



STATE OF DELAWARE



JOURNAL OF THE STATE SENATE

SESSION
of the
130TH GENERAL ASSEMBLY

Convened
Tuesday, January 9, 1979
Dover, Delaware

MEMBERS OF THE 130TH GENERAL ASSEMBLY

District Senator

NEW CASTLE

1. HARRIS B. McDOWELL, III - 2311 Baynard Boulevard
Wilmington, Delaware 19802
2. HERMAN M. HOLLOWAY, Sr. - 2008 Washington Street
Wilmington, Delaware 19802
3. ROBERT I. MARSHALL - 1210 Oak Street
Wilmington, Delaware 19805
4. ROBERT J. BERNDT - 312 Beverly Place
Wilmington, Delaware 19809
5. CHARLES E. HUGHES - 1406 Lincoln Avenue
Wilmington, Delaware 19809
6. DANIEL E. WEISS - 2202 Elmfield Road
Wilmington, Delaware 19810
7. ANDREW G. KNOX - 107 Quintyness Drive
Wilmington, Delaware 19807
8. JOHN H. ARNOLD - 2223 Downing Lane
Wilmington, Delaware 19804
9. THOMAS B. SHARP - 2226 E. Huntington Drive
Wilmington, Delaware 19808
10. EVERETTE HALE - 109 Meriden Drive
Newark, Delaware 19711
11. ANTHONY J. CICIONE, Sr. - Box 2656
Wilmington, Delaware 19805
12. CALVIN R. McCULLOUGH - 605 Central Avenue
New Castle, Delaware 19720
13. FRANCIS J. KEARNS - 23 East Edinburgh Drive
New Castle, Delaware 19720
14. ROGER A. MARTIN - 13 Pinedale Road
Newark, Delaware 19711
15. WINIFRED M. SPENCE - Post Office Box 187
Odessa, Delaware 19730

KENT

16. NANCY W. COOK - Post Office Box 127
Kenton, Delaware 19955
17. JACOB W. ZIMMERMAN - Post Office Box 775
Dover, Delaware 19901

18. WILLIAM M. MURPHY, Jr. - 1437 Nathaniel Mitchell Road
Dover, Delaware 19901

SUSSEX

19. THURMAN ADAMS, Jr. - Post Office Box 218
Bridgeville, Delaware 19933
20. RICHARD S. CORDREY - River Drive - Box 486
Millsboro, Delaware 19966
21. LEE LITTLETON - 135 Sharptown Road
Laurel, Delaware 19956

SENATE STAFF

Betty Jean Caniford, Secretary
John W. Elliott, Jr., Assistant Secretary

Louise C. Allen
Margaret M. Anstine
Joyce A. Baynard
Deborah C. Bennett
David R. Bethards
Bernard J. Brady
Evelyn M. Bramble
Nancy J. Burbage
Vincent P. Bove
Regina F. Brainard
Doris M. Carello
Mary M. Carey
Juanita G. Carter
Robert H. Carter
Barbara Chaffinch
Patricia M. Darpino
Dorothy E. Dorris
Deborah L. Eisenbrey
John Eoppolo
Robert Fisher
Anne T. Fitzgerald
Colin Flaherty
Karen Forsythe
Nancy R. Green
Patricia A. Hagarty
Loretta Heffron
Ella J. Hillis
Brian J. Howard
Irene Larkin
Judith A. Lemley
Catherine E. Lenoir
J. Edwin Lewis
Mildred C. Link
John A. Mancus
Carol A. Manuel
Mary Alice McKone
Donald McLaughlin
Charlena Murdock

Mae F. Northwood
Richard L. Norwood
Valerie W. Parsons
Jennifer Potocki
Barbara Lynn Prager
Rebecca L. Price
Michael Rizzo
Francisco Rodriguez
Jack K. Russell
G. Thomas Sandbach
Diane S. Sansone
Dale R. Scuse
Eleanor A. Sevinski
Tracy Shy
Joyce Singer
Diane E. Spence
Kay A. Spence
Carol A. Spillane
Charles P. Staats
Paul H. Steele, Sr.
Phyllis D. Stevenson
Howard M. Teal, Sr.
Harry K. F. Terry
Susan P. Tester
Helen C. Truitt
Suzanne C. Tuill
Joseph A. Ullrich
Elizabeth M. Walker
Oscar D. Walker
Susan Walker
Bonnie Lynne Warrington
Michael D. Wilbur
David E. Wilkins
Verna A. Wilkins
Susan Wilkinson
Trafinna R. Wilson
Helen A. Wortz
Susan L. Zimmerman

130TH GENERAL ASSEMBLY
1ST LEGISLATIVE DAY
DOVER, DELAWARE
JANUARY 9, 1979

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 1:32 p.m., January 9, 1979, Lieutenant Governor McGinnis presiding.

A Prayer was offered by Reverend William Hudson.

Pledge of Allegiance to the Flag.

The roll call of the hold-over Senators was taken and revealed:

PRESENT: Senators Arnold, Cicione, Cook, Cordrey, Hale, Kearns, Littleton, McCullough, McDowell, Spence, Weiss - 11.

Having been certified by reading of the certificates of election by the Superior Courts of the three counties, the following were sworn into office: Senators Berndt, Knox, Hughes, Adams, Martin, Holloway, Zimmerman, Murphy, Sharp, Marshall.

Illustration of Certificate of Election:

The State of Delaware

Kent County, ss.

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

Jacob W. Zimmerman

was duly elected Senator for the 17th Senatorial District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William Marvel and George R. Wright constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November A.D. 1978

William Marvel, Chancellor

George R. Wright, Resident Associate Judge

* * * * *

SR 1 (sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption on motion of Senator Cordrey:

SR 1 - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE.

BE IT RESOLVED by the Senate of the 130th General Assembly of the State of Delaware that the following constitute the permanent roll of the Senate of the 130th General Assembly: Thurman Adams, Jr., John H. Arnold, Robert J. Berndt, Tony Cicione, Nancy W. Cook, Richard S. Cordrey, Everette Hale, Herman M. Holloway, Sr., Charles E. Hughes, Francis J. Kearns, Andrew G. Knox, Lee Littleton, Robert Marshall, Roger A. Martin, Calvin R. McCullough, Harris B. McDowell, III, William M. Murphy, Jr., Thomas B. Sharp, Winifred M. Spence, Daniel E. Weiss, Jake Zimmerman.

All of the Senators answered PRESENT and the above was adopted as the permanent roll call of the 130th General Assembly.

SR 2 (sponsored by Senators Sharp and McCullough) was introduced and considered for adoption:

SR 2 - IN REFERENCE TO ELECTION OF PRESIDENT PRO TEMPORE:

BE IT RESOLVED by the Senate of the 130th General Assembly of the State of Delaware that Richard S. Cordrey be and is hereby elected to the Office of President Pro Tempore of the Senate for the duration of the 130th General Assembly of the State of Delaware.

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

On motion of Senator Adams, the Oath of Office of President Pro Tempore was sworn to by Senator Cordrey.

Senator Cordrey announced on behalf of the Majority Party that Senator Sharp was the Majority Leader and Senator McCullough was the Majority Whip.

Senator Berndt announced on behalf of the Minority Party that Senator Knox was the Minority Leader and Senator Arnold the Minority Whip.

SR 3 (sponsored by Senators Cordrey and Sharp) was introduced:

SR 3 - IN REFERENCE TO ELECTION OF OFFICERS.

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

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

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

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

NOT VOTING: Senators Hale, Hughes, Sharp, Spence - 4.

Therefore, the Amendment was declared defeated.

The roll call vote on SR 3 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted and the oath of office of Secretary of the Senate was administered to Betty Jean Caniford by Lt. Governor, James D. McGinnis.

SR 4 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption:

SR 4 - IN REFERENCE TO TEMPORARY RULES OF THE DELAWARE STATE SENATE.

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

SR 5 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption:

SR 5 - APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS ORGANIZED.

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

Pursuant to the above Resolution, the Chair appointed Senators Cook and Weiss to inform the Governor that the Senate was organized.

SR 6 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption:

SR 6 - APPOINTING A COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES THAT THE SENATE IS ORGANIZED.

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

Pursuant to the above Resolution, the Chair appointed Senators McDowell and Hughes to inform the House that the Senate was organized.

SR 7 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption:

SR 7 - AUTHORIZING THE LEGISLATIVE COUNCIL TO FURNISH POSTAGE FOR THE FIRST SESSION OF THE 130TH GENERAL ASSEMBLY.

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

SJR 1 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption on motion of Senator Cordrey:

SJR 1 - IN REFERENCE TO THE ELECTION OF OFFICERS.

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

At 2:28 p.m on motion of Senator Cordrey, the Senate recessed and reconvened at 3:33 p.m., Lt. Governor McGinnis presiding.

The following communications were read into the record at the request of the President Pro Tem, Senator Cordrey:

STATE OF DELAWARE
SENATE
DOVER, DELAWARE

January 9, 1979

TO: All Senators 130th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Committee Assignments

Attached please find the committee assignments for the Delaware State Senate, 130th General Assembly:

ADMINISTRATIVE SERVICES: Harris B. McDowell, Chairman; Robert Marshall, William Murphy, Nancy W. Cook, Everette Hale, Charles E. Hughes.

ADULT AND JUVENILE CORRECTIONS: Thomas B. Sharp, Chairman; Nancy W. Cook, Herman M. Holloway, Sr., Charles E. Hughes, Winifred Spence.

AGING: Herman M. Holloway, Sr., Chairman; Robert Marshall, Francis J. Kearns, Andrew G. Knox, John H. Arnold.

AGRICULTURE: Thurman Adams, Chairman; Nancy W. Cook, Richard S. Cordrey, Anthony Cicione, John H. Arnold, Lee Littleton, Winifred M. Spence.

BANKING, INSURANCE AND ELECTIONS: William Murphy, Chairman; Calvin R. McCullough, Jake Zimmerman, Lee Littleton, Daniel E. Weiss.

COMMUNITY AFFAIRS: Robert Marshall, Chairman; Harris B. McDowell, Thurman Adams, Daniel E. Weiss, Winifred M. Spence, Jake Zimmerman.

EDUCATION: Calvin R. McCullough, Chairman; Robert Marshall, Francis J. Kearns, Anthony Cicione, Jake Zimmerman, Everette Hale, Lee Littleton.

ENERGY: Harris B. McDowell, Chairman; Roger A. Martin, Calvin R. McCullough, John H. Arnold, Andrew G. Knox.

EXECUTIVE: Thurman Adams, Chairman; Thomas B. Sharp, Richard S. Cordrey, Roger A. Martin, John H. Arnold, Andrew G. Knox.

FEDERAL AND STATE RELATIONS: Herman M. Holloway, Sr., Chairman; William Murphy, Calvin R. McCullough, Everette Hale, Daniel E. Weiss.

FINANCE: Nancy W. Cook, Chairman; Anthony Cicione, Herman M. Holloway, Sr., Francis J. Kearns, Harris B. McDowell, Lee Littleton, Everette Hale.

GRANT AND AID: Anthony Cicione, Chairman; Thurman Adams, Herman M. Holloway, Sr., Charles E. Hughes, Daniel E. Weiss.

HEALTH AND SOCIAL SERVICES: Herman M. Holloway, Sr., Chairman; Robert Marshall, Francis J. Kearns, Robert J. Berndt, Andrew G. Knox.

HIGHWAYS AND TRANSPORTATION: Roger A. Martin, Chairman; Harris B. McDowell, Thomas B. Sharp, Nancy W. Cook, Robert J. Berndt, Charles E. Hughes.

JUDICIARY: Anthony Cicione, Chairman; Harris B. McDowell, Francis J. Kearns, Daniel E. Weiss, Winifred M. Spence.

LABOR AND INDUSTRIAL RELATIONS: Francis J. Kearns, Chairman; Roger A. Martin, Calvin R. McCullough, Anthony Cicione, Thomas B. Sharp, Lee Littleton, Everette Hale.

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL: Jake Zimmerman, Chairman; Roger A. Martin, William Murphy, Richard S. Cordrey, Robert J. Berndt, Andrew G. Knox.

PUBLIC SAFETY: Richard S. Cordrey, Chairman; William Murphy, Thomas B. Sharp, Thurman Adams, Robert J. Berndt, Charles E. Hughes.

REVENUE AND TAXATION: Richard S. Cordrey, Chairman; Calvin R. McCullough, Robert Marshall, Robert J. Berndt, John H. Arnold.

* * * * *

STATE OF DELAWARE
SENATE
DOVER, DELAWARE

January 9, 1979

TO: All Senators 130th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Ethics Committee

I would like to submit the following names as my appointment to the Ethics Committee of the Senate: Calvin R. McCullough, Andrew G. Knox, John H. Arnold, Richard S. Cordrey, Thomas B. Sharp.

* * * * *

STATE OF DELAWARE
SENATE
DOVER, DELAWARE

January 9, 1979

TO: All Senators 130th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Delaware Commission on Interstate Cooperation
Appointment

I would like to submit the following names as my appointment to the Delaware Commission on Interstate Cooperation: Calvin R. McCullough, Thurman Adams, Robert J. Berndt.

* * * * *

STATE OF DELAWARE
SENATE
DOVER, DELAWARE

January 9, 1979

TO: All Senators 130th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Legislative Council Appointment

I would like to submit the following name as my appointment to Legislative Council: Nancy W. Cook

* * * * *

Senator Knox announced that he and Senator Hughes were the Minority Party's appointments to Legislative Council.

At 3:40 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 10, 1979.

The Senate reconvened at 2:21 p.m. Lt. Governor McGinnis presiding and on motion of Senator Cordrey immediately adjourned to convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY
January 10, 1979

The Senate convened at 2:20 p.m. January 10, 1979, 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 adopted SJR 1.

SR 8 (Sponsored by Senator Holloway) was introduced and laid on the table at his request.

SR 8 - COMMENDING EARL J. REED, JR., A MEMBER OF THE NEW CASTLE COUNTY BOARD OF EDUCATION, FOR HIS OUTSTANDING PUBLIC SERVICE.

SR 9 (Sponsored by Senator Hughes) was introduced and laid on the table on motion of Senator Cordrey in the absence of the sponsor:

SR 9 - REQUESTING THE PRESIDENT PRO TEM TO APPOINT A PERMANENT ETHICS COMMITTEE FOR THE SENATE.

SCR 1 (Sponsored by Senator Hughes) was introduced and laid on the table on motion of Senator Berndt in the absence of the sponsor:

SCR 1 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO TAKE SUCH ACTION AS IS REQUIRED TO RETAIN THE MUTUAL DEFENSE PACT WITH TAIWAN.

SCR 2 (Sponsored by Senator Adams and Representative Clendaniel) was introduced and laid on the table at the request of Senator Adams:

SCR 2 - WELCOMING RODDER PURNELL TO THE OPENING SESSION OF THE 130TH GENERAL ASSEMBLY OF DELAWARE.

The following legislation was introduced:

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. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 2 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 8 OF THE CONSTITUTION TO PROVIDE FOR A THREE-FIFTHS VOTE OF THE GENERAL ASSEMBLY TO ENACT LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES; TO PROVIDE AN EXCEPTION THERETO FOR LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES TO SATISFY THE STATE'S PLEDGE OF ITS FAITH AND CREDIT FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT AFTER PROVISION HAS BEEN MADE ANNUALLY FOR SUCH PAYMENT; AND TO PROVIDE FOR THE ALLOCATION OF PUBLIC MONEYS TO MAKE SUCH PAYMENTS. Sponsors: Senators Zimmerman, Knox, Arnold, Berndt, Cicione, Hughes, Littleton, McDowell, Murphy, Weiss; Representatives Sincock, Ambrosino, T. Brady, W. Brady, Cain, Connor, George, Gilligan, Hebner, Matushefske, Maxwell, McKay, Oberle, Powell, Riddagh, Roy, Smith, Vernon. Assigned to Revenue and Taxation Committee.

SB 3 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY. Sponsors: Senators Cicione and Kearns. Assigned to Community Affairs Committee.

SB 4 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO NUCLEAR POWER PLANTS; AND PROVIDING FOR A MORATORIUM ON ANY FURTHER CONSTRUCTION UNTIL CERTAIN CONDITIONS ARE MET. Sponsor: Senator McDowell. Assigned to Energy Committee.

SB 5 - AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PERMIT SCHOOL BUS CONTRACTORS TO PURCHASE AND OPERATE SCHOOL BUSES PURCHASED BY THE STATE FOR USE IN THE NEW CASTLE COUNTY SCHOOL DISTRICT. Sponsor: Senator Cicione. Assigned to Education Committee.

SB 6 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR. Sponsors: Senators Cook and Cordrey; Representatives Gordy and Kelly. Assigned to Finance Committee.

SB 7 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR. Sponsors: Senators Cook and Cordrey; Representatives Gordy and Kelly. Assigned to Finance Committee.

SB 8 - AN ACT TO AMEND TITLES 14, 19 AND 29 OF THE DELAWARE CODE RELATING TO PUBLIC EMPLOYEES AND THEIR RIGHT TO ORGANIZE. Sponsor: Senator Cicione. Assigned to Labor Committee.

SB 9 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, PERTAINING TO STATE HOLIDAYS, TO MAKE RETURNS DAY A HOLIDAY IN SUSSEX COUNTY. Sponsor: Senator Littleton. Assigned to Executive Committee.

On motion of Senator Hughes, SCR 1 was lifted from the table; however, before action was taken on the Resolution it was again tabled on motion of Senator McDowell.

At 2:42 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:38 p.m., Lt. Governor McGinnis presiding.

SB 10 (Sponsored by Senator Hale) was introduced and assigned to Revenue and Taxation Committee:

SB 10 - AN ACT TO AMEND CHAPTER 11, PART II, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX.

HCR 1 (Sponsored by Representative Wm. Brady) was introduced and considered for adoption on motion of Senator Kearns. All of the Senators and the Lt. Governor were added as co-sponsors of the Resolution:

HCR 1 - COMMENDING COACH HAROLD (TUBBY) RAYMOND OF THE UNIVERSITY OF DELAWARE FOOTBALL TEAM FOR HIS SELECTION AS THE NATION'S COACH OF THE YEAR IN DIVISIONS II AND III OF DISTRICT II.

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

SJR 2 (Sponsored by Senator Murphy) was introduced:

SJR 2 - IN REFERENCE TO SENATE JOINT RESOLUTION NO. 44 RELATING TO THE SPECIAL COMMISSION ESTABLISHED TO STUDY WORKMEN'S COMPENSATION LAWS IN DELAWARE, BY AUTHORIZING THE INSURANCE COMMISSIONER TO APPOINT AN ADDITIONAL PERSON TO THE COMMITTEE AND EXTENDING THE COMMITTEES' REPORTING DATE FROM MARCH 1, 1979 TO APRIL 1, 1979.

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

SB 11 (Sponsored by Senator Murphy) was introduced and assigned to the Banking, Insurance and Elections Committee:

SB 11 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION.

HCR 2 (Sponsored by Representative W. Brady) was introduced and considered for adoption on motion of Senator Arnold:

HCR 2 - CONGRATULATING THE MIDDLETOWN HIGH SCHOOL FOOTBALL TEAM AND COACH BILL BILLINGS FOR WINNING THE 1978 CHAMPIONSHIP IN DIVISION II.

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

HCR 3 (Sponsored by Representatives Bennett and Plant) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 3 - CONGRATULATING EMMA C. DURAZZO, OF DOVER, ON HER PROMOTION TO THE RANK OF MAJOR IN THE DELAWARE ARMY NATIONAL GUARD.

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

HJR 1 (sponsored by Representatives Gordy and Minner) was introduced:

HJR 1 - IN REFERENCE TO ELECTION OF OFFICERS.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 19 Senators voting YES and 2 (Hughes and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 4:58 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 11, 1979.

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

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY January 11, 1979

The Senate convened at 2:27 p.m., January 11, 1979, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Berndt.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal for the 2nd Legislative Day was approved as read.

HCR 4 (Sponsored by Representative Bennett) was introduced and laid on the table on motion of Senator Cicione:

HCR 4 - REQUESTING ALL DEPARTMENTS, AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES WHO RECEIVE PUBLIC FUNDS TO CONSERVE PAPER BY PRINTING BACK TO BACK.

The following legislation was introduced:

SB 12 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE RELATING TO CIVIL JURISDICTION OF THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE. Sponsors: Senators Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 13 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE X OF THE CONSTITUTION TO PROVIDE FOR A VOTE OF THE ELIGIBLE VOTERS OF A SCHOOL DISTRICT WHEN IT IS PROPOSED TO DIVERT PROPERTY TAXES RAISED FOR ONE PURPOSE TO ANOTHER PURPOSE. Sponsor: Senator Cordrey. Assigned to Education Committee.

SB 14 - AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO LICENSE FEE FOR BINGO GAMES. Sponsor: Senator Zimmerman. Assigned to Administrative Services Committee.

SB 15 - AN ACT TO AMEND CHAPTER 7, TITLE 29, DELAWARE CODE RELATING TO COMPENSATION AND EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 16 - AN ACT TO AID THE LAUREL SENIOR CENTER, BY MAKING AN APPROPRIATION THEREFORE. Sponsors: Senators Cicione and Littleton; Representative Gordy. Assigned to the Grant-and-Aid Committee.

SR 10 - IN REFERENCE TO THE TEMPORARY RULES OF THE SENATE. Sponsors: Senators McDowell, Cook and Weiss. The Resolution was laid on the table at the request of Senator McDowell.

SJR 3 - REQUESTING JUANITA M. KREPS, SECRETARY OF THE DEPARTMENT OF COMMERCE, TO USE HER AUTHORITY TO ASSURE THE GRANT OF A \$70 MILLION LOAN TO ASSIST THE PHOENIX STEEL COMPANY OF CLAYMONT. Sponsors: Senators Hughes and Holloway; Representatives Hebner and Loughney.

On motion of Senator Hughes, the necessary rules were suspended for consideration of the Resolution 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.

Senator Littleton and Senator Martin were marked PRESENT.

At 2:40 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:02 p.m., Lt. Governor McGinnis presiding.

SCR 3 (Sponsored by Senator Cicione and Representative Ambrosino) was introduced and considered for adoption on motion of Senator Cicione:

SCR 3 - ESTABLISHING A JOINT SOCIAL SERVICES COMMITTEE; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 3 (Cordrey, Knox and McDowell) voting NO and 1 (Hale) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 11 was stricken from the calendar at the request of the sponsor, Senator Murphy.

At 5:33 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 16, 1979.

The Senate reconvened at 2:29 p.m. January 16, 1979, Lt. Governor McGinnis presiding.

SA 1 to SB 5 was introduced by Senator Cicione and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 3.

The following legislation was introduced:

SB 17 - AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE, TO PERMIT THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ENTER INTO A 25-YEAR LEASE FOR THE USE OF CERTAIN LANDS UNDER ITS CONTROL. Sponsors: Senators Cordrey and Berndt. Assigned to Natural Resources and Environmental Control Committee.

SB 18 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION AGAINST YOUTHFUL DRIVERS BECAUSE OF SEX. Sponsors: Senator Murphy; Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SB 19 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 20 - AN ACT TO AMEND TITLES 24 AND 31, DELAWARE CODE, RELATING TO THE ELIGIBILITY OF CHIROPRACTIC PHYSICIANS FOR COMPENSATION FROM INSURANCE, GROUP HOSPITAL SERVICES AND RELATED PLANS; AND FURTHER PROVIDING MEDICAL CARE TO THE INDIGENT AND MEDICALLY INDIGENT. Sponsor: Senator Murphy. Assigned to Health and Social Services Committee.

SB 21 - AN ACT TO AMEND TITLE 21, DELAWARE CODE BY ADDING A NEW CHAPTER 70 RELATING TO STOPPING STANDING OR PARKING IN DESIGNATED FIRE LANES AND AREAS ESSENTIAL TO FIRE SAFETY AND PROVIDING PENALTIES THEREFOR. Sponsors: Senators McCullough and Hughes. Assigned to Public Safety Committee.

SB 22 - AN ACT TO AMEND SUBCHAPTER 3, CHAPTER 11, TITLE 9 OF THE DELAWARE CODE RELATING TO TAXATION TO SUPPORT THE GENERAL OPERATING BUDGET FOR NEW CASTLE COUNTY. Sponsors: Senators Hughes and Sharp. Assigned to Community Affairs Committee.

SB 23 - AN ACT TO AMEND SECTION 1421, CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO SEWER MAINTENANCE IN NEW CASTLE COUNTY. Sponsors: Senators Hughes and Sharp. Assigned to Community Affairs Committee.

SB 24 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE TO PERMIT THE SALE OF ALCOHOLIC LIQUOR ON SUNDAY. Sponsors: Senator Martin and Representative Matushefske. Assigned to Administrative Services Committee.

SB 25 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN A PRIOR FISCAL YEAR. Sponsors: Senator Martin and Representative Petrilli. Assigned to Highways and Transportation Committee.

At 2:33 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY
January 16, 1979

The Senate convened at 2:33 p.m., January 16, 1979, 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.

SA 1 to SR 10 (Sponsored by Senators Adams and Holloway) was introduced and placed with the Resolution.

SR 11 (Sponsored by Senators McDowell, Cook and Weiss) was introduced and laid on the table:

SR 11 - IN REFERENCE TO THE TEMPORARY RULES OF THE SENATE.

SR 12 was introduced by Senator Holloway and considered for adoption on his motion:

SR 12 - COMMEMORATING THE BIRTHDAY OF THE LATE MARTIN LUTHER KING, JR.

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

Senator McDowell was marked PRESENT.

SCR 4 (Sponsored by Senators Marshall and Kearns; Representatives Jonkiert and Matushefske) was introduced and considered for adoption on motion of Senator Marshall:

SCR 4 - JOINING IN THE CELEBRATION OF A NEW POPE, JOHN PAUL II, THE FIRST POLISH POPE IN 455 YEARS AND THE 264TH PONTIFF OF THE ROMAN CATHOLIC CHURCH.

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

HJR 2 (Sponsored by Representatives T. Brady and George and Senator McDowell) was introduced:

HJR 2 - REQUESTING BROCK ADAMS, SECRETARY OF TRANSPORTATION, TO MAKE FEDERAL FUNDS AVAILABLE FOR THE IMMEDIATE REPLACEMENT OF THE AUGUSTINE BRIDGE, PART OF PRINCIPAL HIGHWAY SYSTEM OF THE CITY OF WILMINGTON, DELAWARE.

On motion of Senator McDowell, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 19 Senators voting YES; 1 (McCullough) voting NO; and 1 (Adams) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 5 (Sponsored by Representative Cain) was introduced and laid on the table on motion of Senator Cook:

HCR 5 - ESTABLISHING A LEGISLATIVE COMMITTEE TO ASSESS THE PRESENT AND NEAR-FUTURE SPACE REQUIREMENTS OF THE GENERAL ASSEMBLY; AND PROVIDING THAT SUCH COMMITTEE SHALL MEET WITH THE GOVERNOR AND WITH THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES IF SUCH MEETINGS WOULD BE HELPFUL.

At 3:07 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:28 p.m., Lt. Governor McGinnis presiding.

Senator Adams was marked PRESENT.

Legislative Advisories #1 and #2 received from the Office of Counsel to the Governor were read which informed the Senate that the Governor had signed SJR 1 on January 10 and SJR 3 on January 11, 1979.

The following legislation was introduced:

SB 26 - AN ACT TO AMEND CHAPTER 7, OF TITLE 4, DELAWARE CODE RELATING TO THE SALE OF ALCOHOLIC LIQUOR. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 27 - AN ACT TO AMEND CHAPTER 9, TITLE 26, DELAWARE CODE RELATING TO AVAILABILITY OF COIN-OPERATED TELEPHONES FOR EMERGENCY PURPOSES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 28 - AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE, RELATING TO ANNUAL REPORTS. Sponsor: Senator Hughes. Assigned to Executive Committee.

SB 29 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO THE RIGHT OF APPLICANTS FOR STATE EMPLOYMENT AND STATE EMPLOYEES SEEKING PROMOTION TO EXAMINE RESULTS AND EVALUATIONS OF TESTS REQUIRED AS A CONDITION FOR EMPLOYMENT OR PROMOTION. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 30 - AN ACT TO AMEND SUBCHAPTER I, OF CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE DISTRIBUTION AND SALE OF GAS FOR USE IN AN APPLIANCE EQUIPPED WITH ANY CONTINUOUS EMISSION STARTER SYSTEM. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 31 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO THE POSTING WITHIN LICENSED LIQUOR ESTABLISHMENTS THE WARNING THAT ALCOHOL MAY BE DANGEROUS TO YOUR HEALTH AND SAFETY. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 32 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 33 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO TRUST FUNDS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 34 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF DOVER AND KENT COUNTY. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 35 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO AUTHORIZE LEGAL EXPENSE INSURANCE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SR 13 (Sponsored by Senators Cordrey and Sharp) was introduced and considered for adoption on motion of Senator Cordrey:

SR 13 - IN REFERENCE TO ELECTION OF STAFF.

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.

HCR 7 (Sponsored by Representatives Gordy and Minner) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 7 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED TO HEAR THE PRESENTATION OF THE GOVERNOR'S ANNUAL STATE OF THE STATE ADDRESS.

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 by the Senate and returned to the House.

HCR 8 (Sponsored by Representatives West and Gordy; Senators Cordrey and Littleton) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 8 - CONGRATULATING JOE BEN HUDSON, OF MISSION, SUSSEX COUNTY, AS HE CELEBRATES HIS 105TH BIRTHDAY ON JANUARY 26, 1979.

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 by the Senate and returned to the House.

HJR 4 (Sponsored by Representative Harrington) was introduced:

HJR 4 - MEMORIALIZING AND URGING EACH MEMBER OF THE DELAWARE CONGRESSIONAL DELEGATION TO MAKE EVERY EFFORT, ON BEHALF OF THE STATE OF DELAWARE, TO INSURE THAT THE UNCLAIMED BODIES OF MEMBERS OF THE PEOPLE'S TEMPLE ARE NOT BURIED WITHIN THE STATE OF DELAWARE BY THE FEDERAL GOVERNMENT.

On motion of Senator Knox, the necessary rules were suspended for consideration of the Resolution; however, before final action was taken, a technical error was detected and on motion of Senator Berndt, the Resolution was returned to the House for correction.

Senator Weiss introduced a group of University of Delaware students who were present in the the Chamber to the Senate.

At 4:47 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 17, 1979.

The Senate reconvened at 2:20 p.m. January 17, 1979, President Pro Tempore Cordrey presiding.

On motion of Senator Sharp, the Senate immediately adjourned to convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY
January 17, 1979

The Senate convened at 2:20 p.m., January 17, 1979, President Pro Tempore 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, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Hale - 1.

The Journal of the 4th Legislative Day was approved as read.

Senator Martin was marked PRESENT.

SB 36 (Sponsored by Senator Murphy) was introduced and assigned to Banking, Insurance and Elections Committee:

SB 36 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO STATUTORY CODIFICATION OF THE LAWS OF PRODUCTS LIABILITY LITIGATION.

Senators Murphy and Spence were marked PRESENT.

At 2:25 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:04 p.m., Senator Cordrey presiding.

The following legislation was introduced:

HB 25 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND PRESCRIBING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE A NEW TIME FOR FILING PETITIONS FOR NOMINATIONS, TO PROVIDE A NEW TIME FOR REVIEW OF PETITIONS FOR NOMINATIONS, AND TO PROVIDE A NEW TIME FOR THE ANNUAL MUNICIPAL ELECTION. Sponsors: Representative Vernon and Senator Cordrey. Assigned to Community Affairs Committee.

HB 28 - AN ACT TO AMEND CHAPTER 84, PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM; AND PROVIDING AN ADDITIONAL MEMBER FOR THE COUNCIL ON POLICE TRAINING. Sponsor: Representative Oberle. Assigned to Public Safety Committee.

Senator Zimmerman marked PRESENT.

HCR 9 - IN MEMORY OF HUBERT H. HUMPHREY, THE HAPPY WARRIOR WHO PASSED THIS LIFE ON JANUARY 13, 1978. Sponsor: Representative Plant.

On motion of Senator Sharp, the Resolution was considered for adoption and the roll call vote taken and revealed 19 Senators voting YES and 2 (Hale and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 4 w HA 1 - MEMORIALIZING AND URGING EACH MEMBER OF THE DELAWARE CONGRESSIONAL DELEGATION TO MAKE EVERY EFFORT, ON BEHALF OF THE STATE OF DELAWARE, TO INSURE THAT THE UNCLAIMED BODIES OF MEMBERS OF THE PEOPLE'S TEMPLE ARE NOT BURIED WITHIN THE STATE OF DELAWARE BY THE FEDERAL GOVERNMENT.

Senator Hughes moved that the necessary rules be suspended for consideration of the Resolution. There was no objection, so the Resolution was before the Senate.

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

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

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

ABSENT: Senators Hale and McCullough - 2.

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

HCR 5 was lifted from the table for consideration on motion of Senator Martin and the roll call vote taken which revealed:

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

NO: Senators Spence and Zimmerman - 2.

ABSENT: Senators Hale and McCullough - 2.

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

HCR 4 was lifted from the table on motion of Senator McDowell and considered for adoption. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hale and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following legislation was introduced:

SB 37 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; PROHIBITING RESTRAINTS OF TRADE AND MONOPOLISTIC PRACTICES; PROVIDING REMEDIES AND PENALTIES THEREFOR; AND REPOSING POWERS AND DUTIES IN THE ATTORNEY GENERAL. Sponsors: Senators Kearns, Berndt and Zimmerman. Assigned to Judiciary Committee.

SB 38 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS AND EMPLOYEES. Sponsor: Senator Weiss. Assigned to Executive Committee.

SB 39 - AN ACT TO AMEND CHAPTER 407 AND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, RELATING TO THE ANNUAL APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; AND PROVIDING SALARY INCREASES FOR CERTAIN STATE EMPLOYEES. Sponsors: Senators Kearns, Murphy and Cicione. The Bill was laid on the table on motion of Senator Kearns.

SB 40 - AN ACT PURSUANT TO 22 DELAWARE CODE, SECTION 813 (c), NEGATING THE VOTE ON NOVEMBER 7, 1978, BY THE CITIZENS OF THE CITY OF WILMINGTON ON THE QUESTION OF ADDING AN ANNEXATION AMENDMENT (PROPOSED SECTION 1-105) TO THE WILMINGTON HOME RULE CHARTER OF 1979. Sponsors: Senators Sharp, Cicione, Kearns, Murphy, Berndt, Hughes, Arnold; Representatives Maxwell, Loughney, Roy, Petrilli, McKay, Cathcart, Maroney, Smith, Powell, Oberle, Connor, Ambrosino, Burris, Vernon, Hebner, Sincock. The Bill was laid on the table on motion of Senator Sharp.

SB 41 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING FOR AN INCREASE IN THE AMOUNT OF MONEY PERMITTED TO BE EARNED BY PERSONS UNDER THE STATE EMPLOYEES' PENSION PLAN. Sponsors: Senators Martin, Holloway, Kearns, Marshall. Assigned to Finance Committee.

SB 42 - AN ACT TO AMEND PART III, TITLE 12 OF THE DELAWARE CODE RELATING TO GOVERNING THE DISCLAIMER OF INTERESTS IN PROPERTY. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

The following Committee reports were announced:

From the Revenue and Taxation Committee: SB 1 - 4 Favorable; SB 2 - 4 Favorable.

From the Executive Committee: SB 15 - 4 Merits, 2 Unfavorable.

From the Public Safety Committee: SB 21 - 5 Merits.

At 4:44 p.m. on motion of Senator Sharp, the Senate recessed until 1:00 p.m. January 18, 1979.

The Senate reconvened at 1:05 p.m. January 18, 1979, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY January 18, 1979

The Senate convened at 1:05 p.m. Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SCR 5 (Sponsored by Senator Adams and Representative Clendaniel) was introduced and considered for adoption on motion of Senator Adams:

SCR 5 - WELCOMING RODDER PURNELL TO THE 130TH GENERAL ASSEMBLY OF DELAWARE.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Martin, Spence and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 1:18 p.m. on motion of Senator Cordrey, the Senate recessed in order to convene with the House in Joint Session for the State of the State address by the Governor.

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

JOINT SESSION

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

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

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

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

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

Lt. Governor McGinnis
Mr. President Pro Tempore Cordrey
Mr. Speaker Ferguson
Members of the 129th General Assembly
Ladies and Gentlemen

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

Today, Delaware is better -- much better.

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

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

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

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

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

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

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

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

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

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

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

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

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

- *Jobs for Delaware's breadwinners;

- *Education to prepare the young for work or advanced education;

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

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

- *Continued fiscal responsibility, with no tax increases.

JOBS FOR DELAWARE

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

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

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

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

So will approval in the 1980 budget proposal of additional economic development resources. One of the disappointments of 1978 was the failure of the General Assembly to approve the economic development program I proposed in April -- the tourism development dollars, and the industrial development personnel we need to compete successfully with our sister states. I hope the General Assembly will make them available this year.

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

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

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

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

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

EDUCATION FOR DELAWAREANS

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

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

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

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

But parents in Delaware want the very best basic education we can provide. A recent survey determined that 65% of our parents believe the schools are providing quality education to students. But many parents believe we could do better -- much better. They cite high moral values and better basic education as the most important qualities in school programs. I've

talked with many of those parents, and I'm concerned as they are that we find a way to strengthen these sound American principles in our educational system. I believe we have found a way -- through fundamental schools.

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

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

HUMAN CARE

As much as we might wish for everyone to be fully educated and employable, there are people in our State who cannot reach this goal by themselves. We recognize our responsibilities to the very old, the very poor, the handicapped and the afflicted.

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

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

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

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

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

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

ROADS AND HIGHWAYS

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

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

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

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

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

Seeking equality of opportunity for all our citizens is a constant challenge in our society -- a challenge that my Administration has sought to meet from the first day of its life. Our commitment to peaceful desegregation was perhaps the most obvious evidence of our efforts. But there are others: bringing women and minorities into the cabinet and into key positions in the Administration -- chairmanship of the Public Service Commission, chairmanship of the Economic and Financial Advisory Council, Executive Director of Delaware's new Washington Office, appointment of more than one hundred minority individuals and two hundred women to commissions and positions in State government, the ongoing affirmative action program to ensure fairness of opportunity in Delaware government. In concrete terms, we have financed more than 1200 units of new or rehabilitated housing for elderly and low and moderate income families. These units exceed the amount of such housing financed during the entire eight years preceeding my Administration. The commitment to equality of opportunity for all Delawareans is firm; our efforts assure it will continue in the next two years as it has in the past.

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

consumers should not be allowed to lower their own electric costs through less expensive off-peak time-of-day rates. In short, I believe we must make every effort to reform electricity pricing policies to bring us long-term rate stability and ensure an adequate supply of electricity. I believe this can be done while assuring an adequate rate of return for the utility as well.

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

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

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

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

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

* * * * *

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

Representative Gordy moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

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

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

* * * * *

The Senate reconvened at 2:52 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SCR 5.

The following legislation was introduced:

SB 43 - AN ACT TO AMEND SECTION 501, TITLE 1 OF THE DELAWARE CODE DESIGNATING THE BIRTHDAY OF EACH FORMER PRESIDENT OF THE UNITED STATES AS A LEGAL HOLIDAY. Sponsors: Senators McCullough and Hughes. Assigned to Executive Committee.

SB 44 - AN ACT TO AMEND CHAPTER 72, TITLE 16, DELAWARE CODE RELATING TO THE REMOVAL OF LIQUIFIED PETROLEUM GAS CONTAINERS. Sponsor: Senator Murphy. Assigned to Health and Social Services Committee.

SB 45 - AN ACT TO AMEND PART V, TITLE 14, DELAWARE CODE, TO PROVIDE FOR FREE TUITION AT STATE-SUPPORTED INSTITUTIONS FOR PERSONS AGED 65 OR OLDER WHO MEET CERTAIN QUALIFICATIONS. Sponsor: Senator Holloway. Assigned to Education Committee.

SJR 4 - RELATING TO STATE EMPLOYEE BENEFITS. Sponsor: Senator Hale. Assigned to Executive Committee.

SA 1 and SA 2 to SR 11 sponsored by Senator Holloway and placed with the Resolution.

SR 11 was lifted from the table for consideration on motion of Senator McDowell.

SA 1 to the Resolution was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cicione, Spence and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

Senator Martin was marked PRESENT.

SA 2 to the Resolution which had been placed with the Resolution was laid on the table on motion of Senator Holloway.

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

Senator Holloway moved that SA 1 to SR 11 be reconsidered. The roll call vote on the motion was taken and revealed:

YES: Senators Holloway, Marshall and McCullough - 3.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Sharp, Weiss - 15.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Spence and Zimmerman - 2.

Therefore, the motion was defeated.

Senator Weiss requested that his name be removed as a co-sponsor of SR 11

On motion of Senator McDowell the roll call vote on SR 11 w SA 1 was taken; however, before being announced, Senator McDowell moved that the roll call be tabled. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Weiss - 13.

NO: Senators Cicione, McCullough, Murphy, Sharp - 4.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Adams, Spence and Zimmerman - 3.

Therefore, the motion prevailed and the roll call vote on SR 11 w SA 1 was tabled.

Senator Sharp moved that the necessary rules be suspended for lifting from the table, SB 40 for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Weiss - 14.

NO: Senators Holloway, Marshall and McDowell - 3.

ABSENT: Senators Adams, Cicione, Spence, Zimmerman - 4.

Therefore, the motion prevailed and the Bill was lifted for consideration:

SB 40 - AN ACT PURSUANT TO 22 DELAWARE CODE, SECTION 813 (c), NEGATING THE VOTE ON NOVEMBER 7, 1978, BY THE CITIZENS OF THE CITY OF WILMINGTON ON THE QUESTION OF ADDING AN ANNEXATION AMENDMENT (PROPOSED SECTION 1-105) TO THE WILMINGTON HOME RULE CHARTER OF 1979.

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

YES: Senators Cook, Holloway, Marshall, McDowell - 4.

NO: Senators Arnold, Berndt, Cicione, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Weiss - 14.

ABSENT: Senators Adams, Spence, Zimmerman - 3.

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

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

At 4:43 p.m. Senator Martin presiding.

Senator Marshall moved that SB 40 be assigned to the Community Affairs Committee.

Senator Hale moved that the motion be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Weiss - 15.

NO: Senators Holloway, Marshall, McDowell - 3.

ABSENT: Senators Adams, Spence, Zimmerman - 3.

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

On motion of Senator Sharp, the roll call vote on SB 40 was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Weiss - 14.

NO: Senators Cordrey, Holloway, Marshall, McDowell - 4.

ABSENT: Senators Adams, Spence, Zimmerman - 3.

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

At 5:15 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 23, 1979.

The Senate reconvened at 2:16 p.m., Lt. Governor McGinnis presiding.

Senator Zimmerman was marked PRESENT.

The following legislation was introduced:

SB 46 - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO UNITS FOR THE GIFTED AND TALENTED. Sponsor: Senator Holloway. Assigned to Education Committee.

Senator Spence marked PRESENT.

SB 47 - AN ACT TO AMEND SECTION 101, SUBCHAPTER 1, CHAPTER 1, TITLE 13, OF THE DELAWARE CODE, RELATING TO THE MARRIAGE OF MENTAL HOSPITAL PATIENTS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 48 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29, DELAWARE CODE, RELATING TO EMPLOYMENT OF RETIRED STATE EMPLOYEES. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 49 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO METERING DEVICES. Sponsors: Senators Murphy and Cicione. Assigned to Administrative Services Committee.

At 2:17 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY

January 23, 1979

The Senate convened at 2:17 p.m., January 23, 1979 Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

SR 14 was introduced by Senator McCullough and considered for adoption on his motion:

SR 14 - CONGRATULATING SENATOR NANCY COOK FOR 20 YEARS OF LEGISLATIVE SERVICE.

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

SCR 6 (Sponsored by Senator Cordrey) was introduced and considered for adoption on his motion:

SCR 6 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO HEAR THE PRESENTATION OF THE GOVERNOR'S ANNUAL BUDGET MESSAGE.

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

At 3:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 50 - AN ACT DIRECTING THE DIRECTOR OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF PUBLIC SAFETY TO CEASE AND DISCONTINUE IMMEDIATELY THE SELLING, FURNISHING OR SUPPLYING TO INSURANCE COMPANIES, ENTERPRISES, AND OTHER PERSONS ANY INFORMATION RELATING TO A PERSON'S DRIVING RECORD. Sponsors: Senators Murphy, Cicione, Zimmerman. Assigned to Public Safety Committee.

SB 51 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE DISADVANTAGED FOUNDATION, INC., FOR THE PURPOSE OF PARTIALLY FUNDING PROJECT COMMUNITY ACTION RETURN FOR DELAWARE EX-OFFENDERS. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 52 - AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, RELATING TO QUALIFICATIONS FOR JURY DUTY. Sponsor: Senators Holloway, Cordrey, Hale, Hughes. Assigned to Judiciary Committee.

SB 53 - AN ACT TO AMEND SECTION 704, TITLE 19, DELAWARE CODE RELATING TO LIE DETECTORS. Sponsor: Senator Weiss. Assigned to Labor Committee.

SB 54 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 21, OF THE DELAWARE CONSTITUTION RELATING TO THE ELECTION OF ATTORNEY GENERAL. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 55 - AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE RELATING TO THE ELECTION OF ATTORNEY GENERAL. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 56 - AN ACT TO AMEND CHAPTER 6, TITLE 17, DELAWARE CODE, AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION OF THE STATE OF DELAWARE TO CONSTRUCT, MAINTAIN, REPAIR, IMPROVE AND OPERATE AN EXPRESS TOLL HIGHWAY FROM A POINT IN THE VICINITY OF U.S. ROUTE 13 BELOW THE CITY OF DOVER NEAR WOODSIDE TO A CONNECTION WITH THE EXISTING DELAWARE TURNPIKE, INCLUDING A SPUR TO U.S. ROUTE 301 TO THE MARYLAND STATE LINE, TO MAINTAIN, REPAIR, IMPROVE AND OPERATE THE EXISTING DELAWARE TURNPIKE, TO ISSUE TURNPIKE REVENUE BONDS OF THE DEPARTMENT, PAYABLE SOLELY FROM TOLLS AND OTHER REVENUES, FOR THE PURPOSE OF PAYING, WITH OTHER AVAILABLE FUNDS, THE COST OF SAID EXPRESS TOLL HIGHWAY AND IMPROVEMENTS TO THE EXISTING DELAWARE TURNPIKE AND FOR THE PURPOSE OF REFUNDING TURNPIKE REVENUE BONDS ISSUED FOR THE EXISTING DELAWARE TURNPIKE, TO COLLECT TOLLS FOR THE USE OF THE

DELAWARE TURNPIKES AND TO PLEDGE SUCH TOLLS AND OTHER REVENUES TO THE PAYMENT OF THE TURNPIKE REVENUE BONDS AND THE STATE BONDS HEREIN AUTHORIZED; AUTHORIZING THE DEPARTMENT TO ISSUE TURNPIKE REVENUE REFUNDING BONDS; AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY FOR THE PURPOSE OF PAYING A PART OF THE COST OF SAID EXPRESS TOLL HIGHWAY AND TO ISSUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT EXCEEDING \$100,000,000 UPON THE FULL FAITH AND CREDIT OF THE STATE OF DELAWARE; AND REPEALING SECTIONS 601 THROUGH 623, CHAPTER 6, TITLE 17, DELAWARE CODE, UPON PROVISION BEING MADE FOR THE RETIREMENT OF TURNPIKE REVENUE BONDS ISSUED FOR THE EXISTING DELAWARE TURNPIKE. Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 57 - AN ACT TO AMEND CHAPTER 5 OF TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND ROADS GENERALLY, AND PROVIDING FOR COORDINATION BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE SEVERAL COUNTIES IN FUTURE PLANNING. Sponsors: Senators Sharp and Martin. Assigned to Highways and Transportation Committee.

SB 58 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THIS STATE; AND PROVIDING NOTICE TO THE DIVISION OF MOTOR VEHICLES OF INSURANCE TERMINATIONS. Sponsors: Senators Sharp, Murphy and Martin. Assigned to Banking, Insurance and Elections Committee.

SB 59 - AN ACT TO AMEND CHAPTER 42, OF TITLE 21, DELAWARE CODE RELATING TO ACCIDENTS RESULTING IN PROPERTY DAMAGE. Sponsor: Senator Sharp. Assigned to Public Safety Committee.

SB 60 - AN ACT TO AMEND SUBCHAPTER III, SUBPART A, CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO BURGLARY. Sponsors: Senators Sharp and Martin. Assigned to Corrections Committee.

SB 61 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO REPORTS BY THE BUILDING INSPECTOR OF NEW CASTLE COUNTY. Sponsor: Senator Sharp. Assigned to Health and Social Services Committee.

SB 62 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO PENALTIES FOR BUILDERS AND OTHERS WHO VIOLATE THE RULES AND REGULATIONS PROMULGATED BY THE NEW CASTLE COUNTY COUNCIL. Sponsor: Senator Sharp. Assigned to Health and Social Services Committee.

SB 63 - AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE RELATING TO QUALIFICATIONS FOR JURY DUTY. Sponsors: Senators Holloway, Cordrey, Hughes and Hale. Assigned to Judiciary Committee.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 18, 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: Kermit H. Justice, 602 W. Matsun Run Parkway, Wilmington, Delaware, to be Secretary of the Department of Transportation for the State of Delaware at the pleasure of the Governor, Pierre S. duPont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 11, 1979

To the Senate of the 130th General 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: Vincent James Poppiti, 1 Imperial Drive, Wilmington, Delaware, to be a Judge of the Family Court of the State of Delaware, in and for New Castle County, for a twelve-year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 17, 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: Evan Wilner, 620 Rosewood, East Lansing, Michigan, to be the Public Advocate to serve at the pleasure of the Governor from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
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: E. Paul Catts, Department of Entomology and Applied Ecology, College of Agriculture, Newark, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 10, 1979

To the Senate of the 139th 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: Warner W. Price, Jr. 107 North Main Street, Smyrna, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Ms. Clarice U. Heckert, 16 Ravine Road, Wilmington, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Norman G. Wilder, Executive Director, Delaware Nature Education Society, P.O. Box 700, Hockessin, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: A. Wayne Burton, Nature's Acre, P.O. Box 135, Millsboro, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: William G. Thompson, P.O. Box 177, Harrington, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Terrance L. Higgins, R.D. #1, Box 288, Marydel, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: George M. Records, Jr., 5 East Reed Street, P.O. Box 817, Dover, Delaware, to be a member of the Delaware Natural Areas Advisory Council to serve during the pleasure of the Governor

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Thomas J. Kealy, 23 N. Cliffe Drive, Wilmington, Delaware, to be Chairman of the Environmental Appeals Board at the pleasure of the Governor Pierre S. duPont, IV, to succeed Loren H. Frye, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

DOVER

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: Robert F. Helker, 411 Dogwood Avenue, Dover, Delaware, to be a member of the State Personnel Commission until August 11, 1979 to fill the unexpired term of J. Joseph Tansey, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: John T. Gallagher, Esquire, 616 Whitby Drive, Sharples, Wilmington, Delaware, to be reappointed a Delaware Code Revisor for a four (4) year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Theodore W. Ryan, 2411 Greenleaf Road, Wilmington, Delaware, to be a member of the Delaware Solid Waste Authority to serve a three-year term succeeding the expired term of the Honorable Crawford J. Carroll.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: William B. Philipbar, Jr., Fox Hall Road, Dover, Delaware, to be Chairman of the Delaware Solid Waste Authority, to serve at the pleasure of the Governor succeeding William G. Adkins.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Robert L. Cunningham, 212 Edjil Drive, Newark, Delaware, to be Chairman of the Commission on Massage Establishments and Adult Book Stores to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following Committee reports were announced:

From the Executive Committee: SB 9 - 3 Favorable, 3 Merits.

From the Administrative Services Committee: SB 14 - 5 Favorable; SB 26 - 3 Merits, 2 Unfavorable; SB 30 - 2 Favorable, 2 Merits.

SB 15 was stricken at the request of the sponsor, Senator Holloway.

At 5:04 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 24, 1979.

The Senate reconvened at 2:50 p.m. January 24, 1979, Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 17 - 5 Merits.

From the Highways and Transportation Committee: SB 25 - 1 Favorable, 4 Merits.

The following legislation was introduced:

SB 64 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY AND PROVIDING FOR THE FILLING OF JUDICIAL VACANCIES BY A SYSTEM OF APPOINTMENT BY THE GOVERNOR AND SUBSEQUENT RETENTION BY THE ELECTORATE. Sponsors: Senators Sharp, Spence, Arnold; Representatives Morris and Riddagh. Assigned to Judiciary Committee.

SB 65 - AN ACT TO AMEND CHAPTER 70, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LEASING OF MOBILE HOMES OR MOBILE HOME LOTS. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 66 - AN ACT TO AMEND CHAPTER 38, TITLE 24 OF THE DELAWARE CODE RELATING TO MOBILE HOME WARRANTIES. Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 67 - AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS; AND PROVIDING FOR THE REGULATION OF MOBILE HOME DEALERS. Sponsor: Senator Sharp. Assigned to Executive Committee.

SB 68 - AN ACT TO AMEND CHAPTER 19, TITLE 7 OF THE DELAWARE CODE RELATING TO SHELLFISHING. Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 69 - AN ACT TO AMEND PART V, CHAPTER 51, TITLE 29, DELAWARE CODE RELATING TO STATE EMPLOYEES BEING REIMBURSED FOR FOOD CONSUMED DURING WORKING HOURS. Sponsor: Senator Murphy. Assigned to Executive Committee.

SB 70 - AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE, RELATING TO FINANCE CHARGE LIMITATION. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 71 - AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO AWARD OF CONTRACTS FOR PUBLIC WORK OR GOODS. Sponsors: Senator Marshall; Representative Plant. Assigned to Community Affairs Committee.

SA 1 to SB 9 (Sponsored by Senator Littleton) Placed with the Bill.

SB 72 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1978 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators Cook, Cordrey and Kearns; Representatives Gordy and Kelly. Assigned to Finance Committee.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Kermit H. Justice - 5 Merits; Vincent J. Poppiti - 5 Favorable; Evan Wilner - 2 Favorable, 3 Merits; Robert F. Helker - 1 Favorable, 4 Merits; John T. Gallagher - 1 Favorable, 4 Merits; Thomas J. Kealy - 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 6.

At 2:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY
January 24, 1979

The Senate convened at 2:47 p.m., January 24, 1979, 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.

At 3:08 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:52 p.m..

Senators Knox, Cordrey and Holloway marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Vincent J. Poppiti was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Berndt and McCullough) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Evan Wilner was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES, 2 (Cordrey and Zimmerman) voting NO, and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

HCR 11 (Sponsored by Representative Maroney and Senator Knox) was introduced and considered for adoption on motion of Senator Sharp:

HCR 11 - RECOGNIZING AND STRESSING THE IMPORTANCE OF THE INTERNATIONAL YEAR OF THE CHILD TO THE STATE OF DELAWARE.

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

SR 15 was introduced by Senator Holloway and laid on the table at his request:

SR 15 - DIRECTING THE OFFICE OF CONTROLLER GENERAL TO CONDUCT A MANAGEMENT REVIEW OF THE BUREAU OF CHILD SUPPORT.

SB 16 was reported out of the Grants and Aid Committee: 2 Favorable, 2 Merits.

SB 68 was reported out of the Natural Resources and Environmental Control Committee: 3 Favorable, 2 Merits.

At her request, Senator Cook was added as co-sponsor of SB 68.

SR 16 was introduced and considered for adoption on motion of Senator Holloway:

SR 16 - REQUESTING THE LEGISLATIVE COUNCIL TO STUDY THE FEASIBILITY OF PROVIDING AN AMPLIFICATION SYSTEM WHICH WILL CARRY THE PROCEEDINGS OF THE SENATE TO THE OFFICE AREAS USED BY THE SENATE MAJORITY AND MINORITY MEMBERS. Sponsors: Senators Holloway, Adams, Kearns, Cicione, Hale, Hughes, Weiss, Marshall, McDowell, Berndt, Zimmerman, Murphy, Knox, Cook.

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

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 9, 1979

MEMORANDUM

TO: Members of the 130th General Assembly, 1st Session
FROM: Governor duPont
RE: Pardons and Commutations - 1978

As required by Article VII, Section 1 of the Delaware Constitution, attached please find copies of all pardons and commutations granted by me during calendar year 1978.

cc: Board of Pardons

* * * * *

SR 17 was introduced by Senator Holloway and laid on the table at his request:

SR 17 - REQUESTING THE LEGISLATIVE COUNCIL TO MAKE PLANS FOR A FIVE-MINUTE DAILY BROADCAST OF LEGISLATIVE PROCEEDINGS TO BE AVAILABLE TO RADIO STATIONS THROUGHOUT THE STATE.

SB 14 - AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO LICENSE FEE FOR BINGO GAMES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Arnold and Littleton) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Littleton SB 9 was taken up for consideration:

SB 9 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, PERTAINING TO STATE HOLIDAYS, TO MAKE RETURNS DAY A HOLIDAY IN SUSSEX COUNTY.

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

SB 9 w SA 1 was then laid on the table on further motion of Senator Littleton.

At the request of Senator Hughes, the privilege of the floor was extended to Lydia R. Boyer, Department of Administrative Services, to speak on Family Court Housing.

At 4:48 p.m. Senator Cordrey presiding.

The following legislation was introduced:

SB 73 - AN ACT TO AMEND CHAPTER 71, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO MILEAGE RATES FOR PRIVATELY-OWNED VEHICLES. Sponsors: Senator Kearns; Representatives Gordy, Jonkiert, Matushefske, Sincok. Assigned to Executive Committee.

SA 1 to SB 37 sponsored by Senator Kearns. Placed with the Bill.

At 5:50 p.m. on motion of Senator Sharp, the Senate recessed until 1:00 p.m. January 25, 1979.

The Senate reconvened at 1:04 p.m. January 25, 1979, Lt. Governor McGinnis presiding.

The following Bills were reported out of the Finance Committee: SB 41 - 2 Favorable, 3 Merits; SB 72 - 4 Favorable, 1 Merits.

At 1:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY

January 25, 1979

The Senate convened at 1:05 p.m. Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

SB 74 - AN ACT TO AMEND CHAPTER 80, PART VI, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsor: Senator Weiss. Assigned to Banking, Insurance and Elections Committee.

SB 75 - AN ACT TO AMEND CHAPTER 12, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF JUNKYARDS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SJR 5 - PROVIDING FOR THE TRANSPORTATION OF PUPILS WHO ARE FORCED TO CROSS THE BLADES CAUSEWAY. Sponsors: Senator Littleton; Representatives Gordy and Fallon. Assigned to Education Committee.

SA 2 to SB 9 sponsored by Senator Littleton. Placed with the Bill.

SJR 6 - ESTABLISHING THE REVISED OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1979. Sponsors: Senators Cordrey and Berndt; Representatives Cain and George. Laid on the table at the request of Senator Cordrey.

HB 32 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS OF THE DEPARTMENT OF PUBLIC SAFETY FOR THE INSTALLATION OF A WARNING SIREN AT PORT PENN. Sponsor: Representative William Brady. Assigned to Public Safety Committee.

HB 36 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO GROSS WEIGHTS ALLOWED ON 2-AXLE TRUCKS. Sponsors: Representatives Gordy, Clendaniel, Minner, Sincock, West; Senators Adams, Littleton. Assigned to Public Safety Committee.

HB 66 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELTON R. WOOD, A FORMER STATE EMPLOYEE PERMANENTLY INJURED ON THE JOB. APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representatives Morris and Burris; Senator Adams. Assigned to Finance Committee.

HB 71 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO INSPECTIONS OF MOTOR VEHICLES. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 78 - AN ACT TO AID THE WILMINGTON RAPE CRISIS CENTER INC., BY MAKING AN APPROPRIATION THEREFOR. Sponsors: Representative George and Senator Cook. Assigned to Grant and Aid Committee.

Senator Holloway marked PRESENT.

At 1:22 p.m. on motion of Senator Sharp, the Senate recessed in order to convene with the House in Joint Session.

JOINT SESSION
Senate Chamber
January 25, 1979

At 1:20 p.m. the Sergeant-at-Arms announced that the Speaker and members of the House were ready to enter the Chamber for the Joint Session. The Lt. Governor invited the President Pro Tempore and the Speaker of the House to the rostrum. Senator Sharp moved that the Senate and House convene in Joint Session. Motion prevailed.

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

Senator Sharp moved that the Secretary of the Senate and Chief Clerk of the House act as Secretaries of the Joint Session. Motion prevailed without objection.

The President appointed the following committee to escort the Governor to the Senate Chamber: Senators Cicione and Spence; Representatives West and Maroney.

The Lt. Governor welcomed the special guests and all present to the Chamber.

At 1:27 p.m., the Sergeant-at-Arms admitted the Governor and the duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

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

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

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

This fiscal year 1980 budget limits spending to 98% of the revenues forecast by the Delaware Economic and Financial Advisory Council as required by legislation enacted last year -- legislation that was the result of cooperation between the Administration and the Legislature, and particularly Senator Cordrey. Although it is law today, it could be repealed by a simple statute. The first leg of a Constitutional Amendment to assure permanency of spending limits on government was passed by the previous General Assembly. Before the opportunity slips away, this General Assembly should pass the final leg -- before taking final action on this budget or any major spending or tax bills. Passage of the first leg was popular in an election year; passage of the second leg is important now to follow through on our commitment to all Delawareans to hold down spending and taxes and to maintain the climate of fiscal stability we have all worked so hard to create.

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

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

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

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

Several principles must guide us in seeking tax relief and reform: the Budget Reserve Account must remain sacrosanct; the 1980 budget should not exceed the \$557 million I am proposing today; the Economic and Financial Advisory Council revenue estimates which we believe to be moderately conservative for the current and coming year must be finalized in June so that we know how much money is available; the impact of future economic fluctuations on our economy must be carefully weighed. Finally, I am encouraged by the reason and restraint which the General Assembly has demonstrated in handling

supplemental appropriations this year; continued restraint will be required to make tax reduction a responsibly achievable objective.

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

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

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

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

We have prepared legislation today that will provide tax incentives for up to ten years for new or expanded manufacturing or wholesaling businesses in Delaware. This legislation will provide substantial tax benefits for manufacturing and wholesaling businesses which expand their operations in Delaware or bring new businesses into the State, provided they create and maintain at least 25 new full-time jobs or invest at least \$1 million in new plant and equipment. This bill has been written so that it will not reduce the amounts of revenue already estimated to be received in future fiscal years.

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

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

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

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

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

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

An expanded consumer education program will insure that our students are equipped to deal with the complications of contemporary living. I have also recommended that \$1 million of state funds be appropriated to basic skills instruction. This will permit implementation statewide of remedial reading, language arts and mathematics programs to aid in the transition from social promotion to competency-based promotion policies in

our schools. Additionally, it is anticipated that \$1.5 million of Federal Funds will again be made available for continuation of this program in the New Castle County School District.

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

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

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

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

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

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

And in order to preserve bond fund monies for capital outlay in the future -- the purpose for which they are intended -- I am recommending continuation of a program we began last year; the transfer of employees who are paid from borrowed money (bond funds) to the General Fund Budget. The reason is simple: every salary dollar of borrowed funds costs the

Delaware taxpayer \$1.63. This is an imprudent use of our taxpayer's money and must be stopped. In the current year, we transferred 23 employees from bond to general funds. My proposed budget recommends the transfer of 110 additional such positions, which will result in nearly a million and a half dollars of interest savings to the taxpayers on those salaries.

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

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

Although the State is already deeply involved in providing many health and other support services for the elderly, there are two particular areas of health care that require service improvements:

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

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

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

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

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

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

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

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

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

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

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

But, our data processing problems are far from behind us -- we are a long way from meeting the computing needs of our departments. Last year, the Legislature granted us the funding to begin automation of the State tax system and a new payroll personnel system. This year, I am requesting an additional 14 programmers and systems analysts to provide better maintenance of existing programs and systems as well as undertaking the development of sorely needed new applications which can lead to reduced operational costs and processing time in the line agencies. Also, I am requesting that 9 computer people, funded this past year from a federal grant to work on criminal justice systems, be retained and placed in the general fund budget.

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

Among the most serious problems confronting our nation are rampant inflation and the prospect of a national economic recession which, the experts tell us, will hit sometime within the next year. President Carter has called on us to take the only alternative left to us if we are to avoid mandatory wage and price controls -- and the resulting loss of economic freedom which has made this country of ours a great nation with a standard of living and a degree of personal freedom unparalleled in the annals of history. I agree with and applauded the President's efforts to restrain federal spending;

I agree and will comply with his request that state and local governments hold total employee pay increase to 7% this year. My budget provided for a 7% pay hike for virtually all State employees -- pay raises that will consume \$15 million of our tax resources. And today, I have notified President Carter's Council on Wage and Price Stability of our intention to comply with the suggested guidelines. Controlling inflation through voluntary restraint may not work -- but its the best chance we have to control inflation. I urge each of you to join me in cooperating on this national goal.

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

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

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

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

* * * * *

The previously named committee escorted the Governor from the Chamber.

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

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

Senator Sharp moved the two Houses now separate to re-convene in their respective Chambers. The motion prevailed and the Joint Session adjourned at 2:01 p.m.

* * * * *

The Senate reconvened at 2:48 p.m., Lt. Governor McGinnis presiding.

Senator Zimmerman marked PRESENT.

HB 36 was reported out of the Public Safety Committee: 1 Favorable, 5 Merits.

SB 76 (Sponsored by Senators Kearns and Murphy) was introduced and laid on the table:

SB 76 - AN ACT TO AMEND CHAPTER 407 AND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, FORMERLY SENATE BILL 689 AND HOUSE BILL 888 RESPECTIVELY, RELATING TO THE ANNUAL APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; AND PROVIDING SALARY INCREASES FOR CERTAIN STATE EMPLOYEES.

SA 1 to SB 68 sponsored by Senator Zimmerman. Placed with the Bill.

At 2:55 p.m., Senator Cordrey presiding.

The privilege of the floor was extended to Colonel William J. Mall, Jr., Commander, 436 Military Airlift Wing; Michael J. White, U. S. Department of State; Lt. Colonel Vincent J. McDonald, U.S.A.F.; Major Robert E. Ciovagnoni, U.S.A.F.; to speak concerning HJR 4.

SB 25 - was taken up for consideration on motion of Senator Martin:

SB 25 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN A PRIOR FISCAL YEAR.

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

SB 16 was taken up for consideration on motion of Senator Cicione:

SB 16 - AN ACT TO AID THE LAUREL SENIOR CENTER, BY MAKING AN APPROPRIATION THEREFOR.

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

SB 68 was taken up for consideration on motion of Senator Zimmerman:

SB 68 - AN ACT TO AMEND CHAPTER 19, TITLE 7 OF THE DELAWARE CODE RELATING TO SHELLFISHING.

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

During the discussion of the Amendment, the privilege of the floor was extended to the following: Robert E. Dorman; Elisha Cropper; Willis Hand; Clifford A. Copp, Sr.; and Harry Terry, Senate Attorney.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Arnold, Knox, Spence) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on SB 68 w SA 1 was taken and revealed 15 Senators voting YES; 1 (Cordrey) voting NO; and 5 (Arnold, Berndt, Knox, Spence, Weiss) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 72 was taken up for consideration on motion of Senator Cook:

SB 72 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1978 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

The privilege of the floor was extended to Secretary of Finance, Weston E. Nellius.

Senators Hughes, Zimmerman, Murphy, Marshall and all the Senators were added as co-sponsors of the Bill.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

STATE OF DELAWARE
SENATE
DOVER, DELAWARE

M E M O

January 25, 1979

TO: Members of the 130th General Assembly - Senate
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT:..Joint Finance Committee

I hereby would like to submit the following names to serve as members of the Joint Finance Committee -- in addition to those I have previously named: Senator Thomas B. Sharp, Senator William M. Murphy, Senator Charles E. Hughes.

These are being submitted only because I feel a need to have a balance on the Joint Finance Committee. I am very upset the House of Representatives has pushed me to this position.

* * * * *

At 6:46 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 30, 1979.

The Senate reconvened at 2:13 p.m. January 30, 1979, Lt. Governor McGinnis presiding.

The following legislation was introduced:

HB 29 w HA 1 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE". Sponsors: Representative Vernon and Senator Cordrey. Laid on the table on motion of Senator Cordrey.

HB 47 w HA 1, 2 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF PROVIDING THE COST OF INMATE BOARDING, TRAVEL, LITIGATION EXPENSES, AND MEDICAL EXPENSES. Sponsors: Representatives Morris, T. Brady, W. Brady, Riddagh, Oberle, Darling, Holloway. Assigned to Corrections Committee.

SB 77 - AN ACT TO AMEND CHAPTER 86, PART VI, TITLE 10 OF THE DELAWARE CODE RELATING TO THE RECOUPMENT OF DEFENSE COSTS; AND PROVIDING FOR RECOUPMENT IN ALL COURTS OF THE STATE. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 78 - 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. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 79 - AN ACT TO AMEND CHAPTER 28, TITLE 14 OF THE DELAWARE CODE RELATING TO THE UTILIZATION OF EDUCATIONAL FACILITIES; AND PROVIDING FOR THE SHARING OF TEXTBOOKS WITH NON-PUBLIC SCHOOLS. Sponsors: Senator Kearns and Representative Jonkiert. Assigned to Education Committee.

SB 80 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURES; AND PROVIDING FOR A FLAT-TIME SENTENCING SYSTEM. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 81 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES FOR SALES OF ALCOHOLIC LIQUORS TO BE CONSUMED OFF-PREMISES. Sponsors: Senator Cicione; Representatives Maxwell and Kelly. Laid on the table at the request of Senator Cicione.

SB 82 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO CONCEALED DEADLY WEAPONS; AND PROVIDING MANDATORY SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 1 to SB 69 sponsored by Senator Murphy. Placed with the Bill.

HCR 12 (sponsored by Representatives Gordy, Minner and Clendaniel) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 12 - COMMENDING THE FARMERS BANK MANAGEMENT FOR THE 1978 TURNAROUND.

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

SCR 7 (Sponsored by Senator Kearns) was introduced and considered for adoption on his motion:

SCR 7 - URGING THE BOARD OF PENSION TRUSTEES TO BROADEN THE SCOPE OF ITS STUDY OF A PENSION PLAN FOR CORRECTIONAL OFFICERS.

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

SR 18 (Sponsored by Senators Zimmerman and Holloway) and laid on the table at the request of Senator Zimmerman.

SR 18 - IN REFERENCE TO THE TEMPORARY RULES OF THE SENATE.

SR 19 (Sponsored by Senator Cicione and all the Senators) was introduced and considered for adoption:

SR 19 - EXPRESSING SINCERE CONDOLENCES AND SYMPATHY TO THE WIFE AND DAUGHTER OF FORMER SENATOR ANTHONY C. MOORE, AND A FRIENDLY, PARTING "SWAT ON THE CHOPS" TO "TOUGH TONY."

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.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 44 - 5 Merits.

From the Judiciary Committee: SB 63 - 1 Favorable, 3 Merits.

At 2:28 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

January 30, 1979

The Senate convened at 2:28 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.

At 2:33 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:11 p.m., Lt. Governor McGinnis presiding.

Senator Martin marked PRESENT.

The following legislation was introduced:

HB 49 w HA 1, 2, 3 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR. Sponsors: Representatives Matushefske, T. Brady, Cain. Assigned to Judiciary Committee.

SB 83 - AN ACT TO AMEND CHAPTER 10, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING A DISTRICT SCHOOL COMMISSION FOR ANY SCHOOL DISTRICT WHICH IS NOT GOVERNED BY A LOCALLY-ELECTED SCHOOL BOARD. Sponsors: Senators Cicione and Sharp. Assigned to Education Committee.

SB 84 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO DISTURBING SCHOOLS OR DESTROYING SCHOOL PROPERTY. Sponsor: Senator Kearns. Assigned to Education Committee.

SB 85 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, TO AUTHORIZE THE PRACTICE OF DENTURE TECHNOLOGY OR DENTURISM; TO CREATE A BOARD OF DENTURE TECHNOLOGY EXAMINERS; TO AUTHORIZE THE LICENSING OF DENTURE TECHNOLOGISTS OR DENTURISTS; TO AUTHORIZE DENTURE TECHNOLOGISTS TO TAKE ORAL IMPRESSIONS AND CONSTRUCT, REPAIR, AND FIT DENTURES; TO AMEND TITLE 18, DELAWARE CODE, TO AUTHORIZE INSURANCE REIMBURSEMENT FOR SERVICES OF DENTURE TECHNOLOGISTS; AND TO REQUIRE A PERIODIC ASSESSMENT OF THE QUALITY OF THE PRACTICE OF DENTURE TECHNOLOGY BY THE DIVISION OF PUBLIC HEALTH. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 86 - AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE TO PROVIDE FOR THE INCLUSION OF MAINTENANCE MECHANICS IN THE SALARY SCHEDULE FOR SCHOOL CUSTODIANS, AND PROVIDING THE BASIS FOR ALLOTMENT TO SCHOOL DISTRICTS. Sponsor: Senator Holloway. Assigned to Education Committee.

SB 87 - AN ACT TO AMEND CHAPTER 88, TITLE 29, DELAWARE CODE, RELATING TO POWERS OF THE SECRETARY OF ADMINISTRATIVE SERVICES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SCR 8 - RESCINDING SENATE CONCURRENT RESOLUTION NO. 47 AS AMENDED BY HOUSE AMENDMENT NO. 1 OF THE 126TH GENERAL ASSEMBLY ALSO KNOWN AS CHAPTER 649 OF VOLUME 58 OF THE LAWS OF DELAWARE ENTITLED "RELATING TO THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DECLARING EQUAL RIGHTS FOR MEN AND WOMEN" AND RESCINDING RATIFICATION BY THE STATE OF DELAWARE OF A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA. Sponsors: Senators Spence and McCullough; Representative Oberle. Assigned to Judiciary Committee.

SR 20 (Sponsored by Senator Cordrey) was introduced and considered for adoption on his motion:

SR 20 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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

HCRC 13 (Sponsored by Representative McBride and Senator Cicione) was introduced and considered for adoption on motion of the Senator:

HCRC 13 - COMMENDING THE VETERANS OF FOREIGN WARS, DELAWARE DEPARTMENT, FOR ITS SPONSORSHIP OF THE ANNUAL VOICE OF DEMOCRACY CONTEST.

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

HCRC 14 (Sponsored by Representatives Sincock, Burris and Hebner) was introduced and considered for adoption on motion of Senator Hale:

HCRC 14 - MOURNING THE DEATH OF FORMER VICE PRESIDENT NELSON ALDRICH ROCKEFELLER.

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

HCRC 15 (Sponsored by Representatives Burris and Minner; Senators Adams and Cook) was introduced and considered for adoption on motion of Senator Adams:

HCRC 15 - EXPRESSING THE CONGRATULATIONS OF THE 130TH GENERAL ASSEMBLY OF DELAWARE TO CASSIE BLIZZARD OF MILFORD WHO WILL BE 107 YEARS OLD ON JANUARY 30, 1979.

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

On motion of Senator Kearns, the necessary rules were suspended for lifting SB 76 from the table for consideration:

SB 76 - AN ACT TO AMEND CHAPTER 407 AND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, FORMERLY SENATE BILL 689 AND HOUSE BILL 888 RESPECTIVELY, RELATING TO THE ANNUAL APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; AND PROVIDING SALARY INCREASES FOR CERTAIN STATE EMPLOYEES.

The privilege of the floor was extended to Fred vanSant, State Personnel Office, to speak on the Bill after which the roll call vote was taken and revealed:

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

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

NOT VOTING: Senator Holloway - 1.

ABSENT: Senator Marshall - 1.

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

HB 36 was taken up for consideration on motion of Senator Cordrey.

HB 36 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO GROSS WEIGHTS ALLOWED ON 2-AXLE TRUCKS.

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

Under suspension of the necessary rules, SJR 6 which had been laid on the table was lifted for consideration on motion of Senator Cordrey:

SJR 6 - ESTABLISHING THE REVISED OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1979.

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

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 29 w HA 1 from the table for consideration:

HB 29 w HA 1 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE".

The roll call 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.

On motion of Senator Adams, the Governor's nomination for appointment of Robert Helker was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John T. Gallagher was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Hughes) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas J. Kealy was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following legislation was introduced:

SB 88 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO PROCESS AND GRANT A DISABILITY PENSION TO EDWARD C. SOBOLEWSKI, A FORMER EMPLOYEE WITH THE UNIVERSITY OF DELAWARE; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 89 - AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 11 OF THE DELAWARE CODE RELATING TO PRISONS AND PRISONERS; AND PROVIDING CERTAIN CONDITIONS AND RESTRICTIONS ON INMATE FURLOUGHS. Sponsor: Senator Kearns. Assigned to Corrections Committee.

SB 90 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AUDITS, SUNSET REVIEW, AND REPEAL OF STATE AGENCIES. Sponsor: Senator McDowell. Assigned to Executive Committee.

SB 91 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY AND PROVIDING THAT THE GOVERNOR SHALL APPOINT PERSONS TO FILL SUCH VACANCIES WHO SHALL SERVE FOR A PERIOD OF TWELVE YEARS AND REQUIRING THAT SUCH APPOINTMENTS SHALL BE MADE FROM THE NOMINEES OF A JUDICIAL NOMINATING COMMISSION. Sponsor: Senator Weiss. Assigned to Judiciary Committee.

HB 87 w HA 2 - AN ACT TO AMEND CHAPTER 91, TITLE 9, DELAWARE CODE, RELATING TO CHIEF DEPUTIES. Sponsor: Representative Gilligan. Assigned to Community Affairs Committee.

HB 94 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Representatives Minner and Gordy. Assigned to Executive Committee.

At 5:08 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 31, 1979.

The Senate reconvened at 2:03 p.m. January 31, 1979, Lt. Governor McGinnis presiding.

The following Bills were reported out of the Community Affairs Committee: SB 71 - 1 Favorable, 5 Merits; HB 25 - 6 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 40.

The following legislation was introduced:

SB 92 - AN ACT TO AID THE BRIDGEVILLE SENIOR CENTER, BY MAKING AN APPROPRIATION THEREFOR. Sponsors: Senators Adams, Cicione, Holloway; Representative Clendaniel. Laid on the table at the request of Senator Adams.

SB 93 - AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE, RELATING TO THE NAMING OF THE NEW THIRD STREET BRIDGE IN WILMINGTON IN HONOR OF THE LATE REPRESENTATIVE WILLIAM J. WINCHESTER. Sponsors: Senators Holloway and Hughes; Representatives Holloway and Plant. Assigned to Highways and Transportation Committee.

SB 94 - AN ACT TO AMEND CHAPTER 59, OF TITLE 18, OF THE DELAWARE CODE, RELATING TO REHABILITATION AND LIQUIDATION OF INSURERS AND PROVIDING FOR SUMMARY PROCEEDINGS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SA 1 to SB 41 sponsored by Senators Kearns and Cicione. Placed with the Bill.

HB 8 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM SCHOOL TAXES GRANTED TO PERSONS WHO ARE 65 YEARS OF AGE OR OLDER. Sponsors: Representatives Anderson, W. Brady, Cain, Maxwell, Matushefske. Laid on the table at the request of Senator Kearns.

HB 41 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES. Sponsor: Representative Darling. Assigned to Executive Committee.

HB 92 - AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES. Sponsors: Representatives Clendaniel and Gordy. Assigned to Executive Committee.

HB 102 - AN ACT TO AMEND VOLUME 61, CHAPTER 376, LAWS OF DELAWARE, THE 1978 CAPITAL IMPROVEMENTS ACT, BY REPEALING A PORTION OF THE SUM AUTHORIZED FOR CONSTRUCTION OF A MULTI-PURPOSE CRIMINAL JUSTICE FACILITY AND THE SUM AUTHORIZED FOR SECURITY FENCING AND BY AUTHORIZING FUNDS FOR THE CONSTRUCTION OF A FACILITY AT DELAWARE CORRECTIONAL CENTER, AND TO APPROPRIATE SUCH FUNDS TO THE DEPARTMENT OF CORRECTION. Sponsor: Representative Burris. Assigned to Corrections Committee.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY
January 31, 1979

The Senate convened at 2:10 p.m., Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the previous day was approved as read.

At 2:14 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:37 p.m., Senator Cordrey presiding.

The following legislation was introduced:

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. Sponsor: Senator Arnold. Assigned to Judiciary Committee.

SB 96 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF PHARMACY. Sponsors: Senator Holloway; Representatives Holloway, Bennett and Gilligan. Assigned to Health and Social Services Committee.

HCR 17 - MEMORIALIZING BOB BERGLAND, SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, TO RESIST ANY PROPOSAL WHICH WOULD REQUIRE A NATIONAL POULTRY PROCESS LINE-SPEED. Sponsor: Representative Maxwell. The Resolution was laid on the table at the request of Senator Cook.

Senators Martin and Zimmerman marked PRESENT.

SCR 9 was introduced and considered for adoption on motion of Senator Martin:

SCR 9 - RECOGNIZING THE WHITE CLAY CREEK AND ITS ENVIRONS AS ONE OF DELAWARE'S OUTSTANDING NATURAL RESOURCES AND CALLING FOR ITS PRESERVATION. Sponsors: Senators Martin, Sharp, Holloway, Knox, Arnold, Hale, Cicione and Kearns; Representatives Plant, T. Brady, Smith, Sincok, McKay, Gilligan, Oberle, Neal, Anderson, Cain.

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

The following Committee reports were announced:

From the Community Affairs Committee: HB 87 - 5 Merits.

From the Banking, Insurance and Elections Committee: SB 58 - 5 Merits; SB 70 - 1 Unfavorable, 3 Merits.

SCR 2 was stricken at the request of Senator Adams.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 1979

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

The nomination of Robert L. Cunningham for Chairman, Commission of Massage Establishments and Adult Book Stores, submitted to you on January 10, 1979, is hereby formally withdrawn.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 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: George Wharton, Houston Street, Millsboro, Delaware, to be reappointed a member of the Wetlands Appeals Board for a term of three (3) years.

Your consideration of this appointment will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 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: William F. Betts, R.D. 2, Box 116, Milton, Delaware, to be reappointed a member of the Sussex County Board of Election for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 31, 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: Joseph R. Slights, 301 Hazel Road, Dover, Delaware, to be reappointed a member of the Kent County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 31, 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: Ralph H. Boyer, 832 Monroe Terrace, Dover, Delaware, to be reappointed a member of the Kent County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 31, 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: H. Dawson Shulties, R.D. #1, Wyoming, Delaware, to be reappointed a member of the Kent County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: James Monaco, 53 Beaver Dam, Seaford, Delaware, to be reappointed as a member of the Sussex County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Gerald W. Pepper, R.D. #1, Box 301C, Selbyville, Delaware, to be reappointed as a member of the Sussex County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following Committee reports were announced:

From the Judiciary Committee: SB 37 - 2 Favorable, 3 Merits;
HB 49 w HA 1, 2, 3 - 2 Favorable, 3 Merits.

From the Grant and Aid Committee: HB 78 - 2 Favorable, 3 Merits.

Senator McDowell moved that SR 11 be lifted for consideration; however, there was an objection and the Senator withdrew his motion.

SB 71 was taken up for consideration on motion of Senator Marshall:

SB 71 - AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO AWARD OF CONTRACTS FOR PUBLIC WORK OR GOODS.

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

HB 25 was taken up for consideration on motion of Senator Marshall:

HB 25 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND PRESCRIBING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE A NEW TIME FOR FILING PETITIONS FOR NOMINATIONS, TO PROVIDE A NEW TIME FOR REVIEW OF PETITIONS FOR NOMINATIONS, AND TO PROVIDE A NEW TIME FOR THE ANNUAL MUNICIPAL ELECTION.

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

At 4:03 p.m. Senator Sharp presiding.

SB 17 was taken up for consideration on motion of Senator Cordrey:

SB 17 - AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE, TO PERMIT THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ENTER INTO A 25-YEAR LEASE FOR THE USE OF CERTAIN LANDS UNDER ITS CONTROL.

The privilege of the floor was extended to John E. Wilson, III, representing the Bureau of Parks, after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Arnold, Knox, Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 44 was taken up for consideration on motion of Senator Murphy:

SB 44 - AN ACT TO AMEND CHAPTER 72, TITLE 16, DELAWARE CODE RELATING TO THE REMOVAL OF LIQUIFIED PETROLEUM GAS CONTAINERS.

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

SB 63 was taken up for consideration on motion of Senator Holloway:

SB 63 - AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE RELATING TO QUALIFICATIONS FOR JURY DUTY.

The privilege of the floor was extended to Tom Sandbach and Harry Terry, Senate Attorneys, to speak on the Bill.

SA 1 to the Bill was introduced by Senator Knox and laid on the table.

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

Final consideration of the Bill was then deferred until the next day on motion of Senator Holloway.

SB 41 was taken up for consideration on motion of Senator Martin:

SB 41 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING FOR AN INCREASE IN THE AMOUNT OF MONEY PERMITTED TO BE EARNED BY PERSONS UNDER THE STATE EMPLOYEES' PENSION PLAN.

SA 1 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 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Harry Terry, Senate Attorney, after which the roll call vote on SB 41 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:10 p.m. Senator Cordrey presiding.

Senator Adams moved that the necessary rules be suspended for lifting SB 92 from the table for consideration.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Zimmerman - 14.

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

NOT VOTING: Senators Berndt, Spence, Weiss - 3.

Therefore, the motion prevailed and the Bill was before the Senate:

SB 92 - AN ACT TO AID THE BRIDGEVILLE SENIOR CENTER, BY MAKING AN 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.

SR 21 was introduced by Senator Sharp and considered for adoption on his motion:

SR 21 - MAKING A REQUEST OF THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Sharp, Zimmerman - 10.

NO: Senators Hale, Hughes, Knox, Littleton - 4.

NOT VOTING: Senators Arnold, Berndt, Marshall, Spence, Weiss - 5.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Resolution was declared lost.

The following Committee reports were announced:

From the Correction Committee: HB 47 w HA 1, 2 - 1 Favorable, 4 Merits; HB 102 - 1 Favorable, 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 68 w SA 1.

On motion of Senator Kearns, HB 8 which had been laid on the table was assigned to Revenue and Taxation Committee.

Senator Hughes moved that SCR 1 be lifted for consideration.

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

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

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

ABSENT: Senators Holloway and McCullough - 2.

Therefore, the motion failed and the Resolution remained on the table.

At 5:46 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. February 1, 1979.

The Senate reconvened at 2:08 p.m. February 1, 1979, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 9.

The following legislation was introduced:

SB 97 - AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE, RELATING TO WORK BY INMATES OF DELAWARE PRISONS. Sponsors: Senators Sharp and Hughes; Representative Morris. Assigned to Corrections Committee.

SB 98 - AN ACT TO AMEND CHAPTER 29, TITLE 9, DELAWARE CODE, RELATING TO PARKING IN AREAS DESIGNATED FOR THE HANDICAPPED. Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SB 99 - AN ACT TO AMEND CHAPTER 376, VOLUME 61, LAWS OF DELAWARE, BEING THE 1978 CAPITAL BOND ACT, RELATING TO THE TRANSFER OF CERTAIN AUTHORIZATIONS AND PROJECTS. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 100 - AN ACT MAKING AN APPROPRIATION FROM THE BUDGET RESERVE ACCOUNT ESTABLISHED IN SECTION 6532, CHAPTER 65, TITLE 29, DELAWARE CODE, FOR THE PURPOSE OF GRANTING A TEN PERCENT REBATE ON CALENDAR 1979 PERSONAL INCOME TAXES. Sponsors: Senators Zimmerman, Cicione, Marshall, McDowell and Kearns. Assigned to Revenue and Taxation Committee.

HB 69 w HA 1 - AN ACT TO AMEND TITLE 6, AND TITLE 25 OF THE DELAWARE CODE RELATING TO DOOR-TO-DOOR AND OTHER SOLICITATION SALES. Sponsor: Representative Oberle. Assigned to Judiciary Committee.

HB 79 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Representatives Matushefske, Gilligan and Ambrosino. Laid on the table at the request of Senator Kearns.

HB 82 - AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE TO REVISE THE DEADLINE FOR REPORTING ESTIMATES OF ANTICIPATED GENERAL FUND REVENUES. Sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

At 2:13 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY

February 1, 1979

The Senate convened at 2:13 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

At 2:19 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:53 p.m., Lt. Governor McGinnis presiding.

Senators Kearns, Murphy and Martin were marked PRESENT.

The following legislation was introduced:

SB 101 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO NON-RESIDENT HUNTING LICENSES. Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 102 - AN ACT TO AMEND CHAPTER 73, TITLE 7 OF THE DELAWARE CODE TO SPECIFY A TERM OF OFFICE FOR THE DELAWARE NATURAL AREAS ADVISORY COUNCIL. Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 103 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE. Sponsor: Senator Weiss. Assigned to Natural Resources and Environmental Control Committee.

SB 104 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE HIGHWAY DIVISION OF THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING AND REHABILITATING URBAN AND SUBURBAN ROADS AND STREETS. Sponsors: Senators Cordrey and Cook. Assigned to Finance Committee.

SA 3 to SB 63. Sponsored by Senator Holloway. Placed with the Bill.

SA 1 to SB 70. Sponsored by Senator Weiss. Placed with the Bill.

HCR 18 - RECOGNIZING AND COMMENDING GEORGE RUSSELL FOR HIS SERVICES AND CONTRIBUTIONS TO THE CITY OF MILFORD AS CITY MANAGER. Sponsors: Representatives Burris and Minner; Senators Adams and Cook.

On motion of Senator Berndt, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (McCullough and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 19 - CONGRATULATING THE DELAWARE STATE CHAMBER OF COMMERCE ON ITS SELECTION OF FORMER GOVERNOR J. CALEB BOGGS AS RECIPIENT OF THE 1979 JOSIAH MARVEL CUP FOR COMMUNITY SERVICE. Sponsors: Representative Sincock, Senator Hughes and all the Senators.

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

HCR 20 - REQUESTING THE GOVERNOR TO DESIGNATE THE PERIOD FROM FEBRUARY 12 TO FEBRUARY 22, 1979, AS NATIONAL DEFENSE WEEK. Sponsors: Representative Harrington and Senator Hughes.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (McCullough and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 82 was reported out of the Revenue and Taxation Committee: 4 Favorable.

HCR 21 - DIRECTING THE SUPERINTENDENT AND SCHOOL BOARD OF THE NEW CASTLE COUNTY SCHOOL DISTRICT TO ASSURE COMPLIANCE, BY APPROPRIATE MEASURES, WITH THE MEMORANDUM OF AGREEMENT BETWEEN THE BOARD AND THE LAW ENFORCEMENT AGENCIES IN NEW CASTLE COUNTY. Sponsors: Representatives Oberle and Maxwell; Senators Sharp and Arnold.

On motion of Senator Sharp, the Resolution was considered for adoption and the privilege of the floor was extended to Lt. John E. Lingo, Jr., Delaware State Police.

Senator Marshall moved that the Resolution be laid on the table and the roll call vote on the motion was taken which revealed:

YES: Senators Holloway, Marshall, McDowell, Weiss and Zimmerman - 5.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Sharp, Spence - 15.

ABSENT: Senator McCullough - 1.

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

The roll call vote on the Resolution was then taken on motion of Senator Sharp and revealed:

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

NOT VOTING: Senators Marshall and McDowell - 2.

ABSENT: Senators Cordrey, McCullough and Zimmerman - 3.

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

The following Governor's nominations for appointment were reported out of the Executive Committee: A. Wayne Burton - 3 Favorable, 3 Merits; E. Paul Catts - 3 Favorable, 3 Merits; Clarice U. Heckert - 3 Favorable, 3 Merits; Terrance L. Higgins - 3 Favorable, 3 Merits; Warner W. Price, Jr., - 2 Favorable, 3 Merits; George M. Records, Jr. - 3 Favorable, 3 Merits; William G. Thompson - 3 Favorable, 3 Merits; Norman G. Wilder - 4 Favorable, 2 Merits; William B. Philipbar, Jr. - 6 Favorable; Theodore W. Ryan - 6 Favorable.

HCR 22 was introduced and considered for adoption on motion of Senator Holloway:

HCR 22 - CONGRATULATING TIM WILSON UPON HIS SELECTION AS DELAWARE ATHLETE OF THE YEAR BY THE WILMINGTON SPORTSWRITERS AND BROADCASTERS ASSOCIATION. Sponsors: Representatives Jonkiert and Plant; Senator Holloway.

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

On motion of Senator Adams, the rules were suspended for consideration of the Governor's nominations for appointment as follows:

The roll call vote on the appointment of William G. Thompson was taken and revealed 19 Senators voting YES and 2 (Marshall and McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of George M. Records, Jr. was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of A. Wayne Burton was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of Terrance L. Higgins was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of Norman G. Wilder was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of Warner W. Price, Jr., was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of E. Paul Catts was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of Clarice U. Heckert was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of Theodore W. Ryan was taken and revealed 19 Senators voting YES; 1 (Zimmerman) voting NO; and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the appointment of William B. Philipbar, Jr. was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the appointment was declared confirmed.

The following legislation was introduced:

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. Sponsors: Senator Holloway and Representative Maxwell. Assigned to Executive Committee.

SB 106 - AN ACT TO AMEND CHAPTER 51, TITLE 14 OF THE DELAWARE CODE RELATING TO APPOINTMENT OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF DELAWARE. Sponsors: Senators McDowell, Weiss and Cicione; Representatives Cain and Connor. Assigned to Education Committee.

SB 107 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION OF \$40,000 TO THE DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONTINUING THE OFFICE OF EMERGENCY HEALTH SERVICES BEYOND JUNE 30, 1979. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 108 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 21, TITLE 19, DELAWARE CODE RELATING TO THE COMPOSITION OF THE INDUSTRIAL ACCIDENT BOARD. Sponsors: Senators Holloway, Sharp, Kearns, Hughes, Knox, Arnold. Assigned to Labor Committee.

SB 109 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO ODOMETER REQUIREMENTS. Sponsors: Senators Murphy and Berndt; Representatives Minner, Sincok and Oberle. Assigned to Public Safety Committee.

Senator McDowell moved that SB 108 which had just been introduced and assigned to the Labor Committee be reassigned to Administrative Services Committee.

Senator Cicione objected to the motion and the roll call vote was taken which revealed:

YES: Senators Adams, Cook, Holloway, McDowell - 4.

NO: Senators Berndt, Kearns, Murphy, Zimmerman - 4.

NOT VOTING: Senators Arnold, Cicione, Cordrey, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 10.

ABSENT: Senators Marshall, Martin and McCullough - 3.

Therefore, the motion was declared defeated.

However, Senator Cicione then withdrew his objection to placing the Bill in Administrative Services Committee and SB 108 was then reassigned to the Administrative Services Committee.

SB 63 (consideration of which had been deferred) was again taken up for consideration on motion of Senator Holloway.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of Senator Knox.

SA 2 to the Bill which had been placed with the Bill was stricken at the request of Senator Holloway.

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

The roll call vote on SB 63 w SA 3 was then taken and revealed 17 Senators voting YES and 4 (Littleton, Marshall, Martin and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 37 was taken up for consideration on motion of Senator Kearns:

SB 37 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; PROHIBITING RESTRAINTS OF TRADE AND MONOPOLISTIC PRACTICES; PROVIDING REMEDIES AND PENALTIES THEREFOR; AND REPOSING POWERS AND DUTIES IN THE ATTORNEY GENERAL.

SA 1 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 18 Senators voting YES and 3 (Marshall, Martin and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 37 w SA 1 was then taken and revealed:

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

NO: Senator Sharp - 1.

ABSENT: Senators Holloway, Marshall, Martin, McCullough - 4.

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

HB 49 w HA 1, 2, 3 was taken up for consideration on motion of Senator Cicione:

HB 49 w HA 1, 2, 3 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR.

The privilege of the floor was extended to Representative Thomas Brady after which the roll call vote on the Bill was taken and revealed:

YES: Senators Berndt, Cicione, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Marshall, McDowell, Murphy, Spence, Weiss, Zimmerman - 14.

NO: Senators Adams, Arnold, Cook, Sharp - 4.

ABSENT: Senators Holloway, Martin and McCullough - 3.

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

HB 87 w HA 2 was taken up for consideration on motion of Senator Marshall:

HB 87 w HA 2 - AN ACT TO AMEND CHAPTER 91, TITLE 9, DELAWARE CODE, RELATING TO CHIEF DEPUTIES.

The privilege of the floor was extended to Arline Miller, representing Chief Deputy Sheriffs, after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Martin and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 78 was taken up for consideration on motion of Senator Cicione:

HB 78 - AN ACT TO AID THE WILMINGTON RAPE CRISIS CENTER INC., BY MAKING AN APPROPRIATION THEREFOR.

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

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 82:

HB 82 - AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE TO REVISE THE DEADLINE FOR REPORTING ESTIMATES OF ANTICIPATED GENERAL FUND REVENUES.

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

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 79:

HB 79 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

SA 1 to the Bill was introduced by Senator Cordrey who moved for its adoption.

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

YES: Senators Adams, Cicone, Cook, Cordrey, Hale, Kearns, Littleton, Zimmerman - 8.

NO: Senators Arnold, Berndt, Sharp - 3.

NOT VOTING: Senators Holloway, Hughes, Knox, Marshall, McDowell, Murphy, Spence, Weiss - 8.

ABSENT: Senators Martin and McCullough - 2.

Therefore, the Amendment was declared lost.

SA 2 to the Bill was introduced by Senator Zimmerman who moved for its adoption.

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

YES: Senators Adams, Cook, Murphy, Zimmerman - 4.

NO: Senators Arnold, Berndt, Cicone, Cordrey, Hale, Kearns, Littleton, McDowell, Sharp - 9.

NOT VOTING: Senators Holloway, Hughes, Knox, Spence, Weiss - 5.

ABSENT: Senators Marshall, Martin, McCullough - 3.

Therefore, the Amendment was declared lost.

The privilege of the floor was extended to Representative Matushefske after which the roll call vote on HB 79 was taken; however, the roll call was tabled before being announced on motion of Senator Kearns

Senator Kearns moved that the necessary rules be suspended for lifting HB 8 from the table for consideration.

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

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

NO: Senators Arnold, Berndt, Hale, Hughes, Knox, Weiss, Zimmerman - 7.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Martin and McCullough - 2.

Therefore, the motion prevailed and the Bill was before the Senate:

HB 8 - AN ACT TO AMEND CHAPTER 19, TITLE 14, OF THE DELAWARE CODE RELATING TO EXEMPTION FROM SCHOOL TAXES GRANTED TO PERSONS WHO ARE 65 YEARS OF AGE OR OLDER.

Before final consideration of the Bill was taken however, it was again laid on the table on further motion of Senator Kearns.

HB 47 w HA 1, 2 was taken up for consideration on motion of Senator Sharp:

HB 47 w HA 1, 2 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF PROVIDING THE COST OF INMATE BOARDING, TRAVEL, LITIGATION EXPENSES, AND MEDICAL EXPENSES.

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

HB 102 was taken up for consideration on motion of Senator Sharp:

HB 102 - AN ACT TO AMEND VOLUME 61, CHAPTER 376, LAWS OF DELAWARE, THE 1978 CAPITAL IMPROVEMENTS ACT, BY REPEALING A PORTION OF THE SUM AUTHORIZED FOR CONSTRUCTION OF A MULTI-PURPOSE CRIMINAL JUSTICE FACILITY AND THE SUM AUTHORIZED FOR SECURITY FENCING AND BY AUTHORIZING FUNDS FOR THE CONSTRUCTION OF A FACILITY AT DELAWARE CORRECTIONAL CENTER, AND TO APPROPRIATE SUCH FUNDS TO THE DEPARTMENT OF CORRECTION.

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

On motion of Senator McDowell, the roll call vote on SR 11 w SA 1 was lifted and announced:

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Knox, Littleton, Marshall, Martin, McDowell, Weiss - 11.

NO: Senators Cicione, Cordrey, Hughes, Kearns, McCullough, Murphy, Sharp, Zimmerman - 8.

ABSENT: Senators Adams and Spence - 2.

Therefore, the Resolution was declared adopted.

On motion of Senator Zimmerman, HJR 4 w HA 1 was lifted for consideration and the roll call vote taken which revealed:

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

NOT VOTING: Senators Holloway and McDowell - 2.

ABSENT: Senators Cicione, Martin and McCullough - 3.

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

The following legislation was introduced:

SB 110 - AN ACT TO AMEND AN ACT BEING CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES" TO ELIMINATE THE QUALIFICATION OF BEING A FREEHOLDER FOR MAYOR AND TOWN COUNCILMAN, TO REDUCE THE LENGTH OF RESIDENCE FOR THE MAYOR AND COUNCILMAN, TO ELIMINATE THE PAYMENT OF TAXES AS A QUALIFICATION FOR MAYOR AND TOWN COUNCILMAN, TO MAKE THE WORD "FREEHOLDER" APPLICABLE TO ALL SECTIONS OF THE CHARTER, TO REDUCE THE AGE FOR VOTING IN THE ANNUAL MUNICIPAL ELECTION TO EIGHTEEN (18) YEARS, TO ALLOW VACANCIES TO BE FILLED BY THE REMAINING MEMBERS OF THE TOWN COUNCIL, TO ELIMINATE QUALIFICATION OF BEING A FREEHOLDER FOR THE ASSESSOR, AND TO ALLOW THE COUNTY ASSESSMENT TO BE THE TOWN ASSESSMENT. Sponsors: Senators Adams and Littleton; Representative Fallon. Assigned to Community Affairs Committee.

SA 1 to SB 24 sponsored by Senator Hughes. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 72 and adopted SJR 6.

The following letter of nomination for appointment from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

February 1, 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: Warner T. Foraker, 302 Clinton Street Delaware City, Dover, Delaware, to be a member of the Industrial Accident Board until May 8, 1980, to fill the unexpired term of Robert A. McCullough, Sr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the nomination for appointment of Warner T. Foraker and the roll call vote taken which revealed 19 Senators voting YES and 2 (Martin and McCullough) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Kermit H. Justice was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hughes, Martin and McCullough) ABSENT; therefore, the appointment was declared confirmed.

At 7:02 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 7:07 p.m., Lt. Governor McGinnis presiding.

At 7:10 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the President Pro Tempore.

The Senate reconvened at 2:08 p.m., March 20, 1979, Lt. Governor McGinnis presiding.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY March 20, 1979

The Senate convened at 2:10 p.m. March 20, 1979, 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

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 17.

The Secretary announced that Legislative Advisories #3 through 7 received from the Office of Counsel to the Governor informed the Senate that the Governor signed SCR 5 on January 18, 1979; SJR 6, SB 17 and SB 40 on February 6; SB 72 on February 13. The Governor vetoed SB 68 w SA 1 on February 13.

The following veto message from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
February 12, 1979

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

I am returning without my signature Senate Bill 68 with Senate Amendment Number 1, which I received on February 1 and which is entitled:

AN ACT TO AMEND CHAPTER 19, TITLE 7 OF THE
DELAWARE CODE RELATING TO SHELLFISHING.

I do so for the following reasons:

In 1976, prior to my term in office, the General Assembly enacted a major revision of Delaware's shellfish laws. It is clear from the Summary of Intent attached to the bill that the General Assembly intended a complete reassessment and revision of the State's antiquated laws and policies pertaining to shellfishing. That Act mandated that the varied and often competing interests in the Indian River, the Indian River Bay and Rehoboth Bay be given fair and equitable access to the resources of the lower bays. To that end, the 1976 Act placed a moratorium on shellfish leases within these areas until the completion of a shellfish survey being conducted by the Department of Natural Resources and Environmental Control and the approval by the General Assembly of a shellfish management plan developed by the Department after public hearings. With respect to existing leases, the Act expressly provided that they were to terminate on April 30, 1977 and thereafter could be renewed only in accordance with the provisions of the new Act and the management plan.

Senate Bill 68 is designed to preserve the status quo of a few leases pending the adoption of the management plan. Senate Bill 68 is unnecessary because the status quo has been preserved by two independent administrative actions. Secretary Olney issued emergency regulations imposing a moratorium on shellfish taking on leased grounds in the lower bays. The Department of Health and Social Services has closed these and other shellfish grounds for the foreseeable future because of pollution levels exceeding health standards.

The bill is not only unnecessary but it could have some detrimental effects. Senate Bill 68 would permit a few existing leases to continue indefinitely, despite the moratorium on leases and the specific termination date for old leases. This clearly confers substantial benefits on a limited number established interests, in direct contravention of the General Assembly's efforts to assure fair treatment to all. With the State on the verge of adopting a shellfish management plan, it is an inopportune time to alter the 1976 Act. Public hearings are being held, as directed by the 1976 Act and the House of Representatives, by House Resolution 31, has called for the plan to be submitted to the General Assembly no later than March 15. The Secretary of the Department of Natural Resources and Environmental Control has expressed his intention to comply with this deadline. At this juncture, it is crucial that the best efforts of all concerned be directed at the development of a plan which will fairly and equitably manage Delaware's shellfish resources. Senate Bill 68, however, would upset the delicate balance which now exists between competing interests and thereby jeopardize the acceptance and implementation of the much-needed management plan.

I am sensitive to the claims of the leaseholders that the termination of their leases is unfair in light of their substantial investments in the leased grounds and the detrimental effect on their business operations. With respect to these claims, the House of Representatives has, by House Resolution 31, directed the Department of Natural Resources and Environmental Control to report to the General Assembly by March 15 on "the results of their investigation of the conflicting accusations concerning (these) leases." The information contained in this report, together with the Department's recommendations for managing the State shellfish resources will provide a factual basis for determining whether the 1976 Act should be altered.

For the foregoing reasons, I return Senate Bill 68, as amended, without my signature.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following message from the Governor to the Lieutenant Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

March 8, 1979

The Honorable James D. McGinnis
President of the Senate
Delaware General Assembly
Dover, Delaware 19901

Dear Mr. President:

On February 1, I submitted to the Senate the nomination of Warner Foraker to the Industrial Accident Board. My communication to the Senate states that Mr. Foraker was nominated "to be a member of the Industrial Accident Board until May 8, 1980 to fill the unexpired term of Robert A. McCullough, Sr., resigned". The Senate confirmed the nomination on February 1, 1979.

This is to advise you that subsequently it has been brought to my attention that in 1974 the Attorney General ruled that all appointments of members to the Industrial Accident Board are for full six year terms, and that an appointment to fill an unexpired term may not be made for less than six years. See Opinion 4S-703, January 31, 1974. I have enclosed a copy of that opinion for your information.

In that decision the Attorney General ruled that the term of the Commission issued by the Governor for a shorter period of time was not effective. Accordingly, I have reissued Mr. Foraker's commission to state that his commission is for a six year term and will expire in 1985, rather than 1980.

I am bringing this to your attention so that you might inform the members of the Senate of the change in Mr. Foraker's term of office.

Sincerely yours,
Pierre S. duPont, Governor

* * * * *

The following legislation was introduced:
HB 111 w HA 1, 2 - AN ACT TO AMEND CHAPTER 13, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL EMPLOYEES; AND PROVIDING FOR THE ACCUMULATION OF ANNUAL LEAVE AND ABSENCES FOR OTHER REASONS. Sponsors: Representatives McBride, Bennett, Wm. Brady, Cain, Darling, Gordy, Kelly, Matushefske, Maxwell, Ambrosino, T. Brady, Cathcart, Fallon, Hebner, Maroney, Oberle, Petrilli, Roy and Smith. Assigned to Education Committee.

SB 111 - AN ACT TO AMEND CHAPTER 59, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PERMITTING JUSTICES OF THE PEACE OR MAYORS TO HEAR VIOLATIONS OF PUBLIC PARK LAWS AND MISDEMEANOR LAWS ON SUNDAYS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 112 - AN ACT TO AMEND CHAPTER 66, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS. Sponsor: Senator Kearns. Assigned to Banking, Insurance and Elections Committee.

SB 113 - AN ACT TO AMEND CHAPTER 5, TITLE 7 OF THE DELAWARE CODE RELATING TO PERSONS AUTHORIZED TO SELL LICENSES. Sponsors: Senators Cordrey and Adams. Assigned to Natural Resources and Environmental Control Committee.

SB 114 - AN ACT TO AMEND CHAPTER 92, TITLE 10, DELAWARE CODE, RELATING TO SALARIES OF JUSTICES OF THE PEACE. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 115 - AN ACT TO AMEND CHAPTER 70, TITLE 7 OF THE DELAWARE CODE RELATING TO THE COASTAL ZONE ACT. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 116 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO PURCHASE A TRACT OF LAND SITUATED IN SUSSEX COUNTY FOR PARK PURPOSES AND TO ISSUE BONDS AND NOTES THEREFOR, AND APPROPRIATING THE MONEY BORROWED TO THE DIVISION OF PARKS AND RECREATION, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 117 - AN ACT TO AMEND CHAPTER 79, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BUREAU OF CHILD SUPPORT ENFORCEMENT; AND CONFERRING LIMITED POLICE POWERS UPON THE ENFORCEMENT OFFICERS OF THE BUREAU. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 118 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BOWERS BEACH VOLUNTEER FIRE COMPANY. Sponsors: Senator Murphy and Representative Minner. Assigned to Grant-in-Aid Committee.

SB 119 - AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO POWERS OF THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Murphy. Assigned to Highways and Transportation Committee.

SB 120 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT, REQUIRING THAT RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE SUBMITTED TO THE GENERAL ASSEMBLY. Sponsor: Senator Murphy. Assigned to Executive Committee.

SB 121 - AN ACT TO AMEND CHAPTER 70, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SALE OF STATE-OWNED MATERIEL; AND PROVIDING FOR THE DISPOSITION OF MATERIEL BEING REPLACED IN KIND. Sponsor: Senator Kearns. Assigned to Executive Committee.

SB 122 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 31 OF THE DELAWARE CODE RELATING TO COURT JURISDICTION OVER CERTAIN VIOLATIONS OF THE STATE PUBLIC ASSISTANCE CODE. Sponsor: Senator Kearns. Assigned to Health and Social Services Committee.

SB 123 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", AS AMENDED, AND RELATING TO RESIDENCY OF COMMISSIONERS, TIME AND PLACE OF ANNUAL ELECTIONS, MEETING OF COMMISSIONERS, AUTHORITY OF COMMISSIONERS, AND AUTHORITY TO BORROW FUNDS. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 124 - AN ACT TO AMEND CHAPTER 144, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD," AS AMENDED, BY CHANGING THE DATES OF THE FISCAL YEAR. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 125 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT FOR SERVICES BY PATIENTS OF THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 126 - AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE, REGULATING THE PRACTICE OF ARCHITECTURE. Sponsors: Senator Holloway and Representative Maxwell. Assigned to Administrative Services Committee.

SB 127 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION FOR A NEW AUDITORY AMPLIFICATION SYSTEM IN THE CLASSROOMS AND CERTAIN OTHER FACILITIES AT THE MARGARET S. STERCK SCHOOL FOR THE HEARING IMPAIRED. Sponsors: Senator Zimmerman and Representative Minner. Assigned to Education Committee.

SB 128 - AN ACT TO PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO JAI-ALAI. Sponsors: Senators Holloway and Knox. Assigned to Executive Committee.

SB 129 - AN ACT TO AMEND CHAPTER 29, TITLE 21, DELAWARE CODE TO ELIMINATE THE REQUIREMENT FOR FILING SR-22 INSURANCE CERTIFICATES. Sponsors: Senator Murphy and Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SR 22 - MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE THOMAS J. HANLON. Sponsor: Senator Holloway.

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 (Marshall and McCullough) ABSENT; therefore, the Resolution was declared adopted.

SR 23 - EXPRESSING OUR SINCEREST HOPE FOR A SPEEDY RECOVERY FOR OUR COLLEAGUE, SENATOR CALVIN R. MCCULLOUGH. Sponsored by Senator Cordrey and all the Senators.

On motion of Senator Cordrey, the roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted.

SJR 7 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO MAKE A BRIEF MONTHLY REPORT TO THE GENERAL ASSEMBLY CONCERNING ITS ACTIVITIES. Sponsor: Senator McDowell. Assigned to Administrative Services Committee.

At 2:38 p.m. on motion of Senator Sharp, the Senate recessed and reconvened at 4:40 p.m., Senator Cordrey presiding.

HCR 23 was introduced and considered for adoption on motion of Senator Adams:

HCR 23 - EXPRESSING THE APPRECIATION OF THE MEMBERS OF THE 130TH GENERAL ASSEMBLY OF DELAWARE FOR THE 9TH ANNUAL AGRICULTURAL INDUSTRY DINNER.

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

The following legislation was introduced:

SB 130 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO PERSONAL INCOME TAX DEDUCTIONS. Sponsor: Senator Martin. Assigned to Revenue and Taxation Committee.

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. Sponsor: Senator Weiss. Assigned to Banking, Insurance and Elections Committee.

SB 132 - AN ACT TO AMEND CHAPTER 68, TITLE 7, DELAWARE CODE, RELATING TO APPEALS FROM DECISIONS OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

SR 24 - IN REMEMBRANCE OF JOHN BURTON HENDRICKS, A FORMER STATE SENATOR FROM FREDERICA, DELAWARE. Sponsors: Senator Murphy and Representative Minner.

The Resolution was considered for adoption on motion of Senator Murphy and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hughes, Martin and McCullough) ABSENT; therefore, the Resolution was declared adopted.

SCR 10 - COMMENDING DELORES J. BAYLOR, SUPERINTENDENT OF THE WOMEN'S CORRECTIONAL INSTITUTION, FOR HER OUTSTANDING SERVICE TO THE DEPARTMENT OF CORRECTION. Sponsors: Senator Sharp, Adams, Cook, Cordrey, Holloway, Hughes, Spence, Berndt, Kearns; Representatives Morris, Darling, Holloway and Plant.

On motion of Senator Sharp the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Hughes, Martin and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 5:00 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 21, 1979.

The Senate reconvened at 2:21 p.m. March 21, 1979, Lt. Governor McGinnis presiding.

The following legislation was introduced:

HB 68 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR PROGRAMS AT THE BLACKMAN'S DEVELOPMENT CENTER, INC. Sponsor: Representative Jonkiert. Assigned to Health and Social Services Committee.

HB 153 - AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, RELATING TO THE FEES OF THE REGISTER OF WILLS IN NEW CASTLE COUNTY. Sponsor: Representative Jonkiert. Laid on the table at the request of Senator Sharp.

HB 154 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE SHERIFF OF NEW CASTLE COUNTY. Sponsor: Representative Jonkiert. Laid on the table at the request of Senator Sharp.

HB 155 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CRIMINAL PROCEEDINGS. Sponsor: Representative Jonkiert. Laid on the table at the request of Senator Sharp.

HB 156 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CIVIL PROCEEDINGS. Sponsor: Representative Jonkiert. Laid on the table at the request of Senator Sharp.

SB 133 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO EDWARD C. SOBOLEWSKI, A FORMER EMPLOYEE OF THE UNIVERSITY OF DELAWARE. APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Sharp. Assigned to Finance Committee.

SCR 11 - MARKING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION. Sponsor: Senator Hughes and all the Senators. The Resolution was laid on the table on motion of Senator Berndt in the absence of the sponsor.

SJR 8 - DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AND NAME ALL THAT PORTION OF HIGHWAY 40 WHICH LIES IN DELAWARE AS THE PULASKI HIGHWAY IN HONOR OF THE 200TH ANNIVERSARY OF CASIMIR PULASKI WHO GAVE HIS LIFE IN THE AMERICAN REVOLUTION; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Marshall. Assigned to Highways and Transportation Committee.

SCR 11 was lifted from the table for consideration on motion of Senator Hughes and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 2:32 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY
March 21, 1979

The Senate convened at 2:32 p.m. March 21, 1979 Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

At 2:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:05 p.m., Senator Cordrey presiding.

HCR 24 was introduced and considered for adoption on motion of Senator Berndt:

HCR 24 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO OPPOSE ANY PROPOSAL TO CLOSE GASOLINE SERVICE STATIONS ON SUNDAYS BECAUSE OF THE POTENTIALLY SEVERE EFFECT ON RECREATIONAL ENTERPRISE IN THE FIRST STATE. Sponsor: Representative Gordy.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (McCullough, McDowell and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senator Cicione was marked PRESENT.

The following legislation was introduced:

SB 136 - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE PROHIBITING THE REMOVAL OF A VEHICLE FROM THE SCENE OF AN ACCIDENT EXCEPT UNDER SPECIFIED CONDITIONS. Sponsor: Senator Knox. Assigned to Public Safety Committee.

SB 137 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE TO PROVIDE THAT AT LEAST ONE MEMBER APPOINTED TO ANY BOARD FUNCTIONING UNDER THIS TITLE SHALL BE A LAY PERSON. Sponsor: Senator Marshall. Assigned to Administrative Services Committee.

SB 138 - AN ACT TO AMEND CHAPTER 25, TITLE 24 OF THE DELAWARE CODE TO AUTHORIZE PHARMACISTS TO GIVE THE PRICE OF PRESCRIPTIONS TO CUSTOMERS WHO APPEAR IN PERSON OR WHO SEEK THE INFORMATION BY TELEPHONE. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 134 - AN ACT TO AMEND SUBCHAPTER VI OF CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO REGULATION BY THE PUBLIC SERVICE COMMISSION OF RATES CHARGED BY CABLE TELEVISION SYSTEMS. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 135 - AN ACT TO AMEND CHAPTER 66, TITLE 16 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS. Sponsors: Senators Holloway and Cicione. Assigned to Health and Social Services Committee.

On motion of Senator Kearns, the roll call vote on HB 79 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook Holloway, Hughes, Kearns, Littleton, Marshall, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senators Cordrey, Hale - 2.

NOT VOTING: Senator Knox - 1.

ABSENT: Senator McCullough - 1.

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

Senator Sharp moved that the necessary rules be suspended for lifting HB 153, HB 154, HB 155 and HB 156 from the table for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Marshall, Martin, Murphy, Sharp, Spence - 14.

NO: Senators Arnold and Berndt - 2.

NOT VOTING: Senators Hughes, McDowell and Zimmerman - 3.

ABSENT: Senators McCullough and Weiss - 2.

Therefore, the motion prevailed and the Bills were taken up for consideration as follows:

HB 153 - AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, RELATING TO THE FEES OF THE REGISTER OF WILLS IN NEW CASTLE COUNTY.

The roll call vote on the Bill was 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.

HB 154 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE SHERIFF OF NEW CASTLE COUNTY.

The privilege of the floor was extended to Gerald E. Reilly after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 155 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CRIMINAL PROCEEDINGS.

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

HB 156 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CIVIL PROCEEDINGS.

The roll call 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.

The following nomination for appointment by the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 21, 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: Henry James Decker, 1202 N. Grand, Pierre, South Dakota to be Budget Director of the State of Delaware to serve at the pleasure of the Governor from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SR 25 was introduced by Senator Murphy and considered for adoption on his motion:

SR 25 - COMMENDING THE KENT COUNTY FIRE POLICE ASSOCIATION FOR THEIR ARDUOUS AND DEDICATED SERVICE ON MARCH 6, 1979, THE NIGHT THE BOWERS BEACH FIRE COMPANY WAS DESTROYED BY FIRE.

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

SB 139 was introduced by Senator Marshall and assigned to Executive Committee.

SB 139 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PROVIDE FOR A DELAWARE COMPENSATION COMMISSION.

The following Bills were reported out of the Banking, Insurance and Elections Committee: SB 35 - 1 Favorable, 2 Merits, 1 Unfavorable; SB 94 - 1 Favorable, 2 Merits, 1 Unfavorable.

At 4:50 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 22, 1979.

The Senate reconvened at 2:35 p.m. March 22, 1979, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 10 and passed SB 16 and SB 92.

The following legislation was introduced:

HB 231 - AN ACT TO AMEND CHAPTER 5, TITLE 28 AND CHAPTER 23, TITLE 30 DELAWARE CODE, RELATING TO THE STATE TAX AND LICENSEE'S COMMISSIONS ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT HARNESS RACING TRACKS, LICENSEE'S PAYMENTS TO THE DELAWARE STANDARD BRED DEVELOPMENT FUND

AND STATE LICENSE FEES FOR HARNESS RACING MEET OPERATORS, HARNESS RACE HORSE OWNERS, TRAINERS AND DRIVERS. Sponsors: Representatives Maxwell, Ferguson, Cain, Ambrosino, Sincock, Darling, Minner; Senators Cicione, Murphy, Knox, Weiss, Hughes.

The Bill was temporarily laid on the table at the request of Senator Murphy.

HCR 25 - WELCOMING JOAN MONDALE, WIFE OF WALTER F. MONDALE, 42ND VICE-PRESIDENT OF THE UNITED STATES, TO DELAWARE, THE FIRST STATE, FOR THE JEFFERSON-JACKSON DAY BANQUET, MARCH 22, 1979. Sponsors: Representatives Minner, Anderson, Ferguson, Gordy; Senators Cook, Knox and Berndt.

On motion of Senator Cook, the roll call vote on the Resolution was taken and revealed 14 Senators voting YES and 7 (Cicione, Hale, McCullough, McDowell, Murphy, Spence and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 140 - AN ACT TO AMEND CHAPTER 57, TITLE 29, DELAWARE CODE, RELATING TO EMPLOYEES SOCIAL SECURITY CONTRIBUTIONS. Sponsor: Senator Kearns. Assigned to Executive Committee.

SB 141 - AN ACT TO AMEND CHAPTER 3, TITLE 4, DELAWARE CODE, RELATING TO DUTIES AND POWERS OF THE DELAWARE ALCOHOLIC BEVERAGES CONTROL COMMISSION. Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 142 - AN ACT TO AMEND SUBCHAPTER X, TITLE 21, DELAWARE CODE, RELATING TO PARKING REGULATIONS. Sponsor: Senator Martin. Assigned to Public Safety Committee.

SA 1 to HB 231 sponsored by Senator Holloway. Placed with the Bill.

The following Committee Reports on the Governor's nominations for appointment were read: William F. Betts - 2 Favorable, 3 Merits; Joseph R. Slights - 1 Favorable, 4 Merits; H. Dawson Shulties - 1 Favorable, 4 Merits; George Wharton - 3 Favorable, 2 Merits; Gerald W. Pepper - 4 Favorable, 1 Merits; Ralph H. Boyer - 2 Favorable, 3 Merits; Henry J. Decker - 4 Merits, 1 Unfavorable.

Senator Sharp moved that the roll call vote on HB 155 which had passed the Senate be rescinded and there was no objection to the motion; however, before final action was taken, the Bill was laid on the table on further motion of the Senator.

Senator Sharp moved that the roll call vote on HB 156 which had passed the Senate be rescinded and there was no objection to the motion; however, before final action was taken, the Bill was laid on the table on further motion of the Senator.

At 2:48 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY
March 22, 1979

The Senate convened at 2:48 p.m. March 22, 1979 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

Senator Cicione was marked PRESENT.

On motion of Senator Sharp, HB 155, the roll call of which had been rescinded, was lifted from the table for consideration.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption.

The roll call vote on the Amendment was taken and revealed 17 Senators voting YES and 4 (Hale, McCullough, Spence and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 155 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Hale, McCullough, Spence and Zimmerman) 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 Sharp, HB 156, the roll call of which had been rescinded, was lifted from the table for consideration.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption.

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

The roll call vote on HB 156 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (McCullough, Spence and Zimmerman) 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 Sharp, the roll call vote on HB 153 which had passed the Senate was rescinded and the Bill taken up for reconsideration.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption.

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

The roll call vote on HB 153 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (McCullough, Spence and Zimmerman) 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 Sharp, the roll call vote on HB 154 which had passed the Senate was rescinded and the Bill taken up for reconsideration.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption.

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

The roll call vote on HB 154 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (McCullough, Spence and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Hale marked PRESENT.

At the request of Senator Holloway the privilege of the floor was extended to Betty Jane James, President of the Foster Parent Association, and Marian Blakely to speak on Foster Care.

At 3:20 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:44 p. m., Senator Cordrey presiding.

SR 26 was introduced by Senator Holloway who moved for its adoption:

SR 26 - COMMENDING TENNECO INC AND THE NEW CASTLE COUNTY SCHOOL DISTRICT FOR COOPERATING ON A SCHOOLHOUSE ENERGY EFFICIENCY DEMONSTRATION (SEED) PROJECT AIMED AT CONSERVING ENERGY IN DELAWARE SCHOOLS.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, McCullough, Spence and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

HB 231 which had been laid on the table was assigned to Revenue and Taxation Committee.

At 4:52 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 27, 1979.

The Senate reconvened at 2:27 p.m. March 27, 1979, Lt. Governor McGinnis presiding.

SB 113 was reported out of the Natural Resources and Environmental Control Committee: 4 Favorable.

SB 143 was introduced by Senator Weiss and assigned to the Judiciary Committee:

SB 143 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5, TITLE II, DELAWARE CODE, RELATING TO PROHIBITED HANDGUNS.

Senator Hughes moved that SB 143 be reassigned to the Executive Committee.

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

YES: Senators Adams, Arnold, Hale, Hughes - 4.

NO: Senators Berndt, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Marshall, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 14.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Martin and McCullough - 2.

Therefore, the motion was defeated and the Bill remained in the Judiciary Committee.

HB 160 (sponsored by Representative Cain) was introduced and assigned to the Community Affairs Committee:

HB 160 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING AN ACT ENTITLED " AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY" RELATING TO THE PLANNING COMMISSION; INDEMNIFICATION OF OFFICIALS AND EMPLOYEES; AND PETITIONS.

Senators Spence and Zimmerman marked PRESENT.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 61 - 4 Merits; SB 85 - 3 Merits, 1 Unfavorable; SB 122 - 4 Merits; SB 125 - 4 Merits; SB 135 - 4 Merits; SB 138 - 4 Merits; HB 68 - 3 Merits

From the Community Affairs Committee: SB 123 - 5 Merits; SB 124 - 6 Merits.

SA 2 to HB 231 sponsored by Senator Hale. Placed with the Bill.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 20, 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: Keith Dorman, 346 Oregon Avenue, New Castle, Delaware, to be a member of the Board of Pension Trustees to serve until September 29, 1979 to succeed Frederick Thomas, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 22, 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: David G. Burton, 208 Grier Lane, Milford, Delaware, to be a member of the Board of Pension Trustees to serve until September 29, 1980 to succeed Russell F. Dineen, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 22, 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: Peter E. Frankenberg, Shellpot Drive, Wilmington, Delaware, to be a member of the State Personnel Commission to serve for a term of three years to succeed Jeffrey Corti, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 22, 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: Christine M. Harker, 2214 Gilpin Avenue, Wilmington, Delaware, to be the Executive Director of the Delaware Criminal Justice Planning Commission to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 22, 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: David G. Marshall, 1525 Maple Street, Wilmington, Delaware, to be a member of the Board of Pension Trustees for a term of four years to succeed Ralph V. Deakyne, term expired.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 22, 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: Daniel F. Wolcott, Jr. 4th and Delaware Streets, New Castle, Delaware, to be Vice-Chairman of the Delaware Criminal Justice Planning Commission to serve at the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SR 27 (sponsored by Senator Holloway) was introduced and laid on the table at his request:

SR 27 - DIRECTING THE SECRETARY OF THE SENATE TO OBTAIN IDENTIFICATION TAGS TO BE WORN BY MEMBERS OF THE MEDIA WHILE AT WORK IN THE SENATE.

The following legislation was reported out of the Administrative Services Committee: SB 27 - 6 Merits; SB 31 - 6 Merits; SB 137 - 5 Merits.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

March 27, 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: Mary P. Pierson, RD #2, Box 270 C, Laurel, Delaware, to be appointed as a member of the Sussex County Board of Elections for a term of four years.

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

March 27, 1979

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

The nomination of James Monaco for reappointment as a member of the Sussex County Board of Elections, submitted to you on January 10, 1979, is hereby formally withdrawn.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

At the request of Senator Zimmerman, the members of the Senate, the Staff members, attaches and guests stood for a moment of prayerful silence in honor of the memory of Ralph Tue, a Senate Attache who recently died.

* * * * *

The following communication from the President Pro Tempore was read and made a part of this record at his request:

SENATE
STATE OF DELAWARE
DOVER

March 27, 1979

TO: Members of the Delaware State Senate
130th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Budget Director's duties

In researching the duties of the Budget Director in our present Delaware Code, I come up with the following:

DUTIES OF THE BUDGET DIRECTOR:

Chapter 549, Volume 57, Laws of Delaware, created the Department of Finance and transferred many of the duties of the Budget Director to the Secretary of Finance. Section 8310, Title 29, Del. C. reads in part as follows:

"The Department (of Finance) ...shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested by law in the Budget Director...immediately prior to the effective date of this Chapter...excepting only those powers, duties and functions hereinabove expressly vested in or retained by such person..."

The duties "hereinabove" vested in the Budget Director are as follows:

1. Serve on the Board of Pension Trustees --Section 8308 (d) (1), Title 29.
2. Adopt controls related to bills, statements, accounts and demands against the State--Section 8304 (2), Title 29.
3. Such temporary duties as appear from time to time in the Annual Appropriation Act such as joint approval with the Controller General of line item transfers.

In view of the above requirements and duties of the Budget Director, I am very concerned whether we should, at this time be considering a position which pays a salary of \$32,500. Whereas, if the Budget Director complies to our Delaware Code, I question this as being a part-time job, and the qualifications which have been set in order to fill this position.

I would request that the Chairman of the Executive Committee of the State Senate please take this memo under consideration and verify whether my findings are correct or not.

Until such time, I would request that no name be approved by the Delaware State Senate until such study is completed.

* * * * *

HB 231 was reported out of the Revenue and Taxation Committee: 3 Merits.

At 3:02 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY

March 27, 1979

The Senate convened at 3:02 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

At 3:08 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:28 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 145 - AN ACT TO AMEND CHAPTER 70, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SALE OF STATE-OWNED MATERIEL; AND PROHIBITING STATE AGENCIES FROM BIDDING IN CERTAIN AUCTIONS. Sponsor: Senator Kearns. Assigned to Executive Committee.

SB 144 - AN ACT TO AMEND CHAPTER 7, TITLE 18, OF THE DELAWARE CODE RELATING TO THE FEE SCHEDULE OF THE INSURANCE CODE FOR THE STATE OF DELAWARE. Sponsors: Senator Murphy and Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SCR 9 - DIRECTING THE MICHIE COMPANY OF CHARLOTTESVILLE, VIRGINIA, TO INCLUDE CERTAIN ORGANIC ACTS AND HISTORICAL DOCUMENTS OF THIS STATE IN THE NEXT CUMULATIVE SUPPLEMENT AND ALL FUTURE EDITIONS OF THE DELAWARE CODE ANNOTATED. Sponsors: Senators Martin and Berndt; Representatives Maxwell and Ambrosino. Assigned to Executive Committee.

HB 231 was taken up for consideration on motion of Senator Cordrey:

HB 231 - AN ACT TO AMEND CHAPTER 5, TITLE 28 AND CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO THE STATE TAX AND LICENSEE'S COMMISSIONS ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT HARNESS RACING TRACKS, LICENSEE'S PAYMENTS TO THE DELAWARE STANDARD BRED DEVELOPMENT FUND AND STATE LICENSE FEES FOR HARNESS RACING MEET OPERATORS, HARNESS RACE HORSE OWNERS, TRAINERS AND DRIVERS.

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 Hale.

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

YES: Senators Berndt, Hale, Holloway, Marshall, McDowell, Sharp - 6.

NO: Senators Cicione, Cook, Cordrey, Kearns, Knox, Martin, Murphy, Spence, Weiss, Zimmerman - 10.

NOT VOTING: Senators Adams, Arnold, Hughes, Littleton - 4.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

The roll call vote on HB 231 was then taken and revealed:

YES: Senators Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Marshall, Martin, Murphy, Weiss, Zimmerman - 12.

NO: Senators Cordrey, Hale, Littleton, McDowell - 4.

NOT VOTING: Senators Adams, Arnold, Sharp, Spence - 4.

ABSENT: Senator McCullough - 1.

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

At 5:07 p.m., Senator Adams presiding.

SR 28 (Sponsored by Senator Zimmerman and all the Senators) was introduced and considered for adoption:

SR 28 - MOURNING THE DEATH OF RALPH TUE, SENATE SERGEANT-AT-ARMS.

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

SCR 12 was introduced by Senator Marshall and considered for adoption on his motion:

SCR 12 - EXTENDING CONTRATULATIONS TO THE ST. ELIZABETH HIGH SCHOOL GIRLS' BASKETBALL TEAM ON WINNING THE DELAWARE HIGH SCHOOL GIRLS' BASKETBALL TOURNAMENT.

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.

SCR 13 was introduced by Senator Knox and considered for adoption on his motion:

SCR 13 - FIXING MAY 18, 1979, AS DELAWARE MUSEUM DAY AS A PART OF THE NATIONAL OBSERVANCE OF MUSEUM DAY. Sponsor: Senator Knox.

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

The following Resolution of the City of Newark is made part of this record at the request of Senator Hale:

CITY OF NEWARK
DELAWARE
RESOLUTION NO. 79-K

Opposing the De-Authorization/Authorization
Proposal of the Governor's Project Overhaul

WHEREAS, since 1969, the Council of the City of Newark has adopted many resolutions and motions endorsing and urging the construction of the Newark Connector Highway running from Elkton Road to South College Avenue, now known as a segment of the Route 4 Improvement Project and

WHEREAS, the Council, on April 24, 1978, adopted the Newark Connector as Number 1 Highway priority for Newark, and

WHEREAS, the Federal Highway Administration has granted Location Approval to the Newark Connector as required for Federal funding, and

WHEREAS, the State Department of Highways issued an Environmental Impact Statement endorsing the Newark Connector as an urgently needed transportation improvement, and

WHEREAS, the De-Authorization/Authorization Proposal of the Governor's Project Overhaul would jeopardize continued funding for portions of the Route 4 Improvement Project in FY 80 and FY 81, and

WHEREAS, continued progress on the improvement of Route 4, especially the Newark Connector Road, is essential for citizens living and working in the Newark area;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newark opposes the De-Authorization/Authorization Proposal of the Governor's Project Overhaul.

BE IT FURTHER RESOLVED that the Council of the City of Newark feels that financing for emergency road repairs and resurfacing should come from surplus money.

BE IT FURTHER RESOLVED that if such surplus monies are not available, the current allocation of \$5.5 million not be transferred until a Bond Bill replacing it has been passed.

RESOLVED at a Regular Meeting of Council on March 26, 1979.
VOTE: 7 to 0.

William M. Redd, Jr., Mayor

Attest: Betty Jane Steltz, City Secretary

* * * * *

SCR 14 was introduced and considered for adoption on motion of Senator Holloway:

SCR 14 - EXPRESSING THE DEEP APPRECIATION OF THE PEOPLE OF DELAWARE TO PRESIDENT JIMMY CARTER FOR LEADING THE WAY TO THE SIGNING OF THE EGYPTIAN-ISRAELI TREATY. Sponsors: Senators Holloway, Kearns, Marshall, Cordrey, Cicione, McDowell, Martin, Zimmerman, Adams, Knox, Hale, Weiss, Hughes, Spence, Cook, Berndt, Murphy.

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

SB 114 was stricken at the request of the sponsor, Senator Cordrey.

At 5:50 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. March 28, 1979.

The Senate reconvened at 2:14 p.m. March 28, 1979, Senator Cordrey presiding.

The following legislation was introduced:

HCR 27 - REQUESTING THE SECRETARY OF HEALTH AND SOCIAL SERVICES TO UTILIZE AVAILABLE, MORE EXPEDIENT HIRING PROCEDURES FOR CERTAIN PERSONNEL. Sponsors: Representatives Gilligan and West; Senator Holloway.

The Resolution was laid on the table on motion of Senator Murphy.

HCR 28 - REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE MEMBERS OF THE CONGRESS TO ACT TO ENSURE THAT THE FEDERAL GOVERNMENT REIMBURSES THE STATES FOR COSTS INCURRED IN THE IMPLEMENTATION OF NEW PROGRAMS OR INCREASED LEVELS OF EXISTING PROGRAMS. Sponsors: Representative Gordy and Senator Cordrey.

The Resolution was laid on the table on motion of Senator Murphy.

HCR 29 - MOURNING THE DEATH OF MOLLOY CLARK VAUGHN, SR., FORMER SECRETARY OF THE FORMER DELAWARE STATE BOARD OF AGRICULTURE. Sponsors: Representative Clendaniel and Senator Hale.

The Resolution was considered for adoption and the roll call vote taken on motion of Senator Adams which revealed 15 Senators voting YES and 6 (Cicione, Holloway, Kearns, Martin, McCullough and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY
March 28, 1979

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

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

At 2:21 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:39 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 71 and adopted SCR 12 and SCR 14.

SR 29 (sponsored by Senators Cordrey and Sharp was introduced and considered for adoption:

SR 29 - IN REFERENCE TO ELECTION OF STAFF.

The roll call vote on the Resolution was taken and revealed 12 Senators voting YES and 9 (Cicione, Hale, Holloway, Hughes, Littleton, McCullough, McDowell, Spence and Weiss) ABSENT; therefore, the Resolution was declared adopted.

Senators Kearns, Martin and Zimmerman marked PRESENT.

The following legislation was introduced:

HB 60 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, TO PROVIDE A NURSE FOR EACH VOCATIONAL-TECHNICAL HIGH SCHOOL. Sponsor: Representative Morris. Assigned to Education Committee.

HB 118 w HA 1 - AN ACT TO APPROPRIATE MONIES TO MADALYN SEEGER, A FORMER STATE EMPLOYEE IN SETTLEMENT OF HER CLAIM AGAINST THE STATE. Sponsors: Representatives Neal and Anderson. Assigned to Executive Committee.

HB 198 - AN ACT RELATING TO THE NAME OF THE FERRIS SCHOOL FOR BOYS. Sponsor: Representative Morris. Assigned to Corrections Committee.

HJR 7 - REQUESTING PRESIDENT JIMMY CARTER AND THE DELAWARE CONGRESSIONAL DELEGATION TO ACT TO REVISE THE FEDERAL BUDGET FOR FISCAL 1980 TO MODESTLY INCREASE FUNDS REQUIRED FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION PROGRAMS AT THE UNIVERSITY OF DELAWARE. Sponsors: Representative Gordy and Senator Adams; Representatives Bennett, Smith, Sincok, Burris, Fallon, Riddagh, W. Brady, Ferguson, West, Morris, Darling, Matushefske, Minner, Kelly, Gilligan, Cain, George, Anderson, Roy, McKay, Connor, Harrington, Oberle, Plant, Clendaniel; Senators Cicione, Cook, Littleton, Spence, Arnold, Berndt, Kearns.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 16 Senators voting YES; 1 (Knox) NOT VOTING and 4 (Holloway, Littleton, McCullough and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 30 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO STRIVE FOR A \$50 MILLION FEDERAL APPROPRIATION FOR FISCAL 1980 FOR THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM. Sponsors: Representatives Darling, Morris, West, Clendaniel, W. Brady, Bennett, Gordy, Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 146 - AN ACT TO AMEND PART III, TITLE 3 OF THE DELAWARE CODE RELATING TO BAKED GOODS; AND PROVIDING FOR THE INFORMATIONAL LABELING OF CERTAIN PRODUCTS. Sponsors: Senator Cicione and Representative Maxwell. Assigned to Agriculture Committee.

SB 147 - AN ACT TO AMEND PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURE; AND PROVIDING FOR A DELAWARE PLEA NEGOTIATIONS ACT. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 148 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 25 OF THE DELAWARE CODE RELATING TO MORTGAGES AND OTHER LIENS; AND PROVIDING CONDITIONS UNDER WHICH PAYMENT BY THE OWNER OF A RESIDENCE TO A CONTRACTOR SHALL BE A DEFENSE AGAINST MECHANICS' LIENS LIABILITIES. Sponsor: Senator Kearns. Assigned to Administrative Services Committee.

SB 149 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE OPERATION OF SCHOOL BUSES. Sponsor: Senator Sharp. Assigned to Education Committee.

SB 118 was reported out of the Grant and Aid Committee: 5 Merits.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 10, 197

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: Cyric W. Cain, Jr., 400 Foulk Road, Wilmington, Delaware, to be reappointed as a member of the Tax Appeal Board for a term of three (3) years from time of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: John A. Campanelli, 1205 Charles Place, Wilmington, Delaware, to be a member of the New Castle County Board of Elections for a term of four (4) years to fill the expired term of Delores Hamilton.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Francis A. DiMondi, RD #1, Box 254-C, Dover, Delaware, to be a member of the Delaware River & Bay Authority for a term of five (5) years to fill the expired term of Ernest E. Killen.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Robert H. George, 29 Village Drive, Smyrna, Delaware, to be reappointed as a member of the Violent Crimes Compensation Board for a term of three (3) years from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Mrs. Gerard F. (Susan) Gorman, 1819 Maple Street, Wilmington, Delaware, to be a member of the Bingo Control Commission for a term of three years to fill the expired term of Alice C. Woodward.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Sarah R. Jastak, 4002 Springfield Lane, Greenville, Delaware, to be reappointed as a member of the Board of Parole for a four (4) year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Earp F. Jennings, Jr. 1401 Pennsylvania Avenue, Wilmington, Delaware, to be reappointed as a member of the Delaware Solid Waste Authority for a term of 3 years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Horace Johnson, 107 Dorman Street, Harrington, Delaware, to be a member of the Bingo Control Commission to serve until September 1, 1980 to fill the term of Newlin E. Wood, Sr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: James Lindley, 37 Kennsington Lane, Newark, Delaware, to be a member of the New Castle County Board of Elections for a term of four (4) years to fill the expired term of Phyllis Seidel.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

SJR 10 was introduced:

SJR 10 - RELATING TO KEEPING THE HEADQUARTERS OFFICE OF HERCULES, INC. IN WILMINGTON, DELAWARE. Sponsors: Senators Sharp, Cordrey, Knox, Arnold and all the Senators; Representatives Ferguson, Gordy, Minner, Burris, Hebner, Cain and George.

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 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Holloway marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had passed SB 14.

HCR 31 was introduced and considered for adoption on motion of Senator McDowell:

HCR 31 - EXTENDING THE CONGRATULATIONS OF THE DELAWARE GENERAL ASSEMBLY TO MISS MARY ELLEN HANNIGAN, OF WILMINGTON, WHO WILL BE 100 YEARS OLD ON MARCH 29, 1979.

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

SJR 11 (Sponsored by Senator Marshall; Representatives Jonkier and Matushefske) was introduced and assigned to Highways and Transportation Committee:

SJR 11 - DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AND NAME ALL THAT PORTION OF U.S. 40 COMMENCING FROM THE MARYLAND LINE NEAR NEWARK, DELAWARE TO THE STATE ROAD INTERSECTION AT U.S. 13 AS THE PULASKI HIGHWAY IN HONOR OF THE 200TH ANNIVERSARY OF CASIMIR PULASKI WHO GAVE HIS LIFE IN THE AMERICAN REVOLUTION; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The following letters of nomination for appointment by the Governor were read and assigned to 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: Barbara K. Madden, 201 Harmony Street, New Castle, Delaware, to be reappointed as a member of the New Castle County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Henry du Pont Ridgely, 215 East Camden-Wyoming Avenue, Camden, Delaware, to be a member of the Violet Crimes Compensation Board for a three year term from date of confirmation, succeeding Clifford B. Hearn, Jr.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Frederick N. Van-Sant, 308 Mimosa Avenue, Dover, Delaware, to be Personnel Director of the State of Delaware at the pleasure of the Governor, Pierre S. du Pont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

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: J. Sherman White, 273 S. Dellwyn Road, Newark, Delaware, to be a member of the New Castle County Board of Elections for a term of four (4) years to fill the expired term of Donald O. Niederhauster.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Horace Whitlock, 106 E. Cochran Street, Middletown, Delaware, to be reappointed as a member of the New Castle County Board of Elections for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

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: Burton D. Willis, R.D. #2, Box 352, Milford, Delaware, to be State Election Commissioner for a term of four (4) years, to fill the expired term of Lewis Wrightson.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

HCR 28 was lifted from the table for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES, 1 (McDowell) VOTING NO and 3 (Hale, Holloway and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 70 was taken up for consideration on motion of Senator Murphy:

SB 70 - AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE, RELATING TO FINANCE CHARGE LIMITATION.

At 4:36 p.m. Senator Kearns presiding.

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

During the discussion of the Bill and the Amendment the privilege of the floor was extended to Tom Sandbach, Senate Attorney and Shirley Little (representing Automobile Dealers Association).

The roll call vote on SA 1 to SB 70 was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Hale, Holloway, Kearns, Knox, Martin, McDowell, Spence, Weiss - 12.

NO: Senators Adams, Cordrey, Hughes, Littleton, Marshall, Murphy, Sharp, Zimmerman - 8.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 70 w SA 1 was then taken and revealed:

YES: Senators Berndt and Murphy - 2.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Sharp, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Bill was declared lost.

At 5:38 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. March 29, 1979.

The Senate reconvened at 2:30 p.m., Senator Cordrey presiding. The following Bills were reported out of the Natural Resources and Environmental Control Committee: SB 102 - 1 Favorable, 5 Merits; SB 132 - 1 Favorable, 5 Merits.

The following Legislation was introduced:

SB 150 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR INTEREST OWED THE CITY OF DOVER IN JULY, 1975. Sponsors: Senators Zimmerman and Representative Harrington. Assigned to Finance Committee.

SB 151 - AN ACT TO AMEND CHAPTERS 3, 4, AND 5, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND HARNESS RACING BY EARMARKING CERTAIN REVENUES FOR SENIOR CITIZEN PROGRAMS. Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee.

HB 123 - AN ACT TO AMEND CHAPTER 19, TITLE 29, DELAWARE CODE, RELATING TO THE FISCAL PROJECTIONS. Sponsors: Representatives Bennett and McKay. Assigned to Finance Committee.

HB 234 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS. Sponsor: Representative Bennett. Assigned to Executive Committee.

HB 243 - AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE TO BE USED AT THE SWINE RESEARCH AND DEMONSTRATION FACILITY AT THE GEORGETOWN SUBSTATION. Sponsors: Representative Gordy and Senator Adams. Assigned to Agriculture Committee.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY March 29, 1979

The Senate convened at 2:35 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

HCR 30 was reported out of the Natural Resources and Environmental Control Committee: 5 Merits.

At 2:38 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:50 p.m., Senator Sharp presiding.

The following Committee reports were announced:

From the Public Safety Committee: SB 50 - 4 Merits; SB 59 - 5 Merits; SB 109 - 5 Merits; SB 136 - 5 Merits; HB 28 - 5 Merits; HB 32 - 4 Merits; HB 71 w HA 1 - 5 Merits.

From the Highways and Transportation Committee: SB 33 - 1 Favorable, 3 Merits; SB 57 - 1 Favorable, 4 Merits; SB 75 - 5 Merits, 1 Unfavorable; SB 93 - 1 Favorable, 5 Merits; SJR 11 - 5 Merits.

SB 152 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO HUNTING AND FISHING LICENSES BY ALLOWING AUTHORIZED AGENTS TO CHARGE A FEE OF NO MORE THAN FIFTY CENTS. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 153 - AN ACT TO AMEND CHAPTER 7 AND CHAPTER 27, TITLE 14 OF THE DELAWARE CODE RELATING TO THE FREE PUBLIC SCHOOLS; AND PROVIDING PROCEDURES FOR SUSPENSION, EXPULSION AND READMISSION OF PUPILS. Sponsors: Senators Cicione, Sharp, Arnold, Hughes; Representatives Kelly, Maxwell, Powell and Oberle. Assigned to Education Committee.

SB 154 - AN ACT AUTHORIZING THE CAPITAL SCHOOL DISTRICT TO EXPEND FUNDS. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SA 1 to SB 123 sponsored by Senator Cordrey. Placed with the Bill.

SB 123 was taken up for consideration on motion of Senator Cordrey:

SB 123 - AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", AS AMENDED, AND RELATING TO RESIDENCY OF COMMISSIONERS, TIME AND PLACE OF ANNUAL ELECTIONS, MEETING OF COMMISSIONERS, AUTHORITY OF COMMISSIONERS, AND AUTHORITY TO BORROW FUNDS.

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 19 Senators voting YES and 2 (McCullough and McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 123 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 124 was taken up for consideration on motion of Senator Cordrey:

SB 124 - AN ACT TO AMEND CHAPTER 144, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD," AS AMENDED, BY CHANGING THE DATES OF THE FISCAL YEAR.

The roll call 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 122 was returned to the Health and Social Services Committee at the request of Senator Kearns.

SB 113 was stricken at the request of the sponsor, Senator Cordrey.

On motion of Senator Adams, the Governor's nomination for appointment of George Wharton was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Gerald W. Pepper was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William F. Betts was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph R. Slights was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of H. Dawson Shulties was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Ralph H. Boyer was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the appointment was declared confirmed.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
March 29, 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: Nancy M. Norling 2409 Willard Street, Wilmington, Delaware, to be a member of the Public Service Commission for a term of five years to succeed Lee M. Cassidy, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,

* * * * *

At 4:35 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. April 3, 1979.

The Senate reconvened at 2:18 p.m. April 3, 1979, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 155 - AN ACT TO AMEND CHAPTER 21, TITLE 10 OF THE DELAWARE CODE RELATING TO THE OFFICE OF SHERIFF. Sponsor: Senator Weiss. Assigned to Judiciary Committee.

SB 156 - AN ACT TO AMEND CHAPTER 65, TITLE 14, DELAWARE CODE, RELATING TO THE COMPOSITION OF THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE. Sponsor: Senator Holloway. Assigned to Education Committee.

HB 95 - AN ACT TO AMEND CHAPTER 1 AND CHAPTER 92, TITLE 10 DELAWARE CODE, TO PROVIDE FOR A CHIEF MAGISTRATE TO ADMINISTER THE JUSTICE OF THE PEACE COURT SYSTEM THROUGHOUT THE STATE; TO ABOLISH THE OFFICE OF DEPUTY ADMINISTRATOR OF THE JUSTICE OF THE PEACE COURTS AND MAKING AN APPROPRIATION FOR THE POSITION OF CHIEF MAGISTRATE FOR THE REMAINDER OF THE FISCAL YEAR. Sponsors: Representatives Matushefske and T. Brady. Assigned to Judiciary Committee.

HB 146 - AN ACT TO AUTHORIZE THE CONVEYANCE OF THE PROPERTY KNOWN AS 308 WEST STREET IN THE CITY OF WILMINGTON FROM THE STATE OF DELAWARE TO THE CITY OF WILMINGTON. Sponsors: Representatives Free, Jonkiert, Plant, T. Brady and Holloway, Jr. Assigned to Community Affairs Committee.

SA 1 to HB 71 sponsored by Senator Cordrey. Placed with the Bill.

HCR 34 - MOURNING THE DEATH OF FRANK C. MAYER, OF NEWARK, WHO WAS KNOWN AS THE SCOURGE OF THE CIGARETTE SMUGGLERS DURING HIS SERVICE WITH THE STATE TAX DEPARTMENT. Sponsors: Representatives Anderson and Neal; Senator Martin. The Resolution was laid on the table on motion of Senator Cicione.

At 2:22 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY
April 3, 1979

The Senate convened at 2:22 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

Lt. Governor McGinnis introduced the young men and ladies of the Vocational Student Organizations of Delaware who presented each Senator with an Easter Lily. Cheryl Daniels, a Senior at Smyrna High School, was granted privilege of the floor to act as spokesman for the group.

Senators Cordrey and Sharp thanked the young people on behalf of the Senate.

At 2:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:58 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 3 - 5 Merits.

From the Finance Committee: SB 34 - 2 Favorable, 6 Merits; SB 133 - 8 Merits; HB 66 - 1 Favorable, 5 Merits.

From the Labor Committee: SB 53 - 4 Merits.

The following legislation was introduced:

SA 1 to SB 102 sponsored by Senator Knox. Placed with the Bill.

SA 1 to SB 142 sponsored by Senator Martin. Placed with the Bill.

SCR 15 - EXPRESSING APPRECIATION TO THE VOCATIONAL STUDENTS ORGANIZATIONS OF DELAWARE. Sponsors: Senator Cordrey and all the Senators and all the Representatives.

The Resolution was considered for adoption on motion of Senator Kearns and the roll call vote taken which revealed 15 Senators voting YES and 6 (Berndt, Littleton, Marshall, McCullough, McDowell, Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 30 - URGING THE DELAWARE REAL ESTATE COMMISSION TO USE POWERS AT ITS COMMAND TO DISCOURAGE REAL ESTATE AGENTS FROM DOOR-TO-DOOR AND TELEPHONE SOLICITATION. 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; 2 (Hale and McDowell) NOT VOTING; and 2 (Berndt and McCullough) ABSENT; therefore, the Resolution was declared adopted.

Senator Martin marked PRESENT.

HCR 34 was lifted from the table for consideration on motion of Senator Martin. Senators Holloway, Hughes and Hale were added as co-sponsors of the Resolution after which the roll call vote was taken which revealed 18 Senators voting YES and 3 (Berndt, Marshall and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Community Affairs Committee: SB 110 - 1 Favorable, 3 Merits.

From the Finance Committee: SB 104 - 2 Favorable, 4 Merits.

Consideration of SB 2 which was first on the Agenda for the day was deferred at the request of the sponsor, Senator Zimmerman.

SB 102 was stricken from the calendar at the request of the sponsor, Senator Zimmerman.

Senator Zimmerman moved that the necessary rules be suspended for consideration of SB 34.

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

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

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

ABSENT: Senators Berndt and McCullough - 2.

Therefore, the motion prevailed and the Bill was read by title only:

SB 34 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF DOVER AND KENT COUNTY.

On further motion of Senator Zimmerman, final consideration of the Bill was then deferred.

HCR 30 was taken up for consideration on motion of Senator Zimmerman.

Senator Zimmerman yielded the floor to Senator Knox, a co-sponsor, to floor manage the Resolution.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES; 1 (Hughes) NOT VOTING; and 2 (Berndt and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 118 was taken up for consideration on motion of Senator Murphy:

SB 118 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BOWERS BEACH VOLUNTEER FIRE COMPANY.

The roll call vote on the Bill was taken; however, before being announced, the roll call was tabled on motion of Senator Murphy.

At 4:47 p.m. Senator Sharp presiding.

A correction in the Committee Report on HCR 30 - 4 Merits; 1 Unfavorable.

HB 32 was taken up for consideration on motion of Senator Cordrey:

HB 32 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS OF THE DEPARTMENT OF PUBLIC SAFETY FOR THE INSTALLATION OF A WARNING SIREN AT PORT PENN.

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

HB 71 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 71 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO INSPECTIONS OF MOTOR VEHICLES.

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 and 3 (Berndt, McCullough and Murphy) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 71 w HA 1, SA 1 was then taken and revealed 19 Senators voting YES and 2 (Berndt and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 28 which was next on the Agenda for the day was removed from the Agenda at the request of Senator Cordrey.

SB 132 was taken up for consideration on motion of Senator Knox:

SB 132 - AN ACT TO AMEND CHAPTER 68, TITLE 7, DELAWARE CODE, RELATING TO APPEALS FROM DECISIONS OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

The roll call vote on the Bill was then taken; however, before being announced, the roll call was tabled on motion of Senator Knox.

At 5:16 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. April 4, 1979.

The Senate reconvened at 2:26 p.m. April 4, 1979 Lt. Governor McGinnis presiding.

Senator Berndt marked PRESENT.

HB 92 was reported out of the Executive Committee: 3 Favorable, 2 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 15.

The following legislation was introduced:

SB 157 - AN ACT TO AMEND CHAPTER 9, PART I, TITLE 19 OF THE DELAWARE CODE RELATING TO INCREASE IN THE MINIMUM WAGE RATE. Sponsors: Senator Cicone and Representative Plant. Assigned to Labor Committee.

SB 158 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE RELATING TO OIL AND GAS PIPELINES AND ANCILLARY SUPPORT FACILITIES WITHIN THE COASTAL ZONE. Sponsors: Senators Holloway, Berndt, Sharp and Kearns; Representatives Gordy, Plant, Ridgah, Clendaniel and Powell. Assigned to Natural Resources and Environmental Control Committee.

SB 159 - An ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR MOTORCYCLES. Sponsor: Senator Arnold. Assigned to Public Safety Committee.

SB 160 - AN ACT TO AMEND CHAPTER 7 AND CHAPTER 27, TITLE 14 OF THE DELAWARE CODE RELATING TO THE FREE PUBLIC SCHOOLS; AND PROVIDING PROCEDURES FOR THE READMITTANCE OR CONTINUED EXCLUSION OF EXPELLED PUPILS. Sponsors: Senators Cicone, Sharp, Arnold and Hughes; Representatives Maxwell, Oberle and Powell. Assigned to Education Committee.

SA 1 to SB 93 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to SB 104 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to HB 32 sponsored by Senator Cordrey. Placed with the Bill.

The following Bills were reported out of the Agriculture Committee: SB 146 - 6 Merits; HB 243 - 3 Favorable, 2 Merits.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

April 3, 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: Vivian K. Kleinman, 703 Fiske Lane, Newark, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to succeed Frederick H. Kennet, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

April 3, 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: Robert S. Jackson, Sr., 211 West 30th Street, Wilmington, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to succeed Charles P. Manolacos, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
April 3, 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: Anna L. Holliday, Box 11, Pine Tree Road, Townsend, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to succeed Clayton W. Hewes, Jr., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
April 3, 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: Vicki Ann Hagel, 6A-6 Wharton Drive, Newark, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to succeed John F. Lenderman, deceased.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

HCR 35 (sponsored by Representative Bennett) was introduced and considered for adoption on motion of Senator Berndt:

HCR 35 - COMMENDING EARL FERGUSON AND THE COLLEGE OF MARINE STUDIES OF THE UNIVERSITY OF DELAWARE FOR THE EXCELLENT FILM PRESENTATION ON THURSDAY, MARCH 29, 1979 IN THE HOUSE CHAMBER.

The roll call vote on the Resolution was taken and revealed 13 Senators voting YES and 8 (Hale, Holloway, Kearns, Littleton, Martin, McCullough, Weiss and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 2:37 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY

April 4, 1979

The Senate convened at 2:37 p.m. Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

At 2:41 p.m. the Senate recessed on motion of Senator Sharp for Party Caucus and reconvened at 4:07 p.m., Senator Cordrey presiding.

HCR 36 (sponsored by Representative Gordy) was introduced and considered for adoption on motion of Senator Adams:

HCR 36 - COMMENDING THE COUNCIL OF PRESIDENTS OF THE THREE INSTITUTIONS OF HIGHER LEARNING FOR ORGANIZING DELAWARE'S FIRST EDUCATIONAL OPPORTUNITIES FAIR FOR APRIL 4, 1979.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Kearns, Marshall, Martin, McCullough, McDowell and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senators Littleton, Hale, Marshall and Weiss marked PRESENT.

HCR 37 (sponsored by Representative Plant) was introduced and considered for adoption on motion of Senator Holloway:

HCR 37 - MARKING THE ELEVENTH YEAR OF THE DEATH OF DR. MARTIN LUTHER KING, JR.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Kearns, Marshall, Martin, McCullough and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 38 (Sponsored by Representative Jonkiert and Senator Marshall) was introduced and laid on the table on motion of Senator Berndt:

HCR 38 - CONGRATULATING THE ST. HEDWIG'S JUNIOR BOYS' BASKETBALL TEAM UPON WINNING THE DIOCESAN CHAMPIONSHIP.

Senator Holloway marked PRESENT.

SB 34, final consideration of which had been deferred, was taken up for consideration on motion of Senator Zimmerman.

The privilege of the floor was extended to Gary L. Kemp (representing NYPUM) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES; 1 (Berndt) voting NO; and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 66 was taken up for consideration on motion of Senator Cook:

HB 66 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELTON R. WOOD, A FORMER STATE EMPLOYEE PERMANENTLY INJURED ON THE JOB. APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

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

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Knox, Marshall, McDowell, Murphy, Sharp, Spence, Weiss - 14.

NO: Senators Cordrey and Martin - 2.

ABSENT: Senators Cicione, Kearns, Littleton, McCullough and Zimmerman - 5.

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

SB 110 was taken up for consideration on motion of Senator Adams:

SB 110 - AN ACT TO AMEND AN ACT BEING CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES" TO ELIMINATE THE QUALIFICATION OF BEING A FREEHOLDER FOR MAYOR AND TOWN COUNCILMAN, TO REDUCE THE LENGTH OF RESIDENCE FOR THE MAYOR AND COUNCILMAN, TO ELIMINATE THE PAYMENT OF TAXES AS A QUALIFICATION FOR MAYOR AND TOWN COUNCILMAN, TO MAKE THE WORD "FREEHOLDER" APPLICABLE TO ALL SECTIONS OF THE CHARTER, TO REDUCE THE AGE FOR VOTING IN THE ANNUAL MUNICIPAL ELECTION TO EIGHTEEN (18) YEARS, TO ALLOW VACANCIES TO BE FILLED BY THE REMAINING MEMBERS OF THE TOWN COUNCIL, TO ELIMINATE QUALIFICATION OF BEING A FREEHOLDER FOR THE ASSESSOR, AND TO ALLOW THE COUNTY ASSESSMENT TO BE THE TOWN ASSESSMENT.

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

SJR 11 was taken up for consideration on motion of Senator Marshall:

SJR 11 - DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AND NAME ALL THAT PORTION OF U.S. 40 COMMENCING FROM THE MARYLAND LINE NEAR NEWARK, DELAWARE TO THE STATE ROAD INTERSECTION AT U.S. 13 AS THE PULASKI HIGHWAY IN HONOR OF THE 200TH ANNIVERSARY OF CASIMIR PULASKI WHO GAVE HIS LIFE IN THE AMERICAN REVOLUTION; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

SB 93 was taken up for consideration on motion of Senator Holloway:

SB 93 - AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE, RELATING TO THE NAMING OF THE NEW THIRD STREET BRIDGE IN WILMINGTON IN HONOR OF THE LATE REPRESENTATIVE WILLIAM J. WINCHESTER.

SA 1 to the Bill was introduced by Senator Holloway who moved for its adoption.

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

The roll call vote on SB 93 w SA 1 was then taken and revealed 18 Senators voting YES, 1 (Berndt) NOT VOTING and 2 (Cicione and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 161 was introduced and assigned to Health and Social Services Committee:

SB 161 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PERMITTING PRACTITIONERS TO PRESCRIBE MARIJUANA TO PATIENTS FOR MEDICINAL PURPOSES. Sponsor: Senator Holloway.

SA 1 to SB 125 was introduced by Senator Berndt and placed with the Bill.

SA 1 to HB 68 was introduced by Senator Knox and placed with the Bill.

At 5:46 p.m. on motion of Senator Sharp the Senate recessed until 2:00 p.m. April 5, 1979.

The Senate reconvened at 3:04 p.m., April 5, 1979, Lt. Governor McGinnis presiding.

The Secretary announced that Legislative Advisory #8 received from Office of Counsel to the Governor informed the Senate that the Governor signed: SB 16 and SB 92 on April 3, 1979.

The following legislation was introduced:

SB 162 - AN ACT TO AMEND PART I, TITLE 19, DELAWARE CODE, BY ADDING A NEW CHAPTER AUTHORIZING COLLECTIVE BARGAINING BETWEEN LAW ENFORCEMENT OFFICERS AND THEIR PUBLIC EMPLOYERS; PROVIDING FOR ARBITRATION IN ORDER TO SETTLE DISPUTES; AND REQUIRING COMPLIANCE WITH COLLECTIVE BARGAINING AGREEMENT AND FIND OF ARBITRATORS. Sponsors: Senators Cicione, Kearns, Berndt, Weiss, Hughes, Spence; Representatives Gilligan, Maxwell, Cain, West. Assigned to Labor Committee.

SB 163 - AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, RELATING TO THE PROCEDURE FOR VOLUNTARY ADMISSION OF MENTALLY ILL PERSONS TO THE DELAWARE STATE HOSPITAL AND OTHER HOSPITALS AND DISCHARGE THEREFROM. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 164 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, BY ESTABLISHING A BOARD OF BAR EXAMINERS AND ITS POWERS AND DUTIES. Sponsors: Senator Cicione; Representatives Riddagh and Morris (by request). Assigned to Administrative Services Committee.

SB 165 - AN ACT TO AMEND CHAPTER 28, PART II, TITLE 10 OF THE DELAWARE CODE RELATING TO CONSTABLES FOR JUSTICES OF THE PEACE; AND PROVIDING A METHOD FOR COMPUTATION OF MILEAGE PAYMENTS. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 166 - AN ACT TO AMEND CHAPTER 28, PART II, TITLE 10 OF THE DELAWARE CODE RELATING TO PAYMENTS TO CONSTABLES FOR THE CONVEYING OF PRISONERS. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 167 - AN ACT TO AMEND CHAPTER 98, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURTS; AND PROVIDING FOR COSTS IN CIVIL PROCEEDINGS BEFORE JUSTICES OF THE PEACE. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 168 - AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURE; AND PERMITTING A COURT, IN ITS DISCRETION, TO CANCEL CERTAIN FINES AND COSTS. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 169 - AN ACT TO AMEND CHAPTER 98, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICES OF THE PEACE; AND PROVIDING RATES FOR THE PROCESSING OF ALL TRAFFIC AND CRIMINAL CASES. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 170 - AN ACT TO AMEND CHAPTER 8, OF TITLE 19, DELAWARE CODE, RELATING TO THE SAFETY AND WORKING CONDITIONS OF ELECTRICIANS WORKING ON HIGH VOLTAGE WIRES AND PRESCRIBING A PENALTY FOR VIOLATIONS THEREOF. Sponsor: Senator Sharp. Assigned to Labor Committee.

SB 171 - AN ACT TO AMEND CHAPTER 29, TITLE 14 AND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF SCHOOL BUSES AND QUALIFICATIONS OF SCHOOL BUS DRIVERS. Sponsor: Senator Sharp. Assigned to Public Safety Committee.

HB 129 w HA 3 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE BY IMPOSING INCOME TAX AT A LOWER RATE ON LUMP SUM DISTRIBUTIONS FROM PENSION PLANS. Sponsor: Representative Cain. The Bill was laid on the table at the request of Senator Cordrey.

HB 237 w HA 1 - AN ACT TO AMEND CHAPTER 58A, PART V, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE. Sponsor: Representative Maxwell. Assigned to Executive Committee.

HB 238 - AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE. Sponsors: Representative George and Senator Cook. Laid on the table at the request of Senator Cook.

HB 267 w HA 1 - AN ACT TO AMEND CHAPTERS 19 & 21, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE USE OF VOTING MACHINES IN CERTAIN SCHOOL DISTRICT ELECTIONS. Sponsors: Representatives Fallon and Neal; Senators Littleton and Adams.

On motion of Senator Adams, the necessary rules were suspended for consideration of HB 267 w HA 1 and the roll call vote 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.

SCR 16 - MOURNING THE DEATH OF BRIGADIER GENERAL JAMES L. WHALEY, A FORMER LEADER OF THE DELAWARE NATIONAL GUARD. Sponsor: Senator Hughes. Senators Sharp, Littleton, Berndt and Kearns were added as co-sponsors of the Resolution..

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

HJR 11 - DIRECTING THE STATE BOARD OF EDUCATION TO REVIEW DIVISION II APPROPRIATIONS TO ASSURE THAT FUNDS APPROPRIATED FOR VOCATIONAL-INDUSTRIAL ARTS PROGRAMS ARE IN FACT BEING ALLOCATED TO SUCH PROGRAMS BY EACH SCHOOL DISTRICT AND REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY. Sponsor: Representative Ambrosino. The Resolution was laid on the table at the request of Senator Cordrey.

SJR 12 - ESTABLISHING THE REVISED OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1979. Sponsors: Senators Cordrey and Berndt; Representatives Cain and George.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 3:34 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY
April 5, 1979

The Senate convened at 3:34 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, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the previous day was approved as read.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER

TO: Members of the 130 General Assembly -- Senate
FROM: Senator Richard S. Cordrey, President pro Tempore
SUBJECT: Appointments -- House Concurrent Resolution No. 5.

According to the powers invested in me by House Concurrent Resolution No. 5, I hereby appoint the following to serve: Senator Herman M. Holloway, Sr., Senator Roger A. Martin, Senator Everette Hale.

* * * * *

Senator Cicione requested for the record that Representative Matushefske's name be removed from SB 162 as co-sponsor and from all printed copies.

At 3:36 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:35 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 10 and SJR 12.

The following legislation was introduced:

HB 202 - AN ACT TO PERMIT FACSIMILE SIGNATURE BY THE SECRETARY OF STATE UNDER CERTAIN CONDITIONS. Sponsors: Representatives Bennett and George. Assigned to Administrative Services Committee.

HB 235 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, RELATING TO FEES CHARGED BY THE SECRETARY OF STATE. Sponsors: Representatives Bennett, Minner, Morris and Darling. Assigned to Revenue and Taxation Committee.

HB 46 - AN ACT AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SALARIES AND EMOLUMENTS OF PUBLIC OFFICERS. Sponsors: Representatives Jonkiert and Roy; Senator Sharp. Assigned to Executive Committee.

HCR 40 - REQUESTING THE NEW CASTLE COUNTY SCHOOL BOARD TO REFRAIN FROM MAKING ANY DECISION CONCERNING FUTURE SCHOOL CLOSINGS UNLESS AND UNTIL THERE HAS BEEN SUFFICIENT CITIZEN INPUT. Sponsors: Representatives McBride, Gilligan, Jonkiert and Maxwell; Senators Cicione, Sharp and Marshall.

On motion of Senator Cicione, the roll call vote was taken on the Resolution which revealed 17 Senators voting YES; 1 (Holloway) NOT VOTING; and 3 (Hale, McCullough and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 6 w HA 1 - DIRECTING THE STATE BOARD OF EDUCATION TO FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, RELATING TO THE COMPOSITION OF THE NEW CASTLE COUNTY BOARD OF EDUCATION. Sponsors: Representatives Anderson, Cain, Sincock; Senator Kearns.

On motion of Senator Kearns, the Resolution was laid on the table.

HB 68 was taken up for consideration on motion of Senator Holloway:

HB 68 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR PROGRAMS AT THE BLACKMAN'S DEVELOPMENT CENTER, INC.

SA 1 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 Arnold, Berndt, Cicione, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 10.

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

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

The roll call vote on HB 68 was then taken on motion of Senator Holloway; however, the roll call was laid on the table before being announced on further motion of the Senator.

At 4:55 p.m., Senator Sharp presiding.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of SB 178:

SB 178 - A CAPITAL IMPROVEMENT ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF OBLIGATIONS TO FINANCE THE RECONSTRUCTION AND RESURFACING OF ROADS AND BRIDGES, APPROPRIATING THE PROCEEDS TO THE DEPARTMENT OF TRANSPORTATION FOR APPLICATION TO SUCH PURPOSES, AND TEMPORARILY REVOKING CERTAIN AUTHORITY OF THE STATE AND THE DEPARTMENT OF TRANSPORTATION TO CONTRACT FOR CAPITAL IMPROVEMENTS PREVIOUSLY AUTHORIZED TO BE FUNDED FROM THE PROCEEDS OF OBLIGATIONS AND TO ISSUE BONDS WITH RESPECT THERETO. Sponsors: Senators Cordrey, Cook, Knox, Arnold, Hale, Berndt, Hughes, Martin, Littleton, Adams and Weiss.

The privilege of the floor was extended to Nathan Hayward, III, (Office of Management, Budget and Planning) after which 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.

On motion of Senator Holloway, the roll call vote on HB 68 was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Murphy, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senators Arnold and Hale - 2.

ABSENT: Senators McCullough and Sharp - 2.

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

SB 33 was taken up for consideration on motion of Senator Martin:

SB 33 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO TRUST FUNDS.

The privilege of the floor was extended to Willard J. Thomson, Jr. (representing the Department of Transportation) after which 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 75 was taken up for consideration on motion of Senator Martin:

SB 75 - AN ACT TO AMEND CHAPTER 12, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF JUNKYARDS.

The privilege of the floor was extended to Willard J. Thomson, Jr. (representing the Department of Transportation) after which the Bill was laid on the table on further motion of Senator Martin.

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of HB 314:

HB 314 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROVIDING OVERTIME PAY FOR SNOW REMOVAL AND EMERGENCY ROAD PATCHING WORK, AND FOR CERTAIN HIGHWAY AND BRIDGE MAINTENANCE AND REPAIRS, AND FOR ACQUISITION OF LONG-LIFE, HEAVY EQUIPMENT THROUGH LEASE PURCHASING CONTRACTS, FOR SALARIES AND WAGES OF EMPLOYEES, AND MAKING A SUPPLEMENTAL APPROPRIATION TO VARIOUS MUNICIPALITIES AND TO THE STATE TREASURER.

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

On motion of Senator Murphy, the roll call vote on SB 118 was lifted and announced, revealing 19 Senators voting YES; 1 (Hale) NOT VOTING and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 92 was taken up for consideration on motion of Senator Adams:

HB 92 - AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES.

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

SB 136 was taken up for consideration on motion of Senator Knox:

SB 136 - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE PROHIBITING THE REMOVAL OF A VEHICLE FROM THE SCENE OF AN ACCIDENT EXCEPT UNDER SPECIFIED CONDITIONS.

The privilege of the floor was extended to Tom Sandbach, Senate attorney, after which the Bill was laid on the table on further motion of Senator Knox.

HB 243 was taken up for consideration on motion of Senator Adams:

HB 243 - AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE TO BE USED AT THE SWINE RESEARCH AND DEMONSTRATION FACILITY AT THE GEORGETOWN SUBSTATION.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES; 2 (Hale and Sharp) voting NO; and 2 (McCullough and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 146 was taken up for consideration on motion of Senator Cicione:

SB 146 - AN ACT TO AMEND PART III, TITLE 3 OF THE DELAWARE CODE RELATING TO BAKED GOODS; AND PROVIDING FOR THE INFORMATIONAL LABELING OF CERTAIN PRODUCTS.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McDowell, Sharp, Spence, Weiss - 15.

NO: Senator Hale - 1.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Holloway, McCullough, Murphy, Zimmerman - 4.

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

HB 129 w HA 3 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey:

HB 129 w HA 3 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE BY IMPOSING INCOME TAX AT A LOWER RATE ON LUMP SUM DISTRIBUTIONS FROM PENSION PLANS.

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 returned to the House.

On motion of Senator Berndt, the necessary rules were suspended for lifting HJR 11 from the table for consideration:

HJR 11 - DIRECTING THE STATE BOARD OF EDUCATION TO REVIEW DIVISION II APPROPRIATIONS TO ASSURE THAT FUNDS APPROPRIATED FOR VOCATIONAL-INDUSTRIAL ARTS PROGRAMS ARE IN FACT BEING ALLOCATED TO SUCH PROGRAMS BY EACH SCHOOL DISTRICT AND REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (McCullough, McDowell, Murphy and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Cook, HB 238 was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At 6:12 p.m. Senator Cordrey presiding.

On motion of Senator Kearns, HJR 6 w HA 1 was lifted from the table for consideration:

HJR 6 w HA 1 - DIRECTING THE STATE BOARD OF EDUCATION TO FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, RELATING TO THE COMPOSITION OF THE NEW CASTLE COUNTY BOARD OF EDUCATION.

Senator Berndt moved that the Resolution be placed in the Executive Committee. The roll call vote on the motion was taken and revealed:

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

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

NOT VOTING: Senators Holloway, Hughes, Littleton, Zimmerman - 4.

ABSENT: Senators McCullough and Spence - 2.

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

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

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

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

NOT VOTING: Senators Holloway and Littleton - 2.

ABSENT: Senators Cicione, McCullough and Spence - 3.

Therefore, the motion was defeated and the Resolution was still before the Senate.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney and D. S. Swayze, Counsel to the Governor.

The roll call vote on HJR 6 w HA 1 was then taken and revealed:

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

NO: Senator Hale - 1.

NOT VOTING: Senators Arnold, Berndt, Holloway, Hughes, Knox, Littleton, Weiss - 7.

ABSENT: Senators McCullough and Spence - 2.

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

The following nominations for appointment by the Governor were reported out of the Executive Committee: Nancy M. Norling - 6 Merits; David G. Burton - 2 Favorable, 4 Merits; Mary P. Pierson - 6 Merits.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Nancy M. Norling and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) 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 David G. Burton and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, McCullough and Spence) 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 Mary P. Pierson and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Spence) 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 Henry James Decker and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Weiss, Zimmerman - 16.

NO: Senators Cook and Sharp - 2.

NOT VOTING: Senator Marshall - 1.

ABSENT: Senators McCullough and Spence - 2.

Therefore, the appointment was declared confirmed.

The following legislation was introduced:

SB 172 - AN ACT TO AMEND CHAPTER 53, TITLE 16, DELAWARE CODE, RELATING TO DEPARTMENTS WITHIN THE GOVERNOR BACON HEALTH CENTER. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 173 - AN ACT TO AMEND CHAPTER 1 OF TITLE 16, DELAWARE CODE RELATING TO NEGLECT OF DUTY. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 174 - AN ACT TO AMEND CHAPTER 61, TITLE 29, DELAWARE CODE, RELATING TO THE MAKEUP OF THE GENERAL FUND AND EXEMPTIONS THEREFOR. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 175 - AN ACT TO AMEND CHAPTER 1, TITLE 31, DELAWARE CODE, RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 176 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING CERTAIN PROCEDURES IN THE DETERMINATION AND UTILIZATION OF FUEL ADJUSTMENT CHARGES. Sponsors: Senators Cicione and Murphy. Assigned to Administrative Services Committee.

SB 177 - AN ACT TO PROVIDE FOR AN INCREASE IN THE MAXIMUM AMOUNT WHICH MAY BE APPROPRIATED AND TRANSFERRED TO THE STATE MUNICIPAL STREET AID FUND; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Cicione, McDowell, Holloway and Marshall; Representatives Jonkiert, McBride, Wm. Brady, Plant, Cain. Assigned to Grant-in-Aid Committee.

SB 179 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 180 - AN ACT TO AMEND CHAPTER 21, TITLE 5 OF THE DELAWARE CODE, RELATING TO SMALL LOAN COMPANIES. Sponsors: Senator Murphy and Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SB 181 - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF BRIDGEVILLE PROVIDING FOR APPOINTMENTS OR ELECTIONS OF COMMISSIONERS TO FILL UNEXPIRED TERMS OF COMMISSIONERS WHO DIE IN OFFICE OR RESIGN FROM OFFICE. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Community Affairs Committee.

SB 182 - AN ACT TO AMEND CHAPTER 50, 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. Sponsor: Senator Holloway. Assigned to Committee on Aging.

SB 183 - AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, RELATING TO THE PROCEDURE RELATING TO THE PATIENTS' RIGHTS BILL. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SR 31 (sponsored by: Senators Holloway, Hughes, Hale, Knox, Weiss, Berndt, Littleton, Arnold, Marshall, McDowell, Kearns, Cook, Cordrey, Adams, Martin).

SR 31 - EXPRESSING HAPPY BIRTHDAY WISHES TO SENATOR WINIFRED M. SPENCE OF THE 15TH SENATORIAL DISTRICT.

The roll call vote on the Resolution was taken on motion of Senator Holloway and revealed 19 Senators voting YES and 2 (McCullough and Spence) ABSENT; therefore, the Resolution was declared adopted.

SCR 17 - DECLARATION OF PRINCIPLES IN OBSERVANCE OF THE INTERNATIONAL YEAR OF THE CHILD. Sponsors: Senators Arnold, Adams, Cicione, Hughes, Littleton, Sharp, Spence; Representative Morris and Riddagh. Laid on the table on motion of Senator Arnold.

SA 1 to SB 136 sponsored by Senator Knox. Placed with the Bill.

SA 1 to SB 162 sponsored by Senators Cicione and Weiss. Placed with the Bill.

The following communication from the President Pro Tempore was read:

SENATE
STATE OF DELAWARE
DOVER
April 5, 1979

TO: Members of the 130th General Assembly -- Senate
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointments--House Concurrent Resolution No. 5

According to the powers invested in me by the House Concurrent Resolution No. 5, I hereby appoint Senator Winifred M. Spence to replace Senator Everette Hale on this committee.

* * * * *

SJR 8 was stricken from the Calendar at the request of the sponsor, Senator Marshall.

HCR 38 was lifted from the table for consideration on motion of Senator Marshall and the roll call vote taken which revealed 18 Senators voting YES and 3 (Berndt, McCullough and Spence) 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 the House passed SB 34.

At 7:25 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President Pro Tempore.

The Senate reconvened at 2:54 p.m. April 24, 1979, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 184 - AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE, RELATING TO VOLUNTARY AND INVOLUNTARY STERILIZATION, AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Holloway and Berndt. Assigned to Health and Social Services Committee.

SB 185 - AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF THE PROPERTY KNOWN AS THE BROADKILL SCHOOL AND FORMERLY USED BY THE DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY FOR ELECTION PURPOSES TO THE MILTON JAYCEES INC. Sponsor: Senator Adams. Assigned to Executive Committee.

SB 186 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE, RELATING TO THE PROHIBITION OF SALES AT CERTAIN TIMES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 187 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, FOR THE PURPOSE OF DREDGING WILSON CREEK. Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 188 - AN ACT TO AMEND CHAPTER 12, TITLE 3, DELAWARE CODE RELATING TO PESTICIDES. Sponsor: Senator Zimmerman. Assigned to Agriculture Committee.

SA 1 to SB 153. Sponsor: Senator Cicione. Placed with the Bill.

Legislative Advisories 9, 10 and 11 received from the Office of Counsel to the Governor were read which informed the Senate that the Governor signed SB 71 and SB 14 on April 5, 1979; SJR 12 on April 10; SJR 10 on April 16 and SB 34 on April 17.

SB 189 (Sponsored by Senator Adams, by request) was introduced and assigned to Administrative Services Committee:

SB 189 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE LICENSING OF PROFESSIONAL COUNSELORS.

At 3:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY
April 24, 1979

The Senate convened at 3:00 p.m. Lt. Governor McGinnis 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, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Hale - 1.

The Journal of the previous day was approved as read.

At 3:07 p.m. the Senate recessed on motion of Senator Sharp for Party Caucus and reconvened at 4:30 p.m., Lt. Governor McGinnis presiding.

Senators Zimmerman and Cicione marked PRESENT.

The following legislation was introduced:

SB 190 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 86, RELATING TO RATE OF COMPENSATION FOR MEMBERS OF THE CONSUMER AFFAIRS BOARD. Sponsor: Senator Berndt. Assigned to Finance Committee.

SR 32 - CONDEMNING THE SUPREME COURT OF THE UNITED STATES FOR ITS ATTACK ON FREEDOM OF THE PRESS IN THE DECISION IN HERBERT v. LANDO. Sponsor: Senator Holloway. Laid on the table in the absence of the sponsor.

HCR 41 - COMMENDING PROFESSIONAL SECRETARIES FOR THEIR CONTRIBUTION TO OUR SOCIETY AND DESIGNATING THE WEEK OF APRIL 23-29 AS SECRETARIES' WEEK.

The Resolution was considered for adoption on motion of Senator Berndt and the roll call vote taken which revealed 16 Senators voting YES and 5 (Hale, Holloway, Hughes, McCullough and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senators McCullough and Cordrey marked PRESENT.

HCR 42 - PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO PLAN A PROGRAM TO COMMEMORATE THE COMPLETION OF THE CHESAPEAKE AND DELAWARE CANAL ON JULY 4, 1829.

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

HB 32 was lifted from the table on motion of Senator Cordrey for consideration.

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 and 3 (Hale, Holloway and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 32 w SA 1 was then taken on motion of Senator Cordrey and revealed 19 Senators voting YES and 2 (Hale and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 3 was taken up for consideration on motion of Senator Cicione:

SB 3 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Littleton, Marshall, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senators Berndt and Knox - 2.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Hale - 1.

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

SCR 17 was lifted from the table for consideration on motion of Senator Arnold.

Senator Zimmerman moved that the Resolution be placed in the Education Committee.

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

YES: Senators Cook, Cordrey, Holloway, Kearns, Marshall, McDowell, Murphy, Zimmerman - 8.

NO: Senators Adams, Arnold, Berndt, Cicione, Hughes, Knox, Littleton, Martin, Sharp, Spence, Weiss - 11.

ABSENT: Senators Hale and McCullough - 2.

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

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

The roll call vote on SCR 17 was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Hughes, Knox, Littleton, Martin, Sharp, Spence - 10.

NO: Senators Cordrey, Kearns, McDowell, Weiss, Zimmerman - 5.

NOT VOTING: Senators Berndt, Holloway, Marshall, McCullough, Murphy - 5.

ABSENT: Senator Hale - 1.

Therefore, the Resolution was declared lost.

On motion of Senator McDowell and without objection, SB 164 which had been assigned to the Administrative Services Committee was reassigned to Judiciary Committee.

SB 137 was stricken at the request of the sponsor, Senator Marshall.

At 6:10 p.m. on motion of Senator Cordrey the Senate recessed until 2:00 p.m. April 25, 1979.

The Senate reconvened at 2:45 p.m., April 25, 1979, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 191 - AN ACT TO AMEND TITLE 16, TITLE 18 AND TITLE 24 OF THE DELAWARE CODE AND REQUIRING THE APPOINTMENT OR INCLUSION OF AT LEAST ONE MEMBER OF THE GENERAL PUBLIC TO THE GOVERNING BODY OF CERTAIN AGENCIES, BOARDS AND ORGANIZATIONS. Sponsors: Senator Marshall and Representative McBride. Assigned to Executive Committee.

SB 192 - AN ACT TO AMEND CHAPTER 95, TITLE 29, DELAWARE CODE RELATING TO LEASE OF REAL ESTATE AND/OR IMPROVEMENTS UPON REAL ESTATE TO STATE AGENCIES. Sponsor: Senator Cook. Assigned to Executive Committee.

SB 193 - AN ACT TO AMEND CHAPTER 27, TITLE 5, DELAWARE CODE, RELATING TO CASHING OF CHECKS, DRAFTS OR MONEY ORDERS. Sponsors: Senator Cordrey (by request) and Senator Cicione. Assigned to Banking, Insurance and Elections Committee.

SB 194 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE AWARD OF CONTRACTS. Sponsor: Senator Murphy. Assigned to Executive Committee.

SA 1 to SB 189. Sponsor: Senator Murphy. Placed with the Bill.

Senator Knox introduced to the Senate members of the Mushroom Industry from upper Delaware who were present in the chamber. The group was welcomed by the Lt. Governor.

At 2:57 pm. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

23RD LEGISLATIVE DAY

April 25, 1979

The Senate convened at 2:57 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, Holloway, Hughes, Kearns, Knox, Littleton, Marshall, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Hale - 1.

The Journal of the previous day was approved as read.

HB 41 was reported out of the Executive Committee: 5 Merits.

SB 195 (sponsored by Senators Holloway, Berndt, Marshall, McDowell and Cicione; Representatives Plant and Holloway) was introduced and assigned to Finance Committee:

SB 195 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF RAISING GENERAL ASSISTANCE PAYMENTS TO THE APRIL 1970 STANDARD OF NEED.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
April 25, 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: James H. Baxter, Jr. RD 5, Box 360, Georgetown, Delaware, to be Secretary of the Department of Agriculture at the pleasure of the Governor Pierre S. duPont, IV.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following legislation was introduced:

HCR 43 - RECOGNIZING THE MUSHROOM INDUSTRY OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli and McKay; Senator Knox.

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

HCR 44 - MOURNING THE DEATH OF EDWARD KELLY, A LEADING CITIZEN OF KENT COUNTY FOR TWENTY-FIVE YEARS. Sponsors: Representatives Morris, Bennett, Darling and Minner.

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

HCR 45 - MOURNING THE DEATH OF J. FRED DOLBY, A MEMBER OF THE 116TH AND 117TH GENERAL ASSEMBLIES OF DELAWARE. Sponsor: Representative W. Brady.

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 (Hale and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SR 33 - REQUESTING THE HOUSE OF REPRESENTATIVES AT WASHINGTON TO DEFEAT A HOUSE BUDGET COMMITTEE RESOLUTION WHICH WOULD END REVENUE SHARING FOR THE STATES FOR FISCAL 1980. Sponsor: Senator Holloway.