

Sincock, Smith, Temple, Mr. Speaker Boulden - 28.

ABSENT: Representatives Ambrosino, Burris, Connor, Darling, George, Kelly, Maxwell, Minner, Powell, Vernon, Worthen - 11.

Therefore, not having received a constitutional majority, the motion was defeated and the motion to place HCR 62 remained before the House.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Lynch, McKay, Miller, Morris, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 26.

NO: Representatives Johnson, Loughney, Matushefske, Oberle, Plant - 5.

ABSENT: Representatives Ambrosino, Burris, Connor, Darling, George, Kelly, Maxwell, Minner, Powell, Worthen - 10.

Therefore, having received a constitutional majority, the motion was adopted and Mr. Speaker placed HCR 62 in the Labor and Commerce Committee.

Representative Jonkiert moved to recess for caucus at 2:23 p.m.

The House was called to order at 3:52 p.m.

The following prefiled legislation was introduced:

HB 705 - AMBROSINO - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to Conditions and Benefits Imposed Upon Withdrawal from the State Employees' Pension Plan.

HB 706 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Title 14 and Title 30 of the Delaware Code Relating to Taxes; and Providing for a State-Wide Tax on Real Property.

HB 707 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 9, Title 26 of the Delaware Code Relating to Telegraph, Telephone and Electric Utility Corporations; and Providing for Certain Restrictions on the Termination of Electric Service. (2/3 bill)

HB 708 - TEMPLE, SENATOR LITTLETON - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Seaford School System to Compensate Certain Teachers for Previous Underpayments.

HB 709 - LYNCH - REVENUE & FINANCE: An Act to Amend Chapter 30, Title 30, Delaware Code, to Exempt Members of the Clergy from Payment of the Motor Vehicle Document Fee for Vehicles Used in Their Profession.

HB 710 - ANDERSON - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation, Division of Highways.

HB 711 - RIDDAGH, MORRIS, MINNER (Joint Sponsors) - JUDICIARY: An Act to Amend Title 10 and Title 11 of the Delaware Code Relating to Conflicts Between Statutes and Rules of Court.

HA 1 to HB 584 - W. BRADY - Placed with the bill.

HA 2 to HB 660 - MORRIS - Placed with the bill.  
HA 1 to HB 680 - T. BRADY, SENATOR CICIONE - Placed with the bill.

HA 2 to SB 336 - VERNON - Placed with the bill.  
 Representative Ferguson requested that the following communication regarding SCR 69 be read into the record:

State of Delaware  
 Department of Transportation  
 Dover, Delaware 19901

January 10, 1978

The Honorable John P. Ferguson  
 Chairman, House Committee on Highways & Transportation  
 Legislative Hall  
 Dover, DE 19901

Dear Representative Ferguson:

This letter is in reference to Senate Concurrent Resolution No. 69, December 16, 1977, which requests this Department to conduct an inquiry to determine the cause of the Chessie System freight train derailment near Old Manor Road on December 15, 1977.

The investigation of rail accidents is the responsibility of the Federal Railroad Administration. We believe it would not be prudent for the State of Delaware to conduct a similar investigation. Such an investigation would be an inefficient and uneconomical duplication of government effort. The FRA investigation is still underway and we will forward you copies when it is received.

Sincerely,

George Jarvis, Secretary

Representative Darling moved to lift HR 83 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to strike HR 83. Without objection, HR 83 was stricken.

Representative Darling moved to lift the roll call on SB 394. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to rescind the roll call on SB 394. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling moved to recommit SB 394 to committee. The motion was seconded by Representative Gordy and adopted by voice vote.

Mr. Speaker placed SB 394 in the Appropriations Committee.

Representative Bennett moved to lift SB 184 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Bennett requested that SB 184 be placed at the end of the agenda.

Representative Gilligan brought SB 144 w/SA 1 before the House for consideration.

SB 144 - An Act to Amend Subchapter V, Chapter 40, Part III, of Title 31, Delaware Code Relating to the Requirement of Security Guards at All Public Housing Units in Certain Municipalities.

Representative Gilligan requested and was granted the privilege of the floor for Senator Herman Holloway.

The roll call on SB 144 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Bennett, Hebner, McKay, Minner, Morris - 5.

ABSENT: Representatives Billingsley, Byrd, George, Lynch, Matushefske, Maxwell - 6.

Therefore, having received a constitutional majority, SB 144 w/SA 1 was returned to the Senate.

Representative Gilligan deferred SB 180 and brought HB 684 before the House for consideration.

HB 684 - An Act Authorizing the Board of Education of the Marshallton-McKean Reorganized School District to Transfer Certain Funds from Its Major and Minor Capital Debt Service Account to its Current Operating Account for Maintenance.

The roll call on HB 684 was taken and revealed:

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

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives Billingsley, Byrd, George - 3.

Therefore, having received a constitutional majority, HB 684 was sent to the Senate for concurrence.

Representative Gilligan brought SJR 10 before the House for consideration.

SJR 10 - Requiring Persons Receiving Services from Publicly-Funded Alcohol Rehabilitation Programs to Perform Certain Housekeeping Chores.

The roll call on SJR 10 was taken and revealed:

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

NO: Representative Connor.

ABSENT: Representatives Billingsley, George - 2.

Therefore, having received a constitutional majority, SJR 10 was returned to the Senate.

Representative Ferguson moved to lift HB 290 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to strike HB 290. Without objection, HB 290 was stricken.

Representative Ferguson moved to lift SCR 69 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson requested that SCR 69 be assigned to Committee. Mr. Speaker placed SCR 69 in the Public Safety Committee.

Representative Minner moved to strike HB 116. Without objection, HB 116 was stricken.

Representative Maxwell deferred HB 214 to the end of the agenda and moved to lift HB 483 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 483 - An Act to Amend Part I, Title 31 of the Delaware Code Relating to the Establishment of Multi-Purpose Service Programs for Displaced Homemakers and Making Appropriation Therefor.

The roll call on HB 483 w/HA 1,2 was taken and revealed:

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

NO: Representatives Bennett, Lynch, Morris, Ridings, Vernon - 5.

NOT VOTING: Representative Ferguson - 1.

ABSENT: Representatives George, Jonkiert, Matushefske - 3.

Therefore, having received a constitutional majority, HB 483 w/HA 1,2 was sent to the Senate for concurrence.

Representative Temple moved to lift HB 493 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple moved to strike HB 493. Without objection, HB 493 was stricken.

Representative Gordy introduced HB 712, co-sponsored by Senator Littleton.

HB 712 - An Act Authorizing the State of Delaware to Borrow Money to be Used for the Delmar Bypass Project and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Division of Highways of the Department of Transportation. (3/4 bill)

Mr. Speaker assigned HB 712 to the Appropriations Committee.

Representative Plant introduced HB 713.

HB 713 - An Act to Amend Chapter 5, Subchapter VI, Subpart B of Title 11, Delaware Code Relating to Discrimination by Public Servants of This State and Any Political Subdivision Thereof.

Mr. Speaker assigned HB 713 to the Judiciary Committee.  
Representative Plant introduced HB 714, co-sponsored by Representative Johnson and Senator Holloway.

HB 714 - An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays, to Establish January 15 as Human Rights Day.

Mr. Speaker assigned HB 714 to the House Administration Committee.

Representative Roy moved to strike HB 661. Without objection, HB 661 was stricken.

Representative Oberle introduced HB 715, jointly sponsored by Representatives Anderson, Ferguson, Gilligan, Loughney, Temple, Ambrosino, Hebner, Powell, Ridings, Roy and Senator Hughes.

HB 715 - An Act to Amend Title 14 of the Delaware Code by Providing for a Multi-Year Transition into a Reorganization of Certain School Districts and for Governance During the Transition Period.

Mr. Speaker assigned HB 715 to the Education Committee.

Representative Jonkiert moved to recess for Committee Hearings at 5:40 p.m.

The House was called to order at 5:55 p.m.

Committee Reports:

Highways & Transportation: SB 232 - 4M; SS 1 for SB 253 - 4M.

Judiciary: SB 327 - 1F, 3M.

Representative Gordy moved to recess to the call of the Chair at 5:58 p.m.

## 6th LEGISLATIVE DAY - Second Session

January 19, 1978

The Speaker called the House to order at 2:24 p.m.

The Majority Leader moved to adjourn at 2:24 p.m., thereby ending the previous legislative day. The House reconvened at 2:25 p.m. A prayer was offered by the Reverend Edward Blevins from the Kingswood United Methodist Church, Newark, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

The Senate wishes to inform the House that it has passed SB 402.

Representative Smith introduced and brought HCR 63, co-sponsored by Representative Maxwell, before the House for consideration.

HCR 63 - Requesting the President and the Congress of the United States to Support Legislation Known as H.R. 6403

which Would Make 114 Miles of the Delaware River a Part of the Wild and Scenic Rivers System.

HCR 63 was adopted by voice vote.

Representative Ferguson introduced and brought HCR 64, co-sponsored by Representatives Connor, Ambrosino, Hebner and Loughney, before the House for consideration.

HCR 64 - Authorizing and Directing the Special Legislative Committee on Desegregation to Act on Behalf of the Delaware General Assembly by Pursuing, in all the Appropriate Courts, All Court Activity (Including Briefs and Appeals) Necessary to Uphold Certain Rights of State Legislatures.

Representative Ferguson moved to waive the fiscal note to HCR 64. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Byrd moved to place HCR 64 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, T. Brady, Byrd, Jonkiert, Maxwell, Rispoli, Worthen - 7.

NO: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Mr. Speaker Boulden - 31.

NOT VOTING: Representatives Miller, Temple - 2.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 64 remained before the House.

Representative Bennett requested and was granted the privilege of the floor for H. James Conaway, Jr., Esq., Attorney for the Special Committee on Desegregation.

Representative Sincok rose on a point of order.

Mr. Speaker granted the privilege of the floor for House Attorney, John Rich.

Representative Ferguson moved to place HCR 64 on the Speaker's table. The motion was seconded by Representative Jonkiert.

Representative Plant rose on a point of order but Mr. Speaker concurred with Representative Ferguson that the motion could not be debated.

The motion to place HCR 64 on the Speaker's table was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 4:05 p.m.

The House was called to order at 4:36 p.m.

The following prefiled legislation was introduced:

HB 716 - RISPOLI - LABOR & COMMERCE: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Prohibited Trade Practices; and Designating Certain Motor Vehicle Repair Practices as Unlawful.

HB 717 - WORTHEN - JUDICIARY: An Act to Amend Chapter 1,

Title 13, Delaware Code, Relating to Void and Voidable Marriages.

HA 1 to HB 214 - MAXWELL - Placed with the bill.

HA 1 to HB 565 - W. BRADY - Placed with the bill.

HA 1 to HB 636 - ANDERSON, LOUGHNEY, W. BRADY - Placed with the bill.

SB 402 - CICIONE, HOLLOWAY, BERNDT AND REPRESENTATIVES GEORGE, JONKIERT, JOHNSON - APPROPRIATIONS: An Act to Amend Chapter 116, Volume 61, Laws of Delaware, the 1978 Budget Appropriation Act, Originally Designated House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

Representative Minner moved to lift HB 647 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 647 - An Act to Amend Chapter 5 of Title 28, Delaware Code, Relating to the State Tax on Admissions and on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks.

The roll call on HB 647 was taken and revealed:

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

NO: Representatives Ambrosino, Billingsley, T. Brady, Connor, Hebner, Kelly, Maxwell, McKay, Roy, Vernon, Worthen - 11.

NOT VOTING: Representatives Sincok, Smith - 2.

ABSENT: Representatives Oberle, Powell, Ridings - 3.

Therefore, having received a constitutional majority, HB 647 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the agenda rules for the purpose of considering SJR 32. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SJR 32, co-sponsored by Senators Hughes, Arnold, Holloway, Littleton, Knox, Kearns and Cook, before the House for consideration.

SJR 32 - Expressing the Appreciation of the People of Delaware for the Outstanding Play of Randy White, a Graduate of Thomas McKean High School, Which Earned Him the Designation as Co-Most Valuable Player in Super Bowl XII.

The roll call on SJR 32 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Powell - 1.

Therefore, having received a constitutional majority, SJR 32 was returned to the Senate.

Representative Matushefske moved to lift SB 160 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Matushefske requested that SB 160 be re-committed to committee. Mr. Speaker assigned SB 160 to the Judiciary Committee.

Representative Matushefske requested that SB 162 be recommitted to Committee. Mr. Speaker assigned SB 162 to the Judiciary Committee.

Representative Maxwell moved to strike HS 1 for HB 376. Without objection, HS 1 for HB 376 was stricken.

Representative Maxwell brought HB 214 w/HA 1 before the House for consideration.

HB 214 - An Act to Amend Chapter 17, Title 14, of the Delaware Code to Provide a Twelve-Month Instructional Schedule for Trainable Mentally Handicapped Children Under the Jurisdiction of the Public School System; and to Provide an Appropriation Therefor.

Representative Maxwell brought HA 1 to HB 214 before the House for consideration.

The House recessed at 5:10 p.m. for the purpose of changing the audio tape and reconvened at 5:12 p.m.

Representative Maxwell deferred to Representative George who rose on a point of order referring to Rule 21 of the Rules of the House as stated in HR 2 as amended by HA 1.

Representative George moved to suspend the rules. The motion was seconded by Representative Maxwell and adopted by voice vote.

Representative Sincok rose on a point of order because there was no fiscal note for HB 214 w/HA 1.

Representative Maxwell moved to waive the fiscal note requirement according to the House Rules. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Robert Kirpaitis.

HA 1 was adopted by voice vote.

The roll call on HB 214 w/HA 1 was taken and revealed:

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

ABSENT: Representatives Powell, Ridings - 2.

Therefore, having received a constitutional majority, HB 214 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske brought HB 22 w/HA 1 and SA 5 before the House for consideration.

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

Representative Matushefske requested and was granted the



privilege of the floor for Mr. Conrad Shulman from the New Castle County School District.

Mr. Speaker requested that the Reading Clerk read the Fiscal Note for HB 22 in its entirety for the record and for Representative Billingsley.

129th General Assembly  
First Session - 1977  
Fiscal Note (Revised)

BILL: House Bill No. 22

SPONSOR: Representative Matushefske

DESCRIPTION: Amending Code to provide that in each Vocational-Technical School District there shall be a Vocational-Technical School Board.

Assumptions:

1. Kent and Sussex Counties each have a Vocational-Technical School Board.
2. New Castle County:
  - a. Act combines the administration and supervision of three (3) vocational technical high schools under a single vocational-technical school board.
  - b. Combination under a single authority (as opposed to a consolidation); the three (3) vocational-technical schools would operate as multi-plants.
  - c. Legislative intent (see Section 2) is that this is not a consolidation; therefore, "leveling up" (and subsequent costs) would not occur.
  - d. No consideration is given to projected expansion of facilities required to meet increased student demand. Programs can be modified to accommodate demand.
  - e. Assuming all three (3) vocational-technical schools are operating at capacity and that placement of programs effects desired balance, additional transportation costs are \$50,000.
  - f. Loss of 29 pupil units (Howard) from Wilmington and loss of 35 pupil units (Hodgson) from Newark will not affect Wilmington or Newark insofar as administrative staffing is concerned. However, New Castle Vo-Tech (Del Castle) will pick up entitlements as follows:
 

Director (1)	\$18,000
Supervisor (.25)	4,000
Psychologist (.25)	3,000
Speech Therapist (.20)	2,500
Visiting Teacher (.40)	5,000
Sub-Total	\$32,500
Fringes	5,600
TOTAL	<u>\$38,100</u>
3. Act is effective upon signature of Governor and will impact FY 1978.

## FY 1978:

Cost of Transportation	\$50,000
Cost of Salaries and Fringes	38,100
TOTAL	<u>\$88,100</u>

## FY 1979 and FY 1980:

Annual Transportation	\$55,000
Annual Cost of Salaries and Fringes	40,000
TOTAL	<u>\$95,000</u>

Five members of the House of Representatives stood to cut off debate.

The roll call on the motion to stop debate on HB 22 was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 20.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, Burris, Cain, Connor, Gilligan, McKay, Miller, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 18,

ABSENT: Representatives George, Plant, Powell - 3.

Therefore, not having received a constitutional majority, the motion was defeated and the debate on the bill continued. Mr. Shulman returned to testify on the floor.

Representative Ferguson requested and was granted the privilege of the floor for John Rich for a legal opinion as to the necessity for a roll call on the motion to cut off debate.

Mr. Rich stated that a motion to cut off debate could be determined by a roll call on the motion.

Mr. Speaker concurred.

Representative Byrd moved to place HB 22 w/HA 1 and SA 5 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Johnson, Jonkiert, Lynch, Miller, Minner, Plant, Rispoli, Vernon, Worthen - 17.

NO: Representatives Ambrosino, Bennett, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Matushefske, Maxwell, McKay, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Mr. Speaker Boulden - 21.

ABSENT: Representatives George, Morris, Powell - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HB 22 w/HA 1 and SA 5 remained before the House.

The roll call on HB 22 w/HA 1 and SA 5 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Burris, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske,

Maxwell, McKay, Minner, Plant, Riddagh, Rispoli, Roy, Sincok, Temple, Mr. Speaker Boulden - 26.

NO: Representatives Anderson, Billingsley, T. Brady, W. Brady, Cain, Connor, Oberle, Vernon, Worthen - 9.

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

ABSENT: Representatives George, Morris, Powell - 3.

Therefore, having received a constitutional majority, HB 22 w/HA 1 and SA 5 was sent to the Governor.

Representative Worthen introduced HB 718, co-sponsored by Representative Minner.

HB 718 - An Act to Amend Title 31, Chapter 3, Delaware Code, Relating to Day Care Regulation.

Mr. Speaker assigned HB 718 to the Health and Social Services Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:05 p.m.

#### 7th LEGISLATIVE DAY - Second Session

January 24, 1978

The Speaker called the House to order at 1:55 p.m.

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by the Reverend Edward Blevins from the Kingswood United Methodist Church, Newark, Delaware.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Connor, Powell - 2.

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

#### Communications:

The Senate wishes to inform the House that it has passed SCR 76; SJR 33; SCR 77; HB 22 w/HA 1, SA 5; SB 309.

Representative Sincok introduced and brought HR 96, co-sponsored by all representatives, before the House for consideration.

HR 96 - Expressing the Condolences of the House of Representatives to the Family of the Late Harry K. Powell.

HR 96 was adopted by voice vote.

The following prefiled legislation was introduced:

HA 1 to HB 640 - SINCOCK - Placed with the bill.

HA 1 to HB 641 - SINCOCK - Placed with the bill.

HA 1 to HB 717 - WORTHEN - Placed with the bill.

SB 309 - WEISS - BANKING & INSURANCE: An Act to Amend §2906, Chapter 29, Title 18, of the Delaware Code, Relating to Notice Required Upon Nonpayment of Life Insurance Premiums.

SJR 33 - HUGHES, WEISS, REPRESENTATIVES HEBNER, AMBROSINO, LOUGHNEY - HOUSE ADMINISTRATION: In recognition of the Fiftieth Anniversary of the Claymont Volunteer Fire Co. No. 1

and the Ladies Auxiliary and Extending Congratulations and Best Wishes to the Many Citizens of the Town of Claymont Who Have Helped to Make the Fifty Year History of the Claymont Volunteer Fire Co. No. 1 and the Ladies Auxiliary a Typical Success Story.

Representative Jonkiert moved to recess for caucus at 2:05 p.m.

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

Representative Minner introduced and brought HCR 65 before the House for consideration.

HCR 65 - Expressing the Congratulations of the 129th General Assembly of Delaware to Cassie Blizzard of Milford Who Will Be 106 Years Old On January 30, 1978.

HCR 65 was adopted by voice vote.

Representative Bennett introduced and brought HR 97 before the House for consideration.

HR 97 - Directing the Members of the House Appropriations Committee, Who Sit on the Joint Finance Committee, to Oppose Efforts to Transfer the Committees Major Hearings to a Place Other Than the Capital City of Dover.

Representative Cain moved to place HR 97 in committee.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Byrd, Cain, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Oberle, Plant, Ridings, Rispoli, Roy, Sincock, Smith, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Bennett, T. Brady, Burris, Clendaniel, Darling, Gordy, Miller, Minner, Morris, Riddagh, Temple, Vernon - 12.

ABSENT: Representatives Billingsley, Connor, Lynch, Matushefske, Powell - 5.

Therefore, having received a constitutional majority, the motion was adopted and HR 97 was placed in the House Administration Committee by Mr. Speaker.

Representative Jonkiert moved to suspend the agenda rules. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple moved to lift SB 336 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Temple brought SB 336 w/HA 1 before the House for consideration.

SB 336 - An Act to Amend Chapter 61, Title 9, of the Delaware Code, Relating to the Borrowing Power of the Government of Sussex County.

Representative Vernon introduced and brought HA 2 to SB 336 before the House for consideration.

Representative Gordy moved to place HA 2 to SB 336 on the Speaker's table. The motion was seconded by Representative Jonkiert.

The roll call on the motion was taken and revealed:

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

NO: Representatives Ambrosino, T. Brady, Burris, Hebner, McKay, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 12.

ABSENT: Representatives Billingsley, Connor, Lynch, Matushefske, Powell - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to SB 336 was placed on the Speaker's table.

Representative Temple requested that the following be read into the record:

Sussex County Courthouse  
Georgetown, Delaware 19947

January 16, 1978

The Honorable Thomas A. Temple, Sr.  
Representative of the State of Delaware  
808 Oak Street  
Seaford, Delaware 19973

Dear Tom:

As per our telephone conversation of Thursday, January 12, 1978, this letter, hopefully, will serve as an explanation why the County Council has requested an increase in our borrowing limit from Three Hundred Thousand Dollars (\$300,000.00) to Two Million Dollars (\$2,000,000.00). As you are aware, the County is involved in a number of sewer and water projects. Many of these systems have just begun operation. The start-up costs associated with those operations have severely taxed our cash flow situation. The situation is sort of like the proverbial chicken and the egg. We need money to operate, but we can't charge the people in the systems for services before they receive those services. Therefore, the County Council has elected to use other funds to operate the sewer and water systems until the collections from the users can be made. Obviously, this presents a serious cash flow problem.

Beside sewer and water, the County also faces a problem with continuing a number of construction projects that are on line to begin in the near future, the most important of which is the Emergency Operations Center that will provide new and efficient emergency services for the people of Sussex County. The County intends to sell bonds to pay for this facility; but in order to save the taxpayers' dollars, the County does not intend to sell bonds until after construction costs have been determined through bidding. Obviously, between the time when construction of the project begins and when bond money can be obtained, there will be a need for funds. The raising of the borrowing limit will allow us to pursue this

project as well as the others.

By the way, a bill to correct an oversight in the original Home Rule Bill allowing the County to borrow in anticipation of selling bonds is being prepared to be introduced very shortly.

A third point that should be made concerns the problem of operating the County between the months of July and September when new tax dollars are not available. At the present time, most people pay their taxes in September; but we must operate the County for three months without, basically, any of our tax dollars. The Three Hundred Thousand Dollar (\$300,000.00) limit is not now sufficient even to make payroll for this three month period, let alone pay for such items as electric, office supplies, mileage, etc.

I trust that these three points answer the questions that were raised on Thursday, January 12, 1978 on the floor of the House of Representatives; but, as always, I stand ready to provide you with whatever information you so request.

Yours truly,

Joseph T. Conaway  
County Administrator

January 10, 1978 - Sussex County Minutes

Proposed Legislation for Introduction in General Assembly:

The Council agreed that Mr. Betts, County Attorney, will prepare proposed legislation for introduction in the General Assembly to increase the County's general borrowing limit to \$2,000,000.00, to allow Revenue Sharing money to be loaned to and for any County purpose, to permit the County to borrow money in the anticipation of the sale of bonds for any County use or project, permit the County to award a bid for audit services for a period of three years without any stipulations as to when the award of the bid can be made, and any other needed legislation regarding water and/or sewer districts.

The roll call on SB 336 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Hebner, Ridings, Roy, Vernon - 4.

ABSENT: Representatives Connor, Lynch, Powell - 3.

Therefore, having received a constitutional majority, SB 336 w/HA 1 was returned to the Senate for action on the amendment.

Representative Worthen brought HB 303 before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Mr. Joe Duffy, Correctional Planner with the Governor's Commission on Corrections.

Representative Sincok moved to place HB 303 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Jonkiert moved to recess for committee hearings at 5:07 p.m.

The House was called to order at 5:36 p.m.

Committee Report:

Public Safety - HB 228 - 6M; HB 237 - 3M, 3U; HB 698 - 3F, 1M, 1U.

House Administration - SJR 33 - 1F, 4M.

Education: HB 605 - 2F, 3M.

Appropriations: HB 623 - 4F, 1M; HB 624 - 1F, 3M, 1U; HB 632 - 2M, 3U; HB 638 - 5M; HB 646 - 4M, 1U; HB 659 - 1F, 4M; HB 680 - 1F, 4M; HB 685 - 5M; HB 688 - 5M; HB 697 - 4M, 1U; HB 708 - 5M; SB 83 - 4M; SB 85 - 4M; SB 137 - 3M, 1U; SB 376 - 4M; SB 402 - 1F, 3M.

Representative Jonkiert introduced and brought SCR 80, sponsored by Senator Cordrey, before the House for consideration.

SCR 80 - Providing that a Joint Session of the House of Representatives and the Senate be Convened to Hear the Governor's Budget Message.

SCR 80 was adopted by voice vote.

Representative Jonkiert moved to recess to the call of the Chair at 5:44 p.m.

## 8th LEGISLATIVE DAY - Second Session

January 25, 1978

The Speaker called the House to order at 1:33 p.m.

The Majority Leader moved to adjourn at 1:34 p.m., thereby ending the previous legislative day. The House reconvened at 1:34 p.m. A prayer was offered by Representative William Brady from the 29th Representative District.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Lynch, Powell - 2.

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

Communications:

The Senate wishes to inform the House that it has passed HCR 65; SCR 80; SCR 79.

Representative Johnson introduced and brought HCR 66, co-sponsored by Representative Plant and Senators Holloway and Schlor, before the House for consideration.

HCR 66 - Expressing Congratulations and Best Wishes to Reverend David F. Ray on His 102nd Birthday.

HCR 66 was adopted by voice vote and sent to the Senate.

Representative Miller introduced and brought SCR 77, co-sponsored by Senator Zimmerman and Representative Miller, before the House for consideration.

SCR 77 - Extending Congratulations to Thomas J. Parsons on His Selection as the Dover Jaycees 1978 Young Man of the Year.

SCR 77 was adopted by voice vote and returned to the Senate.

Representative Ferguson introduced and brought SCR 79, co-sponsored by Senator Sharp and Representatives Ferguson and Loughney, before the House for consideration.

SCR 79 - Memorializing the Congress of the United States to Call a Convention for the Purpose of Amending the Constitutional Provision for the Appointment of Members of the Federal Judiciary.

SCR 79 was adopted by voice vote and returned to the Senate.

Representative Plant introduced and brought HCR 67 before the House for consideration.

HCR 67 - Opposing Efforts Including House Bill 698 to Remove the Delaware State Police from the Department of Public Safety.

Representative Jonkiert moved to place HCR 67 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Clendaniel, Darling, Ferguson, Gordy, Jonkiert, Loughney, Miller, Minner, Morris, Temple, Worthen, Mr. Speaker Boulden - 14.

NO: Representatives Billingsley, T. Brady, W. Brady, Burris, George, Hebner, Johnson, McKay, Oberle, Plant, Riddagh, Ridings, Rispoli, Sincok, Smith, Vernon - 16.

ABSENT: Representatives Ambrosino, Anderson, Cain, Connor, Gilligan, Kelly, Lynch, Matushefske, Maxwell, Powell, Roy - 11.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 67 remained before the House.

Representative Jonkiert moved to recess for the purpose of convening in Joint Session at 2:02 p.m.

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

#### JOINT SESSION

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

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

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

The President appointed Representative Cain and Representative Ridings and Senator Holloway and Senator Hughes to escort the Governor to the Chamber.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the members of the General Assembly as follows:



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

It is my pleasure this afternoon to present to you and the people of Delaware my budget message for fiscal year 1979, which begins next July first. The budget I am presenting today is unique in two respects: It is the first budget for which my administration is wholly responsible and it is the first budget in ten years which, if enacted as presented, will end the fiscal year in the black with no tax increases. It is an honestly balanced budget which also creates a reserve fund of ten million dollars to protect Delaware's financial health and well-being in the future -- a goal we have all sought for many, many years. A balanced budget; no increase in taxes; a reserve for contingencies -- three of our primary financial goals are achieved in this budget. Credit for having brought our finances to this point belongs to both of us, the legislative and executive branches of government, and to an expanding economy.

#### Fiscal 1977

When I last addressed the General Assembly a little less than a year ago, Delaware was in the midst of yet another of its chronic fiscal crises. To solve the problem Governor Tribbitt proposed \$58.6 million in tax increases; I had proposed \$40 million in budget cuts and \$24 million in tax increases. In fiscal 1977 together we tightened Delaware's belt; we cut expenditures and enacted and earmarked certain taxes to fund the \$19.2 million deficit which had accumulated over the past three years. Doing what had to be done was not easy but it was accomplished. It was a difficult year for all of us but I think we both can be -- and should be -- proud of our successes.

#### Fiscal 1978

As a result of our successful actions to finance Delaware's three year deficit, we entered the current year -- fiscal 1978 -- with a clean slate. But we also entered it with a razor-thin margin for error. At the time of the adoption of this year's budget, I believed that there were certain items which were under-funded and which would require additional supplemental appropriations. That is proving to be correct. Many of you believed that the revenue estimates of the Delaware Economic and Financial Advisory Council were conservative. That, too, is proving to be correct. Because of a strengthening economy and our vigorous program to collect back taxes, the Council has increased the base revenue estimate by almost \$15 million over the estimate contained in your joint resolution which passed the House in June. Barring an unforeseen calamity, and with continued restraint by both the executive and legislative branches of our government, this \$15 million increase in revenues should more than cover the need for additional supplemental appropriations, thus producing Delaware's first balanced budget in four years.

### Fiscal 1979

The 1979 no-tax budget which I am presenting to you today calls for spending \$518.7 million. Using the current midpoint revenue estimates of the Delaware Economic Advisory Council, this budget would yield a cumulative surplus of about \$10 million by the end of fiscal 1979.

The revenue estimates upon which the budget you have before you is based are the official estimates provided by the Delaware Economic and Financial Advisory Council. Recent events have shown the Council's estimates to be on the conservative side. Personally, I would far prefer a conservative rather than an overly-optimistic one. Candidly, both my financial advisory and I believe that the current estimates might very well be conservative, and, of course, if revenues approach the high end of the DEFAC range, and expenditures remain under control, any surplus could be substantially larger.

But the purpose of the Council is to take revenue estimating out of the political arena and leave it to what I think you all will agree are a great many talented people who work long and hard. The Council contains six members of the General Assembly, including four members of the majority party. In addition, participation by those who are not official members has been encouraged. I would like to encourage all of you who believe you have a contribution to make to estimating revenues or expenditures to use the Advisory Council as a forum. Your advice and counsel will be welcome.

But, a word of caution about counting on surpluses. I cannot emphasize to you too strongly that we must avoid the temptation to spend any surplus which is generated. We cannot continue to spend down to the very last dollar we raise. With no cushion -- with no margin for error -- the slightest downturn in the economy or surprise expenditure; or enactment by another state of discriminatory tax legislation, for example, could throw the budget into a deficit position. That would force unnecessary borrowings and put us back onto the familiar path to financial instability.

As you know, there are several proposals currently before the General Assembly to create a constitutionally-mandated reserve fund. The details differ, but the point is the same: Delaware should set aside money today to protect us tomorrow. I strongly support these proposals and so have set aside 2% of estimated revenues, or \$10 million, into a contingency reserve fund. These funds should not be used except in the event of an emergency, and then they should be restored promptly in the following year's budget. I welcome the opportunity to work with the General Assembly on the details of this proposal.

\* \* \* \* \*

The budget you now have reflects my belief that we should not be seeking more ways to expand the role of the state and increase its intrusion into the lives of all citizens. It is not a Great Society budget. It is, rather, an affordable budget, which seeks to improve upon the delivery of the services we already provide. It is a financial roadmap to get us back to basics and to permanent financial stability.

In terms of the bottom line, the budget I present to you today will require spending of \$37 million more in operating funds than estimated to be expended in the current fiscal year. A large portion of that increase is automatically required by increases in debt service, revenue refunds, and federally mandated welfare costs.

I have recommended that one third of the increase -- \$12 million -- be allocated to employee pay raises to help offset increases in the cost of living. This means that nearly every state employee will receive a pay increase of 6.7% in fiscal 1979. This increase is equal to the increase in the Philadelphia region consumer price index during the last year. However, I believe that should any of the teachers in the New Castle County schools receive increases for "leveling up" of salaries in excess of 6.7%, the state should not grant an additional increase on top of that amount. This is reflected in my budget.

The balance of the \$37 million increase is necessary to meet inflation costs and to provide program improvements in a number of areas.

#### ADMINISTRATION OF JUSTICE

In this budget, I am placing major emphasis on improvements in the administration of justice. An increase of \$7.7 million will bring the total budget for criminal justice to more than \$50 million. This increase is necessary to meet the high cost of implementing federal court orders concerning our corrections facilities, and will provide adequate funding to continue implementation of my master plan for corrections. It includes funding which could allow for additional personnel in the courts to meet rapidly expanding case loads.

In the Department of Corrections itself, I have recommended a 24% increase in funding. These additional funds will provide personnel necessary for maintaining records accurately, hearing grievances, conducting educational programs, and providing for the classification and treatment of inmates. It will also provide for the continuation of outside contracting for medical care and treatment of inmates.

In the budget for the State Police, I am recommending state funding for the ten troopers assigned to the Traffic Accident Control (TAC) team which is facing the expiration of federal support. I am also recommending that the State Police hire 12 civilians to release a like number of uniformed police for road patrol work. We will continue our evaluation of attrition in the Delaware State Police. We must maintain adequate troop strength to maintain the Delaware State Police as an effective instrument of law enforcement.

#### EDUCATION

I am recommending an appropriation of \$237.5 million for our education programs in Delaware. This represents 46% of net general fund expenditures.

Five specific initiatives deserve comment:

1. I am recommending in this year's budget an additional \$70,000 for the State Department of Public Instruction to work

with the federal government in improving student assessment and testing in Delaware schools. This will help set up guidelines for the competency based education program that is so critical to the future of education.

2. In this year's budget, I am proposing an additional \$50,000 for major new activities to provide adult education, particularly in the southern two counties.

3. In the 1979 budget, I am asking for the establishment of the first state supported program for the gifted and the talented. This appropriation will provide demonstration programs within at least five school districts upon which future programs can be built.

4. Providing an education for all handicapped individuals is a high priority. Three quarters of a million dollars was provided for the education for the handicapped in 1978, and I recommend an increase in these funds to \$819,000 in 1979.

5. Finally, I urge that we double the funds available for the state's school-related youth organizations.

In higher education, I am recommending the establishment of a new state coordinating board at no added cost. This will provide better coordination of our programs, budgets, and overall direction to accomplish Delaware's goals in higher education.

I cannot conclude my remarks on the education budget without raising the issue of a sleeping giant -- the desegregation of New Castle County schools. The federal court decision was not handed down in time for me to include in the budget any realistic estimate of the state's share of desegregation costs. It will still be several weeks before we know what these costs may be. The court order does not make clear which costs will be allocated to the current year, and which to next year. I think it would be precipitous to act on these costs until we have a better analysis of their magnitude, the amount of federal assistance that may be available, and until we have further revenue estimates for both 1978 and 1979. My financial and educational advisors are continuing to develop and refine the potential costs of desegregation to the state and to recommend alternative methods of financing these costs. I ask the General Assembly to join with me in an effort to develop a plan which is equitable to all taxpayers.

#### MAKING GOVERNMENT WORK -- MANAGEMENT IMPROVEMENTS

The budget I am presenting to you today makes a number of recommendations for management improvements to help meet my goal of making government work for all the people of our state:

First, I believe it would be useful to have a computerized on-line legislative information system, which would provide the General Assembly with a rapid, efficient and relatively inexpensive method of tracking the status of legislation. A large number of states have implemented these systems, and they are available to Delaware without the need to invest in development costs. I have included \$50,000 in this budget as an estimate of the first year's costs.

I am recommending a continuation of the adoption of zero-based budgeting throughout state government. The budget I am

presenting to you today reflects the adoption of zero-based budgeting in three departments: State, Natural Resources and Environmental Control, and Community Affairs and Economic Development. Funds to continue zero-based budgeting and to make sorely needed improvements to our accounting, payroll and personnel systems are provided in the 1979 budget.

I am recommending the installation of a modern revenue management system to begin the task of automating state tax administration; the replacement of many of the casual and seasonal employees in the Division of Revenue with full-time employees; and the addition of 29 people to the enforcement and compliance staff. The hard work of the enforcement and compliance personnel of the revenue division, vigorous execution of judgments and filing of tax liens have yielded \$5 million in back tax collections during the past twelve months. But we can do more. The Secretary of Finance has estimated that these additional resources will generate an additional \$1.6 million in revenue and we have, accordingly, added this \$1.6 million to the \$520.3 million revenue estimate of the Advisory Council for a total revenue estimate of \$521.9 million.

I will support a 1978 supplemental appropriation to undertake an independent statewide financial audit which is required by the federal government. If this audit is not promptly undertaken, we stand in danger of jeopardizing federal funding for our many programs. The need to begin is urgent, so I hope the General Assembly will act promptly.

I believe the time has finally come to begin transferring employee salary costs from 20 year bond funds to current operating funds. For a number of years it has been the practice in Delaware to use 20 year borrowed money to pay the salaries and fringe benefits of a large number of employees. This practice has become so costly that now over \$5.5 million of borrowed funds are spent annually to pay employee salaries. The extra cost to the taxpayer is substantial: To pay a dollar in current salary with 20 year bond funds ultimately costs \$1.63. It is costing you, the taxpayer, 63% more to use this method of salary payment. My long-term goal is to transfer all these operating costs back into the operating budget; however, this problem has grown so large that it is not possible to undo in a single year that which has transpired over many years. In fiscal 1979, I would like to begin the first phase of the program.

Another problem concerns the budget epilogue. It is a nightmare of complexities and problems; I believe that the epilogue should contain only those items which are intended to apply to the current year's budget. Provisions intended for both current and future years should be enacted by separate legislation and discussed on their merits. I would like to work with you to review the epilogue and agree upon a separate package of bills covering such long term policy matters.

In my report to the people last Tuesday evening, I spoke of the need to undertake a major economic development effort. At my direction, an overall plan has been prepared and is in the process of being reviewed with local communities and business leaders. The advice of the Delaware Development Council will also be sought

as soon as it is in operation. Following public hearings this spring, we will be prepared to move ahead with our program.

#### SEPARATION OF POWERS

In recognition of the constitutional separation of powers, and the need to preserve our system of checks and balances, I have departed somewhat from tradition in presenting the budgets of the Judiciary and of the General Assembly, while still fulfilling my obligation to propose a balanced budget. I am, nevertheless, presenting only the bottom line total for each of the Courts and each House of the General Assembly. If you desire, I will make available the analyses used to support my recommendations. But, I do not believe it should be within the purview of the Executive Branch of government to recommend line-item changes in the budget requests of equal branches of government under the constitution.

#### CAPITAL BUDGET

As you are all aware, legislation introduced by former Governor Tribbitt and passed by the 128th General Assembly limits new bond bill authorizations to 75% of the principal repayments of the previous fiscal year. I have strongly supported this limitation because I believe the state must make firm efforts to control its growing debts -- debts which now consume 17¢ out of every tax dollar expended. My Capital Management Program is designed to lower debt service cost from 17% to 10% of the budget by 1985.

Because of the bleak financial outlook in the first few months of 1977, I did not recommend that the General Assembly enact new bond authorizations. To the contrary, I have recommended that nearly \$20,000,000 in low priority projects be de-authorized in order that we might protect the taxpayers' pocketbooks. I remain sincere in my desire to discuss these recommendations with the leadership and members of the General Assembly.

I am today proposing legislation which meets the test of the existing capital restraints law: \$30.1 million for fiscal year 1978 and \$31.8 million for fiscal year 1979. If enacted, this program will generate approximately \$75 million in federal matching funds. The program calls for a \$3.6 million bond bill which I feel must be acted on immediately in order for us to meet our existing contractual obligations for the new State Office Building, for emergency repairs at Port Mahon and Records Pond, and for successful completion of the maximum security building at Smyrna, the Sussex Correctional Institute and design work on the new multi-purpose facility in New Castle County. I urge members of the General Assembly to consider this an immediate priority.

The balance, \$26,563,000, is being presented as a regular bond bill for Fiscal Year 1978. I am requesting new bond authorizations for Fiscal Year 1979 which, although not eligible for funding until July 1, 1978, are an important part of our Capital Program for the ensuing months.

Let me stress that the recommendations I am making will fully fund all of the needed correctional facilities for the state in our

foreseeable future. I recognize the cost is high, but we can no longer ignore the fact that dangerous criminals are still at large because of rising crime rates and federally mandated limitations on our existing facilities.

Second, let me emphasize that I strongly favor construction of a new Agriculture Science Building at the University of Delaware and improvements to existing campus buildings to comply with Federal OSHA regulations and to better serve the handicapped. However, the statutory borrowing limit simply does not permit us at this time to assume the costs of these investments. I propose, instead, that the University exercise its legal right to issue revenue bonds -- something which other state agencies cannot do -- in order to quickly expedite construction of these facilities.

Third, I should note that the capital budget includes three specific programs of concern to many taxpayers: \$988,000 for watershed and tax ditches; \$250,000 for mosquito control improvements; and \$500,000 for beach erosion control program.

Finally, let me stress that Delaware's existing transportation system needs prompt attention. Our highways and major roads have been heavily damaged by two severe winters. Delaware needs more money to fix the potholes and pavements. Therefore, I am recommending a combined total of more than \$27 million for the transportation improvements, of which \$4.7 million is specifically earmarked for repair, repaving and rehabilitation. If the General Assembly acts favorably on Senate Bill No. 163, which establishes a system to set transportation priorities, much of this money can be used to match for federal dollars to which Delaware is entitled.

Delaware has too long mortgaged its future with twenty year bonds for projects which do not last that long. Therefore, I am recommending that \$17 million of this combined \$62 million authorization be financed with shorter term bonds, saving the state substantial interest over the life of these projects.

#### CONCLUSION

This is the financial management program I am recommending for 1979. It reflects the priorities and the hopes of my administration for our State and its people. It reaffirms my commitment to keep expenditures within available resources in order to secure and maintain fiscal stability for the State of Delaware without additional taxes. It is a budget of difficult choices because, as you well know, the demand for funds far exceeds the ability of the taxpayers to support such spending.

Over the next few months, as you in the General Assembly review this budget, you, too, will be faced with many difficult decisions. They will require thoughtful attention and they will require discipline. I stand ready, along with the members of my financial staff, to work with you to render whatever assistance you may wish, and to consider other alternatives you may desire.

Together we can build a sound financial base for our State and all its citizens.

Thank you.

The previously named committee escorted the Governor from the Chamber.

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

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

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

The House was called to order at 4:41 p.m.

Representative Plant moved to strike HCR 67. Without objection, HCR 67 was stricken.

The following prefiled legislation was introduced:

HB 719 - CLENDANIEL - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Indian River School District to Reimburse an Employee Who Overpaid Health Insurance Coverage Under Blue Cross-Blue Shield.

HB 720 - MAXWELL - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing "Credited Service" Status to Individuals Who Have Served in the Armed Forces and Who Have Taught in Delaware for Twenty Years.

HB 721 - MATUSHEFSKE, GEORGE, SENATOR CICIONE - APPROPRIATIONS: An Act to Appropriate Money to the Superior Court of the State of Delaware for the Purpose of Implementing the Provisions of §3925, Title 10, Delaware Code.

HA 1 to HB 686 - RIDDAGH - Placed with the bill.

HA 1 to HB 703 - JONKIERT - Placed with the bill.

Representative Sincok introduced HB 722, co-sponsored by Representative McKay.

HB 722 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979, and Specifying Certain Procedures, Conditions, and Limitations for the Expenditure of Such Funds.

Mr. Speaker assigned HB 722 to the Appropriations Committee.

Representative Ferguson introduced HB 723, co-sponsored by Representative Maxwell.

HB 723 - An Act to Provide a Supplementary Appropriation to the University of Delaware, Such Funds to be Utilized in Offsetting a Proposed Tuition Increase.

Mr. Speaker assigned HB 723 to the Appropriations Committee.

Representative Byrd moved to strike HB 538. Without objection, HB 538 was stricken.

Representative Darling introduced HB 724, co-sponsored by Representative Riddagh.

HB 724 - An Act Authorizing the Department of Correction to Use for Fire Safety Equipment Certain Funds Authorized by Chapter 40, Volume 61, Laws of Delaware for Use in Prison Renovations Projects.

Mr. Speaker assigned HB 724 to the Corrections Committee.

Representative Jonkiert moved to suspend the agenda rules



for the purpose of working on a temporary Agenda. The motion was seconded by Representative Matushefske and adopted by voice vote.

Representative Matushefske brought SB 327 w/SA 1, before the House for consideration.

SB 327 - An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to the Theft of Services From a Public Utility.

Representative Cain introduced and brought HA 1 to SB 327 before the House for consideration.

Representative Cain requested and was granted the privilege of the floor for Mr. Martin Duffy from Delmarva Power and Light Company.

HA 1 to SB 327 was adopted by voice vote.

Representative T. Brady requested and was granted the privilege of the floor for House Attorney John Rich.

The roll call on SB 327 w/SA 1 and HA 1 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, McKay, Minner, Morris, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Anderson, Maxwell, Miller, Oberle, Plant - 6.

NOT VOTING: Representatives Hebner, Johnson, Ridings - 3.

ABSENT: Representatives Lynch, Powell, Worthen - 3.

Therefore, having received a constitutional majority, SB 327 w/SA 1 and HA 1 was returned to the Senate for action on the amendment.

Representative Jonkiert brought HB 677 before the House for consideration.

HB 677 - An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Printing of Session Laws.

The roll call on HB 677 was taken and revealed:

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

ABSENT: Representatives Lynch, Powell, Worthen - 3.

Therefore, having received a constitutional majority, HB 677 was sent to the Senate for concurrence.

Representative Jonkiert brought SJR 30 before the House for consideration.

SJR 30 - Requesting the Federal Communications Commission to Grant a Waiver of its 1972 Order to Allow Lower Delaware CATV, Inc. to Pick Up Signals from Philadelphia Commercial Television Stations.

The roll call on SJR 30 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Lynch, Powell, Worthen - 4.

Therefore, having received a constitutional majority, SJR 30 was returned to the Senate.

Representative Gordy brought HJR 48 before the House for consideration.

HJR 48 - Requesting the Delaware Congressional Delegation to Work for Relocation of the Dover Classification Yard of Conrail to Delmar.

The roll call on HJR 48 was taken and revealed:

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

ABSENT: Representatives Lynch, Powell, Worthen, Mr. Speaker Boulden - 4.

Therefore, having received a constitutional majority, HJR 48 was sent to the Senate for concurrence.

Representative Gordy brought HB 690 before the House for consideration.

HB 690 - An Act to Reincorporate the Town of Bethel.

Representative Gordy introduced and brought HA 1, co-sponsored by Senator Littleton, before the House for consideration. HA 1 to HB 690 was adopted by voice vote.

The roll call on HB 690 w/HA 1 was taken and revealed:

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

ABSENT: Representatives Lynch, Powell, Worthen - 3.

Therefore, having received a constitutional majority of at least two thirds members of the House, HB 691 w/HA 1 was sent to the Senate for concurrence.

Representative Miller moved to lift SB 222 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 222 - An Act to Amend Part VII, Title 7 of the Delaware Code Relating to Conservation of the State's Natural Resources; Establishing a State System of Nature Preserves and Providing for Their Acquisition, Control, Use, Management and Protection.

Representative Maxwell introduced and brought HA 1 to

SB 222 before the House for consideration.

Representative Maxwell moved to place HA 1 to SB 222 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Miller introduced and brought HA 2 before the House for consideration.

Representative Miller moved to place HA 2 to SB 222 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Miller introduced and brought HA 3 before the House for consideration.

HA 3 to SB 222 was adopted by voice vote.

Representative Maxwell moved to lift HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HA 1 to SB 222 was adopted by voice vote.

Representative Miller moved to lift HA 2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HA 2 to SB 222 was adopted by voice vote.

The roll call on SB 222 w/SA 1 and HA 1,2,3 was taken and revealed:

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

ABSENT: Representatives Billingsley, Lynch, Powell - 3.

Therefore, having received a constitutional majority, SB 222 w/SA 1 and HA 1,2,3 was returned to the Senate for action on the amendments.

Representative Loughney brought SJR 33 before the House for consideration.

SJR 33 - In Recognition of the Fiftieth Anniversary of the Claymont Volunteer Fire Co. No. 1 and The Ladies Auxiliary and Extending Congratulations and Best Wishes to the Many Citizens of the Town of Claymont Who Have Helped to Make the Fifty Year History of the Claymont Volunteer Fire Co. No. 1 and the Ladies Auxiliary a Typical Success Story.

The roll call on SJR 33 was taken and revealed:

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

ABSENT: Representatives Billingsley, Lynch, Powell - 3.

Therefore, having received a constitutional majority, SJR 33 was returned to the Senate.

Representative Jonkiert moved to recess for committee hearings at 5:39 p.m.

The House was called to order at 6:14 p.m.

Committee reports:

Judiciary: HB 713 - 3M, 1U.

House Administration - HB 714 - 1M, 2U.

Appropriations - HB 723 - 3F, 3M.

Corrections - HB 724 - 3F, 3M.

Representative Jonkiert moved to recess to the call of the Chair at 6:31 p.m.

# 9th LEGISLATIVE DAY - Second Session

January 26, 1978

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

The Majority Leader moved to adjourn at 2:53 p.m., thereby ending the previous legislative day. The House reconvened at 2:53 p.m. A prayer was offered by Reverend Russell H. Perkins from St. Joseph's Roman Catholic Church in Middletown, Delaware.

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

The Chief Clerk called the roll.

Members present: 38.

Members absent: Representatives Lynch, Powell, Rispoli - 3.

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

## Communications:

The Senate wishes to inform the House that it has passed SB 138 w/SA 1, SA 1 to SA 1; SB 411; SB 412; SB 395; SB 414; SB 415; SB 423; SB 424; HCR 66; HB 196 w/SA 1.

Representative George introduced HB 730.

HB 730 - An Act to Amend Section 6301, Chapter 63, Title 29, Delaware Code, Relating to the Appropriation of Funds from All Sources.

Mr. Acting Speaker Jonkiert assigned HB 730 to the Appropriations Committee.

Representative Byrd introduced HB 731.

HB 731 - An Act to Retroactively Increase the Salaries of Employees Classified Under the Merit System and the Salaries of Certain Non-Classified Employees and to Provide a Supplementary Appropriation Therefor.

Mr. Acting Speaker Jonkiert assigned HB 731 to the Appropriations Committee.

Representative Byrd introduced HB 732.

HB 732 - An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Relating to the Retroactive Increase in Salaries of School Employees; and Providing a Supplemental Appropriation Therefor.

Mr. Acting Speaker Jonkiert assigned HB 732 to the Appropriations Committee.

Representative Darling moved to suspend the rules for the purpose of introducing and acting on HJR 51. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling brought HJR 51, co-sponsored by Senator McDowell, Representatives Boulden, Jonkiert, Gordy, Sincock, and McKay and Senators Cordrey, Martin, Cook, Hughes and Knox, before the House for consideration.

HJR 51 - Memorializing the President of the United States and the United States Congress to Enact Legislation Establishing a Fund for Dispersing Fifty Percent of Federal Outer Continental Shelf Revenues to Coastal State Governments and to Incorporate an Equitable Formula for the Allocation of Such Revenues.

The roll call on SJR 51 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gordy, Hebner, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

ABSENT: Representatives Ambrosino, Connor, Ferguson, Gilligan, Kelly, Lynch, Minner, Powell, Rispoli - 9.

Therefore, having received a constitutional majority, HJR 51 was sent to the Senate for concurrence.

Representative Gordy moved to suspend the agenda rules for the purpose of working on a temporary agenda. The motion was seconded by Representative Darling and adopted by voice vote.

Representative W. Brady brought HB 565 w/HA 1,2 before the House for consideration.

HB 565 - An Act to Amend Chapter 1, Title 31, Delaware Code Relating to the Burial of the Remains of an Indigent Person by the State.

Representative W. Brady moved to strike HA 1. Without objection, HA 1 to HB 565 was stricken.

Representative T. Brady brought HA 2 before the House for consideration. HA 2 to HB 565 was adopted by voice vote.

The roll call on HB 565 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Byrd, Connor, Darling, George, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Miller, Oberle, Plant, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Bennett, Burris, Hebner, Minner, Morris, Riddagh, Vernon - 7.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Ambrosino, Cain, Ferguson, Gilligan, Kelly, Lynch, Powell, Ridings, Rispoli - 9.

Therefore, having received a constitutional majority, HB 565 w/HA 2 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:

HB 725 - MAXWELL, SENATOR WEISS - HOUSE ADMINISTRATION:  
An Act to Amend Title 29, Delaware Code, To Require Financial

Disclosure for State Officials and Employees.

HB 726 - OBERLE, HEBNER - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing Certain Modifications for Parents of Children Attending Kindergarten Through Grade Twelve in Schools Outside the State of Delaware.

HB 727 - HEBNER - EDUCATION: An Act to Amend Chapter 27, Title 14, of the Delaware Code by Reducing the Compulsory Age Attendance Requirement for Public Schools.

HB 728 - MATUSHEFSKE - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21, Delaware Code, To Require that Commercial Vehicles Known as Pick-Up Trucks be Equipped with Rear Bumpers. (2/3 bill)

HB 729 - OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 84, Part V, Title 11 of the Delaware Code Relating to the Members and Organization of the Delaware Police Training Program.

HA 1 to HB 473 - MINNER, BENNETT, MORRIS - Placed with the bill.

HA 1 to HB 565 - T. BRADY - Placed with the bill.

HA 1 to HB 625 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 683 - T. BRADY - Placed with the bill.

HA 1 to SB 83 - GEORGE - Placed with the bill.

HA 1 to SB 85 - GEORGE - Placed with the bill.

SB 138 w/SA 1 - MURPHY, WEISS, REPRESENTATIVE WORTHEN - HOUSE ADMINISTRATION: An Act to Amend Chapter 80, Part VI, Title 15 of the Delaware Code Relating to Campaign Contributions and Expenditures.

SB 395 - LITTLETON, REPRESENTATIVE GORDY - HIGHWAYS & TRANSPORTATION: An Act to Suspend the Provisions of 29 Delaware Code, Chapter 69 to Permit the Payment of Funds for Street and Road Improvements in the Town of Bethel.

SB 411 - CORDREY - COMMUNITY AFFAIRS: An Act to Amend Chapter 212, Volume 25, Laws of Delaware Entitled "An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds" as Amended, By Increasing the Amount Which the Town of Bethany Beach May Raise by Taxation of Assessable Real Estate. (2/3 bill)

SB 412 - CORDREY - COMMUNITY AFFAIRS: An Act to Amend Chapter 212, Volume 25, Laws of Delaware, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds", as Amended, to Give the Commissioners of the Town of Bethany Beach the Power to Borrow up to \$200,000. (2/3 bill)

SB 414 - CICIONE, REPRESENTATIVE GEORGE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Justice for the Purchase of Motor Vehicles, and for the Maintenance of Motor Vehicles Within its Custody.

SB 415 - ZIMMERMAN, MURPHY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Administrative Services for Payment of Back Salary of an Employee.

SB 423 - ADAMS - COMMUNITY AFFAIRS: An Act to Amend Chapter 237, Volume 51, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Bridgeville" by Increasing the Power to Raise Revenue. (2/3 bill)

SB 424 - ADAMS - COMMUNITY AFFAIRS: An Act to Amend Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" by Providing for the Registration of Voters. (2/3 bill)

Representative Jonkiert moved to recess for committee hearings at 2:46 p.m.

The House was called to order at 4:30 p.m.

Representative Maxwell requested that the following communication from the House Rules Committee be read into the record:

House Rules Committee

January 26, 1978

WHEREAS, a joint House-Senate committee was formed in accordance with Senate Concurrent Resolution No. 32, and one of the objectives of the committee was to see what measures could be instituted to reform the present committee system of the House and the present committee system of the Senate, which would better meet the present-day needs of General Assembly members; and

WHEREAS, the Committee released its Report to the General Assembly on January 12, 1978, which Report contains 14 recommendations by which the committee system can be improved and be made more responsive to the needs of the members of the General Assembly; and

WHEREAS, the Rules Committee of the House of Representatives has met with the members of the "Committee on Committees," has read and discussed the Report and its recommendations, and recognizes the tentative nature of the Report and the fact that many of its recommendations cannot be implemented immediately.

NOW, THEREFORE:

Each member of the House Rules Committee wishes to commend the members of the Committee on Committees for the tremendous amount of time, dedication and hard work expended by members of the Committee on Committees for the benefit of all legislators.

The House Rules Committee approves of the reforms set forth in the Report and recommends that each House Committee attempt, on an individual and voluntary basis, to implement those suggestions which best fit the needs and capabilities of each individual committee.

Robert L. Maxwell, Chairman  
Gerard A. Cain  
John Matushefske

Al O. Plant  
Roger P. Roy  
William H. Vernon

Representative Sincok introduced HB 733, co-sponsored by Representative Ambrosino and Senators Murphy and Berndt.

HB 733 - An Act to Amend Chapter 1, Title 26 of the Delaware

Code Relating to the Jurisdiction of the Public Service Commission.

Mr. Speaker assigned HB 733 to the Administrative Services Committee.

Representative Connor introduced and brought HCR 68 before the House for consideration.

HCR 68 - Requesting WHY-TV to better fulfill its Educational and Informational Obligations to the Public, Within the State of Delaware, by Televising a Weekly Show Informing the Public of the Activities of the Delaware General Assembly.

The roll call on HCR 68 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, Burris, Cain, Connor, George, Gilligan, Hebner, Johnson, Loughney, Maxwell, McKay, Oberle, Plant, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 22.

NO: Representatives Bennett, W. Brady, Clendaniel, Darling, Ferguson, Gordy, Jonkiert, Kelly, Minner, Morris, Temple, Mr. Speaker Boulden - 12.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives Billingsley, Byrd, Lynch, Matushefske, Powell, Rispoli - 6.

Therefore, having received a constitutional majority, HCR 68 was sent to the Senate for concurrence.

Representative W. Brady brought HB 566 before the House for consideration.

Representative W. Brady moved to table the roll call on HB 566. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Johnson brought HB 624 before the House for consideration.

HB 624 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program.

The roll call on HB 624 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Morris, Oberle, Plant, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Bennett - 1.

ABSENT: Representatives Billingsley, Lynch, Matushefske, Minner, Powell, Rispoli, Roy - 7.

Therefore, having received a constitutional majority of at least three quarters members of the House, HB 624 was sent to the Senate for concurrence.

Representative Johnson brought HB 646 before the House for consideration.

Representative Sincok moved to place HB 646 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:



YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Clendaniel, Connor, Hebner, McKay, Morris, Oberle, Riddagh, Ridings, Sincock, Smith, Vernon - 16.

NO: Representatives Anderson, W. Brady, Byrd, Cain, Darling, Ferguson, Gilligan, Johnson, Maxwell, Miller, Minner, Plant, Worthen, Mr. Speaker Boulden - 14.

NOT VOTING: Representatives George, Gordy, Jonkiert, Kelly, Temple - 5.

ABSENT: Representatives Loughney, Lynch, Matushefske, Powell, Rispoli, Roy - 6.

Therefore, not having received a constitutional majority, the motion lost and HB 646 remained before the House.

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

Representative Ferguson moved to place HB 646 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought HB 685 before the House for consideration.

HB 685 - An Act Authorizing a Supplemental Appropriation to the Commission on Massage Establishments and Adult Book Stores for the Fiscal Year Ending June 30, 1978, to Provide Funds for the Organization and Operation of the Commission.

The roll call on HB 685 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, McKay, Miller, Morris, Plant, Riddagh, Ridings, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

ABSENT: Representatives Lynch, Matushefske, Maxwell, Minner, Oberle, Powell, Rispoli, Roy - 8.

Therefore, having received a constitutional majority, HB 685 was sent to the Senate for concurrence.

Representative Morris introduced and brought HCR 69, co-sponsored by Representative Connor, Senator Holloway, Representatives Ferguson, Morris and Ambrosino, before the House for consideration.

HCR 69 - Strongly Requesting and Insisting that Blue Cross-Blue Shield Negotiate with Harbour House of Milford, in Good Faith, to Provide Alcoholism Rehabilitation Services to the People of the State of Delaware.

HCR 69 was adopted by voice vote.

Representative Cain brought HB 680 w/HA 1 before the House for consideration.

Representative T. Brady brought HA 1 before the House for consideration. HA 1 to HB 680 was adopted by voice vote.

Representative Kelly introduced and brought HA 2 before the House for consideration.

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

Representative George made a Point of Order and stated that HA 1 changed the fiscal impact of HB 680 and therefore a new fiscal note was needed. Representative George moved to place HB 680 on the Speaker's table. The motion was seconded by Representative Gordy and was defeated by voice vote.

However, Mr. Speaker concurred with the Point of Order and placed HB 680 w/HA 1 on the Speaker's table.

Representative Sincock moved to lift HB 680 w/HA 1 from the Speaker's table in order to waive the fiscal note requirement.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Hebner, Kelly, Loughney, Matushefske, McKay, Miller, Oberle, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 20.

NO: Representatives Anderson, Bennett, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Minner, Morris, Plant, Temple, Worthen, Mr. Speaker Boulden - 16.

ABSENT: Representatives Johnson, Lynch, Maxwell, Powell, Rispoli - 5.

Therefore, not having received a constitutional majority, the motion was defeated and HB 680 remained on the Speaker's table.

Representative Jonkiert moved to recess for caucus at 6:28 p.m.

The House was called to order at 8:34 p.m.

Representative Matushefske requested that the following announcement be made a part of the record:

Statement by State Representative John Matushefske, D-17th District

I am very upset about Dr. Schramm's plan to build a prison back of the State Hospital. This is one of the craziest ideas I've heard around here yet.

There are about six developments surrounding that prison site, Mr. Speaker, and if I were a prisoner escaping, I'd head for the nearest one.

We've had a number of escapes from the Smyrna Prison, and I don't care what anybody says, as long as there are prisons, there will be escapes.

When a prisoner escapes, it's a lot easier to find him in open ground, such as farmland, than it is in a highly dense urban area, which is what we will have if this prison is build back of Farnhurst.

Now if a prisoner escapes from this prison, he can go into Farmcrest, Manor Park, Leedham Estates, Wilmington Manor, Minquadales, Chelsea, or any of the businesses up and down Route 13. There are a lot of people near this prison site, Mr. Speaker, and finding a prisoner among them is like trying to pull a needle out of a haystack. What happens if someone escapes? Are we going to start having door-to-door

searches in all these developments? How is anyone who owns a house in any of these developments going to get a fair price if they try to sell their homes, with prospective buyers -- if there are any -- knowing there's a prison down the street?

There's some other problems too, with this site. For one thing, it's under water. It's a swamp, Mr. Speaker, and it costs a lot of money just to get the ground level enough to build on.

And there's no access to this land except by Interstate 95, and that means building an expensive interchange just to get into the place.

Which brings me to another escape idea: If I were a prisoner, I'd stop the first car I could on 95 and presto, I'm on my way.

The other thing about this, Mr. Speaker, is that this is just another idea of the knee-jerk liberals from Greenville trying to use New Castle as the State's dumping ground. We've already got four dumps, Mr. Speaker, and we need this one like we need a hole in the head. Why don't we build this new prison up in Brandywine Hundred, Mr. Speaker, or Greenville? Or better yet, we've got 232 acres of Open Space Called the du Pont Estate which the State already owns.

Representative Jonkiert moved to suspend the agenda rules for the purpose of working on a second temporary agenda. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Gordy brought HB 400 w/SA 1 before the House for consideration.

HB 400 - An Act Making an Appropriation to the Department of Agriculture for Payment of an Annual Increment that was Not Given to an Employee.

The roll call on HB 400 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Morris, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

ABSENT: Representatives Ambrosino, Hebner, Lynch, Minner, Oberle, Plant, Powell, Rispoli, Roy - 9.

Therefore, having received a constitutional majority, HB 400 w/SA 1 was sent to the Governor.

Representative W. Brady moved to lift the roll call on HB 566. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 566 - An Act to Amend Chapter 47, Title 29, Delaware Code Relating to the Burial of Body by the State.

The roll call on HB 566 was taken and revealed:

YES: Representatives Anderson, Billingsley, W. Brady, Burris, Clendaniel, Darling, Ferguson, Gordy, Hebner, Johnson, Matushefske, McKay, Morris, Oberle, Riddagh,

Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen,  
Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Bennett, T. Brady, Byrd, Cain, Connor, George, Gilligan, Jonkiert, Kelly, Loughney, Maxwell, Miller, Minner, Plant - 15.

ABSENT: Representatives Lynch, Powell, Rispoli - 3.

Therefore, having received a constitutional majority,  
HB 566 was sent to the Senate for concurrence.

Representative Worthen introduced and brought SCR 76, co-sponsored by Senator Arnold, Representative Maxwell, Senators Cicione, Spence, Hughes, McCullough and Sharp and Representatives Worthen, Byrd, Roy, Oberle and Ridings, before the House for consideration.

SCR 76 - Providing a Supplemental Appropriation for the Joint Legislative Committee to Study the Legislative Roll in the School Desegregation Case.

SCR 76 was adopted by voice vote and returned to the Senate.

Representative George brought HB 623 before the House for consideration.

HB 623 - An Act to Provide a Supplementary Appropriation to the Board of Public Education in Wilmington.

Representative George introduced and brought HA 1 before the House for consideration. HA 1 to HB 623 was adopted by voice vote.

The roll call on HB 623 w/HA 1 was taken and revealed:

YES: Representatives T. Brady, W. Brady, Byrd, George, Johnson, Jonkiert, Matushefske, Plant, Mr. Speaker Boulden - 9.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Burris, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Kelly, Loughney, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Sincock, Smith, Temple, Vernon, Worthen - 26.

ABSENT: Representatives Ferguson, Lynch, Maxwell, Powell, Rispoli, Roy - 6.

Therefore, not having received a constitutional majority,  
HB 623 w/HA 1 was defeated.

Representative George brought SB 402 before the House for consideration.

SB 402 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, The 1978 Budget Appropriation Act, Originally Designated House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

The roll call on SB 402 was taken and revealed:

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

ABSENT: Representatives Lynch, Powell, Rispoli - 3.

Therefore, having received a constitutional majority,  
SB 402 was returned to the Senate.

Representative Darling brought HB 724 before the House for consideration.

HB 724 - An Act Authorizing the Department of Corrections to Use for Fire Safety Equipment Certain Funds Authorized by Chapter 40, Volume 61, Laws of Delaware for Use in Prison Renovation Projects.

Representative Darling introduced and brought HA 1 before the House for consideration. HA 1 to HB 724 was adopted by voice vote.

The roll call on HB 724 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representative Plant - 1.

NOT VOTING: Representative Johnson - 1.

ABSENT: Representatives Anderson, Billingsley, Lynch, Minner, Powell, Rispoli, Roy - 7.

Therefore, having received a constitutional majority, HB 724 w/HA 1 was sent to the Senate for concurrence.

Representative Ambrosino introduced and brought HR 98, co-sponsored by Representatives Sincok, George, Smith, Hebner, Loughney and Senators Berndt, Hughes and Weiss, before the House for consideration.

HR 98 - In Recognition of the Outstanding Service and Professional Dedication of Cosette L. Morley, 1978 Mount Pleasant Teacher of the Year.

Representative Ambrosino moved to place HR 98 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Ambrosino introduced and brought HR 99 before the House for consideration.

HR 99 - Congratulating the Widener College Football Team, Winners of the Division III National Collegiate Athletic Association Championship.

HR 99 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 9:19 p.m.

The House was called to order at 9:34 p.m.

Representative George moved to suspend the rules for the purpose of considering SB 414. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George brought SB 414, co-sponsored by Senator Cicione and Representative George, before the House for consideration.

SB 414 - An Act to Provide a Supplementary Appropriation to the Department of Justice for the Purchase of Motor Vehicles, and for the Maintenance of Motor Vehicles Within its Custody.

The roll call on SB 414 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Plant, Riddagh, Ridings, Sincock, Temple, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Billingsley, T. Brady, Burris, Connor, Hebner, Minner, Morris, Oberle, Roy, Vernon - 10.

ABSENT: Representatives Lynch, Powell, Rispoli, Smith - 4.  
Therefore, having received a constitutional majority,  
SB 414 was returned to the Senate.

Representative Ferguson moved to lift HB 646 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 646 - An Act to Provide a Supplementary Appropriation to the Delaware Technical and Community College.

The roll call on HB 646 was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Plant, Riddagh, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 25.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, Hebner, Loughney, Oberle, Roy, Vernon - 11.

NOT VOTING: Representatives George, Ridings - 2.

ABSENT: Representatives Lynch, Powell, Rispoli - 3.

Therefore, having received a constitutional majority,  
HB 646 was sent to the Senate for concurrence.

Representative Ferguson brought HB 723 before the House for consideration.

HB 723 - An Act to Provide a Supplementary Appropriation to the University of Delaware, Such Funds to be Utilized in Offsetting a Proposed Tuition Increase.

The roll call on HB 723 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Sincock, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Ambrosino, Hebner, Loughney, Roy, Vernon - 5.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Jonkiert, Lynch, Powell, Rispoli - 4.

Therefore, having received a constitutional majority,  
HB 723 was sent to the Senate for concurrence.

Representative Sincock brought HB 638 before the House for consideration.

HB 638 - An Act to Provide a Supplemental Appropriation to the Department of Finance for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978.

The roll call on HB 638 was taken and revealed:

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

NO: Representative Loughney - 1.

ABSENT: Representatives Lynch, Powell, Rispoli - 3.

Therefore, having received a constitutional majority, HB 638 was sent to the Senate for concurrence.

Representative Sincock brought HB 697 before the House for consideration.

HB 697 - An Act to Provide a Supplemental Appropriation to the Department of Administrative Services for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978, and Prior Year's Expense.

The roll call on HB 697 was taken and revealed:

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

NO: Representatives Clendaniel, Loughney - 2.

ABSENT: Representatives Lynch, Powell, Rispoli - 3.

Therefore, having received a constitutional majority, HB 697 was sent to the Senate for concurrence.

Representative Cain moved to lift HB 680 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

HB 680 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, the 1978 Budget Appropriation Act, Originally Designated House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

Representative Cain moved to waive the requirement for a fiscal note. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Kelly brought HA 2 before the House for consideration. HA 2 to HB 680 was adopted by voice vote.

Representative T. Brady introduced and brought HA 1 to HA 1 to HB 680, co-sponsored by Senator Cicione, before the House for consideration. The amendment was adopted by voice vote.

The roll call on HB 680 w/HA 1,2 and HA 1 to HA 1, was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, Byrd, Cain, Connor, George, Hebner, Matushefske, Maxwell, McKay, Miller, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives W. Brady, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Minner, Morris, Plant - 13.

ABSENT: Representatives Lynch, Oberle, Powell, Rispoli - 4.  
Therefore, having received a constitutional majority,  
HB 680 w/HA 1,2 and HA 1 to HA 1 was sent to the Senate for concurrence.

Representative Jonkiert introduced and brought SCR 83, sponsored by Senator Kearns, before the House for consideration.

SCR 83 - Extending Congratulations and Best Wishes to John (Mickey) McMahan, a Former Legislator on his Retirement from Public Life After Having Served Approximately 35 Years in Public Service.

SCR 83 was adopted by voice vote and returned to the Senate.  
The following communication from the Speaker was read into the record pertaining to the Merit System Joint Committee:

Pursuant to the provisions of House Concurrent Resolution No. 59, which passed the General Assembly of January 12, 1978, I have appointed Representative Robert L. Byrd, Representative William J. Gordy, Representative Casimir S. Jonkiert, Representative Charles Hebner and Representative Robert W. Riddagh to serve as members of the Joint Committee on the Merit System of Personnel created by said Resolution.

Representative Jonkiert moved to recess to the call of the Chair at 10:05 p.m.

#### 10th LEGISLATIVE DAY - Second Session

January 31, 1978

The Speaker called the House to order at 2:50 p.m.

Committee Report:

Natural Resources - HB 425 - 3F, 1M.

The Majority Leader moved to adjourn at 2:51 p.m., thereby ending the previous legislative day. The House reconvened at 2:51 p.m. A prayer was offered by Reverend Irving Pusey of the Red Lion United Methodist Church, Red Lion, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Lynch - 1.

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

Communications:

January 25, 1978

LEGISLATIVE ADVISORY #29

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the date indicated: 1/24/78 - HB 486; HJR 46.



The Senate wishes to inform the House that it has passed  
HCR 69; SCR 83; HJR 51; SB 240; HB 483 w/HA 1,2; HB 400 w/SA 1;  
HB 214 w/HA 1; SB 367; HB 298; HB 664; HB 665; SB 435.

To the House of Representatives,  
 In the spirit of the season, I send you warm-hearted greetings  
 and best wishes for a joyous and happy Groundhog Day.  
 William H. Brady, II

Representative W. Brady introduced and brought HCR 70 before  
 the House for consideration.

HCR 70 - Requesting WHYY-TV to Change its Principal Night-  
 Time Local News Show from 6:30 to 6 o'clock to Avoid Conflict  
 With National News Broadcasts Emanating from Other TV  
 Stations at the Later Hour.

HCR 70 was adopted by voice vote.

Representative Plant introduced and brought HCR 71 before  
 the House for consideration.

HCR 71 - Expressing Frugal Concern over the Enormous,  
 Excessive and Unreasonable Amount of Taxpayers Dollars that  
 Has Been Spent on the Evans Vs. Buchanan Desegregation Case.

Representative Plant requested that the following be read  
 into the record:

The Morning News, Wilmington, DE Monday, January 30, 1978  
 HUMAN RIGHTS GROUP CITES STARVATION IN DELAWARE  
 by Jan deBlieu

Starvation. A word that conjures up pictures of emaciated  
 children in India, on the other side of the earth from  
 comfortable Delaware homes.

"That's a false notion," says Jean H. Colon, coordinator of  
 the newly formed Human Rights Organization for Kent and Sussex  
 counties. "People are starving right here, in all of  
 Delaware's counties."

"I know people personally who have to go without electricity  
 because they can't afford it," she adds. "Sometimes they have  
 to go without heat."

Mrs. Colon is trying to formally incorporate the human rights  
 group and expand it into a large organization to lobby for more  
 state and federal funds for poor. Yesterday, the group met in  
 a Milford church to explain the organization's goals. About  
 60 people showed up.

"When a speaker asked why they'd all come," Mrs. Colon said,  
 "a lot of them stood up and said they were shocked to hear  
 that people are starving right here. They couldn't believe  
 people were starving in Kent and Sussex Counties."

I advertised the meeting by saying that people were starving  
 and then wondered if I was really exaggerating," she added.  
 "But social workers who came told me I'm not at all."

Census figures for 1976 indicate that total income for each  
 Delaware resident averaged \$7,030, one of the highest rates  
 in the country. But higher incomes in New Castle County  
 suburbs raise the average.

Part of her group's purpose, Mrs. Colon said, is to push for passage of a bill sponsored by state Representative Al O. Plant, D-Wilmington. The bill would award \$50 monthly to unemployed people between 18 and 54 whenever the unemployment rate rose above 5 percent, Mrs. Colon said. The Delaware unemployment rate was gauged at 6.7 percent in November.

The money would come from general assistance funds, she said. Currently, she said, "able-bodied" individuals between those ages can't receive general assistance benefits.

Mary Cuyjets, regional director of Catholic Social Services, spoke at the meeting about inadequate nutrition, Mrs. Colon said, and charged that the state government hasn't allocated sufficient funds to help the poor.

"Even the \$50 a month would help a lot of people," Mrs. Colon said. "It's not very much, but it's better than starving."

The group hopes to push for Plant's bill and other legislation in telephone and letter campaigns, she said.

"We want to build this into a vast organization (and) pool all our resources," she said. ". . . And we want to have a prayer committee to pray for help for the poor and for human rights. This is a spiritual thing we're doing."

Representative Hebner moved to place HCR 71 in committee. Mr. Speaker assigned HCR 71 to the House Administration Committee.

Representative Burris introduced and brought HR 100 before the House for consideration.

HR 100 - Requesting the Institutional Release Classification Board and Department of Corrections to Rescind and Deny any Furlough Privileges to Inmates Convicted and Sentenced for the Crimes of Murder or Rape.

Representative Plant moved to place HR 100 on the Speaker's table. There was no second to the motion.

HR 100 was adopted by voice vote.

Representative Ambrosino moved to lift HR 98 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

HR 98 - In Recognition of the Outstanding Service and Professional Dedication of Cosette L. Morley, 1978 Mount Pleasant Teacher of the Year.

HR 98 was adopted by voice vote.

Representative Rispoli introduced and brought SCR 81, co-sponsored by Senators Sharp and Martin, before the House for consideration.

SCR 81 - Respectfully Requesting the Governor and the Secretary of the Department of Community Affairs and Economic Development to Meet with Officials of Ronson Corporation of Delaware for Purposes of Determining if There is any Possibility that Ronson Corporation Might Remain in This State if Assisted by the State or any of its Agencies.

SCR 81 was adopted by voice vote.

Representative Bennett introduced and brought HR 101, co-

sponsored by Representative Gordy, before the House for consideration.

HR 101 - Requesting the Speaker of the House to Appoint a Permanent Ethics Committee for the House of Representatives.

HR 101 was adopted by voice vote.

Representative Ferguson introduced HB 740.

HB 740 - An Act Making a Supplementary Appropriation to the Division of Highways of the Department of Transportation for the Purpose of Installing a Traffic Signal Light at the Intersection of Cavalier Apartments and Churchman's Road.

Mr. Speaker assigned HB 740 to the Highways and Transportation Committee.

Representative Sincock introduced HA 1 to HB 733, co-sponsored by Representative Ambrosino and Senators Murphy and Berndt. HA 1 to HB 733 was placed with the bill.

Representative Anderson introduced HB 741.

HB 741 - An Act to Amend Subchapter II, Chapter 87, Title 9, Delaware Code Relating to the Sale of Property for the Failure to Pay Taxes Assessed.

Mr. Speaker assigned HB 741 to the Administrative Services Committee.

The following prefiled legislation was introduced:

HB 734 - BILLINGSLEY, MINNER, OBERLE - PUBLIC SAFETY: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Vanity Plates.

HB 735 - CONNOR - LABOR & COMMERCE: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for Unit Pricing in Certain Retail Food Sales.

HB 736 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 52, Title 30, Delaware Code Relating to the Definition of Motor Vehicle.

HB 737 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 69, Title 16, Delaware Code Relating to Public Display of Fireworks.

HB 738 - GORDY - APPROPRIATIONS: An Act Authorizing the State of Delaware to Borrow Money to be Used for the Special Sewer Separation Project in the Laurel Area and to Issue Bonds and Notes Therefore and Appropriating the Monies to the Division of Highways of the Department of Transportation. (3/4 bill)

HB 739 - OBERLE, ROY - PUBLIC SAFETY: An Act to Amend Chapter 63, Title 21, of the Delaware Code Relating to the Penalties for Tampering with Speedometers or Odometers. (2/3 bill)

HA 1 to HB 237 - SINCOCK - Placed with the bill.

HA 1 to HB 693 - OBERLE - Placed with the bill.

HA 1 to HB 701 - W. BRADY - Placed with the bill.

SB 240 - MCCULLOUGH - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Replacing Bridge No. 289 Located on Old Wilmington Road in the City of New Castle, Delaware.

SB 367 - MURPHY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Office of the State Banking Commissioner for Payment of Back Salary of an Employee.

SB 435 - MCCULLOUGH, CICIONE, SPENCE, HUGHES, SHARP, ARNOLD, REPRESENTATIVES WORTHEN, BYRD, ROY, MAXWELL, OBERLE, RIDINGS - EDUCATION: An Act to Amend Delaware Code, Chapter 19 of Title 14, to Provide for the Establishment of a Tax Rate in School Districts Created by Court Order.

Representative Jonkiert moved to recess for caucus at 3:50 p.m.

The House was called to order at 10:23 p.m.

Mr. Speaker reassigned HB 740 to the Appropriations Committee.

Representative Jonkiert introduced HB 742.

HB 742 - An Act to Repeal Chapter 200, Volume 61, Laws of Delaware, Relating to a Short-Term Correctional Facility.

Mr. Speaker assigned HB 742 to the Corrections Committee.

Representative Gordy introduced HB 743, co-sponsored by Senator Cook and Representatives Ferguson, Ambrosino and Senators Kearns and Hale.

HB 743 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to State Employees Pension Plan.

Mr. Speaker assigned HB 743 to the Education Committee.

Representative Gordy introduced HB 744, co-sponsored by Senator Cook and Representatives Ferguson, Ambrosino and Senator Kearns and Hale.

HB 744 - An Act to Amend Chapter 55, Title 29, Delaware Code, to Require Full Actuarial Funding for Any Law Establishing Special Pension Benefits.

Mr. Speaker assigned HB 744 to the Education Committee.

Representative W. Brady moved to strike HB 282. Without objection, HB 282 was stricken.

Representative Anderson moved to strike HB 636. Without objection, HB 636 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 10:28 p.m.

#### 11th LEGISLATIVE DAY - Second Session

February 8, 1978

The Speaker called the House to order at 2:07 p.m.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by Representative Thomas Temple of the 39th Representative District.

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

The Chief Clerk called the roll.

Members present: 36.

Members absent: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

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

## Communications:

January 31, 1978

LEGISLATIVE ADVISORY #30

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 1/31/78: SB 144 w/SA 1; SB 159 w/SA 1,3; SB 161 w/SA 3, HA 1; SJR 10. 1/27/78: HJR 51.

The Senate wishes to inform the House that it has passed:  
HB 724 w/HA 1; HB 638; HB 685; HB 697; HB 677; SCR 82;  
SB 456 w/SA 1; SB 457 w/SA 1; SB 459 w/SA 1; SCR 84; SJR 34;  
HB 642; HB 647.

Representative Sincok moved to strike HA 1 to HB 732.  
 Without objection, HA 1 to HB 732 was stricken.

Representative Byrd introduced and brought SCR 74, sponsored by Senator Holloway, before the House for consideration.

SCR 74 - Requesting President Jimmy Carter to Revive the Civilian Conservation Corps to Provide Useful Training and Jobs for the Youthful Unemployed.

SCR 74 was adopted by voice vote.

Representative Matushefske introduced and brought SCR 84, co-sponsored by Senator Kearns and Representative Matushefske, before the House for consideration.

SCR 84 - Requesting the Judiciary Committees of the House and Senate to Investigate the Furlough System Used by the Department of Correction to Provide Release for Murderers and Other Criminals.

SCR 84 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 2:39 p.m.

The House was called to order at 3:24 p.m.

Representative Morris introduced and brought HR 102, co-sponsored by Representatives Bennett, Miller, Darling, Minner, Riddagh and all others, before the House for consideration.

HR 102 - Expressing Condolences Upon Hearing of the Death of Veteran News Reporter and Columnist Harry C. McSherry of Dover.

HR 102 was adopted by voice vote.

Representative Gordy introduced and brought HR 103, co-sponsored by Representatives Temple, Clendaniel and all others.

HR 103 - Wishing Representative Donald J. Lynch a Speedy Recovery from His Recent Operation.

HR 103 was adopted by voice vote.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on SB 456 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought SB 456 w/SA 1 before the House for consideration.

SB 456 - An Act to Amend Delaware Code, Title 14, To Provide for the Reorganization of Certain School Districts for the Governance Thereof, Including the Use of Federal Funds by Such Districts and to Provide for an Election to Determine the Exclusive Bargaining Representatives of the

Public School Employees of the New Reorganized Districts.  
Representative Gilligan brought HA 1 before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Mr. H. James Conaway, Esq.

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

Representative Byrd rose on a point of order stating that Representative Plant was not speaking on the amendment.

Mr. Speaker concurred with Representative Byrd.

Representative Worthen requested and was granted the privilege of the floor for Dr. Kenneth C. Madden, State Superintendent of Public Instruction.

The roll call on HA 1 to SB 456 was taken.

Representative Gilligan moved that the roll call on HA 1 be tabled. The motion was seconded by Representative Jonkiert and defeated by voice vote.

The roll call on HA 1 to SB 456 was revealed:

YES: Representatives Ambrosino, Anderson, Byrd, Connor, Ferguson, Gilligan, Hebner, Jonkiert, Kelly, Loughney - 10.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Clendaniel, Darling, Gordy, Matushefske, McKay, Minner, Morris, Oberle, Powell, Riddagh, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 20.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives W. Brady, Cain, George, Johnson, Lynch, Maxwell, Plant, Ridings, Rispoli, Roy - 10.

Therefore, not having received a constitutional majority, HA 1 to SB 456 was defeated.

Representative Byrd introduced and brought HA 2 before the House for consideration.

The roll call on HA 2 to SB 456 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Byrd, Connor, Ferguson, Gilligan, Jonkiert, Kelly, Loughney, Miller, Plant - 11.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Cain, Clendaniel, Darling, Gordy, Hebner, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Ridings, Rispoli - 6.

Therefore, not having received a constitutional majority, HA 2 to SB 456 was defeated.

Representative Byrd introduced and brought HA 3 to SB 456 before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for H. James Conaway, Esq.

The roll call on HA 3 was taken.

Representative Byrd moved to table the roll call on HA 3. The motion was seconded by Representative Ferguson and defeated by voice vote.

The roll call on HA 3 to SB 456 was revealed:

YES: Representatives Byrd, Clendaniel, Darling, Ferguson, Gilligan, Kelly, Loughney, Maxwell, Miller, Minner, Morris, Plant, Temple - 13.

NO: Representatives Billingsley, T. Brady, Burris, Cain, Connor, Hebner, Jonkiert, Matushefske, McKay, Oberle, Powell, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 17.

NOT VOTING: Representatives Ambrosino, Bennett, Riddagh - 3.

ABSENT: Representatives Anderson, W. Brady, George, Gordy, Johnson, Lynch, Ridings, Rispoli - 8.

Therefore, not having received a constitutional majority, HA 3 to SB 456 was defeated.

Representative Byrd introduced and brought HA 4 to SB 456 before the House for consideration.

The roll call on HA 4 to SB 456 was taken.

Representative Byrd moved to table the roll call on HA 4.

The motion was seconded by Representative Jonkiert and defeated by voice vote.

The roll call on HA 4 to SB 456 was revealed:

YES: Representatives Ambrosino, Anderson, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Miller, Morris, Plant, Temple - 16.

NO: Representatives Billingsley, T. Brady, Burris, Hebner, Matushefske, Maxwell, McKay, Oberle, Powell, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 15.

NOT VOTING: Representatives Bennett, Minner, Riddagh - 3.

ABSENT: Representatives W. Brady, Cain, George, Johnson, Lynch, Ridings, Rispoli - 7.

Therefore, not having received a constitutional majority, HA 4 to SB 456 was defeated.

Representative Maxwell introduced and brought HA 5 to SB 456 before the House for consideration.

Representative Maxwell requested and was granted the privilege of the floor for H. James Conaway, Esq.

Representative Maxwell stood on a point of order.

Representative Roy requested and was granted the privilege of the floor for Mr. James Spartz, from the Department of Public Instruction.

The roll call on HA 5 to SB 456 was taken.

Representative Maxwell moved to table the roll call. The motion was seconded by Representative Gordy and defeated by voice vote.

The roll call on HA 5 to SB 456 was revealed:

YES: Representatives Ambrosino, Clendaniel, Darling, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, Plant, Temple - 10.

NO: Representatives Anderson, Billingsley, T. Brady, Burris, Byrd, Connor, Ferguson, Hebner, Kelly, Matushefske, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 23.

NOT VOTING: Representatives Bennett, Cain - 2.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Ridings, Rispoli - 6.

Therefore, not having received a constitutional majority, HA 5 to SB 456 was defeated.

Representative Byrd requested and was granted the privilege of the floor for H. James Conaway, Esq.

Representative Hebner rose on a point of order.

Representative Plant requested that the record show that the Speaker ruled Mr. Plant out of order.

Representative Ambrosino requested and was granted the privilege of the floor for House Attorney John Rich and David Swayze, Counsel to the Governor.

Representative Plant requested that the following editorial from the Evening Journal, Wilmington, Delaware, Monday, February 6, 1978, be read into the record.

#### Three Harmful Bills

When there was time for the General Assembly to take effective action on school desegregation, the legislators wouldn't act.

When the Senate finally acted last week, the timing was so bad as to make it doubtful that the action would be effective or equitable.

What the Senate worked on late into Thursday night, and what the House will be considering when it reconvenes tomorrow, are three bills that would undo much of the desegregation planning that has been going on earnestly since January 9, when U.S. District Judge Murray Schwartz issued the "final" remedy order. If the House enacts the bills that the senators passed, and if the governor signs them, most people in New Castle County will once again not know what kind of school system awaits them this fall. The era of confusion, uncertainty and court hearings would be prolonged.

The first of the three bills, SB 456, would give the state Board of Education authority to reorganize school districts. The assumption is that the state board would then divide into four parts the single school district that has been created by court order.

The four districts would probably run very much along the same lines as the four attendance areas that are now part of the organizational plan of the single district. The difference would be that there would be four independent districts, each with its own elected school board, its own administration, budget and tax rate. The reorganizers' argument is that this would permit more direct local input into school affairs, a point that we question since parents' councils can exert as much influence on the running of their area schools as they can put pressure on a school board.

But the crucial problem is really not whether there be one autonomous district or four. Either system might work satisfactorily.

The heart of the number-of-districts question lies in the next Senate bill, SB 457, which sets up formulas for arriving at the operating tax rates. Calculations pursuant to these formulas make it clear that once again there would be gross



economic inequality in New Castle County education if there are four districts instead of one.

Figures supplied by the finance director of the Department of Public Instruction show that the total (operating and bonded indebtedness) tax rate for Newark and a part of Wilmington would come to \$2.10 per \$100 of assessed valuation, while another district that would include a part of Wilmington, Alexis I. du Pont, Stanton, Conrad and Marshallton-McKean would be levying only at a \$1.68 rate.

The differences in economic base that have been plaguing New Castle County's present 11 districts would be perpetuated. Different districts would levy different tax rates and would also spend different sums of money on the education of their students.

Senator Francis J. Kearns, D-New Castle, pointed out the troubles inherent in the four-district formula, when he said on the Senate floor, ". . . I think everybody should be paying the same thing . . . every child should have the same number of dollars spent on him and her."

To put the tax matter in perspective, the figure reportedly under consideration by the New Castle County Planning Board of Education, which is working on the single district plan ordered by the court, is \$1.97 for the next school year, well below the \$2.23 ceiling set by the court.

Finally, there is SB 459, which says that after the contracts of the administrators in the reorganized districts expire, the state will not be responsible for the state share of these contracts.

SB 459 recognizes that the existing contracts, extending for two or three years, cannot be broken. But the bill's authors worry about the future. That seems premature. Judgments about administrative pay in the district (or districts) will have to be made after reorganization when the schools are operating. Besides, in the future, the administrative needs of the reorganized area should be handled the same way as any other district in the state. There is no need for this law.

These three bills, then, are misguided, from a substantive point of view. They would also subject everybody in New Castle County to further confusion and trips to court, as the relationship of these legislative acts to the court order is examined.

We have said it before. We shall say it again: The people in New Castle County have been given more time than any other jurisdiction to go about the integrating process in an orderly manner. That process is now well under way. To halt the organizational work now, to go back to court, and then to start on a new organizational tack or even return to the present one can only lead to less preparation and less satisfactory integration.

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Representative Plant requested that the following memorandum be read into the record:

TO: Members of the State House of Representatives  
 FROM: Representative Al O. Plant

The three Bills as drawn are calculated to delay the reassignment of pupils. They create four new state agencies in New Castle County who would then be defenders, each with their own new set of lawyers while maintaining the existing districts and their lawyers for purposes of the case and appeal. It would call for four new plans of desegregation with new people, new boards, having to start over in the planning process, which shall no doubt lead to new requests for delays and new fights in the courtroom.

This Bill and the planned reorganization which will inevitably follow makes good the threat of reprisal against those people who brought the lawsuit; namely, Wilmington children and their parents. The Wilmington District will be dismembered, just as it was threatened by the State Board representatives. It creates uncertainty; makes an equitable plan of desegregation more difficult, and will result in added burdens for black students. The desire for racial preference for whites at the expense of black children and coming at this late date clearly expresses an intention to obstruct the desegregation of schools.

The legislation violates Delaware Law in that it reorganizes only part of the school districts of the state and it unlawfully delegates legislative power to a new, untried and unknown commission. Race is the reason for these Bills and retaliation and dismemberment are their secondary goals.

Representative Worthen moved to place SB 456 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen moved that the rules be suspended for the purpose of introducing and acting on SB 457 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought SB 457 w/SA 1, co-sponsored by Senator Hale and Representatives Billingsley, Worthen and Matushefske, before the House for consideration.

SB 457 - An Act to Amend Chapter 19, Title 14 of the Delaware Code, to Provide for the Establishment of Tax Rates in School Districts Created by Court Order or Created After February 1, 1978, but Prior to July 30, 1978.

Representative Worthen requested and was granted the privilege of the floor for Mr. James Spartz from the Department of Public Instruction.

Representative Worthen moved to place SB 457 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for dinner at 7:27 p.m. The House was called to order at 8:46 p.m.

Representative Sincock introduced and brought HR 104, co-sponsored by Representative Gordy, before the House for consideration.

HR 104 - Extending the Congratulations of the House of Representatives to J. Frank Gordy, of Georgetown, on His Winning the Josiah Marvel Cup of the Delaware State Chamber of Commerce.

HR 104 was adopted by voice vote.

Representative Ferguson introduced and brought HR 105, co-sponsored by Representatives Clendaniel, Darling, and Temple, before the House for consideration.

HR 105 - Inviting United States District Court Judge Murray M. Schwartz to Appear Before the House of Representatives of the 129th General Assembly of Delaware to Answer Questions Designed to Simplify Problems Raised in His Order of January 9, 1978, in Evans V. Buchanan.

Representative Sincok moved to place HR 105 in committee. The Motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, Burris, Byrd, Cain, Jonkiert, Maxwell, McKay, Miller, Morris, Plant, Sincok, Vernon, Worthen, Mr. Speaker Boulden - 16.

NO: Representatives Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Matushefske, Minner, Oberle, Roy - 13.

NOT VOTING: Representatives Ambrosino, Anderson, Powell, Riddagh, Smith - 5.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Ridings, Rispoli, Temple - 7.

Therefore, not having received a constitutional majority, the motion was defeated and HR 105 remained before the House.

The roll call on HR 105 was taken and revealed:

YES: Representatives Ambrosino, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Minner, Oberle, Powell, Roy - 14.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Byrd, Cain, Jonkiert, Matushefske, Maxwell, McKay, Miller, Morris, Plant, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 18.

NOT VOTING: Representatives Anderson, Riddagh - 2.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Ridings, Rispoli, Temple - 7.

Therefore, not having received a constitutional majority, HR 105 was defeated.

Representative Oberle introduced HB 745, co-sponsored by Representative Roy.

HB 745 - An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to the Disclosure of Certain Records of Pupils Within the Delaware Public School System.

Mr. Speaker assigned HB 745 to the Education Committee.

Representative Oberle introduced HB 746, co-sponsored by Representatives Roy and Hebner.

HB 746 - An Act to Amend Chapter 15, Title 14 of the Delaware Code Relating to Public Educational Funding.

Mr. Speaker assigned HB 746 to the Education Committee.

Representative Minner introduced and brought HR 106, co-

sponsored by Representative Gordy, before the House for consideration.

HR 106 - Commending the Individuals and Organizations Including the Volunteer Fire Companies Which Worked Around the Clock to Reduce the Hazard for Motorists and Others Stranded by the Record February Snowstorm.

HR 106 was adopted by voice vote.

Representative Worthen moved to lift SB 457 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen requested and was granted the privilege of the floor for Mr. James Spartz of the Department of Public Instruction.

Representative Connor moved to place SB 457 w/SA 1 on the Speaker's table. The motion was seconded by Representative Jonkiert.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Plant, Temple, Mr. Speaker Boulden - 16.

NO: Representatives Bennett, Billingsley, T. Brady, Burris, Cain, Hebner, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 18.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Powell, Ridings, Rispoli - 7.

Therefore, not having received a constitutional majority, the motion failed and SB 457 w/SA 1 remained before the House.

Representative T. Brady introduced and brought HA 1 to SB 457 before the House for consideration.

The roll call on HA 1 to SB 457 was taken and revealed:

YES: Representatives T. Brady, Byrd, Jonkiert, Plant, Vernon - 5.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 28.

ABSENT: Representatives W. Brady, George, Johnson, Lynch, Matushefske, Powell, Ridings, Rispoli - 8.

Therefore, not having received a constitutional majority, HA 1 to SB 457 was defeated.

Representative Byrd introduced and brought HA 2 to SB 457 before the House for consideration.

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

Representative Worthen moved to place SB 457 w/SA 1 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on SB 459 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen brought SB 459 w/SA 1, co-sponsored by Senator Hale and Representatives Billingsley and Worthen, before the House for consideration.

SB 459 - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to the Employment of Administrative Staff Personnel by a Consolidated or Reorganized School District and State Funding of Salaries or Benefits of Such Administrative Staff Personnel.

Representative Worthen requested and was granted the privilege of the floor for Richard Morris, Esq.

Representative Worthen requested and was granted the privilege of the floor for David Swayze, Esq., Counsel to the Governor.

Representative Worthen moved to place SB 459 w/SA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 10:48 p.m.

The House was called to order at 2:55 a.m.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on HB 747. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy brought HB 747 before the House for consideration.

HB 747 - An Act to Make a Supplemental Appropriation to the Department of Public Safety for the Purchase of Axle-Load Weighers.

The roll call on HB 747 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Hebner - 1.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, HB 747 was sent to the Senate for concurrence.

Representative Sincock introduced HA 2 to HB 733, co-sponsored by Representative Ambrosino.

HA 2 to HB 733 was placed with the bill.

Representative Minner introduced HB 748, co-sponsored by Representative Gordy.

HB 748 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Motor Fuel Tax.

Mr. Speaker assigned HB 748 to the Revenue and Finance Committee.

Representative Connor introduced HA 3 to SB 457, co-sponsored by Representatives Ambrosino and Matushefske. HA 3 to SB 457 was placed with the bill.

Representative Oberle introduced HA 4 to SB 457. HA 4 to SB 457 was placed with the bill.

Representative Byrd introduced HA 1 to SA 1 to SB 457. HA 1 to SA 1 to SB 457 was placed with the bill.

Representative Byrd introduced HA 5 to SB 457. HA 5 to SB 457 was placed with the bill.

Representative Worthen moved to lift SB 456 w/SA 1 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

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

Representative Plant requested and was granted the privilege of the floor for David Swayze, Esq., Counsel to the Governor.

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

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

Representative Ferguson moved to place SB 456 w/SA 1 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Minner, Morris, Plant, Roy, Temple, Vernon, Mr. Speaker Boulden - 20.

NO: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Sincok, Smith, Worthen - 16.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, not having received a constitutional majority, the motion was defeated and SB 456 w/SA 1 remained before the House.

Representative Worthen moved to table the roll call on SB 456.

Representative Ferguson requested a roll call on the motion.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Gilligan, Hebner, Kelly, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Clendaniel, Darling, Ferguson, Gordy, Jonkiert, Loughney, Minner, Morris, Plant, Temple - 10.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, the motion was passed and the roll call on SB 456 w/SA 1 was tabled.

Representative Jonkiert moved to recess for caucus at 3:34 p.m.

The House was called to order at 4:20 a.m.

Representative Jonkiert moved to suspend the rules for the purpose of considering HB 722. The motion was seconded

by Representative Gordy.

HB 722 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979, and Specifying Certain Procedures, Conditions, and Limitations for the Expenditure of Such Funds.

Representative Gordy withdrew his second to the motion.  
Representative Jonkiert withdrew his motion.

Representative Worthen moved to lift HB 457 w/SA 1, HA 2, 3, 4, HA 1 to SA 1, HA 5, from the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Cain, Connor, Hebner, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 20.

NO: Representatives Anderson, W. Brady, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Loughney, Minner, Morris, Plant, Temple, Mr. Speaker Boulden - 15.

ABSENT: Representatives George, Johnson, Kelly, Lynch, Ridings, Rispoli - 6.

Therefore, not having received a constitutional majority, the motion was defeated and SB 457 w/SA 1, HA 2, 3, 4, HA 1 to SA 1, HA 5 remained on the Speaker's table.

Representative Worthen moved to lift the roll call on SB 456 w/SA 1.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Connor, Gilligan, Hebner, Kelly, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 23.

NO: Representatives Clendaniel, Darling, Gordy, Jonkiert, Loughney, Minner, Morris, Plant, Temple, Mr. Speaker Boulden - 10.

NOT VOTING: Representatives T. Brady, Byrd - 2.

ABSENT: Representatives Ferguson, George, Johnson, Lynch, Ridings, Rispoli - 6.

Therefore, having received a constitutional majority, the motion passed and the roll call on SB 456 w/SA 1 was lifted.

Representative Worthen moved to table the roll call on SB 456 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess to the call of the Chair.

The roll call was taken on the motion and revealed:

YES: Representatives Anderson, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Minner, Morris, Plant - 13.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Hebner, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 23.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore not having received a constitutional majority,

the motion was defeated and the House remained in session.

Representative Worthen moved to lift SB 457 w/SA 1, HA 2,3,4, HA 1 to SA 1, HA 5 from the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Hebner, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 21.

NO: Representatives Anderson, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Miller, Minner, Plant, Temple, Mr. Speaker Boulden - 15.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, SB 457 w/SA 1, HA 2,3,4, HA 1 to SA 1, HA 5 was lifted from the Speaker's table.

Representative Connor brought HA 3 to SB 457 before the House for consideration.

Representative Worthen moved to place HA 3 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Billingsley, W. Brady, Burris, Cain, Maxwell, McKay, Miller, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 15.

NO: Representatives Ambrosino, Anderson, T. Brady, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Minner, Morris, Plant, Temple, Mr. Speaker Boulden - 19.

ABSENT: Representatives Byrd, George, Johnson, Lynch, Oberle, Ridings, Rispoli - 7.

Therefore, not having received a constitutional majority, the motion was defeated and HA 3 to SB 457 remained before the House.

Representative Worthen requested and was granted the privilege of the floor for Mr. Spartz from the Department of Public Instruction.

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

Representative Connor moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Ambrosino and adopted by voice vote.

Representative Oberle brought HA 4 to SB 457 before the House for consideration.

Representative Worthen moved to place HA 4 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Hebner, Kelly, Matushefske, Maxwell, McKay, Miller, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Anderson, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Loughney, Morris,



Oberle, Plant - 11.

ABSENT: Representatives Byrd, George, Johnson, Lynch, Minner, Ridings, Rispoli - 7.

Therefore, having received a constitutional majority, the motion passed and HA 4 to SB 457 was placed on the Speaker's table.

Representative Byrd moved to place HA 5 to SB 457 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Byrd moved to place HA 1 to SA 1 to SB 457 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

The roll call on SB 457 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Gilligan, Hebner, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 24.

NO: Representatives Bennett, Byrd, Clendaniel, Darling, Ferguson, Gordy, Jonkiert, Minner, Morris, Plant, Temple, Mr. Speaker Boulden - 12.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, SB 457 w/SA 1 was returned to the Senate.

Representative Worthen moved to lift the roll call on SB 456 w/SA 1. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Cain, Connor, Hebner, Kelly, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 21.

NO: Representatives Bennett, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Loughney, Minner, Morris, Plant, Temple, Mr. Speaker Boulden - 14.

NOT VOTING: Representative T. Brady - 1.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, the motion passed and SB 456 w/SA 1 was lifted from the Speaker's table.

The roll call on SB 457 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Connor, Hebner, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Vernon, Worthen - 23.

NO: Representatives T. Brady, Byrd, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Minner, Morris, Plant, Mr. Speaker Boulden - 11.

NOT VOTING: Representatives Clendaniel, Temple - 2.

ABSENT: Representatives George, Johnson, Lynch, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority,  
SB 457 w/SA 1 was returned to the Senate.

Representative Jonkiert moved to recess to the call of  
 the Chair at 5:23 a.m.

12th LEGISLATIVE DAY - 2nd Session

March 14, 1978

The Speaker called the House to order at 2:00 p.m.

The Majority Whip moved to adjourn at 2:01 p.m., thereby  
 ending the previous legislative day. The House reconvened  
 at 2:01 p.m. A prayer was offered by the Reverend C.J.  
 Robinson of the New Castle United Methodist Church, New  
 Castle.

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

The Chief Clerk called the roll.

Members present: 40

Member absent: Representative T. Brady - 1.

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

The Speaker announced that Representative Gordy, Representative  
 Jonkiert, Representative Sincok and Representative McKay were  
 appointed to the House Ethics Committee.

Communications:

United States Senate  
 Washington, D.C. 20510

February 8, 1978

The State of Delaware  
 House of Representatives  
 Dover, Delaware 19901

Dear Members of the Delaware General Assembly:

Thank you for your thoughtful condolences and heartfelt  
 remembrances to the family of Hubert H. Humphrey, on behalf  
 of the people of Delaware.

Our family is grateful for the countless expressions of  
 compassion and good will extended to us. We have been  
 sustained and comforted by the knowledge that Hubert's  
 life and values and hopes have been shared and appreciated  
 by so many friends. In his final days he was filled with  
 joy, peace and gratitude.

Sincerely,

Muriel Humphrey

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United States Senate  
 Washington, D.C. 20510

February 1, 1978

Ms. Karen Pugh  
 Chief Clerk of the House

Legislative Hall  
Dover, DE 19901

Dear Ms. Pugh:

Receipt is acknowledged of House Joint Resolution No. 51 memorializing the President of the United States and the United States Congress to enact legislation establishing a fund for dispersing fifty percent of Federal Outer Continental Shelf revenues to coastal state governments and to incorporate an equitable formula for the allocation of such revenues.

This Resolution will be presented to the United States Senate and appropriately referred.

Sincerely,

J.S. Kimmitt, Secretary

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J. Frank Gordy  
711 E. Market Street  
Georgetown, DE 19947

To The Bill Clerk  
House of Representatives  
Dover, DE 19901

Many thanks for sending me a copy of House Resolution 104. Of course, it came as another pleasant surprise and I'm very grateful.

Please convey my deep appreciation to the members of the House of Representatives for their kind action. I'm greatly indebted to many people for the Josiah Marvel Cup Award. It is not my award, but OUR award; and, is rightfully to be shared with my family and some outstanding co-workers who have been very supportive through the years.

Again, my genuine thanks to the Representatives for their action in my behalf.

Sincerely,

J. Frank Gordy

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City of Dover

RESOLUTION

WHEREAS, the Mayor and Council of the City of Dover are concerned that major state offices may be moved from the City of Dover to the City of Wilmington; and

WHEREAS, it is important to the economy of the City of Dover and its residents that major state offices remain in Dover where they have been historically located in the past; and

WHEREAS, to remove any major state offices from the City of Dover would be detrimental to the economy to the City of Dover and to residents of the City of Dover.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER:

1. That the Mayor and Council of the City of Dover formally oppose the removal of any major state offices from the City of Dover and formally request that no such removal take place at any time in the future.

ADOPTED FEBRUARY 13, 1978

William H. Willis, City Clerk

State of Delaware  
Executive Department  
Dover, 19901

February 10, 1978

TO: Members of the House of Representatives  
129th General Assembly

FROM: Governor Pierre S. du Pont, IV

RE: HB 677

I am returning without my signature House Bill 677 entitled:  
"AN ACT TO AMEND CHAPTER 9, TITLE 29, RELATING TO THE  
PRINTING OF SESSION LAWS."

I am doing so for the following reasons:

1. The subject bill eliminates the current requirement of Delaware Code Section 906 that the home rule charters and amendments thereto of municipalities adopted pursuant to referendum be printed in volume form. I am advised that these important enactments are not available in any other compendium.

2. The bill removes the requirement that all executive orders and proclamations of the Governor be printed and requires only those "deemed to be of permanent interest" to be printed. While I realize the need to eliminate unnecessary paperwork in government, I believe that it is difficult today to determine what may or may not be of permanent interest to Delawareans fifty or one hundred years from now. The Director of Historical and Cultural Affairs agrees. I believe that all executive orders and proclamations should be printed and preserved in our archives for the potential benefit of future generations.

3. Article III, Section 10 of the Delaware Constitution designates the Secretary of State as the keeper of all official acts and proceedings of the Governor and the current provisions of 29 Delaware Code, Section 906(a), consistent with Article III, require the Office of the Secretary of State to carefully preserve the original of such acts and proceedings. HB 677 removes the provision that the Director of the Division of Historical and Cultural Affairs in the Department of State "carefully preserve originals" and only directs the Director of Research of Legislative Council to "convey" to the Division "any originals in his possession". It further removes the constitutional responsibility as the keeper of official acts and proceedings from the Secretary of State pursuant to Article III and places it in the Director of

Research of Legislative Council, at least until the end of each session. I do not believe that such shifts in responsibility are in keeping with the intent of Article III of the Constitution.

For the foregoing reasons, I am returning HB 677 to you without my signature but would welcome the opportunity to work with you to eliminate the problems of concern in the current statute. I have so advised the bill's sponsors as well.

Sincerely yours,

Pierre S. du Pont

Approved and authorized but not signed by Governor Pierre S. du Pont because of his absence from the State.

State of Delaware  
Executive Department  
Dover, DE 19901

March 7, 1978

To the House of Representatives of the  
129th General Assembly of the State of Delaware:

Pursuant to my authority under Article III, Section 18, of the Delaware Constitution, I am returning without my signature HB 583, entitled:

"AN ACT TO ADD A CHAPTER TO TITLE 30, DELAWARE CODE, RELATING TO THE LEVY, COLLECTION AND PAYMENT OF A TAX TO BE KNOWN AS THE COMMUTER TRANSPORTATION TAX ACT."

HB 583 was adopted by the Delaware General Assembly, with my full support, as a contingency measure in the event the "Commuter Transportation Tax Act" passed by the New Jersey General Assembly became law. That legislation, Assembly Bill No. 2426, would have taxed the income of Delaware residents who work in New Jersey at the same rate the State taxes the income of New Jersey residents who work in Delaware. Since Delaware residents are entitled to credit against their Delaware income tax for taxes paid to other states, the New Jersey legislation would have resulted in a significant loss of revenue for Delaware. HB 583 was designed to offset any such loss by imposing a similar commuter tax on New Jersey residents employed in Delaware.

However, I have learned that Governor Byrne of New Jersey has not signed Assembly Bill 2426, with the result that that legislation will not be implemented. Accordingly, HB 583 is not presently needed to deal with possible loss of revenue, and I am therefore returning it without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

February 2, 1978

LEGISLATIVE ADVISORY #31

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the date indicated: 2/2/78 - HB 22 a/a/b HA 1, SA 5.

The Governor vetoed the following legislation: 1/31/78 - SB 157 a/a/b SA 1.

February 7, 1978

LEGISLATIVE ADVISORY # 32

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 2/3/78 - SJR 32; 2/6/78 - SB 336 w/HA 1; 2/7/78 - SJR 30; SJR 33.

February 15, 1978

LEGISLATIVE ADVISORY # 33

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 2/9/78 - SB 456 w/SA 1; SB 457 w/SA 1. 2/10/78 - SB 222 w/SA 1, HA 1,2,3; SB 402; SB 414; HB 214 a/a/b HA 1; HB 298; HB 400; HB 483 a/a/b HA 1,2; HB 664; HB 665; HB 638; HB 685; HB 697; HB 724 a/a/b HA 1.

The Governor vetoed the following legislation on the date indicated: 2/10/78 - HB 677.

February 24, 1978

LEGISLATIVE ADVISORY # 34

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicate: 2/21/78 - HB 647. 2/23/78 - HB 642. 2/24/78 - SB 327 w/SA 1, HA 1.

Representative Sincok introduced and brought HR 107, co-sponsored by Representatives Boulden, Jonkiert, Gordy, Sincok and McKay on behalf of the Members of the House of Representatives, before the House for consideration.

HR 107 - Wishing Representative Thomas E. Brady, Jr., a Swift and Complete Recovery from His Recent Automobile Accident.

HR 107 was adopted by voice vote.

Representative Sincok introduced and brought HR 108, co-sponsored by Representatives Boulden, Jonkiert, Gordy, Sincok and McKay (on behalf of All House Members) by request of Representative Thomas E. Brady, Jr., before the House for consideration.

HR 108 - Commending the Delaware Division of the Wilmington Medical Center for the Prompt and Excellent Treatment and Attention being Given to Representative Thomas E. Brady, Jr., as a result of Injuries he Recently Received.

HR 108 was adopted by voice vote.

Representative Plant introduced and brought HCR 72 before the House for consideration.

HCR 72 - Congratulating the Wilmington High School Basketball Team for Winning the Delaware High School Boys Basketball Tournament Championship for the Third Time.

HCR 72 was adopted by voice vote.

Representative Plant introduced and brought HCR 73 before the House for consideration.

HCR 73 - Commending the News Journal Papers for Publishing the Story About Majority Rule in the General Assembly and Pointing Out that Racial Minorities Get Very Few Bills Passed and Signed.

Representative Gordy moved to place HCR 73 in Committee. The motion was seconded by Representative Bennett and adopted by voice vote.

Mr. Speaker assigned HCR 73 to the House Administration Committee.

Representative Maxwell introduced HJR 52, co-sponsored by Representative Byrd, Senator Sharp and Representatives Riddagh and Vernon.

HJR 52 - Respectfully Requesting the Commissioner of the Department of Corrections to Institute a Procedure Whereby No Furlough is Granted Except After a Hearing in Which the Victim or Members of his Immediate Family May Be Heard.

Mr. Speaker assigned HJR 52 to the Corrections Committee.

Representative Maxwell introduced HJR 53, co-sponsored by Representative Byrd, Senator Sharp and Representatives Riddagh and Vernon.

HJR 53 - Respectfully Requesting the Commissioner of the Department of Correction to Provide, in the Departmental Rules and Regulations Relating to Furloughs, that no Furloughed Inmate may Request or Receive Driving Privileges.

Mr. Speaker assigned HJR 53 to the Corrections Committee.

Representative Bennett introduced and brought HR 109 before the House for consideration.

HR 109 - Calling to the Attention of United States District Court Judge Murray Schwartz and the New Castle County Planning Board of Education the Discrimination Against the Children of Kent County and Sussex County Built into the Court's Decision in Evans V. Buchanan and in the Board's Plan for Enriched Programming in New Castle County.

HR 109 was adopted by voice vote.

Representative Roy introduced and brought HCR 74, co-sponsored by Representatives Powell, McKay, Ferguson, Gilligan, Worthen and Senators Arnold, Martin and Sharp, before the House for consideration.

HCR 74 - Congratulating the Dickinson High School Girls' Basketball Team Upon Winning the Delaware High School Girls' Basketball Championship.

HCR 74 was adopted by voice vote.

Representative Gilligan introduced and brought HR 110 before the House for consideration.

HR 110 - Commending Barry Derr of McKean High School on Winning the State Championship Award During the Delaware High School Wrestling Tournament Recently Held at the Delaware Fieldhouse.

HR 110 was adopted by voice vote.

Representative Bennett introduced and brought HR 111 before the House for consideration.

HR 111 - Mourning the Death of Former Representative Charles F. Richards of Dover.

HR 111 was adopted by voice vote.

Representative Rispoli introduced and brought HR 112 before the House for consideration.

HR 112 - Expressing the Sorrow of the House of Representatives upon the Death of Lillian M. Richardson, Prominent West Center City Community Worker in Wilmington.

HR 112 was adopted by voice vote.

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

The House was called to order at 4:20 p.m.

Representative Billingsley introduced and brought HCR 75, co-sponsored by Representatives McKay and Oberle, before the House for consideration.

HCR 75 - Congratulating James J.E. Boyle Upon His Selection by the Delaware Society of Professional Engineers as Delaware's Outstanding Engineer for 1978.

HCR 75 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 76, co-sponsored by Senator Adams, before the House for consideration.

HCR 76 - Expressing the Appreciation of the 129th General Assembly for the Contribution of Delaware's Agriculture Industry to the State's Commerce and Thanking the Sponsors of the Eighty Annual Agri-Dinner.

HCR 76 was adopted by voice vote.

Representative Gilligan introduced HB 749, co-sponsored by Senator Holloway.

HB 749 - An Act to Amend Subchapter I, Chapter 11, Title 24, Delaware Code, Relating to a Peer Review Immunity Provision for Persons Reviewing Dental Records, Dental Care and Dentists' Work.

Mr. Speaker assigned HB 749 to the Health and Social Services Committee.

Representative Gilligan introduced HB 750, co-sponsored by Senator Holloway.

HB 750 - An Act to Amend Subchapter I, Chapter 79, Title 29, Delaware Code Relating to the Qualifications of the Director of the Division of Mental Health.

Mr. Speaker assigned HB 750 to the Health and Social Services Committee.

Representative Anderson introduced HB 751, co-sponsored by Representatives W. Brady, Loughney, Temple, Johnson, Oberle and Senator Martin.

HB 751 - 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.



Mr. Speaker assigned HB 751 to the Education Committee.  
Representative Gilligan deferred HB 409 and HB 406 until Thursday, March 16, 1978.

Representative Hebner deferred HB 399 until March 23, 1978.  
Representative Matushefske deferred HB 488 until March 15, 1978.

Representative Darling deferred HB 79 to the end of the Agenda and yielded to Representative Temple.

Representative Temple brought HB 687 before the House for consideration.

HB 687 - An Act to Amend an Act Being Chapter 42, Volume 53, Laws of Delaware, as Amended Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Change the Voting Procedure in Annexation Elections, to Change the Time When Tax Appeals are Heard, and to Change the Voting Procedure in Elections Authorizing the Issuing of Bonds.

The roll call on HB 687 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative T. Brady - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 687 was sent to the Senate for concurrence.

Representative Byrd deferred HB 398 to the end of the Agenda and yielded to Representative Cain.

Representative Cain brought HB 449 before the House for consideration.

HB 449 - An Act to Reincorporate the City of Delaware City.

The roll call on HB 449 was taken and revealed:

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

NO: Representatives Billingsley, Oberle, Smith - 3.

ABSENT: Representatives T. Brady, Gordy - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 449 was sent to the Senate for concurrence.

Representative W. Brady moved to suspend the rules for the purpose of introducing and acting on SB 463. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative W. Brady brought SB 463, co-sponsored by Senators Zimmerman, Murphy and Spence and Representatives W. Brady, Riddagh and Miller, before the House for consideration.

SB 463 - An Act Authorizing the Muskrat Trapping Season to be Extended During Calendar Year 1978.

The roll call on SB 463 was taken and revealed:

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

ABSENT: Representatives T. Brady, Jonkiert, Matushefske- 3.

Therefore, having received a constitutional majority, SB 463 was returned to the Senate.

The House recessed at 4:56 p.m. for committee hearings.

The House was called to order at 5:10 p.m.

Committee Reports:

Revenue and Finance: HB 264 - 1F, 5M; HB 585 - 6M; HB 586 - 5M, 1U.

Health and Social Services: HB 584 - 6M; HB 718 - 4M, 1U; HB 749 - 2F, 4M; HB 750 - 1F, 2M, 2U.

Community Affairs: SB 423 - 5M; SB 424 - 5M.

Constitution: HB 656 - 3F, 1M.

Representative Gordy moved to recess to the call of the Chair at 5:21 p.m.

### 13th LEGISLATIVE DAY - 2nd Session

March 15, 1978

The Speaker called the House to order at 1:50 p.m.

The Majority Leader moved to adjourn at 1:51 p.m., thereby ending the previous legislative day. The House reconvened at 1:51 p.m. A prayer was offered by the Reverend C.J. Robinson of the New Castle United Methodist Church, New Castle.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives T. Brady, Cain - 2.

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

Communications:

The Senate wishes to inform the House that it has passed SB 463; HCR 72; SB 142 w/SA 2; SCR 85; SB 475.

The following prefiled legislation was introduced:

HB 752 - LYNCH - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 27, Title 24, Delaware Code, Relating to Professional Land Surveyors.

HB 753 - GILLIGAN, AMBROSINO, GEORGE, SENATOR HOLLOWAY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Effective Date of a Utility Rate Change.

HB 754 - MORRIS, SENATOR MURPHY - COMMUNITY AFFAIRS: An Act to Amend an Act Entitled "An Act Changing the Corporate Name of the Commissioners of Wyoming to the Town of Wyoming and Establishing a Charter Therefor," Being Chapter 189, Volume 43, Laws of Delaware, as Amended, By Increasing the Amount of Money Which May be Used Each Year in Taxes. (2/3 bill)

HB 755 - WORTHEN, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5 of the Delaware Code, Relating to the State Bank Commissioners.

HB 756 - WORTHEN, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5, Delaware Code, Establishing a Regulatory Revolving Fund for the Revenues and Expenses of the Office of the State Bank Commissioner.

HB 757 - MATUSHEFSKE - JUDICIARY: An Act to Amend Chapter 85, Title 11, Delaware Code, Relating to Information Supplied by Peace Officers to the State Bureau of Identification.

HB 758 - ROY, GILLIGAN, MCKAY, WORTHEN, MAXWELL, SENATORS ARNOLD, CICIONE, KNOX - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Marshallton-McKean School District for the Purpose of Reimbursing the Districts' Cafeteria Account for Expenditures Incurred to Pay Two Cafeteria Managers for Sick Leave Days Accumulated While Under State Employment.

HB 759 - BENNETT - PUBLIC SAFETY: An Act to Amend Chapter 71, Title 16, Delaware Code Relating to the Storage of Hazardous Chemicals and/or Explosives Near Residential Areas.

HB 760 - PLANT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code Relating to the Method of Payment for Those Eligible for Assistance.

HB 761 - LOUGHNEY - HOUSE ADMINISTRATION: An Act to Amend Chapter 3, Title 15, Delaware Code, Relating to the State Election Commissioner by Permitting a Salary Increase and Making Other Changes.

HB 762 - OBERLE - HOUSE ADMINISTRATION: An Act to Amend Chapter 45, Title 15 of the Delaware Code Relating to Accessibility of Polling Places for the Elderly and the Physically Handicapped.

HB 763 - JONKIERT, SINCOCK - HOUSE ADMINISTRATION: An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Printing of Session Laws.

HB 764 - WORTHEN, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to Emergency Powers of the Commissioner.

HB 765 - LOUGHNEY - JUDICIARY: An Act to Amend Subchapter VI, Chapter 65, Title 11, Delaware Code Relating to Furloughs of Persons Convicted of Violent Crimes.

HB 766 - BURRIS, GORDY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Laurel School District for the Purpose of Reimbursing Mr. Donald E. Atkinson, Principal of Laurel Elementary School, for Over Payments for His Wife's Blue Cross-Blue Shield Coverage.

HB 767 - BENNETT - JUDICIARY: An Act Amending Chapter 5, Title 10, Delaware Code, Relating to the Number of Associate Judges in the Superior Court.

HB 768 - BENNETT - APPROPRIATIONS: An Act to Amend Chapter 116, Volume 61, Laws of Delaware, Being House Bill No. 300, Relating to Certain Changes in the Budget of the Office of Minority Business Enterprise.

HB 769 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Driving Without a License. (2/3 bill)

HB 770 - RIDDAGH, MORRIS (Joint Sponsors) - JUDICIARY: An Act to Amend Chapter 4 and Chapter 39, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Certain Verdicts in Criminal Cases.

HB 771 - WORTHEN, SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to Fees for Examination.

HA 1 to HB 398 - BYRD - Placed with the bill.

HA 2 to HB 703 - JONKIERT - Placed with the bill.

HA 1 to SB 243 - CLENDANIEL - Placed with the bill.

HJR 54 - BENNETT, AMBROSINO, CONNOR - BANKING & INSURANCE: Directing the Insurance Coverage Determination Committee to Give Notice of Contract Termination to Blue Cross-Blue Shield of Delaware, Inc., If Certain Conditions are not Improved.

SB 475 - SHARP - APPROPRIATIONS: An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Correction for a Maximum Security Building. (3/4 bill)

SJR 34 - HALE, REPRESENTATIVE OBERLE - EDUCATION: Monitoring of Federally Funded Programs in the Desegregation Area of New Castle County.

Representative Jonkiert moved to recess for caucus at 2:01 p.m.

The House was called to order at 3:42 p.m.

Representative Maxwell introduced HB 772, co-sponsored by Representatives Byrd, Riddagh, Vernon and Senator Sharp.

HB 772 - An Act to Amend Chapter 65, Part IV, Title 11 of the Delaware Code Relating to Furloughs.

Mr. Speaker assigned HB 772 to the Corrections Committee.

Representative W. Brady introduced HB 773.

HB 773 - An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control to Reimburse an Employee Who Overpaid Health Insurance Coverage Under Blue Cross-Blue Shield.

Mr. Speaker assigned HB 773 to the Appropriations Committee.

Representative Darling moved to suspend the rules for the purpose of acting on SB 475. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Darling brought SB 475 before the House for consideration.

SB 475 - An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Correction for a Maximum Security Building.

The roll call on SB 475 was taken and revealed:

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

ABSENT: Representatives T. Brady, Cain, Gordy, Jonkiert, Maxwell, Plant - 6.

Therefore, having received a constitutional majority of at least three-quarters members of the House, SB 475 was returned to the Senate.

Representative Loughney moved to suspend the rules for the purpose of introducing and acting on HB 774, co-sponsored by Representatives Hebner and Ambrosino and Senator Hughes. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Loughney brought HB 774 before the House for consideration.

HB 774 - An Act Authorizing the Claymont School District to Transfer Funds from the Local Balance of Minor Capital Improvements Program and From Its Debt Service Account to the Claymont School District Operating Account.

The roll call was taken and revealed:

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

NO: Representative Bennett - 1.

ABSENT: Representatives T. Brady, Cain, Gordy, Plant - 4.

Therefore, having received a constitutional majority, HB 774 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 488 to the end of the Agenda and yielded to Representative Jonkiert.

Representative Jonkiert brought HB 676 before the House for consideration.

Representative Sincok moved to place HB 676 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Billingsley, Burris, Connor, Hebner, Maxwell, McKay, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 17.

NO: Representatives Ambrosino, Bennett, W. Brady, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Rispoli, Temple, Mr. Speaker Boulden - 20.

ABSENT: Representatives T. Brady, Cain, Gordy, Kelly - 4.

Therefore, not having received a constitutional majority, the motion was defeated and HB 676 remained before the House.

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

Representative Jonkiert moved to place HB 676 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Darling brought HB 82 w/HA 1 before the House for consideration.

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

HA 1 to HB 82 was adopted by voice vote.

In response to Representative Ambrosino, Mr. Speaker ruled that a fiscal note was not needed.

The roll call on HB 82 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 32.

NO: Representatives Ambrosino, Byrd, Johnson, Miller, Plant, Worthen - 6.

ABSENT: Representatives T. Brady, Cain, Gordy - 3.

Therefore, having received a constitutional majority, HB 82 w/HA 1 was sent to the Senate for concurrence.

Representative Ambrosino introduced and brought HR 113, co-sponsored by Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith and Vernon, before the House for consideration.

HR 113 - Commending our Governor, Pierre S. du Pont, IV for Successfully Convincing the Delmarva Power Company to Postpone its Planned Electrical Rate Increase.

Representative Byrd moved to place HR 113 on the Speaker's table. The motion was seconded by Representative Jonkiert.

Representative Jonkiert moved to table the roll call on the motion to place HR 113 on the Speaker's table. The motion was seconded by Representative Byrd and adopted by voice vote.

HR 113 was defeated by voice vote.

Representative Jonkiert moved to recess for committee hearings at 5:15 p.m.

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

Committee Reports:

Judiciary: HB 477 - 1F, 3M; HB 711 - 1F, 3M.

Community Affairs: HB 754 - 6M.

Corrections: HJR 53 - 3M, 2U; HJR 52 - 1F, 4M; HB 742 - 3F, 2M.

Health and Social Services: HB 674 - 1F, 1M, 2U; HB 692 - 1F, 1M, 2U.

House Administration: HB 763 - 3F.

Representative Ferguson moved to strike HB 287. Without objection, HB 287 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 5:38 p.m.

14th LEGISLATIVE DAY - 2nd Session

March 16, 1978

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

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m. A prayer was offered by the Reverend C. J. Robinson of the New Castle United Methodist Church, New Castle.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative T. Brady - 1.

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

Representative Plant introduced and brought HCR 77 before the House for consideration.

HCR 77 - Requesting the Governor to Direct that the Official Name of the New State Office Building at Eighth and French Streets in Wilmington Shall be the Herman M. Holloway Senior State Office Building.

Representative Plant requested that HCR 77 be stricken. Without objection, HCR 77 was stricken.

Representative George introduced HB 775, co-sponsored by Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Connor, Gilligan, Gordy, Johnson, Kelly, Matushefske, Maxwell, Miller, Plant, Powell, Rispoli, Roy, Sincock and Worthen.

HB 775 - An Act Making an Appropriation to the Delaware Sports Hall of Fame Association, Inc.

Mr. Speaker assigned HB 775 to the Appropriations Committee.

Communications:

March 8, 1978

LEGISLATIVE ADVISORY #35

FROM: Office of Counsel to the Governor

The Governor vetoed the following legislation on the date indicated: 3/7/78 - HB 583.

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March 14, 1978

LEGISLATIVE ADVISORY # 36

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the date indicated: 3/14/78 - SB 463.

The Senate wishes to inform the House that it has passed  
SB 490; SB 214; SB 483; SB 482; SB 485; SB 270; SB 271;  
SB 311; HB 747 w/SA 1; HB 460; HCR 74; HCR 75; HCR 76.

The Town of Elsmere  
 1202 New Road  
 Elsmere, Delaware 19805

March 15, 1978

Representative Robert L. Byrd  
 10 Beech Avenue  
 Elsmere, Delaware 19805

Dear Rep. Byrd:

At our regular meeting in March, the Mayor and Council of the Town of Elsmere, voted to go on public record as opposing D P & L's inflationary request for another rate increase. In addition, the Mayor and Council went on record as opposing D P & L's privilege of increasing rates under bond prior to public hearings and PSC action.

At the request of Council, I am writing to you to urge the General Assembly to go on record as being opposed to further rate increases this year. And, we further request, the introduction and passage of new legislation that would restrict utilities to one increase per year and discontinue the practice of increases under bond.

Sincerely,

John Jaremchuk, Jr.

Representative Jonkiert moved to recess for caucus at 2:20 p.m.

The House was called to order at 4:06 p.m.

Representative George introduced HB 776.

HB 776 - An Act Authorizing the Public Service Commission to Expend Funds from the Public Service Commission Regulatory Revolving Fund to Employ Consultants to Perform a Management Audit.

Mr. Speaker assigned HB 776 to the Appropriations Committee.

Representative Anderson introduced HB 777, co-sponsored by Senator Hale.

HB 777 - An Act Authorizing the State of Delaware to Borrow Money for Certain Capital Improvements and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Transportation. (3/4 bill)

Mr. Speaker assigned HB 777 to the Appropriations Committee.

Representative Bennett introduced HB 778.

HB 778 - An Act Making Supplementary Appropriations to the Departments of Election for New Castle County and Kent County to be Used for the Purchase of Voting Machines.



Mr. Speaker assigned HB 778 to the Appropriations Committee. Representative Jonkiert moved to lift HB 676 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Jonkiert brought HB 676 before the House for consideration.

Representative Vernon introduced and brought HA 1 to HB 676, co-sponsored by Representatives Vernon, Billingsley and Minner, before the House for consideration.

Representative Ferguson moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken.

Representative Jonkiert moved to table the roll call on the motion to place HA 1 to HB 676 on the Speaker's table. The motion was seconded by Representative Gordy. The roll call on the motion to table the roll call was taken and revealed:

YES: Representatives Anderson, Bennett, Boulden, W. Brady, Byrd, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Plant, Rispoli, Worthen, Mr. Acting Speaker Cain - 19.

NO: Representatives Ambrosino, Billingsley, Burris, Clendaniel, Connor, McKay, Minner, Morris, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon - 16.

ABSENT: Representatives T. Brady, Darling, Ferguson, Hebner, Matushefske, Oberle - 6.

Therefore, not having received a constitutional majority, the motion was defeated and the roll call on the motion to place HA 1 on the Speaker's table was announced and revealed:

YES: Representatives Anderson, Bennett, Boulden, W. Brady, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Miller, Plant, Worthen, Mr. Acting Speaker Cain - 19.

NO: Representatives Ambrosino, Billingsley, Burris, Clendaniel, Connor, Hebner, Maxwell, McKay, Minner, Morris, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon - 18.

ABSENT: Representatives T. Brady, Matushefske, Oberle, Rispoli - 4.

Therefore, not having received a constitutional majority, the motion was defeated and HA 1 to HB 676 remained before the House.

Representative Billingsley rose on a point of order.

The roll call on HA 1 to HB 676 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, Burris, Clendaniel, Connor, Hebner, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon - 21.

NO: Representatives Anderson, Boulden, W. Brady, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Plant, Rispoli, Worthen, Mr. Acting Speaker Cain - 17.

ABSENT: Representatives T. Brady, Matushefske, Ridings - 3.

Therefore, having received a constitutional majority, HA 1 to HB 676 was passed by the House.

Representative Jonkiert moved to strike HB 676. Without objection, HB 676 was stricken.

Representative Boulden moved to suspend the rules for the purpose of introducing and acting on SB 485. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden brought SB 485, co-sponsored by Senators McCullough and Kearns and Representatives Boulden and Matushefske, before the House for consideration.

SB 485 - An Act Transferring Certain Local Fund Monies in the De La Warr School District.

Representative Boulden requested and was granted the privilege of the floor for Dr. John Jackson of the De La Warr School District.

Representative Boulden requested and was granted the privilege of the floor for Mr. Laurence Hopp, Superintendent of the De La Warr School District.

Representative Boulden moved to table the roll call on SB 485. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden moved to suspend the rules for the purpose of introducing and acting on SB 483. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden brought SB 483, co-sponsored by Senators McCullough and Kearns and Representatives Boulden and Matushefske, before the House for consideration.

SB 483 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, Known as the Budget Act for Fiscal 1978, by Changing the Method for Reducing State Support to De La Warr School District Because of Voluntary Transfers.

Representative Boulden requested and was granted the privilege of the floor for Messrs Jackson and Hopp from the De La Warr School Districts.

Representative Boulden rose on a point of order.

Representative Boulden moved to table the roll call on SB 483. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden moved to suspend the rules for the purpose of introducing and acting on SB 482. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Boulden brought SB 482, co-sponsored by Senators McCullough and Kearns and Representatives Boulden and Matushefske, before the House for consideration.

SB 482 - An Act Making a Supplementary Appropriation to the De La Warr School District.

Representative Gilligan requested and was granted the privilege of the floor for Mr. John Jackson.

Representative Sincok rose on a point of order. Mr. Acting Speaker Cain concurred with Representative Sincok.

Representative Sincok rose on a point of order stating that the bill lacked a fiscal note. Mr. Acting Speaker Cain concurred.

Representative Boulden moved to waive the requirement for a fiscal note. The motion was seconded by Representative Maxwell.

Representative Boulden rose on a point of order.

Representative George rose on a point of order.

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

The House recessed at 5:36 p.m. to determine if the requirement for a fiscal note was waived in the Senate.

The House was called to order at 5:41 p.m.

Representative Boulden requested and was granted the privilege of the floor for Senator McCullough.

Representative Boulden moved to table the roll call on SB 482. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy brought HB 747 w/SA 1 before the House for consideration.

HB 747 - An Act Making a Supplemental Appropriation to the Department of Public Safety for the Purchase of Axle-Load Weighers.

The roll call on HB 747 w/SA 1 was taken and revealed:

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

ABSENT: Representatives T. Brady, Johnson, Matushefske, Ridings - 4.

Therefore, having received a constitutional majority, HB 747 w/SA 1 was sent to the Governor.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on SJR 36. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought SJR 36, co-sponsored by Senator Sharp and Representatives Ferguson and Oberle, before the House for consideration.

SJR 36 - Directing that Desegregation Orientation not be a Mandatory Requirement.

Representative Ferguson yielded to Representative Oberle.

Representative Sincok moved that SJR 36 be placed on the Speaker's table. The motion was seconded by Representative Worthen.

Representative Ferguson moved to table the motion to place SJR 36 on the Speaker's table. The motion was seconded by Representative Gordy. The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 22.

NO: Representatives Anderson, Billingsley, W. Brady, Cain, George, McKay, Plant, Rispoli, Sincock, Worthen - 10.

NOT VOTING: Representatives Bennett, Jonkiert, Miller - 3.

ABSENT: Representatives T. Brady, Burris, Johnson, Lynch, Matushefske, Ridings - 6.

Therefore, having received a constitutional majority, the motion was passed and the motion to place SJR 36 on the Speaker's table was tabled.

Representative George moved to place SJR 36 on the Speaker's table. The motion was seconded by Representative Gordy.

Representative Ferguson moved to table the motion to place SJR 36 on the Speaker's table. The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Billingsley, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 23.

NO: Representatives Anderson, W. Brady, Byrd, Cain, George, Jonkiert, McKay, Miller, Plant, Rispoli, Sincock, Worthen - 12.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives T. Brady, Johnson, Lynch, Matushefske, Ridings - 5.

Therefore, having received a constitutional majority, the motion was passed and SJR 36 remained before the House.

Representative Cain moved to recess. The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, George, Lynch, McKay, Miller, Morris, Plant, Rispoli, Sincock, Smith, Worthen - 14.

NO: Representatives Ambrosino, Billingsley, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Maxwell, Minner, Oberle, Powell, Riddagh, Roy, Temple, Vernon, Mr. Speaker Boulden - 23.

ABSENT: Representatives T. Brady, Johnson, Matushefske, Ridings - 4.

Therefore, not having received a constitutional majority, the motion was defeated and the House remained in session.

Representative Worthen moved to place SJR 36 in the Education Committee. The motion was seconded by Representative Anderson. The roll call on the motion was taken and revealed:

YES: Representatives Bennett, W. Brady, Byrd, Cain, George, Lynch, McKay, Miller, Plant, Rispoli, Sincock, Worthen - 12.

NO: Representatives Ambrosino, Anderson, Billingsley, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 25.

ABSENT: Representatives T. Brady, Johnson, Matushefske, Ridings - 4.

Therefore, not having received a constitutional majority, the motion was defeated and SJR 36 remained before the House.

Representative Byrd requested and was granted the privilege of the floor for Michael Rich, House Attorney.

The House recessed at 6:33 p.m. for the purpose of changing the audio tape and reconvened at 6:35 p.m.

The House recessed at 6:43 p.m. and reconvened at 6:48 p.m.

The roll call on SJR 36 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Maxwell, Minner, Oberle, Powell, Riddagh, Roy, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Plant, Rispoli - 2.

NOT VOTING: Representatives Bennett, Cain, George, Jonkiert, Lynch, McKay, Miller, Morris, Sincock, Smith - 10.

ABSENT: Representatives T. Brady, Burris, Johnson, Matushefske, Ridings - 5.

Therefore, having received a constitutional majority, SJR 36 was returned to the Senate.

Committee Report:

Natural Resources: HB 604 - 1F, 3M.

Representative Jonkiert moved to recess to the call of the chair at 6:58 p.m.

#### 15th LEGISLATIVE DAY - 2nd Session

March 21, 1978

The Speaker called the House to order at 1:55 p.m.

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by the Reverend Gerald Foster of the Union United Methodist Church, Bridgeville.

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

The Chief Clerk called the roll.

Members present: 38.

Members absent: Representatives T. Brady, Connor, Matushefske - 3.

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

Representative Maxwell requested and was granted the privilege of the floor for Mrs. Lee Broughton of the Wilmington United Neighborhoods (WUN).

Committee Report:

House Administration: HB 783 - 2F, 3M.

Representative Sincock introduced and brought SCR 86, co-sponsored by Senators Berndt and Hughes and Representatives Sincock and McKay, before the House for consideration.

SCR 86 - Expressing the Sympathy of the Members of the 129th General Assembly to the Family of the Late John C. Kinahan, a Former Member of the Senate.

SCR 86 was adopted by voice vote and returned to the Senate.

Representative Sincock introduced HB 791, co-sponsored by Representatives Boulden, Ambrosino, Anderson, Bennett,

W. Brady, Burris, Byrd, Connor, Ferguson, Gilligan, Gordy, Hebner, Johnson, Lynch, McKay, Miller, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Smith, Temple, Vernon, Worthen, Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Spence and Weiss.

HB 791 - An Act Providing a Supplementary Appropriation to the Department of Transportation, Division of Highways for the Remainder of the Fiscal Year Ending June 30, 1978.

Mr. Speaker assigned HB 791 to the Appropriations Committee.

Representative Loughney introduced and brought HR 114 before the House for consideration.

HR 114 - Asking Citizens of Delaware to Observe the Week of March 19-25 as National Wildlife Week.

HR 114 was adopted by voice vote.

#### Communications:

The Senate wishes to inform the House that it has passed SB 72 w/SA 1; SCR 86; SCR 87; SB 349; SB 491; SJR 35; HJR 48; SJR 36.

The following prefiled legislation was introduced:

HB 779 - BENNETT, GORDY - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Judiciary and Providing that the House of Representatives Shall Have a Part in the Confirmation of Certain Appointees to the Courts. (2/3 bill)

HB 780 - TEMPLE, SENATOR LITTLETON - COMMUNITY AFFAIRS: An Act to Amend The Charter of Seaford, Chapter 42, Volume 53, Laws of Delaware, as Amended, to Permit Absentee Voting in Annual Elections. (2/3 bill)

HB 781 - GORDY, SENATOR LITTLETON - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Laurel School District to Reimburse the District for Funds Paid the Division of Highways for the Installation of a Traffic Control Device on State Route 28 at the Laurel Elementary School.

HB 782 - MINNER, BENNETT, DARLING, GORDY, MORRIS - PUBLIC SAFETY: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exempt Vehicles.

HB 783 - JONKIERT, SINCOCK, SENATORS CORDREY, KNOX, BERNDT - HOUSE ADMINISTRATION: An Act to Amend Chapter 578, Volume 58, as Amended by Volume 59, Chapter 76, Laws of Delaware, to Extend the Time During Which the State May Borrow Money Under Such Act as Amended for Projects of the Department of Natural Resources and Environmental Control. (3/4 bill)

HB 784 - FERGUSON - HEALTH & SOCIAL SERVICES: An Act to Amend Title 24, Title 29 and Title 31 of the Delaware Code Relating to the Expenditure of Public Funds in the Purchase of Drugs.

HB 785 - FERGUSON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Public Utilities; and Providing for a Public Service Commission.

HB 786 - PLANT - JUDICIARY: An Act to Amend Subchapter I, Chapter 17, Title 10, Delaware Code Relating to Qualifications of Judges.

HB 787 - MAXWELL - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Installing Traffic Signal Control Equipment at the Intersection of Glenoak Road with Faulkland Road, in New Castle County, Delaware.

HB 788 - CONNOR, BOULDEN, SENATOR MCCULLOUGH - APPROPRIATIONS: An Act Authorizing the State of Delaware to Borrow Money and to Issue Bonds and Notes Therefor; and Appropriating the Funds thus Obtained to the Department of Transportation, to be Utilized for the Reconstruction of the Third Street Bridge (State Bridge No. 289. (3/4 bill)

HB 789 - CONNOR, SENATOR MCCULLOUGH - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in Prior Fiscal Years.

HB 790 - LYNCH, BILLINGSLEY - EDUCATION: An Act to Amend Chapter 17, Title 14, of the Delaware Code Relating to the Calculation of the Number of Units in a School District.

HA 1 to HB 731 - BYRD - Placed With the Bill.

HA 1 to SB 214 - CONNOR, AMBROSINO - Placed with the bill.

HA 2 to SB 214 - CONNOR, AMBROSINO - Placed with the bill.

HA 3 to SB 214 - CONNOR, AMBROSINO - Placed with the bill.

HA 4 to SB 214 - CONNOR, AMBROSINO - Placed with the bill.

HA 5 to SB 214 - CONNOR, AMBROSINO - Placed with the bill.

SB 72 w/SA 1 - SHARP, SPENCE, HUGHES, REPRESENTATIVES RIDDAGH, W. BRADY - CORRECTIONS: An Act to Amend Chapter 65, Title 11, of the Delaware Code Relating to Temporary Release of Prisoners.

SB 142 w/SA 2 - MURPHY, CICIONE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Subchapter III, Title 26, Delaware Code Relating to Rate Changes of Public Utilities.

SB 214 - KEARNS, MCDOWELL, REPRESENTATIVES MILLER, AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Providing for the Creation of the Office of Public Advocate.

SB 270 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 19, Title 5 of the Delaware Code Relating to Powers and Conduct of Business of Building and Loan Associations and Providing that Said Associations Have Power to Act as Trustee Under the United States Self-Employed Individuals Tax Retirement Act of 1962 and Amendments Thereto.

SB 271 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 19 of Title 5 of the Delaware Code Relating to Powers and Conduct of Business of Building and Loan Association.

SB 311 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 9, Title 5, Delaware Code, Pertaining to Regulations Governing Business of Banks and Trust Companies.

SB 349 - CORDREY - NATURAL RESOURCES: An Act to Amend Chapter 23, Title 7, Delaware Code, Relating to Commercial Crabbing.

SB 490 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapter 1, Title 7 of the Delaware Code Relating to Penalties of a Violation of Fish and Game Regulations. (2/3 bill)

SB 491 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 9, of Title 5, Delaware Code Relating to Indemnification of Farmers Bank Directors.

SJR 35 - HUGHES - HOUSE ADMINISTRATION: Recognizing the Importance of Today's Secretary in Industry, the Professions, and Government; and Proclaiming the Week of April 24 through April 30, 1978, as Secretaries' Week.

The House recessed for caucus at 2:26 p.m.

The House was called to order at 4:02 p.m.

Representative Boulden moved to lift the roll call on SB 482. The motion was seconded by Representative Bennett and adopted by voice vote.

SB 482 - An Act Making a Supplementary Appropriation to the De La Warr School District.

The roll call on SB 482 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Boulden, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Gordy, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Rispoli, Temple, Worthen, Mr. Acting Speaker Jonkiert - 26.

NO: Representatives Clendaniel, Darling, George, Hebner, McKay, Vernon - 6,

NOT VOTING: Representatives Billingsley, Roy, Sincok, Smith - 4.

ABSENT: Representatives T. Brady, Johnson, Matushefske, Riddagh, Ridings - 5.

Therefore, having received a constitutional majority, SB 482 was returned to the Senate.

Representative Boulden moved to lift the roll call on SB 483. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 483 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware Known as the Budget Act for Fiscal 1978, by Changing the Method for Reducing State Support to De La Warr School District Because of Voluntary Transfers.

The roll call on SB 483 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Boulden, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Maxwell, Morris, Oberle, Plant, Rispoli, Temple, Worthen, Mr. Acting Speaker Jonkiert - 23.

NO: Representatives Bennett, Billingsley, Clendaniel, Darling, George, Hebner, McKay, Minner, Riddagh, Roy, Sincok, Smith, Vernon - 13.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives T. Brady, Matushefske, Miller, Ridings - 4.

Therefore, having received a constitutional majority, SB 483 was returned to the Senate.

Representative Boulden moved to lift the roll call on



SB 485. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 485 - An Act Transferring Certain Local Fund Monies in the De La Warr School District.

The roll call on SB 485 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Boulden, W. Brady, Burris, Byrd, Cain, Connor, Ferguson, Gilligan, Johnson, Kelly, Loughney, Lynch, Maxwell, McKay, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Acting Speaker Jonkiert - 27.

NO: Representatives Bennett, Billingsley, Clendaniel, Darling, George, Gordy, Hebner, Miller, Minner, Morris, Riddagh, Vernon - 12.

ABSENT: Representatives T. Brady, Matushefske - 2.

Therefore, having received a constitutional majority, SB 485 was returned to the Senate.

Representative Gilligan deferred HB 409 and brought HB 750 before the House.

HB 750 - An Act to Amend Subchapter 1, Chapter 79, Title 29, Delaware Code Relating to the Qualifications of the Director of Mental Health.

The following letter was made part of the record at the request of Representative Gilligan.

State of Delaware  
Office of the Secretary  
Department of Health and Social Services  
New Castle, Delaware 19720

March 15, 1978

The Honorable Robert F. Gilligan  
Representative, State of Delaware  
2628 Sherwood Drive  
Sherwood Park  
Wilmington, DE 19808

Dear Representative Gilligan:

Thank you for requesting my comment on House Bill 750, changing the qualifications of the Director of the Division of Mental Health. I support this change and urge prompt passage of the bill.

Sincerely,

Patricia C. Schramm, Secretary

The roll call on HB 750 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Hebner, Johnson, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 33.

ABSENT: Representatives T. Brady, Connor, George, Gordy, Kelly, Matushefske, Riddagh, Roy - 8.

Therefore, having received a constitutional majority, HB 750 was sent to the Senate for concurrence.

Representative Gilligan deferred HB 406 and brought HB 749 before the House for consideration.

HB 749 - An Act to Amend Subchapter I, Chapter 11, Title 24, Delaware Code, Relating to a Peer Review Immunity Provision for Persons Reviewing Dental Records, Dental Care and Dentists' Work.

The roll call on HB 749 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Hebner, Johnson, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 32.

ABSENT: Representatives Boulden, T. Brady, Connor, George, Gordy, Kelly, Matushefske, Riddagh, Roy - 9.

Therefore, having received a constitutional majority, HB 749 was sent to the Senate for concurrence.

Representative Clendaniel brought SB 243 w/HA 1 before the House for consideration.

SB 243 - An Act to Amend Chapter 15, Title 3, Delaware Code Relating to Duties and Authority of the Department of Agriculture.

The roll call on SB 243 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NOT VOTING: Representatives Ambrosino, Billingsley - 2.

ABSENT: Representatives T. Brady, Connor, Kelly, Matushefske, Riddagh - 5.

Therefore, having received a constitutional majority, SB 243 w/HA 1 was returned to the Senate for action on the amendment.

Representative Morris brought HB 473 before the House for consideration.

HB 473 - An Act to Amend Chapter 11, Title 28, Delaware Code, Relating to Bingo by Qualifying Those Who are Eligible for the Grand Prize.

Representative Minner brought HA 1 before the House for consideration.

Representative Minner requested that the following letter from the Delaware Volunteer Firemen's Association be read into the record.

March 15, 1978

Representative Ruth Ann Minner  
R.D. 3, Box 694  
Milford, Delaware 19963

Dear Representative Minner:

The Executive Committee of the Delaware Volunteer Firemen's Association held a meeting in Dover on March 5, 1978.

At this meeting, a motion was made and unanimously passed that the State Association endorse and work for passage of House Amendment #1 to HB 473 that you co-sponsored on January 26, 1978.

The Volunteer Firemen feel this will help us solve some of our problems that we now have in conducting our bingo games.

We appreciate your interest and express our thanks to you for co-sponsoring this piece of legislation. If we can be of any assistance in getting this bill passed, please feel free to contact any of the above Officers.

Sincerely yours,

Paul Neeman, Secretary

HA 1 to HB 473 was adopted by voice vote.

The roll call on HB 473 w/HA 1 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Matushefske, Riddagh - 4.

Therefore, having received a constitutional majority, HB 473 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle deferred HB 505 to the end of the agenda and yielded to Representative Ferguson.

Representative Ferguson brought HB 605 before the House for consideration.

HB 605 - An Act to Amend Chapter 31, Title 14, Delaware Code Relating to the Transportation of Handicapped Persons Receiving Private Placement Tuition Assistance.

Representative Ferguson requested and was granted the privilege of the floor for Doctor Carl Hotcom, State Director of Exceptional Children for the Department of Public Instruction.

The roll call on HB 605 was taken and revealed :

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives T. Brady, Connor, Matushefske, Maxwell, Riddagh - 5.

Therefore, having received a constitutional majority, HB 605 was sent to the Senate for concurrence.

Representative Worthen deferred SS 1 for SB 163 to the end of the agenda and yielded to Representative Anderson.

Representative Anderson brought HB 625 before the House for consideration.

Representative Billingsley brought HA 1 before the House for consideration. HA 1 to HB 625 was defeated by voice vote.

Representative Anderson introduced and brought HA 2 to HB 625 before the House for consideration.

Representative Anderson moved to place HB 625 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Plant deferred HB 476 to the end of the Agenda and brought HJR 44 before the House for consideration.

HJR 44 - Requesting the State Insurance Commissioner to Investigate the Possibility of Reducing Insurance Rates on Persons Whose Driving Record is not Blemished by Accidents or Other Motor Vehicle Violations and Reporting his Findings and Recommendations to the Members of the 129th General Assembly.

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

The roll call on HJR 44 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Cain - 34.

ABSENT: Representatives Boulden, T. Brady, Connor, George, Matushefske, Riddagh, Rispoli - 7.

Therefore, having received a constitutional majority, HJR 44 was sent to the Senate for concurrence.

Representative Gordy deferred HB 459 to the end of the agenda and brought HB 656 before the House for consideration.

HB 656 - An Act to Amend Chapter 55, Title 15, Delaware Code to Permit Persons on Vacation to Vote Absentee.

The roll call on HB 656 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives T. Brady, Connor, Jonkiert, Matushefske, Riddagh, Rispoli - 6.

Therefore, having received a constitutional majority, HB 656 was sent to the Senate for concurrence.

Representative Gordy brought HB 648 before the House for consideration.

HB 648 - An Act to Amend Chapter 418, Volume 60, Laws of Delaware, Entitled, "An Act to Permit the Board of Education of the Delmar School District to Transfer Certain Funds from the Debt Service Account to the Current Expense Account."

The roll call on HB 648 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Ridings, Rispoli, Roy,

Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker  
Boulden - 36.

ABSENT: Representatives T. Brady, Connor, Matushefske,  
Oberle, Riddagh - 5.

Therefore, having received a constitutional majority,  
HB 648 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 607 to the end of the  
Agenda and yielded to Representative Sincock.

Representative Sincock brought HB 763 before the House for  
consideration.

HB 763 - An Act to Amend Chapter 9, Title 29, Delaware Code,  
Relating to Printing of Session Laws.

Representative Sincock introduced and brought HA 1, co-  
sponsored by Representative Jonkiert, before the House for  
consideration. HA 1 to HB 763 was adopted by voice vote.

The roll call on HB 763 w/HA 1 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Matushefske,  
Riddagh - 4.

Therefore, having received a constitutional majority,  
HB 763 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 608 and brought HB 742  
before the House for consideration.

HB 742 - An Act to Repeal Chapter 200, Volume 61, Laws of  
Delaware, Relating to a Short-Term Correctional Facility.

The roll call on HB 742 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Matushefske,  
Riddagh - 4.

Therefore, having received a constitutional majority,  
HB 742 was sent to the Senate for concurrence.

Representative Worthen moved to suspend the rules for  
the purpose of introducing and acting on SB 491. The motion  
was seconded by Representative Gordy and adopted by voice  
vote.

Representative Worthen brought SB 491, sponsored by Senator  
Murphy, before the House for consideration.

SB 491 - An Act to Amend Chapter 9, of Title 5, Delaware  
Code Relating to Indemnification of Farmers Bank Directors.

The roll call on SB 491 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett,

Billingsley, W. Brady, Burris, Byrd, Cain, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NOT VOTING: Representatives Clendaniel, Lynch - 2.

ABSENT: Representatives T. Brady, Connor, Darling, Matushefske, Riddagh - 5.

Therefore, having received a constitutional majority, SB 491 was returned to the Senate.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on HB 792. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought HB 792, co-sponsored by Representative Rispoli, before the House for consideration.

HB 792 - An Act to Amend Chapter 69, Title 21, Delaware Code Relating to Removal of Motor Vehicles, Trailers and Mopeds from Public Highways by Police; and Providing a Supplementary Appropriation Therefor.

Representative Minner moved to place HB 792 on the Speaker's table. The motion was seconded by Representative Rispoli and adopted by voice vote.

#### Committee Reports:

Revenue and Finance: HB 475 - 2F, 3M.

Public Safety: HB 729 - 1F, 4M; HB 736 - 2M, 3U; HB 737 - 2F, 3M; HB 739 - 2F, 3M; HB 769 - 2F, 3M; SB 156 - 4M, 1U.

Representative Jonkiert moved to recess to the call of the Chair at 5:47 p.m.

### 16th LEGISLATIVE DAY - 2nd Session

March 22, 1978

The Speaker called the House to order at 2:00 p.m.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by Representative J. Edward Morris of the 34th District.

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

The Chief Clerk called the roll.

Members present: 38.

Members absent: Representatives T. Brady, Connor, Matushefske - 3.

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

The Speaker introduced Miss Debbie Skinner, State President of FHA/HERO, Christiana High School, Newark School District.

The Speaker granted the privilege of the floor to Miss Skinner on behalf of the Student Vocational Education Organizations. Representatives from each of the Vocational Organizations, AIASA, DECA, FFA, OEA, VICA and FHA/HERO, presented Easter lilies to the members of the House.

## Communications:

The Senate wishes to inform the House that it has passed  
SB 150; SB 107; SB 497; HB 684; HB 774; SB 370; HB 316 w/SA 1;  
SB 453 w/SA 1; SB 441 w/SA 1.

The following bills have been reassigned to committee:

HB 267 - Education Committee

HB 630 - Labor Committee

HB 631 - Labor Committee

Representative Minner introduced and brought HCR 78 before the House for consideration.

HCR 78 - Requesting a Meeting of State and County Agencies to Develop the Concept of a "One-Stop" Shopping Center for State and County Permits.

HCR 78 was adopted by voice vote and sent to the Senate for concurrence.

Representative Clendaniel introduced and brought HCR 79, co-sponsored by Senator Adams, before the House for consideration.

HCR 79 - Expressing the Sorrow of the Members of the 129th General Assembly on the Unfortunate Accident that Befell Rodder Purnell While Participating in a Wrestling Tournament, and Extending to Him a Speedy Recovery.

HCR 79 was adopted by voice vote.

Representative Gordy introduced HB 798, co-sponsored by Senator Martin.

HB 798 - An Act to Amend Chapter 45, Title 21, Delaware Code, Relating to Police Officers' Authority to Weigh Certain Vehicles. (2/3 bill)

Mr. Speaker assigned HB 798 to the Public Safety Committee.

The following prefiled legislation was introduced:

HB 793 - RIDDAGH - JUDICIARY: An Act to Amend Title 10, Title 11 and Title 29 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for a Delaware Determinate Sentencing Act.

HB 794 - LYNCH, BURRIS, SENATORS MCCULLOUGH, HALE - EDUCATION: An Act to Amend Chapter 53, Title 14 of the Delaware Code, Relating to Summer School for Teachers.

HB 795 - AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code Relating to Landlord Obligations and Tenant Remedies.

HB 796 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code Relating to Casualty Insurance Contracts; and Providing a Limitation on Premium Increases and Policy Cancellations.

HB 797 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Title 18 of the Delaware Code, Providing for a Delaware Governmental Immunity Act.

HA 1 to HB 586 - MAXWELL - Placed with the bill.

HA 2 to HB 586 - MAXWELL - Placed with the bill.

HA 1 to HB 736 - MINNER - Placed with the bill.

SB 370 - MARTIN, HALE - EDUCATION: An Act Authorizing the State Board of Education to Increase the Reimbursement for School Bus Aides for FY 77 for Contractors Reimbursed Under the State Board of Education School Bus Contractor Formula.

SB 441 w/SA 1 - CORDREY, REPRESENTATIVES BENNETT, VERNON - HOUSE ADMINISTRATION: An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, By Changing the Method of Computation and by Increasing the Rates for the Pilotage if Certain Vessels.

SB 453 w/SA 1 - ADAMS - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Division of Fish and Wildlife of the Department of Natural Resources and Environmental Control for the Purpose of Installing Three Security Lights at the Cedar Creek Public Boat Ramp Located on the East Side of County Road 203 Between Slaughter's Beach and the Mispillion Light House.

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

The House was called to order at 4:30 p.m.

Representative Plant introduced HB 799.

HB 799 - An Act to Name the New Delaware State Building at 820 North French Street in Wilmington, the Herman M. Holloway Senior State Office Building.

Mr. Speaker assigned HB 799 to the House Administration Committee.

Representative George introduced HB 800, co-sponsored by Representatives Jonkiert, Johnson, Plant, Rispoli, and Senators Holloway, McDowell and Schlör.

HB 800 - An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Department of Transportation and to the City of Wilmington. (3/4 bill)

Mr. Speaker assigned HB 800 to the Appropriations Committee.

Representative Jonkiert introduced and brought SCR 85, sponsored by Senator McDowell, before the House for consideration.

SCR 85 - Expressing the Hope of the Members of the 129th General Assembly for a Quick and Complete Recovery from Accident Injuries Suffered by Our Colleague, Representative Thomas E. Brady.

SCR 85 was adopted by voice vote.

Representative Morris brought HB 660 w/HA 1,2 before the House for consideration.

HB 660 - An Act to Amend Chapter 13, Title 10, Delaware Code, Relating to Certain Fees Received by the Court of Common Pleas.

Representative Morris brought HA 1 before the House for consideration. HA 1 to HB 660 was adopted by voice vote.

Representative Morris brought HA 2 before the House for consideration. HA 2 to HB 660 was adopted by voice vote.

The roll call on HB 660 w/HA 1,2 was taken and revealed:



YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, George, Gilligan, Gordy, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

ABSENT: Representatives T. Brady, Connor, Ferguson, Hebner, Johnson, Jonkiert, Matushefske - 7.

Therefore, having received a constitutional majority, HB 660 w/HA 1,2 was sent to the Senate for concurrence.

Representative Loughney deferred HB 564 and brought SB 345 before the House for consideration.

SB 345 - An Act to Amend Chapter 16, Title 16, Delaware Code, by Adding a New Section 1608 Relating to Enforcement of the Litter Control Law.

The roll call on SB 345 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Hebner, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representative Bennett - 1.

ABSENT: Representatives T. Brady, Connor, Gilligan, Johnson, Jonkiert, Matushefske - 6.

Therefore, having received a constitutional majority, SB 345 was returned to the Senate.

Representative Loughney deferred HB 567 to the end of the Agenda and yielded to Representative Maxwell.

Representative Maxwell brought HJR 52 before the House for consideration.

HJR 52 - Respectfully requesting the Commissioner of the Department of Correction to Institute a Procedure Whereby No Furlough is Granted Except after a Hearing in Which the Victim or Members of His Immediate Family May be Heard.

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

The roll call on HJR 52 was taken and revealed:

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

ABSENT: Representatives Bennett, T. Brady, Connor, Matushefske - 4.

Therefore, having received a constitutional majority, HJR 52 was sent to the Senate for concurrence.

Representative Rispoli deferred HB 239 to the end of the Agenda. Representative Rispoli moved to lift HB 211 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Rispoli brought HA 1 before the House for consideration. HA 1 to HB 211 was adopted by voice vote.

Representative Rispoli brought HA 2 before the House for consideration. Representative Rispoli moved to place HA 2 to HB 211 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George rose on a point of order. Representative Ambrosino requested and was granted the privilege of the floor for House Attorney John Rich.

Representative Rispoli moved to place HB 211 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Rispoli brought HB 551 before the House for consideration.

HB 551 - An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics Liens.

The roll call on HB 551 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Matushefske - 3.

Therefore, having received a constitutional majority, HB 551 was sent to the Senate for concurrence.

Representative Rispoli yielded his place on the Agenda to Representative Jonkiert.

Representative Jonkiert brought HB 783 before the House for consideration.

HB 783 - An Act to Amend Chapter 578, Volume 58, as Amended by Volume 59, Chapter 76, Laws of Delaware, to Extend the Time During Which the State May Borrow Money Under Such Act as Amended for Projects of the Department of Natural Resources and Environmental Control.

The roll call on HB 783 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 33.

ABSENT: Representatives T. Brady, Connor, Matushefske, Oberle, Plant, Rispoli, Roy, Worthen - 8.

Therefore, having received a constitutional majority, of at least three-quarters members of the House, HB 783 was sent to the Senate for concurrence.

Representative Anderson moved to lift HB 625 w/HA 2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson moved to place HB 625 w/HA 2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner moved to lift HB 792 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 792 - An Act to Amend Chapter 69, Title 21, Delaware Code Relating to the Removal of Motor Vehicles, Trailers and Mopeds from Public Highways by Police; and Providing a Supplementary Appropriation Therefor.

Representative Minner introduced and brought HA 1 before the House for consideration.

HA 1 to HB 792 was adopted by voice vote.

The roll call on HB 792 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Burris, Byrd, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Bennett, Cain, Clendaniel, Lynch, Maxwell, McKay - 6.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives T. Brady, Connor, Johnson, Matushefske, Plant - 5.

Therefore, having received a constitutional majority, HB 792 w/HA 1 was sent to the Senate for concurrence.

Representative Worthen deferred HB 681 and yielded to Representative Gordy.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on HJR 55. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gordy brought HJR 55, co-sponsored by Representative Clendaniel, before the House for consideration.

HJR 55 - Requesting President Jimmy Carter and the Delaware Congressional Delegation to Act to Revise the Federal Budget for Fiscal 1979 to Prevent Reductions in Funds Required for the Research and Cooperative Extension Programs at the University of Delaware.

The roll call on HJR 55 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives T. Brady, Connor, Johnson, Matushefske, Plant, Rispoli - 6.

Therefore, having received a constitutional majority, HJR 55 was sent to the Senate for concurrence.

Representative Minner deferred SJR 31 and yielded to Representative George.

Representative George brought SB 376 before the House for consideration.

SB 376 - An Act Making a Supplementary Appropriation

to the Department of Administrative Services for the Purpose of Paying an Employee who Failed to Receive Payment for Overtime Hours Worked.

The roll call on SB 376 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Johnson, Matushefske, Rispoli - 5.

Therefore, having received a constitutional majority, SB 376 was returned to the Senate.

Representative Plant deferred HB 666 until March 23, 1978.

Representative Powell deferred HB 442 to the end of the Agenda and yielded to Representative Sincok.

Representative Sincok moved to suspend the rules for the purpose of acting on HB 791. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Brought brought HB 791 before the House for consideration.

HB 791 - An Act Providing a Supplementary Appropriation to the Department of Transportation, Division of Highways for the Remainder of the Fiscal Year Ending June 30, 1978.

The roll call on HB 791 was taken and revealed:

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

ABSENT: Representatives T. Brady, Connor, Johnson, Matushefske - 4.

Therefore, having received a constitutional majority, HB 791 was sent to the Senate for concurrence.

Representative Bennett introduced and brought HCR 80 before the House for consideration.

HCR 80 - Urging the Delaware Congressional Delegation to Introduce or Support Legislation which Will Permit the Continuation and Establishment of Deferred Compensation Programs.

HCR 80 was adopted by voice vote.

Representative Temple introduced HB 801, co-sponsored by Senator Littleton.

HB 801 - An Act to Amend Volume 60, Chapter 691, Laws of Delaware, Known as the Capital Improvements Act of 1977. (3/4 bill)

Mr. Speaker assigned HB 801 to the Appropriations Committee.

Representative Minner brought HB 316 w/SA 1 before the House for consideration.

HB 316 - An Act to Amend Chapter 67, Title 25 of the Delaware Code, Relating to Agricultural Leases.

The roll call on HB 316 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Billingsley, T. Brady, Connor, Johnson, Kelly, Matushefske - 6.

Therefore, having received a constitutional majority, HB 316 w/SA 1 was sent to the Governor.

Representatives Ambrosino introduced HR 115.

HR 115 - Authorizing Payments to Compensate Members of the House of Representatives Staff for Mileage to and from Legislative Hall.

Mr. Speaker assigned HR 115 to the House Administration Committee.

Representative Jonkiert introduced and brought HR 116, co-sponsored by All Members of the House, before the House for consideration.

HR 116 - Expressing Appreciation to the Vocational Student Organizations in Delaware.

HR 116 was adopted by voice vote.

Representative Sincock requested that the following letter be read into the record.

March 22, 1978

The Honorable John Arnold  
Legislative Hall  
Dover, DE 19901

Dear Senator Arnold:

I wish to inform you that due to a new assignment I am beginning at the du Pont Company, I find it will no longer be possible to devote the proper time required to do what I consider an adequate job on the Desegregation Committee.

Therefore, it is with regret that I submit my resignation.

Sincerely,

Roger Roy

The House recessed for Committee hearings at 6:32 p.m.

The House was called to order at 6:57 p.m.

Committee Reports:

Constitution: HB 556 - 1F, 3M.

Administrative Services: HB 657 - 1F, 3M; HB 670 - 4M;  
HB 752 - 4M; SB 142 - 4F; SB 214 - 4M; SB 337 - 4M.

Banking and Insurance: HB 755 - 1F, 3M; HB 756 - 1F, 3M;  
HB 764 - 1F, 3M; HB 771 - 1F, 3M.

The House recessed to the call of the Chair at 7:00 p.m.

## 17th LEGISLATIVE DAY - 2nd Session

March 23, 1978

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

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m. A prayer was offered by the Reverend Austin L. Brittingham of the Georgetown United Methodist Circuit, Georgetown, Delaware.

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

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives T. Brady, Matushefske - 2.

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

## Communications:

House of Representatives  
of Delaware

Legislative Hall  
Dover, DE 19901

March 23, 1978

Mr. Gerald Kandler, President  
American Civil Liberties Union

1605A Farmers Bank Building  
Wilmington, Delaware 19801

Mr. John C. Landis, Executive Director  
Community Legal Aid Society Inc.

913 Washington Street  
Wilmington, Delaware 19801

Mr. David S. Swayze, Legal Counsel to the Governor  
State Office Building - 820 French Street

Wilmington, Delaware 19801

Mr. Nathaniel R. Jones, General Counsel

NAACP, 1790 Broadway  
New York, New York 10019

## Gentlemen:

There is a widespread rumor that a legislator, or legislators, will soon introduce a bill in the Delaware General Assembly authorizing the Wilmington Housing Authority to deduct rent from welfare payments of Authority tenants.

It is important that I be informed promptly as to whether or not such legislation poses any legal problems, constitutional or otherwise, and if so what the problems are.

It is urgent that you reply as soon as possible.

Sincerely,

Al O. Plant, Representative  
2nd Representative District  
Chairman, Constitution Committee  
Member, NAACP Executive Committee  
2nd Vice President, Black Elected  
Officials Caucus.

The Senate wishes to inform the House that it has passed  
SCR 88; HB 648; HCR 79; SB 194; HCR 78.

Representative W. Brady introduced and brought HCR 81, co-sponsored by Senator McDowell, before the House for consideration.

HCR 81 - Requesting the Delaware Congressional Delegation to Support S. 2761 Which Gives the States Authority over the Dumping of Nuclear Waste.

HCR 81 was adopted by voice vote.

Representative Temple introduced and brought HR 117 before the House for consideration.

HR 117 - Life Begins at 40 for Frank B. Calio, Jr.

HR 117 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 802 - RIDDAGH - JUDICIARY: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Sexual Assault.

HB 803 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Expert Witnesses in Health Care Malpractice Insurance and Litigation.

HB 804 - DARLING - JUDICIARY: An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Deposit of Sums of Money by the Prothonotaries of the Respective Counties.

HB 805 - GORDY, CLENDANIEL - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter II, Chapter 1, Title 26, Delaware Code, Relating to Jurisdiction of the Public Service Commission.

HB 806 - CONNOR - HOUSE ADMINISTRATION: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to the Periodic Review and Termination of Certain State Agencies; and Providing for a Delaware Sunset Act.

HA 1 to HB 477 - HEBNER - Placed with the bill.

HJR 56 - WORTHEN - EDUCATION: Directing the State Board of Education and the State Department of Public Instruction in Cooperation with the University of Delaware and the Delaware State College to Prepare an Appropriate Certificate for a Human Relations Specialist to Work in Delaware Public Schools.

SB 107 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21 of the Delaware Code Prohibiting Certain Mechanical Alterations of Motor Vehicles and Setting Penalties Therefore. (2/3 bill)

SB 150 - HOLLOWAY - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 43, Subchapter IV, Title 21, Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

Representative Gordy moved to recess for caucus at 2:11 p.m.

The House was called to order at 3:41 p.m.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on HB 807. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought HB 807, co-sponsored by Representative Sincock, before the House for consideration.

HB 807 - An Act to Amend Chapter 271, Volume 60, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to Be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to Be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts". (3/4 bill)

The roll call on HB 807 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Billingsley - 1.

ABSENT: Representatives T. Brady, Connor, Loughney, Matushefske, Miller - 5.

Therefore, having received a constitutional majority of at least 3/4 members of the House, HB 807 was sent to the Senate for concurrence.

Representative Gilligan introduced and brought SCR 88, sponsored by Senator Holloway, before the House for consideration.

SCR 88 - Extending the Date on Which the Advisory Committee to Study Alternatives for Regulating the Use of Marijuana Shall Report its Findings and Make Its Recommendations.

SCR 88 was adopted by voice vote.

Representative Gilligan announced that SR 92 had come over from the Senate requesting that SS 2 for SB 143 w/SA 1,2 be returned to the Senate.

SR 92 was adopted by voice vote and SS 2 for SB 143 w/SA 1,2 was returned to the Senate.

Representative Darling introduced and brought SCR 87, co-sponsored by Senator McDowell and Representative Darling, before the House for consideration.

SCR 87 - Relating to the National Conference of State Legislatures' Geothermal Policy Project.

SCR 87 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 82, cosponsored by Senator Adams, before the House for consideration.

HCR 82 - Congratulating Mabel Wilkins Lambden, of Georgetown, on her Selection as Delaware Mother of the Year.

HCR 82 was adopted by voice vote.

Representative Darling moved to suspend the rules for the purpose of introducing and acting on HB 808. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling brought HB 808 before the House for consideration.



HB 808 - An Act Authorizing a Supplemental Appropriation to the Department of Correction for the Fiscal Year Ending June 30, 1978, to Construct and Staff Inmate Housing at Sussex Correctional Institution.

Representative Darling moved that the fiscal note requirement be waived for HB 808. The motion was seconded by Representative Gordy and adopted by voice vote.

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

Representative Darling moved to place HB 808 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to suspend the rules for the purpose of introducing and acting on SB 497. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett brought SB 497, co-sponsored by Senator Zimmerman and Representatives Bennett, Miller and Darling, before the House for consideration.

SB 497 - An Act to Permit the Capital School District to Transfer Certain Funds from its Minor Capital Improvements Account to its Operating Account.

The roll call on SB 497 was taken and revealed:

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

NO: Representative Loughney - 1.

ABSENT: Representatives T. Brady, Connor, Matushefske, Miller - 4.

Therefore, having received a constitutional majority, SB 497 was returned to the Senate.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on HB 809. The motion was seconded by Representative Temple and adopted by voice vote.

Representative Gordy brought HB 809, co-sponsored by Representative Temple and Senator Littleton, before the House for consideration.

HB 809 - An Act to Amend Chapter 21, Title 23, Delaware Code, Relating to Nonstate Agency Locations for the Registration of Motorboats.

Representative Gordy moved to placed HB 809 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Darling moved to lift HB 808 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

HB 808 - An Act Authorizing a Supplemental Appropriation to the Department of Correction for the Fiscal Year Ending June 30, 1978, to Construct and Staff Inmate Housing at Sussex Correctional Institution.

Representative Ambrosino requested and was granted the privilege of the floor for James T. Vaughn, Commissioner of Corrections.

The House recessed at 4:37 p.m. while the audio tape was changed and reconvened at 4:40 p.m.

Representative Gordy rose on a point of order.

Mr. Acting Speaker Gilligan concurred with Representative Gordy.

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

Representative McKay moved to place HB 808 on the Speaker's table. The motion was seconded by Representative Burris and defeated by voice vote.

Representative Gordy moved to place HB 808 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Billingsley, Burris, Clendaniel, Gordy, Johnson, Lynch, Maxwell, McKay, Ridings, Temple, Mr. Acting Speaker Gilligan - 12.

NO: Representatives Ambrosino, Bennett, Boulden, W. Brady, Cain, Connor, Darling, Ferguson, George, Hebner, Kelly, Loughney, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Vernon, Worthen - 23.

ABSENT: Representatives T. Brady, Byrd, Jonkiert, Matushefske, Miller, Minner - 6.

Therefore, not having received a constitutional majority, the motion was defeated and HB 808 remained before the House.

The roll call on HB 808 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Kelly, Maxwell, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Vernon, Worthen - 25.

NO: Representatives Burris, Clendaniel, Gordy, Hebner, Johnson, Loughney, Lynch, Plant, Smith, Temple, Mr. Acting Speaker Gilligan - 11.

ABSENT: Representatives T. Brady, Jonkiert, Matushefske, Miller, Minner - 5.

Therefore, having received a constitutional majority, HB 808 was sent to the Senate for concurrence.

HA 3 to HB 625 was introduced by Representative Anderson and placed with the bill.

Representative Ridings moved to suspend the rules for the purpose of acting on HB 704.

Representative Byrd moved for a caucus at 5:10 p.m. The motion was seconded by Representative Gordy and adopted by voice vote.

The House was called to order at 5:25 p.m.

Representative Gordy moved to table the motion to suspend the rules for the purpose of acting on HB 704.

The roll call on the motion was taken and revealed:

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

Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Minner, Oberle, Plant, Powell, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Ambrosino, Billingsley, Burris, Connor, Hebner, McKay, Morris, Riddagh, Ridings, Sincock, Smith, Vernon - 12.

ABSENT: Representatives T. Brady, Matushefske, Miller - 3.

Therefore, having received a constitutional majority, the motion passed and the motion to suspend the rules was placed on the Speaker's table.

Representative Jonkiert moved to recommit HB 399 to the Public Safety Committee. The motion was seconded by Representative Gordy and adopted by voice vote.

The House recessed to the call of the Chair at 5:35 p.m.

#### 18th LEGISLATIVE DAY - 2nd Session

April 11, 1978

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

Committee Report:

Administrative Services: HB 753 - 1F, 3M.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the previous legislative day. The House reconvened at 2:09 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Morris - 1.

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

Communications:

March 30, 1978

To the Delaware House of Representatives  
129th General Assembly  
of the State of Delaware

On March 21, 1978, I received House Joint Resolution No. 48, entitled:

"Requesting the Delaware Congressional Delegation to Work for Relocation of the Dover Classification Yard to Delmar."

I am certainly in favor of having the Conrail classification yard removed from the present Dover site due to the aggravating noise levels and the potential safety threat of hazardous cargo. Further, I am sensitive to the desire of Delmar to have the Conrail operations returned to that town and would certainly urge the Congressional delegation to pursue vigorously any possibility of having Delmar selected as the new location.

However, HJR 48 directs the Congressional delegation to work against locating the operations at any other site. In the interest of providing the Delmarva peninsula with the best possible rail service, I believe we should not, as a matter of state policy, foreclose other potential locations in the area. Because the policy enunciated by HJR 48 would diminish our options and possibly foreclose the most feasible and economic solution to the present problem, I am returning it without my signature.

Respectfully submitted,

Pierre S. du Pont, Governor

March 28, 1978

LEGISLATIVE ADVISORY #37

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated:

3/27/78 - SB 475; HB 460. 3/28/78 - HB 791.  
- - - - -

March 31, 1978

LEGISLATIVE ADVISORY #38

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on 3/29/78: HB 747; SB 482; SB 483; SB 485; HB 684; HB 774; SB 491; HB 648; SB 376; SB 345; HB 316 w/SA 1; SB 497; HB 624.

The Governor vetoed the following legislation on the dates indicated: 3/29/78 - SJR 36. 3/30/78 - HJR 48.  
- - - - -

Representative Ferguson introduced and brought HR 118, co-sponsored by Representative Oberle, before the House for consideration.

HR 118 - Expressing Condolences of the House of Representatives to the Widow and Friends of Irving H. Brinton.

HR 118 was adopted by voice vote.

Representative Loughney introduced and brought HR 119 before the House for consideration.

HR 119 - Requesting the County Council of New Castle County to Use Fiscal Notes to Explain and Provide Background for Resolutions Making Fund Transfers, Appropriations, and other Financial Transactions.

HR 119 was adopted by voice vote.

Representative Jonkiert moved to lift HB 600 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Jonkiert moved to strike HB 600. Without objection, HB 600 was stricken.

The following prefiled legislation was introduced:

HB 810 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax Rate.

HB 811 - KELLY - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 30, Delaware Code, Relating to Retail and Wholesale Merchants' License Fees.

HB 812 - GORDY, FERGUSON, AMBROSINO, SENATORS COOK, KEARNS, HALE - APPROPRIATIONS: An Act to Amend Chapter 191, Volume 61, Laws of Delaware by Awarding Special Pension Benefits, Appropriating Monies to Fund Such Pensions and Directing the Board of Pension Trustees to Administer Payment of Such Pensions as if the Awards Were Pursuant to Chapter 55, Title 29, Delaware Code; Increasing Certain Other Pension Benefits by Amending Chapter 55, Title 29, Section 5532, Delaware Code.

HB 813 - BENNETT - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Community Affairs and Economic Development for Purposes of Providing Financial Support to the Retired Senior Volunteer Program.

HB 814 - GILLIGAN, WORTHEN, BENNETT, LYNCH, FERGUSON - EDUCATION: An Act to Amend Delaware Code, Title 14, as that Title Relates to the Number of Units in a School District and the Method of Calculation of Those Units for Determining State Financial Support to the Public Schools.

HB 815 - LYNCH - EDUCATION: An Act to Permit the State Board of Education to Use Certain Funds in its Public School Transportation Allocation to Make Adjustments to the Pupil Transportation Reimbursement Formulas.

HB 816 - LYNCH - PUBLIC SAFETY: An Act to Amend Chapter 21, Delaware Code, Relating to the Issuance of Special License Plates for Handicapped Persons. (2/3 bill)

HA 3 to HB 211 - RISPOLI, AMBROSINO - Placed with the bill.

HA 1 to HB 678 - JONKIERT - Placed with the bill.

SB 194 - HOLLOWAY - JUDICIARY: An Act to Amend Chapter 55, Title 25, Delaware Code, Relating to Rent Increases.

SB 484 - CICIONE, REPRESENTATIVES GILLIGAN, BYRD, MAXWELL, KELLY - APPROPRIATIONS: An Act to Permit the State Board of Education to Adjust the Allocation Provided in the Budget Act (House Bill 300 of the 129th General Assembly) for Nonpublic School Transportation for Fiscal Year 1978 Using Existing Funds from the Public School Transportation Contingency.

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

The House was called to order at 4:10 p.m.

Representative Byrd introduced HB 817, co-sponsored by Representatives Maxwell, Powell and McKay.

HB 817 - An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Rate of Personal Income Tax.

Mr. Speaker assigned HB 817 to the Revenue and Finance Committee.

Representative George introduced HB 818, co-sponsored by Representatives Gilligan and Sincock and Senators Cicone and Holloway.

HB 818 - An Act Authorizing the Department of Health and Social Services to Transfer Funds Between all Lines and Divisions.

Representative Gordy moved to lift HB 809 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

HB 809 - An Act to Amend Chapter 21, Title 23, Delaware Code Relating to Nonstate Agency Locations for the Registration of Motorboats.

The roll call on HB 809 was taken and revealed:

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

ABSENT: Representatives Morris, Ridings, Worthen - 3.

Therefore, having received a constitutional majority, HB 809 was sent to the Senate for concurrence.

Representative Vernon introduced and brought HR 120, co-sponsored by Representative Lynch before the House for consideration.

HR 120 - In Observance of the Memory of George W. Mitchell, A Former Member of the Delaware House of Representatives.

WHEREAS, George W. Mitchell was born January 26, 1886, and died on the date of his birth 92 years later, on January 26, 1978; and

WHEREAS, George W. Mitchell was for 15 years Postmaster of the Town of Ocean View, where he also operated a general store at Parson's Corner during the early years of the century, and

WHEREAS, George W. Mitchell was a member of the school board of the former Lord Baltimore (Ocean View) School District for 20 years, prior to his election to the Delaware House of Representatives in 1952 representing Ocean View (Sussex County District No. 7); and

WHEREAS, while a member of the House of Representatives George W. Mitchell sponsored many pieces of legislation, but was proudest of the statute (which still exists unamended) designating special license plates for amateur radio operators ("hams"); and

WHEREAS, George W. Mitchell was employed by the State Highway Department, the Motor Vehicle Department and the Sussex County Department of Elections; and

WHEREAS, George W. Mitchell was a sincere, devout man -- active in church work long before he was elected to be an Elder in the Ocean View Church of Christ in 1924. He remained an Elder in that church for more than fifty years. In addition, he served his Church as a Sunday school teacher for forty years; and

WHEREAS, George W. Mitchell was a Master of the Millville Doric Lodge No. 30 (Masonic) and a past Patron of the Order

of the Eastern Star, Chapter No. 12; and

WHEREAS, George and Maude E. Mitchell had three sons: James, Verdon and Ralph. Upon the death of his first wife, George married the former Gertrude Phillips, who survives him, and

WHEREAS, although George W. Mitchell was a quiet man, his devotion to his family and friends, to his Church and sincere religious convictions, to his community and to his State spoke loudly on his behalf.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 129th General Assembly of the State of Delaware that the sincere sympathy of the members of the House is hereby extended to the widow, to the sons and stepsons, and to the many friends of George W. Mitchell.

BE IT FURTHER RESOLVED that the text of this Resolution be spread upon the pages of the Journal of the House, and that a copy be forwarded to each of the following:

Mrs. Gertrude P. Mitchell of Clarksville, Delaware;  
Ralph Mitchell, James Mitchell and Verdon Mitchell;  
Frank Phillips, of Clarksville, Delaware;  
Mr. and Mrs. Harry R. Mitchell of Ocean View, Delaware;  
Sara P. Fitzgerald of Cedar Neck, Delaware;  
and to the Ocean View Church of Christ.

HR 120 was adopted by voice vote.

Representative Plant moved to lift SB 187 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to table the roll call on SB 187. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Plant brought HB 666 before the House for consideration.

Representative Plant moved to place HB 666 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske brought HB 681 before the House for consideration.

HB 681 - An Act to Amend Chapter 46, Title 29, Delaware Code Relating to Public Defenders and Private Clients.

Representative T. Brady introduced and brought HA 1 to HB 681 before the House for consideration. HA 1 to HB 681 was adopted by voice vote.

The roll call on HB 681 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Plant, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34

NO: Representatives Bennett, Ferguson, Oberle, Rispoli -

ABSENT: Representatives Jonkiert, Morris, Powell - 3.  
Therefore, having received a constitutional majority,  
HB 681 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 683 to the end of the Agenda and brought HB 484 before the House for consideration.

Representative Matushefske moved to table the roll call on HB 484. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch deferred HB 307 to the end of the Agenda and brought HB 556 before the House for consideration.

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

Madam Acting Speaker Worthen ruled that a fiscal note was required for the bill.

Representative Lynch moved to place HB 556 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch deferred HJR 32 to the end of the Agenda and yielded to Representative Temple.

Representative Temple brought HB 708 before the House for consideration.

HB 708 - An Act to Provide a Supplementary Appropriation to the Seaford School System to Compensate Certain Teachers for Previous Under Payments.

Representative Temple requested that the following letter from the Seaford School District be read into the record-

January 18, 1978

Representative Thomas A. Temple  
808 Oak Road  
Seaford, DE 19973

Dear Mr. Temple:

We have recently discovered that we have underpaid two of our employees for the 1976-1977 school year. We are therefore requesting that you assist us by introducing legislation which will provide the necessary funds to pay the state share of salaries and fringe benefits which are due them.

The two individuals and the amount of state funds required are shown below.

SALLY A. HIGGINS - A ten-month Guidance Counselor at Seaford Senior High School was inadvertently paid on the basis of a Master's degree instead of a M+30. The differences in salary and related costs are: \$811.40 SALARY; \$49.09 F.I.C.A. and \$94.12 PENSION - a total of \$954.61.

INA J. UPSHUR - A ten-month teacher/coordinator of Special Education in the district. Ina was inadvertently paid on the basis of a Bachelor's degree instead of a B+30. The differences in salary and related costs are: \$807.50 SALARY; \$48.85 F.I.C.A. and \$93.67 PENSION - a total of \$950.02.

In summary, the total amount of state funds needed is \$1,904.63.



To our knowledge, this is the only instance of such an error ever having occurred in the Seaford School District. We have already revised our procedures, and we believe the change will preclude a reoccurrence of this type of problem.

Your assistance with this matter will be very much appreciated.

Sincerely,

Fred C. Sales, Superintendent

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The roll call on HB 708 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Oberle, Plant, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representative Hebner - 1.

NOT VOTING: Representatives Johnson, Powell, Smith - 3.

ABSENT: Representatives Jonkiert, Matushefske, Morris, Ridings - 4.

Therefore, having received a constitutional majority, HB 708 was sent to the Senate for concurrence.

Representative Gilligan deferred HB 696 to the end of the Agenda and yielded to Representative Cain.

Representative Cain brought HB 264 before the House for consideration.

HB 264 - An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Extension of Time for Filing a State Personal Income Tax Return or Other Required Document.

The roll call on HB 264 was taken and revealed:

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

NO: Representatives Billingsley, Hebner, Smith - 3.

ABSENT: Representatives Morris, Ridings - 2.

Therefore, having received a constitutional majority, HB 264 was sent to the Senate for concurrence.

Representative Matushefske introduced HB 819, co-sponsored by Representatives Jonkiert, Rispoli, Plant, Ambrosino and Powell and Senators Holloway, Knox and Schlor.

HB 819 - An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Jai-Alai.

Mr. Speaker assigned HB 819 to the Constitution Committee.

Representative Matushefske introduced HB 820, co-sponsored by Representative T. Brady and Senators Kearns and McDowell.

HB 820 - An Act to Amend Title 10 and Title 29 of the Delaware Code Relating to Judicial Compensation Including Pension Benefits and Providing a Supplementary Appropriation Therefor.

Mr. Speaker assigned HB 820 to the Appropriations Committee.

Representative Bennett moved to strike HB 759. Without objection, HB 759 was stricken.

Representative Bennett introduced HB 821.

HB 821 - An Act to Amend Chapter 71, Title 16, Delaware Code, to Prohibit the Storage of Hazardous Materials in Tank Cars Near Residential Areas.

Mr. Speaker assigned HB 821 to the Public Safety Committee.

The House recessed for Committee hearings at 5:40 p.m.

The House was called to order at 5:58 p.m.

Committee Reports:

Community Affairs: SB 412 - 5M; SB 411 - 6M.

Education: SB 370 - 4M; HB 814 - 2F, 2M.

Community Affairs: HB 795 - 4F; HB 780 - 1F, 5M;

HB 589 - 2F, 4M.

Judiciary: SB 291 - 4M; HB 786 - 2F, 1M; HB 757 - 4M;

HB 528 - 1F, 3M.

HB 821 was reassigned to the Highways and Transportation Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:03 p.m.

#### 19th LEGISLATIVE DAY - 2nd Session

April 12, 1978

The Speaker called the House to order at 1:58 p.m.

The Majority Whip moved to adjourn at 1:59 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m. A prayer was offered by the Reverend Wayne Dippold, Turning Point Ranch for Boys, Newark, Delaware.

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

The Acting Chief Clerk, Anne Fitzgerald, called the roll.  
Members present: 41.

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

Communications:

The Senate wishes to inform the House that it has passed SS 1 for SB 494; SB 460; SB 368; SB 455 w/SA 1; HB 807; SCR 89; SB 472.

Representative Plant introduced and brought HCR 83, co-sponsored by Representatives Johnson, Temple, Rispoli and Senators Holloway, Cicione, McDowell, and Schlör, before the House for consideration.

HCR 83 - Commending Madison H. Evans, Jr., a Dedicated Public Servant, and Urging the Governor to Reappoint Him to the State Personnel Commission.

Representative Plant requested that the following letter be read into the record:

April 10, 1978

Governor Pierre S. du Pont, IV  
State Office Building  
9th & French Street  
12th Floor  
Wilmington, Delaware 19801

Dear Governor:

Due to criticism I am receiving from friends, fellow Republicans and others who believe that Madison H. Evans, also a fellow Republican, is performing a grand job as Chairman of the State Personnel Commission, I have decided to ask you to withdraw my nomination for membership on the State Personnel Commission.

I am sorry this decision had to be made at this late date, but I now feel that sufficient information from all points of view was not available to me earlier for the most intelligent decision to have been made.

Very truly yours,

Mr. Ruffin N. Noisette

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The roll call on HCR 83 was taken.

Representative Jonkiert moved to table the roll call. The motion was seconded by Representative Matushefske and adopted by voice vote.

The following prefiled legislation was introduced:

HB 822 - MINNER - REVENUE & FINANCE: An Act to Amend Chapter 23, Title 30, Delaware Code Relating to Exemptions from the Gross Receipts tax for Certain Professions.

HB 823 - W. BRADY - JUDICIARY: An Act to Amend Chapter 14, Title 25, Delaware Code, Relating to Timber Trespass.

HB 824 - W. BRADY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Installation of Traffic Signal Control Equipment.

HB 825 - PLANT, JOHNSON, SENATOR HOLLOWAY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to Community Services, Inc. for the Youth Crisis Center of the Union Baptist Church of Wilmington, Delaware. (3/4 bill)

HB 826 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Prohibiting Advance Payments.

HB 827 - MAXWELL, RISPOLI, AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code Relating to Landlord Obligations and Tenant Remedies; and Providing that a Minimum Amount of Heat be Supplied to Tenants Under Certain Circumstances.

HB 828 - MINNER - JUDICIARY: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to the Collection of Inheritance Taxes and Estate Taxes Upon the Estate of Any Decedent After the Expiration of 20 Years from the Decedent's Date of Death.

HB 829 - CONNOR - BANKING & INSURANCE: An Act to Amend Title 18 of the Delaware Code Relating to Health Service Corporations; and Providing Mandatory Coverage for Substance Abuse Treatment.

HB 830 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code Relating to Rates Charged by Public Utilities; and Amending Certain Procedures of the Public Service Commission.

HB 831 - DARLING, SENATOR COOK - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in Prior Fiscal Years.

HB 832 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter I, Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission.

HA 1 to HB 698 - MINNER - Placed with the bill.

HA 1 to HA 1 to HB 701 - W. BRADY - Placed with the bill.

HA 1 to HB 704 - BENNETT - Placed with the bill.

HA 1 to SB 142 - BENNETT, MAXWELL, MCKAY, SINCOCK - Placed with the bill.

SB 368 - MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 46, Title 31, Delaware Code, Relating to Repeal of the Mobile Home Safety Act.

SB 455 w/SA 1 - MURPHY, SCHLOR, REPRESENTATIVE MATUSHEFSKE: APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Justice of the Peace Courts for the Purpose of Correcting a Salary Underpayment.

SB 460 - MURPHY, SCHLOR, REPRESENTATIVE MATUSHEFSKE - APPROPRIATIONS: An Act Providing a Supplementary Appropriation to the Justice of the Peace Courts for the Purpose of Creating Two New Chief Clerk Positions.

SS 1 for SB 494 - ADAMS, HALE, REPRESENTATIVE CLENDANIEL - EDUCATION: An Act to Amend Section 1056, Title 14 of the Delaware Code Relating to the Disposition of Fees for the Use of School Property, Facilities and Equipment not in Use for Educational Purposes.

Representative Jonkiert moved to recess for party caucus at 2:18 p.m.

The House was called to order at 4:50 p.m.

Representative Plant moved to lift the roll call on HCR 83. The motion was seconded by Representative Gordy and adopted by voice vote.

HCR 83 - Commending Madison H. Evans, Jr., a Dedicated Public Servant, and Urging the Governor to Reappoint him to the State Personnel Commission.

The roll call on HCR 83 was taken and revealed:

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

NO: Representatives Bennett, Connor, Darling, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 13

NOT VOTING: Representatives Ambrosino, Billingsley, Minner - 3.

ABSENT: Representative Burris - 1.

Therefore, having received a constitutional majority, HCR 83 was sent to the Senate for concurrence.

Representative Lynch introduced and brought SR 109 sponsored by Senator Martin, before the House for consideration.

SR 109 - Requesting the House of Representatives to Return Senate Bill No. 334 to the Senate.

SR 109 was adopted by voice vote.

Representative Lynch moved to lift SB 334 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Therefore, in compliance with SR 109, SB 334 was returned to the Senate.

Representative Jonkiert yielded to Representative Bennett.

Representative Bennett brought SB 142 w/SA 2, HA 1 before the House for consideration.

SB 142 - An Act to Amend Chapter I, Subchapter III, Title 26, Delaware Code Relating to Rate Changes of Public Utilities.

Representative Ambrosino requested and was granted the privilege of the floor for Mr. John Kell from Artesian Water Company.

The roll call on HA 1 to SB 142 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Ambrosino, Anderson, Connor, Gilligan, Hebner, Loughney, Smith - 7.

Therefore, having received a constitutional majority, HA 1 was adopted.

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

Representative Connor introduced and brought HA 2, co-sponsored by Representative Ambrosino, before the House for consideration.

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

The roll call on HA 2 to SB 142 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, Connor, Gilligan, Hebner, Loughney, Miller, Oberle, Riddagh, Smith - 11.

NO: Representatives Bennett, Billingsley, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gordy, Johnson, Kelly, Lynch, Matushefske, Maxwell, Minner, Morris, Powell, Ridings, Roy, Sincock, Temple, Vernon, Worthen, Mr. Acting Speaker Cain - 24.

ABSENT: Representatives Boulden, George, Jonkiert, McKay, Plant, Rispoli - 6.

Therefore, not having received a constitutional majority, HA 2 to SB 142 was defeated.

Representative Ambrosino requested and was granted the privilege of the floor for Senator Murphy.

Representative Maxwell rose on a point of order.

The roll call on SB 142 w/SA 2 and HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Ridings, Rispoli, Roy, Sincock, Vernon, Worthen, Mr. Acting Speaker Speaker Cain - 30.

NO: Representatives Billingsley, Burris, Hebner, Lynch, Riddagh, Smith, Temple - 7.

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

Therefore, having received a constitutional majority, SB 142 w/SA 2 and HA 1 was returned to the Senate for action on the amendment.

Representative Darling introduced and brought HCR 84, co-sponsored by Representative Minner and Senators Adams and Murphy, before the House for consideration.

HCR 84 - Requesting the Secretary of Public Safety and the Director of the Division of Boiler Safety, to Review the Act, Rules, and Regulations for Boilers, Pressure Vessels, and Nuclear Installations Manual, Dated July 1, 1977, Tenth Edition.

HCR 84 was adopted by voice vote and sent to the Senate for concurrence.

Representative Matushefske moved to strike HB 820. Without objection, HB 820 was stricken.

Representative Matushefske introduced HB 833, co-sponsored by Representative T. Brady and Senators Kearns and McDowell.

HB 833 - An Act to Amend Title 10 and Title 29 of the Delaware Code Relating to Judicial Compensation Including Pension Benefits and Make an Appropriation Therefore.

Mr. Acting Speaker Cain placed HB 833 in the Judiciary Committee.

Representative Rispoli introduced HB 834.

HB 834 - An Act to Provide a Supplementary Appropriation to the Department of Community Affairs and Economic Development for Rental Payments for Certain Agencies of the Department.

Mr. Acting Speaker Cain assigned HB 834 to the Community Affairs Committee.

Representative Rispoli introduced and brought HR 121, co-sponsored by Representative Plant, before the House for consideration.

HR 121 - Congratulating Shawn M. Howell and David Allen Snow upon their Selection as 1978 Teenagers of the Year by the Wilmington Lions Club.

HR 121 was adopted by voice vote.

Representative Ambrosino introduced and brought HCR 85, co-sponsored by Senators Berndt and Hughes, before the House for consideration.

HCR 85 - Congratulating the Delaware Winners of the 1978 "Ability Counts" Survey Contest; and Directing the Governor to Arrange an Appropriate Ceremony Recognizing the Delaware Winners.

HCR 85 was adopted by voice vote and sent to the Senate for concurrence.

Representative Vernon introduced HB 835, co-sponsored by Representative Minner and Senator Cordrey.

HB 835 - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Passengers Riding in Towed Vehicles.

Mr. Acting Speaker Cain assigned HB 835 to the Public Safety Committee.

Representative Miller introduced and brought HCR 86, co-sponsored by Representatives Bennett, Minner, Morris, Darling, Riddagh, Burris and Senators Cook, Zimmerman and Murphy, before the House for consideration.

HCR 86 - Commending Richard A. Haber for 27 years of Outstanding Service to the State of Delaware.

HCR 86 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert moved to recess to the call of the Chair at 6:44 p.m.

## 20th LEGISLATIVE DAY - 2nd Session

April 13, 1978

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

Committee Reports:

Revenue & Finance: HB 811 - 4M.

House Administration: HB 610 - 2M, 1U; SB 441 - 5M.

Judiciary: SS1 for SB 223 - 1F, 4M.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by the Reverend Donald J. Hurst from the Christiana and Salem United Methodist Churches, Christiana, Delaware.

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

The Chief Clerk called the roll:

Members present: 41.

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

Communications:

April 11, 1978

LEGISLATIVE ADVISORY #39

FROM: Office of Counsel to the Governor

The Governor approved the following legislation on the dates indicated: 3/29/78: SB 243 w/HA 1. 4/7/78: HB 529. 4/8/78: HB 792 a/a/b HA 1.

The Senate wishes to inform the House that it has passed  
SB 406 w/SA 1; SB 405; SB 431; HB 646.

Representative Cain moved to suspend the rules for the purpose of introducing and acting on HJR 57. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Cain brought HJR 57, co-sponsored by Senator Sharp, before the House for consideration.

HJR 57 - Directing School Boards and School Administrators in New Castle County Who Have Suspended Students Who Participated in Anti-Busing Rallies to Lift Such Suspensions, and to Restore Normal School Conditions.

Representative Cain moved to place HJR 57 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson introduced and brought HCR 87, co-sponsored by Representatives Gilligan and Kelly, before the House for consideration.

HCR 87 - Providing for the Appointment of a Committee to Study the Feasibility of Converting the Wilmington General Division Facility into a Residential Building for Senior Citizens

The roll call on HCR 87 was taken and revealed:

YES: Representatives Anderson, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representative T. Brady - 1.

NOT VOTING: Representatives Bennett, Johnson - 2.

ABSENT: Representatives Ambrosino, Billingsley, Burris, George, Matushefske, Minner - 6.

Therefore, having received a constitutional majority, HCR 87 was sent to the Senate for concurrence.

Representative Gordy introduced HB 842, co-sponsored by Representatives Powell, Sincok and Byrd.

HB 842 - An Act to Amend Chapter 16 of Title 16 of the Delaware Code Relating to the Control of Litter.

Mr. Speaker assigned HB 842 to the Labor and Commerce Committee.

Representative Anderson introduced HB 843.

HB 843 - An Act to Amend Subchapter I, Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission.

Mr. Speaker assigned HB 843 to the Administrative Services Committee.

Representative Ambrosino introduced Miss Laurie Reubin Delaware's Junior Miss for 1978.

Representative Bennett introduced HB 844.

HB 844 - An Act Making a Supplemental Appropriation to the Department of Public Instruction for Division II



Enrichment in all School Districts Not Included in the Jurisdiction of the New Castle County Planning Board of Education.

Mr. Speaker assigned HB 844 to the Education Committee.

Representative Ambrosino introduced and brought SCR 91, co-sponsored by Senator Berndt and Representative Ambrosino, before the House for consideration.

SCR 91 - Expressing Congratulations to Laurie Rubin of Mt. Pleasant High School on Being Chosen Junior Miss to Represent Delaware and Extending Best Wishes to Her in the National Junior Miss Competition to be Held in Mobile, Alabama on May 8th.

SCR 91 was adopted by voice vote and returned to the Senate.

The following prefiled legislation was introduced:

HB 836 - RIDDAGH, MATUSHEFSKE - JUDICIARY: An Act to Amend Part VII, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Increasing the Jurisdiction and Powers of Justices of the Peace.

HB 837 - RIDDAGH, MORRIS - JUDICIARY: An Act to Amend Chapter 41, Part II, Title 11 of the Delaware Code Relating to Criminal Procedures; and Providing Restitution for Damages Sustained by Victims of Crimes.

HB 838 - CAIN, POWELL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Non-Disclosure of Income Tax Return Information. (2/3 bill)

HB 839 - CAIN, POWELL - REVENUE & FINANCE: An Act to Amend Section 1903, Chapter 19, Title 30, Delaware Code, Relating to the Computation of Taxable Income for Purposes of the Corporation Income Tax.

HB 840 - CAIN, POWELL - REVENUE & FINANCE: An Act to Amend Section 1106, Chapter 11, Title 30, Delaware Code, Relating to Modifications to Federal Adjusted Gross Income.

HB 841 - KELLY, JONKIERT, BYRD, CAIN, MAXWELL, LOUGHNEY, RISPOLI, FERGUSON, MORRIS, AMBROSINO, SENATORS CICIONE, SHARP - AGING: An Act to Amend Title 16 and Title 31 of the Delaware Code Relating to the Rights of Patients in Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related State Institutions.

HA 1 to HB 303 - WORTHEN - Placed with the bill.

HA 2 to HB 704 - AMBROSINO - Placed with the bill.

HA 1 to SB 138 - MORRIS, FERGUSON - Placed with the bill.

HA 2 to SB 138 - MORRIS, FERGUSON - Placed with the bill.

HA 1 to SB 194 - MINNER - Placed with the bill.

SB 406 w/SA 1 - CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Finance for Payment of Claims Relating to "Veterans' Military Pay" for Certain Persons.

SB 431 - SHARP - APPROPRIATIONS: An Act to Reimburse Raymond W. Anderson, Former Superintendent of the Delaware Correctional Center, Certain Amounts Paid By Him to Certain Persons Known as the "Smyrna Five".

SB 472 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to

Amend Chapter 79, Title 29, Delaware Code, Relating to the Establishment of a Division for the Visually Impaired Under the Department of Health and Social Services.

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

The House was called to order at 3:50 p.m.

Representative Jonkiert introduced and brought HCR 88, co-sponsored by Representatives Boulden, Gordy, McKay and Sincok, before the House for consideration.

HCR 88 - Commending Professional Secretaries for their Contributions to our Society and Designating the Week of April 24-30 as Secretaries' Week.

HCR 88 was adopted by voice vote.

Representative Ferguson moved to suspend the rules for the purpose of introducing and acting on SB 405. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought SB 405, sponsored by Senator McCullough, before the House for consideration.

SB 405 - An Act Making a Supplementary Appropriation to the City of New Castle.

The roll call on SB 405 was taken and revealed:

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

NO: Representatives Bennett, Johnson - 2.

ABSENT: Representatives Burris, Cain, Maxwell, Powell - 4.

Therefore, having received a constitutional majority SB 405 was returned to the Senate.

Representative Worthen moved to suspend the rules for the purpose of introducing and acting on HB 845.

Representative Worthen brought HB 845, co-sponsored by Representatives Lynch, Oberle, Roy, Powell and Hebner, before the House for consideration.

HB 845 - An Act to Amend Chapter 1, Title 14, Delaware Code, by Providing for a Statewide Educational Testing Program in the Public Elementary and Secondary Schools and Making a Supplemental Appropriation Therefor.

Representative Sincok moved to waive the fiscal note requirement. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Worthen requested and was granted the privilege of the floor for Ms. Janet Wahl from the Department of Public Instruction.

The house recessed at 4:16 p.m. to change the audio tape and reconvened at 4:18 p.m.

Representative Worthen moved to place HB 845 on the

Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Plant introduced and brought HCR 89, co-sponsored by Representatives Temple, Rispoli, Johnson and Senators Holloway, Cicione, McDowell and Schlor, before the House for consideration.

HCR 89 - Commending Madison H. Evans, Jr., for Outstanding Service to his Community and the State of Delaware.

HCR 89 was adopted by voice vote.

Representative Lynch moved to lift HB 97 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Lynch moved to strike HB 97. Without objection, HB 97 was stricken.

Representative Plant brought HJR 45 before the House for consideration.

HJR 45 - Requesting the Secretary of Health and Social Services and the Secretary of Labor to Exert Strenuous and Zealous Efforts Toward the Goal of Finding Employment for Recipients of Welfare.

The roll call on HJR 45 was taken and revealed:

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

NO: Representative Ridings - 1.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives George, Minner - 2.

Therefore, having received a constitutional majority HJR 45 was sent to the Senate for concurrence.

Representative Byrd introduced HR 122.

HR 122 - Demonstrating Support for Continued Stability in Economic Growth of the State of Delaware, Which Serves the Interests of all Delawareans.

Mr. Speaker assigned HR 122 to the Labor and Commerce Committee.

Representative Maxwell introduced and brought HB 846, co-sponsored by Representatives Lynch, Powell and Senator Berndt, before the House for consideration.

HB 846 - An Act to Amend Part IX, Title 16 of the Delaware Code Relating to Disabled and Partially Disabled Persons; Establishing a Council on Handicapped Persons; and Providing an Appropriation Therefor.

Mr. Speaker assigned HB 846 to the Appropriations Committee.

Representative Smith introduced and brought HCR 90, co-sponsored by Representatives Billingsley, Sincock, Miller and Bennett and Senators Arnold, Weiss, Spence, Knox Hughes, Littleton, Hale and Zimmerman, before the House for consideration.

HCR 90 - Mourning the Death of Edmund H. (Ted) Harvey,

An Outstanding Citizen and Conservationist.

HCR 90 was adopted by voice vote.

Representative Oberle introduced HB 847, co-sponsored by Representatives Connor and Roy.

HB 847 - An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing for Cost-of-Living Pension Supplements.

Mr. Speaker assigned HB 847 to the House Administration Committee.

Representative Matushefske deferred HB 492 to the end of the Agenda and yielded to Representative Gilligan.

Representative Gilligan brought HB 753 before the House for consideration.

Representative Cain requested the privilege of the floor for House Attorney, John Rich.

Representative Gilligan moved to place HB 753 on the Speaker's table. The motion was seconded by Representative Cain.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Ambrosino, T. Brady, Johnson, Kelly, Loughney, Miller, Riddagh - 7.

ABSENT: Representative George - 1.

Therefore, the motion was adopted and HB 753 was placed on the Speaker's table.

Representative Jonkiert moved to recess to the call of the chair at 4:56 p.m.

## 21st LEGISLATIVE DAY - 2nd Session

April 18, 1978

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

The Majority Whip moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:54 p.m. A prayer was offered by the Reverend Wayne Grier from the Trinity United Methodist Church, Harrington, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: T. Brady - 1.

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

Representative Connor requested that the following communication be made a part of the record:

Department of Transportation  
State of Delaware

February 8, 1978

Representative R. T. Connor  
18 Crippen Drive  
Penn Acres  
New Castle, DE 19720

RE: Contract 78-021-06  
Rt. 9, Bridge 290, 6th & Chestnut  
City of New Castle

Dear Rep. Conner:

Please refer to my letter to the Mayor and City Council of the City of New Castle dated February 3, 1978 regarding the status of the replacement of Third Street Bridge No. 289 over Broad Dyke. Bridge 289 at Third Street and Bridge 290 at Sixth and Chestnut Streets both span Broad Dyke and constitute the only northerly access from the City to New Castle Avenue.

With Bridge 289 closed to traffic for replacement, the community is forced to rely exclusively on the integrity of Bridge 290 for access for emergency (fire and ambulatory) services. School buses, DART, DAST, and the general public would be forced to detour to U.S. 13 and Route 141.

Bridge #1-290-378 is a two span I-beam bridge, encased with concrete, carrying Sixth Street, New Castle over Broad Dyke. The bridge was built in 1921 with unreinforced concrete abutments and wingwalls on timber piling. The structure is 43'-6" long and 24'-0" curb to curb (26'-8" out to out) with a 4'-0" footwalk which was added to the West Side at a later date.

The bridge is 56 years old and is showing evidence of deterioration. The concrete beam encasement has spalled from the beams. The sidewalk has deteriorated.

The abutments have cracked and are pushed out of line. The approach roadways have settled repeatedly causing a bump in the roadway surface at the bridge abutments. The north abutment is worse than the south, and in the past four (4) years a vertical crack in the abutment has opened up from two (2) inches to six (6) inches. The crack has resulted in the undermining of the approach roadway and the erosion of fill behind the abutment. Corrective measures of sealing the crack with concrete have not been successful, as undermining and erosion of the approach roadways continues. The south abutment has a vertical crack two (2) inches wide at the west side wingwall which also permits the erosion of the fill behind the abutment. The center concrete pier has deteriorated at the water line.

In October of 1974, the traffic count over this structure was 12,526 vehicles per day.

In 1975 due to the pushing of the abutment walls and the

deterioration of the old structure which was not designed for present loads, the loads across the structure were restricted to 10 tons.

In 1976 from data submitted to the FHWA, this structure was considered to be functionally obsolete on the national bridge inventory and when revisions to the inventory are submitted later this year, this structure will also be structurally deficient.

On our current list of replacement of structures prepared on a statewide basis for all structures, this structure is listed in the top ten and has been given a high priority.

North District maintenance forces have been asked to fill the abutment cracks with concrete as a temporary repair to prevent further roadway settlement and to secure the abutment to prevent further abutment separation. This work should start this Spring.

Funding for preliminary engineering in the amount of \$10,000 has been requested in the Bond Bill for fiscal 78 and funding for construction has been requested for fiscal 79. It is extremely important that Bridge 289 be replaced immediately to place it back in service for City access and for utilization as a detour when Bridge 290 is replaced. Preliminary engineering funding for Bridge 290 replacement design should be approved this fiscal year for subsequent construction to insure unimpeded traffic on Route 9.

Please contact this office at your convenience if additional information is required for these projects.

Very truly yours,

DIVISION OF HIGHWAYS

Robert C. McDowell  
Bridge Engineer

- - - - -

#### Communications:

The Senate wishes to inform the House that it has passed SCR 91; SCR 92; HB 656; HJR 44; SJR 38; HCR 90; SB 503; SB 348; SB 387; HCR 84; HCR 85; HCR 86.

Representative Connor introduced HR 123.

HR 123 - Amending the Rules of the House of Representatives to Allow for a Little "Sunshine" in Caucus Meetings.

Mr. Speaker assigned HR 123 to the House Administration Committee.

Representative W. Brady introduced and brought HR 124 before the House for consideration.

HR 124 - Requesting the Delaware Congressional Delegation to Support S. 2761 which Gives the States Authority Over the Dumping of Nuclear Waste.

HR 124 was adopted by voice vote.

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

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

Representative Worthen moved to lift HB 845 from the

**Speaker's table.** The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen requested and was granted the privilege of the floor for Ms. Janet Wahl from the Department of Public Instruction.

The House recessed for caucus at 4:03 p.m. and reconvened at 4:05 p.m.

Representative Bennett moved to place HB 845 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Ferguson moved to lift HB 361 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to place HA 2 to HB 361 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

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

Representative Ferguson moved to place HB 361 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson moved to suspend the rules for the purpose of introducing and acting on HB 848. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson brought HB 848 before the House for consideration.

HB 848 - An Act to Amend Chapter 86, Title 29, Delaware Code Relating to Allowance of an Abatement of or Discount Upon County Taxes and Penalties for Late Payment.

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

Representative Anderson moved to place HB 848 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch introduced and brought SCR 93, co-sponsored by Senator Cordrey and Representative Lynch, before the House for consideration.

SCR 93 - Congratulating D. Eugene Wilgus, of Selbyville, on His Selection as Small Businessman of the Year for Delaware.

SCR 93 was adopted by voice vote.

Representative Matushefske deferred HB 490 and yielded to Representative Lynch.

Representative Lynch brought SB 370 before the House for consideration.

SB 370 - An Act Authorizing the State Board of Education to Increase the Reimbursement for School Bus Aides for FY77 for Contractors Reimbursed Under the State Board of Education School Bus Contractor Formula.

The roll call on SB 370 was taken and revealed:

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

Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen - 36.

ABSENT: Representatives Boulden, T. Brady, George, Ridings, Rispoli - 5.

Therefore, having received a constitutional majority, SB 370 was returned to the Senate.

Representative W. Brady brought HB 701 w/HA 1, HA 1 to HA 1 before the House for consideration.

Representative W. Brady brought HA 1 before the House for consideration.

The House recessed for caucus at 5:27 p.m. and reconvened at 5:29 p.m.

Mr. Speaker ruled that HB 701 did not need a fiscal note.

HA 1 to HB 701 was adopted by voice vote.

Representative W. Brady brought HA 1 to HA 1 before the House for consideration. HA 1 to HA 1 to HB 701 was adopted by voice vote.

HB 701 - An Act to Amend Chapter 47, Title 7, Delaware Code, Relating to the Use of Snowmobiles.

The roll call on HB 701 w/HA 1, HA 1 to HA 1, was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gordy, Hebner, Johnson, Loughney, Miller, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Billingsley, Burris, Gilligan, Jonkiert, Kelly, Lynch, McKay, Morris, Vernon - 9.

NOT VOTING: Representatives Ferguson, Maxwell, Minner, Smith - 4.

ABSENT: Representatives Anderson, T. Brady, Matushefske, Ridings, Rispoli, Temple - 6.

Therefore, having received a constitutional majority, HB 701 w/HA 1 and HA 1 to HA 1 was sent to the Senate for concurrence.

Representative Gordy deferred HS 1 for HB 320 until April 20, 1978.

Representative Plant introduced and brought HCR 91 before the House for consideration.

HCR 91 - Requesting the Governor, the Attorney General and all Policymaking Elected Officials to Exert Positive and Aggressive Leadership in Facing up to the Many Problems Inherent in the Implementation of the Federal District Court Order to Desegregate New Castle County Schools in September, 1978.

Five people stood to stop debate on HCR 91; therefore, debate on the bill was stopped.

Representative Ferguson moved to place HCR 91 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ambrosino moved to lift HCR 91 from the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:



YES: Representatives Ambrosino, Byrd, Connor, George, Gordy, Johnson, Jonkiert, Miller, Minner, Morris, Plant - 11.

NO: Representatives Cain, Clendaniel, Darling, Ferguson, Gilligan, Kelly, Loughney, Matushefske, Maxwell, Oberle, Roy, Sincok, Vernon, Worthen, Mr. Speaker Boulden - 15.

NOT VOTING: Representatives Bennett, Billingsley, W. Brady, Burris, McKay, Powell, Riddagh, Smith - 8.

ABSENT: Representatives Anderson, T. Brady, Hebner, Lynch, Ridings, Rispoli, Temple - 7.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 91 remained on the Speaker's table.

Representative Matushefske moved to lift the roll call on HB 484. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 484 - An Act to Amend Chapter 53 and Chapter 59, Title 11, Delaware Code, Relating to Preliminary Hearings.

The roll call on HB 484 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Oberle, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Billingsley, T. Brady, Gilligan, Hebner, Johnson, Lynch, Morris, Plant, Ridings - 9.

NOT VOTING: Representative Temple - 1.

Therefore, having received a constitutional majority, HB 484 was sent to the Senate for concurrence.

Representative Oberle introduced and brought HR 125 before the House for consideration.

HR 125 - Expressing Sympathy to the Family of Howard K. Earl upon his Death.

HR 125 was adopted by voice vote.

Representative Matushefske introduced HB 849, co-sponsored by Representatives Matushefske, Riddagh, Jonkiert, Sincok, Loughney, Ridings, Gordy, Powell, Bennett, Hebner, Gilligan, Roy, Morris, Billingsley, Darling, Oberle, Johnson, Connor, Ferguson, McKay, Clendaniel, Burris, Temple, Ambrosino, Anderson, Vernon, Lynch, Maxwell, Miller, Rispoli, Plant, Byrd.

HB 849 - An Act to Provide for a Referendum in the November 1978 General Election on Two Questions, to Wit: (1) Shall the Number of Justices of the Delaware Supreme Court be Increased from Three to Five, and (2) Shall the Justices of the Supreme Court be Elected by the Voters of the State as Their Terms Expire.

Mr. Speaker assigned HB 849 to the Judiciary Committee.

#### Committee Reports:

Appropriations: HB 578 - 7M; HB 639 - 7M; HB 775 - 7M; HB 641 - 7M; HB 719 - 7M; HB 721 - 7M; HB 758 - 1F, 5M, 1U; HB 766 - 7M; HB 768 - 1F, 6M; HB 773 - 7M; HB 776 - 1F, 6M; HB 778 - 1F, 6M; HB 781 - 1F, 6M; HB 818 - 1F, 6M; SB 367 - 6M;

SB 415 - 6M; SB 453 - 7M; SB 484 - 7M.

Public Safety: HB 734 - 5M; HB 782 - 5M; HB 798 - 5M; HB 816 - 5M; HB 835 - 2F, 3M.

Constitution: HB 819 - 1F, 2M, 1U.

Community Affairs - HB 834 - 2F, 4M.

Representative Sincock moved to strike HB 640. Without objection, HB 640 was stricken.

Representative Gordy moved to recess to the call of the chair at 6:12 p.m.

## 22nd LEGISLATIVE DAY - 2nd Session

April 19, 1978

The Speaker called the House to order at 1:45 p.m. The Majority Leader moved to adjourn at 1:46 p.m., thereby ending the previous legislative day. The House reconvened at 1:46 p.m. A prayer was offered by the Reverend Wayne Grier from the Trinity United Methodist Church, Harrington, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative T. Brady - 1.

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

### Communications:

Representative Connor requested that the following letter be read into the record:

Mayor & City Council  
Town Hall  
New Castle, Delaware 19720

April 17, 1978

Representative Robert T. Connor  
18 Crippen Drive  
Penn Acres  
New Castle, DE 19720

Dear Bob:

The third street bridge, which has been closed for two years (?), is a matter of grave concern to the Citizens of New Castle and the neighboring areas. It is also a major inconvenience to the businesses and industries in this area.

The condition of the remaining bridge serving Route 9 is such that a ten ton limit certainly limits its usefulness. This limit prevents fire apparatus from serving portions of our city. In as much as this bridge cannot be repaired until the third street bridge is replaced, it is easy to understand the need for prompt action. The Department of transportation has completed plans for the design of the bridge and it has met the approval of our local agencies. We, therefore, urge the State legislators to take the

appropriate action to restore service on that bridge as soon as possible. We appreciate your efforts in this urgent matter.

Very truly yours,

John F. Klingmeyer, Mayor

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Representative Gordy introduced and brought SCR 89, sponsored by Senator Cordrey, before the House for consideration.

SCR 89 - Requesting President Jimmy Carter to Reconsider His Decision to Approve Introduction of Further Restrictive Federal Firearms Control Legislation.

SCR 89 was adopted by voice vote.

Representative Gordy introduced and brought SCR 92, sponsored by Senator Martin, before the House for consideration.

SCR 92 - Requesting the Members of the Delaware Congressional Delegation to Support HR 2960 Authorizing the Secretary of the Interior to Erect a Monument in Constitution Gardens to the Signers of the Declaration of Independence.

SCR 92 was adopted by voice vote.

Representative Jonkiert introduced and brought SCR 82, sponsored by Senator Hughes, before the House for consideration.

SCR 82 - Requesting the Members of the Delaware Congressional Delegation to Support Senate Joint Resolution 98 which Authorizes the President to Declare May 21, 1978, National Fallen Heroes Day.

SCR 82 was adopted by voice vote.

Representative Bennett moved to strike HJR 54. Without objection, HJR 54 was stricken.

Communications:  
State of Delaware  
Executive Department  
Dover, 19901

April 17, 1978

LEGISLATIVE ADVISORY #40

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/13/78 - SB 405. 4/14/78 - HB 807.  
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The Senate wishes to inform the House that it has passed  
HB 483; HB 687; SB 512; HB 763 w/HA 1; HJR 52; HJR 55;  
SCR 93; SJR 26; HB 449; HB 45; HB 792 w/HA 1; HB 624;  
HCR 82; HB 791; SB 484; HB 529.

The following prefiled legislation was introduced:

HB 850 - KELLY, JONKIERT, GILLIGAN - HOUSE ADMINISTRATION:  
An Act to Amend Chapter 47, Title 7, Delaware Code Relating  
to Park User Fees for Persons 62 Years of Age or Older.

HB 851 - FERGUSON, BILLINGSLEY, GILLIGAN, SMITH, MAXWELL,  
POWELL, BYRD, MCKAY, JONKIERT, RISPOLI, MATUSHEFSKE, OBERLE,

LOUGHNEY, W. BRADY, ROY, KELLY, SENATORS MARTIN, HUGHES, SHARP, BERNDT - COMMUNITY AFFAIRS: An Act to Amend Chapter 19, Subchapter 1, Title 14, Delaware Code, Relating to Collection of Taxes.

HB 852 - WORTHEN - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 68, Title 21 of the Delaware Code Relating to the Enforcement of Controls on Off-Highway Vehicles.

HB 853 - FERGUSON, BILLINGSLEY, GILLIGAN, SMITH, MAXWELL, POWELL, BYRD, MCKAY, JONKIERT, RISPOLI, MATUSHEFSKE, OBERLE, LOUGHNEY, W. BRADY, ROY, KELLY, SENATORS MARTIN, HUGHES, SHARP, BERNDT - COMMUNITY AFFAIRS: An Act to Amend Chapter 86, Title 9, and Chapter 19, Subchapter 1, Title 14, Delaware Code, Relating to Collection of Taxes.

HB 854 - FERGUSON - JUDICIARY: An Act to Amend Chapter 17, Title 15, Delaware Code, Relating to Voter Disqualification Because of a Felony.

HB 855 - GILLIGAN, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Title 24, Delaware Code, Relating to Chiropractic and/or Podiatry.

HB 856 - FERGUSON, GEORGE, GILLIGAN, AMBROSINO, SENATORS CICONI, BERNDT - APPROPRIATIONS: An Act to Amend Chapter 271, Volume 60, Laws of Delaware, Entitled, "An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and To Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefor and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts". (3/4 bill)

HB 857 - MATUSHEFSKE - JUDICIARY: An Act to Amend the Constitution of the State of Delaware to Provide that the Presiding Judge of Each Court Shall be the Administrative Head of that Court. (2/3 bill)

HB 858 - MATUSHEFSKE, BOULDEN - LABOR & COMMERCE: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Liquors in Bowling Alleys on Sundays.

HB 859 - MATUSHEFSKE - JUDICIARY: An Act Agreeing to a Proposed Amendment to Article 4, Section 2 of the Constitution of the State of Delaware Relating to Active Judicial Duty by Retired Judges. (2/3 bill)

HJR 58 - WORTHEN - EDUCATION: Directing the State Superintendent of Public Instruction to Direct the New Castle County Planning Board of Education to Administer the State Certification Rules Concerning Guidance Personnel Without Any Lowering of Standards.

HJR 59 - WORTHEN - EDUCATION: Directing the State Superintendent of Public Instruction to Direct the New Castle County Planning Board of Education to Administer the State Certification Rules Concerning Reading Personnel Without any Lowering of Standards.

HA 15 to HB 77 - ROY - Placed with the bill.

HA 1 to HB 627 - MCKAY - Placed with the bill.

HA 1 to HB 696 - GILLIGAN - Placed with the bill.  
HA 2 to HB 696 - GILLIGAN - Placed with the bill.  
HA 3 to HB 703 - MAXWELL - Placed with the bill.  
HA 3 to HB 704 - GORDY, CLENDANIEL, DARLING, MINNER,  
 MORRIS, TEMPLE, BENNETT, LYNCH, W. BRADY - Placed with the  
 bill.

HA 1 to HB 739 - GORDY - Placed with the bill.  
HA 1 to HB 753 - BENNETT, CAIN - Placed with the bill.  
HA 1 to HB 762 - OBERLE - Placed with the bill.  
HA 2 to HB 762 - OBERLE - Placed with the bill.  
HA 1 to HB 814 - GILLIGAN - Placed with the bill.  
HA 1 to HB 822 - CLENDANIEL - Placed with the bill.

SB 348 - CORDREY - APPROPRIATIONS: An Act Making a  
 Supplemental Appropriation to the Department of Natural  
 Resources and Environmental Control, Division of Soil and  
 Water Conservation, for the Purpose of Dredging the Entrance  
 Channel to Cosy Cove.

SB 387 - ZIMMERMAN - ADMINISTRATIVE SERVICES: An Act to  
 Amend §617, Chapter 6, Title 8 of the Delaware Code Relating  
 to the Naming of Professional Service Corporations.

SB 503 - KEARNS, HOLLOWAY - JUDICIARY: An Act to Amend  
 Chapter 79, Title 29 of the Delaware Code Conferring Limited  
 Police Powers on the Enforcement Officers of the Bureau of  
 Child Support Enforcement.

SB 512 - CORDREY - APPROPRIATIONS: An Act Making a  
 Supplementary Appropriation to the Department of Transportation  
 for the Purpose of Installing Traffic Signal Control Equipment.

SJR 26 - CICIONE, REPRESENTATIVE JONKIERT - HOUSE ADMINISTRATION:  
 Establishing a Delaware Veterans' Advisory Council.

HA 2 to SB 194 - GORDY - Placed with the bill.

Representative Jonkiert moved to recess for caucus  
 at 2:05 p.m.

The House was called to order at 3:08 p.m.

Representative Ferguson moved to suspend the rules for  
 the purpose of acting on HB 856. The motion was seconded  
 by Representative Gordy and adopted by voice vote.

Representative Ferguson brought HB 856 before the House  
 for consideration.

HB 856 - An Act to Amend Chapter 271, Volume 60, Laws of  
 Delaware, Entitled, "An Act Authorizing the State of  
 Delaware to Borrow Money to be Used for Capital Improvements  
 and Expenditures in the Nature of Capital Investments and  
 to Issue Bonds and Notes Therefor and Appropriating the  
 Monies to Various Agencies of the State and to Borrow Money  
 to be Used for the Local Share of School Construction  
 Programs and to Issue Bonds and Notes Therefor and Appropriating  
 the Monies to the State Board of Education on Behalf of Local  
 School Districts".

The roll call on HB 856 was taken and revealed:

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

Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

NO: Representative W. Brady.

ABSENT: Representative T. Brady - 1.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 856 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on SB 543, co-sponsored by Senators Zimmerman and Spence and Representatives Minner, Miller, W. Brady and Riddagh.

Representative Minner brought SB 543 before the House for consideration.

SB 543 - An Act to Amend Title 7 of the Delaware Code Relating to Commercial Eel Fishing. (2/3 bill)

The roll call on SB 543 was taken and revealed:

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

ABSENT: Representatives T. Brady, George, Roy - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 543 was returned to the Senate.

Representative Clendaniel moved to suspend the rules for the purpose of introducing and acting on HB 860. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Clendaniel brought HB 860, co-sponsored by Representatives Clendaniel, W. Brady, Darling, Minner, Burris and Smith and Senators Adams, Cicone, Cordrey, Cook, Littleton and Spence, before the House for consideration.

HB 860 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Established to Conduct a Three-Month Pilot Project on the Concepts of Dynamic Seeding (Weather Modification); and Further Providing a Supplementary Appropriation Therefor.

Representative Clendaniel moved to place HB 860 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to lift HB 137 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to lift the roll call on HA 1 to HB 137. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to rescind the roll call on HA 1. The motion was seconded by Representative Gordy and

adopted by voice vote.

HA 1 to HB 137 was adopted by voice vote.

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

Representative Jonkiert moved to table the roll call on HB 137 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen moved to lift HB 845 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett introduced and brought HA 1, co-sponsored by Representative Oberle, before the House for consideration.

Representative Bennett moved to waive the fiscal note requirement. The motion was seconded by Representative Miller and adopted by voice vote.

Representative Bennett moved to strike HA 1. Without objection, HA 1 was stricken.

Representative Worthen moved to place HB 845 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson moved to lift HB 625 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Anderson moved to strike HB 625. Without objection, HB 625 was stricken.

Representative Anderson moved to lift HB 848 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 848 - An Act to Amend Chapter 86, Title 29, Delaware Code Relating to Allowance of an Abatement of or Discount Upon County Taxes and Penalties for Late Payments.

Representative Anderson brought HA 1 to HB 848 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 848 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Billingsley, Boulden, W. Brady, Byrd, Cain, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 31.

NO: Representatives Ambrosino, Bennett, Burris, Clendaniel, Connor, Minner, Morris - 7.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives T. Brady, Riddagh - 2.

Therefore, having received a constitutional majority, HB 848 w/HA 1 was sent to the Senate for concurrence.

Representative Johnson introduced and brought HCR 92, co-sponsored by Representatives Anderson, Plant, Worthen and Sincock and Senator Holloway, before the House for consideration.

HCR 92 - Commending Lula Mae Nix on Being Appointed Coordinator of the Department of Health, Education and Welfare

Adolescent Pregnancy Initiative Program.

HCR 92 was adopted by voice vote.

Representative Lynch moved to suspend the rules for the purpose of introducing and acting on HB 861. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch brought HB 861 before the House for consideration.

HB 861 - An Act Making a Supplemental Appropriation to the University of Delaware for Use by the Department of Economics to Pay the State's Share of a Contract for Analyzing the Property Tax Base for Public Education.

Representative Sincok rose on a point of order and the Speaker concurred.

Representative Lynch moved to place HB 861 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant deferred HB 602 and brought HB 786 before the House for consideration.

HB 786 was reassigned to the Judiciary Committee.

Representative Miller deferred HJR 50 to the end of the Agenda and yielded to Representative Temple.

Representative Temple brought HB 780 before the House for consideration.

HB 780 - An Act to Amend the Charter of Seaford, Chapter 42, Volume 53, Laws of Delaware, as Amended, to Permit Absentee Voting in Annual Elections.

The roll call on HB 780 was taken and revealed:

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

ABSENT: Representatives T. Brady, Riddagh, Worthen - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 780 was sent to the Senate for concurrence.

Representative Jonkiert moved to lift the roll call on HB 137 w/HA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 137 - An Act to Amend Chapter 100, Title 29, Delaware Code, Relating to the Freedom of Information Act.

The roll call on HB 137 w/HA 1 was taken and revealed:

YES: Representatives Byrd, Clendaniel, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Temple, Vernon, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Connor, Gilligan, Hebner, Maxwell, McKay, Miller, Oberle, Roy, Smith, Worthen - 17.

ABSENT: Representative T. Brady - 1.

Therefore, having received a constitutional majority,



HB 137 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought SB 184 w/HA 1 before the House for consideration.

Representative Oberle moved to strike HA 1 to SB 184. Without objection, HA 1 was stricken.

Representative Bennett moved to table the roll call on SB 184. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan deferred HB 180 and yielded to Representative Rispoli.

Representative Rispoli brought HB 834 before the House for consideration.

HB 834 - An Act to Provide a Supplementary Appropriation to the Department of Community Affairs and Economic Development for Rental Payments for Certain Agencies of the Department.

The roll call on HB 834 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

ABSENT: Representatives T. Brady, Clendaniel, George, Gordy, Matushefske, Miller, Riddagh - 7.

Therefore, having received a constitutional majority, HB 834 was sent to the Senate for concurrence.

Representative Ferguson brought SB 232 before the House for consideration.

Representative Ferguson moved to place SB 232 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson brought SS 1 for SB 253 w/SA 1 before the House for consideration.

Representative Ferguson moved to table the roll call on SS 1 for SB 253 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner deferred HB 698 until April 26, 1978.

Representative Worthen brought HB 659 before the House for consideration.

HB 659 - An Act to Aid the Hockessin Fire Company for the Operation and Maintenance of its New Rescue Truck.

The roll call on HB 659 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives T. Brady, Burris, Hebner, Jonkiert, Powell, Riddagh - 6.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 659 was sent to the Senate for concurrence.

Representative Minner brought HB 688 before the House for consideration.

HB 688 - An Act Making a Supplementary Appropriation to the Office of Highway Safety for the Purpose of Reimbursing an Employee Who Overpaid Health Insurance Coverage Under Blue Cross-Blue Shield.

The roll call on HB 688 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives T. Brady, Burris, Byrd, Ferguson, Hebner, Jonkiert, Powell, Riddagh - 8.

Therefore, having received a constitutional majority, HB 688 was sent to the Senate for concurrence.

Committee Reports:

Judiciary: HB 765 - 4M; HB 786 - 2M, 1U; HB 804 - 4M; HB 823 - 4M.

Education: SS 1 for SB 494 - 1F, 3M.

The House recessed at 4:56 p.m. to the call of the chair.

## 23rd LEGISLATIVE DAY - 2nd Session

April 20, 1978

The Speaker called the House to order at 2:00 p.m.

Committee Report:

Environmental Control: HB 169 - 4M; HB 628 - 4U; HB 629 - 4U; SB 90 - 4M.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by the Reverend Wayne Grier from the Trinity United Methodist Church, Harrington, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

The Senate wishes to inform the House that it has passed SB 502; SB 543; SB 432 w/SA 1; SCR 94.

Representative W. Brady introduced and brought HR 126 before the House for consideration.

HR 126 - Mourning the Death of Louis C. Mandes of Odessa. HR 126 was adopted by voice vote.

Representative Cain introduced HB 869, co-sponsored by Representatives Maxwell and Powell.

HB 869 - An Act to Amend Chapter 51, Title 30, Delaware Code and Volume 61, Chapter 74, Laws of Delaware, Relating to Motor Fuel Taxes and Establishing a Department of Transportation Improvements Fund to be Funded by a Portion of State Motor Fuel Tax Revenues.

Mr. Speaker assigned HB 869 to the Revenue and Finance Committee.

Representative Powell introduced and brought HCR 93, co-sponsored by Representatives Roy, Gilligan, Ferguson, Worthen, Senators Arnold, Sharp, Martin and Knox, before the House for consideration.

HCR 93 - Commending the John Dickinson High School Color Guard and Twirlers on Being Chosen as the 1978 Champions of the Cavalcade Indoor Drill Association on Saturday, April 15, 1978, at North Penn High School in Lansdale, Pennsylvania.

HCR 93 was adopted by voice vote.

Representative McKay introduced and brought HCR 94, co-sponsored by Representatives Gordy, Billingsley, T. Brady, Burris, Darling, Riddagh, Ridings, Vernon and Senators Arnold, Berndt, Hughes, Knox, Littleton, Spence before the House for consideration.

HCR 94 - Urging the President and Congress of the United States to Take Certain Actions to Support the Dollar and to Adopt Policies and Programs to Ensure Industrial, Agricultural, Technological and Economic Progress; and for Other Purposes.

Representative McKay moved to table the roll call on HCR 94. The motion was seconded by Representative Sincock and adopted by voice vote.

The following prefiled legislation was introduced:

HB 862 - RIDDAGH, MATUSHEFSKE, BURRIS, JONKIERT, OBERLE, FERGUSON, AMBROSINO, GILLIGAN, ROY, DARLING, BENNETT, RISPOLI, GORDY, LOUGHNEY, TEMPLE, W. BRADY, LYNCH - APPROPRIATIONS: An Act Authorizing the State of Delaware to Borrow Money and to Issue Bonds and Notes Therefor; and Appropriating the Funds thus Obtained to the Department of Correction, to be Utilized for the Construction, Improvement and Repair of Prison Facilities on the Grounds of the Delaware Correctional Center. (3/4 bill)

HB 863 - FERGUSON, SENATOR KEARNS - COMMUNITY AFFAIRS: An Act to Amend Chapter 29, Title 24, Delaware Code Relating to Real Estate Brokers and Salesmen.

HB 864 - RIDDAGH - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Health and Social Services to Reimburse Persons Who Rendered Assistance to Virginia Lee Bostian, A Patient at the Delaware Hospital for the Chronically Ill.

HB 865 - RIDDAGH - COMMUNITY AFFAIRS: An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Smyrna," Being Chapter 192 of Volume 36, Laws of Delaware, Relating to Registration of Voters in Municipal Elections. (2/3 bill)

HB 866 - RIDDAGH - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Identification of Persons Under Twenty-One Years of Age Who are Permitted to Consume Alcoholic Liquors.

HB 867 - MILLER - HOUSE ADMINISTRATION: An Act to Amend Chapter 45, Part IV, Title 15 of the Delaware Code Relating to the Form and Designation of Ballots; and Providing for a Rejection or "None of the Above" Voting Choice.

HB 868 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 10, Part II, Title 16 of the Delaware Code Relating to Hospitals; and Providing Certain Licensing Requirements.

HA 16 to HB 77 - MAXWELL - Placed with the bill.

HA 3 to HB 696 - GILLIGAN - Placed with the bill.

HA 1 to HB 765 - LOUGHNEY - Placed with the bill.

HA 1 to HB 782 - MINNER - Placed with the bill.

SB 502 - CICIONE, MCDOWELL, KEARNS, REPRESENTATIVES TEMPLE, MATUSHEFSKE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Office of the Deputy Administrator, Justice of the Peace Courts.

SB 432 w/SA 1 - SHARP - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Correction for Purposes of Correcting a Salary Underpayment.

SJR 38 - ZIMMERMAN - NATURAL RESOURCES: Expressing the Appreciation and Thanks of the Delaware General Assembly to the Volunteer Instructors of the Division of Fish and Wildlife's Hunter Training Programs.

HA 6 to SB 214 - AMBROSINO, CONNOR - Placed with the bill.

HA 7 to SB 214 - AMBROSINO, CONNOR - Placed with the bill.

The House recessed for caucus at 2:31 p.m.

The House was called to order at 3:39 p.m.

Representative Ferguson moved to lift the roll call on SS 1 for SB 253 w/SA 1. The motion was seconded by Representative Gordy and adopted by voice vote.

SS 1 for SB 253 - An Act to Amend Chapter 11, Title 17, Delaware Code, Providing for Changes to Bring Delaware Law into Conformance With Federal Guidelines Relative to Regulation of Outdoor Advertising.

The roll call on SS 1 for SB 253 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Morris, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Gordy, Hebner, Johnson, Matushefske, Minner, Oberle, Plant - 7.

NOT VOTING: Representative Lynch - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SS 1 for SB 253 w/SA 1 was returned to the Senate.

Representative Bennett introduced and brought SCR 94, sponsored by Senator Martin, before the House for consideration.

SCR 94 - Requesting the Delmarva Power Company to Review its Recent Rate Increase Requests in the Light of the Improvement of 53 Percent in First-Quarter Profits.

Representative Bennett moved to place SCR 94 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy brought HS 1 for HB 320 before the House for consideration.

Representative Anderson introduced and brought HA 1 to HS 1 for HB 320 before the House for consideration.

Representative Anderson moved to place HS 1 for HB 320 on the Speaker's table. The motion was seconded by Representative Kelly.

Representative Kelly withdrew his second to the motion. Representative Anderson withdrew her motion.

Representative Byrd moved to waive the fiscal note requirement.

Representative Byrd withdrew his motion.

Representative Gordy moved that HS 1 for HB 320 be placed on the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Matushefske deferred HB 632 and brought SB 291 w/SA 1 before the House for consideration.

SB 291 - An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for Jurisdiction of Possession of Marijuana (and Allied Drugs) Cases to be in the Court of Common Pleas.

Representative Sincok requested and was granted the privilege of the floor for Senator Francis Kearns.

The roll call on SB 291 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Gordy, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Burris, Darling, Ferguson, Gilligan, Hebner, Johnson, Loughney, Plant, Ridings, Smith - 10.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 291 w/SA 1 was returned to the Senate.

Representative Jonkiert moved to recess for caucus at 4:14 p.m.

The House was called to order at 5:14 p.m.

Representative Kelly introduced and brought HR 127, co-sponsored by Representative Maxwell, before the House for consideration.

HR 127 - Expressing the Sorrow of the Members of the House

of Representatives of the 129th General Assembly of the State of Delaware at the Death of Dorothy K. Stant.

HR 127 was adopted by voice vote.

Representative George deferred SB 83 and brought HB 818 before the House for consideration.

HB 818 - An Act Authorizing the Department of Health and Social Services to Transfer Funds Between all Lines and Divisions.

The roll call on HB 818 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 818 was sent to the Senate for concurrence.

Representative George deferred SB 137 and brought HB 776 before the House for consideration.

HB 776 - An Act Authorizing the Public Service Commission to Expend Funds from the Public Service Commission Regulatory Revolving Fund to Employ Consultants to Perform a Management Audit.

The roll call on HB 776 was taken and revealed:

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

NO: Representatives Billingsley, Burris, McKay - 3.

ABSENT: Representatives Plant, Smith - 2.

Therefore, having received a constitutional majority, HB 776 was sent to the Senate for concurrence.

Representative George deferred SB 85 w/HA 1 to the end of the Agenda and brought HB 775 before the House for consideration.

HB 775 - An Act Making an Appropriation to the Delaware Sports Hall of Fame Association, Inc.

The roll call on HB 775 was taken and revealed:

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

NO: Representatives Billingsley, T. Brady, Vernon - 3.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 775 was sent to the Senate for concurrence.

Representative Sincock brought HB 228 before the House for consideration.

HB 228 - An Act to Amend Part II, Subchapter IV, Title 21, Delaware Code, to Establish a Fee for Processing Late Renewals of Motor Vehicle Registration.

Representative Sincock brought HA 1 before the House for consideration. HA 1 to HB 228 was adopted by voice vote.

The roll call on HB 228 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representatives Bennett, Ferguson, Gilligan, Gordy, Loughney - 5.

ABSENT: Representative Miller - 1.

Therefore, having received a constitutional majority, HB 228 w/HA 1 was sent to the Senate for concurrence.

Representative Sincock brought HB 237 w/HA 1 before the House for consideration.

Representative Sincock brought HA 1 before the House for consideration.

Representative Sincock moved to place HB 237 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to lift SCR 94 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Cain requested and was granted the privilege of the floor for Kenneth Jones of Delmarva Power and Light Company.

Five members of the House stood to cut off debate according to Rule 30 of the Rules of the House of Representatives.

Representative Bennett moved to place SCR 94 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, McKay, Minner, Morris, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, T. Brady, Byrd, Connor, George, Gilligan, Hebner, Maxwell, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon - 17.

ABSENT: Representatives Lynch, Plant - 2.

Therefore, having received a constitutional majority, the motion was adopted and SCR 94 was placed on the Speaker's table.

Therefore, having received a constitutional majority, the motion was adopted and SCR 94 was placed on the Speaker's table.

Representative Gordy moved to lift HS 1 for HB 320 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HS 1 for HB 320 - An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation.

Representative Anderson introduced and brought HA 1 to HS 1 for HB 320 before the House for consideration.

The House recessed at 6:45 p.m. and was called to order at 6:49 p.m.

The roll call on HA 1 to HS 1 for HB 320 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Oberle, Ridings, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Bennett, Billingsley, Burris, Hebner, McKay, Morris, Powell, Riddagh, Sincock, Smith, Vernon - 11.

ABSENT: Representatives Lynch, Plant - 2.

Therefore, having received a constitutional majority, HA 1 to HS 1 for HB 320 was adopted.

The roll call on HS 1 for HB 320 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Byrd, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Temple, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Bennett, Billingsley, Burris, Cain, Clendaniel, Hebner, McKay, Ridings, Sincock, Smith, Vernon - 11.

ABSENT: Representatives Lynch, Plant - 2.

Therefore, having received a constitutional majority, HS 1 for HB 320 w/HA 1 was sent to the Senate for concurrence.

#### Committee Reports:

Health & Social Services: HB 855 - 1F, 4M, 1U; HB 703 - 1F, 2M, 3U; SB 472 - 5F.

Education: HB 743 - 1F, 3M; HB 744 - 1F, 3M.

House Administration: HB 850 - 1F, 4M.

Aging: HB 841 - 2F, 3M.

Representative Temple introduced HB 870, co-sponsored by Senator Littleton.

HB 870 - An Act to Make a Supplementary Appropriation to the Blades Volunteer Fire Company for the Operation and Maintenance of its New Rescue Truck. (3/4 bill)

Mr. Speaker assigned HB 870 to the Appropriations Committee.

Representative Jonkiert moved to recess to the call of the chair at 7:05 p.m.



## 24th LEGISLATIVE DAY - 2nd Session

April 25, 1978

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

The following amendments were introduced:

HA 17 to HB 77 - ROY - Placed with the bill.

HA 18 to HB 77 - ROY - Placed with the bill.

HA 19 to HB 77 - GORDY - Placed with the bill.

HA 20 to HB 77 - OBERLE - Placed with the bill.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

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

The Chief Clerk called the roll.

Members present: 41.

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

Mr. Speaker requested the following communication be read into the record:

April 26, 1978

TO: Representative Robert F. Gilligan  
Chairman, Health & Social Services Committee  
FROM: Representative Orlando J. George, Jr.  
Chairman, Appropriations Committee  
SUBJECT: House Bill No. 846

The House Appropriations Committee voted to refer House Bill No. 846 to the Health and Social Services Committee for its recommendations.

The House Appropriations Committee awaits your response.

Mr. Speaker reassigned HB 846 to the Health and Social Services Committee.

Communications:

The Senate wishes to inform the House that it has passed HCR 92.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HJR 60. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HJR 60, co-sponsored by Representative Cain and Senator Holloway, before the House for consideration.

HJR 60 - Recognizing the Importance of Girls Clubs of Delaware and Proclaiming the Week of May 15 through May 21, 1978 as Girls Club Week.

The roll call on HJR 60 was taken and revealed:

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

Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

ABSENT: Representatives Ambrosino, Billingsley, Burris, Plant, Roy - 5.

Therefore, having received a constitutional majority, HJR 60 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:

HB 871 - CONNOR - ADMINISTRATIVE SERVICES: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholism Treatment and Rehabilitation Programs and Facilities; and Providing Funding Therefor.

HB 872 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Providing Statutory Restrictions on Utility Expenditures for Advertising and Other Matters.

HB 873 - MAXWELL, MCKAY, ROY, BYRD, MATUSHEFSKE, SENATORS ARNOLD, KNOX, KEARNS - EDUCATION: An Act to Authorize and Approve the Transfer of Certain Real Property, Formerly Included Within the Marshallton-McKean School District, to the New Castle County Vocational-Technical School District.

HB 874 - MATUSHEFSKE - EDUCATION: An Act to Amend Chapter 14, Title 14, Delaware Code, to Provide Statewide Seniority for Certain Employees of the Public School System.

HB 875 - GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Jurisdiction of the Public Service Commission.

HB 876 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 9, Title 24 of the Delaware Code Relating to Deadly Weapons Dealers.

HB 877 - CAIN - REVENUE & FINANCE: An Act to Amend Section 2301, Chapter 23, Title 30, Delaware Code, Relating to Exemptions from Business and Occupational Licenses and Taxes.

HB 878 - WORTHEN, BILLINGSLEY - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays; and Designating the Last Monday in May as Memorial Day.

HB 879 - WORTHEN, BILLINGSLEY, ANDERSON, SENATORS HALE, MARTIN - COMMUNITY AFFAIRS: An Act to Amend Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by Removing the Prohibition Against Political Activity by Persons Holding Unpaid Appointive City Positions.

HB 880 - RISPOLI, MINNER - PUBLIC SAFETY: An Act to Amend Titles 25, 21, and 10 of the Delaware Code Relating to Liens of Garagemen, Livery and Stable Keepers; Sale of Abandoned Vehicles; Removal and Sale of Motor Vehicles from Public Highways by Police and Fees Therefor.

HA 1 to HB 718 - WORTHEN - Placed with the bill.

HA 1 to HB 812 - GILLIGAN - Placed with the bill.

HA 2 to HB 814 - GILLIGAN - Placed with the bill.

HA 1 to HB 833 - BILLINGSLEY, RIDDAGH, AMBROSINO, HEBNER - Placed with the bill.

HA 2 to HB 845 - MINNER - Placed with the bill.

HA 3 to HB 845 - MCKAY - Placed with the bill.

HA 1 to HB 851 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 860 - BURRIS - Placed with the bill.

HA 2 to SB 184 - BENNETT - Placed with the bill.

Representative George introduced HB 888, co-sponsored by Senator Cicione.

HB 888 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 888 to the Appropriations Committee.

Representative Clendaniel moved to lift HB 860 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 860 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Established to Conduct a Three-Month Pilot Project on the Concepts of Dynamic Seeding (Weather Modification); and Further Providing a Supplementary Appropriation Therefor.

Representative Burris requested and was granted the privilege of the floor for Secretary of Agriculture, William E. McDaniel.

Representative Sincock rose on a point of order regarding the fiscal note.

Mr. Speaker ruled that a new fiscal note was in order because the amendment changed the fiscal impact.

Representative Burris moved to waive the fiscal note requirement. The motion was seconded by Representative Sincock and adopted by voice vote.

The roll call on HA 1 to HB 860 was taken and revealed:

YES: Representatives T. Brady, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Lynch, Maxwell, Miller, Minner, Morris, Riddagh, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Anderson, Bennett, Connor, George, Johnson, Jonkiert, Loughney, McKay, Oberle, Plant, Ridings, Rispoli, Sincock - 14.

NOT VOTING: Representatives Billingsley, Powell - 2.

ABSENT: Representatives Cain, Matushefske - 2.

Therefore, having received a constitutional majority, HA 1 to HB 860 was adopted.

The roll call on HB 860 w/HA 1 was taken and revealed:

YES: Representatives Anderson, W. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Kelly, Lynch, Maxwell, Miller, Minner, Morris, Riddagh, Rispoli, Smith, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Bennett, T. Brady, Connor, George, Hebner, Johnson, Loughney, McKay, Oberle, Ridings, Roy, Sincock, Vernon - 14.

NOT VOTING: Representatives Billingsley, Powell - 2.  
 ABSENT: Representatives Cain, Jonkiert, Matushefske,  
 Plant - 4.

Therefore, having received a constitutional majority,  
HB 860 w/HA 1 was sent to the Senate for concurrence.

Representative Byrd brought HB 333 w/SA 1 before the  
 House for consideration.

HB 333 - An Act to Amend Chapter 29, Part II, Title 9  
 of the Delaware Code Relating to the Public Health and  
 Welfare; and Providing for the Physically Handicapped  
 Access to Commercial Areas Under Certain Circumstances.

The roll call on HB 333 w/SA 1 was taken and revealed:

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

ABSENT: Representatives Billingsley, Clendaniel, George,  
 Matushefske - 4.

Therefore, having received a constitutional majority,  
HB 333 w/SA 1 was sent to the Governor.

Representative Smith moved to lift HB 77 from the  
 Speaker's table. The motion was seconded by Representative  
 Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett,  
 T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor,  
 Darling, Ferguson, George, Gilligan, Gordy, Hebner,  
 Jonkiert, Maxwell, McKay, Miller, Minner, Morris, Oberle,  
 Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith,  
 Temple, Vernon, Worthen - 32.

NO: Representatives Byrd, Johnson, Kelly, Loughney,  
 Plant, Mr. Speaker Boulden - 6.

ABSENT: Representatives Billingsley, Lynch,  
 Matushefske - 3.

Therefore, having received a constitutional majority,  
 the motion passed and HB 77 with its amendments was lifted  
 from the Speaker's table.

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

Representative Smith moved to strike HA 2 to HA 6.  
 Without objection, HA 2 to HA 6 to HB 77 was stricken.

Representative Maxwell brought HA 12 to HB 77 before  
 the House for consideration.

Representative Maxwell requested the privilege of the  
 floor for John Rich, House Attorney.

The roll call on HA 12 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady,  
 Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan,  
 Gordy, Johnson, Matushefske, Maxwell, McKay, Miller,

Minner, Plant, Ridings, Roy, Sincock, Smith, Temple, Vernon, Mr. Speaker Boulden - 24.

NO: Representatives Bennett, Billingsley, W. Brady, Byrd, Cain, Hebner, Kelly, Morris, Oberle, Powell, Riddagh, Rispoli, Worthen - 13.

ABSENT: Representatives George, Jonkiert, Loughney, Lynch - 4.

Therefore, having received a constitutional majority, HA 12 to HB 77 was passed.

Representative Gordy requested that the following note from Representative Lynch be read into the record:

"Representative Gordy:

Would you floor manage Amendment No. 13 to HB 77 for me.

Donald J. Lynch"

Representative Gordy moved to table the roll call on HA 13. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Smith brought HA 14 before the House for consideration.

Representative Bennett requested the privilege of the floor for House Attorney, John Rich.

Representative Gordy asked for a ruling from House Attorney John Rich.

Representative Gordy moved to place HA 14 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Plant, Powell, Temple, Mr. Speaker Boulden - 16.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, George, Gilligan, Hebner, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen - 23.

ABSENT: Representatives Cain, Lynch - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HA 14 remained before the House.

The roll call on HA 14 to HB 77 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, George, Gilligan, Hebner, Maxwell, McKay, Minner, Morris, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen - 23.

NO: Representatives Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Miller, Oberle, Plant, Powell, Mr. Speaker Boulden - 17.

ABSENT: Representative Lynch - 1.

Therefore, having received a constitutional majority, HA 14 to HB 77 was passed.

Representative Roy brought HA 15 before the House for consideration.

The roll call on HA 15 was taken and revealed:

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

NO: Mr. Speaker Boulden - 1.

ABSENT: Representatives Hebner, Lynch - 2.

Therefore, having received a constitutional majority, HA 15 was passed.

Representative Maxwell brought HA 16 before the House for consideration.

HA 16 to HB 77 was adopted by voice vote.

Representative Roy moved to strike HA 17. Without objection, HA 17 to HB 77 was stricken.

Representative Roy brought HA 18 before the House for consideration.

The roll call on HA 18 was taken and revealed:

YES: Representatives Boulden, Byrd, Darling, Ferguson, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Miller, Powell, Roy, Sincock, Temple - 15.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, George, Gilligan, Johnson, Maxwell, McKay, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Smith, Vernon, Worthen, Mr. Acting Speaker Cain - 25.

ABSENT: Representative Lynch - 1.

Therefore, not having received a constitutional majority, HA 18 to HB 77 was defeated.

Representative Gordy brought HA 19 before the House for consideration.

The roll call on HA 19 was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Plant, Powell, Sincock, Temple, Mr. Speaker Boulden - 16.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Clendaniel, Connor, George, Gilligan, Hebner, Maxwell, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Smith, Vernon, Worthen - 23.

ABSENT: Representatives Billingsley, Lynch - 2.

Therefore, not having received a constitutional majority, HA 19 to HB 77 was defeated.

Representative Oberle brought HA 20 before the House for consideration.

Representative Oberle moved to table the roll call on HA 20 to HB 77.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Burris, Byrd, Cain, Connor, Darling, Ferguson, Gordy, Johnson, Jonkiert,

Kelly, Loughney, Matushefske, Miller, Oberle, Plant, Powell, Rispoli, Roy, Sincok, Vernon, Mr. Speaker Boulden - 23.

NO: Representatives Anderson, Billingsley, T. Brady, W. Brady, Clendaniel, George, Gilligan, Hebner, Maxwell, McKay, Minner, Morris, Riddagh, Ridings, Smith, Temple, Worthen - 17.

ABSENT: Representative Lynch - 1.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HA 20 to HB 77 was tabled.

Representative Smith stated that five people were standing; therefore, according to the Rules of the House, debate should be cut off.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, George, Hebner, McKay, Morris, Riddagh, Ridings, Smith, Vernon, Worthen - 16.

NO: Representatives Bennett, Byrd, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Oberle, Plant, Powell, Rispoli, Roy, Sincok, Temple, Mr. Speaker Boulden - 24.

ABSENT: Representative Lynch - 1.

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

Representative Jonkiert moved to place HB 77 with its amendments on the table.

The roll call on the motion was not announced because Representative Gordy moved to recess to the call of the Chair at 5:59 p.m.

## 25th LEGISLATIVE DAY - 2nd Session

April 26, 1978

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

The roll call on Representative Jonkiert's motion to place HB 77 with its amendments on the Speaker's table was announced:

YES: Representatives Bennett, Byrd, Darling, Ferguson, Gordy, Johnson, Kelly, Loughney, Matushefske, Miller, Powell, Rispoli - 12.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, George, Gilligan, Hebner, Maxwell, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

ABSENT: Representatives Jonkiert, Lynch, Plant - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HB 77 remained before the House.

Representative Plant moved to place HB 77 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Byrd, Johnson, Jonkiert, Loughney, Matushefske, Plant, Mr. Speaker Boulden - 7.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Kelly, Lynch, McKay, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen - 31

ABSENT: Representatives Gordy, Maxwell, Powell - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HB 77 with its amendments remained before the House.

Representative Smith introduced and brought HA 21 before the House for consideration.

The roll call on HA 21 was taken and revealed:

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

NO: Representatives Byrd, Johnson, Jonkiert, Plant - 4.

ABSENT: Representatives Miller, Powell - 2.

Therefore, having received a constitutional majority, HA 21 was passed.

Representative Byrd moved to lift HA 4 from the Speaker's table. The motion was seconded by Representative Powell.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Oberle, Plant, Powell, Roy, Vernon, Mr. Speaker Boulden - 18.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Maxwell, McKay, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 23.

Therefore, not having received a constitutional majority, the motion was defeated and HA 4 remained on the Speaker's table.

Representative Ferguson introduced and brought HA 22 before the House for consideration.

Representative Ferguson moved to table the roll call on HA 22 to HB 77. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Oberle moved to lift the roll call on HA 20. The motion was seconded by Representative Byrd.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Darling,



Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Oberle, Plant, Powell, Roy, Vernon, Mr. Speaker Boulden - 18.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, George, Gilligan, Hebner, Maxwell, McKay, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Worthen - 23.

Therefore, not having received a constitutional majority, the motion was defeated and HA 20 to HB 77 remained on the Speaker's table.

Representative Smith introduced and brought HA 1 to HA 14 to HB 77 before the House for consideration. HA 1 to HA 14 was adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 3:52 p.m.

The House was called to order at 5:10 p.m.

Representative Gordy introduced HA 23 to HB 77 co-sponsored by Representative Darling, before the House for consideration.

Representative T. Brady moved to place HA 23 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, George, Gilligan, Hebner, Maxwell, McKay, Ridings, Smith, Vernon, Worthen - 17.

NO: Representatives Bennett, Byrd, Cain, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Mr. Speaker Boulden - 24.

Therefore, not having received a constitutional majority, the motion was defeated and HA 23 remained before the House.

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

The roll call on HA 23 to HB 77 was taken and revealed:

YES: Representatives Bennett, Byrd, Cain, Darling, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Oberle, Plant, Powell, Roy, Mr. Speaker Boulden - 17.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, George, Gilligan, Hebner, Maxwell, McKay, Miller, Morris, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Vernon, Worthen - 23.

ABSENT: Representative Minner - 1.

Therefore, not having received a constitutional majority, the HA 23 to HB 77 was defeated.

The roll call on HB 77 w/HA 6, HA 1 to HA 6, HA 7, HA 11, HA 12, HA 14 w/HA 1 to HA 14, HA 15, HA 16, HA 21 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling,

George, Gilligan, Hebner, Maxwell, McKay, Miller, Minner, Morris, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen - 25.

NO: Representatives Bennett, Byrd, Cain, Ferguson, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Oberle, Plant, Powell, Vernon, Mr. Speaker Boulden - 16.

Therefore, having received a constitutional majority, HB 77 w/HA 6 w/HA 1 to HA 6, HA 7, HA 11, HA 12, HA 14 w/HA 1 to HA 14, HA 15, HA 16, HA 21 was sent to the Senate for concurrence.

Committee Reports:

Appropriations: HB 789 - 5M; HB 812 - 6M; HB 813 - 6M; HB 831 - 6M; HB 833 - 3F, 3U; SB 406 - 6M; SB 431 - 6M.

Revenue & Finance: HB 838 - 1F, 3M; HB 839 - 4F; HB 840 - 4F; HB 869 - 4F.

Community Affairs: HB 863 - 5M; HB 865 - 5M.

The Majority Leader moved to adjourn at 5:44 p.m., thereby ending the previous legislative day. The House reconvened at 5:44 p.m. The prayer was offered by Representative J. Edward Morris from the 34th District.

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

The Chief Clerk called the roll.

Members present: 41.

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

Representative Connor moved to strike HB 871. Without objection, HB 871 was stricken.

Representative Plant introduced HB 885.

HB 885 - An Act to Amend Chapter 9, Chapter 13, and Chapter 17, Title 10, Delaware Code Relating to the Family Court and Court of Common Pleas for the State of Delaware and the Municipal Court for the City of Wilmington.

Mr. Speaker assigned HB 885 to the Judiciary Committee. Representative Plant introduced HB 886.

HB 886 - An Act to Amend Chapter 29, Title 14 of the Delaware Code to Require Drivers of School Buses and Monitors to be Trained in Human Relations.

Mr. Speaker assigned HB 886 to the Public Safety Committee.

Representative Gordy introduced and brought SCR 95, co-sponsored by Senators Littleton, Adams and Cordrey and Representatives Gordy and Temple, before the House for consideration.

SCR 95 - Memorializing the Maryland State Highway Administration and the United States Coast Guard Regarding the Fixed Span Bridge over the Nanticoke River.

SCR 95 was adopted by voice vote.

Representative Jonkiert introduced and brought SCR 96, sponsored by Senator Martin, before the House for consideration.

SCR 96 - Urging the Establishment of a Mortgage Oversight Committee to Assure That No Citizen Loses His Home as a Result of Additional Desegregation Taxation on Property.

SCR 96 was adopted by voice vote.

Representative George introduced and brought SCR 97, co-sponsored by Senators Cordrey, and Cicione and Representatives George, Bennett, Cain, Gilligan and Maxwell, before the House for consideration.

SCR 97 - Advising the Financial Committees of the 129th General Assembly Relative to a Budget Reserve Fund.

SCR 97 was adopted by voice vote.

Representative Cain introduced and brought HCR 95 before the House for consideration.

HCR 95 - Memorializing the Congress of the United States to Amend Section 218 of the Social Security Act to Ensure That State and Local Governmental Bodies be Guaranteed By Law the Right to Continue to Deposit Social Security Contributions in the Federal Treasury on a Quarterly, Instead of Monthly, Basis.

HCR 95 was adopted by voice vote.

Representative Clendaniel introduced and brought HR 128, co-sponsored by Representative Temple, before the House for consideration.

HR 128 - Congratulating Brad Temple on his Appointment to Represent the Seaford High School at the Governor's Council.

HR 128 was adopted by voice vote.

Representative Ambrosino moved to suspend the rules for the purpose of introducing and acting on HJR 62. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Ambrosino brought HJR 62, co-sponsored by Senator Berndt, before the House for consideration.

HJR 62 - Directing the Division of Economic Development to Study and Investigate the Manner in Which Factory Outlets are Concentrated in Reading and Smaller Towns in Pennsylvania and Maryland, to Determine and Assess the Manner in Which Such Factory Outlets are Attracted to These Locations, and to Prepare a Feasibility Report as to Whether or Not Attracting Factory Outlets to the Wilmington Merchandise Mart Would be Desirable.

The roll call on HJR 62 was taken and revealed:

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

NO: Representative Minner - 1.

NOT VOTING: Representative Morris - 1.

ABSENT: Representatives Burris, Cain, George - 3.

Therefore, having received a constitutional majority, HJR 62 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:

HB 881 - SINCOCK, GEORGE - APPROPRIATIONS: An Act to Provide Supplemental Appropriations to Various Agencies for the Purpose of Providing Additional Operating Funds.

HB 882 - JOHNSON - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to Aid to Children Under the State Public Assistance Code.

HB 883 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act to Amend Subchapter III, Subchapter IV and Subchapter VI, Chapter 25, Title 24 of the Delaware Code Relating to the Compiling, Distributing and Posting of the Prices of the One Hundred Fifty Most Commonly Prescribed Drugs.

HB 884 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing a Deduction for Parents of School Pupils Under Certain Circumstances.

HJR 61 - HEBNER - HOUSE ADMINISTRATION: Urging the Delaware Congressional Representatives to Act Favorably on Legislation Relating to PCP.

SB 493 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Change the Name of the Delaware Hospital for the Mentally Retarded, a Facility of the Department of Health and Social Services, to the Stockley Center.

SB 527 - ARNOLD, SHARP, MCCULLOUGH, HUGHES, SPENCE, CICIONE, REPRESENTATIVES MAXWELL, WORTHEN, BYRD, HEBNER, OBERLE, RIDINGS - EDUCATION: An Act to Amend the Laws of Delaware as They Relate to Students Voluntarily Transferring from One Public School District to Another.

SB 534 w/SA 1 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Prohibiting the Discharge of Firearms from the Highway and Establishing Penalties for Violations Thereof. (2/3 bill)

SB 539 - CICIONE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Public Safety to be Used for the Purchase of New Helicopter Blades.

HA 1 to SB 232 - FERGUSON - Placed with the bill.

Representative Roy introduced and brought HCR 96, co-sponsored by Representatives Powell, Gilligan, Ferguson, McKay, Worthen and Senators Arnold, Sharp and Martin, before the House for consideration.

HCR 96 - Commending Sharon Emerson and Mark Shukaitis on Being Names Delaware's Presidential Scholars for 1978.

HCR 96 was adopted by voice vote.

Representative Jonkiert moved to recess to the call of the Chair at 6:27 p.m.

## 26th LEGISLATIVE DAY - 2nd Session

April 27, 1978

The Speaker called the House to order at 2:02 p.m.  
Representative Sincock introduced HA 1 to SB 493.

HA 1 was placed with the bill.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m. A prayer was offered by Representative Charles L. Hebner of the 9th District. The Speaker led

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

Members present: 41.

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

Communications:

April 24, 1978

LEGISLATIVE ADVISORY #41

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/24/78 - HB 646.

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The Senate wishes to inform the House that it has passed HB 660 w/HA 1; HB 749; SB 426; SB 487; HB 708; HB 690 w/HA 1, SA 1; SB 476; SB 477; SB 478; SB 480; SB 481; SCR 97; HB 860 w/HA 1; HJR 60; SB 534 w/SA 1; SB 527; SB 539; HB 462; HB 394; SB 493; HB 333 w/SA 1; HJR 39; SCR 95; SCR 96; HCR 93.

Representative Gordy introduced and brought HR 129, co-sponsored by Representative Bennett, before the House for consideration.

HR 129 - Requesting the House of Representatives to Rescind its Vote on House Bill No. 860 with House Amendment No. 1 because it is no Longer Needed.

Mr. Speaker assigned HR 129 to the House Administration Committee.

Representative Darling introduced and brought HCR 97, co-sponsored by Representative Minner and Senator Cook, before the House for consideration.

HCR 97 - Congratulating Mr. Walter Messick of Harrington for Becoming the First Recipient of the Outstanding Citizen Award by the Harrington Chamber of Commerce.

HCR 97 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 887 - BURRIS - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Extensions of Driver License Revocations and Suspensions.

HB 889 - MINNER, MORRIS, DARLING - PUBLIC SAFETY: An Act to Amend Title 21, Delaware Code, Relating to Emergency Vehicles and Warning Devices Used on Such Vehicles.

HB 890 - CLENDANIEL - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to the Good Samaritan Act.

HB 891 - T. BRADY, AMBROSINO, TEMPLE - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Subchapter II, Chapter 56, Title 29, and Chapter 83, Subchapter II, Title 11, Delaware Code Relating to Disqualification for Pension Benefits.

HB 892 - GORDY, BYRD, HEBNER, JONKIERT, RIDDAGH, SENATORS CICTONE, HOLLOWAY, SPENCE, COOK - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Establishment of Eligibility Lists.

HB 893 - GORDY, BYRD, HEBNER, JONKIERT, RIDDAGH, SENATORS CICTONE, HOLLOWAY, SPENCE, COOK - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Hiring of Certain State Employees.

HB 894 - GORDY, BYRD, HEBNER, JONKIERT, RIDDAGH, SENATORS CICTONE, HOLLOWAY, SPENCE - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Employee Leaves.

HB 895 - GORDY, BYRD, HEBNER, JONKIERT, RIDDAGH, SENATORS CICTONE, HOLLOWAY, SPENCE - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Exemption from the Classified Service.

HB 896 - GORDY, BYRD, HEBNER, JONKIERT, RIDDAGH, SENATORS CICTONE, HOLLOWAY, SPENCE - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Selection of Employees from Eligibility Lists.

HJR 63 - HEBNER, SENATOR SHARP - HOUSE ADMINISTRATION: Directing that No Attempt be Made to Require Parental Participation in Desegregation Orientation Programs.

HA 1 to HB 639 - SINCOCK - Placed with the bill.

HA 1 to HB 778 - BENNETT - Placed with the bill.

HA 2 to HB 812 - GORDY - Placed with the bill.

HA 3 to HB 814 - BILLINGSLEY - Placed with the bill.

SB 426 - ZIMMERMAN - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Division of Consumer Affairs of the Department of Community Affairs and Economic Development, for the Purpose of Paying the Salary of the Board Members.

SB 476 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5 of the Delaware Code, By Permitting Disclosure of Information to the Council of Banking.

SB 477 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to Qualification of Commissioner and Employees.

SB 478 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to Financial Institution Records Retention.

SB 480 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 21, Title 5 of the Delaware Code, Relating to the Examination of Small Loan Companies.

SB 481 - MURPHY, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 88, Title 29 of the Delaware Code, Relating to the State Bank Commissioner's Office and the Council on Banking.

SB 487 - LITTLETON, TEMPLE - APPROPRIATIONS: An Act to Amend Volume 60, Chapter 691, Laws of Delaware, Known as the Capital Improvements Act of 1977. (3/4 bill)

Representative Jonkiert moved to recess for caucus at 2:19 p.m.

The House was called to order at 3:57 p.m.

Representative Gordy brought HB 690 w/SA 1 before the House for consideration.

HB 690 - An Act to Reincorporate the Town of Bethel.

The roll call on HB 690 w/SA 1 was taken and revealed:

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

ABSENT: Representatives Billingsley, George, Hebner, Smith - 4.

Therefore, having received a constitutional majority, HB 690 w/SA 1 was sent to the Governor.

Representative Ferguson brought HB 605 w/SA 1 before the House for consideration.

HB 605 - An Act to Amend Chapter 31, Title 14, Delaware Code Relating to the Transportation of Handicapped Persons Receiving Private Placement Tuition Assistance.

The roll call on HB 605 w/SA 1 was taken and revealed:

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

ABSENT: Representatives Cain, Gordy - 2.

Therefore, having received a constitutional majority, HB 605 w/SA 1 was sent to the Governor.

Representative Bennett moved to lift the roll call on SB 184. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Bennett moved to rescind the roll call on SB 184. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Bennett moved to place SB 184 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Minner brought HB 698 w/HA 1 before the House for consideration.

Representative Minner moved to strike HA 1. Without objection, HA 1 to HB 698 was stricken.

Representative Minner introduced and brought HA 2 before the House for consideration. HA 2 to HB 698 was adopted by voice vote.

Representative Minner moved to place HB 698 w/HA 2 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Plant deferred HB 713 to the end of the Agenda and yielded to Representative Jonkiert.

Representative Jonkiert brought SB 441 w/SA 1 before the House for consideration.

SB 441 - An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Changing the Method of Computation and by Increasing the Rates for the Pilotage of Certain Vessels.

Representative Jonkiert requested and was granted the privilege of the floor for Senator Cordrey.

Representative Jonkiert requested and was granted the privilege of the floor for Captain Joseph Gilday, President of the Pilot's Association for Delaware River and Bay Authority.

The roll call on SB 441 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Roy, Sincok, Temple, Vernon, Worthen - 33.

NO: Representatives Connor, Hebner, Riddagh - 3.

NOT VOTING: Representatives Ambrosino, T. Brady, Smith - 3.

ABSENT: Representatives Boulden, Rispoli - 2.

Therefore, having received a constitutional majority, SB 441 w/SA 1 was returned to the Senate.

Representative Lynch moved to lift HB 861 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 861 - An Act Making a Supplementary Appropriation to the University of Delaware for Use by the Department of Economics to Pay the States Share of a Contract for Analyzing the Property Tax Base for Public Education.

The roll call on HB 861 was taken and revealed:

YES: Representatives Ambrosino, Lynch, Worthen - 3.

NO: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, McKay, Minner, Morris, Oberle, Plant, Riddagh, Roy, Sincok, Smith, Temple, Vernon - 30.

ABSENT: Representatives Boulden, Byrd, Cain, Maxwell, Miller, Powell, Ridings, Rispoli - 8.

Therefore, not having received a constitutional majority, HB 861 was defeated.

Representative Plant brought HB 714 before the House for consideration.

HB 714 - An Act to Amend Chapter 5, Title 1, Delaware Code Relating to Legal Holidays to Establish January 15 as Human Rights Day.

The roll call on HB 714 was taken and revealed:

YES: Representatives George, Johnson, Jonkiert, Matushefske, Plant - 5.

NO: Representatives Anderson, Bennett, Billingsley,



T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Sincok, Smith, Temple, Vernon, Worthen - 26.

NOT VOTING: Representatives Ambrosino, Roy - 2.

ABSENT: Boulden, Byrd, Cain, Maxwell, Miller, Powell, Ridings, Rispoli - 8.

Therefore, not having received a constitutional majority, HB 714 was defeated.

Representative Vernon moved to place HB 425 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Plant moved to lift the roll call on SB 187. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to rescind the roll call on SB 187. The motion was seconded by Representative Sincok and adopted by voice vote.

SB 187 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Trials by Jury in Civil Actions.

Representative Plant requested and was granted the privilege of the floor for Senator Weiss.

The roll call on SB 187 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, T. Brady, Connor, Hebner, Kelly, Loughney, McKay, Riddagh, Sincok, Smith, Vernon, Worthen - 13.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Lynch, Matushefske, Minner, Morris, Oberle, Plant, Roy, Temple - 19.

NOT VOTING: Representative Johnson - 1.

ABSENT: Representatives Boulden, Byrd, Cain, Maxwell, Miller, Powell, Ridings, Rispoli - 8.

Therefore, not having received a constitutional majority, SB 187 was defeated.

Representative Bennett introduced and brought HR 130, co-sponsored by Representative Gordy, before the House for consideration.

HR 130 - Expressing Objection to the Proposal to Move Dover's Mail-Sorting Operation to Wilmington.

HR 130 was adopted by voice.

Representative Kelly introduced and brought HCR 98, co-sponsored by Senator Holloway, before the House for consideration.

HCR 98 - Requesting the Delaware Congressional Delegation to Support Funds for a 1981 White House Conference on Aging.

HCR 98 was adopted by voice vote.

Representative Oberle introduced and brought HR 131, co-sponsored by Representatives Roy and Ridings, before the House for consideration.

HR 131 - Urging the News-Journal Company to Publish the

Opening Brief and Reply Brief Filed by the State and the Briefs Filed by Each Defendant District in the Appeals Arising from the Evans Vs. Buchanan Litigation, Which Appeals will soon be Heard by the Third Circuit Court of Appeals.

HR 131 was adopted by voice vote.

Representative Burris introduced HB 897.

HB 897 - An Act to Amend Chapter 61, Part VI, title 29, Delaware Code, Establishing a Revenue Stabilization Account in the General Fund to Provide for the Financial Stability of the State by Assuring that the State Shall have Sufficient Revenues to Meet its Obligations.

Mr. Acting Speaker Jonkiert assigned HB 897 to the Appropriations Committee.

Committee Reports:

Education: HJR 58 - 6F; HJR 59 - 6F; SB 527 - 6M.

Labor & Commerce - HB 858 - 5M, 1U; HB 635 - 6M.

Representative Gordy moved to recess to the call of the Chair at 6:13 p.m.

#### 27th LEGISLATIVE DAY - 2nd Session

May 2, 1978

The Speaker called the House to order at 1:57 p.m. The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m. A prayer was offered by the Reverend Pamela Ledbetter from the Magnolia United Methodist Church, Magnolia, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

The following notice from Representative Edward Bennett was read into the record by the Reading Clerk:

May 2, 1978

At 1:30 p.m., May 2, 1978, the Joint House and Senate Administrative Services Committee did hereby accept the petitions containing the signatures of 30,638 citizens of the State of Delaware opposing a proposed \$33,000,000 rate increase by the Delmarva Power and Light Company, Inc.

I, the undersigned, Edward J. Bennett, do hereby acknowledge the receipt of said petition from citizens of the State of Delaware and will make this petitioning a matter of public record.

We gratefully appreciate the efforts of organization known as CAPRI and acknowledge their endeavors in obtaining

the signatures of said citizens of the State of Delaware.

Edward J. Bennett, Chairman  
House Administrative Services  
Committee

May 1, 1978

LEGISLATIVE ADVISORY #42

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated:

4/26/78 - HB 449; HB 656; HJR 44; SB 370. 4/28/78 - SB 142 w/SA 2, HA 1; HB 45. 5/1/78 - SB 543; HB 763 a/a/b HA 1; HB 443; HB 687; HJR 55; HJR 52.

The Senate wishes to inform the House that it has passed SB 430; HB 783; SB 393 w/SA 1,2; HB 750; HCR 95; HCR 96; HB 397 w/SA 1.

Representative Rispoli introduced and brought HR 132 before the House for consideration.

HR 132 - Mourning the Death of Margaret L. Farra, of Wilmington, Who Helped Preserve Cool Springs Park.

HR 132 was adopted by voice vote.

Representative Billingsley introduced HR 133.

HR 133 - Requesting the Wilmington City Council to Reconsider the Most Recent Rate Increase Granted to Rollins Cablevision, Inc.

Mr. Speaker assigned HR 133 to the House Administration Committee.

Representative Hebner introduced HCR 99.

HCR 99 - Urging the Delaware Congressional Representatives to Act Favorably on Legislation Relating to PCP.

Mr. Speaker assigned HCR 99 to the House Administration Committee.

The following prefiled legislation was introduced:

HS 1 to HB 739 - OBERLE, ROY, CONNOR - PUBLIC SAFETY: An Act to Amend Chapter 63, Title 21, of the Delaware Code, Relating to the Penalties for Tampering With Speedometers or Odometers. (2/3 bill)

HB 898 - WORTHEN, ANDERSON, GEORGE, AMBROSINO, ROY, CONNOR, SENATORS ARNOLD, MCDOWELL- EDUCATION: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Special Staff Positions for Hearing Impaired Pupils.

HB 899 - LYNCH - EDUCATION: An Act to Amend Chapter 41, Title 14, Delaware Code, to Ban Smoking on School Property, Public or Private. (2/3 bill)

HB 900 - CLENDANIEL, GORDY - JUDICIARY: An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Mandatory Training of Correctional Officers.

HB 901 - MATUSHEFSKE, PLANT - JUDICIARY: An Act to Amend Chapter 17, Title 10, Delaware Code Relating to the Municipal Court of the City of Wilmington.

HA 3 to HB 361 - GORDY - Placed with the bill.

HA 1 to HB 817 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 835 - VERNON, MINNER, SENATOR CORDREY - Placed with the bill.

SB 393 w/SA 1,2 - MURPHY - HOUSE ADMINISTRATION: An Act to Amend Title 29, Delaware Code, Relating to State Government, by Requiring that Rules and Regulations Promulgated by State Agencies be Submitted to the General Assembly.

SB 430 - CICIONE - APPROPRIATIONS: An Act to Amend Chapter 116 of Volume 61, Laws of Delaware, Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1978, and to Amend Certain Pertinent Statutory Provisions:, Also Known as House Bill No. 300, as Amended, Relating to the Salary of the State Librarian.

The House recessed at 2:16 p.m. for party caucus.

The House was called to order at 3:34 p.m.

Representative Ferguson moved to lift HCR 64 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to strike HCR 64. Without objection, HCR 64 was stricken.

Representative Worthen moved to lift the roll call on SS 1 to SB 297. The motion was seconded by Representative Gordy and adopted by voice vote.

SS 1 to SB 297 - An Act to Chapter 21 and 29, Title 21, Delaware Code, Relating to Motor Vehicles, Financial Security and Providing for Self-Insurance in Certain Instances.

The roll call on SS 1 for SB 297 w/SA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Hebner, Johnson, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Darling, Ferguson, Roy - 3.

NOT VOTING: Representatives Clendaniel, Gordy, Jonkiert, Lynch, Ridings - 5.

ABSENT: Representative Billingsley - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SS 1 for SB 297 w/SA 1, 2 was returned to the Senate.

Representative Minner moved to lift SB 113 w/SA 1, HA 1, HA 2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner moved to recommit SB 113 w/SA 1, HA 1,2 to committee. Mr. Speaker recommitted SB 113 w/SA 1, HA 1,2 to the Public Safety Committee.

Representative Rispoli brought HB 397 w/SA 1 before the House for consideration.

HB 397 - An Act to Amend Chapter 51, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Prohibiting any Demand by Landlords for Extra Money Payments.

The roll call on HB 397 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Rispoli, Roy, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representatives Clendaniel, Matushefske, Ridings, Sincok, Smith - 5.

ABSENT: Representative Riddagh - 1.

Therefore, having received a constitutional majority, HB 397 w/SA 1 was sent to the Governor.

Representative Temple brought HB 196 w/SA 1 before the House for consideration.

HB 196 - An Act Proposing an Amendment to Article III of the Delaware Constitution Relating to the Election and Term of Office for Certain State Officers.

The roll call on HB 196 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

NO: Representative Riddagh - 1.

Therefore, having received a constitutional majority, HB 196 w/SA 1 was sent to the Governor.

Representative Darling deferred HB 79 and brought HB 804 before the House for consideration.

HB 804 - An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Deposit of Sums of Money by the Prothonotaries of the Respective Counties.

The roll call on HB 804 was taken and revealed:

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

NO: Representative Minner - 1.

ABSENT: Representatives Ambrosino, Plant - 2.

Therefore, having received a constitutional majority, HB 804 was sent to the Senate for concurrence.

Representative Byrd deferred HB 398 w/HA 1 and yielded to Representative Matushefske.

Representative Matushefske brought HB 819 before the House for consideration.

Representative Matushefske moved to table the roll call on HB 819. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincok moved to lift HB 237 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 237 - An Act to Amend Chapter 27, Title 21, Delaware Code, to Increase Fees for Return of Suspended or Revoked Drivers' Licenses.

The roll call on HB 237 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Hebner, Jonkiert, Lynch, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Ambrosino, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Maxwell, Rispoli - 13.

ABSENT: Representatives Matushefske, Plant - 2.

Therefore, having received a constitutional majority, HB 237 was sent to the Senate for concurrence.

The House recessed at 4:10 p.m.

The House was called to order at 4:12 p.m.

Representative Cain deferred HB 586 and brought HB 839 before the House for consideration.

HB 839 - An Act to Amend Section 1903, Chapter 19, Title 30, Delaware Code Relating to the Computation of Taxable Income for Purposes of the Corporation Income Tax.

Representative Cain requested and was granted the privilege of the floor for Weston Nellius, Secretary of Finance.

The roll call on HB 839 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

NOT VOTING: Representative Minner - 1.

Therefore, having received a constitutional majority, HB 839 was sent to the Senate for concurrence.

Representative Cain deferred HB 585 and brought HB 840 before the House for consideration.

HB 840 - An Act to Amend Section 1106, Chapter 11, Title 30, Delaware Code, Relating to Modifications to Federal Adjusted Gross Income.

The roll call on HB 840 was taken and revealed:

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

Miller, Morris, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 36.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Byrd, Matushefske, Oberle, Plant - 4.

Therefore, having received a constitutional majority, HB 840 was sent to the Senate for concurrence.

Representative Ferguson moved to lift HB 361 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 361 - An Act to Amend Chapter 7, Part I, Title 19 of the Delaware Code Prohibiting the Hiring of Illegal Aliens.

Representative Billingsley brought HA 2 before the House for consideration.

Representative Ferguson moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, Minner, Oberle, Rispoli, Smith, Temple, Vernon - 18.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, George, Lynch, Maxwell, McKay, Miller, Morris, Plant, Powell, Riddagh, Roy, Sincok, Worthen, Mr. Speaker Boulden - 21.

ABSENT: Representatives Byrd, Ridings - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HA 2 remained before the House.

The roll call on HA 2 to HB 361 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Cain, Connor, George, Gilligan, Lynch, Maxwell, McKay, Miller, Morris, Ridings, Sincok, Smith, Temple, Mr. Speaker Boulden - 19.

NO: Representatives Anderson, W. Brady, Clendaniel, Darling, Ferguson, Gordy, Hebner, Johnson, Kelly, Loughney, Matushefske, Minner, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Vernon, Worthen - 20.

ABSENT: Representatives Byrd, Jonkiert - 2.

Therefore, not having received a constitutional majority, HA 2 to HB 361 was defeated.

Representative Gordy brought HA 3 before the House for consideration. HA 3 to HB 361 was adopted by voice vote.

The roll call on HB 361 w/HA 1,3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Matushefske, McKay, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 30.

NO: Representatives Billingsley, Burris, Lynch, Minner, Morris, Plant - 6.

NOT VOTING: Representatives T. Brady, Clendaniel, Maxwell, Miller, Worthen - 5.

Therefore, having received a constitutional majority, HB 361 w/HA 1,3 was sent to the Senate for concurrence.

Representative Worthen deferred HB 718 until May 9, 1978.

Representative W. Brady brought HB 584 w/HA 1 before the House for consideration.

HB 584 - An Act to Amend Chapter 74, Title 16, Delaware Code Relating to the Storage of Radioactive Material.

Representative W. Brady brought HA 1 before the House for consideration. HA 1 to HB 584 was adopted by voice vote.

Representative Matushefske introduced and brought HA 2 before the House for consideration.

Representative Matushefske moved to table the roll call on HA 2 to HB 584. The motion was seconded by Representative Sincock and adopted by voice vote.

The roll call on HB 584 w/ HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Lynch, Maxwell, Miller, Minner, Morris, Ridings, Rispoli, Roy, Smith, Temple, Worthen - 22.

NO: Representatives Bennett, Billingsley, Boulden, Burris, Byrd, Jonkiert, Loughney, Matushefske, McKay, Powell, Sincock, Vernon, Mr. Acting Speaker Cain - 13,

NOT VOTING: Representative Johnson, Oberle, Riddagh - 3.

ABSENT: Representatives Ferguson, Kelly, Plant - 3.

Therefore, having received a constitutional majority, HB 584 w/HA 1 was sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 134 before the House for consideration.

HR 134 - Commending Jane W. B. Plummer for 42 Years of Service to the Delaware Chapter, American Red Cross.

HR 134 was adopted by voice vote.

Representative W. Brady introduced and brought HR 135 before the House for consideration.

HR 135 - Mourning the Death of F. Everett Meredith, Middletown Educator.

HR 135 was adopted by voice vote.

Representative Ambrosino moved to lift HJR 19 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ambrosino moved to strike HJR 19. Without objection, HJR 19 was stricken.

The House recessed for committee hearings at 6:06 p.m.

The House was called to order at 6:31 p.m.

Committee Reports:

Appropriations: HB 474 - 6M; HB 824 - 1F, 4M; HB 870 - 2F, 4M; SB 348 - 5M; SB 387 - 6M; SB 502 - 2M, 2U; SB 512 - 1F, 5M.

Public Safety: HB 880 - 5M; HB 889 - 5F; SB 107 - 1F, 4M.

House Administration: HB 875 - 4M, 1U; HB 878 - 3M.

Administrative Services: HB 733 - 4M; SB 387 - 6M.

Education: HB 751 - 4M.

The House recessed to the call of the Chair at 6:35 p.m.



## 28th LEGISLATIVE DAY - 2nd Session

May 3, 1978

The Speaker called the House to order at 1:53 p.m. The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:54 p.m. The prayer was offered by Reverend Pam Ledbetter from the Magnolia United Methodist Church, Magnolia, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Ferguson - 1.

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

Communications:

The Senate wishes to inform the House that it has passed SB 500; SB 499; SB 501; SB 505; HCR 98.

Representative Gordy introduced and brought HCR 100, co-sponsored by Senator Littleton, before the House for consideration.

HCR 100 - Thanking the Laurel Historical Society Inc. for Inviting the General Assembly to Services Honoring Joshua Hopkins Marvil, Governor of Delaware in 1895.

HCR 100 was adopted by voice vote.

Representative Gordy introduced HB 910, co-sponsored by Representative Jonkiert.

HB 910 - An Act to Amend Chapter 29, Title 14, Delaware Code, Relating to the Transportation of Pupils.

Mr. Acting Speaker Jonkiert assigned HB 910 to the Education Committee.

Representative Cain introduced HB 911, co-sponsored by Representatives Anderson, Worthen, Loughney, Oberle, Connor and Senators Holloway, Hale, Berndt, Cicione, Weiss and Sharp.

HB 911 - An Act to Amend Chapter 31, Title 14, Delaware Code, Relating to Private Placement with Financial Aid for Handicapped Persons.

Mr. Acting Speaker Jonkiert assigned HB 911 to the Health and Social Services Committee.

Representative Plant introduced and brought HCR 101 before the House for consideration

HCR 101 - Requesting the Public Service Commission to Furnish Members of the Delaware General Assembly with Brief and Concrete Facts Upon Which the Public Service Commission Based its Recent Decision to Grant a Rate Increase to Rollins Cablevision, Inc.

HCR 101 was adopted by voice vote.

Representative Worthen moved to lift HB 845 from the Speaker's table. Representative Bennett seconded the motion. The motion was adopted by voice vote.

HB 845 - An Act to Amend Chapter 1, Title 14, Delaware Code By Providing for a Statewide Educational Testing Program in

the Public Elementary and Secondary Schools and Making a Supplemental Appropriation Therefore.

Representative Minner brought HA 2 before the House for consideration.

The roll call on HA 2 to HB 845 was taken and revealed:

YES: Representatives Burris, Clendaniel, Johnson, Minner, Morris, Oberle, Ridings, Temple - 8.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, George, Gilligan, Gordy, Hebner, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Plant, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 31.

ABSENT: Representatives Ferguson, Kelly - 2.

Therefore, not having received a constitutional majority, HA 2 to HB 845 was defeated.

Representative McKay brought HA 3 before the House for consideration. Representative McKay moved to place HA 3 to HB 845 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Bennett introduced and brought HA 4, co-sponsored by Representative Oberle, before the House for consideration. HA 4 to HB 845 was adopted by voice vote.

Representative McKay introduced and brought HA 5 before the House for consideration.

The roll call on HA 5 to HB 845 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Boulden, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Powell, Riddagh, Ridings, Sincock, Smith, Temple, Worthen, Mr. Acting Speaker Jonkiert - 30.

NO: Representatives Billingsley, Johnson, Kelly, Morris, Plant, Rispoli, Vernon - 7.

ABSENT: Representatives Ferguson, Matushefske, Oberle, Roy - 4.

Therefore, having received a constitutional majority, HA 5 to HB 845 was passed.

The roll call on HB 845 w/HA 4,5 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, T. Brady, Byrd, Cain, Connor, Gilligan, Hebner, Loughney, Lynch, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 26.

NO: Representatives W. Brady, Burris, Clendaniel, Darling, George, Gordy, Johnson, Kelly, Matushefske, Minner, Morris, Plant, Rispoli, Temple - 14.

ABSENT: Representative Ferguson - 1.

Therefore, having received a constitutional majority, HB 845 w/HA 4,5 was sent to the Senate for concurrence.

Representative Minner introduced and brought SCR 98, sponsored by Senator Martin, before the House for consideration.

SCR 98 - Urging Law Enforcement Agencies to Cooperate to Put an End to Drag Racing on Elkton Road.

Representative Loughney moved to place SCR 98 on the Speaker's table. The motion was seconded by Representative Cain.

The roll call on the motion was taken and revealed:

YES: Representatives Cain, George, Gilligan, Loughney, Maxwell, Rispoli - 6.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Gordy, Hebner, Johnson, Kelly, Lynch, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Sincok, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 32.

ABSENT: Representatives Ferguson, Matushefske, Roy - 3.

Therefore, not having received a constitutional majority, the motion was defeated and SCR 98 remained before the House.

SCR 98 was adopted by voice vote.

Representative Plant introduced and brought HCR 102 before the House for consideration.

HCR 102 - Directing the Attorney General of Delaware to Confer with the United States Attorney for Delaware on the Increased Amounts of Angel Dust and Hard Drugs Coming Into this State.

HCR 102 was adopted by voice vote.

Representative Clendaniel brought SB 423 before the House for consideration.

SB 423 - An Act to Amend Chapter 237, Volume 51, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Bridgeville" by Increasing the Power to Raise Revenue.

The roll call on SB 423 was taken and revealed:

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

ABSENT: Representatives Byrd, Ferguson, Matushefske, Miller, Plant, Roy - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 423 was returned to the Senate.

Representative Clendaniel brought SB 424 before the House for consideration.

SB 424 - An Act to Amend Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" by Providing for the Registration of Voters.

The roll call on SB 424 was taken and revealed:

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

Gordy, Hebner, Johnson, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 39.

ABSENT: Representatives Ferguson, Lynch - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 424 was returned to the Senate.

Representative Matushefske deferred HB 488 and brought HB 833 before the House for consideration.

HB 833 - An Act to Amend Title 10 and Title 29 of the Delaware Code Relating to Judicial Compensation Including Pension Benefits and Making an Appropriation Therefore.

Representative Billingsley brought HA 1 before the House for consideration. HA 1 to HB 833 was adopted by voice vote.

Representative Gordy introduced and brought HA 2 before the House for consideration.

The roll call on HA 2 to HB 833 was taken and revealed:

YES: Representatives W. Brady, Cain, Darling, Gordy, Johnson, Mr. Acting Speaker Jonkiert - 6.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, T. Brady, Burris, Byrd, Clendaniel, Connor, George, Gilligan, Hebner, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen - 34.

ABSENT: Representative Ferguson - 1.

Therefore, not having received a constitutional majority, HA 2 to HB 833 was defeated.

Representative Oberle moved to place HB 833 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, W. Brady, Clendaniel, Darling, Gordy, Johnson, Loughney, Lynch, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Temple, Mr. Acting Speaker Jonkiert - 18.

NO: Representatives Ambrosino, Anderson, Billingsley, Boulden, T. Brady, Burris, Byrd, Cain, Connor, George, Gilligan, Hebner, Matushefske, Maxwell, McKay, Powell, Roy, Sincok, Smith, Vernon, Worthen - 21.

ABSENT: Representatives Ferguson, Kelly - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HB 833 w/HA 1 remained before the House.

Representative Anderson moved to place HB 833 w/HA 1 on the Speaker's table. The motion was seconded by Representative Miller.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, W. Brady, Burris, Byrd, Cain, Clendaniel, Johnson, Kelly, Loughney, Lynch, McKay, Miller, Oberle, Worthen - 14.

NO: Representatives Ambrosino, Bennett, Billingsley, Boulden, T. Brady, Connor, Darling, George, Gilligan, Gordy, Hebner, Matushefske, Maxwell, Minner, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Mr. Acting Speaker Jonkiert - 26.

ABSENT: Representative Ferguson - 1.

Therefore, not having received a constitutional majority, the motion was defeated and HB 833 w/HA 1 remained before the House.

The roll call on HB 833 w/HA 1 was taken and revealed:

YES: Representatives T. Brady, Burris, Cain, Maxwell, Smith - 5.

NO: Representatives Ambrosino, Anderson, Bennett, Boulden, W. Brady, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Mr. Acting Speaker Jonkiert - 30.

NOT VOTING: Representatives Billingsley, Byrd, McKay, Powell, Worthen - 5.

ABSENT: Representative Ferguson - 1.

Therefore, not having received a constitutional majority, HB 833 w/HA 1 was defeated.

Representative Smith introduced and brought HCR 103, co-sponsored by Representative Darling and Senator McDowell, before the House for consideration.

HCR 103 - Supporting Solar Energy and May 3, 1978 as "Sun Day" in the State of Delaware.

HCR 103 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 136, co-sponsored by Representatives Sincock, Hebner, Smith, George, Loughney and Senators Berndt, Hughes and Weiss, before the House for consideration.

HR 136 - Congratulating Mt. Pleasant High School Science Students for Their Performance in the Second Science Olympiad.

HR 136 was adopted by voice vote.

Representative Gordy introduced and brought HR 137, co-sponsored by Representatives Lynch and Bennett, before the House for consideration.

HR 137 - Requesting Carroll W. Biggs, Superintendent of the New Castle County Planning Board of Education, to Appear Before the House Education Committee to Answer Questions About Student Transportation in September.

The roll call on HR 137 was taken and revealed:

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

ABSENT: Representatives W. Brady, Ferguson, Matushefske -

3.

Therefore, having received a constitutional majority,  
HR 137 was passed.

The following prefiled legislation was introduced:

HB 902 - SMITH - PUBLIC SAFETY: An Act to Amend Chapter 42, Title 21, Delaware Code, Relating to Penalties for Violations of Rules of the Road.

HB 903 - OBERLE, POWELL, ROY, RIDINGS, FERGUSON, HEBNER, ANDERSON, RIDDAGH, LOUGHNEY, CAIN, BYRD, SENATORS SHARP, CICIONE, MARTIN - EDUCATION: An Act to Amend Chapter 41, Part I, Title 14, of the Delaware Code Relating to the Free Public Schools: And Providing Certain Statutory Rights for Public School Pupils, the Parents of Such Pupils, and for Public School Employees.

HB 904 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Subchapter II, Title 30, Relating to Capital Gains Taxation.

HB 905 - BILLINGSLEY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to a Reduction in Personal Income Tax.

HB 906 - AMBROSINO, FERGUSON, CONNOR, KELLY, RISPOLI - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 58A, Part V, Title 29 of the Delaware Code Relating to the Conduct of Officers and Employees of the State.

HB 907 - LOUGHNEY, SENATOR HUGHES - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Transportation for the Repair and Improvement of State Highways and Roads.

HB 908 - FERGUSON - HIGHWAYS & TRANSPORTATION: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Installing a Traffic Signal Light at the Intersection of Tolliver Drive and Christiana Pike in New Castle County.

HB 909 - LYNCH, BURRIS, SENATORS MCCULLOUGH, HALE - EDUCATION: An Act to Amend Titles 8, 14 and 29 of the Delaware Code to Provide for the Creation of a State Board of Postsecondary Education and to Transfer Authority from Existing Boards and Agencies to the Board.

HA 1 to HB 610 - GILLIGAN - Placed with the bill.

HA 2 to HB 778 - BENNETT - Placed with the bill.

HA 2 to HB 851 - RISPOLI, ANDERSON - Placed with the bill.

HA 1 to HB 853 - RISPOLI, ANDERSON - Placed with the bill.

HA 1 to HB 857 - MATUSHEFSKE - Placed with the bill.

HA 1 to HB 888 - JOHNSON - Placed with the bill

SB 499 - KEARNS - JUDICIARY: An Act to Amend Subchapter II, Chapter 9, Title 10 of the Delaware Code by Removing Exclusive Criminal Jurisdiction from the Family Court to Comply with Constitutional Law.

SB 500 - KEARNS - JUDICIARY: An Act to Amend Chapter 9, of Title 10, of the Delaware Code to Remove Jurisdiction from Family Court in Cases of Sexual Misconduct Under 11 Del. C. Section 762 and Promoting Prostitution in the First Degree Under 11 Del. C. Section 1353.

SB 501 - KEARNS - JUDICIARY: An Act to Amend Part A, Subchapter III, Chapter 9, Title 10 of the Delaware Code by Redefining Those Children Who Shall be Proceeded Against as Adults.

SB 505 - KEARNS - JUDICIARY: An Act to Amend Subpart C, Subchapter VII, Chapter 5, Title 11 of the Delaware Code by Prohibiting Reckless Conduct and to Further Protect Children Under Twelve from Access to Materials Harmful to Minors.

HA 2 to SB 232 - FERGUSON - Placed with the bill.

HA 1 to SB 501 - AMBROSINO - Placed with the bill.

Representative Riddagh deferred HB 711 until May 9, 1978.

Representative Morris brought HB 754 before the House for consideration.

HB 754 - An Act to Amend an Act Entitled "An Act Changing the Corporate Name of the Commissioners of Wyoming to the Town of Wyoming and Establishing a Charter Therefor", Being Chapter 189, Volume 43, Laws of Delaware, as Amended, By Increasing the Amount of Money Which May be Used Each Year in Taxes.

The roll call on HB 754 was taken and revealed:

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

ABSENT: Representatives W. Brady, Ferguson, Matushefske - 3.

Therefore, having received a constitutional majority,

HB 754 was sent to the Senate for concurrence.

Representative Plant deferred HB 674 until May 31, 1978.

Representative Plant deferred HB 692 until May 31, 1978.

Representative Johnson moved to strike HA 1 to HB 888.

Without objection, HA 1 to HB 888 was stricken.

Committee Reports:

Community Affairs: HB 851 - 6M; HB 853 - 6M.

Banking and Insurance: SB 476 - 1F, 4M; SB 477 - 1F, 4M; SB 478 - 1F, 4M; SB 480 - 1F, 4M; SB 481 - 1F, 4M.

Representative Sincok moved to recess to the call of the Chair at 5:45 p.m.

## 29th LEGISLATIVE DAY - 2nd Session

May 4, 1978

The Speaker called the House to order at 1:56 p.m. The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by the Reverend Nelson Benjamin from the Trinity United Methodist Church, Frederica, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Ferguson - 1.

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

Communications:

The Senate wishes to inform the House that it has passed  
SCR 98; HCR 97; SB 537 w/SA 1,2; SB 542; HB 350; HB 834;  
SB 178; HB 506; HB 551; HB 424; HB 412; HB 345.

The following prefiled legislation was introduced:

HB 912 - GORDY, CLENDANIEL, LYNCH, TEMPLE, BURRIS, VERNON -  
 COMMUNITY AFFAIRS: An Act to Amend Chapter 70, Title 9,  
 Delaware Code, to Permit the Sussex County Government to  
 Borrow Money in Anticipation of the Issuance of Bonds.

HB 913 - CAIN, POWELL - REVENUE & FINANCE: An Act to  
 Amend Chapter 61, Part V, Title 30, Delaware Code, Public  
 Accommodation Taxes, to Provide Procedures for Obtaining  
 and Enforcing Judgments Against Delinquent Taxpayers.

HB 914 - GORDY, CLENDANIEL, TEMPLE, LYNCH, BURRIS,  
 VERNON - COMMUNITY AFFAIRS: An Act to Amend Chapter 65,  
 Title 9, Delaware Code, Relating to the Time in Which the  
 Sussex County Government Must Act Following an Election  
 Favoring Establishment of a Sanitary or Water District.

HB 915 - GORDY, CLENDANIEL, TEMPLE, LYNCH, BURRIS, VERNON -  
 HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 51,  
 Title 16, Delaware Code, to Increase the Fees Paid for the  
 Emergency Apprehension of the Dangerously Mentally Ill.

HB 916 - MATUSHEFSKE, BOULDEN - LABOR & COMMERCE: An Act  
 to Amend Chapter 9, Title 4, Delaware Code, to Permit the  
 Employment of a Person Who is 18 or 19 Years of Age by a  
 Licensed Importer of Alcoholic Liquors.

HB 917 - CONNOR - HOUSE ADMINISTRATION: An Act to Amend  
 Part V, Title 29 of the Delaware Code Relating to Public  
 Officers in the State of Delaware; and Providing for a  
 Delaware Financial Disclosure Act.

HA 2 to HB 610 - GILLIGAN - Placed with the bill.

HA 1 to HB 725 - MAXWELL - Placed with the bill.

HA 2 to HB 725 - MAXWELL - Placed with the bill.

HA 1 to HS 1 to HB 739 - OBERLE - Placed with the bill.

HA 1 to HB 884 - CAIN - Placed with the bill.

SB 178 - CICIONE, REPRESENTATIVES GILLIGAN, MAXWELL, BYRD,  
 KELLY - LABOR & COMMERCE: 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.

SB 537 w/SA 1,2 - CICIONE - APPROPRIATIONS: An Act to  
 Provide a Supplementary Appropriation to the Department of  
 Public Safety for Overtime Expenses of the Division of  
 State Police.

SB 542 - HOLLOWAY - APPROPRIATIONS: An Act to Provide a  
 Supplementary Appropriation to the Department of Finance for  
 the Purpose of Compensating Frank C. Mayer for Back Pay Due.



The House recessed at 2:05 p.m. for party caucus.

The House was called to order at 3:24 p.m.

Representative Gilligan introduced and brought SCR 99, sponsored by Senator Holloway, before the House for consideration. SCR 99 - Requesting the Delaware Congressional Delegation to Support Legislation for a National Office of the Handicapped.

SCR 99 was adopted by voice vote.

Representative Anderson introduced HCR 104, co-sponsored by Representatives Ferguson, Loughney, Maxwell, Oberle, Matushefske, Sincok, Riddagh, W. Brady, Kelly, Gilligan, Hebner, Powell, Connor, Roy, McKay, Cain and Senator Sharp.

HCR 104 - Requesting the 129th General Assembly to Recess for the Day on May 10th 1978, to Close Ranks Behind the State's Attorneys Who Will Be Appearing Before the U.S. Court of Appeals for the Third Circuit in Philadelphia to Appeal Desegregation Case Rulings by United States District Court Judge Murray M. Schwartz.

Mr. Speaker assigned HCR 104 to the House Administration Committee.

Representative Matushefske introduced and brought HCR 105 before the House for consideration.

HCR 105 - Requesting the Department of Health and Social Services to Increase the Fees Paid Under the Delaware Medicaid Prescription Drug Program.

The roll call on HCR 105 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gordy, Johnson, Loughney, Matushefske, Miller, Minner, Powell, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 23.

NO: Representatives Billingsley, George, Gilligan, Hebner, Kelly, Lynch, Maxwell, McKay, Morris, Oberle, Riddagh, Ridings, Rispoli, Roy, Smith - 15.

ABSENT: Representatives Ferguson, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HCR 105 was sent to the Senate for concurrence.

Representative Oberle introduced HCR 106, co-sponsored by Representatives Ambrosino, Rispoli, Powell, Plant, Roy, Johnson, Sincok, Hebner and Anderson.

HCR 106 - Urging the Resignation of Earle J. Lester, Vice-Chairman of the Delaware Public Service Commission, for his Refusal to Divulge Conflicts of Interest Arising from the Ownership of Shares of Stock by Commissioner Lester and His Family in a Utility Regulated by the Commission and Which has Received Rate Increases from the Commission While Mr. Lester was a Voting Member.

Mr. Speaker assigned HCR 106 to the House Administration Committee.

Representative Rispoli moved to lift HB 211 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Rispoli brought HA 3 before the House for consideration.

Representatives Riddagh and Anderson stated that they could not vote on HA 3 because they had a conflict of interest. HA 3 to HB 211 was adopted by voice vote.

Representative Rispoli introduced and brought HA 4 before the House for consideration. HA 4 to HB 211 was adopted by voice vote.

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

Representative Rispoli moved to place HB 211 w/HA 1,2,3,4 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Matushefske moved to restore HB 833 to the Calendar. The motion was seconded by Representative Sincock.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, Boulden, T. Brady, W. Brady, Burris, Byrd, Cain, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Powell, Sincock, Smith, Vernon, Madam Acting Speaker Worthen - 21.

NO: Representatives Anderson, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Roy, Temple - 18.

ABSENT: Representatives Ferguson, Rispoli - 2.

Therefore, having received a constitutional majority, the motion was adopted and HB 833 was restored to the calendar.

Representative Jonkiert moved to assign HB 833 to the House Administration Committee. Madam Acting Speaker Worthen assigned HB 833 to the House Administration Committee.

Representative Maxwell deferred HJR 53 to the end of the agenda and yielded to Representative Loughney.

Representative Loughney brought HB 765 before the House for consideration.

Representative Loughney brought HA 1 to HB 765 before the House for consideration.

Representative Maxwell requested and was granted the privilege of the floor for Commissioner James A. Vaughn of the Department of Corrections.

Representative Darling moved to assign HB 765 to the Corrections Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Darling, George, Gordy, Hebner, Johnson, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Ridings, Roy, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Connor, Gilligan, Loughney, Matushefske, Rispoli - 6.

NOT VOTING: Representative Riddagh - 1.

ABSENT: Representatives Cain, Ferguson, Jonkiert, Kelly, Vernon - 5.

Therefore, having received a constitutional majority, the motion was adopted and HB 765 was placed in the Corrections Committee.

Representative Hebner deferred HB 477 to the end of the Agenda and yielded to Representative Maxwell.

Representative Maxwell yielded to Representative Lynch.

Representative Lynch brought SB 527 before the House for consideration.

SB 527 - An Act to Amend the Laws of Delaware as They Relate to Students Voluntarily Transferring from One Public District School to Another.

The roll call on SB 527 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Gilligan, Gordy, Hebner, Loughney, Lynch, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 28.

NO: Representatives Johnson, Jonkiert, Plant, Rispoli, Mr. Speaker Boulden - 5.

NOT VOTING: Representatives T. Brady, George, Minner, Morris - 4.

ABSENT: Representatives Billingsley, Ferguson, Kelly, Matushefske - 4.

Therefore, having received a constitutional majority, SB 527 was returned to the Senate.

Representative Lynch moved to lift HB 556 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

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

Representative Lynch moved to place HB 556 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett deferred HB 604 to the end of the Agenda and brought HB 778 before the House for consideration.

HB 778 - An Act Making Supplementary Appropriations to the Departments of Election for New Castle County and Kent County to be Used for the Purchase of Voting Machines.

Representative Bennett moved to strike HA 1. Without objection, HA 1 to HB 778 was stricken.

Representative Bennett introduced and brought HA 2 before the House for consideration. HA 2 to HB 778 was adopted by voice vote.

The roll call on HB 778 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Maxwell, Miller, Minner, Morris, Plant, Riddagh, Ridings, Rispoli, Sincock, Smith, Temple, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Burris, Clendaniel, Gordy, Loughney, Lynch, McKay, Oberle, Powell, Roy, Vernon - 10.

ABSENT: Representatives Ferguson, Matushefske - 2.

Therefore, having received a constitutional majority,

HB 778 w/HA 2 was sent to the Senate for concurrence.

Representative Maxwell moved to suspend the rules for the purpose of introducing and acting on HS 1 for HB 725. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon, Worthen - 32.

NO: Representatives Ridings, Rispoli, Mr. Speaker Boulden - 3.

ABSENT: Representatives Billingsley, Cain, Ferguson, Matushefske, Minner, Morris - 6.

Therefore, having received a constitutional majority, the motion was adopted and Representative Maxwell brought HS 1 for HB 725, co-sponsored by Senator Weiss, before the House for consideration.

HS 1 for HB 725 - An Act to Amend Title 29, Delaware Code, to Require Financial Disclosure for State Officials and Employees.

Representative Jonkiert moved to place HS 1 for HB 725 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Darling, Gordy, Johnson, Jonkiert, Kelly, Lynch, Maxwell, Miller, Plant, Powell, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, T. Brady, Burris, Connor, George, Gilligan, Hebner, Loughney, Minner, Morris, Oberle, Ridings, Roy, Sincock, Smith, Vernon - 16.

NOT VOTING: Representative McKay - 1.

ABSENT: Representatives Ferguson, Matushefske - 2.

Therefore, having received a constitutional majority, the motion was adopted and HS 1 for HB 725 was placed on the Speaker's table.

The House recessed for Committee Hearings at 5:36 p.m.

The House was called to order at 5:50 p.m.

Committee Report:

House Administration: HCR 99 - 5M.

Representative McKay moved to strike HB 904. Without objection, HB 904 was stricken.

Representative Jonkiert moved to recess to the call of the Chair at 5:57 p.m.

30th LEGISLATIVE DAY - 2nd Session

May 9, 1978

The Speaker called the House to order at 1:55 p.m. The Majority Leader moved to adjourn at 1:56 p.m., thereby ending

the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by Reverend John A. Irwin of the Mt. Olivet United Methodist Church in Seaford, Delaware.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative Johnson - 1.

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

Communications:

May 8, 1978

LEGISLATIVE ADVISORY #43

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/5/78 - SB 527; SB 291 w/SA 1; SS 1 for SB 253 w/SA 1; HJR 39; HB 860 a/a/b HA 1; HB 462; HB 394; HB 333 a/a/b SA 1; HJR 60.

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The Senate wishes to inform the House that it has passed SB 533; SB 563 w/SA 1; HB 440; SB 561; SB 562; SB 564; SB 565; SB 538 w/SA 1; SB 541; SS 1 for SB 566; SCR 99; SJR 39; HB 818.

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May 4, 1978

The Honorable Kenneth W. Boulden  
Speaker of the House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Mr. Boulden:

I would personally like to invite you to join us at the John Dickinson Mansion on Wednesday, May 24.

As Speaker of the House of Representatives, I would appreciate it if you would mention this social affair to the members of the House some time prior to the May 24th date as all of the House members have received personal invitations for this event.

I will be looking forward to having you join us on May 24th at 6:00 p.m.

Sincerely,

William C. Scott, President

-----  
Representative Gordy introduced and brought HCR 107 before the House for consideration.

HCR 107 - Congratulating the Five Living Inductees of the Delaware Sports Hall of Fame and the Families of the Two Deceased Inductees.

HCR 107 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 918 - JOHNSON, PLANT - APPROPRIATIONS: An Act Making a Supplemental Appropriation for Fiscal Year Ending June 30,

1979 to the Department of Health and Social Services, Division of Social Services for Emergency and Disaster Assistance.

HB 919 - MATUSHEFSKE, CONNOR - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Wilmington Manor Volunteer Fire Company for the Operation and Maintenance of an Aerial Truck. (3/4 bill)

HB 920 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Subchapter II, Title 30, Delaware Code, Relating to Capital Gains Taxation.

HB 921 - SINCOCK, MILLER - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Governor's Commission on Criminal Justice for the Standards and Goals Project.

HB 922 - MINNER, DARLING - COMMUNITY AFFAIRS: An Act to Amend Chapter 13, Title 26, Delaware Code, Relating to Gas, Water and Oil Corporations and the Right of Eminent Domain.

HB 923 - CLENDANIEL & ALL SUSSEX COUNTY REPRESENTATIVES & SENATORS - HEALTH & SOCIAL SERVICES: An Act to Change the Name of the Hospital for the Mentally Retarded, A Facility of the Department of Health and Social Services, to the Stockley Center for the Mentally Retarded.

HB 924 - LYNCH - EDUCATION: An Act Authorizing the State Board of Education to Use Funds to Adjust the Insurance Allowance for Certain School Bus Contractors.

HB 925 - BURRIS - ADMINISTRATIVE SERVICES: An Act to Authorize and Direct the Transfer of Certain Property in Cedar Creek Hundred.

HB 926 - HEBNER - JUDICIARY: An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to the Seizure of a Vehicle Used in the Commission of a Crime.

HA 3 to HB 610 - GILLIGAN - Placed with the bill.

HA 1 to HB 855 - GILLIGAN - Placed with the bill.

HA 1 to HB 878 - WORTHEN - Placed with the bill.

SB 533 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 39, Title 18, Delaware Code, Relating to Discrimination Against Youthful Drivers Because of Sex.

SB 538 w/SA 1 - SCHLOR, SHARP - LABOR & COMMERCE: An Act to Amend Chapter 21, Part II, Title 19 of the Delaware Code Relating to Workmen's Compensation; Adding Two Additional Members to the Industrial Accident Board; and Providing an Appropriation Therefor.

SB 541 - CORDREY - COMMUNITY AFFAIRS: An Act to Amend an Act, Being Chapter 170, Volume 57 of the Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Provide a Procedure for Referendum. (2/3 bill)

SB 561 - CORDREY, ADAMS, LITTLETON - JUDICIARY: An Act to Amend Chapter 25, Title 10, Delaware Code, as It Relates to the Compensation of the Chief Deputy Register in Chancery.

SB 562 - CORDREY, ADAMS, LITTLETON - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter II, Chapter 87, Title 9, Delaware Code, Relating to the Monition Method of Sale of Lands for Delinquent Taxes.

SB 563 w/SA 1 - CORDREY, ADAMS, LITTLETON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 51, Title 9, Delaware Code,

As the Same Shall Relate to the Borrowing Power of the Government of Sussex County.

SB 564 - CORDREY, ADAMS, LITTLETON - JUDICIARY: An Act to Amend Chapter 23, Title 10, Delaware Code, to Provide for the Compensation of Deputies and Clerks.

SB 565 - CORDREY, ADAMS, LITTLETON - JUDICIARY: An Act to Amend Chapter 25, Title 12, Delaware Code, as the Same Relates to the Compensation of the Chief Deputy Register of Wills.

SJR 39 - ZIMMERMAN - HIGHWAYS & TRANSPORTATION: Directing the Division of Highways to Conduct a Feasibility Study for a Railroad Overpass at Division or Forrest Street in Dover.

Representative Worthen brought HB 718 w/HA 1 before the House for consideration.

Representative Worthen brought HA 1 before the House for consideration. HA 1 to HB 718 was adopted by voice vote.

Representative Morris introduced and brought HA 2, co-sponsored by Representative Riddagh, before the House for consideration.

Representative Riddagh requested and was granted the privilege of the floor for Mrs. Florence Cook from Smyrna, a private nursery school operator.

HA 2 to HB 718 was adopted by voice vote.

Representative Morris introduced and brought HA 3, co-sponsored by Representative Riddagh, before the House for consideration.

Representative Riddagh requested and was granted the privilege of the floor for Mrs. Florence Cook.

Representative Worthen requested and was granted the privilege of the floor for Mrs. Pauline Koch from the Day Care Unit of the Department of Social Services.

The roll call on HA 3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Lynch, Matushefske, Maxwell, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 32.

NO: Representatives Bennett, T. Brady, Miller, Minner, Plant, Worthen - 6.

NOT VOTING: Representatives Billingsley, George - 2.

ABSENT: Representative Johnson - 1.

Therefore, having received a constitutional majority, HA 3 to HB 718 was adopted.

Representative Minner moved to place HB 718 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Worthen and adopted by voice vote.

Representative Riddagh brought HB 711 before the House for consideration.

Representative Riddagh moved to place HB 711 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Gilligan deferred HB 409 and brought HB 855 before the House for consideration.

Representative Gilligan brought HA 1 before the House for consideration. HA 1 to HB 855 was adopted by voice vote.

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

Representative Gilligan moved to place HB 855 w/HA 1 on the Speaker's table. The motion was seconded by Representative Ambrosino and adopted by voice vote.

Representative Gilligan deferred HB 406 to the end of the Agenda and brought HB 610 w/HA 1,2,3 before the House for consideration.

Representative Gilligan moved to strike HA 1. Without objection, HA 1 to HB 610 was stricken.

Representative Gilligan moved to strike HA 2. Without objection, HA 2 to HB 610 was stricken.

Representative Gilligan moved to strike HA 3. Without objection, HA 3 to HB 610 was stricken.

Representative Gilligan introduced and brought HA 4 before the House for consideration.

Representative Gilligan requested that the following letter to Mr. Ernst Danneman be read into the record:

Martin E. Segal Company  
730 Fifth Avenue  
New York, N.Y. 10019

May 8, 1978

Mr. Ernst Dannemann, Chairman  
State Board of Pension Trustees  
135 Lakeview Avenue  
Dover, Delaware 19901

Dear Ernie:

We have been requested to determine the cost impact of House Bill 610 which would amend the State Pension Law to increase the mandatory retirement age from 65 to 70.

In theory, increasing the mandatory retirement age results in net savings to the Plan. A later mandatory retirement age produces a smaller liability to the Plan (even taking into account larger pension benefits due to longer service and additional salary increases) than an earlier mandatory retirement age.

In practice, however, the cost impact of increasing the mandatory retirement age may have no effect on long-term costs if it does not actually alter the average age at which employees actually retire. For example, in the State Plan the impact of a mandatory retirement age is diluted by the effect of the liberal early retirement provisions. Increasing the mandatory retirement age will probably not affect the average age at retirement which is presently under age 65.

Consequently, if increasing the mandatory retirement age does not alter current retirement patterns, House Bill 610



will have no cost impact. If, on the other hand, increasing the mandatory retirement age encourages employees to postpone retirement, then there will be a small net savings to the Plan.

However, if the main intention of the bill is to harmonize State law with the new requirements established by the recent amendments to the Federal Age Discrimination in Employment Act (Public Law 93-259), then I would recommend that the bill be referred to the Attorney General's Office for further refinement. The Federal Act applies to State and local governments. The operative portion of the statute reads as follows:

"Section 4(f). It shall not be unlawful for an employer . . . (2) to observe the terms of a bonifide . . . retirement, pension, or insurance plan, . . . except that no such employee benefit plan . . . shall require or permit the involuntary retirement of any individual specified by Section 12(a) of this Act because of age of such individual . . ."

The application of the Federal Act is limited to individuals who are at least 40 years of age but less than 70 years of age, and does not apply to elected officials, tenured University personnel and employees in high policy-making positions. This would appear to exclude the option of the employing agency to retire an employee after age 65 without his or her consent provided for in House Bill 610.

If you have any further questions, do not hesitate to call.

Sincerely,

James N. Kamel

-----  
Representative Gilligan moved to place HB 610 w/HA 4 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Oberle deferred HB 505 until May 31, 1978.

Representative Worthen deferred SS 1 for SB 163 to the end of the Agenda and brought HJR 58 before the House for consideration.

HJR 58 - Directing the State Superintendent of Public Instruction to Direct the New Castle County Planning Board of Education to Administer the State Certification Rules Concerning Guidance Personnel Without Any Lowering of Standards.

The roll call on HJR 58 was taken and revealed:

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

NO: Representative Plant - 1.

ABSENT: Representatives Darling, Johnson, Loughney,

Matushefske - 4.

Therefore, having received a constitutional majority, HJR 58 was sent to the Senate for concurrence.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on HJR 64. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Gordy brought HJR 64, co-sponsored by Representatives Sincock, Bennett, Lynch, Anderson, T. Brady, Ambrosino, Hebner, Smith, Ridings, McKay, Connor, Roy, Powell, Billingsley, Riddagh, Burris and Vernon, before the House for consideration.

HJR 64 - Requesting the Honorable Murray M. Schwartz, United States Judge for the District of Delaware to Require the New Castle County Planning Board of Education to Give the Members of the 129th General Assembly of the State of Delaware Sufficient and Advance Notice on All Matters Relating to the Desegregation of New Castle County Schools that have a Statewide Impact, Especially the Appropriation of Public Funds.

The roll call on HJR 64 was taken and revealed:

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

ABSENT: Representatives Johnson, Plant - 2.

Therefore, having received a constitutional majority, HJR 64 was sent to the Senate for concurrence.

Representative Jonkiert introduced and brought HR 138, co-sponsored by Representatives Boulden, Gordy, Sincock and McKay on Behalf of all of the Members of the House of Representatives, before the House for consideration.

HR 138 - Expressing the Thanks of the Members of the House of Representatives of the 129th General Assembly for the Party Tendered Them by the Attaches on May 4, 1978.

HR 138 was adopted by voice vote.

Representative Loughney introduced and brought HCR 108 before the House for consideration.

HCR 108 - Commending the du Pont Company and the Getty Refining and Marketing Company for Participating in the Cooperative to Contain Major Oil Spills on the Delaware River.

HCR 108 was adopted by voice vote.

Representative Byrd moved to strike HB 894. Without objection, HB 894 was stricken.

Representative Plant deferred HB 476 and yielded to Representative Rispoli.

Representative Rispoli brought SB 412 before the House for consideration.

SB 412 - An Act to Amend Chapter 212, Volume 25, Laws of

Delaware, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds" Amended, to Give the Commissioners of the Town of Bethany Beach the Power to Borrow up to \$200,000.

The roll call on SB 412 was taken and revealed:

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

ABSENT: Representatives Johnson, Loughney, Matushefske - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 412 was returned to the Senate.

Representative Gordy deferred HB 459 and brought HB 670 before the House for consideration.

HB 670 - An Act to Amend Section 29, Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bethel" Relating to the Power to Borrow Money.

The roll call on HB 670 was taken and revealed:

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

ABSENT: Representatives Johnson, Loughney, Matushefske - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 670 was sent to the Senate for concurrence.

Representative Jonkiert deferred HB 607 and HB 608 until May 11, 1978.

Representative Minner brought HB 737 before the House for consideration.

HB 737 - An Act to Amend Chapter 69, Title 16, of the Delaware Code Relating to Public Display of Fireworks.

The roll call on HB 737 was taken and revealed:

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

ABSENT: Representatives Johnson, Matushefske, Plant - 3.

Therefore, having received a constitutional majority, HB 737 was sent to the Senate for concurrence.

Representative Minner deferred HB 736 and yielded to

Representative Rispoli.

Representative Rispoli brought SB 411 before the House for consideration.

SB 411 - An Act to Amend Chapter 212, Volume 25, Laws of Delaware Entitled "An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds" As Amended, by Increasing the Amount Which the Town of Bethany Beach May Raise by Taxation of Assessable Real Estate.

The roll call on SB 411 was taken and revealed:

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

ABSENT: Representatives Johnson, Matushefske - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 411 was returned to the Senate.

Representative Minner brought HB 769 before the House for consideration.

Representative Minner moved to place HB 769 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Minner brought SB 156 w/SA 3 before the House for consideration.

SB 156 - An Act to Amend Chapter 27, Part II, Title 21 of the Delaware Code Relating to Permanent Motor Vehicle Driver's Licenses.

Representative Minner requested and was granted the privilege of the floor for Senator Arnold.

The roll call on SB 156 w/SA 3 was taken and revealed:

YES: Representatives Billingsley, Lynch - 2.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives Ambrosino, Gordy, Johnson, Plant - 4.

Therefore, not having received a constitutional majority, SB 156 w/SA 3 was defeated.

Representative Ferguson moved to lift SB 232 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to place SB 232 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess at 5:19 p.m.

The House was called to order at 5:37 p.m.

The following veto message from the Governor was read by the Reading Clerk:

State of Delaware  
Executive Department  
Dover, 19901

May 9, 1978

House of Representatives  
of the 129th General Assembly  
of the State of Delaware

On April 27, 1978, I received House Bill 749 entitled: An Act to Amend Subchapter I, Chapter 11, Title 24, Delaware Code, Relating to a Peer Review Immunity Provision for Persons Reviewing Dental Records, Dental Care and Dentist's Work.

I am returning House Bill 749 without my signature for the following reasons:

House Bill 749 provides immunity for persons serving on committees which review dental work and dental care. The bill provides that such persons shall not be subject to law suits, claims or other civil recourse except where a reviewer acted in bad faith or with malice. To permit suits where there has been bad faith or malice serves to assure that the review function is not in any way abused.

However, subsection (b) in the bill effectively nullifies this limited base for suit by providing that no records of the review committee may be subject to court subpoena or discovery, and that no person attending a review committee session may be requested to testify as to what transpired. Without such records or testimony, it would be virtually impossible to establish bad faith or malice. Thus, this provision of the bill establishes an immunity which was not intended.

Also, the title and body of the bill purport to amend Subchapter I, Chapter 11, Title 24, Delaware Code; the proper reference should be Subchapter II of said Chapter.

Respectfully submitted,

Pierre S. du Pont, Governor

- - - - -

Representative Gilligan moved to suspend the rules for the purpose of introducing and acting on SS 1 for SB 566. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan brought SS 1 for SB 566, co-sponsored by Senators Berndt, Adams, Cicione, Holloway, Hughes, Martin and Weiss and Representatives Gilligan, Bennett, Burris, Maxwell, Minner, Powell and Temple, before the House for consideration.

SS 1 for SB 566 - An Act to Amend Chapter 55, Part V, Title 16 of the Delaware Code Relating to the Mentally Retarded; and Providing for a Bill of Rights.

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

The roll call on SS 1 for SB 566 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Johnson, Matushefske - 3.

Therefore, having received a constitutional majority, SS 1 for SB 566 was returned to the Senate.

Representative Gordy moved to suspend the rules for the purpose of introducing and acting on HJR 65. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Gordy brought HJR 65, co-sponsored by Representatives Vernon, Burris, Clendaniel, Lynch and Temple and Senators Adams, Cordrey and Littleton, before the House for consideration.

HJR 65 - Requesting the Federal Communications Commission to Change Channel 38 from an Educational Station to a Commercial Station.

The roll call on HJR 65 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Johnson, Matushefske, Minner - 4.

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

Committee Report:

Appropriations: HB 881 - 1F, 6M; SB 426 - 6M; SB 430 - 1F, 5M, 1U; SB 432 - 1F, 6M; SB 487 - 7M; SB 539 - 6M, 1U.

Representative Jonkiert moved to recess to the call of the Chair at 6:00 p.m.

### 31st LEGISLATIVE DAY - 2nd Session

May 10, 1978

The Speaker called the House to order at 3:10 p.m.

Committee Report:

Highways & Transportation: HB 740 - 2F, 4M; HB 852 - 5M, 1U; SB 395 - 1F, 5M.

The Majority Leader moved to adjourn at 3:12 p.m., thereby ending the previous legislative day. The House reconvened at 3:12 p.m. A prayer was offered by Reverend John Irwin of

the Mt. Olivet United Methodist Church in Seaford, Delaware.

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Billingsley, Matushefske - 2.

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

Communications:

The Senate wishes to inform the House that it has passed  
HCR 105; SB 461 w/SA 1; SB 434 w/SA 1; SB 569 w/SA 1; HB 780;  
HCR 100; HCR 101; HCR 102.

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 Newark School District  
 Newark, Delaware 19711

May 1, 1978

The Honorable Gerard A. Cain  
 House of Representatives  
 2 Stallion Drive  
 Newark, DE 19713

Dear Gerry:

I understand that you do not intend to lift House Joint Resolution 57 from the table since actions taken by the Newark School District make the purpose of the resolution unnecessary. Let me reassure you that the records of all students in the Newark School District who were suspended in connection with the walkouts and demonstrations on March 23, will be expunged of any reference to disciplinary action taken with respect to that incident. Disciplinary records are always removed from pupil files on graduation and no reference is made to disciplinary actions in any references to colleges or prospective employers. Most schools remove disciplinary records at the end of the school year. In this particular case, we have assured parents that such records will be removed before the end of this school year. Any parent who wants to reassure himself that the record has been cleared has the right, both under Newark School District policy and under the Family Rights and Privacy Act, to inspect the student's records.

I believe that the position of the Newark School District with respect to records satisfies the concerns represented by your resolution, and I believe your decision to leave the resolution on the table under those circumstances is a good one.

Sincerely yours,

John E. Allen, Acting Superintendent

Representative Loughney introduced HB 938, co-sponsored by Representative Maxwell.

HB 938 - An Act to Amend Chapter 65, Part IV, Title 11 of the Delaware Code Relating to the Department of Correction; and Limiting the Furlough and Work Release Privileges of Certain Prisoners.

Mr. Speaker assigned HB 938 to the Corrections Committee. The following prefiled legislation was introduced:

HB 927 - RIDINGS, RISPOLI - COMMUNITY AFFAIRS: An Act to Amend Title 25 of the Delaware Code Relating to Real Property; and Providing for a Uniform Condominium Act.

HB 928 - SMITH - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Itemized Deductions.

HB 929 - GEORGE, SINCOCK, SENATOR CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Treasurer for the Purpose of Paying a Prior Year's Obligation.

HB 930 - LOUGHNEY - CONSTITUTION: An Act Proposing an Amendment to Article IV, Sections 2 and 3 of the Constitution of the State of Delaware by Providing for the Election of Certain Judges. (2/3 bill)

HB 931 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapters 23, 25, 27 and 29 of Title 30, Delaware Code Relating to Occupational License Taxes, Contractors' License Taxes, Manufacturers' License Taxes, Wholesaler License Taxes, Food Processor License Taxes, Grain and Feed Dealer License Taxes, Retailer License Taxes, Restaurant Retailer License Taxes and Farm Machinery Retailer License Taxes on Aggregate Gross Receipts.

HB 932 - ROY - EDUCATION: An Act to Amend Subchapter III, Chapter 10, Title 14, Delaware Code Relating to the Election of Vocational-Technical School Board Members.

HB 933 - BURRIS - APPROPRIATIONS: An Act Making an Appropriation to the Division of Highways for the Replacement of One Bridge at Milford, Delaware.

HB 934 - BENNETT, WORTHEN - EDUCATION: An Act to Amend Delaware Code, Title 14, by Providing Separate State Support for Additional Guidance Counselors in the Public Schools.

HB 935 - GORDY, SENATOR LITTLETON - HIGHWAYS & TRANSPORTATION: An Act Making a Supplementary Appropriation to the Department of Highways and Transportation for the Purpose of Installing Traffic Signal Control Equipment in Front of the Delmar Fire House on Bi-State Boulevard in Delmar, Delaware.

HB 936 - LOUGHNEY, RISPOLI, ROY - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 17, Title 7 of the Delaware Code by Transferring Responsibility for Dog Control From the State of Delaware to the Respective Counties and Granting the Power to the Counties to Establish Ordinances and Regulations Pertaining to Dog Control and Licenses. (2/3 bill)

HB 937 - BENNETT, WORTHEN - EDUCATION: An Act to Amend Delaware Code, Title 14, in Order to Provide a Basic Skills Instructional Funding Unit and Authorizing Staff or Services or Materials for Such Units in Public Schools.

HA 4 to HB 718 - MORRIS, RIDDAGH - Placed with the bill.

HA 2 to HB 765 - MILLER - Placed with the bill.

HA 2 to HB 853 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 881 - MINNER - Placed with the bill.



SB 434 w/SA 1 - SHARP, MURPHY, MARTIN - BANKING & INSURANCE:  
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.

SB 461 w/SA 1 - MURPHY, SHARP, REPRESENTATIVE WORTHEN - BANKING & INSURANCE: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to the Requirement of Insurance for all Motor Vehicles in the State. (2/3 bill)

SB 569 w/SA 1 - HOLLOWAY, BERNDT - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code Relating to Discrimination in State Employment.

HA 6 to SS 1 for SB 163 - MINNER - Placed with the bill.

HA 7 to SS 1 for SB 163 - MINNER - Placed with the bill.

HA 8 to SS 1 for SB 163 - MINNER - Placed with the bill.

HA 3 to SB 232 - CAIN - Placed with the bill.

Representative Jonkiert moved to recess for caucus at 3:39 p.m.

The House was called to order at 4:29 p.m.

Representative Sincok moved to strike HA 1 to SB 493. Without objection, HA 1 to SB 493 was stricken.

Representative Rispoli moved to lift HB 211 w/HA 1,2,3,4 from the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Rispoli introduced and brought HA 5 before the House for consideration.

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

The roll call on HA 5 to HB 211 was taken and revealed:

YES: Representatives Ambrosino, Byrd, Cain, Connor, Ferguson, George, Gilligan, Johnson, Jonkiert, Kelly, Loughney, Maxwell, Miller, Minner, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 18.

NO: Representatives Bennett, W. Brady, Burris, Clendaniel, Darling, Gordy, Hebner, Lynch, McKay, Morris, Oberle, Powell, Ridings, Roy, Sincok, Smith, Temple, Vernon - 18.

NOT VOTING: Representatives Anderson, T. Brady - 2.

ABSENT: Representatives Billingsley, Matushefske, Riddagh - 3.

Therefore, not having received a constitutional majority, HA 5 to HB 211 was defeated.

Representative Rispoli moved to strike HB 211. Without objection, HB 211 was stricken.

Representative Rispoli moved to strike HB 239. Without objection, HB 239 was stricken.

Representative Oberle deferred HB 729 to the end of the Agenda and yielded to Representative Roy.

Representative Roy brought HB 758 before the House for consideration.

Representative Roy moved to place HB 758 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Smith deferred HB 475 until May 18, 1978.

Representative Gilligan moved to lift HB 610 w/HA 4 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 610 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing for the Optional and Mandatory Retirement of State Employees.

Representative Gilligan brought HA 4 before the House for consideration. HA 4 to HB 610 was adopted by voice vote.

Representative Gilligan requested and was granted the privilege of the floor for Mr. McArdle from the Pension Office.

The roll call on HB 610 w/HA 4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Plant, Powell, Riddagh, Ridings, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Byrd, Smith - 2.

ABSENT: Representatives Bennett, Darling, Matushefske, Oberle, Rispoli, Roy - 6.

Therefore, having received a constitutional majority, HB 610 w/HA 4 was sent to the Senate for concurrence.

Representative Loughney deferred HB 564 and yielded to Representative Temple.

Mr. Speaker recommitted HB 564 to the Corrections Committee.

Representative Temple brought HB 870 before the House for consideration.

HB 870 - An Act to Make a Supplementary Appropriation to the Blades Volunteer Fire Company for the Operation and Maintenance of its New Rescue Truck.

The roll call on HB 870 was taken and revealed:

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

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Billingsley, Matushefske, Rispoli - 3.

Therefore, having received a constitutional majority of at least three-quarters members of the House, HB 870 was sent to the Senate for concurrence.

Representative Loughney brought HB 567 before the House for consideration.

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

Representative Loughney moved to place HB 567 on the

Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative T. Brady deferred HB 574 until May 11, 1978.

Representative Minner deferred SJR 31 to the end of the Agenda and brought HB 736 w/HA 1 before the House for consideration.

HB 736 - An Act to Amend Chapter 52, Title 30, Delaware Code Relating to the Definition of Motor Vehicle.

Representative Minner moved to strike HA 1. Without objection, HA 1 to HB 736 was stricken.

Representative Minner introduced and brought HA 2 before the House for consideration. HA 2 to HB 736 was adopted by voice vote.

Representative Minner moved for the suspension of all rules for the purpose of acting on HB 736 because HB 736 lacked a synopsis. The motion was seconded by Representative Gordy and adopted by voice vote.

The roll call on HB 736 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Lynch, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Ambrosino, Ridings - 2.

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Billingsley, T. Brady, Johnson, Matushefske, Plant, Rispoli - 6.

Therefore, having received a constitutional majority, HB 736 w/HA 2 was sent to the Senate for concurrence.

Representative Powell brought HB 442 before the House for consideration.

Representative Powell moved to place HB 442 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Worthen deferred HB 755 and brought HJR 59 before the House for consideration.

HJR 59 - Directing the State Superintendent of Public Instruction to Direct the New Castle County Planning Board of Education to Administer the State Certification Rules Concerning Reading Personnel Without any Lowering of Standards.

The roll call on HJR 59 was taken and revealed:

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

ABSENT: Representatives Billingsley, Johnson, Jonkiert, Matushefske, Plant, Rispoli - 6.

Therefore, having received a constitutional majority,

HJR 59 was sent to the Senate for concurrence.

Representative Worthen deferred HB 756 to the end of the Agenda and brought HB 878 before the House for consideration.

HB 878 - An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays; and Designating the Last Monday in May as Memorial Day.

Representative Worthen brought HA 1 before the House for consideration. HA 1 to HB 878 was adopted by voice vote.

Representative Boulden moved to place HB 878 w/HA 1 on the Speaker's table. The motion was seconded by Representative W. Brady.

The roll call on the motion was taken and revealed:

YES: Representatives Boulden, W. Brady, Clendaniel, Darling, Ferguson, Gilligan, Lynch, McKay, Minner, Morris, Oberle, Riddagh, Ridings, Roy, Mr. Acting Speaker Jonkiert - 15.

NO: Representatives Ambrosino, Bennett, T. Brady, Burris, Byrd, Cain, Connor, George, Gordy, Hebner, Maxwell, Miller, Powell, Smith, Temple, Vernon, Worthen - 17.

ABSENT: Representatives Anderson, Billingsley, Johnson, Kelly, Loughney, Matushefske, Plant, Rispoli, Sincock - 9.

Therefore, not having received a constitutional majority, the motion was defeated and HB 878 w/HA 1 remained before the House.

Representative Gilligan requested that the following letter be read into the record:

April 25, 1978

The Honorable Robert F. Gilligan  
Representative, State of Delaware  
2628 Sherwood Park  
Wilmington, DE 19808

Dear Representative Gilligan:

I regret that I could not get back with you sooner in reference to the veteran's attitude regarding the celebration of Memorial Day; I have however contacted representatives of practically all of the organizations in Delaware.

Veteran's Day was originally designated to be observed on May 30 and following the Civil War General John Logan issued a General Order so establishing this date on May 30, 1868.

In recent years, certain individuals have deviated from the established date of May 30 and have observed this sacred day on the last Monday in the month in order to create a long three-day weekend.

At the insistence and upon request of the veterans in Delaware our Legislature did see fit to re-establish May 30 as the official day of Memorial - we are grateful to our elected officials for this action, which, I might add, was also legislated in practically all States. The Federal Government also passed legislation officially declaring May 30 as the proper date of observance, this to be effective in 1979 since some calendar companies had printed their calendars two years in advance.

Now we are told that there are those who would like to revert back to the long three-day weekend by declaring Memorial Day as the last Monday in May - this in our opinion is being done for personal reasons alone and not for what is considered to be right. Memorial Day was never meant for a day of vacation or fun, it was meant to be a sacred day of mourning, of reverence to those who had given their last full measure of life, and as a fitting reminder of our war dead.

You ask "who would attend our Memorial Services if the 30th of May came on a Tuesday?" I ask "who would attend our services on Monday if the day was a holiday and people were enjoying a three-day weekend. Those individuals who care to attend the services will attend no matter what the day?"

This is America's day - it should be a day when a grateful nation mourns for those who gave their lives to keep America free; we should not sacrifice this sacred day for a day of fun and self pleasure.

This is my opinion about the matter and I might add that it is the feeling of the vast majority who served our Nation in time of war. We are grateful to you for your splendid cooperation with us and we trust that you will understand and support our position.

Very sincerely,

Garland D. Bloodsworth  
Department Adjutant

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Representative Worthen moved to table the roll call on HB 878 w/HA 1. The motion was seconded by Representative Gordy but defeated by voice vote.

The roll call on HB 878 was revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Burris, Byrd, Cain, Connor, George, Gordy, Hebner, Maxwell, Miller, Oberle, Powell, Smith, Temple, Vernon, Worthen - 18.

NO: Representatives W. Brady, Clendaniel, Darling, Ferguson, Gilligan, Jonkiert, Loughney, Lynch, McKay, Minner, Morris, Riddagh, Ridings, Sincok, Mr. Speaker Boulden - 15.

ABSENT: Representatives Anderson, Billingsley, Johnson, Kelly, Matushefske, Plant, Rispoli, Roy - 8.

Therefore, not having received a constitutional majority, HB 878 w/HA 1 was defeated.

Representative Lynch introduced HB 939.

HB 939 - An Act to Amend Chapter 13, Part I, Title 14 of Delaware Code Relating to School Counselors in Grades K-8.

Mr. Speaker assigned HB 939 to the Education Committee.

Representative Gordy moved to recess for committee hearings at 6:09 p.m.

The House was called to order at 6:19 p.m.

Committee Reports:

Community Affairs: HB 912 - 5M; HB 914 - 4M; HB 922 - 1F, 4M; SB 541 - 5M.

Environmental Control: HB 936 - 1F, 3M.

Natural Resources: SB 349 - 4M; SB 490 - 1F, 3M; SB 534 - 4M; SJR 38 - 2F, 2M.

Representative Gordy moved to recess to the call of the Chair at 6:12 p.m.

### 32nd LEGISLATIVE DAY - 2nd Session

May 11, 1978

The Speaker called the House to order at 1:55 p.m. The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by Representative Thomas Temple of the 39th District.

The Chief Clerk called the roll.

Members present: 39.

Members absent: Representatives Anderson, Burris - 2.

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

Communications:

May 10, 1978

#### LEGISLATIVE ADVISORY #44

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/9/78 - HB 708; HB 660 a/a/b HA 1,2; HB 818; SS 1 for SB 566; SCR 89.

The Governor vetoed the following legislation on the date indicated: 5/9/78 - HB 749.

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The Senate wishes to inform the House that it has passed HJR 58; SB 570; SB 66; SB 319; SB 342 w/SA 1; SB 365; SB 576; HB 688; HCR 107; HCR 108; HJR 62.  
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Representative Oberle moved to strike HS 1 for HB 739. Without objection, HS 1 for HB 739 was stricken.

Representative Plant introduced and brought HCR 109 before the House for consideration.

HCR 109 - Directing the Commissioner of Corrections to Appear Before the General Assembly to Answer Certain Questions Related to Aubrey McKay.

Representative Sincok moved to place HCR 109 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Minner introduced and brought HCR 110, co-sponsored by Representative Burris and Senator Adams, before the House for consideration.

HCR 110 - Commending the Milford High School Band and Flag Corps for Outstanding Performances at the Annual Apple Blossom Festival in Winchester, Virginia, on May 5, 6, 1978.

HCR 110 was adopted by voice vote.

Representative Ferguson moved to strike HB 467. Without objection, HB 467 was stricken.

Representative Cain introduced HB 947.

HB 947 - An Act to Amend Title 9, Delaware Code, Relating to the Government of New Castle County and Public Transportation.

Mr. Speaker assigned HB 947 to the House Administration Committee.

The following prefiled legislation was introduced:

HB 940 - RIDDAGH - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Delaware National Guard, to Pay a Prior Year's Obligation for a Liability Claim Payable to an Individual for Property Damage Occurring in 1977.

HB 941 - MINNER - APPROPRIATIONS: An Act Making an Appropriation to the Department of Public Safety for Payment of an Annual Increment that was not Given to James H. Dare, an Employee of the Department.

HB 942 - BURRIS - PUBLIC SAFETY: An Act to Amend Chapter 41, Title 21, Section 4116 of the Delaware Code, Relating to Overtaking a Vehicle on the Left. (2/3 bill)

HB 943 - RIDINGS, AMBROSINO, BENNETT, W. BRADY, BURRIS, CLENDANIEL, CONNOR, DARLING, FERGUSON, KELLY, LYNCH, MORRIS, OBERLE, RIDDAGH, RISPOLI, VERNON, TEMPLE (Joint Sponsors) - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Part V, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for an Employment Preference for Delawareans.

HB 944 - HEBNER, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 47, Title 16, of the Delaware Code, Relating to Penalties Under the Uniform Controlled Substances Act.

HB 945 - BENNETT, DARLING - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 68, Title 29, Delaware Code, Relating to Purchasing.

HB 946 - TEMPLE, SENATOR LITTLETON - EDUCATION: An Act to Authorize the Board of Education of the Seaford School District to Transfer Certain Funds from its Minor Capital Improvement Funds Account of Local Funds Account.

SB 66 - SPENCE, REPRESENTATIVE W. BRADY - APPROPRIATIONS: An Act to Amend Volume 60, Chapter 691, Section 37, Laws of Delaware, Entitled, an Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor and Appropriating the Monies to Various Agencies of the State and to Borrow Money to be Used for the Local Share of School Construction Programs and to Issue Bonds and Notes Therefore and Appropriating the Monies to the State Board of Education on Behalf of Local School Districts; Amending Volume 56, Chapter 369, Laws of Delaware; Amending Volume 57, Chapter 299, Laws of Delaware Pertaining to Capitol Complex Electric Distribution System and Central Heating and Air Conditioning; Amending Volume 57, Chapter 306, Laws of Delaware; Amending Volume 57, Chapters 320 and 736, Volume 58, Chapter 347, and Volume 59, Chapter 223, Laws of Delaware, Pertaining to Bond Authorization

for Local School Districts; Amending Volume 60, Chapter 271, Laws of Delaware, Pertaining to the Transfer of Funds from the Construction of a Women's Prison to the Construction of a Maximum Security Building. (3/4 bill)

SB 319 - MURPHY (by request) - HOUSE ADMINISTRATION: An Act to Permit Facsimile Signature by the Secretary of State Under Certain Conditions.

SB 342 w/SA 1 - MURPHY - NATURAL RESOURCES: An Act to Amend Subchapter II, Chapter 21, Title 23, Delaware Code, Relating to Motorboats.

SB 365 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Casualty Insurance Contracts.

SB 570 - MCDOWELL - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Delaware Technical and Community College for the Purpose of Providing a Student Newspaper on Each Campus.

SB 576 - ADAMS - EDUCATION: An Act to Permit the Woodbridge School District to Transfer Certain Funds from its Minor Capital Improvements Account to its Current Operating Expense Account.

The House recessed at 2:23 p.m.

The House was called to order at 2:29 p.m.

Representative Jonkiert brought HB 607 before the House for consideration.

HB 607 - An Act to Amend Chapter 91, Title 29, Delaware Code, to Require Legislative Approval of Withdrawals from the Advanced Land Acquisition Fund.

Representative Jonkiert introduced and brought HA 1 before the House for consideration. HA 1 to HB 607 was adopted by voice vote.

The roll call on HB 607 w/HA 1 was taken and revealed:

YES: Representatives Bennett, Billingsley, Boulden, T. Brady, W. Brady, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Maxwell, McKay, Miller, Morris, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Temple, Vernon, Mr. Acting Speaker Cain - 31.

NO: Representatives Oberle, Worthen - 2.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Ambrosino, Anderson, Burris, Hebner, Kelly, Matushefske, Minner - 7.

Therefore, having received a constitutional majority, HB 607 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 608 before the House for consideration.

Representative Jonkiert moved to place HB 608 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative T. Brady brought HB 574 before the House for consideration.



HB 574 - An Act to Amend Chapter II, Title 30, Delaware Code, Relating to Issuance of Warrant.

Representative T. Brady requested and was granted the privilege of the floor for Mr. John L. Sullivan, Director of the Division of Revenue

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

The roll call on HB 574 was taken and revealed:

YES: Representatives Ambrosino, Billingsley, Boulden, T. Brady, W. Brady, Cain, Connor, Darling, Hebner, Loughney, McKay, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincok, Temple, Vernon, Worthen - 21.

NO: Representatives Bennett, Clendaniel, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, Miller, Minner, Plant, Roy, Smith, Mr. Acting Speaker George - 17.

ABSENT: Representatives Anderson, Burris, Byrd - 3.

Therefore, having received a constitutional majority, HB 574 was sent to the Senate for concurrence.

Representative Worthen deferred HB 764 and yielded to Representative Gordy.

Representative Gordy brought HB 743 before the House for consideration.

HB 743 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to State Employees Pension Plan.

Representative Gordy requested and was granted the privilege of the floor for Mr. Don McArdle from the Pension Office.

The roll call on HB 743 was taken and revealed:

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

ABSENT: Representatives Anderson, Burris, Matushefske - 3.

Therefore, having received a constitutional majority, HB 743 was sent to the Senate for concurrence.

Representative Plant moved to lift HCR 109 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HCR 109 - Directing the Commissioner of Corrections to Appear before the General Assembly to Answer Certain Questions Related to Aubrey McKay.

Representative Plant introduced and brought HA 1 before the House for consideration. HA 1 to HCR 109 was adopted by voice vote.

HCR 109 w/HA 1 was adopted by voice vote.

Representative Worthen deferred HB 771 and yielded to Representative Gordy.

Representative Gordy brought HB 744 before the House for consideration.

HB 744 - An Act to Amend Chapter 55, Title 29, Delaware Code to Require Full Actuarial Funding for Any Law Establishing Special Pension Benefits.

The roll call on HB 744 was taken and revealed:

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

ABSENT: Representatives Ambrosino, Anderson, Burris, Johnson, Plant - 5.

Therefore, having received a constitutional majority, HB 744 was sent to the Senate for concurrence.

Representative Gordy deferred HB 657 to the end of the Agenda and brought HB 812 w/HA 1,2 before the House for consideration.

Representative Gilligan moved to place HA 1 to HB 812 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gordy moved to place HB 812 w/HA 2 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Bennett brought SB 214 w/HA 1 - 7, before the House for consideration.

Representative Connor brought HA 1 before the House for consideration.

Representative Bennett moved to place SB 214 w/HA 1-7 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to recess for caucus at 4:03 p.m. The House was called to order at 4:53 p.m.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HJR 66. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Jonkiert brought HJR 66, co-sponsored by Representatives Gordy, Worthen and Miller, before the House for consideration.

HJR 66 - Designating Monday, May 29, 1978, as Memorial Day and Declaring it a Legal Holiday in the State of Delaware.

The roll call on HJR 66 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, Darling, Ferguson, George, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, McKay, Miller, Ridings, Rispoli, Smith, Temple, Vernon, Worthen - 25.

NO: Representatives Clendaniel, Gilligan, Kelly, Minner, Morris, Oberle, Riddagh, Roy, Sincock, Mr. Speaker Boulden - 10.

ABSENT: Representatives Anderson, Burris, Gordy, Maxwell, Plant, Powell - 6

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

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HB 948. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HB 948 before the House for consideration.

HB 948 - An Act to Amend Chapter 95, Title 29, Delaware Code, to Require Legislative Approval Before any Agency of the State Except the Department of Transportation and the Department of Natural Resources and Environmental Control for Parks and Recreation Areas and Wildlife Management Areas May Acquire Real Property Costing in Excess of \$5,000.

The roll call on HB 948 was taken and revealed:

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

NO: Representatives Oberle, Worthen - 2.

ABSENT: Representatives Anderson, Burris, Kelly, Maxwell - 4.

Therefore, having received a constitutional majority, HB 948 was sent to the Senate for concurrence.

Representative Bennett deferred SB 337 to the end of the Agenda and yielded to Representative George.

Representative George brought SB 484 before the House for consideration.

SB 484 - An Act to Permit the State Board of Education to Adjust the Allocation Provided in the Budget Act (House Bill No. 300 of the 129th General Assembly) for Non-public School Transportation for Fiscal Year 1978 Using Existing Funds from the Public School Transportation Contingency.

The roll call on SB 484 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Billingsley, McKay, Vernon - 3.

ABSENT: Representatives Anderson, Burris, Maxwell, Miller - 4.

Therefore, Having received a constitutional majority, SB 484 was returned to the Senate.

Representative Matushefske deferred HB 683 w/HA 1 until May 16, 1978.

Representative Darling moved to lift SB 174 w/SA 2 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Darling requested and was granted the privilege of the floor for Senator McDowell.

Representative Darling moved to place SB 174 w/SA 2 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to lift HB 608 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert moved to strike HB 608. Without objection, HB 608 was stricken.

Representative Lynch deferred HB 307 and brought HB 474 before the House for consideration.

HB 474 - An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Installing Traffic Signal Control Equipment at the Roxana Volunteer Fire Company, Roxana, Delaware.

The roll call on HB 474 was taken and revealed:

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

ABSENT: Representatives Anderson, W. Brady, Burris - 3.

Therefore, having received a constitutional majority, HB 474 was sent to the Senate for concurrence.

Representative Lynch deferred HJR 32 to the end of the Agenda and brought HB 816 before the House for consideration.

HB 816 - An Act to Amend Chapter 21, Delaware Code, Relating to the Issuance of Special License Plates for Handicapped Persons.

The roll call on HB 816 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Ambrosino, Plant, Rispoli - 3.

NOT VOTING: Representatives Ferguson, Johnson, Ridings, Smith - 4.

ABSENT: Representatives Anderson, Burris, Hebner, Jonkiert - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 816 was sent to the Senate for concurrence.

Representative Matushefske moved to lift the roll call on HB 819. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Matushefske moved to table the roll call on HB 829. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan deferred HB 696 to the end of the Agenda and yielded to Representative Gordy.

Representative Gordy brought HB 781 before the House for consideration.

HB 781 - An Act Making a Supplementary Appropriation to the Laurel School District to Reimburse the District for Funds Paid the Division of Highways for the Installation of a Traffic Control Device on State Route 28 at the Laurel Elementary School.

The roll call on HB 781 was taken and revealed:

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

ABSENT: Representatives Anderson, T. Brady, Burris, Hebner, Vernon - 5.

Therefore, having received a constitutional majority, HB 781 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules for the purpose of introducing and acting on SB 591. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner brought SB 591, co-sponsored by Senators Cicione, Sharp and Adams and Representative Minner, before the House for consideration.

SB 591 - An Act to Provide a Supplementary Appropriation to the Department of Public Safety to Provide Supplies and Materials for the Delaware State Police.

Representative Minner moved to waive the fiscal note requirement on SB 591. The motion was seconded by Representative Sincok and adopted by voice vote.

The roll call on SB 591 was taken and revealed:

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

ABSENT: Representatives Anderson, Burris, Johnson, Plant - 4.

Therefore, having received a constitutional majority, SB 591 was returned to the Senate.

Representative Jonkiert moved to recess for committee hearings at 6:10 p.m.

The House was called to order at 6:13 p.m.

Committee Report:

Judiciary: HB 828 - 5M; HB 900 - 1F, 3M; HB 938 - 2F, 4M.

Representative Jonkiert moved to recess to the call of the Chair at 6:14 p.m.

## 33rd LEGISLATIVE DAY - 2nd Session

May 16, 1978

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

Judiciary: HB 901 - 1F, 3M.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by Representative William Brady from the 29th District.

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

The Senate wishes to inform the House that it has passed SB 574; SB 70; HB 754; HJR 65; SB 591; HCR 110.

Representative Oberle introduced HR 139, co-sponsored by Representative Roy.

HR 139 - Recognizing the Tremendous Amount of Public Trust and Confidence Which is Required of Each Member of the New Castle County Planning Board of Education; Noting with Sadness that One Member of the Board has Already Demonstrated that He is Unable to Live up to the Standards of Honesty and Ethics Expected by the Public; and Requesting that Such Member be Removed from the Board.

Mr. Speaker assigned HR 139 to the House Administration Committee.

Representative Oberle moved to suspend all rules for the purpose of acting on HR 139. The motion was seconded by Representative Connor.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Billingsley, T. Brady, W. Brady, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Loughney, Maxwell, McKay, Oberle, Powell, Riddagh, Roy, Sincock, Smith, Temple, Vernon, Worthen - 22.

NO: Representatives Byrd, Johnson, Jonkiert, Morris, Plant, Rispoli - 6.

NOT VOTING: Representatives Bennett, Lynch, Matushefske, Miller, Minner, Mr. Speaker Boulden - 6.

ABSENT: Representatives Ambrosino, Burris, Cain, George, Gordy, Kelly, Ridings - 7.

Therefore, having received a constitutional majority, the motion was passed and HR 139 was brought before the House for consideration.

Representative Gordy moved to place HR 139 on the Speaker's table. The motion was seconded by Representative Jonkiert.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Minner, Morris, Plant, Rispoli, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Billingsley, T. Brady, Connor, Hebner, McKay, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon - 13.

NOT VOTING: Representatives Burris, Temple - 2.

ABSENT: Representatives Ambrosino, Kelly, Maxwell, Miller - 4.

Therefore, having received a constitutional majority, the motion was passed and HR 139 was placed on the Speaker's table. Representative Jonkiert moved to recess for caucus at 2:19 p.m.

The House was called to order at 3:10 p.m.

Representative Matushefske deferred HB 683 and brought HB 757 before the House for consideration.

Mr. Acting Speaker Jonkiert assigned HB 683 to the House Administration Committee.

HB 757 - An Act to Amend Chapter 85, Title 11, Delaware Code, Relating to Information Supplied by Peace Officers to the State Bureau of Identification.

Representative Matushefske requested and was granted the privilege of the floor for Sergeant Clyde Leonard from the Delaware State Police.

The roll call on HB 757 was taken and revealed:

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

NO: Representative Rispoli - 1.

ABSENT: Representatives Boulden, Hebner, Maxwell, Ridings - 4.

Therefore, having received a constitutional majority, HB 757 was sent to the Senate for concurrence.

Representative Gilligan deferred HB 814 to the end of the Agenda and yielded to Representative Cain.

Representative Cain brought HB 869 before the House for consideration.

Representative Cain moved to place HB 869 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan moved to lift HB 753 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 753 - An Act to Amend Chapter 1, Title 26, Delaware Code Relating to the Effective Date of a Utility Rate Change.

Representative Bennett brought HA 1 before the House for consideration.

The House recessed for the purpose of repairing the audio tape at 3:28 p.m. and was called to order at 3:30 p.m.

The roll call on HA 1 to HB 753 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Kelly, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 27.

NO: Representatives Anderson, Billingsley, T. Brady, W. Brady, Burris, George, Loughney, Lynch, Rispoli, Mr. Acting Speaker Jonkiert - 10.

ABSENT: Representatives Boulden, Hebner, Matushefske, Maxwell - 4.

Therefore, having received a constitutional majority, HA 1 to HB 753 was passed.

Representative Gilligan requested and was granted the privilege of the floor for Mrs. Lee Broughton from the Wilmington United Neighborhoods.

The roll call on HB 753 w/HA 1 was taken and revealed:

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

NO: Representatives Burris, Gordy, Lynch, McKay, Powell, Sincock - 6.

ABSENT: Representatives Boulden, Maxwell - 2.

Therefore, having received a constitutional majority, HB 753 w/HA 1 was sent to the Senate for concurrence.

Representative Miller brought HB 528 w/HA 1 before the House for consideration.

HB 528 - An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Divorce and Annulment.

Representative Miller brought HA 1 before the House for consideration. HA 1 to HB 528 was adopted by voice vote.

The roll call on HB 528 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Hebner, Johnson, Kelly, Lynch, Maxwell, McKay, Miller, Plant, Riddagh, Ridings, Rispoli, Sincock, Smith, Worthen - 22.

NO: Representatives Ambrosino, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Loughney, Matushefske, Minner, Morris, Oberle, Roy, Temple, Vernon, Mr. Acting Speaker Jonkiert - 16.

NOT VOTING: Representative Powell - 1.

ABSENT: Representative Boulden, Ferguson - 2.

Therefore, having received a constitutional majority, HB 528 w/HA 1 was sent to the Senate for concurrence.

Representative Darling brought HB 589 before the House for consideration.

Representative Darling moved to place HB 589 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.



Representative Lynch brought HB 752 before the House for consideration.

Representative Lynch requested and was granted the privilege of the floor for Mr. Gerald Donovan, Secretary of the Board of Professional Land Surveyors in Delaware.

Representative Lynch moved to place HB 752 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

The following prefiled legislation was introduced:

HB 949 - VERNON, TEMPLE - HIGHWAYS & TRANSPORTATION: An Act to Amend Title 17 of the Delaware Code by Adding Thereto a New Section Authorizing the Department of Transportation to Condemn Certain Lands for the Establishment of Bikeways and Non-Motorized Bicycling on an Abandoned Railroad Previously Owned by Delaware, Maryland & Virginia Railroad Company Approximately Between the Rehoboth-Lewes Canal, Rehoboth, Delaware to Approximately the Freeman Highway, Lewes, Delaware.

HB 950 - MCKAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax.

HB 951 - MINNER - PUBLIC SAFETY: An Act to Amend Chapters 3, 21 and 23, Title 21, Delaware Code, to Delete Certain Outdated Requirements and Procedures Pertaining to the Division of Motor Vehicles.

HB 952 - BENNETT, SINCOCK, MCKAY, RIDINGS, SMITH, LYNCH, WORTHEN - ENVIRONMENTAL CONTROL: An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase Seven Tracts of Land in Kent and Sussex Counties, Delaware.

HB 953 - OBERLE, ROY - PUBLIC SAFETY: An Act to Amend Chapter 63, Title 21, of the Delaware Code Relating to the Penalties for Tampering with Speedometers or Odometers.

HB 954 - CONNOR - REVENUE & FINANCE: An Act to Amend Chapter ~~25~~, Title 30, Relating to Contractor's License Requirements.

HB 955 - MINNER, SENATOR MURPHY - COMMUNITY AFFAIRS: An Act to Authorize the Conveyance of the Matthew Lowber House and Lot to the Magnolia Volunteer Fire Company; to Permit the Magnolia Volunteer Fire Company to Move, Relocate and Sell Said House and Retain the Land for Future Expansion of its Facilities; to Permit the Purchaser of Said House to Renovate the Same Under the Supervision and Control of the Division of Historical and Cultural Affairs.

HB 956 - GILLIGAN - HEALTH & SOCIAL SERVICES: An Act to Amend Part VIII, Title 16 of the Delaware Code Relating to Hospitals and Other Health Facilities; and Providing a System of Health Planning and Review.

HA 5 to HB 718 - CAIN - Placed with the bill.

HA 6 to HB 718 - CAIN - Placed with the bill.

HA 7 to HB 718 - CAIN - Placed with the bill.

HA 8 to HB 718 - CAIN - Placed with the bill.

HA 1 to HB 771 - LYNCH - Placed with the bill.

HA 1 to HB 786 - T. BRADY - Placed with the bill.

SB 70 - CACIONE - COMMUNITY AFFAIRS: An Act to Amend Chapter 19, Part II, Title 9 of the Delaware Code Relating to Fire and Police Protection in New Castle County.

SB 574 - ADAMS, REPRESENTATIVE MINNER - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 13, Title 7 of the Delaware Code Relating to the Establishment of Mail-In Fines for a Violation of Certain Game and Fish Laws and Small Boat Safety Laws and Motorboat Laws. (2/3 bill)

Representative Matushefske moved to lift the roll call on HB 819. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 819 - An Act Proposing an Amendment to the Constitution of Delaware, Relating to Jai-Alai.

The roll call on HB 819 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Byrd, Cain, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Anderson, Bennett, Billingsley, Burris, Clendaniel, Connor, Darling, Hebner, Kelly, Lynch, McKay, Oberle, Ridings - 13.

Therefore, having received a constitutional majority, HB 819 was sent to the Senate for concurrence.

Representative Ambrosino brought HB 795 before the House for consideration.

HB 795 - An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code Relating to Landlord Obligations and Tenant Remedies.

The roll call on HB 795 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Cain - 35.

NOT VOTING: Representative Clendaniel - 1.

ABSENT: Representatives Anderson, Boulden, Matushefske, Powell, Rispoli - 5.

Therefore, having received a constitutional majority, HB 795 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 678 w/HA 1 before the House for consideration.

Representative Jonkiert brought HA 1 before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for Mr. Earl McGinnes, Director of Legislative Council.

HA 1 to HB 678 was adopted by voice vote.

Representative Jonkiert moved to place HB 678 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Ferguson moved to lift SB 232 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson moved to strike HA 1. Without objection, HA 1 to SB 232 was stricken.

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

Representative Cain brought HA 3 before the House for consideration. The roll call on HA 3 to SB 232 was taken and revealed:

YES: Representatives Billingsley, Cain, Darling, George, Gordy, Loughney, Lynch, Miller, Sincock, Vernon - 10.

NO: Representatives Ambrosino, W. Brady, Burris, Byrd, Clendaniel, Connor, Ferguson, Gilligan, Hebner, Johnson, Kelly, Matushefske, McKay, Minner, Morris, Oberle, Powell, Ridings, Roy, Smith, Temple, Worthen, Mr. Acting Speaker Bennett - 23.

NOT VOTING: Representative Riddagh - 1.

ABSENT: Representatives Anderson, Boulden, T. Brady, Jonkiert, Maxwell, Plant, Rispoli - 7.

Therefore, not having received a constitutional majority, HA 3 to SB 232 was defeated.

Representative Ferguson requested and was granted the privilege of the floor for Mr. Willard Thompson from the Highway Department.

Representative Gordy moved to place SB 232 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Kelly brought HB 811 before the House for consideration.

HB 811 - An Act to Amend Chapter 29, Title 30, Delaware Code Relating to Retail and Wholesale Merchant's License Fees.

The roll call on HB 811 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Matushefske, McKay, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Mr. Acting Speaker Jonkiert - 29.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives Anderson, Billingsley, Boulden, Burris, Byrd, Cain, Johnson, Maxwell, Miller, Rispoli, Worthen - 11.

Therefore, having received a constitutional majority, HB 811 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 492 to the end of the Agenda and yielded to Representative Temple.

Mr. Acting Speaker Jonkiert assigned HB 492 to the House Administration Committee.

Representative Temple brought SB 487 before the House for consideration.

Representative Temple moved to place SB 487 on the Speaker's

table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Ferguson introduced and brought HR 140, co-sponsored by Representatives Kelly and Jonkiert, before the House for consideration.

HR 140 - Thanking the Division of Aging for the Art Show in the Lobby of Legislative Hall as a Part of the Older Americans Month Program.

HR 140 was adopted by voice vote.

Representative Temple introduced HB 957, co-sponsored by Representative Gordy and Senators Adams and Littleton.

HB 957 - An Act Authorizing the State of Delaware to Borrow Money to be Used for the Seaford Project and to Issue Bonds and Notes Therefor and Appropriating the Monies to the Division of Highways of the Department of Transportation. (3/4 bill)

Mr. Acting Speaker Jonkiert assigned HB 957 to the Appropriations Committee.

Committee Reports:

Judiciary: HB 526 - 4M.

Appropriations: HB 787 - 4M; HB 864 - 4M; HB 919 - 7M; HB 940 - 2F, 4M; HB 941 - 1F, 5M; HB 888 - 7M; SB 542 - 2F, 5M.

Banking & Insurance: SB 270 - 1F, 4M; SB 271 - 1F, 4M; SB 434 - 1F, 5M; SB 461 - 1F, 3M; SB 533 - 3F, 1U.

Representative Gordy moved to recess to the call of the Chair at 6:45 p.m.

#### 34th LEGISLATIVE DAY - 2nd Session

May 17, 1978

The Speaker called the House to order at 2:20 p.m.

Committee Report:

Administrative Services: HB 658 - 5M; HB 945 - 1F, 3M; SB 562 - 4M; SB 563 - 4M.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m. A prayer was offered by Representative Robert Maxwell from the 14th District.

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

The Chief Clerk called the roll.

Members present: 41.

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

Communications:

State of Delaware  
Executive Department  
Dover, DE

May 16, 1978

To the House of Representatives

of the 129th General Assembly  
of the State of Delaware

As provided by Article III, Section 18 of the Delaware Constitution, I am returning without my signature House Bill 506 which is entitled "An Act to Amend Chapter 59, Title 29, Section 5949, Delaware Code Relating to Appeals", and which I received on May 4. I am doing so for the following reasons:

1. The bill substantially weakens the remedy which subsection (d) of Section 5949, Title 29, Delaware Code, now mandates must occur when the State Personnel Commission finds that an agency's action was taken "for any political, religious, or racial reason." The present provision directs that where such a determination is made, the employee "shall be reinstated to his former position or a position of like status and pay without loss of pay for the period of suspension", and marks a significant commitment by the State to its policy of non-discrimination in employment. House Bill 506 would simply eliminate this provision altogether and consequently dilute the power of the State to deal with such instances of discrimination.

2. House Bill 506 would also alter the authority which has traditionally reposed in the State Personnel Commission. The Commission's function in appeals brought pursuant to Section 5949 of Title 29, Delaware Code has been limited to determining whether there is an adequate factual basis for a suspension, demotion or dismissal of an employee by the State agency. House Bill 506 marks a substantial departure from that traditional role by permitting the Commission also to substitute its own penalty or disciplinary action for that imposed by the agency.

Such authority to alter or modify the discipline imposed by the agency supersedes the usual function of a state commission, or even a court, in appeals from state agencies. For instance, the State's Administrative Procedure Act directs that the court's review of agency action "shall be limited to the determination of whether the agency's decision was supported by substantial evidence on the record before the agency."

3. Finally, it is not clear whether the power which House Bill 506 would vest in the Commission to modify the agency's action applies only in cases of dismissal, demotion or suspension. The Synopsis indicates this is the intent of the legislation, but neither the body of the bill, nor the language of the present Section 5949 (d) clearly limits the Commission's authority to such cases. If the bill's language were interpreted to permit the Commission to modify other, more minor agency actions, it would mark a serious intrusion on the managerial authority and responsibilities of state agencies.

For these reasons, I am returning House Bill 506 without my signature.

Respectfully submitted,

Pierre S. du Pont IV, Governor

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May 16, 1978

LEGISLATIVE ADVISORY #45

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/12/78 - HB 605 a/a/b SA 1; HB 690 a/a/b HA 1, SA 1; HB 783; HB 750; SB 441 a/a/b SA 1. 5/15/78 - HB 397 a/a/b SA 1; SB 591; SB 423; SB 424; HB 856.

The Senate wishes to inform the House that it has passed SS 1 for SB 535 w/SA 1,2; SS 1 for SB 536 w/SA 1,2.

Representative Plant introduced and brought HCR 111, co-sponsored by Representative Oberle, before the House for consideration.

HCR 111 - Recommending to the Attorney General that he Cease Further Prosecutions of Aubrey McKay in Those Cases in Which the Victims do not Wish to Testify.

Mr. Speaker assigned HCR 111 to the House Administration Committee.

Representative Billingsley introduced and brought HCR 112, co-sponsored by Representatives Jonkiert, Bennett and Riddagh and Senators Martin, Spence, McDowell and Hale, before the House for consideration.

HCR 112 - Expressing Concern that the Delaware-Based Firm of W.L. Gore and Associates, Inc. are Contemplating the Building of Plants Outside of Delaware in 1978 and 1979 Rather than in Delaware Because of Delaware's Tax Structure.

Representative Cain moved to place HCR 112 in Committee. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives W. Brady, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Maxwell, Miller, Minner, Morris, Plant, Rispoli - 18.

NO: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, Hebner, Jonkiert, Lynch, McKay, Oberle, Riddagh, Ridings, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 20.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representatives Matushefske, Powell - 2.

Therefore, not having received a constitutional majority, the motion was defeated and HCR 112 remained before the House.

The roll call on HCR 112 was taken and revealed:

YES: Representatives Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Gilligan, Hebner, Jonkiert, Loughney, Lynch, McKay, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Ambrosino, Anderson, Byrd, Cain, Connor, Darling, Ferguson, George, Gordy, Johnson, Kelly, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Plant, Rispoli, Temple - 20.

Therefore, having received a constitutional majority,

HCR 112 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 3:29 p.m.

The House was called to order at 4:41 p.m.

Representative Matushefske deferred SS 1 for SB 223 and yielded to Representative Plant.

Representative Plant brought HB 713 before the House for consideration.

HB 713 - An Act to Amend Chapter 5, Subchapter VI, Subpart B of Title 11, Delaware Code Relating to Discrimination by Public Servants of this State and Any Political Subdivision Thereof.

The roll call on HB 713 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Maxwell, McKay, Miller, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Temple, Vernon, Worthen, Mr. Speaker Boulden - 31.

ABSENT: Representatives Ambrosino, Billingsley, T. Brady, Byrd, Ferguson, Gordy, Loughney, Minner, Ridings, Smith - 10.

Therefore, having received a constitutional majority, HB 713 was sent to the Senate for concurrence.

Representative Gilligan moved to lift HB 855 w/HA 1 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 855 - An Act to Amend Title 24, Delaware Code, Relating to Chiropody and/or Podiatry.

Representative Gilligan requested and was granted the privilege of the floor for Dr. Curtis Layton, PA, DPM and Dr. Edward Hynes, Chiropodists.

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

The roll call on HB 855 w/HA 1 was taken and revealed:

YES: Representatives Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 32.

NO: Representatives Ambrosino, Anderson, Billingsley, T. Brady, Byrd, Hebner, Vernon - 7.

NOT VOTING: Representative Miller - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 855 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 490 to the end of the Agenda and yielded to Representative Loughney.

Representative Loughney introduced and brought HB 938 before the House for consideration.

Representative Riddagh introduced and brought HA 1, co-sponsored by Representatives Miller and T. Brady, before the House for consideration.

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

The roll call on HA 1 to HB 938 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, Burris, Connor, Hebner, Johnson, Lynch, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Acting Speaker Cain - 22.

NO: Representatives Anderson, W. Brady, Byrd, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Maxwell, Minner, Morris, Rispoli, Temple - 17.

ABSENT: Representatives Boulden, Matushefske - 2.

Therefore, having received a constitutional majority, HA 1 was passed.

Representative Loughney moved to place HB 938 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative W. Brady brought HB 773 before the House for concurrence.

HB 773 - An Act Making a Supplementary Appropriation to the Department of Natural Resources and Environmental Control to Reimburse an Employee Who Overpaid Health Insurance Coverage Under Blue Cross-Blue Shield.

The roll call on HB 773 was taken and revealed:

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

NO: Representative Hebner - 1.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 773 was sent to the Senate for concurrence.

Representative Billingsley brought HB 734 before the House for consideration.

HB 734 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Vanity Plates.

The roll call on HB 734 was taken and revealed:

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

ABSENT: Representatives T. Brady, Loughney, Riddagh - 3.

Therefore, having received a constitutional majority, HB 734 was sent to the Senate for concurrence.

Representative Minner moved to lift HB 769 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.



HB 769 - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Driving Without a License.

Representative Minner requested and was granted the privilege of the floor for Mr. Robert Voshell, Director of the Division of Motor Vehicles.

The roll call on HB 769 was taken and revealed:

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

ABSENT: Representatives Byrd, Matushefske, Maxwell, Miller, Worthen - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 769 was sent to the Senate for concurrence.

Representative Minner brought HB 782 before the House for consideration.

HB 782 - An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exempt Vehicles.

Representative Minner brought HA 1 before the House for consideration. HA 1 to HB 782 was adopted by voice vote.

The roll call on HB 782 w/HA 1 was taken and revealed:

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

ABSENT: Representatives Byrd, Matushefske, Maxwell, Miller, Worthen - 5.

Therefore, having received a constitutional majority, HB 782 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:

HB 958 - MAXWELL, BENNETT, MILLER, SENATOR ARNOLD - ADMINISTRATIVE SERVICES: An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities; and Providing for an Underground Utility Damage Prevention and Safety Act.

HB 959 - BILLINGSLEY - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 960 - MORRIS, MINNER, BENNETT, DARLING, RIDDAGH - EDUCATION: An Act to Amend Chapter 13, Title 14, Delaware Code, to Provide a Nurse for Each Vocational-Technical High School; and Making an Appropriation Therefor.

HB 961 - MAXWELL - APPROPRIATIONS: An Act to Amend Part IX, Title 16 of the Delaware Code Relating to Handicapped Persons; Creating an Office for Handicapped Persons; Establishing an Advisory Board for Such Office; and Providing an Appropriation Therefor.

HB 962 - BURRIS - APPROPRIATIONS: An Act Making a Supplemental

Appropriation to the Department of Transportation for the Purpose of Installing Traffic Signal Control Equipment.

HB 963 - SMITH - PUBLIC SAFETY: An Act to Amend Chapters 41 and 42, Title 21, Delaware Code, Relating to Penalties for Violations of Rules of the Road.

HB 964 - HEBNER - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Vehicle Lighting Equipment.

HB 965 - LYNCH - EDUCATION: An Act to Amend Delaware Code, Title 14 by Providing Incentive Payments to Teachers for Uninterrupted Attendance During Any School Year.

HB 966 - WORTHEN - BANKING & INSURANCE: An Act to Amend Title 18, Delaware Code, Relating to Life Insurance for State Employees.

HB 967 - BYRD - LABOR & COMMERCE: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Employee Leaves.

HB 968 - TEMPLE, SENATOR LITTLETON - COMMUNITY AFFAIRS: An Act to Amend An Act Being Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Provide for Sale of Bonds at Public or Private Sale. (2/3 bill)

HB 969 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; by Providing a Deduction for Charitable Contributions, Under Certain Circumstances.

HB 970 - LYNCH - APPROPRIATIONS: An Act to Amend Chapter 13, Part I, Title 14 of Delaware Code Relating to School Counselors in Grades K-8; and Making an Appropriation Therefor.

HB 971 - LYNCH, BURRIS, SENATORS MCCULLOUGH, HALE - EDUCATION: An Act to Amend Titles 8, 14 and 29 of the Delaware Code to Provide for the Creation of a State Board of Postsecondary Education and to Transfer Authority from Existing Boards and Agencies to the Board.

HA 1 to HB 657 - SMITH - Placed with the bill.

HA 1 to HB 869 - GEORGE - Placed with the bill.

HA 2 to HB 869 - GEORGE - Placed with the bill.

HA 1 to HB 901 - T. BRADY - Placed with the bill.

SS 1 for SB 535 w/SA 1,2 - CORDREY - APPROPRIATIONS: An Act to Amend Chapter 65, Title 29, Delaware Code, to Provide a Limitation on Appropriations by the General Assembly.

SS 1 to SB 536 w/SA 1,2 - CORDREY - APPROPRIATIONS: An Act Proposing an Amendment to Article 8, Section 6 of the Constitution of the State of Delaware by Limiting Appropriations to 98 Percent of the State Revenue. (2/3 bill)

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

Representative George moved to table the roll call on SB 48. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch moved to strike HB 939 and HB 909. Without objection, HB 939 and HB 909 were stricken.

## Committee Reports:

Health & Social Services: HB 760 - 1F, 2M, 1U; HB 784 - 4M;  
HB 868 - 4M; HB 882 - 1F, 3M; HB 890 - 5M; HB 911 - 1F, 5M;  
HB 956 - 1F, 3M.

Highways & Transportation: HB 908 - 1F, 5M; HB 935 - 1F, 5M;  
HB 949 - 2F, 4M; SJR 39 - 6M.

Education: HB 946 - 4M.

Administrative Services: HB 958 - 3F, 1M.

Representative Jonkiert moved to recess to the call of the Chair at 6:28 p.m.

## 35th LEGISLATIVE DAY - 2nd Session

May 18, 1978

The Speaker called the House to order at 2:00 p.m.

## Committee Report:

Community Affairs: HB 238 - 4M; HB 580 - 4M; HB 212 - 4M;  
HB 955 - 4M; HB 968 - 4M; SB 70 - 4M.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the previous legislative day. The House reconvened at 2:02 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

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

The Chief Clerk called the roll.

Members present: 41.

Representative Jonkiert requested and was granted the privilege of the floor for Master Matthew Bartkowski of St. Hedwig's School who introduced his classmates and teacher.

## Communications:

May 17, 1978

## LEGISLATIVE ADVISORY #46

FROM: Office of Counsel to the Governor.

The Governor signed the following legislation on the date indicated: 5/16/78: HB 350; HB 424; HB 551; HB 834; HB 412; HB 345.

The Governor vetoed the following legislation on the date indicated: 5/16/78 - HB 506.

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 The Senate wishes to inform the House that it has passed  
SB 596; SB 592; SB 567 w/SA 1,4; SCR 101.  
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Representative Oberle introduced and brought HCR 113, co-sponsored by Representatives Cain, Ferguson, Worthen, Billingsley and Anderson and Senators Sharp, Martin and Hale, before the House for consideration.

HCR 113 - Congratulating the Christiana High School Jazz and Rock Ensemble Who, Representing the State of Delaware, Won the Coveted Group II Honors Against Outstanding Competition in the Tenth Annual High School Jazz Festival.

HCR 113 was adopted by voice vote.

Representative T. Brady brought HB 475 before the House for consideration.

HB 475 - An Act to Amend Chapter II, Title 30, Delaware Code, Relating to Personal Income Tax Credits.

Representative T. Brady introduced and brought HA 1 before the House for consideration. HA 1 to HB 475 was adopted by voice vote.

Representative Maxwell introduced and brought HA 2 before the House for consideration.

Representative George requested and was granted the privilege of the floor for Mr. David Press from the Governor's office.

HA 2 to HB 475 was adopted by voice vote.

The roll call on HB 475 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Worthen - 35.

NO: Representatives McKay, Mr. Speaker Boulden - 2.

NOT VOTING: Representatives Billingsley, Morris - 2.

ABSENT: Representatives Darling, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 475 w/HA 1,2 was sent to the Senate for concurrence.

Representative Vernon brought HB 835 w/HA 1 before the House for consideration.

HB 835 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Passengers Riding in Towed Vehicles.

Representative Vernon brought HA 1 before the House for consideration. HA 1 to HB 835 was adopted by voice vote.

The roll call on HB 835 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 835 w/HA 1 was sent to the Senate for concurrence.

Representative Temple moved to lift SB 487 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 487 - An Act to Amend Volume 60, Chapter 691, Laws of Delaware, Known as the Capital Improvements Act of 1977.

The roll call on SB 487 was taken and revealed:

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

ABSENT: Representatives Matushefske, Vernon - 2.

Therefore, having received a constitutional majority of at least three-quarters members of the House, SB 487 was returned to the Senate.

Representative Bennett brought HB 768 before the House for consideration.

HB 768 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware, Being House Bill No. 300, Relating to Certain Changes in the Budget of the Office of Minority Business Enterprise.

The roll call on HB 768 was taken and revealed:

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

ABSENT: Representatives T. Brady, Darling, Temple - 3.

Therefore, having received a constitutional majority, HB 768 was sent to the Senate for concurrence.

Representative Jonkiert moved to recess for caucus at 3:04 p.m.

The House was called to order at 5:29 p.m.

The following prefiled legislation was introduced:

HB 972 - LYNCH, BURRIS, SENATORS MCCULLOUGH, HALE - EDUCATION: An Act to Amend Chapters 34, 36, and 55, Title 14, Delaware Code, Relating to Higher Education Scholarships and Their Administration.

HB 973 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 974 - SINCOCK, GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 25, Title 29, Relating to the Attorney General's Salary.

HB 975 - SINCOCK, GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 3, Title 18 and Chapters 27 and 29, Title 29, of the Delaware Code Relating to the Salaries of Certain State Officers.

HB 976 - BURRIS - APPROPRIATIONS: An Act to Amend an Act Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 888 of the 129th General Assembly of the State of Delaware.

HB 977 - T. BRADY - REVENUE & FINANCE: An Act to Amend Chapter 20, Part II, Title 30 of the Delaware Code Relating to State Taxes; and Providing Tax Credits to Certain Businesses.

HB 978 - GORDY, DARLING - JUDICIARY: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Littering Highways by Reducing the Fine and Providing that the Fine May be Paid by Mail.

HB 979 - BURRIS - PUBLIC SAFETY: An Act to Amend Chapter 27, Title 21 of the Delaware Code, Relating to Drivers' Work Licenses.

HB 980 - POWELL, BYRD - LABOR & COMMERCE: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to the Maximum Amount of Workmen's Compensation.

HB 981 - JONKIERT, RIDDAGH, SENATOR SHARP - CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Salaries and Emoluments of Public Officers. (2/3 bill)

HA 1 to HS 1 for HB 725 - BYRD - Placed with the bill.

HA 2 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 3 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 1 to HB 752 - T. BRADY - Placed with the bill.

HA 1 to HB 876 - CAIN - Placed with the bill.

HA 1 to HB 956 - SINCOCK, JONKIERT, MATUSHEFSKE, T. BRADY - Placed with the bill.

SB 567 w/SA 1,4 - KEARNS - HOUSE ADMINISTRATION: An Act to Amend Title 15 of the Delaware Code Relating to Purpose and Meaning of Election Laws, Definitions of "Political Party", "Primary Election" and "Unaffiliated Candidate," Deadline for Change of Party Designation, Ballot Qualifications, Notification and Withdrawal of Candidacy, Requirement for Direct Primary Elections in Major Political Parties, Notification of Filing Fees, Nominating Conventions and Form of Ballots.

SB 592 - HOLLOWAY - HOUSE ADMINISTRATION: An Act Declaring the Last Monday in May as Memorial Day for the Year 1978.

SB 596 - ZIMMERMAN, REPRESENTATIVES BENNETT, MILLER, DARLING - EDUCATION: An Act to Permit the Capital School District to Transfer Certain Funds from its Debt Service Account to its Operating Account.

Representative Jonkiert moved to suspend all rules for the purpose of introducing and acting on SB 592. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought SB 592 before the House for consideration.

SB 592 - An Act Declaring the Last Monday in May as Memorial Day for the Year 1978.

The roll call on SB 592 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, George, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, McKay, Miller, Powell, Ridings, Rispoli, Smith, Vernon, Worthen - 23.

NO: Representatives Clendaniel, Darling, Ferguson, Gilligan, Kelly, Maxwell, Minner, Morris, Oberle, Riddagh, Roy, Sincock, Mr. Speaker Boulden - 13.

ABSENT: Representatives Anderson, Byrd, Matushefske, Plant, Temple - 5.

Therefore, having received a constitutional majority, SB 592 was returned to the Senate.

Representative Bennett introduced HB 982.

HB 982 - An Act to Make a Supplemental Appropriation to the Department of Correction for the Purpose of Providing Back Pay

to Certain Teachers Who Failed to Receive Proper Pay Based Upon Degrees Earned.

Mr. Speaker assigned HB 982 to the House Administration Committee.

Representative Burris introduced and brought HR 141 before the House for consideration.

HR 141 - Commending Boy Scout Troop 278 for Hosting the 4th Annual Handicamporee.

HR 141 was adopted by voice vote.

Committee Report:

Judiciary: HB 579 - 4F, 1M; HB 668 - 2F, 3M; HB 770 - 2F, 3M; HB 837 - 1F, 4M.

Representative Kelly moved to strike HB 456, HB 270 and HB 205. Without objection, HB 456, HB 270 and HB 205 were stricken.

The House recessed to the call of the Chair at 5:39 p.m.

### 36th LEGISLATIVE DAY - 2nd Session

May 23, 1978

The Speaker called the House to order at 1:55 p.m. The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by Reverend T. W. Hurley of the Salem United Methodist Church.

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

The Chief Clerk called the roll.

Members present: 41.

Communications:

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

HB 737; HB 736 w/HA 2; HB 776; HCR 112; SB 492; SB 525;  
SB 526; SB 388 w/SA 1; SB 589; HB 809; HB 701 w/HA 1; HCR 113.

Executive Department

Dover

May 20, 1978

To the Delaware State  
House of Representatives  
of the 129th General Assembly  
of the State of Delaware

I am returning to the House of Representatives House Bill No. 440 entitled:

"An Act Directing the Transfer of Oak Grove School Site of East Dover Hundred, Kent County, Delaware, to J. Ward Hurley and Mildred J. Hurley".

I am doing so for the following reasons:

House Bill No. 440 directs the Secretary of State to execute a deed transferring the State's interest in the Oak Grove School site to private individuals who claim to have been in possession of the tract since 1955.

In recent years the policy of the State has been to

transfer similar school sites to charitable and non-profit organizations such as community associations for a nominal consideration. However, to my knowledge, this would be the first time that the State is giving such school property to a private individual without any compensation. I believe it would be an unwise precedent for the State to depart from its normal practice.

I am, therefore, returning House Bill 440 without my signature.

Respectfully submitted,

Pierre S. du Pont IV, Governor

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Committee Reports:

Public Safety: HB 942 - 3F, 1M; HB 951 - 4M; HB 981 - 1F, 4M.

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The following prefiled legislation was introduced:

HB 983 - MINNER - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of Traffic Signal Control Equipment.

HB 984 - WORTHEN, SENATOR HOLLOWAY - ADMINISTRATIVE SERVICES: An Act to Amend Title 24, Delaware Code, Relating to the Establishment of a Professional Counselor Licensure Board and Providing for the Licensure and Regulation of Counselors and Counseling Practices. (2/3 bill)

HA 2 to HB 641 - SINCOCK - Placed with the bill.

HA 4 to HB 703 - AMBROSINO - Placed with the bill.

HA 5 to HB 703 - AMBROSINO - Placed with the bill.

HA 4 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 5 to HS 1 for HB 725 - GILLIGAN - Placed with the bill.

HA 6 to HS 1 for HB 725 - GILLIGAN - Placed with the bill.

HA 7 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 2 to HB 752 - OBERLE - Placed with the bill.

HA 3 to HB 752 - OBERLE - Placed with the bill.

HA 1 to HB 798 - GORDY - Placed with the bill.

HA 2 to HB 881 - MINNER - Placed with the bill.

HA 2 to HB 956 - JONKIERT, SINCOCK, MATUSHEFSKE, T. BRADY - Placed with the bill.

SB 388 w/ SA 1 - MURPHY - HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Delaware Code Relating to the Merit System of Personnel.

SB 492 - ZIMMERMAN - JUDICIARY: An Act to Amend Chapter 15, Title 29 of the Delaware Code Relating to the Commission on Modernization of State Laws by Renaming the Commission "The Commission on Uniform State Laws" and by Revising the Statute Relating Thereto.

SB 525 - ZIMMERMAN, MURPHY - JUDICIARY: An Act to Amend Part III, Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations; and Providing for a Uniform Disclaimer of Transfers Under Non-Testamentary Instruments Act.

SB 526 - ZIMMERMAN - JUDICIARY: An Act to Amend Part IV, Title 12 of the Delaware Code Relating to Decedents'



Estates and Fiduciary Relations; and Providing for a Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act.

SB 589 - ZIMMERMAN, BERNDT, MURPHY, WEISS, REPRESENTATIVES MILLER, MINNER - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Health and Social Services, Division of Public Health, for the Purpose of Continuing the Operation of the Preschool Diagnostic and Developmental Nursery in Kent County.

Representative Minner introduced and brought HR 142, co-sponsored by Representatives Ferguson and Roy, before the House for consideration.

HR 142 - Amending the Temporary Rules of the House of Representatives.

Mr. Speaker assigned HR 142 to the House Administration Committee.

Representative Jonkiert moved to recess for caucus at 2:34 p.m.

The House was called to order at 3:48 p.m.

Representative Loughney moved to lift HB 938 w/HA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 938 - An Act to Amend Chapter 65, Part IV, Title 11, of the Delaware Code Relating to the Department of Correction; and Limiting the Furlough and Work Release Privileges of Certain Prisoners.

Representative Loughney introduced and brought HA 2 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Connor, Darling, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Morris, Riddagh, Rispoli, Temple, Worthen, Mr. Speaker Boulden - 21.

NO: Representatives Burris, Hebner, Johnson, Powell, Roy, Sincok, Smith, Vernon - 8.

NOT VOTING: Representatives Billingsley, McKay - 2.

ABSENT: Representatives Ambrosino, T. Brady, Byrd, Cain, Clendaniel, Ferguson, Lynch, Oberle, Plant, Ridings - 10.

Therefore, having received a constitutional majority,

HA 2 to HB 938 was adopted.

The roll call on HB 938 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 30.

NO: Representatives Billingsley, Burris, Johnson, Sincok - 4.

ABSENT: Representatives T. Brady, Byrd, Cain, Clendaniel, Lynch, Plant, Ridings - 7.

Therefore, having received a constitutional majority, HB 938 w/HA 1, 2 was sent to the Senate for concurrence.

Representative Matushefske introduced and brought HB 985,

co-sponsored by Representative Jonkiert before the House for consideration.

HB 985 - An Act to Amend Chapter 9, Title 19, Delaware Code, Relating to the Definitions of Employment and to the Minimum Wage Rate.

Mr. Speaker assigned HB 985 to the Labor Committee.

Representative Gordy deferred HB 798 to the end of the Agenda and yielded to Representative Worthen.

Representative Worthen brought SS 1 for SB 163 w/SA 1 and HA 1 through 8 before the House for consideration.

SS 1 for SB 163 - An Act to Amend Chapter 91, Title 29 of the Delaware Code by Establishing a Highway Priority Planning System and by Amending Chapter 84, Title 29 of the Delaware Code to Modify the Functions of the Council on Transportation and by Amending Chapter 74, Title 29 of the Delaware Code by Establishing a Priority System for Transportation Capital Improvements Program.

Representative Billingsley moved to strike HA 1. Without objection, HA 1 to SS 1 for SB 163 was stricken.

Representative Billingsley brought HA 2 before the House for consideration.

Representative Worthen requested and was granted the privilege of the floor for Mr. Willard Thompson from the Highway Department.

Representative Worthen requested and was granted the privilege of the floor for George Jarvis, Secretary of the Department of Transportation.

Representative Minner rose on a point of order. Mr. Acting Speaker Cain did not concur.

Representative Billingsley moved to table the roll call on HA 2 to SS 1 for SB 163. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Billingsley brought HA 3 before the House for consideration.

The roll call on HA 3 was taken and revealed:

YES: Representatives Ambrosino, Bennett, Billingsley, Burris, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, McKay, Morris, Plant, Ridings, Smith, Vernon - 22.

NO: Representatives Anderson, Boulden, T. Brady, W. Brady, Byrd, George, Kelly, Maxwell, Miller, Minner, Oberle, Powell, Riddagh, Rispoli, Worthen, Mr. Acting Speaker Cain - 16.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives Roy, Temple - 2.

Therefore, having received a constitutional majority, HA 3 to SS 1 for SB 163 was adopted.

Representative Billingsley brought HA 4 before the House for consideration. HA 4 to SS 1 for SB 163 was adopted by voice vote.

Representative Billingsley moved to strike HA 5. Without objection, HA 5 to SS 1 for SB 163 was stricken.

Representative Minner brought HA 6 before the House for consideration. HA 6 to SS 1 for SB 163 was adopted by voice vote.

Representative Minner brought HA 7 before the House for consideration. HA 7 to SS 1 for SB 163 was adopted by voice vote.

Representative Minner brought HA 8 before the House for consideration. HA 8 to SS 1 for SB 163 was adopted by voice vote.

Representative Worthen moved to place SS 1 to SB 163 as amended on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative George brought SB 367 before the House for consideration.

SB 367 - An Act Making a Supplemental Appropriation to the Office of the State Banking Commissioner for Payment of Back Salary of an Employee.

The roll call on SB 367 was taken and revealed:

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

NO: Representatives Hebner, Powell, Ridings - 3.

ABSENT: Representatives Jonkiert, Plant, Smith - 3.

Therefore, having received a constitutional majority, SB 367 was returned to the Senate.

Representative Gordy moved to lift HB 812 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 812 - An Act to Amend Chapter 191, Volume 61, Laws of Delaware by Awarding Special Pension Benefits; Appropriating Monies to Fund Such Pensions and Directing the Board of Pension Trustees to Administer Payment of Such Pensions as if the Awards Were Pursuant to Chapter 55, Title 29, Delaware Code; Increasing Certain Other Pension Benefits by Amending Chapter 55, Title 29, Section 5532, Delaware Code.

Representative Gordy requested and was granted the privilege of the floor for Mr. McArdle from the Pension Office.

Representative Gordy again requested and was granted the privilege of the floor for Mr. McArdle from the Pension Office.

The roll call on HB 812 w/HA 2 was taken and revealed:

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

ABSENT: Representatives Minner, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 812 w/HA 2 was sent to the Senate for concurrence.

Representative George brought SB 415 before the House for consideration.

SB 415 - An Act Making a Supplemental Appropriation to the Department of Administrative Services for Payment of Back Salary of an Employee.

The roll call on SB 415 was taken and revealed:

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

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives Ferguson, Oberle, Plant - 3.

Therefore, having received a constitutional majority, SB 415 was returned to the Senate.

Representative George brought SB 453 w/SA 1 before the House for consideration.

SB 453 - An Act Making a Supplementary Appropriation to the Division of Fish and Wildlife of the Department of Natural Resources and Environmental Control for the Purpose of Installing Three Security Lights at the Cedar Creek Public Boat Ramp Located on the East Side of County Road 203 between Slaughter's Beach and the Mispillion Light House.

The roll call on SB 453 w/SA 1 was taken and revealed:

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

NO: Representative Hebner - 1.

ABSENT: Representatives Ferguson, Plant - 2.

Therefore, having received a constitutional majority, SB 453 w/SA 1 was returned to the Senate.

Representative Roy moved to lift HB 758 from the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

HB 758 - An Act Making a Supplementary Appropriation to the Marshallton-McKean School District for the Purpose of Reimbursing the Districts' Cafeteria Account for Expenditures Incurred to Pay Two Cafeteria Managers for Sick Leave Days Accumulated While Under State Employment.

The roll call on HB 758 was taken and revealed:

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

NO: Representatives Bennett, Hebner - 2.

ABSENT: Representatives Ferguson, Plant, Smith - 3.

Therefore, having received a constitutional majority,

HB 758 was sent to the Senate for concurrence.

Representative Clendaniel deferred HB 719 and yielded to Representative Matushefske.

Representative Matushefske brought HB 901 before the House for consideration.

HB 901 - An Act to Amend Chapter 17, Title 10, Delaware Code, Relating to the Municipal Court of the City of Wilmington.

Representative Brady brought HA 1 before the House for consideration. HA 1 to HB 901 was adopted by voice vote.

The roll call on HB 901 w/HA 1 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Loughney, Matushefske, McKay, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Mr. Speaker Boulden - 23.

NO: Representatives Ambrosino, Bennett, Billingsley, Connor, Gilligan, Hebner, Kelly, Maxwell, Miller, Minner, Morris, Oberle, Roy, Vernon - 14.

NOT VOTING: Representative Lynch - 1.

ABSENT: Representatives Plant, Powell, Worthen - 3.

Therefore, having received a constitutional majority,

HB 901 was sent to the Senate for concurrence.

Representative Sincok brought HB 639 before the House for consideration.

HB 639 - An Act to Amend Chapter 116, Volume 61, Laws of Delaware The 1978 Budget Appropriation Act, Enacted as House Bill No. 300, Amended by House Amendment No. 27 and Senate Amendment No. 1.

Representative Sincok brought HA 1 before the House for consideration. HA 1 to HB 639 was adopted by voice vote.

The roll call on HB 639 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Matushefske, Maxwell, McKay, Miller, Minner, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 32.

NO: Representatives Bennett, Clendaniel, Morris, Oberle - 4.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Byrd, Lynch, Plant, Worthen - 4.

Therefore, having received a constitutional majority,

HB 639 was sent to the Senate for concurrence.

Representative Miller moved to lift HB 620 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

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

Representative T. Brady requested and was granted the privilege of the floor for David Swayze, Counsel to the Governor.

Representative Miller moved to table the roll call on HB 620. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Sincock brought HB 641 w/HA 1,2 before the House for consideration.

HB 641 - An Act to Provide Supplemental Appropriations to Various Agencies for the Purpose of Providing Additional Operating Funds for the Fiscal Year Ending June 30, 1978, and Prior Year's Expense.

Representative Sincock brought HA 1 before the House for consideration. HA 1 to HB 641 was adopted by voice vote.

Representative Sincock brought HA 2 before the House for consideration.

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

HA 2 to HB 641 was adopted by voice vote.

The roll call on HB 641 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Connor, Darling, George, Gordy, Hebner, Jonkiert, Lynch, Maxwell, McKay, Miller, Minner, Powell, Riddagh, Rispoli, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

NO: Representatives Bennett, Cain, Clendaniel, Ferguson, Gilligan, Kelly, Loughney, Morris, Oberle, Ridings, Roy - 11.

ABSENT: Representatives Byrd, Johnson, Matushefske, Plant - 4.

Therefore, having received a constitutional majority, HB 641 w/HA 1,2 was sent to the Senate for concurrence.

Representative Burris brought HB 766 before the House for consideration.

HB 766 - An Act Making a Supplementary Appropriation to the Laurel School District for the Purpose of Reimbursing Mr. Donald E. Atkinson, Principal of Laurel Elementary School for Over Payments for His Wife's Blue Cross-Blue Shield Coverage.

The roll call on HB 766 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 33.

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives Byrd, Ferguson, Johnson, Lynch, Matushefske, Plant - 6.

Therefore, having received a constitutional majority, HB 766 was sent to the Senate for concurrence.

Representative Worthen moved to lift HB 303 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 303 - An Act to Amend Title 10, Title 11 and Title 31 of the Delaware Code, Relating to the Custody, Care and Treatment of Delinquent, Neglected and Dependent Children.

Representative Worthen brought HA 1 before the House for consideration. HA 1 to HB 303 was adopted by voice vote.

The roll call on HB 303 w/HA 1 was taken and revealed:

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

ABSENT: Representatives Johnson, Jonkiert, Matushefske, Plant - 4.

Therefore, having received a constitutional majority, HB 303 w/HA 1 was sent to the Senate for concurrence.

Representative Temple moved to strike HB 801. Without objection, HB 801 was stricken.

Representative Gordy moved to recess for Committee Hearings at 6:00 p.m.

The House was called to order at 6:06 p.m.

Committee Reports:

Appropriations: HB 929 - 1F, 6M; SS 1 for SB 535 w/SA 1,2 - 1F, 6M; SS 1 for SB 536 w/SA 1,2 - 7M.

Environmental Control: HB 952 - 5F; SB 574 - 5F.

Representative Gordy introduced HB 986.

HB 986 - An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Laurel" by Increasing the Amount of Money that May be Raised Annually by Taxation for Municipal Purposes.

Mr. Speaker assigned HB 986 to the Community Affairs Committee.

Representative Jonkiert moved to recess to the call of the Chair at 6:09 p.m.

### 37th LEGISLATIVE DAY - 2nd Session

May 24, 1978

The Speaker called the House to order at 1:56 p.m. The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m. A prayer was offered by Reverend Thomas W. Hurley from the Salem United Methodist Church.

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

The Chief Clerk called the roll.

Members present: 41.

Communications:

The reading clerk read the following communication from John McKay into the record:

May 23, 1978

Speaker Kenneth W. Boulden  
House of Representatives  
Legislative Hall  
Dover, Delaware

Dear Kenneth:

I will be absent from the General Assembly on Thursday,

May 25, because I will be flying to Grand Forks, North Dakota, to visit my 98-year old father.

I expect to be back for the regular session on Tuesday, May 30, 1978.

Sincerely,

John P. McKay

Representative Jonkiert introduced and brought HR 143, co-sponsored by Representatives Boulden, Sincock and All Other Representatives, before the House for consideration.

HR 143 - Greetings from the Delaware House of Representatives to Dr. John F. McKay, 98, of Grand Forks, North Dakota, Father of Representative John P. McKay.

HR 143 was adopted by voice vote.

May 23, 1978

LEGISLATIVE ADVISORY #47

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/18/78 - SB 592. 5/19/78 - HB 688; HB 780; HJR 62; SB 411; SB 412; SS 1 for SB 297 a/a/b SA 1,2; HCR 98.

The Governor vetoed the following legislation on the date indicated: 5/20/78 - HB 440.

May 24, 1978

LEGISLATIVE ADVISORY #48

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/23/78 - HB 754; HJR 58; HJR 65; SB 484.

The Senate wishes to inform the House that it has passed SB 601 w/SA 2; HB 845 w/HA 4,5; SCR 102; HB 474; HCR 9; SB 518.

The following prefiled legislation was introduced:

HB 987 - BENNETT, BILLINGSLEY, GILLIGAN, WORTHEN, MAXWELL, POWELL, AMBROSINO, SENATORS ZIMMERMAN, KNOX, HALE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

HB 988 - BENNETT, GORDY, SINCOCK, SENATOR COOK - REVENUE & FINANCE: An Act to Amend Chapter 74, Title 29, Delaware Code, Relating to Debt Statements, and to Amend Chapter 57, Title 29, Delaware Code, Relating to Social Security, and to Amend Chapter 61, Title 29, Delaware Code Relating to the Deposits and Reporting of Deposits to the General Fund, and to Amend Chapter 27, Title 29, Delaware Code Relating to the State Treasurer, and to Amend Chapter 31, Title 19, Delaware Code Relating to the Unemployment Compensation Fund and Special Administration Fund.

HB 989 - PLANT - JUDICIARY: An Act to Amend Chapter 49, Title 10 of the Delaware Code Relating to Executions and Head of Family Exemption.



HB 990 - GORDY, CLENDANIEL, SENATOR LITTLETON - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Jurisdiction of the Public Service Commission.

HB 991 - BENNETT - CONSTITUTION: An Act Proposing an Amendment to Section 28, Article IV of the Constitution of the State of Delaware Relating to Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

HB 992 - RISPOLI, SENATOR SCHLOR - COMMUNITY AFFAIRS: An Act Authorizing the Department of Community Affairs and Economic Development to Transfer Funds Between All Lines and Divisions.

HA 8 to HS 1 for HB 725 - CONNOR - Placed with the bill.

HA 1 to HB 864 - RIDDAGH - Placed with the bill.

HA 1 to HB 880 - MINNER - Placed with the bill.

HA 3 to HB 956 - GILLIGAN, FERGUSON - Placed with the bill.

HA 1 to HB 959 - BILLINGSLEY - Placed with the bill.

HA 1 to HB 960 - MORRIS - Placed with the bill.

SB 518 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act Amending Chapter 79, Title 29, Delaware Code, Relating to the Establishment of a Casual Labor Pool in the Department of Health and Social Services.

HA 1 to SB 348 - GEORGE - Placed with the bill.

Representative George introduced and brought SCR 102, co-sponsored by Senators Cordrey and Cicione and Representatives George, Bennett, Cain, Gilligan and Maxwell, before the House for consideration.

SCR 102 - Advising the Financial Committees of the 129th General Assembly Relative to a Budget Reserve Fund.

Representative Gordy moved to place SCR 102 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Gilligan introduced and brought SCR 101, co-sponsored by Senators Arnold, Sharp and Martin and Representatives Roy, Powell, Gilligan and Worthen, before the House for consideration.

SCR 101 - Commending the John Dickinson High School Girls' Track Team on Their Performance in the University of Pennsylvania Carnival Relays.

SCR 101 was adopted by voice vote.

The privilege of the floor was granted to Mr. Anthony Lee.

Representative Jonkiert moved to recess for caucus at 2:30 p.m.

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

Representative Miller moved to lift the roll call on HB 620. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 620 - An Act to Amend Subchapter VII, Part IV, Section 6538, Title 11, Delaware Code to Authorize the Furlough of Inmates from State Correctional Institutions in Order to Reduce Overcrowding.

The roll call on HB 620 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Darling, Hebner, Johnson, Kelly, Lynch, McKay, Miller, Morris, Plant, Powell, Riddagh, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 27.

NO: Representatives Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Matushefske, Maxwell, Minner, Oberle, Ridings, Roy - 14.

Therefore, having received a constitutional majority, HB 620 was sent to the Senate for concurrence.

Representative Ferguson moved to lift SB 232 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 232 - 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.

Representative Gordy requested and was granted the privilege of the floor for Mr. Joseph Conaway, County Administrator of Sussex County.

Representative Gordy requested and was granted the privilege of the floor for Mr. Richardson from the Committee of 100.

Representative Gordy requested and was granted the privilege of the floor for Mr. Leon Weiner, a builder and developer in the State.

The roll call on SB 232 was taken and revealed:

YES: Representatives Ambrosino, Ferguson, Madam Acting Speaker Worthen - 3.

NO: Representatives Anderson, Bennett, Billingsley, Boulden, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Plant, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Vernon - 35.

NOT VOTING: Representative Ridings - 1.

ABSENT: Representatives Matushefske, McKay - 2.

Therefore, not having received a constitutional majority, SB 232 was declared defeated in the House.

Representative George moved to lift SCR 102 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SCR 102 - Advising the Financial Committees of the 129th General Assembly Relative to a Budget Reserve Fund.

SCR 102 was adopted by voice vote.

Representative Plant moved to strike HCR 111. Without objection, HCR 111 was stricken.

Representative Plant deferred HB 602 to the end of the Agenda and yielded to Representative Clendaniel.

Madam Acting Speaker Worthen assigned HB 602 to the Judiciary Committee.

Representative Clendaniel brought HB 719 before the House for consideration.

HB 719 - An Act Making a Supplemental Appropriation to the Indian River School District to Reimburse an Employee Who Overpaid Health Insurance Coverage Under Blue Cross - Blue Shield.

The roll call on HB 719 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley,

Boulden, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Smith, Temple, Vernon, Madam Acting Speaker Worthen - 34.

NO: Representatives Hebner, Ridings - 2.

ABSENT: Representatives Matushefske, McKay, Plant, Roy, Sincok - 5.

Therefore, having received a constitutional majority, HB 719 was sent to the Senate for concurrence.

Representative Miller moved to suspend the rules for the purpose of acting on SB 596. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 596 - An Act to Permit the Capital School District to Transfer Certain Funds from its Debt Service Account to its Operating Account.

The roll call on SB 596 was taken and revealed:

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

NOT VOTING: Representatives Ridings, Smith - 2.

ABSENT: Representatives McKay, Plant - 2.

Therefore, having received a constitutional majority, SB 596 was returned to the Senate.

Mr. Speaker assigned HJR 50 to House Administration Committee.

Representative Maxwell moved to lift HS 1 for HB 725 w/ HA 1, HA 2,3,4,5,6,7, and 8 from the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Cain, Clendaniel, Connor, George, Gilligan, Gordy, Hebner, Kelly, Loughney, Matushefske, Maxwell, Miller, Minner, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 27.

NO: Representatives Darling, Ferguson, Johnson, Lynch, Morris, Plant, Rispoli, Temple, Mr. Speaker Boulden - 9.

ABSENT: Representatives Billingsley, Burris, Jonkiert, McKay, Oberle - 5.

Therefore, having received a constitutional majority, the motion was adopted and HS 1 for HB 725 with its amendments was lifted from the Speaker's table.

Representative Byrd brought HA 1 before the House for consideration. The roll call on HA 1 to HS 1 for HB 725 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Miller, Minner, Oberle, Plant, Powell, Riddagh, Ridings, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 29.

NO: Representatives Bennett, T. Brady, W. Brady, Burris, Gilligan, Maxwell, Morris, Rispoli - 8.

ABSENT: Representatives Matushefske, McKay, Roy, Temple - 4.

Therefore, having received a constitutional majority, HA 1 to HS 1 to HB 725 was adopted.

Representative Maxwell moved to strike HA 2. Without objection, HA 2 to HS 1 for HB 725 was stricken.

Representative Maxwell brought HA 3 before the House for consideration.

The House recessed at 5:17 p.m. to confer.

The House was called to order at 5:18 p.m.

The House recessed at 5:18 p.m. for the purpose of changing the audio tape.

The House was called to order at 5:21 p.m.

Representative Gilligan moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Ambrosino and adopted by voice vote.

Representative Maxwell brought HA 4 to HS 1 for HB 725 before the House for consideration. HA 4 was adopted by voice vote.

Representative Gilligan brought HA 5 before the House for consideration. Representative Gilligan moved to place HA 5 to HS 1 for HB 725 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Gilligan moved to strike HA 6. Without objection, HA 6 was stricken.

Representative Maxwell brought HA 7 before the House for consideration.

Representative Maxwell requested and was granted the privilege of the floor for Battle Robinson, Attorney for the Governor.

Representative Byrd rose on a point of order but Mr. Acting Speaker Jonkiert did not concur.

Representative Ambrosino moved to place HA 7 on the Speaker's table. The motion was seconded by Representative Sincock.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Connor, Ferguson, Gilligan, Loughney, Oberle, Powell, Riddagh, Rispoli - 10.

NO: Representatives Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Darling, Gordy, Hebner, Jonkiert, Matushefske, Maxwell, Miller, Minner, Morris, Ridings, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 23.

NOT VOTING: Representative Johnson - 1.

ABSENT: Representatives Burris, George, Kelly, Lynch, McKay, Plant, Roy - 7.

Therefore, not having received a constitutional majority, the motion was defeated and HA 7 remained before the House.

The roll call on HA 7 was taken and revealed:

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

Kelly, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 33.

NO: Representatives Johnson, Loughney - 2.

ABSENT: Representatives Boulden, T. Brady, George, McKay, Plant, Sincok - 6.

Therefore, having received a constitutional majority, HA 7 to HS 1 for HB 725 was adopted.

Representative Connor brought HA 8 before the House for consideration.

Representative Jonkiert moved to recess to the call of the Chair at 6:20 p.m.

### 38th LEGISLATIVE DAY - 2nd Session

May 25, 1978

The Speaker called the House to order at 2:09 p.m.

Representative Maxwell moved to place HS 1 for HB 725 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

#### Committee Reports:

Education: HB 910 - 1F, 3M; HB 924 - 2F, 2M; HB 960 - 3F, 1M.

Judiciary: HB 989 - 4M, 1U.

The Majority Leader moved to adjourn at 2:14 p.m., thereby ending the previous legislative day. The House reconvened at 2:14 p.m. A prayer was offered by Reverend Thomas W. Hurley from the Salem Methodist Church.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative McKay - 1.

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

#### Communications:

The Senate wishes to inform the House that it has passed SB 578; SB 489; HB 775.

Representative T. Brady introduced and brought HCR 114, co-sponsored by Representatives George, Jonkiert, Johnson, Plant, Rispoli, Senators McDowell, Holloway and Schlör, before the House for consideration.

HCR 114 - Commending Wilmington Municipal Court Judge Leonard L. Williams for Outstanding Service as he Leaves the Bench June 4, 1978.

HCR 114 was adopted by voice vote.

Representative Cain introduced HB 993, co-sponsored by Representatives Bennett, Burris, Powell and Roy.

HB 993 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Motor Fuel Taxes, by Establishing a Department of Transportation Improvements Fund to be Funded by a Portion of the Motor Vehicle Fuel Tax.

Mr. Speaker assigned HB 993 to the Revenue and Finance Committee.

Representative Maxwell moved to lift HS 1 for HB 725 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Bennett moved to place HA 8 on the Speaker's table. The motion was seconded by Representative Gordy.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Billingsley, Burris, Byrd, Cain, George, Gordy, Lynch, Maxwell, Powell, Roy, Sincok, Vernon, Worthen - 14.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Clendaniel, Connor, Darling, Ferguson, Gilligan, Hebner, Johnson, Jonkiert, Kelly, Loughney, Minner, Morris, Oberle, Plant, Riddagh, Ridings, Rispoli, Smith, Temple, Mr. Speaker Boulden - 24.

ABSENT: Representatives Matushefske, McKay, Miller - 3.

Therefore, not having received a constitutional majority, the motion was defeated and HA 8 to HS 1 for HB 725 remained before the House.

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

The roll call on HA 8 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Billingsley, W. Brady, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Minner, Morris, Oberle, Plant, Rispoli, Temple, Mr. Speaker Boulden - 22.

NO: Representatives Bennett, T. Brady, Burris, Byrd, Cain, Hebner, Maxwell, Miller, Powell, Ridings, Roy, Sincok, Smith, Vernon, Worthen - 15.

ABSENT: Representatives George, Matushefske, McKay, Riddagh - 4.

Therefore, having received a constitutional majority, HA 8 to HS 1 for HB 725 was adopted.

Representative Gilligan brought HA 9 before the House for consideration. HA 9 to HS 1 for HB 725 was adopted by voice vote.

Representative Maxwell moved to strike HA 10. Without objection, HA 10 to HS 1 for HB 725 was stricken.

Representative Maxwell brought HA 11 before the House for consideration.

The roll call on the HA 11 was taken and revealed:

YES: Representatives Anderson, Bennett, Billingsley, W. Brady, Cain, Connor, Gilligan, Johnson, Lynch, Maxwell, Miller, Oberle, Plant, Powell, Riddagh, Rispoli, Smith, Worthen - 18.

NO: Representatives Ambrosino, T. Brady, Burris, Byrd, Clendaniel, Darling, Ferguson, Gordy, Hebner, Kelly, Loughney, Minner, Morris, Ridings, Sincok, Temple, Vernon, Mr. Speaker Boulden - 18.

ABSENT: Representatives George, Jonkiert, Matushefske, McKay, Roy - 5.

Therefore, not having received a constitutional majority, HA 11 to HS 1 for HB 725 was declared defeated.

Representative Loughney introduced and brought HA 12 to HS 1 for HB 725 before the House for consideration. HA 12 was adopted by voice vote.

Representative Gilligan introduced and brought HA 13 before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for Gary Grubb, House Attorney.

HA 13 to HS 1 for HB 725 was adopted by voice vote.

Representative Maxwell moved to table the roll call on HS 1 for HB 725. The motion was seconded by Representative Gordy and adopted by voice vote.

The following prefiled legislation was introduced:

HB 994 - FERGUSON, RIDDAGH - HOUSE ADMINISTRATION: An Act to Amend Chapter 663, Volume 60, Laws of Delaware, Relating to Pension Benefits of Corrections Officers.

HB 995 - JONKIERT - NATURAL RESOURCES: An Act to Amend Title 7 of the Delaware Code Relating to State Parks and the Powers and Duties of the Department of Natural Resources and Environmental Control in Relation Thereto.

HB 996 - MILLER, SENATOR HUGHES - APPROPRIATIONS: An Act to Amend Chapters 718, 719, Volume 60, and Chapter 40, Volume 61, Laws of Delaware, Which Authorized the Transfer of Funds from the School Bond Reversion Act to the Department of Correction to Use Certain Funds for Specified Prison Construction and Renovation Projects.

HB 997 - MINNER - PUBLIC SAFETY: An Act to Amend Title 16 Relating to Black Powder and Explosive Materials.

HB 998 - GILLIGAN, SENATOR CICIONE - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Installing Traffic Signal Control Equipment at the Intersection of Elder Drive with Faulkland Road, in New Castle County, Delaware.

HB 999 - MAXWELL, MCKAY, SENATOR KNOX - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Division of Highways of the Department of Transportation for the Installation of a Traffic Control Light at the Intersection of Rising Sun Lane and the Kennett Pike.

HB 1000 - GORDY - HOUSE ADMINISTRATION: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to the State Employees' Pension Plan.

HB 1001 - AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Chapter 86, Part VIII, Title 29 of the Delaware Code Relating to the Department of Community Affairs and Economic Development; and Providing for the Elimination of the Consumer Affairs Board.

HA 1 to HB 478 - OBERLE - Placed with the bill.

HA 2 to HB 657 - SMITH - Placed with the bill.

HA 9 to HS 1 for HB 725 - GILLIGAN - Placed with the bill.

HA 10 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 11 to HS 1 for HB 725 - MAXWELL - Placed with the bill.

HA 1 to HB 889 - MINNER - Placed with the bill.

HA 1 to HB 952 - BURRIS, VERNON - Placed with the bill.

SB 578 - MARTIN, CORDREY, COOK, KNOX, HUGHES, REPRESENTATIVES BOULDEN, JONKIERT, GORDY, SINCOCK, MCKAY - HOUSE ADMINISTRATION: An Act to Amend Chapter 32, Title 29 of the Delaware Code Dissolving the Delaware American Revolution Bicentennial Commission and Creating a New Delaware Heritage Commission.

HA 1 to SB 477 - T. BRADY, RIDINGS - Placed with the bill.

HA 1 to SB 480 - T. BRADY, RIDINGS - Placed with the bill.

Representative Gilligan deferred SB 180 and brought HB 956 w/HA 1,2,3 before the House for consideration.

Representative Gilligan moved to place HB 956 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Lynch brought SS 1 for SB 494 before the House for consideration.

Representative Lynch moved to table the roll call on SS 1 for SB 494. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Cain moved to suspend the rules for the purpose of introducing and acting on HB 993. The motion was seconded by Representative Gordy and adopted by voice vote.

HB 993 - An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Motor Fuel Taxes, by Establishing a Department of Transportation Improvements Fund to be Funded by a Portion of the Motor Vehicle Fuel Tax.

Representative George introduced and brought HA 1 before the House for consideration. HA 1 to HB 993 was adopted by voice vote.

Representative George introduced and brought HA 2 before the House for consideration. The roll call on HA 2 was taken and revealed:

YES: Representatives T. Brady, Byrd, George, Rispoli, Mr. Acting Speaker Jonkiert - 5.

NO: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Kelly, Loughney, Lynch, Maxwell, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Temple, Vernon, Worthen - 31.

NOT VOTING: Representative Miller - 1.

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

Therefore, not having received a constitutional majority, HA 2 to HB 993 was defeated.

The roll call on HB 993 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Byrd, Cain, Connor, Gilligan, Hebner, Loughney, Maxwell, Miller, Oberle, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Worthen, Mr. Speaker Boulden - 22.

NO: Representatives Ambrosino, Billingsley, T. Brady, Clendaniel, Darling, Ferguson, George, Gordy, Johnson, Jonkiert, Kelly, Lynch, Matushefske, Minner, Morris, Plant, Rispoli, Temple - 18.



ABSENT: Representative McKay - 1.

Therefore, having received a constitutional majority, HB 993 w/HA 1 was sent to the Senate for concurrence.

Representative Byrd brought HB 271 w/SA 3 and SA 5 before the House for consideration.

HB 271 - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Operating or Riding on Motorcycles.

Representative Minner moved to recommit HB 271 w/SA 3,5 to Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gordy, Jonkiert, Lynch, Minner, Morris, Rispoli, Temple, Worthen - 19.

NO: Representatives Byrd, Cain, Ferguson, Gilligan, Hebner, Johnson, Kelly, Loughney, Matushefske, Maxwell, Oberle, Plant, Powell, Riddagh, Ridings, Roy, Sincock, Smith, Vernon, Mr. Speaker Boulden - 20.

NOT VOTING: Representative Miller - 1.

ABSENT: Representative McKay - 1.

Therefore, not having received a constitutional majority, the motion was defeated and HB 271 w/SA 3 and 5 remained before the House.

The roll call on HB 271 w/SA 3 and 5 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Byrd, Cain, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Smith, Temple, Vernon, Mr. Speaker Boulden - 29.

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, Jonkiert, Minner, Sincock, Worthen - 10.

ABSENT: Representatives Clendaniel, George, McKay - 3.

Therefore, having received a constitutional majority, HB 271 w/SA 3 and 5 was sent to the Governor.

Representative Worthen introduced and brought HCR 115, co-sponsored by Representatives Anderson, Cain, Rispoli, Billingsley, Oberle, Powell, Roy and Senators Martin Sharp and Hale, before the House for consideration.

HCR 115 - Congratulating the Newark High School Bands on Their Achievements at the National International Music Festival in Toronto, Canada.

HCR 115 was adopted by voice vote.

Representative Kelly introduced and brought HR 144, co-sponsored by Representative Ferguson, before the House for consideration.

HR 144 - Requesting Dart to Consider the Abandonment of Transfers on All of its Routes and to Provide the General Assembly with Information about the Additional Revenues this Policy Would Generate.

HR 144 was adopted by voice vote.

Representative W. Brady brought HB 823 before the House for consideration.

HB 823 - An Act to Amend Chapter 14, Title 25, Delaware

Code Relating to Timber Trespass.

The roll call on HB 823 was taken and revealed:

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

ABSENT: Representatives Billingsley, Clendaniel, George, McKay, Miller - 5.

Therefore, having received a constitutional majority, HB 823 was sent to the Senate for concurrence.

Representative Plant deferred HB 786 w/HA 1 to the end of the Agenda and yielded to Representative Rispoli.

Representative Rispoli brought HB 880 w/HA 1 before the House for consideration.

HB 880 - An Act to Amend Titles 25, 21 and 10 of the Delaware Code Relating to Liens of Garagemen, Livery and Stable Keepers; Sale of Abandoned Vehicles; Removal and Sale of Motor Vehicles from Public Highways by Police and Fees Therefor.

Representative Minner brought HA 1 before the House for consideration. HA 1 to HB 880 was adopted by voice vote.

The roll call on HB 880 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Byrd, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, Minner, Morris, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NOT VOTING: Representative Burris - 1.

ABSENT: Representatives Billingsley, Cain, Clendaniel, George, McKay, Miller - 6.

Therefore, having received a constitutional majority, HB 880 w/HA 1 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 721 until May 31, 1978.

Mr. Speaker recommitted SB 180 to the Health and Social Services Committee.

Committee Reports:

House Administration: HB 691 - 3M; HB 1000 - 4M; SB 298 - 1F, 3M; SB 388 - 3M; SB 578 - 3F, 1M; SJR 26 - 3F, 1M.

Judiciary: HB 849 - 1F, 3M, 1U.

Administrative Services: HB 987 - 4M.

Representative Sincok moved to recess to the call of the Chair at 6:25 p.m.

## 39th LEGISLATIVE DAY

May 30, 1978

The Speaker called the House to order at 1:59 p.m. The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:00 p.m. A prayer was offered by Representative Thomas Temple from the 39th District.

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

The Chief Clerk called the roll.

Members present: 40.

Member absent: Representative T. Brady - 1.

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

HB 961 was reassigned from the Appropriations Committee to the Health and Social Services Committee.

Communications:

The Senate wishes to inform the House that it has passed HB 808; HB 811; HB 840; HB 839; HB 264; HB 271 w/SA 3,5; HB 870; HCN 80.

The following prefiled legislation was introduced:

HB 1002 - AMBROSINO - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Providing a Code of Ethics for Commissioners and Employees.

HB 1003 - RIDINGS - CONSTITUTION: An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware Relating to the Disposition of Certain Funds Received by School Districts. (2/3 bill)

HB 1004 - BYRD - LABOR & COMMERCE: An Act to Amend Chapter 5, Title 4 of the Delaware Code to Permit the Holder of Taproom or Restaurant Off and On Liquor Licenses to Move the Location of One of His Licenses.

HB 1005 - MINNER - PUBLIC SAFETY: An Act to Amend Chapters 41 and 45 of Title 21, Delaware Code, Relating to Combination of Vehicles Used for Transportation of Motor Vehicles.

HB 1006 - LYNCH - APPROPRIATIONS: An Act to Amend Chapter 692, Volume 60, Laws of Delaware, Relating to an Act Authorizing the State of Delaware to Borrow Money, Issue Bonds and Notes, and Appropriating the Funds to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control. (3/4 bill)

HA 1 to HA 8 to HS 1 for HB 725 - CONNOR - Placed with the bill.

HA 14 to HS 1 for HB 725 - CONNOR - Placed with the bill.

SB 489 - ZIMMERMAN - HIGHWAYS & TRANSPORTATION: An Act to Amend Subchapter III, of Chapter 1, Title 17, Delaware Code Relating to the Authorization of the Department of Transportation to Allow Vending Machines in Safety Roadside Rest Areas on an Experimental Basis; and to Further Provide for a Special Fund Within the State Treasury to Which Such Profits Shall be Earmarked.

SB 601 w/SA 2 - MCDOWELL - ADMINISTRATIVE SERVICES: An Act to Obtain Representation for Delaware Ratepayers in a Forthcoming Public Service Commission Hearing and Decision on a Rate Increase Request by Delmarva Power and Light Company; and Providing an Appropriation Therefor.

Representative Jonkiert moved to recess for caucus at 2:12 p.m.

The House was called to order at 3:39 p.m.

Representative Maxwell introduced HB 1007.

HB 1007 - An Act to Amend Delaware Code, Title 14 by Providing a Unit and Staff Authorization for Handicapped Pupils who are Deaf-Blind.

Mr. Speaker assigned HB 1007 to the Education Committee.

Representative Jonkiert introduced and brought HR 145 before the House for consideration.

HR 145 - Requesting the Postmaster General of the United States to Issue in 1979 a Stamp Commemorating the 200th Anniversary of the Death of General Casimir Pulaski, a Hero of the Revolutionary War.

HR 145 was adopted by voice vote.

Representative Gordy moved to suspend the Agenda rules for the purpose of acting on a bill. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Boulden brought SB 578 before the House for consideration.

SB 578 - An Act to Amend Chapter 32, Title 29 of the Delaware Code Dissolving the Delaware American Revolution Bicentennial Commission and Creating a New Delaware Heritage Commission.

The roll call on SB 578 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Boulden, W. Brady, Burris, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberley, Powell, Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Vernon, Worthen, Mr. Acting Speaker Jonkiert - 35.

ABSENT: Representatives T. Brady, Byrd, Darling, Matushefske, Plant, Temple - 6.

Therefore, having received a constitutional majority, SB 578 was returned to the Senate.

Representative Bennett deferred HB 628 to the end of the Agenda and brought HB 945 before the House for consideration.

Mr. Speaker ordered HB 945 back into Committee because it did not have sufficient signatures.

Representative Bennett deferred HB 629 and brought HB 952 w/HA 1 before the House for consideration.

HB 952 - An Act to Grant Approval to the Department of Natural Resources and Environmental Control to Purchase Seven Tracts of Land in Kent and Sussex Counties, Delaware.

Representative Burris moved to strike HA 1. Without objection, HA 1 to HB 952 was stricken.

Representative Bennett requested and was granted the

privilege of the floor for Mr. William Wagner, Director of the Division of Fish and Wildlife.

Tony Florio, of the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife was granted the privilege of the floor.

The House recessed at 4:25 p.m. for the purpose of changing the audio tape and was called to order at 4:26 p.m.

The roll call on HB 952 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Byrd, Cain, Clendaniel, Connor, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Maxwell, McKay, Oberle, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Worthen, Mr. Speaker Boulden - 31.

NO: Representatives Burris, Darling, Minner, Morris, Plant, Roy, Vernon - 7.

NOT VOTING: Representative Miller - 1.

ABSENT: Representatives T. Brady, Matushefske - 2.

Therefore, having received a constitutional majority, HB 952 was sent to the Senate for concurrence.

Representative Smith brought SB 90 before the House for consideration.

SB 90 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to the Division of Environmental Control.

The roll call on SB 90 was taken and revealed:

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

ABSENT: Representatives T. Brady, Cain, Matushefske, Plant - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 90 was returned to the Senate.

Representative Connor deferred HB 169 to the end of the Agenda and brought HB 789 before the House for consideration.

HB 789 - An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in Prior Fiscal Years.

The roll call on HB 789 was taken and revealed:

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

NO: Representative Hebner - 1.

ABSENT: Representative T. Brady, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HB 789 was sent to the Senate for concurrence.

Representative Matushefske deferred HB 632 and yielded to Representative Jonkiert.

Mr. Speaker recommitted HB 632 to the Appropriations Committee.

Representative Jonkiert brought SJR 26 before the House for consideration.

SJR 26 - Establishing a Delaware Veterans' Advisory Council.

The roll call on SJR 26 was taken and revealed:

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

ABSENT: Representatives Ambrosino, T. Brady, Minner, Plant - 4.

Therefore, having received a constitutional majority, SJR 26 was returned to the Senate.

Representative George brought SB 83 before the House for consideration.

SB 83 - An Act to Make a Supplemental Appropriation to the Department of Correction for Back Pay for an Employee Who Was Denied in Error, Appointment Above the First Step of His Pay Grade.

Representative George introduced and brought HA 1 before the House for consideration. HA 1 to SB 83 was adopted by voice vote.

The roll call on SB 83 w/HA 1 was taken and revealed:

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

NO: Representatives Hebner, Roy - 2.

ABSENT: Representatives T. Brady, Plant, Smith - 3.

Therefore, having received a constitutional majority, SB 83 w/HA 1 was returned to the Senate for action on the amendment.

Representative George brought SB 137 before the House for consideration.

SB 137 - An Act Making a Supplementary Appropriation to Satisfy a Settlement Agreement Entered into Between the State of Delaware and Manufacturers' Lease Plans, Inc., a Pennsylvania Corporation, in Connection with the Claim of Manufacturers' Lease Plans, Inc., for Certain Services Rendered to the Department of Administrative Services for Services Under a Written Contract.

The roll call on SB 137 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Powell, Riddagh, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Connor, Hebner, Oberle, Ridings, Roy - 5.

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, having received a constitutional majority, SB 137 was returned to the Senate.

Representative George brought SB 85 w/HA 1 before the House for consideration.

Representative George introduced and brought HA 1 before the House for consideration. HA 1 to SB 85 was adopted by voice vote.

Representative George moved to place SB 85 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Gilligan deferred SB 472 until May 31, 1978.

Representative Jonkiert deferred HB 703 until June 8, 1978.

Representative Kelly brought HB 850 before the House for consideration.

HB 850 - An Act to Amend Chapter 47, Title 7, Delaware Code Relating to Park User Fees for Persons 62 Years of Age or Older.

The roll call on HB 850 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Boulden, W. Brady, Burris, Byrd, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincok, Smith, Temple, Worthen, Mr. Acting Speaker Cain - 34.

NO: Representatives Billingsley, Ridings, Vernon - 3.

NOT VOTING: Representative McKay - 1.

ABSENT: Representative T. Brady, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HB 850 was sent to the Senate for concurrence.

Representative Kelly brought HB 841 before the House for consideration.

HB 841 - An Act to Amend Title 16 and Title 31 of the Delaware Code Relating to the Rights of Patients in Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related State Institutions.

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

The roll call on HB 841 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell,

Riddagh, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 39.

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, having received a constitutional majority, HB 841 was sent to the Senate for concurrence.

Representative George brought SB 406 w/SA 1 before the House for consideration.

Representative George moved to place SB 406 w/SA 1 on the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative George brought SB 431 before the House for consideration.

SB 431 - An Act to Reimburse Raymond W. Anderson, Former Superintendent of the Delaware Correctional Center, Certain Amounts Paid by Him to Certain Persons Known as the "Smyrna Five."

The roll call on SB 431 was taken and revealed:

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

ABSENT: Representatives T. Brady, Plant - 2.

Therefore, having received a constitutional majority, SB 431 was returned to the Senate.

Representative Riddagh brought HB 865 before the House for consideration.

HB 865 - An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Smyrna," Being Chapter 192, Volume 36, Laws of Delaware, Relating to Registration of Voters in Municipal Elections.

The roll call on HB 865 was taken and revealed:

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

ABSENT: Representatives T. Brady, Kelly, Oberle, Plant - 4

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 865 was sent to the Senate for concurrence.

Representative Cain deferred HB 838 and brought HB 911 before the House for consideration.

HB 911 - An Act to Amend Chapter 31, Title 14, Delaware Code, Relating to Private Placement with Financial Aid for Handicapped Persons.

The roll call on HB 911 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett,



Billingsley, W. Brady, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Jonkiert, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Rispoli, Roy, Sincock, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

NO: Representative Ridings - 1.

ABSENT: Representatives T. Brady, Gordy, Kelly, Plant, Smith - 5.

Therefore, having received a constitutional majority, HB 911 was sent to the Senate for concurrence.

Representative Sincock introduced and brought HR 146, co-sponsored by Representative Smith, before the House for consideration.

HR 146 - Congratulating State Treasurer Thomas R. Carper and Mrs. Carper, the Former Diane B. Hinkson, On Reaching a Unanimous Decision.

HR 146 was adopted by voice vote.

Representative Matushefske introduced HB 1008, co-sponsored by Representatives Ferguson, Smith, Hebner, Billingsley, Sincock, Connor and Ambrosino, before the House for consideration.

HB 1008 - An Act to Amend Chapter 21, Title 24 of the Delaware Code to Exempt Medical Personnel Working Under the Supervision of a Doctor of Medicine, Doctor of Osteopathy, or Optometrist from the Provisions of Such Chapter.

Mr. Speaker assigned HB 1008 to the Judiciary Committee.

Representative George moved to lift SB 406 w/SA 1 from the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

SB 406 - An Act Making a Supplemental Appropriation to the Department of Finance for Payment of Claims Relating to "Veterans Military Pay" for Certain Persons.

Representative Vernon introduced and brought HA 1 before the House for consideration. HA 1 to SB 406 w/SA 1 was adopted by voice vote.

The roll call on SB 406 w/SA 1 and HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, Burris, Byrd, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Johnson, Jonkiert, Lougheny, Lynch, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Ridings, Rispoli, Roy, Sincock, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 35.

ABSENT: Representatives T. Brady, W. Brady, Kelly, Matushefske, Plant, Riddagh - 6.

Therefore, having received a constitutional majority, SB 406 w/SA 1 and HA 1 was returned to the Senate for action on the amendment.

Representative Vernon introduced HJR 67.

HJR 67 - Directing the Bingo Control Commission to Grant a Lincese to the Rehoboth Beach Volunteer Fire Company for a Bingo Game on June 3, 1978.

Mr. Speaker assigned HJR 67 to the House Administration Committee.

Representative Jonkiert moved to recess for committee hearings at 6:00 p.m.

The House was called to order at 6:17 p.m.

Committee Reports:

Administrative Services: HB 945 - 1F, 4M.

Community Affairs: HB 986 - 5M.

Judiciary: HB 1008 - 3M, 1U.

House Administration: HJR 67 - 4M.

Labor & Commerce: HS1 for HB 135 - 5F, 1M; HB 842 - 6M; HB 892 - 6M; HB 895 - 4M, 1U; HB 896 - 5M, 1U; HB 916 - 6M; HB 973 - 5M; HB 980 - 6M; HB 985 - 6M; HB 1004 - 1F, 4M; SB 538 - 1M, 3U; SB 569 - 6M.

Representative Rispoli introduced HB 1009, co-sponsored by Representatives Hebner and Vernon.

HB 1009 - An Act to Amend Title 29, Delaware Code, Chapter 86 Relating to Rate of Compensation for Members of the Consumer Affairs Board.

Mr. Speaker assigned HB 1009 to the Community Affairs Committee

The House recessed to the call of the Chair at 6:30 p.m.

40th LEGISLATIVE DAY

May 31, 1978

The Speaker called the House to order at 2:14 p.m.

Committee Report:

Revenue & Finance: HB 876 - 1F, 3M; HB 884 - 3F, 2M; HB 913 - 2F, 3M; HB 969 - 1F, 4M.

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous legislative day. The House reconvened at 2:15 p.m. A prayer was offered by the Reverend Eldon Fowler from the Capitol Baptist Church in Dover.

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

The Chief Clerk called the roll.

Members present: 41.

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

The Reading Clerk read the following letter into the record for Representative Maxwell:

May 31, 1978

Mr. Speaker, Members of the One Hundred and Twenty-Ninth General Assembly:

Today, I am publically disclosing for the record, and in compliance with the basic tenets and provisions of HS 1 for HB 725, commonly known as the financial disclosure act, my sources of income and liabilities.

In our democratic form of government, persons serving in

state government hold positions of public trust which require vigorous adherence to the highest standards of honesty, integrity and impartiality.

I feel that the attached disclosure of personal interests, assets and liabilities may serve to guard against conduct violative of the public trust.

In keeping with the basic principles of public disclosure shared by other State Legislatures and the U.S. Congress, it is my hope that the attached disclosure will in a small measure restore the public's faith and confidence in elected representatives and all others who serve this great Republic.

Robert L. Maxwell  
State Representative,  
14th District, State of Delaware

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Committee Report:

Revenue & Finance: HB 877 - 4M.

Representative Loughney introduced and brought HR 147 before the House for consideration.

HR 147 - Extending Congratulations to the Lions Club of Claymont on Reaching its Fortieth Anniversary.

HR 147 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 1010 - VERNON, MCKAY, MILLER, SMITH - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, of the Delaware Code Relating to Realty Transfer Tax.

HB 1011 - CONNOR, AMBROSINO - COMMUNITY AFFAIRS: An Act to Amend Title 9, Title 14 and Title 25 of the Delaware Code Relating to Information to be Supplied by a Landlord to the County.

HB 1012 - LOUGHNEY (By Request) - HIGHWAYS & TRANSPORTATION: An Act Making a Supplementary Appropriation to the Division of Highways of the Department of Transportation for the Erection of a Flagpole at the Gold Star Mothers Monument on the Governor Printz Boulevard at the Philadelphia Pike.

HA 1 to HB 882 - JOHNSON - Placed with the bill.

HA 1 to HB 903 - OBERLE - Placed with the bill.

SB 602 w/SA 1,2,4 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 1, Title 31 of the Delaware Code Relating to the Burial of the Remains of an Indigent Person by the State.

SB 610 - CORDREY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation, for the Purpose of Dredging Lee Joseph Creek.

HA 1 to SB 461 - WORTHEN - Placed with the bill.

Representative Gilligan introduced and brought HCR 116, co-sponsored by Representatives Maxwell, Worthen, McKay and Roy and Senators Cicione, Knox and Arnold, before the House for consideration.

HCR 116 - Extending Congratulations and Best Wishes to the Thomas McKean High School Band on Their Upcoming Tour of Scotland and England During June 26 Through July 21.

HCR 116 was adopted by voice vote.

Communications:

The Senate wishes to inform the House that it has passed SB 610; HB 778 w/HA 2; HB 835 w/HA 1; HCR 114; HCR 115; SB 602 w/SA 1,2,4.

Representative Jonkiert moved to recess for caucus at 2:30 p.m.

The House was called to order at 3:52 p.m.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on a Joint Resolution.

Representative Jonkiert withdrew his motion.

Representative Lynch moved to lift the roll call on SS 1 for SB 494. The motion was seconded by Representative Gordy and adopted by voice vote.

SS 1 for SB 494 - An Act to Amend Section 1056, Title 14 of the Delaware Code Relating to the Disposition of Fees for the Use of School Property, Facilities and Equipment Not in Use for Educational Purposes.

The roll call on SS 1 for SB 494 was taken and revealed:

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

NO: Representatives Ambrosino, Billingsley, T. Brady, Burris, Connor, George, Gilligan, Hebner, Maxwell, McKay, Oberle, Powell, Ridings, Roy, Sincok, Vernon - 16.

NOT VOTING: Representative Smith - 1.

Therefore, having received a constitutional majority, SS 1 for SB 494 was returned to the Senate.

Representative Jonkiert moved to suspend the rules for the purpose of introducing and acting on HJR 68. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Jonkiert brought HJR 68, co-sponsored by Representatives Boulden, Gordy, Sincok, McKay and Senators Cordrey, Cook, Martin, Knox and Hughes, before the House for consideration.

HJR 68 - Establishing a Judicial Pension Reform Committee.

The roll call on HJR 68 was taken and revealed:

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

NO: Representatives Oberle, Riddagh - 2.

ABSENT: Representatives Ambrosino, George - 2.

Therefore, having received a constitutional majority, HJR 68 was sent to the Senate for concurrence.

Representative Plant brought HB 674 before the House for consideration.

Representative Plant moved to waive the fiscal note for HB 674. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Plant requested and was granted the privilege of the floor for the Reverend James Young, Executive Director of the Methodist Action Program and Executive Director of the Public Assistance Task Force.

Representative Plant requested and was granted the privilege of the floor for Mrs. Margaret McGee, Catholic Social Services Chief of Family Services.

Representative Plant requested the privilege of the floor for Mrs. Fannie Burmudas.

Representative Plant requested and was granted the privilege of the floor for Mrs. June Jenkins, from Family Services.

Representative Plant requested and was granted the privilege of the floor for Mr. Herman Holloway, Jr., Executive Director of the Martin Luther King Planning and Referral Service in Wilmington.

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

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

Representative Connor requested and was granted the privilege of the floor for Reverend James Young.

Representative Plant requested and was granted the privilege of the floor for Reverend James Young.

Mr. Acting Speaker Jonkiert granted the privilege of the floor to House Attorney John Rich.

Representative Plant moved to place HB 674 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Plant brought HB 692 before the House for consideration.

Representative Plant moved to waive the fiscal note requirement for HB 692. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Plant moved to table the roll call on HB 692. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Vernon moved to suspend the rules for the purpose of acting on HJR 67. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Vernon moved to suspend the Agenda rules. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Vernon brought HJR 67 before the House for consideration.

HJR 67 - Directing the Bingo Control Commission to Grant a License to the Rehoboth Beach Volunteer Fire Company for a Bingo Game on June 3, 1978.

The roll call on HJR 67 was taken and revealed:

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

NO: Representatives Hebner, Minner - 2.

ABSENT: Representatives Billingsley, Johnson, Plant - 3.

Therefore, having received a constitutional majority, HJR 67 was sent to the Senate for concurrence.

Representative Minner moved to lift the roll call on HB 599. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Minner moved to table the roll call on HB 599. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative George moved to lift SB 85 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 85 - An Act to Make a Supplemental Appropriation to the Department of Correction to give Back Pay for an Employee Whose Annual Increment was Omitted Through Administrative Error.

The roll call on SB 85 was taken and revealed:

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

ABSENT: Representatives Byrd, Johnson, Miller - 3.

Therefore, having received a constitutional majority, SB 85 was returned to the Senate.

Representative Bennett introduced and brought HR 148 before the House for consideration.

HR 148 - Welcoming the 31st Annual Delmarva Chicken Festival to Dover on June 2, 3, 4, 1978.

HR 148 was adopted by voice vote.

Representative Anderson introduced HB 1013, co-sponsored by Representative Kelly.

HB 1013 - An Act to Amend Chapter 48, Part IV, Title 29 of the Delaware Code Relating to the State Lottery.

Mr. Speaker assigned HB 1013 to the House Administration Committee.

Representative Jonkiert brought HB 461 w/SA 1 before the House for consideration.

Representative Sincok moved to table the roll call on HB 461 w/SA 1. The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Byrd, Cain, Clendaniel,

Darling, Ferguson, George, Gordy, Johnson, Kelly, Loughney, Lynch, Matushefske, Maxwell, McKay, Miller, Minner, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Sincok, Smith, Vernon, Worthen, Mr. Speaker Boulden - 34.

NO: Representatives Gilligan, Jonkiert, Rispoli, Temple - 4.

ABSENT: Representatives Connor, Hebner, Plant - 3.

Therefore, having received a constitutional majority, the motion was adopted and the roll call on HB 461 w/SA 1 was tabled.

Committee Report:

Community Affairs: HB 992 - 1F, 3M; HB 1009 - 1F, 4M.

Representative Jonkiert moved to recess to the call of the Chair at 6:35 p.m.

#### 41st LEGISLATIVE DAY

June 1, 1978

The Speaker called the House to order at 2:00 p.m. The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by Pastor Eldon Fowler of the Capitol Baptist Church in Dover, Delaware.

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

The Chief Clerk called the roll.

Members present: 41.

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

Representative Morris introduced and brought HR 149, co-sponsored by all other Representatives, before the House for consideration.

HR 149 - Congratulating Pamela A. Kitchen, Our Highly Competent Bill Clerk, Upon Her Graduation from Delaware Technical and Community College on June 2, 1978.

HR 149 was adopted by voice vote.

The Bill Clerk, Pamela Kitchen, thanked the members of the House.

Representative Morris presented Miss Kitchen with flowers.

Representative Johnson introduced and brought HR 150 before the House for consideration.

HR 150 - Wishing our Colleague, Representative Al O. Plant, of the Second Representative District, a Happy Birthday Today, June 1, 1978.

HR 150 was adopted by voice vote.

Communications:

The Senate wishes to inform the House that it has passed HCR 116; HJR 67; HJR 68; SB 617; SB 572 w/SA 1; SB 615; HB 781; HJR 59; SB 593; SB 471; HB 757; HB 302 w/HA 1; HB 461 w/SA 1.

Representative Smith introduced and brought HCR 117, co-sponsored by Representatives Hebner, Sincok, Ambrosino,

Loughney, George and Senators Berndt and Hughes, before the House for consideration.

HCR 117 - Congratulating Gladys E. Davis, of Green Acres, a Senior at Mt. Pleasant High School, Upon Winning the Delaware Society of Professional Engineers' Scholarship to the University of Delaware.

HCR 117 was adopted by voice vote.

Representative Boulden introduced and brought HR 151, co-sponsored by Representatives Jonkiert, Gordy, Sincock and McKay, before the House for consideration.

HR 151 - Providing a Supplemental Appropriation to the House of Representatives to Fund Total Salaries and Personal Services for Fiscal Year 1978.

HR 151 was adopted by voice vote.

Representative T. Brady introduced and brought HR 152 before the House for consideration.

HR 152 - Mourning the Death of Charles L. Palmatary, a Leader in the Development of a Modern Parole System for Delaware.

HR 152 was adopted by voice vote.

The following prefiled legislation was introduced:

HB 1014 - OBERLE, ROY - ADMINISTRATIVE SERVICES: An Act to Amend Title 28 of the Delaware Code Relating to Sports and Amusements; and Providing Certain Restrictions Upon the Attendance of Children at Certain Events.

HB 1015 - LYNCH - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 29, Title 24, Delaware Code, Relating to Definitions Under the Law Regulating Real Estate Brokers and Salesmen.

HB 1016 - FERGUSON - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Powers and Duties of the Department of Transportation.

HB 1017 - CONNOR - CONSTITUTION: An Act Proposing the Amendment of Article II, Article III, Article IV, Article VI, Article VIII, Article IX and Article XVI of the Constitution of the State of Delaware. (2/3 bill)

HB 1018 - GILLIGAN - BANKING & INSURANCE: An Act to Amend Subchapter II, Chapter 23, Title 29, Delaware Code Relating to the Replacement of Prosthesis for Injured Persons Without Constituting a New Claim Period.

HA 1 to HB 425 - VERNON, MCKAY, MILLER, SMITH, BURRIS - Placed with the bill.

HA 1 to HB 635 - BYRD - Placed with the bill.

HA 1 to HB 764 - T. BRADY - Placed with the bill.

HA 1 to HB 838 - BILLINGSLEY, AMBROSINO, POWELL - Placed with the bill.

HA 1 to HB 868 - AMBROSINO - Placed with the bill.

HA 1 to HB 984 - WORTHEN - Placed with the bill.

SB 471 - WEISS, REPRESENTATIVE SMITH - JUDICIARY: An Act to Amend Section 840, Subpart D, Subchapter III, Chapter 5, Title 11, Delaware Code, Relating to Shoplifting.

SB 572 w/SA 1 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 9, Title 5 of the Delaware Code Relating to Loan Limitations.



SB 593 - HOLLOWAY - APPROPRIATIONS: An Act to Amend Chapter 40, Title 31, Delaware Code, Section 4053 (18) by Increasing the Authority to Issue Bonds and Notes to \$100,000,000.

SB 615 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 33, of Title 12, Delaware Code Relating to Deposits of Securities by Fiduciaries in Clearing Corporations.

SB 617 - SHARP - APPROPRIATIONS: An Act Authorizing and Directing the Board of Pension Trustees to Grant Stanley Antkiewicz Survivor's Benefits; and Further Providing a Supplementary Appropriation Therefor.

HA 1 to SB 481 - T. BRADY - Placed with the bill.

HA 1 to SB 533 - WORTHEN - Placed with the bill.

Representative Jonkiert moved to recess for caucus at 2:46 p.m.

The House was called to order at 4:52 p.m.

Representative George moved to suspend the Agenda Rules for the purpose of acting on HB 888.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Darling, Ferguson, George, Gilligan, Hebner, Johnson, Lynch, Maxwell, McKay, Morris, Powell, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Mr. Speaker Boulden - 26.

NO: Representatives Ambrosino, Billingsley, Connor, Matushefske, Miller, Oberle - 6.

NOT VOTING: Representatives Byrd, Kelly, Minner - 3.

ABSENT: Representatives Clendaniel, Gordy, Jonkiert, Loughney, Plant, Worthen - 6.

Therefore, having received a constitutional majority, the motion was adopted and HB 888 was brought before the House.

HB 888 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1979; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

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

Representative George moved to place HA 2 on the Speaker's table. Representative Sincok seconded the motion. The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, George, Hebner, Johnson, Lynch, McKay, Miller, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 24.

NO: Representatives Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Maxwell, Minner, Morris - 12.

ABSENT: Representatives Billingsley, Byrd, Oberle, Plant, Powell - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HB 888 was placed on the

Speaker's table.

Representative Matushefske moved to place HB 888 on the Speaker's table. The motion was seconded by Representative Gordy. The roll call on the motion was taken and revealed:

YES: Representatives Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Miller, Minner - 12.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, George, Hebner, Johnson, Lynch, Maxwell, McKay, Morris, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 25.

ABSENT: Representatives Billingsley, Oberle, Plant, Powell - 4.

Therefore, not having received a constitutional majority, the motion was defeated and HB 888 remained before the House.

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

Representative George moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Sincok.

Representative Minner moved to table the motion to place HA 3 on the Speaker's table. The motion was seconded by Representative Gordy. The roll call on the motion was taken and revealed:

YES: Representatives Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Minner, Morris - 12.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Connor, George, Hebner, Johnson, Lynch, Maxwell, McKay, Miller, Plant, Riddagh, Ridings, Rispoli, Roy, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 26.

ABSENT: Representatives Billingsley, Oberle, Powell - 3.

Therefore, not having received a constitutional majority, the motion was defeated and the motion to place HA 3 on the Speaker's table remained before the House.

The roll call on the motion to place HA 3 on the Speaker's table was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, Billingsley, T. Brady, W. Brady, Burris, Cain, Connor, George, Hebner, Johnson, Lynch, Maxwell, McKay, Miller, Oberle, Plant, Powell, Riddagh, Ridings, Rispoli, Sincok, Smith, Temple, Vernon, Worthen, Mr. Speaker Boulden - 28.

NO: Representatives Byrd, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Kelly, Loughney, Matushefske, Minner, Morris, Roy - 13.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HB 888 was placed on the Speaker's table.

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

Representative George moved to place HA 4 on the Speaker's