLACEMENT OF CERTAIN TRUSTWORTHY INMATES INTO THE COMMUNITY. Sponsors: Representatives Petrilli, Morris, Bennett, T. Brady, Riddagh, Cathcart, Holloway, Jr.; Senator Berndt. Assigned to Corrections Committee.

HB 909 w HA 1, 2 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO FRAUDULENT DELIVERY ON NON-CONTROLLED SUBSTANCES AND TO CREATE A DEFINITION OF FINISHED PRODUCT. Sponsors: Representatives Oberle, Morris, Cathcart, Vernon; Senator Sharp. Assigned to Health and Social Services Committee.

SB 396 was reported out of the Banking, Insurance and Elections Committee - 4 Merits.

At the request of Senator Cordrey, a letter was read from Vernon B. Derrickson of Dover, Delaware, thanking the Senate for its Resolution of congratulations on his 80th birthday.

SB 537 was reported out of the Community Affairs Committee - 4 Merits.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 27th Legislative Day.

## 27TH LEGISLATIVE DAY

May 1, 1980

The Senate convened at 2:35 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following Committee reports were announced:

From the Judiciary Committee: SB 406 - 5 Merits; SB 474 - 5 Merits; SB 497 - 3 Merits, 2 Unfavorable; SB 515 - 5 Merits; SB 540 - 5 Merits; HB 292 w HA 2, 3 - 5 Merits.

Senator Cordrey recognized and introduced to the Senate Cheryl Caniford, daughter of the Secretary of the Senate.



SB 478 was taken up for consideration on motion of Senator Weiss:

SB 478 - AN ACT TO AMEND CHAPTER 21, TITLE 10 OF THE DELAWARE CODE RELATING TO THE OFFICE OF SHERIFF.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney.

At 3:07 p.m., Senator Adams presiding.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Weiss; however, before final action was taken on either the Bill or the Amendment, they were laid on the table on motion of Senator Sharp.

Senator Martin marked PRESENT.

SB 461 was taken up for consideration on motion of Senator Holloway:

SB 461 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO INSTRUCTIONAL ATTENDANTS AND/OR AIDES FOR THE PARTIALLY SIGHTED AND BLIND.

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

At 3:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:20 p.m., Senator Cordrey presiding.

Senator Weiss moved that SB 478 be lifted from the table for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Knox, Spence, Weiss - 6.

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

ABSENT: Senators Holloway, Hughes, McDowell -3.

Therefore, the motion was declared defeated.

SB 479 was taken up for consideration on motion of Senator Arnold:

SB 479 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, after which the roll call vote on the Bill was taken and revealed 17 Senators voting YES, 1 (Kearns) voting NO, and 3 (Holloway, Hughes and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:30 p.m., Senator Sharp presiding.

SB 488 was taken up for consideration on motion of Senator McDowell:

SB 488 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF FIREFIGHTING STANDPIPES.

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

The roll call vote on SB 488 w SA 1 was taken and revealed 18 Senators voting YES and 3 (Hale, Holloway, Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Sharp, who was presiding at the time, recognized and introduced to the Senate the son of Senator Spence who was in the Chamber.

SB 502 was taken up for consideration on motion of Senator Cicione:

SB 502 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE TO REGULATE THE RENEWAL OF CONTRACTS WITH SCHOOL BUS CONTRACTORS.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 16.

NOT VOTING: Senators Adams and Weiss - 2.

ABSENT: Senators Hale, Holloway, Hughes - 3.

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

The following legislation was introduced:

SB 552 - AN ACT TO AMEND CHAPTER 5, TITLE 17, OF THE DELAWARE CODE RELATING TO THE DEDICATION OF SUBURBAN COMMUNITY ROADS FOR STATE MAINTENANCE. Sponsors: Senator Sharp and Representative Petrilli. Assigned to Highways and Transportation Committee.

SB 553 - AN ACT TO AMEND PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT; AND PROVIDING A METHOD FOR THE COLLECTION OF DEBTS OWED TO THE STATE. Sponsor: Senator Kearns. Assigned to Executive Committee.

SB 554 - AN ACT TO AMEND CHAPTER 17, TITLE 10, DELAWARE CODE RELATING TO APPOINTMENT OF JUDGES FOR THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 555 - AN ACT TO AMEND CHAPTER 51, TITLE 16 OF THE DELAWARE CODE TO REQUIRE EXAMINATION BY A PSYCHIATRIST PRIOR TO DETENTION AND TREATMENT IN THE DELAWARE STATE HOSPITAL OF THE DANGEROUSLY MENTALLY ILL PERSON. Sponsor: Senator McDowell. Assigned to Health and Social Services Committee.

SA 2 to SB 478. Sponsor: Senator Kearns. Placed with the Bill.

SCR 77 - REQUESTING CONGRESSIONAL ASSISTANCE TO REMOVE THE UNFAIR BURDEN ON THE DOMESTIC MUSHROOM INDUSTRY. Sponsors: Senators Hughes, Knox, Cicione; Representative Ambrosino, McKay, Petrilli.

The following memo from Senator Hughes was read:

May 1, 1980

TO: Senator Richard Cordrey, Pres. Pro-Tem  
FROM: Senator Charles E. Hughes

This is to authorize that I am naming Senator Andrew G. Knox to floor manage SCR 77, which relates to the Mushroom Growers Association, in my absence.

Signed  
C. E. Hughes

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Pursuant to the above authority, the roll call vote on SCR 77 was taken on motion of Senator Knox and revealed 17 Senators voting (YES) and 4 (Hale, Holloway, Hughes, McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had passed SB 520, SB 1 and SB 2.

HB 688 w HA 1 was introduced and assigned to Natural Resources and Environmental Control Committee:

HB 688 w HA 1 - AN ACT TO AMEND AN ACT BEING CHAPTER 503, VOLUME 61, LAWS OF DELAWARE, ENTITLED AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND RECYCLING OF BEVERAGE CONTAINERS BY CHANGING THE EFFECTIVE DATE THEREOF. Sponsors: Representatives Smith, W. Brady, Maroney, Ambrosino, Anderson, Fallon, McBride, Minner, Riddagah; Senators Martin, Arnold, Knox, Littleton, Spence, Weiss.

At 6:15 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. May 6, 1980.

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

SB 556 was introduced and assigned to Finance Committee:

SB 556 - AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS". Sponsor: Senator Murphy.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 469 - 5 Merits.

From the Public Safety Committee: SB 538 - 5 Merits; SB 546 - 5 Merits; SB 547 - 5 Merits; SB 548 - 5 Merits; SB 549 - 5 Merits.

SCR 78 was introduced and laid on the table at the request of the sponsor, Senator Murphy:

SCR 78 - URGING THE UNITED STATES CONGRESS TO REJECT INCREASED GASOLINE TAXES AS AN ENERGY-CONSERVATION MEASURE IN FAVOR OF ALTERNATIVE CONSERVATION METHODS.

At 2:25 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 28th Legislative Day.

28TH LEGISLATIVE DAY  
May 6, 1980

The Senate convened at 2:25 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

HB 445 w HA 1 was taken up for consideration on motion of Senator Murphy:

HB 445 w HA 1 - AN ACT TO AMEND CHAPTER 68, TITLE 18 OF THE DELAWARE CODE, RELATING TO MEDICAL EXPERT WITNESSES.

SA 1 to the Bill was introduced by Senator Holloway and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kerns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss - 17.

NO: Senators Cicione and Zimmerman - 2.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Marshall - 1.

Therefore, the Amendment was declared adopted.

Senators Marshall, Martin, McCullough, McDowell marked PRESENT.

The privilege of the floor was extended to Representative Hebner after which Senator Murphy moved that HB 445 w HA 1, SA 1 be deferred. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cordrey, Holloway, Kearns, Marshall, Martin, McCullough, McDowell, Murphy, Sharp - 11.

NO: Senators Arnold, Berndt, Cook, Hale, Hughes, Knox, Littleton, Spence, Weiss, Zimmerman - 10.

Therefore, the motion prevailed and the Bill was deferred.

At 3:40 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:28, Senator Cordrey presiding.

The following legislation was introduced:

SB 557 - AN ACT TO AMEND CHAPTER 84, TITLE 11, DELAWARE CODE, RELATING TO A POLICE TRAINING PROGRAM. Sponsor: Senator Cordrey. Assigned to Public Safety Committee.

SB 558 - AN ACT TO APPROPRIATE FUNDS FOR REPAIRS TO THE EDUCATION-HUMANITIES BUILDING ON THE DELAWARE STATE COLLEGE CAMPUS IN ORDER TO PREVENT FURTHER INTERIOR DAMAGE FROM WATER LEAKS WHILE THE COLLEGE ATTEMPTS THROUGH LEGAL PROCESSES TO RECOVER THE COSTS TO REPAIR AND CORRECT DEFICIENCIES IN THE CONSTRUCTION OF THE BUILDING WHICH WERE THE RESULT OF IMPROPER OR POOR DESIGN AND TO REPAY SUCH FUNDS AUTHORIZED TO THE GENERAL FUND OF THE STATE WHEN AND IF RECOVERED. Sponsors: Senator Zimmerman and Representative Harrington. Assigned to Finance Committee.

SB 559 - AN ACT TO AMEND CHAPTER 70, TITLE 6 DELAWARE CODE, RELATING TO ECONOMIC DEVELOPMENT, BY REPEALING THAT CHAPTER AND ENACTING A NEW CHAPTER 70 CREATING THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY; AUTHORIZING SUCH AUTHORITY TO ISSUE BONDS FOR INDUSTRIAL, COMMERCIAL, AGRICULTURAL AND POLLUTION CONTROL PROJECTS; AUTHORIZING SUCH AUTHORITY TO PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF CERTAIN BONDS OF SUCH AUTHORITY; AND GRANTING CERTAIN ADDITIONAL POWERS TO SUCH AUTHORITY. Sponsors: Senators Cordrey, Adams, Arnold, Berndt, Cicione, Cook, Hale, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McDowell, Murphy, Weiss, Zimmerman; Representatives Ambrosino, Anderson, Bennett, T. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jr., Jonkiert, Maroney, Maxwell, McBride, McKay, Oberle, Petrilli, Plant, Powell, Roy, Sincok, VanSciver, Vernon. Assigned to Executive Committee.

SB 560 - AN ACT TO AMEND CHAPTER 83, TITLE 11 AND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE POLICE PENSIONS. Sponsors: Senators Adams and Berndt; Representatives Matushefske and Powell. Assigned to Executive Committee.

SR 92 - CREATING A COMMITTEE TO STUDY THE RELATIONSHIPS BETWEEN MAJOR OIL COMPANIES AND INDEPENDENT RETAIL GASOLINE DEALERS AS THEY PERTAIN TO GASOLINE PRICES IN DELAWARE. Sponsors: Senators Holloway and McDowell. Laid on the table at the request of the sponsor.

SA 3 to SB 320. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 583. Sponsor: Senator Cicione. Placed with the Bill.

SA 1 to HB 601. Sponsor: Senator Cicione. Placed with the Bill.

SCR 78 was lifted from the table for consideration on motion of Senator Murphy:

SCR 78 - URGING THE UNITED STATES CONGRESS TO REJECT INCREASED GASOLINE TAXES AS AN ENERGY-CONSERVATION MEASURE IN FAVOR OF ALTERNATIVE CONSERVATION METHODS.

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

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

NOT VOTING: Senator Knox - 1.

ABSENT: Senators Cicione, Hale, Marshall, McCullough - 4.

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

SB 322 was taken up for consideration on motion of Senator McDowell:

SB 322 - AN ACT TO AMEND TITLE 7, DELAWARE CODE, RELATING TO ENERGY SAVING DEVICES, AND ENERGY EFFICIENCY STANDARDS.

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

The roll call vote on SB 322 w SA 1 was then taken on motion of Senator McDowell; however, before being announced, it was laid on the table on further motion of the Senator.

At 4:53 p.m., Senator Sharp presiding.

HB 141 w HA 1 was taken up for consideration on motion of Senator McCullough:

HB 141 w HA 1 - AN ACT TO AMEND CHAPTER 1, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING HOMEBOUND INSTRUCTION UNDER CERTAIN CIRCUMSTANCES.

The privilege of the floor was extended to Tom Sandbach after which final action on the Bill was deferred on further motion of the Senator.

SB 320 w SA 1 was taken up for consideration on motion of Senator Holloway.

SA 3 to the Bill was introduced by Senator Holloway and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Spence and Weiss) ABSENT; therefore, the Amendment was declared adopted.

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

SB 320 w SA 1, 2, 3 was then deferred for final action on further motion of Senator Holloway.

SB 561 was introduced and assigned to Executive Committee:

SB 561 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE AWARD OF CONTRACTS. Sponsors: Senators Arnold and Sharp.

The following Committee reports were announced:

From the Health and Social Services Committee: HB 673 - 4 Merits; HB 695 w HA 2, 3, 4 - 4 Merits; HB 909 w HA 1, 2 - 4 Merits.

The following legislation was introduced:

SA 1 to SB 489. Sponsor: Senator Weiss. Placed with the Bill.

SA 1 to SB 468. Sponsor: Senator Zimmerman. Placed with the Bill.

SS 1 for SB 416 which had been previously introduced and adopted in lieu of the Original was assigned to the Health and Social Services Committee at the request of the sponsor, Senator Holloway.

At 5:48 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. May 7, 1980.

The Senate reconvened at 2:29 p.m., May 7, Lt. Governor McGinnis presiding.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 6, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Keith Dorman, 346 Oregon Avenue, New Castle, Delaware, to be reappointed a member of the Board of Pension Trustees to serve a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 6, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry Roberts, Taylors Bridge Road, Odessa, Delaware, to be reappointed a member of the Tax Appeal Board to serve a term of three years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 6, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Bruce O. Kallos, Olde Mill, Seaford, Delaware, to be a member of the Board of Pension Trustees to serve until September 29, 1980 to succeed David Burton, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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The following legislation was introduced:

SB 562 - AN ACT TO AMEND TITLE 12, TITLE 25 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ACKNOWLEDGMENTS; AND PROVIDING FOR A UNIFORM RECOGNITION OF ACKNOWLEDGEMENTS ACT. Sponsors: Senators Zimmerman and Murphy. Assigned to Executive Committee.

SB 563 - AN ACT TO AUTHORIZE THE TOWN OF BETHANY BEACH TO ISSUE BONDS TO THE FARMERS HOME ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, FOR IMPROVEMENTS AND ADDITIONS TO THE TOWN WATER SUPPLY AND DISTRIBUTION SYSTEM. Sponsors: Senator Cordrey and Representative Vernon. Assigned to Finance Committee.

SA 4 to SB 320. Sponsor: Senator Holloway. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 231 and adopted SCR 77 and SCR 78.

A card of thanks from William Dill in appreciation of SR 76 was read.

The following legislation was introduced:

HB 717 w HA 1 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, SECTION 4308, BY REQUIRING A NOTARY PUBLIC TO ENSURE THAT THE INDIVIDUAL WHOSE PRESENCE IS BEING CERTIFIED TO BY THE NOTARY, PROVIDE PROOF OF THEIR IDENTITY. Sponsors: Representative VanSciver and Senator Cicione. Assigned to Judiciary Committee.

HB 741 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO FEES CHARGED FOR DRIVING RECORDS AND VEHICLE REGISTRATION RECORDS FURNISHED BY THE DIVISION OF MOTOR VEHICLES. Sponsor: Representative Roy. Assigned to Public Safety Committee.

HJR 34 - DESIGNATING MONDAY, MAY 26, 1980, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1980. Sponsor: Representative Anderson. The Resolution was laid on the table at the request of Senator Holloway.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 7, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware



In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Marvin L. Wynn, 2969 South Cincinnati, Tulsa, Oklahoma, to be appointed Secretary of Community Affairs and Economical Development to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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SS 1 for SB 416 was reported out of the Health and Social Services Committee: 4 Merits.

HCR 126 was introduced and considered for adoption on motion of Senator Berndt:

HCR 126 - CONGRATULATING SISTER GERMAINE CATLIN, D.C. UPON HER GOLDEN JUBILEE. Sponsors: Representatives Free and T. Brady.

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

HCR 127 was introduced and considered for adoption on motion of Senator Marshall:

HCR 127 - COMMEMORATING THE 189TH ANNIVERSARY OF THE POLISH CONSTITUTION OF MAY 3, 1791. Sponsors: Representative Jonkiert and Senator Marshall.

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

At 2:45 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 29th Legislative Day.

#### 29TH LEGISLATIVE DAY May 7, 1980

The Senate convened at 2:45 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

Legislative Advisory #36 received from the Office of Counsel to the Governor was read informing the Senate that the Governor signed SJR 43 on April 24, 1980; SB 395 (Volume 62, Chapter 232, Laws of Delaware) and SB 520 (Volume 62, Chapter 235, Laws of Delaware) on May 1.

At 2:53 p.m., Senator Murphy presiding.

Senator McDowell moved that the necessary rules be suspended for lifting HJR 34 from the table for consideration.

Before the motion was acted upon, the Senate recessed for Party Caucus on motion of Senator Sharp at 2:57 p.m.

The Senate reconvened at 4:40 p.m., Senator Sharp presiding.

SR 93 was introduced:

SR 93 - MOURNING THE DEATHS OF THE EIGHT UNITED STATES SERVICEMEN WHOSE BODIES HAVE BEEN BROUGHT TO THE DOVER AIR FORCE BASE AND STANDING IN SILENCE IN THEIR HONOR. Sponsors: Senators Holloway, Hughes and all the Senators.

The following memorandum was read:

SENATE  
State of Delaware  
Dover, Delaware  
May 7, 1980

I, Senator H. M. Holloway give permission to Senator Berndt to handle Senate Resolution No. 93 in my absence.

H. M. Holloway, Sr.

Pursuant to the above, the roll call vote on SR 93 was taken on motion of Senator Berndt and revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT; therefore, the Resolution was declared adopted.

On motion of Senator Cordrey, HJR 34 was taken up for consideration under suspension of the necessary rules.

The privilege of the floor was extended to Representative Anderson after which the roll call vote was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Kearns, Knox, Marshall, Martin, McDowell, Sharp, Spence, Weiss, Zimmerman - 12.

NO: Senators Adams, Cicione, Cook, Cordrey, Hughes, Littleton, McCullough, Murphy - 8.

ABSENT: Senator Holloway - 1.

Therefore, the Resolution was declared adopted and returned to the House.

SB 499 was taken up for consideration on motion of Senator McDowell:

SB 499 - AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO THE REQUIREMENT THAT EACH DEPARTMENT, AGENCY, COMMISSION OR AUTHORITY OF THIS STATE ADOPT A FORMS MANAGEMENT PLAN WHICH MEETS CERTAIN CRITERIA; PROVIDING FOR A FORMS MANAGEMENT OFFICER IN EACH AGENCY; REQUIRING EACH AGENCY TO USE ONLY FORMS APPROVED UNDER ITS FORMS MANAGEMENT PLAN; REQUIRING EACH AGENCY TO FILE ITS PLAN WITH THE BUREAU OF ARCHIVES AND RECORDS; PROVIDING FOR THE APPROVAL AND MONITORING OF EACH PLAN BY THE BUREAU OF ARCHIVES AND RECORDS.

At the request of Senator Knox, the following (unsigned) letter is made part of this record:

STATE OF DELAWARE  
DEPARTMENT OF STATE  
Dover, Delaware  
April 23, 1980

The Honorable Harris B. McDowell, III  
2311 Baynard Boulevard  
Wilmington, Delaware

RE: Forms Management Legislation (SB 499)

Dear Harris:

Our Department has just had the opportunity to review SB 499 which I understand has recently been introduced by you into the Delaware State Senate. I thought it might be helpful for you to have some of our thoughts on this legislation.

First, a little history. Until fiscal year 1978, the State of Delaware had no records management program to speak of. Each agency, department and organization kept what it felt it should, threw away some things, and sent the rest in a helter-skelter fashion to the Bureau of Archives for storage. Ofttimes, there were few, if any, indices to the material provided for storage and certainly almost no consistency or rationale for kind of materials stored. In short, the situation was bordering on chaotic with the vault rapidly filling up with useless material.

In response to the rapid filling of the Records Center, increasing demand for record storage, uncertainty about retention or disposal by agencies of their records, lack of conformity in the treatment of records going from agency to agency, and uneconomical retention of records by agencies we began a records management program. This program was undertaken, I might point out, without additional State resources. Executive Order #17 signed by the Governor in fiscal year 1978 formed a Records Management Advisory Committee (RMAC) with representation from the Department of State, Department of Administrative Services, Department of Justice and the Offices of the Administrator of the Courts, the Auditor of Accounts, and Management Budget and Planning. This group prepared, with the consultation of every State, County, and local government agency in the State of Delaware, and established uniform schedules for the preservation or disposition of all records created by not only State agencies but all public bodies in the State of Delaware. I think you can appreciate that to do this and to create a written plan (a copy of which we would be happy to provide if you wish) without additional resources was a substantial achievement indeed. The project was accomplished with the help of a CETA team which inventoried the records of all the agencies of government and presented its findings to the Records Management Advisory Committee. This two-year effort resulted in the identification and scheduling of all the records of all the State, County and local agencies.

During this process, it became evident that microfilm production had to be increased in order to provide for the effective management of the diverse and voluminous records identified in the inventory. We could no longer keep producing reams and reams of paper with little or no thought to their ultimate disposition. It therefore became the second priority (after the inventory) to diversify and expand our microfilm operations. This we did in fiscal year 1980 and we plan further expansion in fiscal year 1981 if the recommended budget is funded. The next priority will be to strengthen the technical capability of the records management staff and automate record monitoring processes in the Records Center. Because we started with no trained staff this priority is of the most importance and its effect throughout the State will be substantial. By the fiscal year 1982 budget we will be ready to undertake additional records management projects. Forms management might very well be among those projects which would be a priority at that time. I might point out, however, that while there would doubtless be some savings from an operational forms management program it is our belief that the savings resulting from a fully implemented general records management and microfilm program, as reflected in our fiscal year 1981 budget request, would be far, far greater.

At the current time, we do not have the personnel to implement the program outline in SB 499. Forms management is a technical field which requires knowledge that none of our staff currently possesses. Neither do we have the clerical personnel sufficient to bear this task. SB 499 does not seem to provide for any of these eventualities. I might add that, even if SB 499 came with an appropriation, we could not now carry out its intent. We must proceed to develop a comprehensive records management program, of which forms management is only part, in a rational pattern. Catching up with the records management commitments we have already made and implementing the intensified microfilming projects will take every bit of effort in fiscal year 1981 from a Bureau that is already overburdened. To divert us from this systematic process of building a records management program by involving us now in a forms control effort would be a classic case of putting the cart before the horse.

I would like to suggest that, in the alternative to SB 499, our Department keep you updated and briefed on the progress of the records management program and work with you in the implementation of a forms management program as part of the overall records management effort. We believe this can be done without the need for additional legislation and, if done in a sound, efficient and practical way, can be done with minimal additional resources.

I appreciate the opportunity of providing our thoughts and trust you will let me know if there is any further information you feel would be helpful in this effort.

Sincerely yours,  
unsigned  
(TYPED) Glenn C. Kenton  
Secretary of State

cc: Nancy Olsen

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SB 499 was then laid on the table on further motion of Senator McDowell.

SB 537 was taken up for consideration on motion of Senator Cicione:

SB 537 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURCHASE OF DELAWARE STATE FLAGS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) voting NO, and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:18 p.m., Senator Cordrey presiding.

SB 478 was taken up for consideration on motion of Senator Weiss:

SB 478 - AN ACT TO AMEND CHAPTER 21, TITLE 10 OF THE DELAWARE CODE RELATING TO THE OFFICE OF SHERIFF.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Kearns, Littleton, Marshall, Martin, McDowell, Murphy, Sharp, Zimmerman - 12.

NO: Senators Arnold, Berndt, Hale, Hughes, Knox, McCullough, Spence, Weiss - 8.

ABSENT: Senator Holloway - 1.

Therefore, the motion prevailed and consideration of the Bill was deferred.

The following legislation was introduced:

SB 564 - AN ACT TO AMEND THE CITY CHARTER FOR THE CITY OF NEWARK, DELAWARE. Sponsors: Senator Hale and Representative Neal. Assigned to Community Affairs Committee.

SB 565 - AN ACT TO AMEND TITLE 25, OF THE DELAWARE CODE RELATING TO "SELF-SERVICE STORAGE FACILITIES", TO PROVIDE A LIEN ON ALL PERSONAL PROPERTY STORED AT SUCH FACILITIES IN FAVOR OF THE OWNERS THEREOF; AND TO PROVIDE A PROCEDURE FOR THE ENFORCEMENT OF SUCH LIEN. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 566 - AN ACT TO AMEND CHAPTER 22, TITLE 16, DELAWARE CODE RELATING TO THE UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT. Sponsors: Senators McDowell, Kearns, Holloway, Marshall, Weiss, Knox, Berndt; Representatives Gilligan, Jonkiert, Ambrosino, Connor, T. Brady. Assigned to Health and Social Services Committee.

SB 567 - AN ACT TO PROVIDE SIX (6) SECURITY OFFICERS FOR THE FAMILY COURT OF THE STATE OF DELAWARE, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Cicione, McDowell; Representatives Bennett, T. Brady. Assigned to Finance Committee.

SB 568 - AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE, BEING FORMER HOUSE BILL NO. 333 OF THE 130TH GENERAL ASSEMBLY, THE BUDGET APPROPRIATION ACT, RELATING TO THE SALARY OF THE SECRETARY OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT. Sponsor: Senator Knox.

Senator Knox moved that the Bill be laid on the table. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Knox, Littleton, Spence, Weiss - 7.

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

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Holloway - 1.

Therefore, the motion was defeated and the Bill was assigned to the Finance Committee.

SB 569 - AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW CASTLE. Sponsors: Senator McCullough and Representative Connor.

Assigned to Community Affairs Committee.

SCR 79 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES WITH REGARD TO THE OIL IMPORT FEE. Sponsors: Senators Berndt, Martin, Murphy, Hughes; Representatives Powell and Roy. The Resolution was laid on the table at the request of Senator Berndt.

SA 1 to SB 474. Sponsor: Senator Cicione. Placed with the Bill.

HB 684 - AN ACT TO AMEND CHAPTER 41, TITLE 9 OF THE DELAWARE CODE TO INCREASE THE AMOUNT THAT KENT COUNTY MAY BORROW AND TO REMOVE THE MAXIMUM INTEREST RATE OF SIX PERCENT ON COUNTY LOANS. Sponsors: Representatives Bennett, Darling, Minner, Morris; Senators Cook, Murphy, Zimmerman. Assigned to Community Affairs Committee.

HCR 128 - URGING THE C.M.I. OF GENOA, ITALY, TO AWARD THE FABRICATION OF A MULTI-PURPOSE CRANE BEING PURCHASED BY THE PORT OF WILMINGTON TO A DELAWARE FIRM. Sponsor: Representative Cain.

On motion of Senator Sharp, the Resolution was considered for adoption and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 8, 1980.

The Senate reconvened at 2:19 p.m., Lt. Governor McGinnis presiding and immediately adjourned on motion of Senator Cordrey to convene for the 30th Legislative Day.

30TH LEGISLATIVE DAY  
May 8, 1980

The Senate convened at 2:20 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 540 was taken up for consideration on motion of Senator Cicione:

SB 540 - AN ACT TO AMEND CHAPTER 25, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE FRANCHISE SECURITY LAW; AND PROVIDING FOR THE CURTAILMENT OF CERTAIN PRACTICES IN THE SALE OF PETROLEUM PRODUCTS.

The privilege of the floor was extended to the following: Steven D. Goldberg (Penna. Delaware Service Station), Eugene M. Fitzmaurice (Atlantic Richfield Company), John R. Cockrell (ARCO - Atlantic Richfield Co.) and Donald R. Taylor (EXXON Company U.S.A.).

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

YES: Senators Arnold, Cicione, Cook, Hughes, Kearns, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Berndt, Cordrey, Knox - 4.

ABSENT: Senators Hale and Holloway - 2.

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

Senators Zimmerman, Kearns, Marshall, Martin, McDowell and Weiss marked PRESENT.

At 4:25 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 4:34 p.m., Senator Adams presiding.

SB 474 was taken up for consideration on motion of Senator Cicione:

SB 474 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO PROVIDE FOR THE LEGALIZATION OF LOTTERIES BY CHARITABLE ORGANIZATIONS AND TO PROVIDE FOR APPROPRIATIONS TO THE ATTORNEY GENERAL AND STATE LOTTERY COMMISSION TO IMPLEMENT SUCH LOTTERIES.

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

YES: Senators Adams, Arnold, Cicione, Cook, Hughes, Kearns, Knox, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 13.

NO: Senators Cordrey, Hale, Littleton - 3.

ABSENT: Senators Berndt, Holloway, Marshall, Martin, McCullough - 5.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Richard S. Gebelein, the Attorney General.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. May 13, 1980.

The Senate reconvened at 2:47 p.m., May 13, 1980, Lt. Governor McGinnis presiding.

SB 474 w SA 1 which was under consideration before the recess was still before the Senate.

Senator Holloway marked PRESENT.

The privilege of the floor was extended to Attorney General Richard S. Gebelein.

SA 2 to the Bill was introduced by Senator Holloway and considered for adoption. The roll call vote on the Amendment was taken; however, before being announced it was laid on the table on motion of Senator Cicione.

SA 3 to the Bill was introduced by Senator Littleton and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Cordrey, Hale, Knox, Littleton, Spence - 7.

NO: Senators Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Marshall, Martin, McDowell, Murphy, Sharp, Weiss, Zimmerman - 13.

NOT VOTING: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

Senator Cicione moved that the roll call vote on SA 2 to the Bill be lifted. Senator Hughes objected to the motion but immediately withdrew his objection.

The roll call vote on SA 2 to SB 474 was then lifted on motion of Senator Cicione and rescinded.

SA 1 to SA 2 to SB 474 was introduced by Senator Holloway and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Senator McCullough) NOT VOTING, and 1 (Senator Murphy) ABSENT; therefore, the Amendment to the Amendment was declared adopted.

SA 2 as amended by SA 1 was then considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Marshall, McDowell, Sharp, Weiss - 12.

NO: Senators Arnold, Cordrey, Hale, Littleton, Martin, Spence, Zimmerman - 7.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Murphy - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 474 w SA 1, SA 2 as amended by SA 1 was then taken on motion of Senator Cicione; however, the roll call was tabled on further motion of the Senator before it was announced.

SB 515 was taken up for consideration on motion of Senator Cicione:



SB 515 - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE II, SECTION 17 OF THE DELAWARE CONSTITUTION OF 1897 RELATING TO LOTTERIES AND OTHER GAMBLING.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione; however, the roll call vote on the Amendment was tabled before being announced on further motion of Senator Cicione.

The Bill was then laid on the table on further motion of Senator Cicione.

At 4:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY  
May 13, 1980

The Senate convened at 4:20 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed SB 378 w SA 1 and SB 309 w SA 1, 2 was defeated in the House.

SB 559 was reported out of the Executive Committee: 4 Favorable, 2 Merits.

The following legislation was introduced:

SB 570 - AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 11 OF THE DELAWARE CODE, RELATING TO WORK BY INMATES OF DELAWARE PRISONS. Sponsor: Senator Sharp. Assigned to Corrections Committee.

SB 571 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CRIMINAL JURISDICTION OF INFERIOR COURTS AND JUSTICES OF THE PEACE. Sponsors: Senators Berndt, Kearns, Knox, McDowell. Assigned to Executive Committee.

SB 572 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO THE PROTECTION OF RECORDS. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 573 - AN ACT TO AUTHORIZE MEDICAL EXAMINERS IN DELAWARE TO PROVIDE TO EYE BANKS CORNEAS FROM DECEDENTS UNDER THEIR JURISDICTION AND TO PROVIDE IMMUNITY FROM CERTAIN CIVIL ACTION ARISING THEREFROM. Sponsor: Senator Cordrey. Assigned to Health and Social Services Committee.

SB 574 - AN ACT TO AMEND CHAPTER 1, TITLE 20, DELAWARE CODE, RELATING TO CERTAIN SERVICE OBLIGATIONS OF NATIONAL GUARD PERSONNEL. Sponsors: Senators Holloway and Hughes; Representatives Clendaniel and Vernon. Assigned to Executive Committee.

SB 575 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO CERTAIN PROFESSIONAL PERSONNEL. Sponsors: Senator Holloway and Representative Holloway, Jr. Assigned to Education Committee.

SB 576 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT. Sponsors: Senators McDowell and Cicione; Representatives Bennett and T. Brady. Assigned to Judiciary Committee.

SA 1 to SB 469. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to SB 559. Sponsor: Senator Marshall. Placed with the Bill.

HS 1 for HB 376 w HA 1 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, TO EXEMPT FROM REALTY TRANSFER TAX TRANSFERS IN CONNECTION WITH, OR IN LIEU OF, THE FORECLOSURE OF CERTAIN MORTGAGES. Sponsor: Representative Bennett. Assigned to Revenue and Taxation Committee.

HB 605 w HA 1, 2 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE PERIODIC REVIEW AND TERMINATION OF CERTAIN STATE AGENCIES AND PROVIDING FOR A DELAWARE SUNSET ACT. Sponsors: Representatives Cain and Connor; Senators Marshall and Berndt. Assigned to Community Affairs Committee.

HS 1 for HB 907 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF BRIDGE REPLACEMENTS, DRAINAGE DITCHING, ROAD PATCHING, SIGN MAINTENANCE AND PAVEMENT MARKING. Sponsors: Representative Roy and Senator Martin; Representatives Powell, Sincock, Burris, Hebner, Riddagh, Ambrosino, T. Brady, Cathcart, Fallon, Free, Harrington, Maroney, McKay, Neal, Oberle, Petrilli, Smith, Vernon, VanSciver, Ferguson, Connor, Gilligan; Senators Arnold, Murphy, Cook, Spence, Knox, Berndt, Weiss, Hughes, Littleton, Hale. Assigned to Finance Committee.

SR 96 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 96 - EXPRESSING CONDOLENCES UPON THE DEATH OF FORMER REPRESENTATIVE EDWARD "BUDDY" LONG, JR. Sponsors: Senators Zimmerman, Murphy, Cook; Lt. Governor McGinnis.

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

Senator Spence moved that the necessary rules be suspended to bring SCR 8 out of Committee and placed on the Agenda.

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

YES: Senators Arnold, Cicione, Holloway, Hughes, Littleton, Marshall, McCullough, Sharp, Spence - 9.

NO: Senators Adams, Berndt, Cook, Cordrey, Hale, Kearns, Knox, Martin, McDowell, Murphy, Weiss, Zimmerman - 12.

Therefore, the motion was declared defeated.

SB 577 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SB 577 - AN ACT TO PROVIDE THAT A REFERENDUM ON THE EQUAL RIGHTS AMENDMENT BE HELD IN THE NOVEMBER 1980 GENERAL ELECTION IN DELAWARE. Sponsors: Senators Cordrey and Holloway; Representative Gordy.

The Bill was then temporarily laid on the table on further motion of the Senator.

At 4:40 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 5:18 p.m., Senator Sharp presiding.

SB 577 was lifted from the table for consideration on motion of Senator Cordrey and the roll call vote taken which revealed:

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

NO: Senators Berndt, Kearns, Knox, Weiss - 4.

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

HCR 132 was introduced and considered for adoption on motion of Senator Murphy:

HCR 132 - WISHING THE CAESAR RODNEY HIGH SCHOOL BANDS THE BEST OF LUCK AT THE INTERNATIONAL MUSIC FESTIVAL COMPETITION AT TORONTO, CANADA, MAY 17-20, 1980. Sponsors: Representatives Darling, Bennett, Morris, Minner; Senators Cook, Murphy, Zimmerman.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Hale, McCullough and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 6:13 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., May 14, 1980.

The Senate reconvened at 2:35 p.m., May 14, 1980, Senator Cordrey presiding.

Legislative Advisory #37 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following legislation: on May 8, 1980 - SJR 39; on May 13, 1980 - SB 231 (Volume 62, Chapter 237, Laws of Delaware), SB 232 (Volume 62, Chapter 238), SB 519 (Volume 62, Chapter 239).

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The following legislation was introduced:

SB 578 - AN ACT TO PROVIDE AN APPROPRIATION TO JEFFERSON FARMS SWIMMING AND RECREATION CLUB AS A GRANT-IN-AID. Sponsor: Senator McCullough. Assigned to Grant and Aid Committee.

SB 579 - AN ACT TO PROVIDE AN APPROPRIATION TO THE DE LA WARR SENIOR CITIZENS CENTER AS A GRANT-IN-AID. Sponsor: Senator McCullough. Assigned to Grant and Aid Committee.

SB 580 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELSMERE. Sponsors: Senator Cicione; Representatives VanSciver, Maxwell and McBride. Laid on the table at the request of Senator Cicione.

SCR 80 - PROVIDING FOR THE APPOINTMENT OF A SPECIAL COMMITTEE TO STUDY THE FEASIBILITY OF A CINDERELLA PROVISION IN DRIVER'S LICENSES ISSUED TO PERSONS SIXTEEN, SEVENTEEN OR EIGHTEEN YEARS OF AGE. Sponsor: Senator Holloway. Laid on the table at the request of the sponsor.

SR 94 - AMENDING SENATE RESOLUTION N. 4 IN REFERENCE TO THE TEMPORARY RULES OF THE SENATE. Sponsor: Senator Berndt. Laid on the table at the request of the sponsor.

SR 95 - CONGRATULATING PEGGY MAHER, OF DOVER, UPON HER SELECTION FOR THE ANNUAL AWARD OF THE GREATER PHILADELPHIA CHAPTER OF PROFESSIONAL JOURNALISTS. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES and 3 (Marshall, McCullough and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

HCR 129 - WISHING HELEN BAYNARD, THE CHEERFUL CHEF OF THE LEGISLATIVE HALL HAUTE CUISINE, A HAPPY BIRTHDAY AND SENDING HER A GET-WELL-QUICK MESSAGE AT THE SAME TIME. Sponsor: Representative Oberle and all the Representatives; Senator Sharp and all the Senators.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Marshall) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 130 - REQUESTING THE DEPARTMENT OF COMMERCE OF THE UNITED STATES TO EMPHASIZE THAT THE PORT OF WILMINGTON BE INCLUDED AS ONE OF THE "PORTS OF PHILADELPHIA" IN A MARITIME AGREEMENT UNDER CONSIDERATION WITH THE PEOPLE'S REPUBLIC OF CHINA. Sponsors: Representatives George, Plant, Holloway, Jr., Jonkiert, Free, T. Brady; Senators Holloway, Marshall, McDowell.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES, 1 (Spence) NOT VOTING and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 131 - MEMORIALIZING PRESIDENT JIMMY CARTER AND THE 96TH CONGRESS OF THE UNITED STATES TO SHOW CONSISTENCY IN HUMAN RIGHTS AND COMPASSION TO PERSONS WHO DESIRE TO ENTER THIS COUNTRY TO ESCAPE INHUMANE AND REPRESSIVE REGIMES OF THE WORLD. Sponsor: Representative Plant. Laid on the table at the request of Senator Sharp.

HB 837 w HA 1 - AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE, RELATING TO THE CREDIT AGAINST CORPORATION INCOME TAX AND REDUCTION IN LICENSE TAX FOR QUALIFIED NEW BUSINESS FACILITIES. Sponsor: Representative Powell. Assigned to Revenue and Taxation Committee.

The following Committee reports were announced:

From the Banking, Insurance and Elections Committee: SB 506 - 4 Merits; SB 533 - 4 Merits.

From the Public Safety Committee: SB 557 - 5 Merits.

From the Executive Committee: Governor's nomination for appointment of Marvin L. Wynn - 3 Favorable, 3 Merits.

At 2:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 32nd Legislative Day.

### 32ND LEGISLATIVE DAY

May 14, 1980

The Senate convened at 2:50 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SCR 80 was lifted from the table for consideration on motion of Senator Holloway; however, before final action was taken on the Resolution, it was again laid on the table on further motion of the Senator.

SB 580 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Cicione:

SB 580 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELSMERE.

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

HCR 133 - EXTENDING APPRECIATION TO MR. BRUCE LAIRD, DELAWARE TEACHER OF THE YEAR FOR 1980, AND TO LOCAL TEACHERS OF THE YEAR. Sponsors: Representative Connor and Senator McCullough.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 17 Senators voting YES, and 4 (Cicione, Hughes, Littleton, Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Pursuant to the above resolution, the privilege of the floor was extended to Bruce Laird.

At 3:23 p.m. on motion of Senator Sharp, the Senate recessed for a short period due to mechanical difficulty with the recorder.

The Senate reconvened at 4:35 p.m., Senator Sharp presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Marvin L. Wynn was taken up for consideration and the roll call vote taken which revealed:

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

NO: Senator Cook - 1.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cicione, Littleton, Marshall, Weiss - 4.

Therefore, the appointment was declared confirmed.

Senator Knox moved that the necessary rules be suspended for consideration of SB 568. The roll call vote on the motion was taken and revealed:

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

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

ABSENT: Senator Littleton - 1.

Therefore, the motion was declared defeated.

SB 546 was taken up for consideration on motion of Senator Cordrey:

SB 546 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OMNIBUS CHANGES IN THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY.

The privilege of the floor was extended to Raymond S. Pusey, Office of Highway Safety.

SA 1 to the Bill was introduced by Senator Cordrey and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed (20) Senators voting YES and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 546 w SA 1 was then taken on motion of Senator Cordrey and revealed 19 Senators voting YES, 1 (Zimmerman) voting NO, and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 547 was taken up for consideration on motion of Senator Cordrey:

SB 547 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OMNIBUS CHANGES IN THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY.

SA 1 to the Bill was introduced by Senator Cordrey and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Lt. Charles E. Venable (Rules of the Road Committee of the Delaware State Police).

The roll call vote on SB 547 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Zimmerman) voting NO, and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 548 was taken up for consideration on motion of Senator Cordrey:

SB 548 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO ADD A DEFINITION FOR ALCOHOL CONCENTRATION IN THE BODY AND TO AMEND THE SECTION RELATED TO THIS DEFINITION.

SA 1 to the Bill was introduced by Senator Cordrey and considered for adoption on his motion. The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 548 w SA 1 was then taken on motion of Senator Cordrey and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Littleton, Martin, McCullough, Spence, Weiss - 13.

NO: Senators Cicione, Holloway, Marshall, McDowell, Murphy, Zimmerman - 6.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Knox - 1.

Therefore, the Bill was declared lost since a 2/3 vote was required for passage.

SB 549 was taken up for consideration on motion of Senator Cordrey:

SB 549 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE DEFINING OF SCHOOLCHILD AND SCHOOL BUS OPERATION.

SA 1 to the Bill was introduced by Senator Cordrey and was immediately stricken at his request.

The roll call vote on SB 549 was then taken on motion of Senator Cordrey and revealed 19 Senators voting YES and 2 (Marshall and McDowell) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 320 w SA 1, 2, 3 was taken up for consideration on motion of Senator Holloway.

SA 4 to the Bill which had been placed with the Bill was stricken at the request of Senator Holloway and immediately restored and considered for adoption on further motion of the Senator.

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

The roll call vote on SB 320 w SA 1, 2, 3, 4 was then taken on motion of Senator Holloway and revealed 19 Senators voting YES and 2 (Cicione and Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SA 2 to SS 1 for SB 416. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 513. Sponsor: Senator Murphy. Placed with the Bill.

SA 1 to HB 141. Sponsor: Senator Spence. Placed with the Bill.

SA 2 to HB 141. Sponsor: Senator Hughes. Placed with the Bill.

SB 581 - AN ACT TO AMEND SECTION 1056, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF FEES FOR THE USE OF SCHOOL PROPERTY, FACILITIES AND EQUIPMENT NOT IN USE FOR EDUCATIONAL PURPOSES. Sponsors: Senators Adams and Hale; Representatives Burris, Clendaniel, Minner. Assigned to Education Committee.

At 5:40 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., May 15, 1980.

The Senate reconvened at 2:23 p.m., May 15, 1980, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 580.

At 2:23 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 33rd Legislative Day.

### 33RD LEGISLATIVE DAY

May 15, 1980

The Senate convened at 2:23, p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following Committee reports were announced:

From the Executive Committee: SB 466 - 4 Merits; SB 553 - 5 Merits.

Senator Hale marked PRESENT.

SB 478, final action on which had been deferred, was taken up for consideration on motion of Senator Weiss.

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

YES: Senators Cook and Kearns - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Hughes, Knox, Littleton, Marshall, McDowell, Murphy, Sharp, Weiss, Zimmerman - 15.

ABSENT: Senators Holloway, Martin, McCullough, Spence - 4.

Therefore, the Amendment was declared lost.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney.

Senators McDowell, Murphy, Hughes marked PRESENT.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Weiss.

The roll call vote on SB 478 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Hughes, Knox, Littleton, Marshall, McDowell, Sharp, Spence, Weiss - 14.

NO: Senators Cook, Kearns, Murphy, Zimmerman - 4.

ABSENT: Senators Holloway, Martin, McCullough - 3.

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

SB 477, final action on which had been deferred, was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Weiss.

The roll call vote on SB 477 was then taken and revealed:



YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Hughes, Knox, Littleton, Marshall, Martin, McDowell, Sharp, Spence - 14.

NO: Senators Kearns, McCullough, Zimmerman - 3.

NOT VOTING: Senators Cook, Murphy, Weiss - 3.

ABSENT: Senator Holloway - 1.

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

Senator Martin marked PRESENT.

HB 626 was taken up for consideration on motion of Senator Cordrey:

HB 626 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE IMPOSITION OF TAXES OR LICENSE FEES.

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

At 3:02 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:10 p.m., Senator Cordrey presiding.

HCR 134 was introduced and considered for adoption on motion of Senator Sharp:

HCR 134 - EXTENDING CONGRATULATIONS TO ANNE CHRISTINE LIESL ZUMSTEG, AGE 17, ON BECOMING MISS DELAWARE TEEN ON SATURDAY, MAY 10, 1980. Sponsors: Representative Powell and Senator Sharp.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Cicione, Holloway, Murphy, Spence, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Finance Committee: SB 360 - 6 Merits; SB 544 - 7 Merits; SB 551 - 1 Favorable, 6 Merits; SB 556 8 Merits; SB 563 7 Merits.

The following legislation was introduced:

SB 582 - AN ACT TO AMEND TITLES 9, 11, 18, 19, 24, 29, 30 AND 31 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION, PROVIDING FOR THE "WORKERS' COMPENSATION ACT OF 1980" AND FURTHER PROVIDING FOR AN APPROPRIATION FOR THE IMPLEMENTATION OF THAT ACT. Sponsors: Senators Murphy, Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, Weiss; Representatives Harrington, Ambrosino, Anderson, Bennett, T. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Matushefske, McBride, McKay, Minner, Oberle, Plant, Powell, Roy, Sincok. Assigned to Banking, Insurance and Elections Committee.

HB 665 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING TO NONTRANSFERABILITY OF ASSISTANCE GRANTED UNDER THIS CHAPTER. Sponsors: Representative Roy and Senator Cicione. Assigned to Health and Social Services Committee.

HB 620 w HA 2, 3, 5 - AN ACT TO AMEND CHAPTER 3, TITLE 25 OF THE DELAWARE CODE RELATING TO ALIEN OWNERSHIP OF AGRICULTURAL LAND. Sponsor: Representative W. Brady. Assigned to Agriculture Committee.

HB 859 w HA 1 - AN ACT TO REQUIRE AFFECTED STATE AGENCIES TO REPORT ANNUALLY THEIR EFFORTS TO COMPLY WITH THE POLICY OF THIS STATE TO ENCOURAGE EMPLOYEE STOCK OWNERSHIP PLANS. Sponsors: Representatives Free, VanSciver, Neal, Maxwell, Oberle, Maroney, Powell, Petrilli and Ambrosino. Assigned to Administrative Services Committee.

HB 839 - AN ACT TO AMEND SECTION 2301(d), TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL LICENSES AND FEES, AND THE REQUIREMENT TO FILE QUARTERLY RETURNS. Sponsors: Representatives Powell and Sincok. Assigned to Revenue and Taxation Committee.

SB 513 was taken up for consideration on motion of Senator Murphy:

SB 513 - AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE RELATING TO THE IDENTIFICATION OF THE PRINCIPAL PLACE OF BUSINESS WHEN RECOVERING CLAIMS FROM AN INSURER.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Murphy and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cicione, Holloway, Littleton, Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 513 w SA 1 was then taken on motion of Senator Murphy and revealed 18 Senators voting YES and 3 (Cicione, Holloway and Littleton) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Adams introduced Anne Christine Liesl Zumsteg (Miss Delaware Teen) to the Senate.

Senator Sharp congratulated Senator Zimmerman on his Birthday.

Senator Holloway marked PRESENT.

SB 538 was taken up for consideration on motion of Senator Hughes:

SB 538 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE TO PROHIBIT THE PAYMENT OF MOTOR VEHICLE FINES BY MAIL FOR MINORS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Zimmerman) voting NO, and 1 (Hale) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 467 was taken up for consideration on motion of Senator Kearns:

SB 467 - AN ACT TO AMEND SECTION 37, ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY; AND PROVIDING FOR A COMMISSION ON JUDICIAL PERFORMANCE.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Murphy, Weiss - 14.

NO: Senators McCullough and Zimmerman - 2.

NOT VOTING: Senators Arnold, Sharp, Spence - 3.

ABSENT: Senator Holloway and Hughes - 2.

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

SB 421 was stricken at the request of the sponsor, Senator McDowell.

SB 551 was taken up for consideration under suspension of the necessary rules on motion of Senator McDowell:

SB 551 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO LEGISLATIVE COUNCIL, OFFICE OF RESEARCH DIRECTOR; FOR THE PURPOSE OF EMPLOYING PROFESSIONAL AND PARA-PROFESSIONAL STAFF TO ASSIST STANDING COMMITTEES OF THE GENERAL ASSEMBLY.

The privilege of the floor was extended to Earl McGinnes after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Holloway, Kearns, Knox, Marshall, Martin, McDowell, Sharp, Weiss - 13.

NO: Senators Cordrey, Hale, Hughes, Littleton, McCullough, Spence, Zimmerman - 7.

ABSENT: Senator Murphy - 1.

At 4:58 p.m., Senator Hale presiding.

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

SR 97 was introduced and considered for adoption on motion of Senator Weiss:

SR 97 - EXTENDING BEST WISHES FOR A SPEEDY RECOVERY TO FORMER SENATOR DEAN C. STEEL. Sponsors: Senators Weiss, Hughes, Hale and all the Senators.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 277, SB 278 and SB 280.

The following legislation was introduced:

SB 583 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE LAUREL SCHOOL DISTRICT FOR THE PURPOSE OF PURCHASING REAL PROPERTY. Sponsors: Senator Littleton and Representative Gordy. Assigned to Finance Committee.

SA 1 to HB 292. Sponsors: Senators Zimmerman and Cicione. Placed with the Bill.

HB 458 w HA 1 - AN ACT TO AMEND CHAPTER 10, TITLE 22, DELAWARE CODE RELATING TO EXEMPTIONS FROM MUNICIPAL TAXATION ON REAL PROPERTY FOR PERSONS 65 YEARS OF AGE OR OVER. Sponsors: Representatives Anderson, Holloway, Jr., Harrington, Kelly. Assigned to Agriculture Committee.

The following Committee reports were announced:

From the Corrections Committee: SJR 44 - 4 Merits, 1 Unfavorable; SB 535 - 4 Merits, 1 Unfavorable; SB 570 - 1 Merits, 3 Favorable; HB 297 w HA 1 - 5 Merits; HB 820 - 3 Merits.

At 5:50 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., May 20, 1980.

The Senate reconvened at 2:25 p.m., May 20, 1980, Senator Sharp presiding.

The following legislation was introduced:

SB 584 - AN ACT TO REQUIRE CERTAIN STATE AGENCIES TO ESTABLISH EMPLOYEE-MANAGEMENT RELATIONS TEAMS TO PROVIDE AN ADDITIONAL GRIEVANCE PROCEDURE. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 2 to SB 559. Sponsor: Senator Cordrey. Placed with the Bill.

SR 98 - A RESOLUTION CONGRATULATING AL CARTRIGHT OF THE NEWS-JOURNAL PAPERS UPON HIS INDUCTION INTO THE DELAWARE SPORTS HALL OF FAME. Sponsor: Senator Holloway. Laid on the table at the sponsor's request.

SR 99 - IN REFERENCE TO ELECTION AND DELETION OF STAFF. Sponsors: Senators Cordrey, Sharp and Adams.

The Resolution was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, McDowell, Sharp - 11.

ABSENT: Senators Adams, Cicione, Hale, Marshall, Martin, McCullough, Murphy, Spence, Weiss, Zimmerman - 10.

Therefore, the Resolution was declared adopted.

SCR 81 - EXTENDING CONGRATULATIONS TO THE WILMINGTON MEDICAL CENTER AND THE SUBURBAN-COUNTY HOSPITAL TASK FORCE ON THE POSITIVE DECISION REGARDING PLAN OMEGA RENDERED BY THE UNITED STATES DISTRICT COURT ON TUESDAY, MAY 13, 1980. Sponsors: Senators Sharp, Kearns, Martin; Representatives Ferguson, Gilligan, Cain, Anderson.

The Resolution was considered for adoption on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, McDowell, Sharp, Spence, Zimmerman - 14.

NOT VOTING: Senators Berndt and Holloway - 2.

ABSENT: Senators Marshall, Martin, McCullough, Murphy, Weiss - 5.

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

SJR 46 - REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1980. Sponsor: Senator Cordrey.

The Resolution was considered for adoption under suspension of the necessary rules on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES and 4 (Martin, McCullough, Murphy and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 98 was lifted from the table for consideration on motion of Senator Holloway and the roll call vote taken which revealed 16 Senators voting YES and 5 (Marshall, Martin, McCullough, Murphy, Weiss) ABSENT; therefore, the Resolution was declared adopted.

At 2:40 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY  
May 20, 1980

The Senate convened at 2:40 p.m., Senator Sharp presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the previous day was approved as read.

SB 559 was taken up for consideration on motion of Senator Cordrey:

SB 559 - AN ACT TO AMEND CHAPTER 70, TITLE 6 DELAWARE CODE, RELATING TO ECONOMIC DEVELOPMENT, BY REPEALING THAT CHAPTER AND ENACTING A NEW CHAPTER 70 CREATING THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY; AUTHORIZING SUCH AUTHORITY TO ISSUE BONDS FOR INDUSTRIAL, COMMERCIAL, AGRICULTURAL AND POLLUTION CONTROL PROJECTS; AUTHORIZING SUCH AUTHORITY TO PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF CERTAIN BONDS OF SUCH AUTHORITY; AND GRANTING CERTAIN ADDITIONAL POWERS TO SUCH AUTHORITY.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Marshall.

SA 2 to the Bill was introduced by Senator Cordrey and laid on the table at his request.

The privilege of the floor was extended to O. Francis Biondi, Esq., (Co-Chairman, Inter-Governmental Task Force).

SA 1 to the Bill was lifted from the table for consideration on motion of Senator Marshall and the roll call vote taken which revealed:

YES: Senators Hale, Marshall, McDowell, Zimmerman - 4.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence - 16.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared lost.

SA 2 to the Bill was lifted from the table for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING, and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 559 w SA 2 was then taken and revealed 18 Senators voting YES, 2 (McCullough and McDowell) NOT VOTING, and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator McDowell moved that the roll call vote on SB 548 w SA 1 be rescinded and the Bill be restored to the Calendar.

Before action was taken on the motion, however, the Senate recessed for Party Caucus on motion of Senator Cordrey at 4:24 p.m. and reconvened at 5:37 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 276 and adopted SJR 46.

The following legislation was introduced:

SA 4 to SB 105. Sponsor: Senator Holloway. Placed with the Bill.

HB 792 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE CRANSTON HEIGHTS FIRE COMPANY FOR THE MAINTENANCE AND OPERATION OF A RESCUE TRUCK. Sponsor: Representative Gilligan. Assigned to Finance Committee.

HB 816 w HA 2 - AN ACT TO AMEND CHAPTERS 5, 7, AND 13 OF TITLE 7 OF THE DELAWARE CODE RELATING TO POSSESSION OR SETTING OF CERTAIN TRAPS AND PENALTIES THEREFORE; AND FOR THE CREATION OF A WILDLIFE THEFT PREVENTION FUND. Sponsors: Representatives West, Bennett, Ferguson, Neal, Free, McBride, Roy, Maxwell, Holloway, Jr., Darling, George, Cain, Plant, Cathcart, Maroney, Gilligan, VanSciver, Sincock, Gordy, Ambrosino, Jonkiert, Loughney, Powell. Assigned to Natural Resources and Environmental Control Committee.

HCR 135 - CONGRATULATING CHARLOTTE SHEDD UPON HER SELECTION AS AMERICANISM MEDAL WINNER OF THE NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION. Sponsor: Representative Smith.

The Resolution was considered for adoption on motion of Senator Hughes and the roll call vote taken which revealed 17 Senators voting YES and 4 (Hale, Holloway, Marshall, Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 136 - COMMENDING THE WILMINGTON MEDICAL CENTER FOR ITS EFFORTS TOWARD INCREASING HEALTH CARE IN NEW CASTLE COUNTY BY PLAN OMEGA. Sponsors: Representatives Neal, Roy, Ferguson, Powell, Gilligan; Senators Arnold, Kearns, Martin, McCullough, Cicione, Sharp and Spence.

The Resolution was considered for adoption on motion of Senator Arnold and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence - 15.

NOT VOTING: Senators Berndt, Holloway, Marshall, McDowell, Zimmerman - 5.

ABSENT: Senator Weiss - 1.

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

Senator McDowell moved that the roll call vote on SB 548 w SA 1 be rescinded and the Bill be restored to the Calendar. There was no objection. The Bill was then laid on the table on further motion of the Senator.

SR 94 was lifted from the table for consideration on motion of Senator Berndt and the roll call vote taken which revealed:

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

NO: Senators Holloway and Zimmerman - 2.

ABSENT: Senator Weiss - 1.

Therefore, the Resolution was declared adopted.

HB 458 w HA 1 was reported out of the Committee on Agriculture - 4 Merits.

The following legislation was introduced:

SB 585 - AN ACT TO AMEND CHAPTER 1 AND CHAPTER 11 OF TITLE 3, DELAWARE CODE, RELATING TO ERADICATION AND SUPPRESSION OF NEMATODES. Sponsors: Senator Zimmerman, Representative Fallon. Assigned to Agriculture Committee.

SB 586 - AN ACT TO AMEND SECTION 7305(b) OF CHAPTER 73, TITLE 7, OF THE DELAWARE CODE TO SPECIFY A TERM OF OFFICE FOR THE DELAWARE NATURAL AREAS ADVISORY COUNCIL. Sponsors: Senator Zimmerman, Representative Vernon. Assigned to Natural Resources and Environmental Control Committee.

HCR 131 was lifted from the table for consideration on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Murphy, Zimmerman - 14.

NO: Senators Arnold, Hughes, McCullough, Spence - 4.

ABSENT: Senators Hale, Sharp, Weiss - 3.

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

At 6:10 p.m. on motion of Senator Sharp the Senate adjourned until 2:00 p.m. May 21, 1980.

### 35TH LEGISLATIVE DAY

May 21, 1980

The Senate convened at 2:15 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the previous day was approved as read.

The following legislation was introduced:

SA 2 to SB 469. Sponsor: Senator McDowell. Placed with the Bill.

HB 621 w HA 1 - AN ACT TO AMEND CHAPTER 34, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION; AND PROVIDING CERTAIN EDUCATIONAL BENEFITS FOR MEMBERS OF THE DELAWARE NATIONAL GUARD. Sponsor: Representative Morris. Assigned to Education Committee.

HCR 137 - DIRECTING AGENCIES OF THE STATE NOT TO SEND ANNUAL REPORTS TO MEMBERS OF THE GENERAL ASSEMBLY UNLESS SO REQUESTED. Sponsors: Representatives Petrilli, Anderson, Maxwell, Sincok, Gilligan, McKay, Fallon, Neal, Cathcart, VanSciver, McBride, Free; Senators Hughes and Marshall.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, McCullough, McDowell, Murphy, Sharp, Spence - 17.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Martin and Weiss - 2.

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

HB 141 w HA 1 was taken up for consideration on motion of Senator McCullough:

HB 141 w HA 1 - AN ACT TO AMEND CHAPTER 1, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING HOMEBOUND INSTRUCTION UNDER CERTAIN CIRCUMSTANCES.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Spence and the roll call vote taken which revealed 18 Senators voting YES, 1 (McCullough) voting NO, and 2 (Martin and Weiss) ABSENT; therefore, the Amendment was declared adopted.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, Murphy, Sharp, Spence - 16.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cicione, McDowell and Weiss - 3.

Therefore, the Amendment was declared adopted.

HB 141 w HA 1, SA 1, 2 was then laid on the table on further motion of Senator McCullough.

At 2:43 p.m., Senator Cicione presiding.

SB 469 was taken up for consideration on motion of Senator McDowell:

SB 469 - AN ACT TO TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF PUBLIC POLICY IN PROMOTING THE DISCOVERY, DEVELOPMENT, PRODUCTION AND REGULATION OF GEOTHERMAL RESOURCES IN THE STATE OF DELAWARE.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator McDowell.

SA 2 to the Bill which had been placed with the Bill was laid on the table on motion of Senator McDowell.

SA 3 to the Bill was introduced by Senator McDowell and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 17 Senators voting YES, 3 (Cordrey, McCullough and Zimmerman) voting NO, and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.



The privilege of the floor was extended to Harry Terry (Senate Attorney), J. Gregersen Cherim (Center for Metropolitan Planning and Research, Johns Hopkins University), and Bruce D. Nilo (Center of Metropolitan Research and Planning, Johns Hopkins University).

The roll call vote on SB 469 w SA 3 was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Marshall, Martin, McCullough, McDowell - 11.

NO: Senators Cordrey, Spence, Zimmerman - 3.

NOT VOTING: Senators Knox, Murphy, Sharp - 3.

ABSENT: Senators Arnold, Cook, Littleton, Weiss - 4.

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

SS 1 for SB 416 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 416 - AN ACT TO AMEND TITLE 24, DELAWARE CODE BY ESTABLISHING A BOARD OF SANITARIAN REGISTRATION, TO ESTABLISH POWERS AND DUTIES OF SAID BOARD, TO PROVIDE FOR THE EXAMINATION AND REGISTRATION OF SANITARIANS, TO ESTABLISH A SCHEDULE OF FEES FOR SANITATION REGISTRATION, AND TO AUTHORIZE EXPENDITURE OF FEES COLLECTED BY SAID BOARD.

During discussion of the Bill and the several Amendments to it, the privilege of the floor was extended to Michael Joyce (Delaware Division of Public Health) and David C. Rodenheaver (Environmental Health Office, Hudson State Service Center).

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES and 3 (Arnold, McDowell and Weiss) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES, 1 (Zimmerman) voting NO, and 2 (Arnold and Weiss) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill was introduced by Senator Hale and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Arnold and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 416 w SA 1, 2, 3 was then taken and revealed:

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Sharp, Spence - 14.

NO: Senators Adams, Cordrey, Littleton, Marshall, Zimmerman - 5.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Weiss - 1.

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

The following legislation was introduced:  
SA 1 to SCR 79. Sponsor: Senator Berndt. Placed with the Resolution.

SA 1 to HB 621. Sponsor: Senator Martin. Placed with the Bill.

HB 791 w HA 1 - AN ACT AMENDING TITLE 28 OF THE DELAWARE CODE RELATING TO BINGO LIMITATIONS AND REGULATIONS. Sponsor: Representative Cathcart. Assigned to Judiciary Committee.

HB 951 - AN ACT TO AMEND CHAPTER 138, VOLUME 41, LAWS OF DELAWARE, RELATING TO THE TOWN OF CLAYTON; AND PROVIDING FOR THE POWER TO BORROW MONEY WHEN AN EMERGENCY ARISES. Sponsor: Representative Riddagh. Assigned to Community Affairs Committee.

The Secretary announced that a message from the House informed the Senate that it had passed SB 350.

At 5:25 p.m. on motion of Senator Cordrey, the Senate adjourned until 2 p.m., May 22, 1980.

36TH LEGISLATIVE DAY  
May 22, 1980

The Senate convened at 2:16 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following legislation was introduced:

SS 1 for SB 485 (same Title as Original). Sponsors: Senator Hale and all the Senators; Representatives Riddagh, Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Connor, Fallon, Free, Hebner, Maroney, McBride, McKay, Neal, Oberle, Petrilli, Powell, Roy, VanSciver, Vernon. Assigned to Executive Committee.

SB 587 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, TO PERMIT DELIVERY OF ALCOHOLIC LIQUOR ON HOLIDAYS TO HOLDERS OF SPECIAL GATHERING LICENSES. Senator Martin. Assigned to Administrative Services Committee.

HB 961 - AN ACT TO AMEND AN ACT, BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD." Sponsors: Representative Fallon and Senator Littleton. Assigned to Community Affairs Committee.

SCR 79 was lifted for consideration on motion of Senator Berndt:

SCR 79 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES WITH REGARD TO THE OIL IMPORT TAX.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Knox, Littleton, McDowell, Murphy, Sharp, Spence, Weiss - 14.

NO: Senators Hale and Zimmerman - 2.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Holloway, Kearns, Marshall, Martin - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on SCR 79 w SA 1 was then taken on motion of Senator Berndt and revealed 16 Senators voting YES, and 5 (Cicione, Kearns, Marshall, Martin, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 673 was taken up for consideration on motion of Senator Holloway:

HB 673 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR PROHIBITIONS AGAINST THE POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.

Senator Arnold was added as co-sponsor to the Bill at his request.

The privilege of the floor was extended to Representative Ambrosino after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 695 w HA 2, 3, 4 was taken up for consideration on motion of Senator Holloway:

HB 695 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF PHARMACY, PHARMACISTS AND ASSISTANT PHARMACISTS, HOSPITAL PHARMACIES, RETAIL PHARMACIES, PHARMACEUTICAL ESTABLISHMENTS OTHER THAN RETAIL PHARMACIES; AND PROVIDING FOR PROHIBITED ACTS AND PENALTIES.

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

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, Murphy - 14.

NO: Senators Cordrey, McDowell, Sharp, Weiss - 4.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Cicione and Zimmerman - 2.

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

HB 909 w HA 1, 2 was taken up for consideration on motion of Senator Holloway:

HB 909 w HA 1, 2 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO FRAUDULENT DELIVERY OF NON-CONTROLLED SUBSTANCES AND TO CREATE A DEFINITION OF FINISHED PRODUCT.

The privilege of the floor was extended to Robert H. Collison (Delaware State Police) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 506 was taken up for consideration on motion of Senator Murphy:

SB 506 - AN ACT TO AMEND SECTIONS 1706 AND 1715, CHAPTER 17 OF TITLE 18, DELAWARE CODE, RELATIVE TO THE LICENSING OF LIMITED REPRESENTATIVES.

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

SB 533 was taken up for consideration on motion of Senator Murphy:

SB 533 - AN ACT TO AMEND CHAPTERS 11 AND 29, TITLE 18, DELAWARE CODE RELATING TO THE INTEREST RATE USED FOR CALCULATING MINIMUM RESERVES AND NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES AND ANNUITY CONTRACTS, AND FOR VARIABLE CONTRACTS.

During the discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Bernard S. Dempsey (Continental American Life Insurance Company).

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Murphy and the roll call vote taken which revealed 20 Senators voting YES and 1, (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 533 w SA 1 was then taken and revealed 20 Senators voting YES, and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At the request of Senator Sharp, the privilege of the floor was extended to Helen Baynard (Snack Bar Operator) who presented the Senators with a cake.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 21, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Albert Holmes, 724 South State Street, Dover Delaware, to be a member of the State Personnel Commission to serve a three year term to succeed Robert F. Helker, term expired.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 22, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ronald E. Cheeseman, River Road and Sellers Estates, Wilmington, Delaware, to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 22, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John P. McLaughlin, 119 Compass Drive, Claymont, Delaware, to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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SB 588 was introduced and assigned to Community Affairs Committee:

SB 588 - AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF HOUSTON" BEING VOLUME 61, CHAPTER 517, LAWS OF DELAWARE.  
Sponsors: Senator Cook and Representative Darling.

At 3:42 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m., Senator Cordrey presiding.

SA 2 to SB 489 was introduced by Senator Weiss and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 81.

HCR 138 was introduced and considered for adoption on motion of Senator Sharp:

HCR 138 - REQUESTING NOTICE TO PARENTS WHEN CURRICULAR OFFERINGS IN SEX EDUCATION ARE MADE IN CERTAIN GRADES OF THE PUBLIC SCHOOLS. Sponsors: Representatives Oberle, Cathcart, Roy, Powell, Vernon, Petrilli, Hebner, Harrington, Connor, VanSciver, Ambrosino, Cain, Ferguson; Senators Sharp, Arnold, Hughes, Littleton, Spence, Cicione, Martin.

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

YES: Senators Adams, Berndt, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss - 14.

NO: Senator Hale - 1.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Arnold, Cicione, Marshall, McCullough, Zimmerman - 5.

However, the roll call vote as above was rescinded on motion of Senator Sharp and another roll call taken which revealed 17 Senators voting YES, 2 (Holloway and McCullough) NOT VOTING, and 2 (Cicione and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 22, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jeffrey W. Hague, RD 1, Box 198, Ellendale, Delaware, to be appointed a Justice of the Peace for a term of four years to succeed William L. Jones.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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The following Committee reports were announced:

From the Judiciary Committee: SB 65 - 5 Merits; SB 565 - 5 Merits.

From the Executive Committee: SB 571 - 1 Favorable, 4 Merits.

HCR 139 was introduced and considered for adoption on motion of Senator Arnold:

HCR 139 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT SENATE RESOLUTION NO. 432 WHICH OBJECTS TO ANY TAXING OF SOCIAL SECURITY PAYMENTS. Sponsors: Representatives VanSciver, Cathcart, Plant, Free; Senator Arnold.

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

SB 466 was taken up for consideration on motion of Senator McDowell:

SB 466 - AN ACT TO AMEND TITLES 9, 10, 11 AND 29, DELAWARE CODE, RELATING TO UNIFORM MILEAGE RATES AND PROVIDING FOR AN AUTOMATIC ADJUSTMENT TO SUCH RATES WHENEVER THE FEDERAL G.S.A. RATES ARE CHANGED.

The privilege of the floor was extended to Harry Terry (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Cicione, Holloway, Kearns, Marshall, McCullough, McDowell - 6.

NO: Senators Adams, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Murphy, Sharp, Spence, Weiss - 11.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Arnold, Martin, Zimmerman - 3.

Therefore, the Bill was declared lost.

At 5:30 p.m., Senator Sharp presiding.

SB 563 was taken up for consideration on motion of Senator Cordrey:

SB 563 - AN ACT TO AUTHORIZE THE TOWN OF BETHANY BEACH TO ISSUE BONDS TO THE FARMERS HOME ADMINISTRATION, U. S. DEPARTMENT OF AGRICULTURE FOR IMPROVEMENTS AND ADDITIONS TO THE TOWN WATER SUPPLY AND DISTRIBUTION SYSTEM.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Marshall, McCullough, Murphy, Sharp, Weiss - 16.

NO: Senator McDowell - 1.

ABSENT: Senators Holloway, Martin, Spence, Zimmerman - 4.

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

HB 256 was taken up for consideration on motion of Senator Cordrey:

HB 256 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE, RELATING TO MOTOR VEHICLES; AND PROVIDING "IN-TRANSIT" PLATES FOR CERTAIN TYPES OF CONSTRUCTION EQUIPMENT.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 212 w SA 1 and SS 1 for SB 109 w SA 2, HA 1, 2.

On motion of Senator Murphy, SS 1 for SB 109 w SA 2 which had passed the Senate was taken up for reconsideration as further amended by HA 1, 2.

The roll call vote on SS 1 for SB 109 w SA 2, HA 1, 2 was then taken and revealed 18 Senators voting YES, 1 (Spence) voting NO, and 2 (Martin and Zimmerman) ABSENT; therefore, the Bill was declared passed.

HB 971 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Weiss:

HB 971 - AN ACT TO ALLOW GEORGE MACARTHUR PLATZ, A NON-RESIDENT, TO MARRY MARYANN ELIZABETH DUDLEY, A NON-RESIDENT. Sponsors: Representative Smith and Senator Weiss.

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

On motion of Senator Adams the Governor's nomination for appointment of Joshua Twilley, Esq., was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Marshall, McCullough, McDowell, Murphy, Sharp, Spence, Weiss - 16.

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

ABSENT: Senators Martin and Zimmerman - 2.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams the Governor's nomination for appointment of John P. McLaughlin was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed: 19 Senators voting YES and 2 (Martin and Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams the Governor's nomination for appointment of Marc Niedzielski was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed: 19 Senators voting YES and 2 (Martin and Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams the Governor's nomination for appointment of Ronald E. Cheeseman was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 18 Senators voting YES, 1 (McDowell) voting NO, and 2 (Martin and Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

Senator Adams moved that the necessary rules be suspended for consideration of the Governor's nomination for appointment of Norman A. Barron, Esq. The roll call vote on the motion was taken and revealed:

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

NO: Senators Marshall and Murphy - 2.

ABSENT: Senators Martin and Zimmerman - 2.

Therefore, the motion prevailed and the roll call vote on the nomination for appointment of Norman A. Barron, Esq., was taken and revealed:



YES: Senators Adams, Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, McCullough, McDowell, Sharp, Spence, Weiss - 16.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Cook and Murphy - 2.

ABSENT: Senators Martin and Zimmerman - 2.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams the Governor's nomination for appointment of Ruffin N. Noisette was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 2 (Martin and Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams the Governor's nomination for appointment of Harry S. Thomas was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 2 (Martin and Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

SB 457 was stricken at the request of the sponsor, Senator Holloway.

At 6:10 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., May 27, 1980.

The Senate reconvened at 2:15 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 566 - 4 Merits, SB 573 - 4 Merits.

The following legislation was introduced:

SB 589 - AN ACT TO AMEND CHAPTER 31, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS FOR FUNERAL SERVICE PRACTITIONERS. Sponsor: Senator Hale. Assigned to Administrative Services Committee.

SB 590 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PERMIT THE ISSUING OF REVENUE BONDS. Sponsors: Senator Littleton and Representative Fallon. Assigned to Community Affairs Committee.

HB 769 w HA 2 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, RELATING TO COMPETITIVE BIDDING, BY INCREASING THE MINIMUM AMOUNT OF A CONTRACT BEFORE BIDDING IS REQUIRED. Sponsor: Representative McBride. Assigned to Executive Committee.

HB 946 - AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO WORK BY INMATES. Sponsors: Representatives Petrilli, T. Brady, Free, W. Brady, Holloway, Jr., Harrington; Senators Sharp, Holloway and Hughes. Assigned to Corrections Committee.

HB 1019 - AN ACT TO ALLOW JOSEPH GRAJEWSKI, A NON-RESIDENT, TO MARRY CAROL HOGAN, A NON-RESIDENT. Sponsors: Representatives George, Van Sciver; Senators McDowell, Cicione. Laid on the table at the request of Senator Cicione.

At 2:18 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 37th Legislative Day.

37TH LEGISLATIVE DAY  
May 27, 1980

The Senate convened at 2:18 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the previous day was approved as read.

SB 544 was taken up for consideration on motion of Senator Murphy:

SB 544 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, OFFICE OF THE SECRETARY TO REPAY MONIES LOANED FROM THE BUDGET COMMISSION CONTINGENCY FUND FOR THE OPERATION OF THE "WHY NOT DELAWARE" COMMITTEE FOR OPERATIONS IN FISCAL YEAR 1980.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Kearns, Martin, McCullough and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senators Marshall, McDowell and McCullough marked PRESENT.

SB 556 was taken up for consideration on motion of Senator Murphy:

SB 556 - AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS".

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Kearns, Martin, McCullough, Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 1019 was lifted from the table and considered for passage under suspension of the necessary rules on motion of Senator Cicione:

HB 1019 - AN ACT TO ALLOW JOSEPH GRAJEWSKI, A NON-RESIDENT, TO MARRY CAROL HOGAN, A NON-RESIDENT.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Kearns, Martin, McCullough and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At 2:45 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Executive Committee: SB 560 - 1 Favorable, 4 Merits; SB 561 - 1 Favorable, 4 Merits.

From the Education Committee: SB 156 - 6 Merits; SB 160 - 6 Merits; SB 331 - 6 Merits; SB 575 - 5 Merits; SB 581 - 6 Merits; HB 478 - 6 Merits; HB 621 w Ha 1 - 1 Favorable, 3 Merits.

SR 100 was introduced and considered for adoption on motion of Senator Holloway:

SR 100 - EXPRESSING PROFOUND SYMPATHY UPON HEARING OF THE DEATH OF JOHN O. "BUSTER" HOPKINS, JR. OF WILMINGTON, CITY GOP LEADER AND BUSINESSMAN. Sponsors: Senators Holloway, Kearns and Hughes.

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

Senator Martin marked PRESENT.

The following legislation was introduced:

SA 1 to HB 297. Sponsor: Senator Holloway. Placed with the Bill.

SB 591 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMENS COMPENSATION INSURANCE CARRIERS FINANCIAL REPORTS. Sponsors: Senators Sharp and Cook; Representative Gordy. Assigned to Banking, Insurance and Elections Committee.

SB 592 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMENS COMPENSATION PREMIUMS. Sponsors: Senators Sharp and Cook; Representative Gordy. Assigned to Banking, Insurance and Elections Committee.

SB 553 was stricken at the request of the sponsor, Senator Kearns.

HB 458 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 458 w HA 1 - AN ACT TO AMEND CHAPTER 10, TITLE 22, DELAWARE CODE, RELATING TO EXEMPTIONS FROM MUNICIPAL TAXATION ON REAL PROPERTY FOR PERSONS 65 YEARS OF AGE OR OVER.

The privilege of the floor was extended to Representative Anderson and Harry Terry (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) voting NO, and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 219 was taken up for consideration on motion of Senator McDowell:

HB 219 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO EMPLOYMENT OF PERSONS WHERE ALCOHOLIC LIQUOR IS SOLD.

At 4:57 p.m., Senator Sharp presiding.

The privilege of the floor was extended to Representative Vernon after which the roll call vote on HB 219 was taken; however, the roll call was laid on the table before being announced on motion of Senator McDowell.

HB 601 was taken up for consideration on motion of Senator Cicone:

HB 601 - AN ACT TO AMEND CHAPTER 5, TITLE 9, DELAWARE CODE, TO PERMIT FIRE COMPANIES TO INSPECT FIRE HYDRANTS AND WATER MAINS AND TO REPORT THEIR FINDINGS AND TO PERMIT TESTING OF FIRE-FIGHTING EQUIPMENT.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Cicione.

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

SB 535 was taken up for consideration on motion of Senator Marshall:

SB 535 - AN ACT TO AMEND TITLE 11, DELAWARE CODE, TO PROVIDE THAT TERMS OF IMPRISONMENT IMPOSED FOR FELONIES INCLUDE HARD LABOR.

The privilege of the floor was extended to Harry Terry (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Littleton, Marshall, McCullough, Sharp, Spence - 12.

NO: Senators Holloway, Kearns, Knox, Martin, McDowell - 5.

NOT VOTING: Senators Arnold, Murphy and Zimmerman - 3.

ABSENT: Senator Weiss - 1.

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

The following legislation was introduced:

SB 593 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, AS IT RELATES TO THE ORGANIZATION, GOVERNANCE AND FINANCING OF SCHOOL DISTRICTS. Sponsors: Senators Arnold, Cicione, Hughes, McCullough, Sharp, Spence, Berndt, Hale, Knox, Martin, Weiss; Representatives Anderson, Hebner, Petrilli, Bennett, Cain, Cathcart, Gilligan, Loughney, Powell, Roy, Smith. Assigned to Education Committee.

SB 594 - AN ACT TO AMEND CHAPTER 49, TITLE 10, DELAWARE CODE RELATING TO ATTACHMENTS AND EXECUTIONS OF TAX REFUNDS. Sponsor: Senator Kearns. Laid on the table.

SCR 82 was introduced and considered for adoption on motion of Senator Hughes:

SCR 82 - CONGRATULATING DELAWARE LODGE NO. 1, INDEPENDENT ORDER OF ODD FELLOWS, AS THE MEMBERS OBSERVE THE 150TH ANNIVERSARY OF ITS FOUNDING TODAY, MAY 27, 1980. Sponsor: Senator Hughes.

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

At 5:57 p.m. on motion of Senator Cordrey, the Senate adjourned until 2:00 p.m., May 28, 1980.

38TH LEGISLATIVE DAY  
May 28, 1980

The Senate convened at 2:29 p.m., Senator Cordrey presiding.  
A Prayer was offered by Senator Hughes.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

Legislative Advisory #38 received from the Office of Counsel to the Governor was read which advised the Senate that the Governor signed SB 580 (Volume 62, Chapter 240, Laws of Delaware) on May 15, 1980 and SB 378 w SA 1 (Volume 62, Chapter 241, Laws of Delaware) and SJR 46 on May 22.

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The following legislation was introduced:

SB 595 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLE FINES PAYABLE BY MAIL. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 596 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE MANDATORY SUSPENSION OF DRIVING LICENSE OR PRIVILEGES OF PERSONS FAILING TO APPEAR OR ANSWER A SUMMONS FOR A NON-PARKING TRAFFIC VIOLATION. Sponsor: Senator Cicione. Assigned to Public Safety Committee.

SB 597 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE SUSPENSION OF DRIVING PRIVILEGES BY THE JUDGES OF THE STATE OF DELAWARE. Assigned to Public Safety Committee.

SB 598 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE STATEMENT IN MITIGATION OR DEFENSE BY AFFIDAVIT IN HARDSHIP CASES. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 599 - AN ACT PROVIDING THAT THE NAME OF THE STATE OFFICE BUILDING LOCATED AT 9TH AND FRENCH STREETS BE OFFICIALLY NAMED THE ELBERT N. CARVEL DELAWARE STATE OFFICE BUILDING AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFORE. Sponsors: Senator Holloway and Representative Sincock. Assigned to Executive Committee.

SB 600 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO ENFORCEMENT AUTHORITY ON CONTROLLED ACCESS HIGHWAYS. Sponsor: Senator Arnold. Assigned to Public Safety Committee.

SA 1 to SB 314. Sponsor: Senator Weiss. Placed with the Bill.

HB 828 w HA 1 - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO COMPOSITION OF THE COMMISSION ON THE TRANSPORTATION OF HAZARDOUS MATERIALS. Sponsor: Representative Minner. Assigned to Finance Committee.

HB 842 - AN ACT TO AMEND CHAPTER 46, TITLE 9, DELAWARE CODE RELATING TO THE TIME LIMITATION FOR THE KENT COUNTY LEVY COURT TO ISSUE NOTES IN ANTICIPATION OF BOND SALES. Sponsor: Representative Bennett. Assigned to Revenue and Taxation Committee.

HB 849 w HA 1, 2 - AN ACT TO AMEND CHAPTER 9, SUBCHAPTER III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT; MANDATING A MINIMUM OF SIX (6) MONTHS OF CONFINED INSTITUTIONAL TREATMENT FOR CERTAIN CHILDREN; PROVIDING FOR A HEARING BEFORE A JUDGE BEFORE RELEASE ON PASSES, EXTENDED LEAVE OR AFTER-CARE RELEASE SUBSEQUENT TO MANDATORY INSTITUTIONAL TREATMENT; AND PROVIDING FOR AN AMENABILITY HEARING FOR LATER CHARGES OF A CHILD WHO HAS ALREADY RECEIVED MANDATORY INSTITUTIONAL TREATMENT. Sponsors: Representatives T. Brady, Maxwell, W. Brady, Morris, Petrilli, Free. Assigned to Corrections Committee.

HB 881 - AN ACT TO AMEND CHAPTER 29 OF TITLE 25 OF THE DELAWARE CODE BY ADDING A NEW SECTION THERETO AND AMENDING EXISTING SECTIONS TO PROVIDE FOR THE ESTABLISHMENT OF A LIEN FOR TAXES AND OTHER GOVERNMENT CHARGES AND SETTING FORTH THEIR RESPECTIVE PRIORITIES. Sponsor: Representative Neal. Assigned to Judiciary Committee.

HB 936 - AN ACT TO AMEND SECTION 1108 OF TITLE 17 OF THE DELAWARE CODE RELATING TO ADVERTISING AND BEAUTIFICATION ALONG HIGHWAYS. Sponsors: Representatives Roy and Vernon. Assigned to Highways and Transportation Committee.

HCR 140 - PROVIDING FOR THE SELECTION OF A COMMITTEE TO STUDY THE NEED FOR AND FEASIBILITY OF LEGISLATION ESTABLISHING AN ELECTIVE JUDICIAL SYSTEM. Sponsor: Representatives Plant and Riddagh.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Cook, Sharp, Spence - 3.

NO: Senators Berndt, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Weiss, Zimmerman - 14.

ABSENT: Senators Adams, Arnold, Cicione, Marshall - 4.

Therefore, the Resolution was declared lost.

Senator Zimmerman marked PRESENT.

SA 2 to SB 526 was introduced by Senator Berndt and placed with the Bill.

SB 105 was taken up for consideration on motion of Senator Holloway:

SB 105 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN; AND PROVIDING "CREDITED SERVICE" STATUS TO INDIVIDUALS WHO HAVE SERVED IN THE ARMED FORCES AND WHO HAVE TAUGHT IN DELAWARE FOR TWENTY YEARS.

During discussion of the Bill and the several Amendments offered to it, the privilege of the floor was extended to Don McCardle (State Pension Office), Robert H. Hallsted (Delaware Association of School Administrators), James B. Testerman (State Pension Advisory Council), and Reese E. Phillips (Delaware Veterans Affairs Committee).

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Holloway.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken; however, the roll call was laid on the table before being announced on further motion of the Senator.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Knox and the roll call vote taken which revealed:

YES: Senators Cook, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Zimmerman - 11.

NO: Senators Berndt, Cordrey, Hale, Marshall, Weiss - 5.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Adams, Arnold, Cicione, McDowell - 4.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 17 Senators voting YES, 1 (Berndt) voting NO, and 3 (Adams, Arnold and Cicione) ABSENT; therefore, the Amendment was declared adopted.

Senator Adams marked PRESENT.

SB 105 w SA 3, 4 was then laid on the table on further motion of Senator Holloway.

HB 297 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 297 w HA 1 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO THE PROCEDURE FOR THE INVOLUNTARY COMMITMENT OF MENTALLY ILL PERSONS TO THE DELAWARE STATE HOSPITAL AND OTHER HOSPITALS AND DISCHARGE THEREFROM.

At 4:07 p.m., Senator Adams presiding.

The privilege of the floor was extended to Robert C. Feeney (Delaware State Hospital).

Senator Hale moved that the Bill be laid on the table; however, there was an objection and the Senator withdrew his motion.

At 4:24 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:02 p.m., Senator Adams presiding.

HB 297 w HA 1 was still before the Senate.

The Bill was then laid on the table on motion of Senator Sharp.

SB 570 was taken up for consideration on motion of Senator Sharp:

SB 570 - AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 11 OF THE DELAWARE CODE, RELATING TO WORK BY INMATES OF DELAWARE PRISONS.

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

SJR 44 was taken up for consideration on motion of Senator Marshall:

SJR 44 - DIRECTING THE DEPARTMENT OF CORRECTIONS TO DEVELOP A PLAN TO INCORPORATE HARD LABOR AS PART OF THE REHABILITATION OF CONVICTED FELONS.

The privilege of the floor was extended to John L. Sullivan (Department of Corrections) after which the roll call vote on the Resolution was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Hughes, Littleton, Marshall, Martin, McCullough, Murphy, Sharp, Spence - 12.

NO: Senators Arnold, Holloway, Keans, Knox, Weiss, Zimmerman - 6.

ABSENT: Senators Berndt, Hale, McDowell - 3.

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

HB 297 w HA 1 was lifted from the table for consideration on motion of Senator Sharp.

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

SA 2 to the Bill was introduced by Senator Weiss and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES, 2 (Hughes and Spence) voting NO, and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

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

On motion of Senator Cordrey, the roll call vote on HB 219 was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cordrey, Hale, Holloway, Knox, Murphy, Sharp, Spence, Weiss, Zimmerman - 12.

NO: Senators Arnold, Cook, Hughes, Kearns, Littleton, Marshall, Martin, McCullough, McDowell - 9.

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

On motion of Senator Kearns, the necessary rules were suspended to lift SB 594 from the table and place it on the Agenda.

At 5:56 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., May 29, 1980.

The Senate reconvened at 2:23 p.m., May 29, Senator Cordrey presiding.

The Committee reports on SB 156 and SB 160 which had been announced on May 27 were in error since the Bills had been previously stricken.

The following Committee reports were announced:

From the Executive Committee: Jeffrey W. Hague - 5 Merits; Bruce O. Kallos - 1 Favorable, 4 Merits; SB 574 - 5 Merits; SB 599 - 5 Favorable.

From the Banking, Insurance and Elections Committee SB 542 - 2 Favorable, 2 Merits.

From the Finance Committee: SB 558 - 6 Merits.



The following legislation was introduced:

SB 601 - AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE TO ESTABLISH SUPPLEMENTARY PUPIL UNITS FOR ELEMENTARY AND SECONDARY GUIDANCE, ELEMENTARY ART, MUSIC AND READING PROGRAMS. Sponsor: Senator Holloway. Assigned to Education Committee.

SB 602 - AN ACT TO AMEND CHAPTER 2, TITLE 14 OF THE DELAWARE CODE RELATING TO PROCEDURES UPON GRADUATION FROM THE NON-PUBLIC SCHOOL SYSTEM. Sponsor: Senator Cicione. Assigned to Education Committee.

SB 603 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, BY PROVIDING FOR THE USE OF UNITED STATES PRODUCED STEEL IN STATE CONTRACTS. Sponsors: Senator Cicione; Representatives Roy, Loughney, Jonkiert, Anderson, Weiss. Assigned to Labor Committee.

SA 1 to SB 573. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to HB 219. Sponsor: Senator Kearns. Placed with the Bill.

SJR 47 - DIRECTING THE STATE DIVISION OF AGING TO ESTABLISH A STATEWIDE SENIOR CITIZEN DISCOUNT PROGRAM. Sponsors: Senators Martin, Murphy, Kearns, Zimmerman, Cicione, Cook, McCullough, Sharp, McDowell, Marshall, Holloway; Representatives Cain, West, Holloway, Jr., Plant, Minner, Gilligan, Clendaniel, Jonkiert, Loughney, McBride, W. Brady, Darling, Gordy, Bennett, Anderson, George, VanSciver. Assigned to Committee on Aging.

HB 718 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, BY CLARIFYING THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO MAKE RULES AND REGULATIONS CONCERNING INTER-SCHOLASTIC ATHLETICS AND PROHIBITING THE APPROVAL OF A REGULATION THAT WOULD PROHIBIT PARTICIPATION IN SIMILAR TEAM ACTIVITIES BY HIGH SCHOOL ATHLETES. Sponsors: Representatives Oberle and Cain. Assigned to Education Committee.

HB 747 w HA 2, 4 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OF STUDENTS. Sponsors: Representatives Clendaniel and Gordy. Assigned to Education Committee.

On motion of Senator Sharp, the roll call vote on SB 466 was rescinded and the Bill restored to the Calendar.

SA 1 to HB 219 was stricken on motion of the sponsor, Senator Kearns.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 39th Legislative Day.

39TH LEGISLATIVE DAY  
May 29, 1980

The Senate convened at 2:30 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following excerpt from the U. S. Congressional Record of May 15, 1980 was read and made part of this Journal at the request of Senator Holloway:

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader, the Senator from Tennessee, is recognized.

#### HAPPY BIRTHDAY CALE BOGGS

MR. BAKER, Mr. President, today is a day of celebration for a former member of this body and a great friend of those of us who are veterans of the Senate.

J. Caleb Boggs, who served with great distinction for two terms as a Senator from Delaware, observes today his 71st birthday.

In special ceremonies tomorrow, the people of Delaware will pay well-deserved tribute to Cale Boggs, who represented them with surpassing skills not only as a Member of the Senate but as a Member of the House of Representatives and as a two-term Governor of his State.

The Federal building in Wilmington will be dedicated tomorrow as the J. Caleb Boggs Federal Building.

It was my personal pleasure to serve with Senator Boggs on the Committee on Public Works during my first term in the Senate, and I came to know him especially well through our mutual services on the Air and Water Pollution Sub-Committee.

Cale Boggs was the first ranking Republican of that subcommittee, created in 1963, and I was honored in later years to succeed him in that post.

Rarely has any Senator earned the universal affection and respect of the entire Senate membership as Cale Boggs did. Our former colleague from Montana, Lee Metcalf, said during Senator Boggs' reelection campaign in 1966 that if the Senate itself could vote, Cale Boggs would win, 99 to 0. And if Cale voted for himself, it would be unanimous.

Similarly, the late Robert F. Kennedy, then a Senator from New York, was called upon in that 1966 campaign to speak for Cale Boggs' opponent. Senator Kennedy, at the height of his political appeal, asked his friend Cale Boggs what he should do. Cale, in his customary way, said, "Bob, you have to take care of your friends and your party." But Robert Kennedy, perhaps the most popular Democrat in America in that period, declined to campaign against the Senator from Delaware.

Mr. President, these are stories of a special man, and I know my colleagues join me in wishing J. Caleb Boggs well on his birthday today and on his day of tribute tomorrow.

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The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 586 - 5 Merits; HB 816 w HA 2 - 5 Merits.

SB 460 was taken up for consideration on motion of Senator Holloway:

SB 460 - AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE, REGULATING THE PRACTICE OF ARCHITECTURE.

During the discussion of the Bill and the several Amendments offered to it, the privilege of the floor was extended to W. Harley Funk (State Board of Architects), Peter H. Jennings (State Board of Architects, Delaware Society of Architects) and Tom Sandbach (Senate Attorney).

SA 1 to the Bill was introduced by Senator Marshall and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

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

NO: Senators McCullough and Zimmerman - 2.

ABSENT: Senator Cicione - 1.

Therefore, the Amendment was declared adopted.

SB 460 w SA 1 was then laid on the table on further motion of Senator Holloway.

SB 565 was taken up for consideration on motion of Senator Kearns:

SB 565 - AN ACT TO AMEND TITLE 25, OF THE DELAWARE CODE, RELATING TO "SELF-SERVICE STORAGE FACILITIES", TO PROVIDE A LIEN ON ALL PERSONAL PROPERTY STORED AT SUCH FACILITIES IN FAVOR OF THE OWNERS THEREOF; AND TO PROVIDE A PROCEDURE FOR THE ENFORCEMENT OF SUCH LIENS.

The privilege of the floor was extended to Thomas E. Hughes (Seaboard Mini Warehouses).

The Bill was then laid on the table on further motion of Senator Kearns.

Senator Martin marked PRESENT.

HS 1 for HB 907 was considered for passage under suspension of the necessary rules on motion of Senator Cook:

HS 1 for HB 907 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF BRIDGE REPLACEMENTS, DRAINAGE DITCHING, ROAD PATCHING, STREET SIGN MAINTENANCE, AND RESURFACING AND PAVEMENT MARKING. Sponsors: Representative Roy and Senator Martin; Representatives Powell, Sincok, Burris, Hebner, Riddagh, Ambrosino, T. Brady, Cathcart, Fallon, Free, Harrington, Maroney, McKay, Neal, Oberle, Petrilli, Smith, Vernon, VanSciver, Ferguson, Connor, Gilligan; Senators Arnold, Murphy, Cook, Spence, Knox, Berndt, Weiss, Hughes, Littleton, Hale.

SA 1 to the Bill was introduced by Senator Cook and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Zimmerman) voting NO, and 1 (McCullough) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 907 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 3:53 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:03 p.m., Senator Cordrey presiding.

Legislative Advisory #39 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following Bills on May 29, 1980: SB 276 (Volume 62, Chapter 245, Laws of Delaware); SB 277 (Volume 62, Chapter 246, Laws of Delaware), SB 278 (Volume 62, Chapter 247, Laws of Delaware), SB 280 (Volume 62, Chapter 248, Laws of Delaware).

The following legislation was introduced:

SB 604 - AN ACT PROVIDING THAT THE NAME OF THE DELAWARE STATE BUILDING LOCATED AT 9TH AND FRENCH STREETS BE OFFICIALLY NAMED THE ELBERT N. CARVEL DELAWARE STATE BUILDING AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFORE. Sponsors: Senator Holloway and Representative Sincok. Assigned to Executive Committee.

SB 605 - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE RELATING TO DETERMINATION OF SUPPORT. Sponsors: Senators Cicione, McDowell, Marshall, Berndt; Representatives Cathcart, Jonkiert, Loughney Ambrosino, West. Assigned to Judiciary Committee.

SA 2 to SB 460. Sponsor: Senator Holloway. Placed with the Bill.

SA 3 to SB 460. Sponsor: Senator Kearns. Placed with the Bill.

SB 460 w SA 1 was lifted from the table for consideration on motion of Senator Holloway.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss - 16.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Cicione, Hughes, Marshall, Zimmerman - 4.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Kearns.

The roll call vote on SB 460 w SA 1, 2 was then taken on motion of Senator Holloway and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 16.

NO: Senators Cordrey and Sharp - 2.

ABSENT: Senators Cicione, Marshall, Zimmerman - 3.

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

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 29, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert A. Handy, 420 West 4th Street, Lewes, Delaware, to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 29, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Henry F. Hill, 112 Washington Avenue, Lewes, Delaware, to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 29, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Horace Short, R.F.D. 1, Box 49 1/2, Laurel, Delaware, to be reappointed Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

The following legislation was introduced:

SA 1 to HB 820. Sponsor: Senator Sharp. Placed with the Bill.

HB 950 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1981; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representative Sincock and Senator Cook; Representatives Ambrosino, Bennett, Gilligan, George, McKay, Matushefske, Neal, Petrilli; Senators Berndt, Cicione, Holloway, Hughes, Kearns, Littleton, McDowell, Murphy. Assigned to Finance Committee.

SCR 83 - URGING THE ATTORNEY GENERAL OF DELAWARE TO DELAY ENFORCEMENT OF ANTI-GAMBLING LAWS AGAINST CHARITABLE ORGANIZATIONS UNTIL JUNE 30, 1980. Sponsor: Senator Marshall. Laid on the table.

HB 621 w HA 1 was taken up for consideration on motion of Senator McCullough:

HB 621 w HA 1 - AN ACT TO AMEND CHAPTER 34, PART I, TITLE 14 OF THE DELAWARE CODE, RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION; AND PROVIDING CERTAIN EDUCATIONAL BENEFITS FOR MEMBERS OF THE DELAWARE NATIONAL GUARD.

During discussion of the Bill and the Amendment which was offered to it, the privilege of the floor was extended to Lt. Col. James P. Adams (Delaware National Guard) and Jack Russell of the Senate Staff.

At 5:23 p.m. Senator Adams presiding.

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

SA 1 to the Bill was then restored on further motion of the Senator and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Sharp) NOT VOTING, and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 621 w HA 1, SA 1 was then taken on motion of Senator McCullough and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 565 was lifted from the table for consideration on motion of Senator Kearns.

The privilege of the floor was extended to Thomas E. Hughes (Seaboard Mini Warehouses) and Harry Terry (Senate Attorney).

SA 1 to the Bill was introduced by Senator Kearns and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Sharp, Weiss - 15.

NO: Senator Zimmerman - 1.

NOT VOTING : Senators Arnold, Holloway, Hughes, Murphy - 4.

ABSENT; Senator Spence - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 565 w SA 1 was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Sharp, Weiss - 15.

NO: Senators Holloway, Murphy, Zimmerman - 3.

NOT VOTING: Senators Arnold and Hughes - 2.

ABSENT: Senator Spence - 1.

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

SCR 83 was lifted from the table and stricken at the request of the sponsor, Senator Marshall.

The following communication was read at the request of the President Pro Tempore, Senator Cordrey:

SENATE  
STATE OF DELAWARE  
DOVER

May 29, 1980

TO: All Members of the 130th General Assembly  
Delaware State Senate  
FROM: Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointment -- Senate Concurrent Resolution No. 66

AS PER THE AUTHORITY invested in by the passage of Senate Concurrent Resolution No. 66--appointment of a committee to develop a plan for the housing of severely handicapped citizens -- I hereby appoint the following to serve: Senator Herman M. Holloway, Sr., Senator Robert J. Berndt and Senator Francis J. Kearns

\* \* \* \* \*

SA 1 to SB 582 (sponsored by Senator Murphy and Representative Burris) was introduced and placed with the Bill.

Senator Zimmerman was added as co-sponsor of SB 591 and SB 592 at his request.

At 6:21 p.m. on motion of Senator Cordrey, the Senate recessed until 2.00 p.m., June 3, 1980.

The Senate reconvened at 2:25 p.m., June 3, 1980 Senator Cordrey presiding.

The following legislation was introduced:

HB 1049 - AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE, BEING FORMER HOUSE BILL NO. 333 OF THE 130TH GENERAL ASSEMBLY, THE BUDGET APPROPRIATION ACT, RELATING TO THE SALARY OF THE SECRETARY OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT. Sponsors: Representatives Sincok, Free, Vernon, Harrington, Maroney. Assigned to Executive Committee.

SB 606 - AN ACT TO PROHIBIT THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION FROM REQUIRING RETAIL LICENSEES TO PAY WHOLESALERS IN A PERIOD LESS THAN 30 DAYS. Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

SB 607 - AN ACT TO AMEND CHAPTER 83, TITLE 11, OF THE DELAWARE CODE, RELATING TO WITHDRAWAL OF PENSION CONTRIBUTIONS. Sponsors: Senators Zimmerman and Weiss. Assigned to Judiciary Committee.

SA 1 and SA 2 to SB 560. Sponsors: Senators Adams and Berndt. Placed with the Bill.

At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 40th Legislative Day.

#### 40TH LEGISLATIVE DAY

June 3, 1980

The Senate convened at 2:28 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Hughes.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

Legislative Advisory #40 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SB 350 (Volume 62, Chapter 253, Laws of Delaware) on June 2, 1980. SB 212 w SA 1 -(a Constitutional Amendment on its first leg) did not require a signature - Volume 62, Chapter 254, Laws of Delaware.

SB 571 was taken up for consideration on motion of Senator Berndt:

SB 571 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CRIMINAL JURISDICTION OF INFERIOR COURTS AND JUSTICES OF THE PEACE.

Senators McDowell, Martin and Weiss marked PRESENT.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:



YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Spence, Weiss - 17.

NO: Senators Cook, Sharp, Zimmerman - 3.

ABSENT: Senator Murphy - 1.

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

SB 561 was taken up for consideration on motion of Senator Arnold:

SB 561 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE AWARD OF CONTRACTS.

The privilege of the floor was extended to Harry Terry, Tom Sandbach (Senate Attorneys) and Dr. Nichols (Department of Public Instruction) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Holloway, Knox, Littleton, Martin, McCullough, Sharp, Spence, Weiss - 12.

NO: Senators Cook, Cordrey, Hale, McDowell, Zimmerman - 5.

NOT VOTING: Senators Hughes, Kearns, Marshall, Murphy - 4.

Therefore, the Bill was declared lost since a 2/3 vote was required for passage.

HB 820 was taken up for consideration on motion of Senator Sharp:

HB 820 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO AUTHORITY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO ESTABLISH A SUPERVISED CUSTODY PROGRAM PERMITTING THE SUPERVISED PLACEMENT OF CERTAIN TRUSTWORTHY INMATES INTO THE COMMUNITY.

During the discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Commissioner John L. Sullivan (Correction Department).

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 18 Senators voting YES, 1 (McCullough) NOT VOTING, and 2 (Martin and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 820 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, Weiss, Zimmerman - 15.

NO: Senators Cook, Cordrey, Murphy, Sharp, Spence - 5.

ABSENT: Senator McDowell - 1.

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

SB 581 was taken up for consideration on motion of Senator Adams:

SB 581 - AN ACT TO AMEND SECTION 1056, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF FEES FOR THE USE OF SCHOOL PROPERTY, FACILITIES AND EQUIPMENT NOT IN USE FOR EDUCATIONAL PURPOSES.

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

At 4:56 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:31 p.m., Senator Adams presiding.

The following legislation was introduced:

SB 608 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY ADDING A CHAPTER CREATING A PROFESSIONAL COUNSELOR LICENSURE ACT. Sponsor: Senator Holloway. Assigned to Education Committee.

SJR 48 - DESIGNATING THE WEEK OF SEPTEMBER 7, 1980, AS VOTER REGISTRATION WEEK, REQUESTING THE NEWS MEDIA TO HELP PROMOTE AND PUBLICIZE THE WEEK AND MAKING AN APPROPRIATION TO THE COMMISSIONER OF ELECTIONS FOR ADVERTISING OUR PRECIOUS RIGHT TO REGISTER AND VOTE. Sponsors: Senators Sharp, Holloway, Zimmerman, Weiss, Berndt, Cicione, Cook, Hughes, Spence, Kearns; Representatives Ferguson, Gordy, Holloway, Jr., Loughney, Hebner, Powell, Connor. Laid on the table at the request of Senator Sharp.

HB 509 - AN ACT TO AMEND CHAPTER 57, TITLE 25, DELAWARE CODE, RELATING TO LANDLORD-TENANT RELATIONSHIPS BY PROVIDING FOR AN APPEAL FROM A SUMMARY PROCEEDING FOR POSSESSION. Sponsor: Representative Plant. Assigned to Judiciary Committee.

HB 510 - AN ACT TO AMEND CHAPTER 53, TITLE 25 OF THE DELAWARE CODE, RELATING TO LANDLORD-TENANT RELATIONSHIPS BY PROVIDING FOR VERIFICATION OF EXCESS UTILITY CHARGES. Sponsor: Representative Plant. Assigned to Judiciary Committee.

SR 101 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT EFFORTS TO RESTORE OLYMPIC GOLD MEDALS TO THE LATE JAMES FRANCIS (JIM) THORPE. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cordrey, Hale, Marshall and Weiss) ABSENT; therefore, the Resolution was declared adopted.

SB 542 was taken up for consideration on motion of Senator Murphy:

SB 542 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RELATING TO THE FARMER'S BANK COMMISSION.

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

SB 601 was stricken at the request of the sponsor, Senator Holloway.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 4, 1980.

The Senate reconvened at 2:41 p.m., June 4, 1980, Senator Cordrey presiding.

The following legislation was introduced:

SB 609 - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE II, SECTION 17, OF THE DELAWARE CONSTITUTION OF 1897 RELATING TO LOTTERIES AND OTHER GAMBLING. Sponsors: Senator Cicione; Representative McBride. Laid on the table at the request of Senator Cicione.

SB 610 - AN ACT TO AMEND TITLE 6, SECTION 2902 OF THE DELAWARE CODE PERTAINING TO THE ADVERTISEMENT OF RETAIL MOTOR FUEL PRICES. Sponsor: Senator Sharp. Assigned to Revenue and Taxation Committee.

SCR 84 - MOURNING THE DEATH OF RETIRED DELAWARE STATE POLICE CAPTAIN JOHN R. DOWNEY ON MAY 3, 1980. Sponsors: Senator Hughes; Representative Ferguson.

On motion of Senator Hughes, the Resolution was considered for adoption and the roll call vote taken which revealed 18 Senators voting YES and 3 (Adams, Martin and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 1047 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1981; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representatives McKay, T. Brady, Cathcart, Connor, Fallon, Free, Hebner, Maroney, Neal, Oberle, Powell, Petrilli, Riddagh, Roy, Smith, VanSciver, Vernon. Assigned to Finance Committee.

At 2:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41st Legislative Day.

41ST LEGISLATIVE DAY  
June 4, 1980

The Senate convened at 2:47 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

Senator Sharp introduced Senator Anthony Sardino of New Jersey to the Senate and he was granted privilege of the floor.

Senator Sharp introduced Senator Adams' wife to the Senate.

SB 560 was taken up for consideration on motion of Senator Adams:

SB 560 - AN ACT TO AMEND CHAPTER 83, TITLE 11 AND CHAPTER 55, TITLE 29, OF THE DELAWARE CODE RELATING TO STATE POLICE PENSIONS.

During discussion of the Bill and the various Amendments which were offered to it, the privilege of the floor was extended to Colonel Norman V. Cochran (Delaware State Police), James N. Kamel (Martin E. Segal Company, N. Y.), Ernst Dannemann (State Board of Pension Trustees), Major Charles R. Burris (Delaware State Police) and Leonard J. Bardsley (Board of Pension Trustees).

At 4:57 p.m. on motion of Senator Sharp, the Senate recessed for lack of a quorum and reconvened at 5:00 p.m., Senator Sharp presiding.

SB 560 was still before the Senate.

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

YES: Senators Cook, Hughes, Marshall, McCullough, McDowell, Spence - 6.

NO: Senators Adams, Arnold, Berndt, Cordrey, Hale, Kearns, Knox, Littleton, Murphy, Sharp, Weiss, Zimmerman - 12.

ABSENT: Senators Cicione, Holloway, Martin - 3.

Therefore, the Amendment was declared lost.

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

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed:

YES: Senators Holloway, Hughes, Marshall, McCullough, McDowell, Spence - 6.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Murphy, Sharp, Weiss, Zimmerman - 13.

ABSENT: Senators Cicione and Martin - 2.

Therefore, the Amendment was declared lost.

The roll call vote on SB 560 w SA 2 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Keans, Knox, Littleton, Marshall, McDowell, Murphy, Sharp, Weiss, Zimmerman - 16.

NO: Senators Hughes, McCullough, Spence - 3.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Martin - 1.

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

SJR 47 was reported out of the Committee on Aging - 4 Merits.

The following legislation was introduced:

SB 611 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FISH AND WILDLIFE, FOR THE PURPOSE OF PURCHASING LAND. Sponsor: Senator Kearns. Assigned to Finance Committee.

SA 2 to SB 211. Sponsors: Senators Adams, Cordrey, Littleton; Representatives Burris, Clendaniel, Fallon, Gordy, West, Vernon. Placed with the Bill.

SA 1 to SB 328. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to SB 593. Sponsor: Senator Berndt. Placed with the Bill.

On motion of Senator Adams, the Governor's nomination for appointment of Bruce O. Kallos was taken up for consideration and the roll call vote taken which revealed 17 Senators voting YES and 4 (Arnold, Hughes, Martin, McCullough) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jerrfry W. Hague was taken up for consideration and the roll call vote taken which revealed 17 Senators voting YES, 1 (McCullough) voting NO, and 3 (Arnold, Hughes and Martin) ABSENT; therefore, the appointment was declared confirmed.

At 5:48 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., June 5, 1980.

The Senate reconvened at 2:35 p.m., June 5, 1980, Lt. Governor McGinnis presiding.

SB 604 was reported out of the Executive Committee: 5 Favorable.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 84.

The following legislation was introduced:

HB 921 w HA 1 - AN ACT TO AMEND CHAPTERS 9, 25, 27, 33, AND 38, TITLE 18, DELAWARE CODE, RELATIVE TO THE OFFERING OF, SOLICITATION, AND SALE OF SPECIFIED DISEASE INSURANCE WITHIN THE STATE OF DELAWARE AND TO RESIDENTS OF THE STATE OF DELAWARE. Sponsors: Representatives Harrington and Matushefske; Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

HB 732 w HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE, RELATING TO PENALTIES FOR DISTRIBUTING DRUGS TO PERSONS UNDER 18 YEARS OF AGE, BY PROVIDING MANDATORY JAIL SENTENCES FOR THOSE DISTRIBUTING DRUGS TO PERSON UNDER 16 YEARS OF AGE AND 14 YEARS OF AGE. Sponsors: Representatives Darling, Riddagh, West, Morris and Ambrosino. Assigned to Judiciary Committee.

HB 404 w HA 1, 2 - AN ACT TO AMEND CHAPTER 2, TITLE 24 OF THE DELAWARE CODE RELATING TO LANDSCAPE ARCHITECTS. Sponsors: Representatives Maxwell and T. Brady. Assigned to Administrative Services Committee.

SA 1 to SB 609. Sponsors: Senator Cicione; Representatives McBride and Gilligan. Placed with the Bill.

SA 2 to SB 593. Sponsors: Senators McCullough, Arnold, Cicione, Sharp, Spence; Representatives Anderson, Hebner, Oberle, Petrilli. Placed with the Bill.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Joseph S. Czerwinski - 3 Merits; Robert A. Hanby - 2 Favorable, 2 Merits; Henry F. Hill - 1 Favorable, 3 Merits.

HCR 143 was introduced and laid on the table on motion of Senator Berndt:

HCR 143 - CONDEMNING THE CUBAN IMMIGRANTS WHO HAVE RIOTED AT FORT CHAFFEE, ARKANSAS, AND RENEWING THE REQUEST CONTAINED IN HOUSE CONCURRENT RESOLUTION NO. 131. Sponsor: Representative Plant.

The following Bills were reported out of the Grant-and-Aid Committee: SB 578 - 3 Merits, 1 Unfavorable; SB 579 - 1 Favorable, 3 Merits.

At 2:43 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY  
June 5, 1980

The Senate convened at 2:43 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

On motion of Senator Adams, the Governor's nomination for appointment of Henry F. Hill was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, Murphy, Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Robert A. Handy was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph S. Czerwinski was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Holloway marked PRESENT.

SB 594 was taken up for consideration on motion of Senator Kearns:

SB 594 - AN ACT TO AMEND CHAPTER 49, TITLE 10, DELAWARE CODE RELATING TO ATTACHMENTS AND EXECUTIONS OF TAX REFUNDS.

The Bill was then laid on the table on further motion of the Senator.

SB 558 was taken up for consideration on motion of Senator Zimmerman:

SB 558 - AN ACT TO APPROPRIATE FUNDS FOR REPAIRS TO THE EDUCATION-HUMANITIES BUILDING ON THE DELAWARE STATE COLLEGE CAMPUS IN ORDER TO PREVENT FURTHER INTERIOR DAMAGE FROM WATER LEAKS WHILE THE COLLEGE ATTEMPTS THROUGH LEGAL PROCESSES TO RECOVER THE COSTS TO REPAIR AND CORRECT DEFICIENCIES IN THE CONSTRUCTION OF THE BUILDING WHICH WERE THE RESULT OF IMPROPER OR POOR DESIGN AND TO REPAY SUCH FUNDS AUTHORIZED TO THE GENERAL FUND OF THE STATE WHEN AND IF RECOVERED.

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

SB 586 was taken up for consideration on motion of Senator Zimmerman:

SB 586 - AN ACT TO AMEND SECTION 7305(b) OF CHAPTER 73, TITLE 7, OF THE DELAWARE CODE TO SPECIFY A TERM OF OFFICE FOR THE DELAWARE NATURAL AREAS ADVISORY COUNCIL.

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

SB 594 was lifted from the table for consideration on motion of Senator Kearns; however, before final consideration of the Bill was taken it was again laid on the table on further motion of the Senator.

At 3:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:03 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 569 - 4 Merits; SB 588 - 5 Merits; SB 590 - 5 Merits; HB 961 - 5 Merits.

From the Education Committee: HB 747 w HA 2, 4 - 2 Favorable, 2 Merits.

The following legislation was introduced:

SB 612 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COUNTY AND MUNICIPAL PENSION PLAN. Sponsors: Senators Cook and Berndt; Representatives Gordy and Sincock. Assigned to Executive Committee.

SB 613 - AN ACT RELATING TO THE PRESERVATION OF GROUP PHOTOGRAPHS OF MEMBERS OF THE GENERAL ASSEMBLY. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 614 - AN ACT MAKING A SUPPLEMENTAL GRANT-IN-AID APPROPRIATION TO DELAWARE FIRE COMPANIES. Sponsors: Senators Cicione, Murphy, Zimmerman, Berndt, Arnold; Representatives Loughney, McBride, Maxwell, Gilligan, Ambrosino. Assigned to Grant-and-Aid Committee.

SB 615 - AN ACT TO AMEND CHAPTER 21, PART III, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ANNUAL SALARY OF THE GOVERNOR. Sponsors: Senators McDowell, Berndt, Weiss; Representatives T. Brady, George, Sincock. Assigned to Executive Committee.

SB 609 which had been laid on the table was assigned to the Judiciary Committee at the request of the sponsor, Senator Cicione.

SA 1 to HB 816. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 5 to SB 450. Sponsor: Senator Holloway. Placed with the Bill.

SR 102 - URGING MUNICIPAL AND COUNTY GOVERNMENTS WITH POLICE FORCES TO CONSIDER PATTERNING THEIR POLICE PENSION SYSTEMS AFTER THE RECOMMENDATIONS OF THE STATE POLICE PENSION REFORM COMMITTEE. Sponsors: Senators Holloway, Berndt, Hughes.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 (Kearns) ABSENT; therefore, the Resolution was declared adopted.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

June 5, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Charles M. Stump, 8 Railroad Avenue, Wyoming, Delaware, to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

June 5, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John Philip Greene, 697 Roberta Avenue, Dover, Delaware to be reappointed a Justice of the Peace for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

June 5, 1980



To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert C. Hawkins, 97 Old Forge Drive, Dover, Delaware to be appointed a Justice of the Peace for a term of four years to succeed John H. Fillmore.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 5, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Rosalie Obara Sullivan, 1003 N. Bancroft Parkway, Wilmington, Delaware to be appointed a Justice of the Peace for a term of four years to succeed Thomas J. Newell, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 5, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. Andrew G. Ahern, Jr. 22 Wayne Drive, Wilmington, Delaware to be appointed a Justice of the Peace for a term of four years to succeed Jean Crompton, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 5, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mr. William S. Rowe, Jr., 4203 Verona Drive, Wilmington, Delaware to be appointed a Justice of the Peace for a term of four (4) years to succeed Lynn E. Fitzwater, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

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

SB 328 was taken up for consideration on motion of Senator McDowell:

SB 328 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE FAMILY COURT OF THE STATE OF DELAWARE FOR THE PURPOSE OF CORRECTING OMISSIONS IN CHAPTER 12, VOLUME 62, LAWS OF DELAWARE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed 19 Senators voting YES, 1 (Zimmerman) voting NO, and 1 (Kearns) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 328 w SA 1 was then taken on motion of Senator McDowell; however, the roll call was laid on the table before being announced on further motion of the Senator.

SB 525 was taken up for consideration on motion of Senator Berndt:

SB 525 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE, RELATING TO AN AWARD OF ALIMONY IN DIVORCE AND ANNULMENT ACTIONS.

The privilege of the floor was extended to Harry Terry and Tom Sandbach (Senate Attorneys) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Knox, Littleton, Martin, Spence, Weiss - 9.

NO: Senators Cordrey, McCullough, Sharp - 3.  
NOT VOTING: Senators Cook, Holloway, Hughes, Marshall,  
McDowell, Zimmerman - 6.

ABSENT: Senators Cicione, Kearns, Murphy - 3.

Therefore, the Bill was declared lost.

HB 921 w HA 1 was reported out of the Banking, Insurance and Elections Committee: 1 Favorable, 3 Merits.

The following legislation was introduced:

SS 1 for SB 582 - AN ACT TO AMEND TITLES 9, 11, 18, 19, 24, 29, 30 AND 31 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION, PROVIDING FOR THE "WORKERS' COMPENSATION ACT OF 1980" AND FURTHER PROVIDING FOR AN APPROPRIATION FOR THE IMPLEMENTATION OF THAT ACT. Sponsors: Senators Murphy, Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Knox, Littleton; Representatives T. Brady, Burris, Fallon, Gordy, Harrington, Minner, Roy, Sincock. Assigned to Banking, Insurance and Elections Committee.

SA 1 to SJR 48. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 573. Sponsor: Senator Cordrey. Placed with the Bill.

SB 616 - AN ACT TO AID THE GRAND OPERA HOUSE, INC., BY MAKING AN APPROPRIATION THEREFORE. Sponsors: Senator Holloway and Representative McKay. Assigned to Finance Committee.

SA 2 to HB 816. Sponsors: Senators Littleton, Adams, Hughes, Zimmerman. Placed with the Bill.

Senator Sharp moved that SS 1 for SB 582 which had been assigned to the Banking, Insurance and Elections Committee be reassigned to the Labor Committee. The roll call vote on the motion was taken and revealed:

YES: Senators Marshall, Martin, McCullough, McDowell, Sharp - 5.

NO: Senators Adams, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Murphy, Weiss - 10.

NOT VOTING: Senators Arnold, Holloway, Spence, Zimmerman - 4.

ABSENT: Senators Cicione and Kearns - 2.

Therefore, the motion was defeated and the Bill remained in the Banking, Insurance and Elections Committee.

SB 561 which had been defeated for passage in the Senate was restored to the Calendar on motion of Senator Cook. The roll call vote on the Bill was rescinded on motion of Senator Arnold and the Bill was laid on the table.

At 6:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 10, 1980.

The Senate reconvened at 3:01 p.m., June 10, 1980, Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Judiciary Committee: HB 791 w HA 1 - 4 Merits; SB 609 - 5 Merits.

From the Grant-and-Aid Committee: SB 614 - 5 Merits.

The following legislation was introduced:

SB 618 - AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 106, VOLUME 62 RELATING TO PENSION BENEFITS OF CORRECTIONS OFFICERS. Sponsors: Senators Adams, Berndt; Representative Powell. Assigned to Corrections Committee.

SJR 49 - PROHIBITING THE NEW CASTLE COUNTY SCHOOL DISTRICT BOARD OF EDUCATION FROM APPROVING ANY NEW CONTRACT OR EXTENSION OF ANY EXISTING CONTRACT FOR ANY ADMINISTRATOR FOR MORE THAN ONE YEAR. Sponsors: Senators Arnold, Sharp, Hughes, McCullough, Spence; Representatives Hebner, Anderson, McBride, Oberle. Laid on the table.

The Secretary announced that a message from the House informed the Senate that it had passed SB 542.

The following legislation was introduced:

SB 617 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR THE PURPOSE OF ESTABLISHING A STATE ASSISTED YOUTH WORK PROGRAM FOR PART OF THE SUMMER OF 1980. Sponsors: Senator Holloway and Representative Holloway, Jr. Laid on the table at the request of Senator Holloway.

HB 934 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO CERTAIN DRUGS NOT YET DISTRIBUTED FOR THE GENERAL PUBLIC. Sponsors: Representative Cain. Assigned to Health and Social Services Committee.

HB 923 w HA 1, 2 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER, 1980 GENERAL ELECTION IN WHICH THE QUALIFIED VOTERS OF THE STATE OF DELAWARE SHALL DECIDE WHETHER OR NOT THEY PREFER THAT INITIATIVE AND REFERENDUM (OR EITHER OF THEM) SHALL BE INCLUDED WITHIN THE CONSTITUTION OF THE STATE. Sponsors: Representative Ferguson; Senators Sharp and McCullough; Representatives W. Brady, Gilligan, Powell, Minner, Sincok, VanSciver, George, Petrilli, Darling, Loughney, Riddagh, Gordy, West, Anderson, Connor, Clendaniel, Cathcart, Maxwell, Ambrosino, Oberle, Cain, Roy. Assigned to Banking, Insurance and Elections Committee.

HB 869 w HA 1 - AN ACT TO AMEND SUBCHAPTER III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE CIVIL JURISDICTION OF THE COURT OF COMMON PLEAS. Sponsors: Representatives T. Brady, Vernon, Gordy, Petrilli. Assigned to Judiciary Committee.

HB 870 w HA 1 - AN ACT TO AMEND CHAPTER 93, TITLE 10 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. Sponsors: Representatives T. Brady, Vernon, Gordy, Petrilli. Assigned to Judiciary Committee.

HB 926 - AN ACT TO HELP THE CLAYMONT COMMUNITY CENTER MEET ONE-TIME RELOCATION EXPENSES BY MAKING AN APPROPRIATION THEREFOR. Sponsors: Representatives Hebner, Smith, Ambrosino and Loughney; Senator Hughes. Assigned to Grant-and-Aid Committee.

HB 627 - AN ACT TO AMEND CHAPTER 31, TITLE 6 OF THE DELAWARE CODE TO INCREASE THE FEE CHARGED BY THE PROTHONOTARY FOR FILING CERTAIN CERTIFICATES. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 847 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURPOSE OF PROVIDING SUPPORT TO EMERGENCY FOOD PANTRIES THROUGH CONTRACTUAL SERVICES. Sponsors: Representatives George, Gilligan, Sincok; Senators Holloway and Cook. Assigned to Finance Committee.

HB 745 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF MEETING LEGAL FEE OBLIGATIONS NECESSITATED BY A COURT DECISION. Sponsor: Representative Petrilli. Assigned to Corrections Committee.

SB 603 was reported out of the Labor Committee: 3 Favorable, 3 Merits.

The following legislation was introduced:

SA 6 to SB 450. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 574. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 665. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 480. Sponsor: Senator Holloway. Placed with the Bill.

SCR 85 was introduced and considered for adoption on motion of Senator Holloway:

SCR 85 - MOURNING THE DEATH OF COLONEL H. EDMUND BULLIS, A LEADER IN THE DEVELOPMENT OF MENTAL HYGIENE PROGRAMS IN DELAWARE. Sponsor: Senator Holloway.

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

At 3:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

#### 43RD LEGISLATIVE DAY

June 10, 1980

The Senate convened at 3:12 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

Legislative Advisory #41 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SS 1 for SB 109 w SA 2, HA 1, 2 (Volume 62, Chapter 255, Laws of Delaware) on June 7, 1980.

SB 604 was taken up for consideration on motion of Senator Holloway:

SB 604 - AN ACT PROVIDING THAT THE NAME OF THE DELAWARE STATE BUILDING LOCATED AT 9TH AND FRENCH STREETS BE OFFICIALLY NAMED THE ELBERT N. CARVEL DELAWARE STATE BUILDING AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

SB 450 w SA 1, 2, 3 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Holloway.

SA 1 to SA 2 to the Bill was stricken at the request of the sponsor, Senator Marshall.

Senator McCullough marked PRESENT.

SA 4 to the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES, 1 (Murphy) NOT VOTING, and 1 (Martin) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill was laid on the table at the request of Senator Holloway.

SA 6 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SB 450 w SA 1, 2, 3, 4, 6 was then laid on the table on further motion of Senator Holloway.

HB 816 w HA 2 was taken up for consideration on motion of Senator Zimmerman:

HB 816 w HA 2 - AN ACT TO AMEND CHAPTERS 5, 7 AND 13 OF TITLE 7 OF THE DELAWARE CODE RELATING TO POSSESSION OR SETTING OF CERTAIN TRAPS AND PENALTIES THEREFORE; AND FOR THE CREATION OF A WILDLIFE THEFT PREVENTION FUND.

SA 1 to the Bill which had been placed with the Bill was laid on the table at the request of the sponsor, Senator Zimmerman.

SA 2 to the Bill was introduced by Senator Littleton and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Zimmerman - 12.

NO: Senators Cordrey, Hale, Marshall, McDowell, Sharp - 5.

NOT VOTING: Senators Cook, Holloway, Spence - 3.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 816 w HA 2, SA 2 was then taken and revealed 19 Senators voting YES and 2 (Holloway and Spence) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 3:57 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:20 p.m., Senator Cordrey presiding.

SB 576 was reported out of the Judiciary Committee - 1 Favorable, 4 Merits.

The following legislation was introduced:

SA 3 to SB 573. Sponsor: Senator Holloway. Placed with the Bill.

SA 4 to SB 573. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to HB 921. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 561. Sponsors: Senator Arnold and Senator Murphy. Placed with the Bill.

SA 7 to SB 450. Sponsor: Senator Marshall. Placed with the Bill.

SB 619 - AN ACT TO AMEND TITLE 4, DELAWARE CODE TO AUTHORIZE DELAWARE LIQUOR RETAILERS TO PURCHASE SUPPLIES FROM OUT-OF-STATE WHOLESALERS AND MANUFACTURERS. Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 620 - AN ACT PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE 1, OF THE DELAWARE CONSTITUTION RELATING TO COMPOSITION OF JURIES. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 621 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Senator Holloway. Laid on the table.

SCR 86 - CONGRATULATING PETE OAKLEY, ASSISTANT PROFESSIONAL AT THE REHOBOTH BEACH COUNTRY CLUB, ON QUALIFYING FOR THE NATIONAL OPEN STARTING THURSDAY AT THE BALTUSROL GOLF COURSE IN NORTHERN NEW JERSEY, AND WISHING HIM THE BEST OF LUCK. Sponsors: Senators Hughes, Adams, Cordrey, Zimmerman; Representatives Burris, Bennett, Ferguson, McKay, Petrilli.

The roll call vote on the Resolution was taken on motion of Senator Hughes and revealed 18 Senators voting YES and 3 (Cicione, Hale and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 622 - AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE RELATING TO SPECIAL JURIES. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SR 103 - CONGRATULATING ARTHUR A MENCHER, M.D., OF NEWARK, ON COMPLETING 50 YEARS OF MEDICAL PRACTICE. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SB 450 w SA 1, 2, 3, 4, 6 was lifted from the table for consideration on motion of Senator Holloway.

At 5:30 p.m., Senator Sharp presiding.

During discussion of the Bill and the Amendment offered to it the privilege of the floor was extended to the following Public Accountants: Richard I. Wade, Donald E. Boyer and Michael H. Rosen.

SA 7 to the Bill was introduced by Senator Marshall and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Cicione, Cook, Hale, Holloway, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Adams, Arnold, Berndt, Cordrey, Hughes - 5.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 450 w SA 1, 2, 3, 4, 6, 7 was then taken and revealed:

YES: Senators Hughes, Knox, Martin, Sharp, Weiss - 5.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Littleton, Marshall, McDowell, Murphy, Spence - 13.

NOT VOTING: Senators Zimmerman - 1.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Bill was declared lost.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 86.

HB 408 - AN ACT TO AMEND CHAPTER 7, TITLE 24 OF THE DELAWARE CODE RELATING TO CHIROPRACTIC EXAMINERS AND THE PRACTICE OF CHIROPRACTIC. Sponsor: Representative Powell. Assigned to Banking, Insurance and Elections Committee.

At 6:37 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 11, 1980.

The Senate reconvened at 2:38 p.m., June 11, 1980, Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 532 - 4 Merits.

From the Education Committee: SB 593 - 2 Favorable, 3 Merits.

The following legislation was introduced:

SB 623 - AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE RELATING TO PARKING EXPENSES OF JURORS. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 624 - AN ACT TO AMEND TITLE 10 AND TITLE 20, DELAWARE CODE, RELATING TO JURIES AND THE JURY SELECTION PROCESS. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 625 - AN ACT TO AMEND CHAPTER 13, PART I, TITLE 19 AND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE FOR PURPOSES OF COLLECTIVE BARGAINING. Sponsor: Senator Knox. Assigned to Labor Committee.

HS 1 for HB 394 w HA 1, 2, 3, 4, 5 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURES; AND PROVIDING FOR EXPUNGEMENT UNDER CERTAIN CIRCUMSTANCES. Sponsor: Representative McBride. Assigned to Judiciary Committee.

HB 532 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE, RELATING TO VETERINARY MEDICINE BY INCREASING COMPENSATION FOR THE BOARD OF EXAMINERS: PROVIDING FOR EXAMINATIONS; AND PROVIDING FOR RENEWAL FEES AND PROCEDURES. Sponsors: Representative Gilligan and Senator Holloway. Assigned to Administrative Services Committee.

HB 973 - AN ACT TO AMEND CHAPTER 42, TITLE 21, DELAWARE CODE RELATING TO REPORTS OF ACCIDENTS INVOLVING PERSONAL INJURY OR PROPERTY DAMAGE. Sponsors: Representatives Cathcart, Connor, VanSciver, Oberle, Loughney, Petrilli, Ambrosino, Jonkiert. Assigned to Public Safety Committee.



HCR 144 - CONGRATULATING SEAFORD ON WINNING THE DELAWARE HIGH SCHOOL BASEBALL TOURNAMENT. Sponsors: Representatives Fallon and W. Brady.

The Resolution was considered for adoption on motion of Senator Littleton and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SJR 48 was taken up for consideration under suspension of the necessary rules on motion of Senator Sharp:

SJR 48 - DESIGNATING THE WEEK OF SEPTEMBER 7, 1980, AS VOTER REGISTRATION WEEK, REQUESTING THE NEWS MEDIA TO HELP PROMOTE AND PUBLICIZE THE WEEK AND MAKING AN APPROPRIATION TO THE COMMISSIONER OF ELECTIONS FOR ADVERTISING OUR PRECIOUS RIGHT TO REGISTER AND VOTE.

SA 1 to the Resolution which had been placed with the Resolution was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SJR 48 w SA 1 was then taken on motion of Senator Sharp and revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Former Senator Steele who was present in the Chamber was welcomed by Senator Sharp.

At 2:55 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 44th Legislative Day.

#### 44TH LEGISLATIVE DAY

June 11, 1980

The Senate convened at 2:55 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Zimmerman - 1.

The Journal of the previous day was approved as read.

HCR 145 was introduced and considered for adoption on motion of Senator Adams:

HCR 145 - CONGRATULATING BYRON AND FLORENCE GIBSON, OF MILFORD, AS THEY OBSERVE THEIR GOLDEN WEDDING ANNIVERSARY TODAY, JUNE 11, 1980. Sponsors: Representative Burris and Senator Adams.

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

SB 574 was taken up for consideration on motion of Senator Holloway:

SB 574 - AN ACT TO AMEND CHAPTER 1, TITLE 20, DELAWARE CODE, RELATING TO CERTAIN SERVICE OBLIGATIONS OF NATIONAL GUARD PERSONNEL.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Major General Francis A. Ianni (Delaware National Guard) and Terry L. Habron (Association of Civilian Technicians).

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

The roll call vote on SB 574 w SA 1 was then taken on motion of Senator Holloway and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Weiss - 13.

NO: Senators Martin, McDowell, Murphy, Sharp, Spence - 5.

ABSENT: Senators Cicione, McCullough and Zimmerman - 3.

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

At 3:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:07 p.m., Senator Cordrey presiding.

Senators Kearns, Knox, Marshall, Cicione, Berndt, Martin, Weiss and Murphy; Representatives Maxwell, Powell, West and McBride were added as co-sponsors of SB 617.

SB 626 was introduced and assigned to Finance Committee:

SB 626 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO PROVIDE FOR SUPPLEMENTAL PAYMENTS TO THE FIREMEN'S PENSION FUND OF THE WILMINGTON BUREAU OF FIRE AND THE VOLUNTEER FIRE COMPANIES OF THIS STATE IN ACCORDANCE WITH THE REQUIREMENTS OF 18 DELAWARE CODE, SECTION 705. Sponsors: Senators Murphy, Holloway, McDowell, McCullough, Arnold, Cook, Weiss, Cicione, Marshall, Berndt, Adams, Sharp, Hughes, Martin, Kearns, Littleton, Knox; Representatives Harrington, T. Brady, W. Brady, Holloway, Jr., George, Cathcart, Neal, Clendaniel, Ferguson, Hebner, Cain, Fallon, Roy, VanSciver, George, McBride, Oberle, Bennett, Jonkiert, Matushefske, Plant, Loughney, Vernon, Gilligan, Ambrosino, West, Anderson, Connor, Maxwell, Petrilli.

HCR 146 was introduced and considered for adoption on motion of Senator Martin

HCR 146 - ASKING ALL CITIZENS OF DELAWARE TO OBSERVE FLAG WEEK WITH A SPECIAL SALUTE ON SATURDAY, JUNE 14, FLAG DAY. Sponsor: Representative Bennett.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Cicione, Hughes, Littleton, McDowell, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 921 w HA 1 was taken up for consideration on motion of Senator Murphy:

HB 921 w HA 1 - AN ACT TO AMEND CHAPTERS 9, 25, 27, 33 AND 38, TITLE 18, DELAWARE CODE, RELATIVE TO THE OFFERING OF SOLICITATION, AND SALE OF SPECIFIED DISEASE INSURANCE WITHIN THE STATE OF DELAWARE AND TO RESIDENTS OF THE STATE OF DELAWARE.

During discussion of the Bill and the Senate Amendment offered to it, the privilege of the floor was extended to J. Patrick McCann (Insurance Commissioner's Office), Phillip J. Friou (American Family Life Insurance Company), Tom Sandbach and Harry Terry (Senate Attorneys).

At 5:25 p.m., Senator Sharp presiding.

Senator Marshall moved that the Bill be recommitted to Committee. The roll call vote on the motion was taken and revealed:

YES: Senator Marshall - 1.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 18.

ABSENT: Senators McDowell and Zimmerman - 2.

Therefore, the motion failed and the Bill remained before the Senate.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken; however, before it was announced, Senator Marshall moved that the roll call be tabled. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Sharp - 10.

NO: Senators Arnold, Berndt, Hale, Hughes, McCullough, Murphy, Spence, Weiss - 8.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Cicione and Zimmerman - 2.

Therefore, the motion prevailed since a majority of the Senators PRESENT voted in the affirmative and the roll call vote on the Amendment was tabled.

On motion of Senator Cordrey, the Senate recessed at 6:43 p.m. and reconvened at 7:05 p.m., Senator Sharp presiding.

The following communication was read into the record at the request of Senator Murphy:

MEDICAL SOCIETY OF DELAWARE  
WILMINGTON, DELAWARE

June 5, 1980

Representative Michael Harrington  
Legislative Hall  
Dover, Delaware 19901

Dear Representative Harrington:

We would like to offer our support for HB 921, relative to the Offering of, Solicitation, and Sale of Specified Disease Insurance within the State of Delaware and to the Residents of the State of Delaware. We believe that it would be beneficial to outlaw the sale of cancer and other specified disease insurance, and we wish you success with your legislation.

Sincerely,  
Anne Shane Bader  
Executive Director

On motion of Senator Murphy, the roll call vote on HB 921 w HA 1 was taken; however, the roll call was laid on the table before being announced on further motion of the Senator.

The following Committee reports were announced:

From the Executive Committee: HB 769 w HA 2 - 6 Merits; SS 1 for SB 485 - 1 Favorable, 5 Merits.

From the Highways and Transportation Committee: SB 335 - 4 Merits; SB 613 - 5 Favorable, 1 Merits; HB 936 - 5 Merits; SB 552 - 5 Merits.

At 7:23 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., June 12, 1980.

The Senate reconvened at 2:26 p.m., June 12, 1980, Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Community Affairs Committee: HB 605 w HA 1, 2 - 1 Favorable, 3 Merits.

From the Banking, Insurance and Elections Committee: SS 1 for SB 582 - 1 Favorable, 2 Merits.

The following legislation was introduced:

SB 627 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, BY INCREASING THE AMOUNT OF BONDS AND NOTES THE DELAWARE STATE HOUSING AUTHORITY CAN ISSUE. Sponsor: Senator Murphy. Assigned to Committee on Aging.

SB 628 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, CHAPTER 13, RELATING TO APPEALS FROM THE COURT OF COMMON PLEAS TO THE SUPERIOR COURT. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 629 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE RELATING TO FUNERAL SERVICES AND CONTRACTS. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 630 - AN ACT TO AMEND SUBCHAPTER III, OF CHAPTER I, TITLE 17, DELAWARE CODE, RELATING TO THE AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO ALLOW VENDING MACHINES AND OTHER ITEMS FOR THE DRIVER'S REST AND RELAXATION IN SAFETY ROADSIDE REST AREAS ON AN EXPERIMENTAL BASIS; AND TO FURTHER PROVIDE FOR A SPECIAL FUND WITHIN THE STATE TREASURY TO WHICH SUCH PROFITS SHALL BE EARMARKED. Sponsors: Senator Martin and Representative Roy. The Bill was assigned to Highways and Transportation Committee and then immediately stricken at the request of Senator Martin.

SB 631 - AN ACT MAKING SUPPLEMENTARY GRANT-IN-AID APPROPRIATION TO THE DELAWARE LAW SCHOOL. Sponsor: Senator Cicione. Assigned to Grant-and-Aid Committee.

SB 632 - AN ACT TO AMEND CHAPTER 51, PART IV, TITLE 30 OF THE DELAWARE CODE RELATING TO THE MOTOR FUEL TAX; AND EXEMPTING GASOHOL SALES FROM SUCH TAX. Sponsors: Senators Adams, Cook, Cicione, Littleton; Representatives Maxwell, Gordy, Clendaniel. Assigned to Revenue and Taxation Committee.

SB 633 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1980 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators Cook, Cordrey, Hale, Berndt; Representatives Gordy and Sincock. Assigned to Finance Committee.

SB 634 - AN ACT TO AUTHORIZE AN ADDITIONAL VICE CHANCELLOR. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SA 1 to SB 557. Sponsor: Senator Cordrey. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 95.

HB 1076 was introduced and laid on the table at the request of Senator Murphy:

HB 1076 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO DELAWARE ASSOCIATION FOR BLIND ATHLETES. Sponsors: Representatives Bennett, Morris, Cain; Senator Murphy.

SR 104 - A RESOLUTION WISHING A SPEEDY RECOVERY TO CHARLOTTE ZIMMERMAN, MOTHER OF SENATOR ZIMMERMAN. Sponsor: Senator Holloway.

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES, 1 (McCullough) NOT VOTING, and 6 (Berndt, Cicione, Hughes, Kearns, Marshall, Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

The Governor's nomination for appointment of Harry Roberts was reported out of the Executive Committee: 5 Merits.

At 2:35 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 45th Legislative Day.

#### 45TH LEGISLATIVE DAY

June 12, 1980

The Senate convened at 2:35 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The privilege of the floor was extended to Don Coker (Assistant Director of Legislative Council) who introduced 3 visitors from Nigeria (Onugu, Onwuka and Vincent) to the Senate.

SJR 47 was taken up for consideration on motion of Senator Martin:

SJR 47 - DIRECTING THE STATE DIVISION OF AGING TO ESTABLISH A STATEWIDE SENIOR CITIZEN DISCOUNT PROGRAM.

The roll call vote on the Resolution was taken and revealed:  
YES: Senators Adams, Cook, Cordrey, Hughes, Marshall, Martin, McDowell, Murphy, Sharp - 9.

NOT VOTING: Senators Arnold, Hale, Holloway, Knox, Littleton, McCullough, Spence, Weiss - 8.

ABSENT: Senators Berndt, Cicione, Kearns, Zimmerman - 4.

Therefore, the Resolution was declared lost.

SB 590 was taken up for consideration on motion of Senator Littleton:

SB 590 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PERMIT THE ISSUING OF REVENUE BONDS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Berndt, Cicione, Kearns, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the Governor's nomination for appointment of Harry Roberts was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cook, Cordrey, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McDowell, Murphy, Sharp, Weiss - 14.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Berndt, Cicione, Hale, Kearns, Spence, Zimmerman - 6.

Therefore, the appointment was declared confirmed.

HB 445 w HA 1, SA 1 was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 17 Senators voting YES and 4 (Berndt, Cicione, Kearns and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 526 was lifted from the table for consideration on motion of Senator Berndt.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Berndt.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy - 14.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Cicione, Holloway, Kearns, Sharp, Weiss, Zimmerman - 6.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 526 w SA 2 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Weiss - 13.

NO: Senators Cordrey, Marshall, McDowell, Spence - 4.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Kearns, Sharp, Zimmerman - 3.

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

At 3:30 p.m., Senator Martin presiding.

SB 569 was taken up for consideration on motion of Senator McCullough:

SB 569 - AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW CASTLE.

Final consideration of the Bill was then deferred on further motion of the Senator.

At 3:41 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 386 w SA 1, 2; SB 430 w SA 1.

The following legislation was introduced:

SB 635 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO JURISDICTION OVER MOTOR VEHICLE OFFENSES COMMITTED ON CONTROLLED ACCESS HIGHWAYS. Sponsors: Senator Arnold, Representative Roy. Assigned to Highways and Transportation Committee.

SA 1 to HS 1 for HB 444. Sponsor: Senator Berndt. Placed with the Bill.

SA 2 to SB 609. Sponsor: Senator Cicione. Placed with the Bill.

SCR 87 - URGING THE DEPARTMENT OF LABOR TO IMPLEMENT REGULATIONS THAT WOULD PERMIT EMPLOYEES TEMPORARILY LAID-OFF FOR RETOOLING AND MODEL CHANGES TO APPLY FOR UNEMPLOYMENT BENEFITS BY MAIL. Sponsors: Senator Martin; Representatives Anderson and Gordy.

The Resolution was considered for adoption on motion of Senator Martin and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss - 14.

NO: Senators Adams and Cordrey - 2.

ABSENT: Senators Cicione, Hughes, Kearns, Marshall, Zimmerman - 5.

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

HB 1076 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Murphy. The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Cicione, Kearns and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 588 was taken up for consideration on motion of Senator Cook:

SB 588 - AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF HOUSTON" BEING VOLUME 61, CHAPTER 517, LAWS OF DELAWARE.

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

SB 435 was taken up for consideration on motion of Senator Cook:

SB 435 - AMEND CHAPTER 51, TITLE 29, DELAWARE CODE TO PROVIDE THAT THE STATE SHALL PAY ANNUAL DUES FOR MEMBERSHIP IN THE BLOOD BANK OF DELAWARE FOR OFFICERS, EMPLOYEES AND RETIREES OF THE STATE OF DELAWARE.

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

SB 576 was taken up for consideration on motion of Senator McDowell:

SB 576 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT..

Final consideration of the Bill was then deferred on further motion of the Senator.

SB 569 was lifted from the table for consideration on motion of Senator McCullough and the roll call vote taken which revealed 19 Senators voting YES and 2 (Kearns and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Cicione marked PRESENT.

SB 579 was taken up for consideration on motion of Senator McCullough:

SB 579 - AN ACT TO PROVIDE AN APPROPRIATION TO THE DE LA WARR SENIOR CITIZENS CENTER AS A GRANT-IN-AID.

The Bill was then laid on the table on further motion of the Senator.

At 4:55 p.m., Senator Sharp presiding.

Representative Gilligan was added as sponsor to SB 435.

SB 532 was taken up for consideration on motion of Senator McCullough:

SB 532 - AN ACT TO AMEND CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 181, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR THE CITY OF NEW CASTLE", RELATING TO SALARIES OF THE COMMISSIONERS.

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

SB 578 was taken up for consideration on motion of Senator McCullough:

SB 578 - AN ACT TO PROVIDE AN APPROPRIATION TO JEFFERSON FARMS SWIMMING AND RECREATION CLUB AS A GRANT-IN-AID.

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



YES: Senators Holloway, Martin, McCullough, Spence - 4.  
NO: Senators Adams, Berndt, Cordrey, Knox, Littleton,  
Marshall, McDowell, Murphy, Sharp, Weiss - 10.  
NOT VOTING: Senators Arnold and Cicone - 2.  
ABSENT: Senators Cook, Hale, Hughes, Kearns, Zimmerman - 5.  
Therefore, the Bill was declared lost.

SB 614 was taken up for consideration on motion of Senator Cicone:

SB 614 - AN ACT MAKING A SUPPLEMENTAL GRANT-IN-AID APPROPRIATION TO DELAWARE FIRE COMPANIES.

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

SB 573 was taken up for consideration on motion of Senator Cordrey:

SB 573 - AN ACT TO AUTHORIZE MEDICAL EXAMINERS IN DELAWARE TO PROVIDE TO EYE BANKS CORNEAS FROM DECEDENTS UNDER THEIR JURISDICTION AND TO PROVIDE IMMUNITY FROM CERTAIN CIVIL ACTION ARISING THEREFROM.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken at the request of the sponsor, Senator Cordrey.

SA 3 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Holloway.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 19 Senators voting YES and 2 (Kearns and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill was introduced and laid on the table at the request of the sponsor, Senator Holloway.

SB 573 w SA 4 (SA 5) was then laid on the table on further motion of Senator Cordrey.

SB 593 was taken up for consideration on motion of Senator Arnold:

SB 593 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, AS IT RELATES TO THE ORGANIZATION, GOVERNANCE AND FINANCING OF SCHOOL DISTRICTS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Berndt and the roll call vote taken which revealed 16 Senators voting YES and 5 (Holloway, Kearns, McCullough, McDowell, Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SB 593 w SA 1 was then deferred on further motion of Senator Arnold.

SB 335 was taken up for consideration on motion of Senator Martin:

SB 335 - AN ACT TO AMEND TITLE 17, CHAPTER 1, SUBCHAPTER 3, OF THE DELAWARE CODE RELATING TO HIGHWAYS BY PROVIDING FOR RESTRICTIONS ON UNDEVELOPED LANDS ADJACENT TO STATE HIGHWAYS WITHIN THIS STATE AND ESTABLISHING MINIMUM DEDICATED RIGHTS-OF-WAY REQUIREMENTS.

The privilege of the floor was extended to Harry Terry and Tom Sandbach (Senate Attorneys).

The Bill was then laid on the table on further motion of the Senator.

SB 613 was taken up for consideration on motion of Senator Martin

SB 613 - AN ACT RELATING TO THE PRESERVATION OF GROUP PHOTOGRAPHS OF MEMBERS OF THE GENERAL ASSEMBLY.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Knox, Littleton, Marshall, Martin, McCullough, Murphy, Sharp - 13.

NO: Senators Hale, Holloway, Hughes, Spence, Weiss - 5.

ABSENT: Senators Kearns, McDowell and Zimmerman - 3.

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

HB 936 was taken up for consideration on motion of Senator Martin:

HB 936 - AN ACT TO AMEND SECTION 1108 OF TITLE 17 OF THE DELAWARE CODE RELATING TO ADVERTISING AND BEAUTIFICATION ALONG HIGHWAYS.

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

At 5:51 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., June 17, 1980.

The Senate reconvened at 2:25 p.m., June 17, 1980, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 556 and SB 502.

Senator Kearns marked PRESENT.

SB 525 which had been lost for passage was restored to the Calendar on motion of Senator Kearns.

Senator Zimmerman marked PRESENT.

The following Committee reports were announced:

From the Finance Committee: HB 847 - 2 Favorable, 4 Merits; HB 828 w HA 1 - 6 Merits; HB 792 3 Favorable, 3 Merits; HB 804 - 1 Favorable, 5 Merits.

The following letter of nomination for appointment from the Governor was read and assigned to Executive Committee:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 12, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Lorin Hunt, 115 Bunch Boulevard, Wilmington, Delaware, to be appointed a Justice of the Peace for a term of four (4) years to succeed Doris E. Harris, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

The following letter from the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 12, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

The nomination of Vincent M. White to be a Justice of the Peace, submitted to you on June 14, 1979, is hereby formally withdrawn.

Sincerely,  
Pierre S. duPont, Governor

\* \* \* \* \*

The following legislation was introduced:

SB 636 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO LEAVES OF ABSENCE BY EMPLOYEES ELECTED TO PUBLIC OFFICE. Sponsor: Senator Marshall. Assigned to Executive Committee.

SA 6 to SB 573. Sponsor: Senator Holloway. Placed with the Bill.

At 2:30 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY  
June 17, 1980

The Senate convened at 2:30 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the previous day was approved as read.

The following Committee reports were announced:

From the Grant-and-Aid Committee: SB 631 - 2 Favorable, 1 Merits.

From the Judiciary Committee: SB 607 - 4 Merits.

The Chair introduced to the Senate the winners of the Soap Box Derby who were present in the Chamber.

The following legislation was introduced:

SB 637 - AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD. Sponsors: Senator Cordrey and Representative West. Assigned to Community Affairs Committee.

SA 1 to SS 1 for SB 582. Sponsor: Senator Murphy. Placed with the Bill.

SA 1 to SA 2 to SB 593. Sponsor: Senator McCulough. Placed with the Bill.

SA 2 to SS 1 for SB 582. Sponsors: Senators Sharp and Murphy and Representative Gordy. Placed with the Bill.

Senator Marshall marked PRESENT.

SCR 88 - CONGRATULATING EDWARD J. DUGAN ON HIS RETIREMENT AFTER CONTRIBUTING TWENTY-FOUR YEARS OF FAITHFUL SERVICE TO THE STATE OF DELAWARE IN HIS CAREER AS AN EXECUTIVE OF BLUE CROSS AND BLUE SHIELD OF DELAWARE, INC. Sponsor: Senator Hughes.

The Resolution was considered for adoption on motion of Senator Hughes and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senators Zimmerman and Holloway marked PRESENT.

SR 105 was introduced and laid on the table at the request of Senator McDowell:

SR 105 - WISHING DENNIS C. CAREY, OUTSTANDING DELAWARE MERMAN, GOOD LUCK AS HE PREPARES TO SWIM THE ENGLISH CHANNEL. Sponsor: Senator McDowell.

SB 450 w SA 1, 2, 3, 4, 6, 7 which had been lost was restored to the Calendar on motion of Senator Holloway.

SS 1 for SB 582 was taken up for consideration on motion of Senator Murphy:

SS 1 for SB 582 - AN ACT TO AMEND TITLES 9, 11, 18, 19, 24, 29, 30 AND 31 OF THE DELAWARE CODE RELATING TO 'WORKERS' COMPENSATION, PROVIDING FOR THE "WORKERS' COMPENSATION ACT OF 1980" AND FURTHER PROVIDING FOR AN APPROPRIATION FOR THE IMPLEMENTATION OF THAT ACT.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Oliver B. Snyder (U. S. Department of Labor; John H. Lewis (Delaware Chamber of Commerce); C. John Urling, Jr. (Claude R. Martin Company); George Hudson, Esq. (Bayard & Handelman, P.A.); Dr. Edward Quinn; Horace C. Sherrill, Jr. (Professional Insurance Agents Association); John Campanelli (AF of L, CIO); William S. Todd (UAW); John Schmittinger (Local 56).

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Murphy, Spence - 12.

NO: Senators Holloway, McCullough and Zimmerman - 3.

NOT VOTING: Senators Marshall, Martin, McDowell, Sharp - 4.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Amendment was declared adopted.

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

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 16.

NO: Senators Adams and Cordrey - 2.

ABSENT: Senators Cicione, Marshall, Weiss - 3.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill was introduced by Senator Murphy and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 18.

NO: Senators Cicione and Cordrey - 2.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared adopted.

Senator Sharp moved that the Bill be laid on the table. The roll call vote on the motion was taken and revealed:

YES: Senators Cicione, Holloway, Marshall, Martin, McCullough, McDowell, Sharp, Zimmerman - 8.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Murphy, Spence - 12.

ABSENT: Senator Weiss - 1.

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

At 4:25 p.m., Senator Sharp presiding.

At 4:26 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:19 p.m., Lt. Governor McGinnis presiding.

SS 1 for SB 582 w SA 1, 2, 3 was still before the Senate.

SA 4 and SA 5 to the Bill were introduced by Senator Kearns and placed with the Bill.

SA 6 to the Bill was introduced by Senator Martin and placed with the Bill.

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

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Kearns.

SA 6 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Martin and the roll call vote taken which revealed:

YES: Senators Cicione, Holloway, Marshall, Martin, McCullough, McDowell, Sharp, Zimmerman - 8.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Murphy, Spence - 12.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared lost.

SA 7 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

At 7:38 p.m. Senator Cordrey presiding.

At 7:43 p.m. Lt. Governor McGinnis presiding.

On motion of Senator Murphy, the roll call vote on SS 1 for SB 582 w SA 1, 2, 3, 4, 7 was taken; however, before it was announced, Senator Murphy moved that it be laid on the table. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Murphy, Spence - 12.

NO: Senators Cicione, Holloway, Marshall, Martin, McCullough, McDowell, Sharp - 7.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Weiss - 1.

Therefore, the motion prevailed and the roll call was laid on the table.

At 9:17 p.m. on motion of Senator Cordrey, the Senate adjourned until 1:15 p.m., June 18, 1980.

#### 47TH LEGISLATIVE DAY

June 18, 1980

The Senate convened at 2:10 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Sharp.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

The following Committee reports were announced:

From the Community Affairs Committee: HB 684 - 4 Merits; HB 698 - 4 Merits; SB 340 - 4 Merits; SB 637 - 4 Merits.

The following legislation was introduced:

SA 1 to HB 532. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to HB 869. Sponsor: Senator Kearns. Placed with the Bill.

SJR 50 - REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1980. Sponsors: Senators Cordrey and Berndt.

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

SJR 51 - ESTABLISHING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1981. Sponsors: Senators Cordrey and Berndt.

The Resolution was considered for adoption under suspension of the necessary rules on motion of Senator Sharp and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senators McDowell, Zimmerman, Adams marked PRESENT.

SCR 89 - COMMEMORATING THE DEATH OF SAMUEL J. FOX OF LEIPSIC AND OFFERING CONDOLENCES TO THE MEMBERS OF HIS FAMILY. Sponsors: Senators Zimmerman, Cook, Murphy, McDowell; Representatives Darling, Minner, Harrington, Morris, Riddagh, Bennett; Lt. Governor McGinnis.

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

SB 638 - AN ACT TO REQUIRE GRANT-IN-AID APPLICANTS TO SUBMIT ZERO-BASED BUDGETS TO THE GENERAL ASSEMBLY. Sponsors: Senators McDowell, Holloway, Martin, Adams, Knox; Representatives McBride, Bennett, George, Fallon, Sincok. Assigned to Executive Committee.

Senator Cordrey introduced the Lt. Governor of the Boy's State who was present in the Chamber.

The Secretary announced that a message from the House informed the Senate that it had passed SB 387 w SA 1 and adopted SJR 9 w SA 1 and SCR 87.

The following legislation was introduced:

HB 190 w HA 1, 2 - AN ACT TO AMEND TITLE 4 AND TITLE 10 OF THE DELAWARE CODE RELATING TO STATUTORY LIABILITIES OF PERSONS WHO SELL OR DISPENSE ALCOHOLIC LIQUORS. Sponsor: Representative Burris. Assigned to Administrative Services Committee.

HB 755 w HA 1 - AN ACT TO AMEND TITLE 21 AND TITLE 25 OF THE DELAWARE CODE RELATING TO CIVIL LIABILITY OF AN OWNER OF CERTAIN REAL OR PERSONAL PROPERTY FOR NEGLIGENCE RESULTING IN INJURY TO A NON-PAYING GUEST. Sponsor: Representative Ambrosino. Assigned to Judiciary Committee.

HB 760 w HA 1 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 67, TITLE 25, DELAWARE CODE RELATING TO LEASES OF TENANT HOUSES LOCATED ON POULTRY FARMS. Sponsors: Representatives Gordy, Clendaniel, West. Assigned to Agriculture Committee.

HB 767 w HA 1 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE ON WARRINGTON STREET IN DAGSBORO. Sponsors: Representative West; Senator Cordrey. Assigned to Public Safety Committee.

HB 809 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, RELATING TO A CHANGE IN VEHICULAR AND PASSENGER TRAFFIC REGULATIONS. Sponsors: Representative Gordy and Senator Littleton. Assigned to Community Affairs Committee.

HB 810 - AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ALSO KNOWN AS "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," TO INCREASE THE AMOUNT WHEN COMPETITIVE BIDDING SHALL NOT BE REQUIRED. Sponsors: Representative Gordy and Senator Littleton. Assigned to Community Affairs Committee.

HB 827 w HA 1, 2 - AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO ELECTIONS, VOTER QUALIFICATIONS AND CERTAIN POWERS OF UNINCORPORATED TOWNS. Sponsors: Representative Vernon; Senators Cordrey and Murphy. Assigned to Community Affairs Committee.

HB 848 - AN ACT TO AMEND CHAPTER 30 OF TITLE 31 AND CHAPTER 46 OF TITLE 6 OF THE DELAWARE CODE RELATING TO THE PROHIBITION OF DISCRIMINATION AGAINST THE HANDICAPPED IN HOUSING, WITH RECOURSE TO THE STATE HUMAN RELATIONS COMMISSION. Sponsors: Representatives Free, T. Brady, VanSciver, Anderson, Minner, Plant, Roy. Assigned to Health and Social Services Committee.

HB 880 w HA 1 - AN ACT TO AMEND CHAPTER 31, TITLE 16 OF THE DELAWARE CODE RELATING TO FEES OF CERTIFICATES. Sponsor: Representative VanSciver. Assigned to Health and Social Services Committee.

HB 895 w HA 1, 3 - AN ACT TO AMEND CHAPTER 41 OF TITLE 21 OF THE DELAWARE CODE RELATING TO LITTER. Sponsors: Representatives Oberle, Hebner, Roy, Vernon, Cain; Senator Cicione. Assigned to Highways and Transportation Committee.

HB 913 - AN ACT TO AMEND SUBCHAPTER V, TITLE 11 OF THE DELAWARE CODE RELATING TO SEXUAL EXPLOITATION OF CHILDREN. Sponsors: Representatives Roy, Oberle, Petrilli, Jonkiert; Senator Arnold. Assigned to Judiciary Committee.

HB 968 w HA 1 - AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE CODE, RELATING TO THE MANNER IN WHICH A DIVORCE PETITION SHALL BE FILED. Sponsor: Representative Neal. Assigned to Judiciary Committee.

HB 980 w HA 2 - AN ACT TO AMEND PART III, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR CANCER REGISTRATION. Sponsors: Representatives Maroney, Oberle, Harrington, Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gilligan, Hebner, Holloway, Jr., Loughney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, VanSciver, Vernon, West; Senators Arnold, Berndt, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, Spence, Weiss. Assigned to Health and Social Services Committee.



HB 982 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE MOTOR FUEL TAX LAW. Sponsors: Representatives Powell, Roy, Cain, McBride, Oberle, Petrilli; Senators Adams, Berndt. Assigned to Revenue and Taxation Committee.

HCR 147 - REQUESTING THE U. S. CORP OF ENGINEERS TO INSTALL SAFETY LIGHTS ON THE BRIDGE CROSSING C & D CANAL AT ST. GEORGES, DELAWARE. Sponsors: Representatives Maxwell, McBride, Ferguson, W. Brady; Senators Martin and Cicione.

The Resolution was considered for adoption on motion of Senator Martin and the roll call vote taken which revealed 18 Senators voting YES and 3 (Arnold, Holloway and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 148 - CONGRATULATING FORMER REPRESENTATIVE AND MRS. ROBERT L. BYRD ON THE BIRTH OF THEIR FIRST CHILD, A DAUGHTER, ON JUNE 16, 1980. Sponsors: Representatives Maxwell, Cain, Anderson, Burris, Bennett, Morris.

The Resolution was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 19 Senators voting YES and 2 (Arnold and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following letter of nomination for appointment from the Governor was read and assigned to Executive Committee:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
June 18, 1980

To the Senate of the 130th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edward C. Painter, 3 Myers Road, Newark, Delaware, to be a member of the State Environmental Appeals Board for a term of three (3) years to succeed Phyllis Schabinger, term expired.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

At 2:40 p.m., Senator Sharp presiding.

SB 639 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Cordrey:

SB 639 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, DIVISION OF ECONOMIC DEVELOPMENT, TO PROVIDE FUNDS FOR THE OPERATION OF A SPECIAL MARKETING CAMPAIGN FOR THE NCR PLANT IN MILLSBORO, DELAWARE. Sponsor: Senator Cordrey.

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

SB 640 was introduced and assigned to the Judiciary Committee:  
SB 640 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators McDowell and Cicione; Representatives Bennett and T. Brady.

SR 106 was introduced and considered for adoption on motion of Senator Knox:

SR 106 - CONGRATULATING SENATOR CHARLES (PETE) AND MILDRED HUGHES AS THEY CELEBRATE THEIR 42ND WEDDING ANNIVERSARY. Sponsors: Senator Knox and all the Senators.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (Hughes) NOT VOTING and 2 (McDowell and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

SA 1 to SB 566, sponsored by Senator McDowell, was introduced and placed with the Bill.

HB 804 was taken up for consideration on motion of Senator Cook:

HB 804 - AN ACT TO AMEND VOLUME 57, CHAPTER 323, LAWS OF DELAWARE, RELATING TO THE CARE AND MAINTENANCE OF THE "PUBLIC BUILDING" IN WILMINGTON BY REPEALING SAME; AUTHORIZING THE PURCHASE OF SAID BUILDING BY THE STATE FROM THE CITY OF WILMINGTON AND NEW CASTLE COUNTY AT FAIR MARKET VALUE AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

At 2:47 p.m., Senator Cordrey presiding.

SB 603 was taken up for consideration on motion of Senator Cicione:

SB 603 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, BY PROVIDING FOR THE USE OF UNITED STATES PRODUCED STEEL IN STATE CONTRACTS.

Senator Hughes was added as co-sponsor of the Bill and the roll call vote was taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SS 1 for SB 485 was taken up for consideration on motion of Senator Hale:

SS 1 for SB 485 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, ACKNOWLEDGING THE RIGHTS AND DEFINING THE LIMITATIONS OF LEGISLATIVE OFFICE, ESTABLISHING A CODE OF LEGISLATIVE CONDUCT, AND ESTABLISHING A JOINT COMMITTEE ON LEGISLATIVE CONDUCT IN THE GENERAL ASSEMBLY.

The privilege of the floor was extended to Harry Terry and Tom Sandbach (Senate Attorneys) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 566 was taken up for consideration on motion of Senator McDowell:

SB 566 - AN ACT TO AMEND CHAPTER 22, TITLE 16, DELAWARE CODE, RELATING TO THE UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 566 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Sharp presiding at 3:55 p.m.

SB 573 w SA 4 was lifted from the table for consideration on motion of Senator Cordrey.

SA 5 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Holloway.

SA 6 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 19 Senators voting YES and 2 (Hale and Littleton) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 573 w SA 4, 6 was then taken on motion of Senator Cordrey and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:05 p.m., Senator Cordrey presiding.

SB 552 was taken up for consideration on motion of Senator Sharp:

SB 552 - AN ACT TO AMEND CHAPTER 5, TITLE 17, OF THE DELAWARE CODE RELATING TO THE DEDICATION OF SUBURBAN COMMUNITY ROADS FOR STATE MAINTENANCE.

The privilege of the floor was extended to John T. Davis (Delaware Department of Transportation) after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Adams, Cordrey and Littleton) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 621 was lifted from the table for consideration on motion of Senator Holloway:

SB 621 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

The Bill was then laid on the table on further motion of the Senator.

SB 617 was taken up for consideration on motion of Senator Holloway:

SB 617 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR THE PURPOSE OF ESTABLISHING A STATE ASSISTED YOUTH WORK PROGRAM FOR PART OF THE SUMMER OF 1980.

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

At 4:43 p.m., Senator Sharp presiding.

SB 621 was lifted from the table for consideration on motion of Senator Holloway.

SA 1 to the Bill which had been placed with the Bill was introduced and considered for adoption on motion of Senator Holloway. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 621 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:58 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 5:15 p.m., Senator Sharp presiding.

The following legislation was introduced:

SA 1 to SB 364. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 364. Sponsor: Senator Murphy. Placed with the Bill.

SB 641 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE POLICE CHIEF'S COUNCIL FOR THE PURPOSE OF DEVELOPING POLICIES AND TRAINING PROGRAMS AND PROCEDURES FOR THE VARIOUS POLICE AGENCIES THROUGHOUT THE STATE OF DELAWARE WITH RESPECT TO THE USE OF DEADLY FORCE. Sponsor: Senator Holloway. Assigned to Finance Committaee.

SB 642 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" AS AMENDED, AND RELATING TO RESIDENCY OF COMMISSIONERS, TIME AND PLACE OF ANNUAL ELECTIONS, MEETINGS OF COMMISSIONERS, AUTHORITY OF COMMISSIONERS, AND AUTHORITY TO BORROW FUNDS. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SA 1 to SB 335. Sponsor: Senator Martin. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 506; SB 491; SB 167 w SA 2; SB 181 w SA 1; SB 296 w SA 2, 3 and adopted SCR 88.

The following legislation was introduced:

HB 866 - AN ACT TO AMEND CHAPTER 51, SECTION 5105 OF TITLE 25, DELAWARE CODE RELATING TO THE SERVICE OF NOTICE UNDER THE LANDLORD-TENANT CODE. Sponsors: Representative Hebner and Senator Hughes. Assigned to Community Affairs Committee.

HB 1008 - AN ACT TO AUTHORIZE NEW CASTLE COUNTY TO SELL CERTAIN LAND TO THE CITY OF WILMINGTON WITHOUT COMPETITIVE BIDDING. Sponsors: Representatives Sincok, McKay, Maroney, George, Gilligan, T. Brady, Cain, Powell, Plant, Jonkiert, Ambrosino, Holloway, Jr., W. Brady; Senators Holloway, Spence and Hughes. Assigned to Administrative Services Committee.

HB 1064 - AN ACT TO AMEND SUBCHAPTER III, OF CHAPTER 1, TITLE 17, DELAWARE CODE, RELATING TO THE AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO ALLOW VENDING MACHINES AND OTHER ITEMS FOR THE DRIVER'S REST AND RELAXATION IN SAFETY ROADSIDE REST AREAS ON AN EXPERIMENTAL BASIS; AND TO FURTHER PROVIDE FOR A SPECIAL FUND WITHIN THE STATE TREASURY TO WHICH SUCH PROFITS SHALL BE EARMARKED. Sponsors: Representative Roy and Senator Martin. Assigned to Highways and Transportation Committee.

HB 747 w HA 2, 4 was taken up for consideration on motion of Senator McCullough:

HB 747 w HA 2, 4 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OF STUDENTS.

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

HB 769 w HA 2 was taken up for consideration on motion of Senator Adams:

HB 769 w HA 2 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, RELATING TO COMPETITIVE BIDDING, BY INCREASING THE MINIMUM AMOUNT OF A CONTRACT BEFORE BIDDING IS REQUIRED.

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

SB 557 was taken up for consideration on motion of Senator Cordrey:

SB 557 - AN ACT TO AMEND CHAPTER 84, TITLE 11, DELAWARE CODE, RELATING TO A POLICE TRAINING PROGRAM.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 557 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 828 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 828 w HA 1 - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO COMPOSITION OF THE COMMISSION ON THE TRANSPORTATION OF HAZARDOUS MATERIALS.

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

HB 792 was taken up for consideration on motion of Senator Cook:

HB 792 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE CRANSTON HEIGHTS FIRE COMPANY FOR THE MAINTENANCE AND OPERATION OF A RESCUE TRUCK.

The privilege of the floor was extended to Larry Mergenthaler (Delaware Volunteer Fireman's Association) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Holloway) NOT VOTING, and 1 (Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 847 was taken up for consideration on motion of Senator Cook:

HB 847 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURPOSE OF PROVIDING SUPPORT TO EMERGENCY FOOD PANTRIES THROUGH CONTRACTUAL SERVICES.

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

SB 631 was taken up for consideration on motion of Senator Cicione:

SB 631 - AN ACT MAKING SUPPLEMENTARY GRANT-IN-AID APPROPRIATION TO THE DELAWARE LAW SCHOOL.

The Bill was then tabled on motion of Senator Knox.

SB 632 was reported out of the Revenue and Taxation Committee: 3 Merits.

The following legislation was introduced:

SA 1 to SB 632. Sponsor: Senator Adams. Placed with the Bill.

SCR 90 - URGING THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND BELLEVUE PARK ASSOCIATES, INC. TO ESTABLISH AN ANNUAL STEEPLECHASE PROGRAM AT BELLEVUE PARK. Sponsor: Senator Holloway.

The Resolution was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES, 1 (Hale) voting NO, and 2 (Hughes and Berndt) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 91 - EXPRESSING SORROW AT THE DEATH OF DR. EUGENE J. SZATKOWSKI, SR. AND OFFERING CONDOLENCES TO THE MEMBERS OF HIS FAMILY. Sponsors: Senator Marshall and Representative Jonkiert.

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

HCR 150 - CONGRATULATING THE SALVATION ARMY FOR 100 YEARS OF GOOD WORKS IN THE UNITED STATES. Sponsor: Representative T. Brady.

The Resolution was considered for adoption on motion of Senator Arnold and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cordrey and Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 149 - MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO THOROUGHLY EXAMINE THE STEEP RATE INCREASES WHICH DELMARVA POWER AND LIGHT COMPANY SEEKS TO IMPOSE ON CERTAIN TOWNS AND MUNICIPALITIES; AND TO EXAMINE THE POSSIBLE UNLAWFULNESS OF THE PROCESS OF CHARGING CUSTOMERS INCREASED RATES PRIOR TO RATE APPROVAL. Sponsors: Representatives Connor, Ambrosino, Cathcart, Fallon, VanSciver, Jonkiert.

The Resolution was laid on the table on motion of Senator Cordrey.

At 5:58 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m., June 19, 1980

The Senate reconvened at 2:08 p.m., June 19, 1980, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 639; SB 313 w SA 1; and adopted SJR 50 and SJR 51.

HB 767 w HA 1 was reported out of the Public Safety Committee: 5 Merits.

The following legislation was introduced:

HS 1 for HB 416 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representative Oberle and Senator Kearns. Assigned to Labor Committee.

HB 897 - AN ACT TO AMEND CHAPTER 58A, TITLE 29 OF THE DELAWARE CODE RELATING TO LAWS REGULATING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE TO PROVIDE FOR HANDLING OF MEDICAID FUNDS. Sponsor: Representative McKay. Assigned to Health and Social Services Committee.

SB 643 - AN ACT TO AMEND CHAPTER 37, TITLE 10, DELAWARE CODE, PROVIDING FOR THE SURVIVAL OF ACTIONS AND CAUSES OF ACTIONS. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 644 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, TO REQUIRE THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS TO INSPECT RETENTION BASINS AND PUMPS AT LEAST ONCE A YEAR, AND TO ENFORCE MAINTENANCE OF SAME. Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SA 8 to SS 1 for SB 582. Sponsor: Senator Cicione. Placed with the Bill.

SA 3 to SB 593. Sponsor: Senator Arnold. Placed with the Bill.

The following Committee reports were announced:

From the Agriculture Committee: HB 620 w HA 2, 3, 5 - 4 Merits; HB 760 w HA 1 - 4 Merits.

SR 107 (sponsored by Senator Holloway) was introduced and considered for adoption on his motion:

SR 107 - COMMENDING THE DIRECTOR OF THE URBAN AGENT PROGRAM AND OTHER STAFF MEMBERS OF THE COLLEGE OF URBAN AFFAIRS AND PUBLIC POLICY OF THE UNIVERSITY OF DELAWARE FOR THEIR HIGHLY PROFESSIONAL EFFORTS IN MAKING THE RECENT CONFERENCE ON THE LONG-TERM CARE OF THE ELDERLY, AT DELAWARE STATE COLLEGE, A RESOUNDING SUCCESS.

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES and 7 (Cicione, Cook, Hale, Marshall, Murphy, Weiss, Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY  
June 19, 1980

The Senate convened at 2:15 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SB 593 w SA 1 was taken up for consideration on motion of Senator Arnold.

SA 1 to SA 2 which had been placed with the Amendment was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cordrey, Holloway, Marshall) ABSENT; therefore, the Amendment to the Amendment was declared adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator McCullough and the roll call vote taken which revealed 16 Senators voting YES, 1 (McDowell) NOT VOTING, and 4 (Cordrey, Holloway, Kearns, Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Arnold and the roll call vote taken which revealed 17 Senators voting YES, 2 (Holloway and McDowell) NOT VOTING, and 2 (Cordrey and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 593 w SA 1, SA 2 as amended by SA 1, SA 3 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 15.

NOT VOTING: Senators Berndt, Holloway, Kearns, Marshall, McDowell - 5.

ABSENT: Senator Zimmerman - 1.



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

On motion of Senator Adams, the roll call on SB 211 was lifted from the table and rescinded.

SA 1 to SB 211 which had been placed with the Bill was then taken up for consideration on motion of Adams and the roll call vote taken; however, before being announced the roll call was laid on the table on further motion of Senator Adams.

The privilege of the floor was extended to James C. Eberly, Sr., Sussex County Land Developers, Inc. after which SB 211 was laid on the table on motion of Senator Adams.

HB 605 w HA 1, 2 was taken up for consideration on motion of Senator Marshall:

HB 605 w HA 1, 2 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE PERIODIC REVIEW AND TERMINATION OF CERTAIN STATE AGENCIES AND PROVIDING FOR A DELAWARE SUNSET ACT.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Murphy. Senators McDowell was added as co-sponsor to the Bill at his request.

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

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

NO: Senators Holloway, Hughes, McCullough - 3.

NOT VOTING: Senator Sharp - 1.

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

Senator Hale was removed as co-sponsor of SB 211 at his request.

At 3:37 p.m., Senator Martin presiding.

SB 211 was lifted from the table for consideration on motion of Senator Adams.

The roll call vote on SA 1 to the Bill which had been tabled was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cordrey, Holloway, Knox, Littleton, Marshall, McDowell, Sharp, Weiss, Zimmerman - 12.

NO: Senators Cook, Martin and Murphy - 3.

NOT VOTING: Senators Hale, Keans, McCullough, Spence - 4.

ABSENT: Senators Arnold and Hughes - 2.

Therefore, the Amendment was declared adopted.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Littleton, Marshall, McDowell, Sharp - 9.

NO: Senators Cook, Hale, Hughes, Kearns, Knox, Martin, McCullough, Murphy, Spence, Zimmerman - 10.

NOT VOTING: Senator Weiss - 1.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared lost.

The roll call vote on SB 211 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

SB 607 was taken up for consideration on motion of Senator Zimmerman:

SB 607 - AN ACT TO AMEND CHAPTER 83, TITLE 11, OF THE DELAWARE CODE, RELATING TO WITHDRAWAL OF PENSION CONTRIBUTIONS.

The privilege of the floor was extended to Don McArle (Board of Pension Trustees) and Tom Sandbach (Senator Attorney) after which the Bill was laid on the table on motion of Senator Zimmerman.

SB 637 was taken up for consideration on motion of Senator Cordrey:

SB 637 - AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD.

SA 1 to the Bill was introduced by Senator Cordrey and consideration for adoption on his motion. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Arnold, Berndt and Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 637 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Arnold, Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator McDowell moved that the necessary rules be suspended for consideration of SB 640.

Senator Hughes objected to the motion; however, he then withdrew his motion.

Therefore, SB 640 was before the Senate for consideration under suspension of the necessary rules:

SB 640 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

The privilege of the floor was extended to Harry Terry and Tom Sandbach (Senate Attorneys) after which the roll call vote on the Bill was taken and revealed:

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

NO: Senators Arnold, McCullough and Spence - 3.

ABSENT: Senators Cicione and Holloway - 2.

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

SB 638 was reported from the Executive Committee - 5 Merits.

SB 638 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 638 - AN ACT TO REQUIRE GRANT-IN-AID APPLICANTS TO SUBMIT ZERO-BASED BUDGETS TO THE GENERAL ASSEMBLY.

Senator Cicione moved that the Bill be laid on the table. The roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Hale, Hughes, McCullough, Weiss - 5.