

Senate and returned to the House.

SB 551 was reported back from the Executive Committee: 1 Favorable, 2 Merits, 1 Unfavorable.

SB 58 was reported out of the Administrative Services Committee: 5 Merits.

The following proposed legislation was introduced:

SB 552 — "An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying jurors." Sponsors: Senators Cicione and Isaacs. The Bill was laid on the table at the request of Senator Cicione.

SB 553 — "An Act to amend Subchapter 11 of Chapter 23, Title 19, Delaware Code, by providing for aid and attendance to persons totally disabled." Sponsor: Senator Martin. Assigned to Labor and Industrial Relations Committee.

HB 782 — "An Act to amend Chapter 5, Title 4 of the Delaware Code relating to refund of taxes paid by importers or wholesalers to the State on beer sold to an instrumentality of the Armed Forces of the United States." Sponsor: Representative Byrd. Assigned to Revenue and Taxation Committee.

SCR 54 — "Expressing the concern of the General Assembly over the report by the Unique Hazards Committee of the Department of Public Instruction, relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended for one year." Sponsors: Senators Cicione, Kearns, Sharp; Representatives Kelly, Gilligan, Maxwell and Byrd. At the request of Senator Cicione, the Resolution was assigned to the Finance Committee.

The following Bills were stricken at the request of Senator Cordrey: **SB 147; SB 155; SB 156; SB 551.**

At the request of Senator Murphy **SB 122** and **SB 228** were stricken.

At 4:50 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 January 22, 1976.

6TH LEGISLATIVE DAY

President Pro Tempore Isaacs called the Senate to order at 1:54 p.m. January 22, 1976.

A Prayer was offered by the Chaplain, Rev. Robert L. Harris.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the previous day's session were approved as read.

The following communication was presented by Senator Isaacs:

**SENATE
DOVER, DELAWARE**

TO: Members of the Senate of the
128th General Assembly
FROM: Senator J. Donald Isaacs
President Pro Tempore
DATE: January 22, 1976
SUBJECT: House Concurrent Resolution No. 51

Pursuant to the provisions of House Concurrent Resolution No. 51, I hereby appoint the following Senators to the Special Legislative Committee to study the function which the legislature should assume in the desegregation case of Evans vs. Buchanan: Senators: Calvin R. McCullough; Thomas B. Sharp; Anthony J. Cicione; and Senators Margaret R. Manning; David H. Elliott; Charles E. Hughes.

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SA 2 to SB 18 was introduced by Senator Isaacs and placed with the Bill.

SA 1 to HJR 22 was introduced by Senator Isaacs and placed with the Resolution.

SCR 55 was introduced by Senator Holloway who moved for its adoption:

SCR 55 — "Commending the Wilmington Sportswriters and Broadcasters' Association for selecting Judy Johnson as the Athlete of the Year."

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, Manning, McCullough and Schlor) ABSENT. Therefore, the Resolution was adopted by the Senate and sent to the House.

SB 39 was stricken on motion of Senator Murphy.

HB 346 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 346 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of installing Fire Signal Control Equipment at the Blades Fire Department; Blades, Delaware, at the intersections of 13A and 5th Street and Route 20 and Cannon Street", and the roll call vote taken which

revealed 17 Senators voting YES, 1 (Castle) voting NO and 3 (Cicione, McCullough and Schlor) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

SB 533 was taken up for consideration on motion of Senator Adams.

SB 533 — “An Act to amend Chapter 6, Title 31, Delaware Code, relating to the Misuse of Food Stamps.”

SA 1 to the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cicione, Martin, McCullough and Schlor) ABSENT. Therefore, the Amendment was adopted.

The roll call vote on **SB 533 w SA 1** was then taken and revealed 19 Senators voting YES and 2 (McCullough and Schlor) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

HCR 53, sponsored by Representative Jonkiert, was introduced and all the Senators were added as co-sponsors:

HCR 53 — “Expressing the sorrow of the members of the 128th General Assembly at the death of former United States Marshal Edward J. Michaels.”

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (McCullough, Schlor and Zimmerman) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

The following proposed legislation was stricken at the request of Senator Holloway: **SJR 14; SJR 16; SR 30; SB 97; SB 195; SB 204; SB 266; SB 272; SB 364.**

HB 171 was taken up for consideration on motion of Senator McCullough but before final consideration of the Bill was taken, it was laid on the table on further motion of Senator McCullough.

At 2:56 p.m. on motion of Senator Cordrey, the Senate recessed for caucus.

The Senate reconvened at 4:36 p.m., President Pro Tempore Isaacs presiding.

The following Committee reports were announced:

From the Executive Committee: **SB 542** — 6 Merits.

From the Banking, Insurance and Elections Committee: **SB 528** — 4 Merits; **SB 527** — 4 Merits; **SB 516** — 4 Merits; **SB 515** — 4 Merits; **SB 514** — 4 Merits; **SB 526** — 4 Merits.

A message from the House informed the Senate that it had passed **SB 331.**

At 4:40 p.m., Lt. Governor Bookhammer presiding.

The following House legislation was introduced:

HB 553 — "An Act to amend Chapter 49, Title 10, Delaware Code, relating to attachment of wages." Sponsor: Representative Matushefske. Assigned to Labor and Industrial Relations Committee.

HB 554 — "An Act to amend Chapter 95, Title 10, Delaware Code, concerning garnishment proceedings." Sponsor: Representative Matushefske. Assigned to Labor and Industrial Relations Committee.

SB 145 was taken up for consideration on motion of Senator Martin, then on further motion of the Senator, the Bill was laid on the table.

Senator Isaacs requested that **SB 18** be lifted for consideration; however, Senator Castle objected to the motion and Senator Isaacs withdrew his motion.

SB 114 was taken up for consideration on motion of Senator Isaacs:

SB 114 — "An Act to amend Chapter 23 of Title 19, Delaware Code, relating to the maximum amount of compensation for partial disability and certain permanent injuries", and the roll call vote taken which revealed 19 Senators voting YES, 1 (Steele) voting NO and 1 (Adams) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

No action was taken on Senate Amendments 1, 2 or 3 to the Bill.

Senator Isaacs moved for the final reading and consideration of **SB 317**. Senator Castle moved that consideration of the Bill be deferred and the roll call vote was taken on his motion which revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Kearns, Knox, Manning — 8.

NO: Senators Cicione, Cook, Cordrey, Holloway, Isaacs, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 12.

ABSENT: Senator Adams — 1.

Therefore, the motion was defeated and **SB 317** was before the Senate for consideration.

SB 317 — "An Act to amend Part V, Title 11 of the Delaware Code relating to State Law Enforcement Agencies; and providing for a separate Planning Agency."

The roll call vote on **SB 317** was then taken and revealed 15 Senators voting YES, 1 (Manning) voting NO, 4 (Castle, Hale, Kearns and Knox) NOT VOTING and 1 (Adams)

ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SR 122, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 122 — "To debit Senate Travel Account for legislators' mileage of the present session of the 128th General Assembly."

The roll call vote on the Resolution revealed 19 Senators voting YES and 2 (Adams and Cicione) ABSENT. Therefore, the Resolution was adopted.

SR 123, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 123 — "Authorizing payment for services rendered by the Staff of the Senate for the 128th General Assembly."

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

The following Committee reports were announced:

From the Revenue and Taxation Committee: **HB 782** — 6 Merits.

From the Judiciary Committee: **SB 375** — 1 Favorable, 4 Merits.

From the Community Affairs Committee: **HB 305** — 2 Favorable, 2 Merits.

SB 554, sponsored by Senators Cicione and Sharp was introduced and placed in the Finance Committee.

SB 554 — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as Senate Bill No. 431 of the 128th General Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware."

SA 3 to SB 18 was introduced by Senator Castle and placed with the Bill.

A message from the House informed the Senate that it had passed **SB 520** and **SJR 47**.

The following House legislation was introduced:

HB 787. — "An Act to amend Chapter 39, Title 7, Delaware Code relating to annual appropriations to the Soil and Water Conservation Division." Sponsor: Representative Lynch. Assigned to Finance Committee.

HB 588 — "An Act to amend Chapter 59, Title 29, Part V, of the Delaware Code relating to the Merit System of Personnel Administration; and providing for Veteran's preference under certain circumstances." Sponsor: Representative Cain. Assigned to the Executive Committee.

HCR 55, sponsored by Representative Plant, was introduced and considered for adoption on motion of Senator Isaacs:

HCR 55 — “Commending Emma C. Durazzo for being the first winner of the Delaware National Guard’s Distinguished Graduate Award.”

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (Steele) NOT VOTING and 3 (Adams, Cicione and Hale) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

At 5:40 p.m. on motion of Senator Isaacs, the Senate recessed until 1:00 p.m. January 27, 1976.

The Senate reconvened at 1:00 p.m. January 27, 1976, President Pro Tempore Isaacs presiding and on motion of Senator Cordrey immediately adjourned.

7TH LEGISLATIVE DAY

The Senate convened at 1:00 p.m. January 27, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by Senator Elliott.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the previous day were approved as read.

SCR 56 was introduced by Senator Murphy who moved for its adoption:

SCR 56 — “Expressing vehement consternation and disapproval over the recently announced rate increase of twenty-five percent by Blue Cross and Blue Shield of Delaware, Inc.”

On further motion of Senator Murphy, the Resolution was laid on the table.

At 1:13 p.m. Lt. Governor Bookhammer presiding.

At 1:17 p.m. on motion of Senator Isaacs, the Senate recessed to join the House in Joint Session.

JOINT SESSION

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

Representative McGinnis moved that the Speaker of the House preside over the Joint Session and the motion prevailed.

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

The Speaker appointed the following Committee to escort the Governor to the House Chamber: Representatives Byrd and Ridings; Senators Sharp and Hughes.

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

Mr. Speaker, Mr. President, Mr. President Pro Tem, Mr. Chief Justice, Other Members of the Judiciary, Elected Constitutional Officers, Ladies and Gentlemen of the 128th General Assembly, Members of the Cabinet, Distinguished Guests, Fellow Delawareans:

In the third year of a Governor's term, State of the State messages have historically been solemn recitations of problems, programs, and progress — of Bills passed and buildings built.

While they have stood as informative year-end reviews, they did little to chart a fresh course for our State's future.

Not so, today.

We must begin preparations today for Delaware tomorrow.

And so I stand before you this afternoon with a detailed, dynamic, and workable program which will significantly alter State Government as we know it — and better prepare State Government for the tests of tomorrow.

As Governor, I have had the frustrating task of running a Government that doesn't work.

And, I've spent three years patching it up.

Before I became Chief Executive, as most of you will recall, the State couldn't even process a timely Personal Income Tax Refund — or report its financial position within two or three weeks after the close of a month.

I have governed Delaware for three years. It has become apparent to me that a fundamental difficulty is that the table of governmental organization seems to encourage the growth of bureaucracy, instead of urging the streamlining of government.

And it fails to provide for proper controls of the very bureaucracy it is stimulating.

Throughout Government, the "Bureaucratic Tree" blossomed.

For years, the prevailing opinion was that every problem

could be solved by spending more money or hiring another employee.

This is not a recent pattern. It has continued unchecked for the past two decades.

It is not a pattern unique to Delaware. It has flourished at the Federal level and in every State of the Union.

We have all seen what can happen when such practices continue unchecked, continuing beyond the point of reason. All we need to do is hear the latest chapter in the plight of New York City.

Only five years of executive level job freezes have prevented bureaucratic growth from getting totally out of hand, and precipitating a financial fiasco that would destroy "The First State".

We must stop flirting with economic disaster in Delaware.

Positive action must be taken now or I foresee that our State will be in an impossible situation in another decade.

And I know my Cabinet Secretaries share my view.

They have lived with the system daily and know full well how unmanageable some of the Departments currently are; and they have openly expressed their concerns to me.

These Cabinet Secretaries, who are in this chamber today, should receive the highest commendation and appreciation from all of us for so sensibly handling their responsibilities.

They have operated under a system that — when designed — was **thought** to be viable. And it was, indeed, a good beginning. But we have learned, by working with that system, that it has many shortcomings.

The architect of reorganization — my predecessor as Chief Executive — governed the State under the new system for just two years.

No doubt, in the early days, there were so many minor problems and details to be ironed out, that they were not aware, nor could they see at that early stage, the long-term flaw of the reorganization.

That flaw is the lack of a management control system. It is obvious to me, the Cabinet and especially the members of the Joint Finance Committee of the General Assembly, who try to wade through the budget every year.

As you members of the Legislature are well aware, an Executive or Legislative Mandate can become lost in the maze of our antiquated Budget System.

And this inefficiency and general lack of control

ultimately leads to a lack of credibility on the part of the public towards almost all governmental activities and endeavors.

I know each of you members of the General Assembly is just as concerned as I am that Delaware remain a vital and attractive place for people to live and work, and for new business and industry to make their home.

Surely, one of government's duties is to attract the necessary business and industry to our State to provide new jobs and opportunities for our citizens.

Our patchwork government cannot meet this challenge.

So, today, to better plan for tomorrow, I am proposing a comprehensive restructuring of Government —

This comprehensive program to meet these goals involves the reorganization of the Executive Branch of Government, the institution of several new management controls and the adoption of Land Use Planning.

The budget I am submitting today totals \$447 million dollars — an increase of just \$32 million dollars (and 7.8%) over the budget for the current year. This is a tight budget.

Without all the changes I propose today, the State's Fiscal '77 Budget would have had to total \$459 million dollars, at the very least.

You will find that as a direct result of my reorganization proposal, we are able to abolish 200 general fund positions and 80 special fund (ie: Highway) positions — all currently vacant — and 41 currently occupied positions.

The total reduction is projected to be 321 positions.

The total number of new positions created is 2, for a net reduction of 319.

If this plan is adopted, it will signal the first time in more than a decade that the State Government has entered a new fiscal year with fewer positions than in the previous fiscal year.

First-year dollar savings to the taxpayers due to this reorganization and the other measures outlined today, totals about \$11 million dollars.

The changes I am suggesting today, when adopted, will improve the functioning of State Government and save Delaware taxpayers an estimated cumulative \$350 million dollars over the coming decade.

As a result of the adoption of all these proposed changes, the FY '77 Budget will be balanced.

As I have already stated, the key fault I have found with the current reorganization of our government is the lack of

management control that the Chief Executive has over that government.

The premise of my program is that it is the Government's responsibility to clean its own house.

The keystone to implementing that program will emerge in a moment.

While I am sure you legislators could suggest your own examples, let me give you a very few obvious manifestations of this lack of management control.

Our Government is staffed by thousands of dedicated, hard-working employees, as most of you will readily agree.

However, many of these employees — be they planners, analysts, personnel people, or whatever — spend a great deal of their time pushing paper and grinding out reports, sometimes not paying much attention to any other Department's reports or paper-pushing. And there is no management control mechanism to stop this working at cross-purposes!

At times, some individuals are more concerned with insuring their own intra-Departmental Empire than with the over-all objectives of our State.

This ultimately breeds a kind of confusion that is only increased by the fact that some Divisions are in the wrong Departments.

Surely some of you veteran legislators can readily recall the willy-nilly procedure used to place certain Divisions in their Departments during the 1969-70 reorganization.

So what I am proposing today is a modification of the Cabinet based on our experience and aimed at efficiency.

Five Cabinet Departments are eliminated.

Three Departments are reorganized.

Three remain essentially unaltered.

And, in addition, around the nucleus of the Office of the Budget, the Office of the State Planner and the Office of State Personnel, is created a consolidated Management Agency for the Governor.

Let me elaborate.

Those eliminated are: (1) Administrative Services; (2) Community Affairs and Economic Development; (3) Highways and Transportation; (4) Public Safety; and (5) State.

Reorganized are: (1) Finance; (2) Health and Social Services; and (3) Natural Resources and Environmental Control.

Full details of this proposal are contained in a legislative

package, including the Budget, which will be introduced today.

In general, however, here is what I propose.

CONSOLIDATED MANAGEMENT AGENCY

Within the keystone Agency of the "Office of Administration", there are seven Divisions: (1) Administrative Services; (2) Budget; (3) Central Data Processing; (4) Economic Development; (5) Personnel; (6) Planning, and (7) Regulatory Boards and Commissions.

1. ADMINISTRATIVE SERVICES

Consolidated within this Division will be the existing Divisions of Graphics and Printing, Maintenance and Communication, Purchasing — all from the present Department of Administrative Services.

This will bring together service functions provided to all Agencies of Government.

Let me note that as we go along with the reorganization, if we find other instances where maintenance, printing, or purchasing services could be eliminated from the Departments, and consolidated in this new Division, we will perform the necessary restructuring at that time.

2. BUDGET

The Division of the Budget retains its current staff responsibilities within the new "Office of Administration".

However, a major new responsibility will be added: development of a Management Analysis Section to assist all Agencies in achieving greater operational efficiencies and effectiveness. For this purpose, management analysts from various Departments — at the discretion of the Budget Director — will be assigned to the Budget Office. In the near future, I intend to implement other improvements in Delaware's budgetary process, including program budgeting.

3. CENTRAL DATA PROCESSING

A chronic governmental problem has been the constant bickering among State Agencies as to the setting of priorities for Central Data Processing. This reorganization allows the Governor, the Director of the Office of Administration, and the Director of the Division of Central Data Processing to consider rationally the various requests for service from all the line and staff Agencies, to set priorities, and to provide adequately for that service.

4. ECONOMIC DEVELOPMENT

The Division of Economic Development, of the

Department of Community Affairs and Economic Development, will become a Division under the Office of Administration. Also, under Economic Development will be two Offices — the Office of Minority Business Enterprise ("OMBE") and Office of Economic Opportunity ("OEO").

I am taking this step to give greater executive control over the very important function of bringing new and vital business and industry to Delaware. All Delawareans will welcome clean and compatible industry to settle in "The First State". And it is my belief that the expansion of desirable industry in Delaware can be accelerated by this restructuring.

5. PERSONNEL

The Division of Personnel remains an Executive Staff function, but its role is expanded by attaching to it all those employees in the Executive Departments and Agencies of State Government who bear a personnel title or perform a personnel function. It then will be the responsibility of the Director of the Division of Personnel to assign those employees in the most effective and efficient fashion in order to institute common personnel policies.

6. PLANNING

The Division of State Planning retains its existing responsibilities. Added to it are the Delaware Agency to Reduce Crime; the Division of Facilities Management; the Division of Emergency Planning and Operations; the Planning, Research and Evaluation Offices from the Departments of Health and Social Services and Highways and Transportation, as well as all other planners in the Cabinet Departments and Independent Agencies. It will be the responsibility of the State Planner to sort out all of these individuals and to develop an integrated and interrelated comprehensive planning program for the State.

Again, as in the Division of Personnel, a State employee may work for the Division of Planning, though not necessarily under Planning's roof; rather, the employee may be assigned to a specific Department or Agency of State Government.

7. REGULATORY BOARDS AND COMMISSIONS

The Division will continue to function essentially as it has in the past.

Let me say the formation of a Consolidated Management Agency such as the "Office of Administration" is not unique to this proposal.

I and my Staff have looked at similar Agencies in many

other States, studied their advantages and adopted the structure to fit our needs.

I firmly believe that proper management controls are basic to the efficient operation of Government structure.

And the Office of Administration is the tool needed to achieve this aim.

REORGANIZATION OF DEPARTMENTS

Now, let's focus on the three reorganized Departments.

1. FINANCE

Until our Secretary of Finance was able to initiate resolution of the monumental problems which my administration inherited in the Division of Revenue, it was impossible to put forth the changes I am proposing today for this Department.

Now that definite progress is being made, I propose that the three remaining major Revenue producing Agencies be moved as Divisions into the Department of Finance: (A) The Division of Corporations of the Department of State; and (B) The Division of Motor Vehicles and the Division on Motor Fuel Tax, both from the Department of Public Safety.

Once this action is completed, the Secretary of Finance will be responsible for the collection of over 90% of the State's General Fund Revenue. This is as it should be — rather than having several Cabinet Departments funneling revenue to the General Fund.

2. HEALTH AND SOCIAL SERVICES

I am proposing two major changes in the Department of Health and Social Services, as well as two minor modifications.

First, the Divisions of Mental Health, Mental Retardation, Public Health, and State Service Centers, are reorganized into two new Divisions: (A) The Division of Institutional Services, and (B) The Division of Outpatient and Community Health Services.

This step is important not only in making the entire Department of Health and Social Services more manageable by cutting down on the total number of Divisions, but I believe it will also make the related Services more "cost-effective" and improve their delivery to our citizens.

Let me expand for a moment on this change.

Putting all of the Department's Hospitals under a single Division Director and a single Citizens' Advisory Council will allow for a greater centralization of administrative activities such as personnel, purchasing, laundry and maintenance.

Obviously, now those services are duplicated at the individual facilities.

Moreover, it would also make possible the much-discussed idea of having a Joint Screening Team of allied professionals to evaluate requests for admissions to all State Hospitals — and transfers between facilities — so that persons who really need hospitalization will, at all times, be placed in the appropriate institution under the over-all direction of a single Division.

Our Out-patient and Community Health Services have long suffered from a lack of coordination and integration among the various Health Specialties.

Unfortunately, this also has been the case within our State "Multi-Service" Centers where such services have been housed together, but operated separately.

By putting all Out-patient and Community Health Services under the direction of a single Health Administrator, and a single Citizens' Advisory Council, I am confident that we will be better able to provide a complete range of services at the community level, with minimum barriers caused by professional, locational, or organizational differences.

The flexibility of this new Division should allow new combinations of services across existing Agency and Program lines — to better respond to the problems experienced by an individual or family unit — rather than attacking the problem on a piecemeal approach.

Additionally, we will achieve proper methods of cost allocation, and we will achieve better sharing of personnel and better lines of authority with Program Specialities — especially within the Service Centers themselves.

Now — the two modifications within the Department of Health and Social Services are as follows — bringing the Division of Housing — and bringing under the existing Division of Aging two Programs, "Foster Grandparents" and "Retired Senior Volunteer Program (RSVP)", both of which are now in Department of Community Affairs and Economic Development.

3. NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

I propose consolidating this Department into two Divisions — the Division of Natural Resources and the Division of Environmental Control.

This should lead to increased administrative efficiency and minor manpower reductions.

CREATION OF INDEPENDENT AGENCIES

Now, let me touch on three other important changes brought about as a result of my proposed reorganization.

1. DELAWARE TRANSPORTATION AUTHORITY

The Delaware Transportation Authority will contain the Delaware Authority for Regional Transportation ("DART"), the Delaware Authority for Specialized Transportation ("DAST"), and the current "Turnpike Division" of the existing Department of Highways and Transportation.

The Authority legislation has been drafted so that at some future time, the Port of Wilmington, as well as the airports throughout our State, could be included within the Authority's framework. As the Delaware Tomorrow Commission draft report stated, our primary concern must be moving people rather than vehicles.

The Authority will have a 15-member Commission — 8 appointed by the Governor, 2 by the Mayor of Wilmington, 3 by New Castle County Council, 1 each by Kent Levy Court and Sussex County Council. The Executive Director of the Authority will be responsible for the operations of the Authority, and funding for the Authority will come from retained earnings including the excess cash from the Turnpike after the Bonds are rolled over.

This will be a forward step in furnishing the improved transportation services to our citizens. And it is a means of implementing several of the recommendations of the "Delaware Tomorrow Commission" draft report.

Additionally, it will relieve the General Fund of the burden of subsidizing mass transportation services in our State.

First-year funding for the Authority will be in the form of a 5-year, interest-bearing loan from the Capital Divestiture Fund.

2. OFFICE OF HIGHWAY CONSTRUCTION AND MAINTENANCE

Included in the Office of Highway Construction and Maintenance will be the Bureau of Administration, Bureau of Operations and the Bureau of the Highway Safety Coordinator, currently a function contained in the Executive Department.

The duties and responsibilities of this new Agency will be essentially limited to the design, construction, and maintenance of Highways in our State.

3. DELAWARE CULTURAL TRUST COMMISSION

A third Independent Agency is the Delaware Cultural Trust Commission.

Among our State's most precious resources is its cultural heritage, including the archaeological evidences, significant buildings, objects, and documents left by those who built our State, as well as the ideas contained in our Art and Literature. These resources link us to our land and to our past. They can help us understand the present and direct us into the future. Taken together, these resources identify us as a people.

In order to preserve, maintain, and develop the evidences and expressions of the history and culture of the State of Delaware, I am proposing creation of the Delaware Cultural Trust Commission. The Trust would be composed of 25 appointed Trustees, charged with the responsibility for preserving, maintaining, and developing the evidences and expressions of the history and culture of the State of Delaware. All of the activities presently conducted by the Division of Historical and Cultural Affairs of the Department of State, the Division of Libraries of the Department of Community Affairs and Economic Development, and the Delaware State Arts Council are transferred to the Trust.

The Trust proposes its Program annually to the Governor and General Assembly, carries the Program out as funds are available, and reports back to the Governor and General Assembly on the results achieved.

The Trust, however, is specifically charged with reducing the cost to government for its Programs.

In some cases management arrangements with local organizations can be developed to more economically operate historic sites and museums, while at the same time creating deeper citizen involvement in those institutions.

Other Programs, such as Records Management, are services to government and can be provided on a contract basis to those who utilize them — and only to the extent they utilize them. Yet other Programs can generate income by attaching fees for services and facilities.

However generated, all the income of the Trust, including income from services rendered, special funds, gifts, bequests, and endowments, is to be retained in a Trust Fund and, in turn, is to be expended to reduce the annual General Fund appropriation to this body.

Today the people of Delaware are not involved directly enough in their own cultural Programs. The sources of funds for these Programs are not diverse enough, and their costs to government is far too high. We need **new** sources of income, new ideas, and the involvement of new people to better serve the cultural needs of all our people. I believe the Delaware Cultural Trust Commission achieves these purposes.

4. HUMAN RELATIONS AND CONSUMER AFFAIRS

The Divisions of Human Relations and Consumer Affairs will be relocated as Divisions within the Department of Justice. This is a logical placement of these Agencies, and both will directly profit from this new and closer relationship with the Justice Department. The end result, of course, will be improved service to our citizens. And that's a key goal running throughout my reorganization plans.

5. STATE POLICE

The State Police will become a free standing Agency, with the Colonel of the State Police reporting directly to the Governor.

Transferred to the new State Police supervision is the Division of Communications from the Department of Public Safety, and the responsibility for the enforcement of the Controlled Substances Act, which used to be under Health and Social Services.

6. DIVISION OF BOILER SAFETY

This Division, and its Council, are placed under the charge of the Fire Marshal.

Those complete Agency changes I am suggesting that the General Assembly consider.

COMMITTEE ON GOVERNMENT RESTRAINT

In conjunction with this entire proposal — which will be submitted today to you members of the General Assembly — I am proposing a Committee on Government Restraint. It will include the Budget Director, the Personnel Director, the Planning Director, the Secretary of Finance, and the Secretary of the Department of Health and Social Services.

They are directed to assemble teams to immediately begin planning for the eventual implementation of my Program, to look for further efficiencies and refinements, and plan modifications — with two aims in mind.

First, to further conserve taxpayer dollars — and second, to maintain and improve the quality of service to our citizens.

The Committee shall submit a report to the Governor on the 15th day of each month (with the first report due February 15th) outlining the actions taken by the Committee, and including any recommendations for modification or refinement of the plan. Such reports will, of course, be submitted by the Chief Executive to the General Assembly and the Joint Finance Committee, to aid them in their deliberations on the new proposal.

Reorganization of the existing government, however, is not our only obligation. We must see to it that the Agencies of the State — however organized — operate on a financially sound basis.

Only recently have we begun to maintain the Pension System on a sound footing. We owe it not **only** to State employees who have given their careers to public service, but also to good financial management, to continue to move to place these funds on an actuarially sound base. Failure to do so also invites the New York City disease.

THE PENSION SYSTEM

For the past six months I have been personally reviewing the State's funding and benefits of the State's Pension System. Since the pension appropriation, including Social Security, amounts to about 10-cents out of every tax dollar, I feel it is extremely important that the Governor become personally involved in a review from time to time.

I retained a firm of actuaries to look carefully at the funding of the system, including the system's unfunded liability and the level of benefits provided our employees.

Let me take a moment to pay personal tribute to three special citizens of our State: Senator Dean Steele; the former Chairman of the Board of Trustees, Henry Ridgely; and the current Chairman of the Board, Spencer Thompson. Without their leadership over the years, the State might still be without a system to provide for unfunded liability costs.

I am pleased to be able to stand before you today and state that during my administration the Pension Fund has increased from \$27.9 million dollars to \$88.5 million dollars.

This increase — more than three-fold — is testament to the desire of this Governor and the General Assembly to build up the Fund on a current basis, as well as to cover the unfunded liability.

Today I submit a plan to continue providing for the unfunded liability, as well as a benefits package similar to that

contained in House Bill 431. This plan has been reviewed by my actuaries — the Boards of Pension Trustees Actuaries — and by the Board itself.

Pushing forward with my plan in this area will keep these costs at a level that can be supported by the taxpayers and will effect a significant reduction in the dramatic cost spiral projected in the report prepared for the Delaware Tomorrow Commission.

Let us now turn to another major area of governmental spending — the Capital Improvement Program.

For many years, as you legislators and the press are aware, I have been a strong advocate of controlling our Capital Spending. This "Build-now-pay-later" program has reached the point where it costs our citizens 15-cents of every tax dollar.

The Delaware Tomorrow Commission, which I established in 1974 to chart a sensible course for our State's future, had a study conducted which suggests that Debt Service will continually balloon.

Meanwhile, a separate study by the State Planning Office, done at my request, suggests the very same result.

Further complicating the problem is the disfavor exhibited by the Bond Market for excessive Capital Debt by State and Municipal governments.

Put simply, lack of bonding restraint could result in the lack of a Bond Market.

The findings of the Delaware Tomorrow Commission draft report indicate that our State Construction Program has nearly caught up with the pressure for development which was generated by the rapid growth between 1950 and 1970.

As you know, just recently I proposed my plan to limit Capital Authorization of 75% of the prior year's principal retirement. The Delaware Tomorrow Commission's findings made my proposal seem all the more timely.

Conservatively estimated, this Program alone will save our taxpayers **a quarter of a billion dollars on a cumulative basis over the next decade.**

I must say, I was very gratified to see that the proposal received such immediate and widespread support — from fiscal watchdogs to business groups.

It would seem that with the adoption of the Program, all of our money market problems would be resolved. Not so.

Recently, at the request of Delaware's State Treasurer, Mary Jornlin, a Wall Street bond expert spoke in Wilmington.

He had this to say:

"The State is engaging in revenue anticipation borrowing in growing amounts, often for the purpose of offsetting year-end deficits!"

Mrs. Jornlin was with me in New York City when we met with the Wall Street Bond Rating Companies last November. We heard the same complaints then.

The root of the problem is not the small deficits that we have incurred, but in the unevenness of our State's cash flow.

This — despite the fact that during my administration, several steps have been taken to improve cash flow.

Last year, you members of the General Assembly adopted my plan to put the Corporate Income Tax payments on a quarterly basis. Other changes in Tax Law mandated monthly, rather than quarterly, payments.

All the steps we have taken surely have helped.

But the task is not complete and the problem remains unresolved.

Today I propose a Program which will resolve this problem — and at the same time, will save the taxpayers \$900,000 a year in short-term interest expense.

I propose that all corporations paying \$5,000 or more per year in Franchise Tax will be required to make quarterly — rather than annual — payments: on June 12, September 1st, December 1st and the final payment on March 1st.

Changing the method of payment will affect less than 3% of the companies. But it will even out the State's cash flow — reduce the need for short-term revenue anticipation notes in June of every year — reduce short-term Debt Service costs — and make it clear to the Wall Street money markets that our State — under my administration — has not hidden deficits, like New York City.

In all — these changes which I have outlined for our State, will save us more than a third of a billion dollars over the next decade.

Some of the immediate savings will have to be used to absorb the cost of several important Programs for which Federal funds have expired.

\$400,000 dollars will be used to continue a Program for Older Delawareans.

Also, the Kent-Sussex Detoxification Center is another example of the phase out of Federal funds which the State will continue during the next fiscal year.

It's the old familiar story of the carrot-and-the-stick —

The Federal Government holds out a new Program in front of the eyes of the anxious State.

After a while, those Federal funds are withdrawn. This has been occurring more and more frequently, due to the sorry state of our national economy.

So then it becomes the burdensome task of the Governor and the General Assembly to determine the overall worth of the Programs, and magically find the State funding necessary to continue them — or wipe out these services that might be very helpful to our citizens.

In the future, our State would be well-advised to think twice before getting into this carrot-and-stick predicament.

A perfect example is the "Work Release" Program. Federal funding will expire this June 30th. In order that this Program can continue, I have appealed to the Delaware Agency to Reduce Crime — which is the clearing house for Federal Anti-Crime Funds coming to Delaware — for a continuation of the Program, in order that the cost burden need not be transmitted to the State.

Additionally, I propose to increase the ability of Department of Health and Social Services to respond to community needs for assistance — and at the same time, relieve part of the burden being borne by private agencies — this is done by doubling the funding for Emergency and Disaster Assistance.

I am also proposing to increase our support of AFDC to 100% of the 1968 Standard of Need.

I have had a review done by the Department of Health and Social Services. Their report indicates that the adoption of a 1974 Standard for AFDC, supported at the 100% level, could cost the State up to an additional \$35 million dollars a year. That cost figure includes AFDC, Medicaid, Social Services, Day Care, and related costs. This is obviously beyond our current means.

In fact, unless there is the necessary comprehensive Federal reform of the total Welfare System — AFDC, Food Stamps, Medicaid, and so on — further progress by the State will be limited. This is the reason I have supported so strongly the Bill pending in congress to increase Federal support for AFDC and Medicaid to 75%.

Today I am also proposing to continue full funding for the cost-of-living adjustments for State employees. However, let me note

that my F.Y. 77 Budget does not provide for any salary increase for State employees except cost of living. This is the correct procedure since the report from the Advisory Council on State Salary Administration is not due until March.

But even if we are able to get the house of the government in order, we must demand the cooperation of both business and individuals in keeping the Delaware economy strong.

I propose the establishment of a Commission to study Delaware's Personal Income Tax and Business Tax structure. This Commission will be charged to look at the three alternative methods of reforming the Delaware Personal Income Tax: (1) Piggy-backing on the Federal structure; (2) Modification of the existing rate structure; (3) A Gross Income Tax.

Also, this Commission will be charged with the responsibility to review the Capital Gains Tax structure, independently, and in concert with the three methods of reforming the Personal Income Tax already outlined.

Further, this Commission will be charged with a thorough review of taxation on business, industry and commerce in Delaware to determine whether or not the tax burden on Delaware business equals other States or not. And finally they will evaluate the balance between taxation on the individual and on business, as compared with other States.

Both of these studies represent logical extensions of the Delaware Tomorrow Commission findings and implement recommendations contained in the report. This Personal Income and Business Tax Commission will be charged to complete its assignment and submit its report to the Governor and General Assembly by December 15, 1976.

But recognizing that even with prompt action on the Commission's recommendations, they could not be effective earlier than the tax year beginning January 1, 1978, I am resubmitting legislation to reduce the percentage of capital gains subject to the Delaware Personal Income Tax from 100% to 85% effective January 1, 1977.

This action signals to all of our citizens that this administration will move forward in this area in an orderly and positive fashion.

Government must, of course, respond quickly when a definite course is laid out. Understanding that the work of the Delaware Tomorrow Commission, specifically in regard to land use reform, deserves prompt action.

That Commission under the able leadership of its Chairman, O. Francis Biondi, has prepared a wide ranging report. The work of the Commission represents a landmark for our time. Literally, the Commission has "put it all together."

And while the Commission did not specifically recommend reorganizing government or restraining Capital expenditures, these steps I have proposed are clearly in line with the tenor and the recommendations of the Commission's draft report.

However, the achievement of the Commission was its proposal to resolve the long-standing, divisive controversy surrounding the 1971 Coastal Zone Law. Proposed as an alternative is comprehensive Land Use Legislation. This proposal I **strongly** support — and I hope soon to present a draft Bill to the Commission for its review. I will also request of the Chairman that the Commission hold hearings on the proposed Bill. Upon completion of that process, I hope to see the legislation introduced and adopted during this session of the General Assembly.

I have deliberately left one important area separate from my report to this point: Education.

Let's look for a moment at the Public Education System.

Over the next decade, it is anticipated that enrollment in our system will decline by about 20,000.

Enrollment already has declined about 6,000 from the 1971 peak.

What are we doing today to plan for this gradual reduction?

What are we doing now to plan for the change in enrollment patterns?

Nothing. And because of the Evans vs. Buchanan Law suit, it will be difficult to plan realistically for some time to come. With sadness and deep frustration, I foresee a crisis for public education that will challenge our resources, our capabilities and our education system as we have known it. But clearly, there are no simple solutions at this time.

And what of Higher Education?

What are Delaware's Higher Education priorities?

How much money should the University of Delaware get in 1977? in 1985?

What about Delaware State College?

What about the four campuses of the Delaware Technical and Community College?

What Programs to support? What new ones to suggest? How heavily can — or should — 650,000 people support Higher Education? And I could ask twenty more questions.

But the only **answer** we have right now is that three institutions with six campuses compete for as many dollars as they can get from Delaware's General Assembly. Even the most cursory glance shows that some of the funds are ill-spent. For example, in a State as compact as Delaware, we have six Nursing Programs in the institutions of Higher Learning. That strikes me as extremely wasteful of our limited financial resources.

Right now, Higher Education receives 10-cents out of every tax dollar. I submit this represents too large an expenditure to make without any more definite priorities than the casual claim that "It is good to support Higher Education". Intelligent support is one thing; aimless subsidizing is another.

I propose a broad-based, short-term Commission to study Higher Education, to establish priorities for support, to set guidelines on tuition fees for the various institutions, while recognizing the funding limitations of Delaware's population and tax base as pointed out by the Delaware Tomorrow Commission. This Commission will be established by Executive Order, and will report its findings to the Governor and the General Assembly by December 15, 1976.

I am well aware that this State of the State message contains much new material which will take long, hard thought and reasoned debate. But there are few startling new ideas, and nothing impossible to accomplish on the road to a restrained and responsible State Government.

You, as members of the legislature, and I, have talked about many of these ideas on more than one occasion. And over the past 20 years, we have worked together to try to best prepare Delaware for its future, in a sensible and financially-sound manner.

In addition, my conversations with the citizens of Delaware over the past three years as Governor, and over the past two decades of my public career, have tended in this direction.

Since I feel strongly that the changes which I have proposed have merit, I have suggested them to you today.

But no Governor can claim final, absolute knowledge in public affairs.

Thus, I also want to inform you that I intend to put these

suggestions on the line, not only with you, but with the citizens of the State directly.

Over the next 60 days, while you are considering the merits of these proposals, I intend to meet with various groups of citizens around the State, to explain these ideas. Then I will listen to their thoughts about State Government and how it should be organized to better serve them. I will transmit the results of these citizens' assemblies to you as I receive them.

I think that this is particularly important.

We are all joined, citizens, interest groups, legislature and myself, in a system of government which many of us feel does **not** work as it should. Thus, we should **all** join in finding the way to make it work better.

I am sure you will join me in agreeing that this is not a partisan matter. The interest in getting government off our backs and out of our pockets is neither a Democratic nor a Republican interest, it belongs to all of us. And I want to make absolutely sure that we are all agreed on the need for this kind of restraint and reorganization.

Now that I draw near the end of this message, I want to take a moment to discuss briefly two more subjects.

First, I want to thank all the legislators who joined with me to give the Delaware Lottery a second chance.

Acting Lottery Director Peter Simmons advises me that by the end of this month, the State's 30% share of the lottery gross will have reached almost a half-million dollars.

Not bad for three months of operation!

Late last Friday, Mr. Simmons called me and informed me that a fifth qualifier has been identified and our second \$100,000 drawing will be held shortly.

Next, I want to announce that I will be naming my "Commission on Commissions" this week.

It is evident that many Task Forces, Boards, Councils and Commissions overlap.

My reorganization legislation provides for the merger or the elimination of several Councils. And now that we are involved in a comprehensive reorganization, the time is right to perform the task in its entirety.

I have **no** doubt in my mind that a thorough weeding out of Boards, Councils and Commissions will improve the inter-relationship between the people and their government, and will streamline our government.

Now, my friends, today I have talked long and you have

listened well. I thank you.

Working together we can make 1976 an exciting year as we prepare today for a better Delaware tomorrow. Thank you.

* * * * *

The previously named Committee escorted the Governor from the Chamber.

Representative McGinnis moved that the Chief Clerk of the House and the Secretary of the Senate 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.

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

* * * * *

The Senate reconvened at 3:01 p.m., Lt. Governor Bookhammer presiding.

HJR 34 was reported out of the Executive Committee: 4 Merits.

SR 124 was introduced by Senator Steele who moved for its adoption:

SR 124 — "Commending President Gerald R. Ford for vetoing House Resolution No 5900 known as the Commun Situs Picketing Bill."

Senator Isaacs moved that the Resolution be placed in the Executive Committee and the roll call vote on the motion was taken which revealed:

YES: Senators Adams, Cicone, Cook, Cordrey, Holloway, Isaacs, Kearns, McCullough, Murphy, Schlor, Sharp, Zimmerman — 12.

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Manning and Steele — 7.

ABSENT: Senators Elliott and Martin — 2.

Therefore, the motion prevailed and **SR 124** was assigned to Executive Committee.

Legislative Advisory No. 62 received from William C. Bradley, Jr., Esq., Counsel to the Governor, indicated that the Governor had approved: **SCR 48** and **SJR 44** on January 22, 1976.

SCR 57 was introduced by Senator Murphy (co-sponsors Senator Zimmerman and Senator Cook) and considered for adoption.

SCR 57 — “Expressing congratulations to the Dover Chamber of Commerce on its National Accreditation Achievement.”

Senator Steele moved that the Resolution be placed in Committee and the roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Martin, Murphy, Sharp, Zimmerman — 12.

NOT VOTING: Senators McCullough and Schlor — 2.

Therefore, the motion failed and the roll call vote on the Resolution was taken and revealed 21 Senators voting **YES**. Therefore, the Resolution was adopted by the Senate and sent to the House.

SCR 58, sponsored by Senators Holloway and Berndt, was introduced and considered for adoption:

SCR 58 — “Joining in the commendation for William C. Lewis, the 1976 winner of the Josiah Marvel Cup presented by the Delaware State Chamber of Commerce for Community Service.”

The roll call vote on the Resolution was taken and revealed 20 Senators voting **YES** and 1 (Zimmerman) **ABSENT**. Therefore, the Resolution was adopted by the Senate and sent to the House.

SB 555 was introduced by Senator Murphy and assigned to Banking, Insurance and Elections Committee:

SB 555 — “An Act to amend Chapter 1 and Chapter 3, Title 15 of the Delaware Code relating to the definitions of ‘Party’ or ‘Political Party’ and of ‘Primary Election’; and providing for the supplying of voter lists to Political Party Chairmen and other persons.”

SB 514 was stricken at the request of Senator Murphy.

Consideration of **SB 391** was deferred on motion of Senator Isaacs.

SB 528 was taken up for consideration on motion of Senator Murphy and the privilege of the floor was extended to Lewis C. Wrightson, State Election Commissioner, and Betty M. Pond of the Department of Elections to speak on the Bill.

On motion of Senator Murphy, the roll call vote on the Bill was taken; however, before it was announced, Senator Murphy moved that it be tabled. Senator Schlor objected and the roll call

vote on the motion was taken and revealed 19 Senators voting YES and 2 (McCullough and Schlor) voting NO. Therefore, the motion prevailed and the roll call vote **SB 528** was tabled.

At 3:50 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 4:50 p.m., President Pro Tempore Isaacs presiding.

The following Committee reports were announced:

From the Finance Committee: **SB 554** — 1 Favorable, 4 Merits; **SB 538** — 4 Merits.

From the Executive Committee: **HB 588** — 1 Favorable, 3 Merits.

The following Bills were introduced:

SB 556 — “An Act to amend Chapter 33, Title 15 of the Delaware Code relating to the nominations of candidates by Parties; and providing a supplementary appropriation to various Departments of Election.” Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 557 — “An Act to amend Chapter 10, Part I, Title 14 of the Delaware Code relating to the reorganization of School Districts; and providing certain conditions and procedures including the deployment of School employees, salary schedules of employees, and Local School Taxes.” Sponsor: Senator Hughes. Assigned to Education Committee.

On motion of Senator Cordrey, the necessary rules were suspended for the consideration of **SB 538**.

SB 538 — “An Act to amend Chapter 237, Volume 60, Laws of Delaware, by authorizing an additional use for the funds appropriated therein.” The roll call vote on the Bill was taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was sent to the House.

On motion of Senator Cicione, the necessary rules were suspended for the consideration of **SB 552**.

SB 552 — “An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying Jurors.” The roll call vote was taken which revealed 17 Senators voting YES, 2 (McCullough and Steele) voting NO and 2 (Knox and Manning) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 527 was taken up for consideration on motion of Senator Murphy.

SB 527 — “An Act to amend Chapter 50, of Title 15, Delaware Code pertaining to the preparation of Voting

Machines." The roll call vote was taken which revealed 18 Senators voting YES, 1 (McCullough) NOT VOTING and 2 (Knox and Manning) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 516 was taken up for consideration on motion of Senator Murphy.

SB 516 — "An Act to amend Chapter 33, Title 15, Delaware Code, relating to Party Titles." The necessary rules were suspended for Lewis Wrightson, Commissioner of Elections, to speak on the Bill.

Senator Elliott moved that the Bill be tabled and the roll call vote on the motion was taken and revealed:

YES: Senators Castle, Elliott and Hughes — 3.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 16.

ABSENT: Senators Knox and Manning — 2.

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

On motion of Senator Murphy, the roll call vote on **SB 516** was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Steele — 15.

NO: Senators Elliott, Holloway and Hughes — 3.

ABSENT: Senators Knox, Manning and Zimmerman — 3.

Therefore, the Bill passed the Senate and was sent to the House.

SB 515 was taken up for consideration on motion of Senator Murphy.

SB 515 — Delaware Code⁴⁹, Title 15, Delaware Code, relating to the custody of Voting Machines." The roll call vote on the Bill was taken which revealed 18 Senators voting YES, 3 (Holloway, Knox, and Manning) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 542 was taken up for consideration on motion of Senator Isaacs.

SB 542 — "An Act to authorize certain persons to apply to the State of Delaware for sums due them by Law and to make an appropriation therefor." And the following letter included in this record at the request of Senator Cook:

**LAW OFFICES
VAUGHN and HUDSON
Dover, Delaware**

December 4, 1975

The Honorable Mary D. Jornlin
State Treasurer
Director, Division of Treasury
Dover, Delaware

Dear Mrs. Jornlin:

On March 1, 1974, my client Nancy W. Cook wrote to you expressing a desire to relinquish her right to receive one-half of the salary that would have been paid to her husband Senator Allen J. Cook for the unexpired portion of his term of office.

Due to the fact that the Internal Revenue Service has taken the position that \$7,759.84 is includable in the gross estate of Senator Cook as a result of Mrs. Cook's right to receive one-half of her late husband's salary for the remainder of his legislative term and has also included in the gross estate the sum of \$38,731.88 attributable to the value of Mrs. Cook's pension, Mrs. Cook is hereby retracting relinquishment of her right to one-half of the salary which Senator Allen J. Cook would have been paid for the unexpired portion of his term of office.

Accordingly please make payment to Nancy W. Cook of all accrued payments upon her late husband's salary which she would be entitled to under Title 29 Delaware Code Section 5111. It is Mrs. Cook's intention to utilize this money only for the payment of any taxes ultimately determined to be due as a result of the inclusion of the aforementioned \$7,759.84 and \$38,731.88 in the estate of her late husband for Federal Estate Tax purpose or State Inheritance Tax purposes. It is Mrs. Cook's further intention to make a gift to the State of Delaware of any part of the salary paid to her under Title 29 Delaware Code Section 5111 in excess of monies required for payment of taxes, interest, penalties, attorney's fees or other expenses relating to her efforts to receive fair treatment in resolving this tax problem.

The inclusion of the aforementioned \$38,731.88 results from the Internal Revenue Service taking the position that the State of Delaware Pension Plan is not a qualified plan so as to avoid its inclusion in the gross Federal Estate under Section 2039 and 2033 of the Internal Revenue Code of 1954. (See Form 886-A enclosed reflecting Internal Revenue Service's position.)

Please advise me if there is anything further required of Mrs. Cook to obtain her benefits under Title 29 Delaware Code Section 5111.

Very truly yours,
William H. Vaughn

* * * * *

The roll call vote on the Bill was then taken and revealed 18 Senators voting YES, 1 (Cook) NOT VOTING and 2 (Knox and Manning) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

At 5:52 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. January 28, 1976.

8TH LEGISLATIVE DAY

The Senate convened at 2:04 p.m. January 28, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the 7th Legislative Day were approved as read.

The following communications were presented by Senator Zimmerman for inclusion in the record:

STATEMENT BY SENATOR JACOB W. ZIMMERMAN, CHAIRMAN, SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

At the request of the Senate Majority Caucus, the Division of Highways has agreed to amend its proposal for cutting its budget by eight per cent, as required by Executive Order #89, in order to minimize reduction in citizen services.

The Division, in its proposal submitted to the Governor earlier this month, decided to recommend a \$400,000 reduction in operations funds in order to accomplish the required cutback. This would have virtually eliminated all maintenance operations, such as painting white safety lines on roads and highways and mending potholes, for the remainder of the fiscal year.

Concerned members of the Senate Majority met last Wednesday with Secretary of Highways and Transportation Clifford E. Hall and other highway officials to discuss what we

thought was a serious threat to the safety and comfort of the highway-using citizenry.

We pointed out that the Division of Highways has unexpended salary funds for 58 positions which have not been filled and for which there will be no need for the remainder of the fiscal year.

After discussion, it was agreed that the Department will try to accomplish the required cutback by turning back the salary funds for 40 positions presently unfilled, or a total of about \$320,000. Employee fringe costs such as Social Security, insurance, and hospitalization for those unfilled positions will add another \$64,000 to the savings. Thus, under the amended proposal the Department will be required to trim only about \$16,000 out of its operations budget.

This would assure continued maintenance operations at very near planned levels and avoid taking chances with the safety and comfort of highway users.

Copy of self-explanatory letter from Secretary Hall attached.

* * * * *

**STATE OF DELAWARE
DEPARTMENT OF HIGHWAYS
AND TRANSPORTATION**

January 27, 1976

Honorable Jacob W. Zimmerman
South Little Creek Road
Dover, Delaware

Dear Senator Zimmerman:

Reference is made to your request of January 22, 1976, concerning a review of this Department's proposed 8% budget reduction.

Please be advised that I have discussed with the Executive Department the matter of implementing Executive Order #89, and the few choices that were available to us at the time our plan was submitted. I was advised that none of the proposed cuts had been approved; however, attention will be given them in the near future.

The concern of your caucus was noted, and I was reminded that paragraph 3 of Executive Order #89 stipulated that the reduction plan should be structured so as to have the least detrimental effect on citizens of the State.

I am of the opinion that the "sense of the caucus" as

expressed to Director Haber and me, will be given serious consideration during the review process. I will keep you informed.

Sincerely,
Clifford E. Hall
Secretary

* * * * *

The Secretary announced that a message from the House informed the Senate that it had passed **SB 508; SB 511** and had adopted **SCR 57; SCR 58; SCR 55**.

The following legislation was introduced:

HJR 36 — "Providing for an extension of time for the Committee to study administration and operation of the Public School System in this State." Sponsors: Representatives Lynch, Riddagh, Worthen, Derrickson, Gilligan, George, Senators Holloway, Hale, Steele, McCullough, Cook and Zimmerman. Assigned to Education Committee.

HB 804 w HA 1 — "An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to levy a separate garbage fee." Sponsor: Representative Darling. Assigned to Community Affairs Committee.

HB 796 — "An Act to amend Chapter 267, Volume 52, Laws of Delaware, relating to the Town of Ocean View; and providing for a Town Council of five members." Sponsors: Representatives Derrickson and roll call vote Cordrey. Assigned to Community Affairs Committee.

HB 810 — "An Act to provide a supplementary appropriation to the Insurance Commission providing for Workmen's Compensation Insurance and automobile liability coverages to June 30, 1976." Sponsors: Representatives McGinnis and Harrington. Assigned to Finance Committee.

HB 828 — "An Act to amend Chapter 103, Volume 60, Laws of Delaware entitled 'An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police Officers assisting State Police.'" Sponsors: Representatives Boulden, Byrd, Cain, Gilligan, Kelly, LeGates, Matushefske, Maxwell, Worthen. Assigned to Judiciary Committee.

SA 1 to SB 556 was introduced by Senator Murphy and placed with the Bill.

SB 546 was reported out of the Natural Resources and

Environmental Control Committee: 1 Favorable, 4 Merits.

SCR 56 was lifted for consideration on motion of Senator Murphy.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Holloway and Steele — 2.

NOT VOTING: Senators Berndt, Castle, Hughes, Knox —

4.

ABSENT: Senators Hale, Manning and Sharp — 3.

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

The complete text of **SCR 56** is as follows:

SCR 56 — “EXPRESSING VEHEMENT CONSTERNATION AND DISAPPROVAL OVER THE RECENTLY ANNOUNCED RATE INCREASE OF TWENTY-FIVE PERCENT BY BLUE CROSS AND BLUE SHIELD OF DELAWARE, INC.

WHEREAS, members of the 128th General Assembly of the State of Delaware have recently learned that Blue Cross and Blue Shield of Delaware have announced a twenty-five percent rate increase for its subscribers effective April, 1976; and

WHEREAS, it is recognized that health care cost is undoubtedly increasing by virtue of the economic inflationary spiral we're presently undergoing; nevertheless, to ask for such a substantial increase as twenty-five percent, which is substantially above the inflationary level of health care cost is also reflective of poor and inefficient management practices; and

WHEREAS, the members of the General Assembly should investigate the idea of establishing an Advisory Council to the State Insurance Commissioner to review such rate increases; and

WHEREAS, it is also perhaps time that the General Assembly seriously consider the passage of Senate Bill No. 31 which would regulate and control rate increases of health carriers.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware, the House of

Representatives concurring therein, that Blue Cross and Blue Shield of Delaware, Inc. is hereby vehemently chastised and criticized for its recent announcement that it would increase rates by twenty-five percent to its subscribers effective April, 1976. The members further disapprove of such a substantial increase especially at a time when subscribers, particularly the elderly, can ill afford such an increase.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that a copy be forwarded to the Executive Director of Blue Cross and Blue Shield, Inc. of Delaware as well as to the members of the Board of Trustees of the organization."

* * * * *

SB 375 was taken up for consideration on motion of Senator Kearns. The roll call vote on the Bill was taken; however, it was tabled on motion of Senator Kearns.

HB 782 was taken up for consideration on motion of Senator Cordrey.

HB 782 — "An Act to amend Chapter 5, Title 4 of the Delaware Code relating to refund of Taxes paid by Importers or Wholesalers to the State on beer sold to an instrumentality of the Armed Forces of the United States." The privilege of the floor was extended to Richard Wilson, representing the Wholesale Beer Dealers of Delaware, to speak on the Bill.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Murphy, Schlör, Sharp, Steele, Zimmerman — 12.

NO: Senators Elliott and Martin — 2.

NOT VOTING: Senators Berndt, Castle, Hale, Hughes, Knox, Manning — 6.

ABSENT: Senator McCullough — 1.

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

At 3:35 p.m. on motion of Senator Cordrey, the Senate recessed for party caucus.

The Senate reconvened at 4:39 p.m., President Pro Tempore Isaacs presiding.

The following Committee reports were announced:

From the Judiciary Committee: **HB 828** — 2 Favorable, 3 Merits.

From the Community Affairs Committee: **HB 804 w HA 1** — 4 Merits.

From the Finance Committee: **HB 787** — 1 Favorable, 5 Merits.

From the Education Committee: **HJR 36** — 4 Favorable, 2 Merits.

Senator Holloway introduced **SA 1** to **SB 477** which was placed with the Bill.

At the request of Senator Isaacs, Senator Martin floor managed **HJR 34**.

HJR 34 — “Declaring that the people shall have the right to alter or abolish State Government and Federal Government and affirming that it is not only their right, but their duty, to throw off abusive and oppressive Government.”

Senator Martin asked for a roll call vote on adoption of the Resolution and it was taken and revealed 19 Senators voting YES and 2 (McCullough and Schlor) ABSENT. Senator Hale moved that the Resolution be tabled; but the Chair ruled that his motion was too late and the Resolution was declared adopted by the Senate and returned to the House.

SB 387 was taken up for consideration on motion of Senator Castle.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on the motion of Senator Castle; however, before final action was taken, **SB 387** and **SA 1** were tabled on motion of Senator Castle.

SB 388 was taken up for consideration on motion of Senator Castle.

SA 1 to the Bill which had been placed with the Bill was then considered for adoption on motion of Senator Castle. The roll call vote on **SA 1** revealed 18 Senators voting YES and 3 (Martin, McCullough and Schlor) ABSENT. Therefore, the Amendment was declared adopted.

Final consideration of **SB 388 w SA 1** was then deferred on further motion of Senator Castle.

At 5:10 p.m. on motion of Senator Cordrey, the Senate adjourned until January 29 at 1:30 p.m.

9TH LEGISLATIVE DAY

The Senate convened at 1:53 p.m. January 29, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the previous day's Session were approved

as read.

The following communication is made part of this record at the request of Senator Kearns:

**New Castle County
Department of Law
MEMORANDUM**

TO: Bill Hart
FROM: Thomas F. Luce, County Attorney
RE: Financial Data on Sheriff's Mileage
DATE: January 29, 1976

1. New Castle County paid approximately \$66,700 to the Sheriff in Fiscal 1975 for mileage, \$84,000 is budgeted for the current Fiscal Year for this purpose.

2. We collect approximately \$35,000 per year in mileage fees. We have not been getting our reimbursement from the State for the work that we do for the Attorney General's Office and for the Correctional Institution.

3. The Sheriff presently owns and operates ten cars. He estimates that he averages about 40,000 miles per year per car. He charges us for approximately fifty percent (50%) more mileage than he puts on the cars because of the practice of charging full mileage for each delivery made.

This use is equivalent to the use made of police patrol cars. Our budgeted cost for police patrol cars is \$3,600 per year.

The cost of supplying ten cars to the Sheriff would therefore be \$36,000.

4. Thus if we pay the Sheriff a salary and furnish the cars he needs for deliveries we will save between \$30,000 and \$48,000 per year, minus the amount of salary increase paid to the Sheriff in excess of his present salary of \$6,000. County Council proposes to set the salary at \$15,000 per year which is the same amount paid to other Row Officers.

* * * * *

The following Committee reports were announced:

From the Judiciary Committee: **HB 601** — 3 Merits; **HB 605** — 4 Merits; **HB 606** — 5 Merits; **HB 618** — 4 Merits.

From the Community Affairs Committee: **HB 796** — 4 Merits.

SCR 59 Sponsored by Senators Steele, Holloway, Hale, Manning, Zimmerman and Cicione was introduced and laid on the table on motion of Senator Steele:

SCR 59 — "Providing that the Legislative Council be responsible for and provide management of the Snack Bar in Legislative Hall."

The following legislation was introduced:

SB 558 — "An Act to amend Chapter 42 and Chapter 43, Title 11 of the Delaware Code relating to eligibility for a parole." Sponsor: Senator Isaacs. Assigned to Corrections Committee.

SB 559 — "An Act to amend Title 4, Title 5, Title 19, Title 23, Title 24, Title 26, Title 28 and Title 29 of the Delaware Code relating to the Department of Administrative Services and other State Agencies; and providing for a reorganization of said Department." Sponsor: Senator Isaacs. Assigned to Administrative Services Committee at the request of Senator Cook.

SB 560 — "An Act to amend Chapter 48, Title 6 of the Delaware Code relating to Shopping Centers and the relationship between lessors and lessees." Sponsor: Senator Murphy. Assigned to Judiciary Committee.

SB 561 — "An Act to provide a supplementary appropriation to the Department of Corrections to reimburse three State employees for expenses and other payments in the settlement of Federal litigation." Sponsors: Senators Sharp and McCullough. Assigned to Corrections Committee.

SB 562 — "An Act to amend Title 15, Chapter 1 relating to Departments of Elections and directing such State Departments to hold referenda on the question of busing to achieve racial equality in State Schools." Sponsor: Senator Steele. Assigned to Education Committee.

HB 757 w HA 3, 4 — "An Act to amend Chapter 25, Title 24, Delaware Code, relating to the substitution of drugs; and providing for a Drug Product Selection Act." Sponsors: Representatives Ferguson and Kelly. Assigned to Health and Social Services Committee.

On motion of Senator McCullough, the necessary rules were suspended for the consideration of **HJR 36**.

HJR 36 — "Providing for an extension of time for the Committee to study Administration and Operation of the Public School System in this State." The roll call vote taken which revealed 19 Senators voting YES and 2 (Murphy and Zimmerman) ABSENT. Therefore, the Resolution was adopted by the Senate and returned to the House.

HB 305 was taken up for consideration on motion of Senator Schlör.

HB 305 — "An Act to amend Section 803, Article VIII of the Charter of the City of Newark, Delaware, relating to the

Fiscal Year." The roll call vote taken which revealed 19 Senators voting YES and 2 (Murphy and Zimmerman) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Schlör, the necessary rules were suspended for consideration of **HB 804 w HA 1** and **HB 796**.

HB 804 — "An Act to amend Section 13, Paragraph 13 of the Charter of the City of Harrington to permit the City of Harrington to levy a separate garbage fee."

The roll call vote on **HB 804 w HA 1** was taken and revealed 20 Senators voting YES and 1 (Manning) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

HB 796 — "An Act to amend Chapter 267, Volume 52, Laws of Delaware relating to the Town of Ocean View; and providing for a Town Council of five members."

The roll call vote on **HB 796** was taken and revealed 20 Senators voting YES and 1 (Manning) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Schlör, the necessary rules were suspended for the lifting and consideration of **HB 401 w HA 1**.

HB 401 — "An Act to amend an Act, being Chapter 504, Volume 57, Laws of Delaware, entitled 'An Act to incorporate the Town of Henlopen Acres' to provide for the organizational meeting of the Commissioners of Henlopen Acres, to provide for the selection of Officers, to provide for a Town Meeting to provide for the appointment of a Town Clerk, to provide for the payment of a Town Clerk, to provide for the appointment of a Treasurer, to provide for the Bond of the Treasurer, and to provide for the appointment of Auditors of Accounts and to provide for reports at regular meetings."

The roll call vote was taken which revealed 20 Senators voting YES and 1 (Berndt) NOT VOTING. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Isaacs, who was presiding at the time, **HB 588** was taken up for consideration and floor managed by Senator Holloway at the request of Senator Isaacs.

HB 588 — "An Act to amend Chapter 59, Title 29, Part V, of the Delaware Code relating to the Merit System of Personnel Administration; and providing for Veteran's preference under certain circumstances."

The vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Manning) ABSENT. Therefore, the Bill

passed the Senate and was returned to the House.

On motion of Senator Cicione, **SB 554** was taken up for consideration.

SB 554 — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as Senate Bill No. 431 of the 128th General Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware." The roll call vote was taken which revealed 19 Senators voting YES, 1 (Steele) voting NO and 1 (Holloway) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

Senator Cicione moved that the necessary rules be suspended for consideration of **HB 810**.

HB 810 — "An Act to provide a supplementary appropriation to the Insurance Commission providing for Workmen's Compensation Insurance and Automobile Liability Coverages to June 30, 1976. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 12.

NO: Senator Steele — 1.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning — 7.

ABSENT: Senator Kearns — 1.

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

On motion of Senator Cicione, the roll call vote on **HB 810** was then taken and revealed 17 Senators voting YES, 1 (Steele) voting NO and 3 (Martin, Schlör and Sharp) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Holloway, **SB 477** was taken up for consideration.

SB 477 — "An Act making a supplementary appropriation to the Department of Health and Social Services for the Administration of a Program to determine the immune status for Rebella among high risk groups of women of childbearing age and to present and control the disease."

SA 1 to the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT. Therefore, the Amendment was declared adopted.

The roll call vote on **SB 477 w SA 1** was then taken on motion of Senator Holloway and revealed 20 Senators voting YES and 1 (Martin) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SB 171 was laid on the table on motion of Senator Cordrey.

SB 546 was taken up for consideration on motion of Senator Isaacs, who was presiding at the time and the Bill was floor managed by Senator Berndt at the request of Senator Isaacs.

SB 546 — "An Act to amend Chapter 36, of Title 24, Delaware Code by providing for certain Registration Exemptions of Geologists."

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Martin) ABSENT. Therefore, the Bill passed the Senate and was sent to the House.

SCR 59 was lifted for consideration on motion of Senator Steele.

SCR 59 — "Providing that the Legislative Council be responsible for and provide management of the Snack Bar in Legislative Hall."

SA 1 to the Resolution was introduced by Senator Steele and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Schlor) NOT VOTING. Therefore, the Amendment was declared adopted.

The roll call vote on **SCR 59 w SA 1** was then taken and revealed 20 Senators voting YES and 1 (Schlor) voting NO. Therefore, the Resolution was declared adopted by the Senate and sent to the House.

SB 407 was laid on the table at the request of Senator Cook.

HB 828 was taken up for consideration on motion of Senator Kearns.

At 3:11 p.m. on motion of Senator Cordrey, the Senate recessed for forty-five minutes.

The Senate reconvened at 4:17 p.m., Lt. Governor Bookhammer presiding.

HB 828 which was before the Senate before the recess was tabled at the request of Senator Kearns.

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

January 29, 1976

To the Senate of the 128th General
Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

D. Wayne Holden, 141 American Avenue, Dover, Delaware, to be a Director of the Delaware Solid Waste Authority, for a two-year term from January 29, 1976, to expire January 29, 1978.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The communication was laid on the table on motion of Senator Cordrey.

SB 386 was laid on the table at the request of Senator Castle.

SB 171 was deferred on request of Senator Isaacs.

On motion of Senator Isaacs, the necessary rules were suspended for lifting and considering the Governor's nomination for appointment of D. Wayne Holden.

The roll call vote on the appointment was taken and revealed 21 Senators voting YES. Therefore, the appointment was confirmed by the Senate.

HB 171 was lifted from table and rules suspended on motion by Senator McCullough.

HB 171 — "An Act to amend Chapter 19, Title 14, Delaware Code, relating to School Taxation."

The following communication concerning the Bill was read into the record at the request of Senator Berndt:

MOUNT PLEASANT SCHOOL DISTRICT

June 24, 1975

The Honorable Richard B. LeGates
13 Merion Road
Newark, Delaware

Dear Mr. LeGates:

I have reviewed with the Board of Education your letter to me of June 3, 1975, House Bill No. 171, and the memorandum of

Mr. Luce to Mr. Hart. While I support in principle the desirability of having uniform property assessment exemptions, I must point out several inconsistencies and inequities which passage of House Bill No. 171 would create.

1. Exemptions granted by New Castle County authorities may not be similar to those granted by Kent and/or Sussex County authorities.

2. No limitation of either the scope or extent of exemptions which may be granted is provided for in the Bill.

3. New Castle County authorities are not bound by fixed operating cost tax rates as are school districts and, therefore, can, without referendum, increase their tax rate to make up for any revenue which may be lost by granting exemptions. This point is particularly critical in that local Boards of Education would be required to hold referenda to increase the taxes of non-exempt property holders to make up for the loss of revenue. I believe that there would be little, if any, chance of success for such referenda.

Mr. Luce indicated in his memo to Mr. Hart that the County is not allowed to charge anything for the service provided by the County for school districts. If service is defined operationally to include only administrative, clerical, data processing personnel time and equipment costs, then he is correct. However, local school districts do, and have, shared in the costs for forms and mailings. The Mount Pleasant School District recently paid to New Castle County \$601.88 for the Fiscal Year 1974 and \$690.44 for the Fiscal Year 1975, for this kind of service.

Mr. Luce also indicated in his memo that New Castle County School District superintendents were willing to go along with House Bill No. 171 or perhaps, at least, the principles embodied therein. I would agree that some minor inconvenience with respect to computer programs and operations would be eliminated by passage of House Bill No. 171 and that some possible potential confusion to taxpayers might be eliminated if the County tax rate and the local school district tax rate were levied upon the same assessed valuation of property. However, I cannot support House Bill No. 171 without assurances that local school districts will be able in some way, without referenda, to compensate for the loss of revenue which would result.

Respectfully,
David K. Fauser
Superintendent

* * * * *

On motion of Senator McCullough, the roll call vote on **HB 171** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Hale, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Steele, Zimmerman — 13.

NO: Senators Cicione, Elliott, Isaacs — 3.

NOT VOTING: Senators Holloway, Hughes, Manning and Sharp — 4.

ABSENT: Senator Cordrey — 1.

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

The following Committee reports were announced:

From the Health and Social Services Committee: **HB 757 w HA 3, 4** — 6 Merits.

From the Natural Resources and Environmental Control Committee: **SB 470** — 4 Merits; **SB 95** — 4 Merits.

The following legislation was introduced:

SB 563 — "An Act to amend Chapter 20, Title 15 of the Delaware Code relating to voter registration." Sponsors: Senator Kearns and Representative Byrd. Assigned to Banking, Insurance and Elections Committee.

SB 564 — "An Act to amend Section 4074, Title 31, Delaware Code, relating to commitment and disbursement of loan proceeds and securing loans to mortgage lenders with mortgages." Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee at the request of Senator Murphy.

SB 565 — "An Act to amend Chapter 3, Part I, Title 31 of the Delaware Code relating to Boarding Homes for Children and providing certain exemptions." Sponsors: Senator Isaacs and Representative Spence. Laid on the table at the request of Senator Isaacs.

SB 566 — "An Act to amend Chapter 55 of Title 14, Delaware Code, providing for optometric institutional aid and further providing a supplementary appropriation therefor." Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 567 — "An Act to amend Title 18 of the Delaware Code relating to Insurance; and providing for a Delaware Health Care Act." Sponsors: Senators Murphy, Kearns and Berndt; Representatives Morris, Powell and Riddagh. Assigned to Banking, Insurance and Elections Committee.

SB 568 — "An Act to provide that a referendum be held in

the November 1976 General Election on the question of slot machines in Delaware." Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 1 to SB 557 was introduced by Senator Hughes and placed with the Bill.

SR 125, sponsored by Senator Cordrey, was introduced and considered for adoption:

SR 125 — "In reference to the election of officers."

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Isaacs) ABSENT. Therefore, the Resolution was declared adopted.

SR 126 (Sponsored by Senators Isaacs and Cordrey) was introduced and considered for adoption:

SR 126 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

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

SS 1 for SB 526 was introduced by Senator Murphy and adopted in lieu of the original:

SS 1 for SB 526 — "An Act to amend Chapter 13, 19, 31, 45, 49, and 55 of Title 15, Delaware Code, relating to Registration Records, Supplies, and Places, Registration for Members of Military Forces and related organizations, Sample Ballots for Primary Elections, Poll Lists for Primary Elections, Poll List for General Elections, Grounds for refusing to accept a Ballot, and Absentee Voting."

SB 569 — "An Act to amend Chapter 284, Volume 60, Laws of Delaware, entitled "An Act to amend Chapter 103, Volume 60, Laws of Delaware, entitled "An Act to amend Part V of Chapter 83, Title 11, Delaware Code, relating to powers and duties of State Police and Local Police Officers assisting State Police." The Bill was sponsored by Senators Isaacs, Adams and Kearns.

On motion of Senator Adams, the necessary rules were suspended for consideration of **SB 569** and the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was ordered to the House.

A message from the House informed the Senate that it had passed: **SB 243; SB 471; SB 552 w HA 1; SB 296 w SA 1.**

The following House Bills were introduced:

HB 684 w HA 1 — "An Act to amend Title 29, §4710, Delaware Code, relating to the burial of certain deceased

persons by the State." Sponsors: Representatives Jonkiert and Morris. Assigned to Health and Social Services Committee.

HB 692 — "An Act to amend Chapter 1, Title 31, Delaware Code, relating to the burial of the remains of an indigent person by the State." Sponsors Representatives Morris and Jonkiert. Assigned to Health and Social Services Committee.

HCR 56 — "Memorializing and urging the Delaware Congressional Delegation to take action to stop the Environmental Protection Agency from reissuing a temporary permit to the City of Philadelphia to allow dumping of sludge in the Atlantic Ocean off the Delaware Coast and to investigate the propriety of the E. P. A. issuing of the temporary permit already in existence allowing the cities of Philadelphia and Camden to dump sludge off the Delaware Coast."

All of the Senators were added as sponsors of **HCR 56** and the roll call vote on the Resolution was taken on motion of Senator Cordrey. The roll call vote revealed 21 Senators voting YES. Therefore, the Resolution was adopted by the Senate and returned to the House.

HCR 57 — "Requesting an investigation by the Federal Bureau of Investigation of alleged violations of the civil rights of present and former officers and employees of the Delaware Correctional System." Sponsors: Representatives Ferguson and Jonkiert; Senators Cicione and Hughes. The Resolution was laid on the table on motion of Senator Hughes.

Senator Kearns moved **HB 828** be deferred.

On motion of Senator Kearns, the roll call vote on **SB 375** was lifted.

SB 375 — "An Act to amend Chapter 21 of Title 10, Delaware Code, relating to furnishing vehicles to Sheriffs for performance of Official Duties.

The roll call vote was announced:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Sharp, Steele — 15.

NO: Senators Adams and Elliott — 2.

NOT VOTING: Senators Murphy, Schlör and Zimmerman — 3.

ABSENT: Senator McCullough — 1.

Therefore, the Bill passed the Senate and was sent to the House.

On motion of Senator Cicione, the necessary rules were

suspended to reconsider **SB 552** which had previously passed the Senate and as now further amended by **HA 1**.

SB 552 w HA 1 — “An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying Jurors.”

The roll call vote on **SB 552 w HA 1** was then taken and revealed 21 Senators voting YES. Therefore, the Bill (as so amended) passed the Senate.

Senator Isaacs moved that the necessary rules be suspended for lifting and considering **SB 565**.

SB 565 — “An Act to amend Chapter 3 Part I, Title 31 of the Delaware Code relating to Boarding Homes for Children and providing certain exemptions.”

Senator Castle objected and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 15.

NO: Senators Berndt, Castle, Hale and Knox — 4.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senator Schlör — 1.

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

SA 1 to the Bill was introduced by Senator Isaacs who moved for its adoption. The roll call vote on the Amendment was taken and revealed 17 Senators voting YES, 2 (Hale and Knox) voting NO and 2 (Castle and Elliott) NOT VOTING. Therefore, the Amendment was declared adopted.

The roll call vote on **SB 565 w SA 1** was then taken and revealed 18 Senators voting YES, 2 (Hale and Knox) voting NO and 1 (Castle) NOT VOTING. Therefore, the Bill passed the Senate and was sent to the House.

Senator Cook moved that the roll call on **HB 464 w HA 1** be lifted. Senator Steele objected, and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Zimmerman — 12.

NO: Senators Berndt, Castle, Hale, Knox and Steele — 5.

NOT VOTING: Senators Elliott, Hughes and Manning —

3.

ABSENT: Senator Sharp — 1.

Therefore, the motion prevailed and the roll call was lifted;

however, on further motion of Senator Cook, it was again tabled before being announced.

On motion of Senator Hughes, **HCR 57** was lifted for consideration.

HCR 57 — "Requesting an investigation by the Federal Bureau of Investigation of alleged violations of the Civil Rights of present and former Officers and employees of the Delaware Correctional System," the roll call vote taken which revealed 21 Senators voting YES. Therefore, the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Cicone, the necessary rules were suspended for the consideration of **HB 787**.

HB 787 — "An Act to amend Chapter 39, Title 7, Delaware Code relating to annual appropriations to the Soil and Water Conservation Division," and the roll call vote taken which revealed 18 Senators voting YES, 1 (Steele) voting NO and 2 (Berndt and Hughes) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for lifting and considering **HB 704**.

HB 704 — "An Act to amend Chapter 23, Title 10, Delaware Code, relating to annual compensation paid to the Chief Deputy Prothonotary."

The roll call vote on the Bill was then taken and revealed 16 Senators voting YES, 1 (Elliott) NOT VOTING, and 4 (Berndt, Holloway, Hughes and Sharp) ABSENT. Therefore, the Bill passed the Senate and was returned to the House.

Senator Adams moved that the necessary rules be suspended for consideration of **HB 81**. The roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicone, Cook, Cordrey, Isaacs, Kearns, Martin, Murphy, Schlör, Zimmerman — 10.

NO: Senators Castle, Elliott, Hale, Knox, Manning, Steele — 6.

ABSENT: Senators Berndt, Holloway, Hughes, McCullough and Sharp — 5.

Therefore, the motion was defeated and the Bill was not taken up.

The following legislation was introduced:

SB 570 — "An Act to amend Chapter 41, Subchapter III, Section 4127 providing for an exemption from Delaware Turnpike Tolls for persons issued Special Plates for handicapped persons." Sponsors: Senators Manning and

Martin. Assigned to Public Safety Committee.

SB 571 — "An Act directing the Secretary of State to execute and deliver deeds to certain persons for land in Baltimore Hundred, Sussex County, Delaware." Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SA 1 to SB 386 was introduced by Senator Castle and placed with the Bill.

A message from the House informed the Senate that the House had passed: **SB 183; SB 569; SB 538; SB 546.**

HB 808 was introduced and placed in the Public Safety Committee:

HB 808 (Sponsored by Representatives Gilligan, Boulden and Gordy) — "An Act to amend Subchapter I, Chapter 21, Title 21 of the Delaware Code relating to the requirement of insurance on motor vehicles."

At 5:53 p.m. on motion of Senator Isaacs, the Senate recessed to the call of the Chair.

The Senate reconvened at 2:25 p.m., March 10, 1976, President Pro Tem Isaacs, presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. March 10, 1976, President Pro Tem Isaacs presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT and 1 (McCullough) ABSENT.

The Journal was approved as read.

The following message from the Governor was read:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

February 13, 1976

To the Delaware State Senate
of the 128th General Assembly
of the State of Delaware

On February 3, 1976, I received Senate Bill No. 183 entitled:

"AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO MILEAGE RATES FOR PRIVATELY OWNED VEHICLES."

I am returning this Bill without my signature. I am

convinced that during these tenuous financial times all government employees of necessity realize that every cost-cutting measure must be employed in maintaining as best as possible the fiscal integrity of government.

Good sense dictates that this action is a necessity at this juncture.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The following legislation was introduced:

SB 572 — "An Act to amend Chapter 23 of Title 30, Delaware Code, relating to Occupation License fees for amusement machine owners." Sponsor: Senator Isaacs. Assigned to Revenue and Taxation Committee.

SB 573 — "An Act to provide a supplementary appropriation to the Delaware State College, which funds shall be used to complete a sewage treatment project." Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 574 — "An Act to amend Chapter 113, Volume 60, Laws of Delaware, it being the 1976 Budget Appropriation Act, originally designated as Senate Bill No. 431 of the 128th General Assembly, as amended by Chapter 289, Volume 60, Laws of Delaware." Sponsors: Senators Holloway, Schlör and Castle. Assigned to Finance Committee.

SB 575 — "An Act to amend Chapter 26, Title 14, Delaware Code, relating to Vocational School Tax Funds." Sponsor: Senators Holloway, Schlör and Hale. Assigned to Education Committee.

SB 576 — "An Act relating to the name of the Kent Campus of Delaware Technical and Community College." Sponsors: Senators Zimmerman, Cook, Isaacs and Murphy; Representative McGinnis. Assigned to Education Committee.

SS 1 for SB 320 — "An Act to amend Title 29, Delaware Code, relating to administrative procedures governing certain State Agencies." Sponsor: Senator Kearns. Adopted in lieu of the Original and placed in the Judiciary Committee.

SCR 60 — "Memorializing the Congress of the United States to adopt a Resolution submitting an Amendment to the Constitution of the United States." Sponsor: Senator Cicione. The Resolution was laid on the table on motion of Senator Cicione.

SJR 49 — "Providing for the establishment of a

Committee to Study the Governor's Legislative Proposals and recommendations on the reorganization of State Government." Sponsors: Senators Isaacs, Cordrey and Kearns; Representatives Jonkiert, McGinnis and Harrington.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 19 Senators voting YES and 2 (Elliott and McCullough) ABSENT. Therefore, the Resolution was adopted by the Senate and ordered to the House for concurrence.

SB 577 — "An Act to amend Title 10, Title 11, Title 14 and Title 31 of the Delaware Code relating to parents and children; and providing criteria in certain cases for the definition of truant behavior and truancy." Sponsors: Senators Cicione, Sharp and Hughes. Assigned to Education Committee.

SB 578 — "An Act to amend Title 18, Delaware Code, relating to Health Care Malpractice Insurance and litigation and Title 10, Delaware Code, relating to the revision of various aspects of the judicial process pertaining to Health Care Malpractice Claims and providing an appropriation for implementing Malpractice Review Panels and requiring the establishment of the Delaware Health Care Injury Insurance Study Commission." Sponsors: Senators Murphy, Berndt, Holloway; Representatives Worthen, Morris, Leshner and Miller. The Bill was temporarily tabled by the Chair.

At 2:43 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 4:11 p.m., President Pro Tempore Isaacs presiding.

The following Bills were reported out of Committee:

From the Corrections Committee: **SB 561** — 4 Favorable; **SB 558** — 4 Favorable.

From the Judiciary Committee: **SB 571** — 3 Merits.

From the Health and Social Services Committee: **HB 684** w **HA 1** — 5 Merits; **HB 692** — 5 Merits.

SB 579 (sponsored by Senators Zimmerman, Isaacs and Elliott; Representatives Gordy, Darling and Hebner) was introduced:

SB 579 — "An Act to provide a supplementary appropriation to the Division of Highways of the Department of Highways and Transportation to be utilized for the establishment of a Bicentennial Memorial Park in Capitol Square."

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of the Bill and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Zimmerman — 18.

NO: Senator Steele — 1.

ABSENT: Senators Elliott and McCullough — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 578, which had been laid on the table, was assigned to the Banking, Insurance and Elections Committee.

At 4:27 p.m. Lt. Governor Bookhammer presiding.

The following was reported out of Committee — **SCR 54** Finance 1 Favorable, 3 Merits.

SR 127 (sponsored by Senators Sharp, McCullough, Cicione, Cook, Hughes, Elliott, Cordrey, Kearns, Isaacs, Adams and Murphy) was introduced and considered for adoption:

SR 127 — “Requesting the Council on Administration of Justice to review the Prisoner’s Bill of Rights with the objective of assuring that the document conforms with the prisoners basic constitutional rights and that the Prison Administration can adequately and safely deal with discipline and security in the most expedient manner possible.”

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (Manning) NOT VOTING and 2 (McCullough and Zimmerman) ABSENT. Therefore, the Resolution was declared adopted.

SR 128 (sponsored by Senators Sharp, Cicione, Cook, McCullough, Hughes and Elliott) was introduced and considered for adoption:

SR 128 — “Directing the State Planner to conduct a study of existing correctional facilities and to project immediate and long range needs of the Delaware Correctional System.”

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (Knox) voting NO, 2 (Hale and Manning) NOT VOTING and 1 (McCullough) ABSENT. Therefore, the Resolution was declared adopted.

SR 129, sponsored by Senator Isaacs, was introduced and considered for adoption:

SR 129 — “In reference to the election of Staff members.”

The roll call vote on the Resolution was taken and revealed

19 Senators voting YES and 2 (Cicione and McCullough) ABSENT. Therefore, the Resolution was declared adopted.

SR 130, sponsored by Senator Elliott, was introduced and on motion of Senator Elliott laid on the table:

SR 130 — "Expressing the concern of the Senate with the decision by the Unique Hazards Committee of the Department of Public Instruction to deny bus transportation to certain children."

Legislative Advisories No. 63, 64 and 65 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor **approved** the following legislation: On January 28, 1976 — **SB 511**; on February 2, 1976 — **SB 331**; **SB 520** and **SJR 47**; on February 3, 1976 — **SB 569**; on February 5, 1976 — **SB 243**; on February 6, 1976: **SB 296 w SA 1**; **SB 471**; **SB 508**; **SB 538**; **SCR 55**; **SCR 56**; **SCR 57**; **SCR 58**; on February 9, 1976 — **SB 546**; **SB 552 w HA 1**.

The Governor **vetoed** **SB 183** on February 13, 1976.

* * * * *

At 5:47 p.m. on motion of Senator Isaacs, the Senate recessed until March 16, 1976. 1:30 p.m.

The Senate reconvened at 2:00 p.m. March 16, 1976, Lt. Governor Bookhammer presiding. On motion of Senator Isaacs, the Senate immediately adjourned to convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY

The Senate convened at 2:00 p.m. March 16, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Murphy.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators **PRESENT**.

The Journal was approved as read.

The following Bills were reported out of the Revenue and Taxation Committee: **HB 214 w HA 1** — 2 Favorable, 3 Merits; **SB 572** — 1 Favorable, 3 Merits.

SR 131, sponsored by Senator Elliott, was introduced:

SR 131 — "Directing the Senate Committee on Banking, Insurance and Elections with the assistance of the Committee on Health and Social Services to investigate the high cost of medical health care coverage in Delaware."

On motion of Senator Zimmerman, the Resolution was laid on the table without objection.

SR 132, sponsored by Senator Isaacs, was introduced and

considered for adoption:

SR 132 — "In reference to election of Staff members."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicone and Manning — 2.

Therefore, the Resolution was declared adopted.

SCR 61, sponsored by Senator Holloway and all the Senators, and all the Representatives was introduced and considered for adoption:

SCR 61 — "Expressing the sorrow of the members of the 128th General Assembly at the passing of Walter S. Carpenter, Jr., of Wilmington, a national industrial leader."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

NOT VOTING: Senator Cicone — 1.

ABSENT: Senator Manning — 1.

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

SCR 62, sponsored by Senators Cordrey, Adams and Elliott, was introduced and considered for adoption:

SCR 62 — "Memorializing the Delaware Congressional Delegation to request the United States Army Corps of Engineers to dredge Indian River and Indian River Bay."

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

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Manning — 1.

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

On motion of Senator Cordrey, the Senate recessed for half an hour at 2:24 p.m.

The Senate reconvened at 3:27 p.m. Lt. Governor Bookhammer presiding.

The following legislation was introduced and assigned to

Committee:

SB 580 — "An Act to amend Chapter 69, Title 29, Delaware Code, relating to preference for Delaware labor in Public Works Contracts." Sponsor: Senator Sharp. Assigned to Labor Committee.

SB 581 — "An Act to amend Part VI of Chapter 91, Title 9, Delaware Code, relating to Audit of Fees." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 582 — "An Act to amend Chapter 87 of Title 10, Delaware Code, relating to the Prothonotary." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 583 — "An Act to amend Title 29, Delaware Code, relating to Public Work Contracts and Procurements by exempting the County Library Departments from the requirements thereof." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 584 — "An Act to amend Chapter 21 of Title 10, Delaware Code, relating to compensation of the Sheriff." Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 585 — "An Act making a supplementary appropriation to the Department of Health and Social Services, Division of Mental Health, for the purpose of compensating for patient labor at the Hospital for the Mentally Retarded at Stockley." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 586 — "An Act making a supplementary appropriation to the Department of Highways and Transportation for the purpose of making repairs on Second Street and from York Street to Francis Street in Delmar, Delaware." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 587 — "An Act to amend Chapter 9 of Title 5, Delaware Code, relating to the requirement that the Directors of the Farmers Bank of the State of Delaware furnish financial data to include audits, upon request, to members of the Delaware General Assembly, Secretary of State, State Treasurer and State Auditor." Sponsor: Senator Elliott. Assigned to Banking, Insurance and Elections Committee.

SB 588 — "An Act making a supplementary appropriation to the Town of Delmar for the purpose of defraying expenses incurred in upgrading existing utilities, new curbing, gutter, sidewalks and new fire hydrants." Sponsor: Senator Elliott. Assigned to Finance Committee.

SB 589 — "An Act to amend Chapter 9 of Title 5, Delaware Code, relating to the sale of those shares of Capital Stock of Farmers Bank of the State of Delaware owned by the State of Delaware." Sponsor: Senator Elliott. Assigned to Banking, Insurance and Elections Committee.

SB 590 — "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." Sponsor: Senator Elliott. Assigned to Highways and Transportation Committee.

SB 591 — "An Act to amend Chapter 51, Title 25 of the Delaware Code relating to landlord-tenant." Sponsor: Senator Cordrey and Representative Lynch. Assigned to Judiciary Committee.

SB 592 — "An Act proposing an Amendment to Article VIII of the Constitution of the State of Delaware relating to the borrowing of money." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 593 — "An Act to permit the Board of Education of the Woodbridge School District to transfer certain funds from its Local Minor Capital Improvement Program Funds Account to Advance Land Acquisition Fund." Sponsors: Senators Adams and Cook. Assigned to Education Committee.

SB 594 — "An Act to amend Title 29 of the Delaware Code relating to the Department of Correction and other State Agencies; and providing for a reorganization of said Department." Sponsor: Senator Isaacs. Assigned to Executive Committee.

SB 595 — "An Act to amend Chapter 65 of Title 11, Delaware Code, relating to prisons and prisoners and providing a supplementary appropriation therefor." Sponsors: Senators Holloway and Hale. Assigned to Finance Committee.

SB 596 — "An Act relating to the salary of Roland R. Harbin, a teacher employed by the New Castle-Gunning Bedford School District." Sponsors: Senator McCullough and Representative Connor. Assigned to Finance Committee.

SB 597 — "An Act to amend Chapter 27, Title 21, of the Delaware Code, relating to suspension of drivers' licenses." Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 598 — "An Act to amend Chapter 21, Title 21 of the Delaware Code relating to issuance of license plates." Sponsor:

Senator Adams. Assigned to Public Safety Committee.

SA 1 and **SA 2** to **HB 757** were introduced by Senator Sharp and placed with the Bill.

HB 600 was reported out of the Public Safety Committee: 5 Merits.

HCR 58, sponsored by Representative Derrickson and Senator Cordrey, was introduced and considered for adoption on motion of Senator Cordrey:

HCR 58 — "Commending the Cape Henlopen High School Vikings for winning the Delaware State High School Basketball Tournament for the second year in a row."

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

HCR 59, sponsored by Representative Clendaniel, was introduced:

HCR 59 — "Commending Delaware's Agriculture Industry for its contributions to the continued growth of the First State."

Senators Isaacs, Kearns, Elliott and Sharp were added as co-sponsors of the Resolution at their request.

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES.

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

HB 757 w HA 3, 4 was taken up for consideration on motion of Senator Holloway and read by title only:

HB 757 w HA 3, 4 — "An Act to amend Chapter 25, Title 24, Delaware Code, relating to the substitution of drugs; and providing for a Drug Product Selection Act."

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and during the debate on the Amendment the privilege of the floor was extended to Robert F. Duffy, David J. Krigstein, Paul P. Potocki, James E. Brown, Andrew A. Schwab and Albert V. Krewatch to speak on the Amendment.

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

YES: Senator Schlör — 1.

NO: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 19.

ABSENT: Senator Knox — 1.

Therefore, the Amendment was defeated.

SA 2 to the Bill was stricken at the request of Senator Sharp.

The roll call vote on **HB 757 w HA 3, 4** was then taken on motion of Senator Holloway and revealed 21 Senators voting YES. Therefore, the Bill was adopted by the Senate and returned to the House.

SJR 45 was taken up for consideration on motion of Senator Isaacs and read by title only:

SJR 45 — “Providing for the call of a United States Constitutional Convention for the purpose of proposing an Amendment to prohibit busing of Public School Pupils.”

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

YES: Senator Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 19.

NO: Senator Holloway — 1.

NOT VOTING: Senator Schlor — 1.

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

HB 461 was lifted from the table for consideration on motion of Senator Murphy and read by title only:

HB 461 — “An Act to amend Subchapter II, Chapter 47, Title 9, Delaware Code, relating to garbage collection in unincorporated areas of Kent County.”

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senator Holloway — 1.

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

SR 133, sponsored by Senator Manning was introduced:

SR 133 — “Pertaining to mileage rate paid to Senators.”

Senator McCullough moved that the Resolution be tabled and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Martin, McCullough, Schlor, Sharp, Steele,

Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning — 7.

ABSENT: Senators Holloway and Murphy — 2.

Therefore, the motion prevailed and the Resolution was tabled.

The following legislation was introduced:

SB 599 — “An Act to amend Chapter 59, Title 29, Delaware Code, by prohibiting employees from other employment having potential conflict of interest.” Sponsors: Senators Holloway and Elliott. Assigned to Judiciary Committee.

SB 600 — “An Act to amend Chapter 84, Title 14, Delaware Code, by providing financial incentive for physicians and psychiatrists to locate in areas of critical shortage.” Sponsors: Senators Holloway and Elliott. Assigned to Education Committee.

SB 601 — “An Act authorizing the State of Delaware to borrow money to be used for the purpose of making renovations and repairs to the Sussex Correctional Institute, and to issue Bonds and Notes therefor and appropriating the monies to the Department of Corrections.” Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 602 — “An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase Bellevue Manor Estate, Brandywine Hundred, New Castle County, Wilmington, Delaware.” Sponsors: Senators McCullough and Steele. Assigned to Executive Committee.

Senator Isaacs moved that **SR 133** be lifted for consideration and the roll call vote on the motion was taken and announced:

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Zimmerman — 14.

NO: Senators Adams, Schlor, Sharp and Steele — 4.

NOT VOTING: Senators Hughes and McCullough — 2.

ABSENT: Senator Knox — 1.

Therefore, the motion prevailed and the Resolution was considered before the Senate.

At 5:20 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 5:53 p.m. Lt. Governor Bookhammer presiding.

At 5:54 p.m. on motion of Senator Isaacs, the Senate

recessed until 1:30 p.m. March 17, 1976.

The Senate reconvened at 2:35 p.m. President Pro Tempore Isaacs presiding, and on motion of Senator Cordrey, immediately adjourned to convene for the 12th Legislative Day, March 17, 1976.

12TH LEGISLATIVE DAY

The Senate convened at 2:35 p.m. March 17, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

SA 2 to SB 415, sponsored by Senator Isaacs, was introduced and placed with the Bill.

SA 1 to HB 214, sponsored by Senator Cordrey, was introduced and placed with the Bill.

At 2:41 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 3:02 p.m., President Pro Tempore Isaacs presiding.

The following Bills were reported out of the Executive Committee: **SB 485** — 5 Merits; **SB 543** — 2 Favorable, 3 Merits, 1 Unfavorable; **SB 594** — 2 Favorable, 4 Merits; **SJR 33** — 2 Favorable, 2 Merits; **SB 344** — 4 Favorable, 3 Merits; **SB 506** — 1 Favorable, 4 Merits.

At 3:04 p.m. Senator Holloway presiding.

SR 134, sponsored by Senators Isaacs and Cordrey, was introduced:

SR 134 — "Relating to the mileage rate of members of the Delaware State Senate."

Senator Isaacs moved for a roll call vote on the Resolution.

Senator Hale moved that the Resolution be tabled and the roll call vote on the tabling motion was taken and announced:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman — 13.

ABSENT: Senator Elliott — 1.

Therefore, the motion was defeated.

The roll call vote on the Resolution was taken on motion of Senator Isaacs and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway,

Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

Therefore, the Resolution was declared adopted.

At 3:37 Senator Cordrey presiding.

The roll call vote on **SR 133** was taken on motion of Senator Manning and announced:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning — 7.

NO: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Schlör — 7.

NOT VOTING: Senators Cicione, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 7.

Therefore, the Resolution was defeated.

SCR 54 was taken up for consideration on motion of Senator Cicione and read by title only:

SCR 54 — "Expressing the concern of the General Assembly over the report by the Unique Hazards Committee of the Department of Public Instruction, relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended for one year."

On motion of Senator Cicione, final consideration of the Resolution was deferred.

SB 18 w SA 1 which had been tabled was lifted for consideration on motion of Senator Isaacs.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Isaacs. The roll call vote on the Amendment was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Elliott, Hale, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Zimmerman — 14.

NOT VOTING: Senators Berndt, Castle, Hughes, Manning and Steele — 5.

ABSENT: Senators Holloway and McCullough — 2.

Therefore, the Amendment was adopted.

At 4:21 p.m., Lt. Governor Bookhammer presiding.

SA 3 to SB 18 which had been placed with the Bill was considered for adoption on motion of Senator Castle. The roll call vote on the Amendment was taken and announced:

YES: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Steele — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway,

Isaacs, Kearns, Martin, McCullough, Schlör, Sharp — 11.

NOT VOTING: Senators Elliott and Murphy — 2.

ABSENT: Senator Zimmerman — 1.

Therefore, the Amendment was defeated.

At the request of Senator Isaacs, the privilege of the floor was extended to Don Coker and Mr. Eberly to speak on the Bill.

The roll call vote on **SB 18 w SA 1, 2** was then taken on motion of Senator Isaacs and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 19.

NO: Senator Steele — 1.

ABSENT: Senator Cicione — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

SJR 4 was taken up for consideration on motion of Senator Isaacs and read by title only:

SJR 4 — "Relating to the repair of December, 1974, storm damage to private beaches."

The roll call vote on the Resolution was then taken at the request of Senator Isaacs and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 13.

NOT VOTING: Senators Cordrey, Elliott, Hale, Hughes, Knox, Manning, Zimmerman — 7.

ABSENT: Senator Castle — 1.

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

SB 561 was taken up for consideration on motion of Senator Sharp and read by title only:

SB 561 — "An Act to provide a supplementary appropriation to the Department of Corrections to reimburse three State employees for expenses in the settlement of Federal litigation."

The roll call vote on the Bill was taken and revealed 21 Senators voting YES. Therefore, the Bill passed the Senate and was ordered to the House.

SB 415 was taken up for consideration on motion of Senator Isaacs and read by title only:

SB 415 — "An Act to amend Chapter 12 of Title 3, Delaware Code, relating to the registration and classification

of pesticide products and certification of those who use pesticides classified for restricted use and further providing for the enforcement of same."

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

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Hale and Schlor — 2.

Therefore, the Amendment was adopted.

SA 2 to the Bill was introduced by Senator Isaacs and the privilege of the floor was extended to Mr. Berry to speak on the Amendment.

Before final consideration of the Amendment was taken, the Bill was tabled on motion of Senator Isaacs.

SB 558 was taken up for consideration on motion of Senator Isaacs and read by title only:

SB 558 — "An Act to amend Chapter 42 and Chapter 43, Title 11, of the Delaware Code relating to eligibility for a parole."

SA 1 to the Bill was introduced by Senator Isaacs and the privilege of the floor was extended to Tom Shiels of Legislative Council to speak on the Amendment after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senators Holloway and Knox — 2.

ABSENT: Senators Cicone and Cook — 2.

Therefore, the Amendment was adopted.

At 5:25 p.m. Senator Adams presiding.

The roll call vote on **SB 558 w SA 1** was taken on motion of Senator Isaacs and announced:

YES: Senators Adams, Cook, Cordrey, Elliott, Hughes, Isaacs, Martin, Murphy, Schlor, Sharp — 11.

NO: Senators Berndt, Castle, Hale, Holloway, Kearns, Knox, Manning, Steele, Zimmerman — 9.

ABSENT: Senator Cicone — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 601 was reported out of the Finance Committee: 3

Favorable, 3 Merits.

At 6:07 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. March 18, 1976.

13TH LEGISLATIVE DAY

The Senate convened at 1:50 p.m. March 18, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. John A. Massimilla.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal of the previous day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 61**.

The following legislation was introduced and assigned to Committee:

SB 603 — "An Act to provide for the transfer of certain funds originally allocated to the State Board of Education Contingency Fund for the purpose of providing transportation for the West View Area children of the Seaford School District who presently must cross the Stein Highway, a hazardous area, to attend school." Sponsor: Senator Elliott. Assigned to Education Committee.

SB 604 — "An Act to amend Chapter 55 of Title 29, Delaware Code, relating to service pensions of publicly elected officials." Sponsors: Senators Sharp and Cicione. Assigned to Judiciary Committee.

SB 605 — "An Act to amend Chapter 83 of Title 11, Delaware Code, relating to eligibility for State Police Pensions." Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 606 — "An Act to amend Chapter 27, Title 21 of the Delaware Code, relating to drivers' licenses." Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 607 — "An Act to amend Title 29, Delaware Code, relating to the establishment of a Freedom of Information Act." Sponsor: Senator Isaacs. Assigned to Judiciary Committee.

SA 1 to HB 261, sponsored by Senator Adams, was introduced and placed with the Bill.

SA 5 to SB 391, sponsored by Senator Cordrey, was introduced and placed with the Bill.

SA 1 to SB 507, sponsored by Senator Cook, was introduced and placed with the Bill.

SA 1 to SB 603, sponsored by Senator Elliott, was

introduced and placed with the Bill.

SJR 50, sponsored by Senators Manning and Cook; Representatives Worthen, Seibel, Johnson, Leshner, Smith, Spence, Miller and Minner, was introduced:

SJR 50 — "Relative to the observance of Secretaries Week."

On motion of Senator Manning, the necessary rules were suspended for consideration of the Resolution and the names of all the Senators were added as co-sponsors, and Representatives as co-sponsors.

The roll call vote on the Resolution was then taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 18.

ABSENT: Senators Castle, Holloway and Zimmerman — 3.

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

SCR 63, sponsored by Senator Hughes, was introduced:

SCR 63 — "Congratulating Florence E. Lednum Scott, Delaware's First Woman Probation Officer, on reaching her 100th Birthday."

The names of all the Senators were added as co-sponsors of the Resolution and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele — 18.

ABSENT: Senators Castle, Holloway and Zimmerman — 3.

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

HB 606 was taken up for consideration on motion of Senator Kearns and read by title only:

HB 606 — "An Act to amend Chapter 5, Title 13 of the Delaware Code relating to desertion and support."

The privilege of the floor was extended to John T. Gallagher of the Delaware Bar Association, to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele — 18.

ABSENT: Senators Holloway, McCullough, Zimmerman

— 3.

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

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 63**.

HCR 61, sponsored by Representatives Connor, Cain, Matushefske, Spence and Ferguson; Senators Isaacs, Kearns and McCullough, was introduced and considered for adoption on motion of Senator McCullough:

HCR 61 — “Welcoming the Montreal West High School Band to Delaware and expressing best wishes during their tour of Delaware and their concert performances on April 9th.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Berndt — 1.

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

HCR 62, sponsored by Representative Gilligan and Senators Manning and Sharp, was introduced and considered for adoption on motion of Senator Manning:

HCR 62 — “Commending Joseph H. Mullins, of the Cedars, for his outstanding service in the development of Volunteer Fire-fighting in Delaware.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Cicione — 1.

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

At 2:38 p.m. Lt. Governor Bookhammer presiding.

HB 605 was taken up for consideration on motion of Senator Kearns and read by title only:

HB 605 — “An Act to amend Chapter 15, Title 13, of the Delaware Code, relating to divorce and annulment to provide a new definition of “Voluntary Separation.”

The privilege of the floor was extended to John T. Gallagher of the Delaware Bar Association to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Steele, Zimmerman — 16.

NOT VOTING: Senators Castle, Hughes, Schlör and Sharp — 4.

ABSENT: Senator Cicone — 1.

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

At 2:54 p.m. on motion of Senator Cordrey, the Senate recessed for 45 minutes.

The Senate reconvened at 3:57 p.m. President Pro Tempore Isaacs presiding.

HB 618 was taken up for consideration on motion of Senator Kearns and read by title only:

HB 618 — “An Act to amend Chapter 15, Title 13 of the Delaware Code, relating to divorce and annulment.”

The privilege of the floor was extended to John T. Gallagher of the Delaware Bar Association to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Elliott, Hale, Holloway, Kearns, Knox, Manning, Murphy, Steele — 12.

NOT VOTING: Senators Schlör and Zimmerman — 2.

ABSENT: Senators Cicone, Cordrey, Hughes, Isaacs, Martin, McCullough, Sharp — 7.

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

At 4:00 p.m., Lt. Governor Bookhammer presiding.

SB 572 was tabled on motion of Senator Cook.

SR 135, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 135 — “To debit Senate Travel Account for legislators’ mileage of the present session of the 128th General Assembly.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Cicone, Holloway, Hughes and McCullough — 4.

Therefore, the Resolution was declared adopted.

SR 136, sponsored by Senators Isaacs and Cordrey, was introduced and considered for adoption:

SR 136 — “Authorizing payments for services rendered

by the staff of the Senate for the 128th General Assembly."

The roll call vote revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and McCullough — 2.

Therefore, the Resolution was declared adopted.

The following Bills were reported out of the Finance Committee: **SB 507** — 5 Merits; **SB 573** — 4 Merits.

SB 608, sponsored by Senators Elliott and Holloway, was introduced and assigned to Finance Committee:

SB 608 — "An Act to amend Chapters 13, 17 and 31 of Title 14, Delaware Code, relating to severely mentally handicapped children and providing a supplementary appropriation therefor."

SB 572 was lifted for consideration on motion of Senator Isaacs and read by title only:

SB 572 — "An Act to amend Chapter 23 of Title 30, Delaware Code, relating to Occupation License fees for Amusement Machine owners."

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

The roll call vote on the Amendment revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Martin, Schlör, Sharp, Steele — 13.

NO: Senators Hale, Knox and Manning — 3.

NOT VOTING: Senators Castle and Hughes — 2.

ABSENT: Senators McCullough, Murphy and Zimmerman — 3.

Therefore, the Amendment was declared adopted.

SB 572 w **SA 1** was then laid on the table on motion of Senator Isaacs.

SB 594 was taken up for consideration on motion of Senator Isaacs and read by title only:

SB 594 — "An Act to amend Title 29, of the Delaware Code relating to the Department of Correction and other State Agencies; and providing for a reorganization of said Department."

On motion of Senator Isaacs, the Bill was laid on the table.

SB 485 was laid on the table on motion of Senator Isaacs.

SB 391, final consideration of which had been deferred,

was again taken up for consideration on motion of Senator Isaacs and read by title only:

SB 391 — “An Act to amend Title 29 of the Delaware Code relating to Freedom of Information and requiring that meetings and records of units of the State Government be opened to any citizen of the State of Delaware.”

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

YES: Senators Adams, Berndt, Cook, Cordrey, Kearns, Sharp, Steele — 7.

NO: Senators Elliott, Hale, Holloway, Isaacs, Knox, McCullough — 6.

NOT VOTING: Senators Cicione, Manning, Martin, Murphy, Schlör, Zimmerman — 6.

ABSENT: Senators Castle and Hughes — 2.

Therefore, the Amendment was declared lost.

SA 2 to the Bill, which had been placed with the Bill, was stricken on motion of Senator Kearns.

SA 3 to the Bill, which had been placed with the Bill, was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Berndt, Kearns and Steele — 3.

NO: Senators Adams, Elliott, Hale, Holloway, Knox, Manning, Martin, Murphy, Sharp — 9.

NOT VOTING: Senators Castle, Cicione, Cook, Isaacs, McCullough and Schlör — 6.

ABSENT: Senators Cordrey, Hughes and Zimmerman — 3.

Therefore, the Amendment was declared lost.

SA 4 to the Bill, which had been placed with the Bill, was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Adams, Cook, Cordrey, Kearns, Manning, Sharp, Steele — 7.

NO: Senators Castle, Elliott, Hale, Holloway, Knox — 5.

NOT VOTING: Senators Berndt, Cicione, Hughes, Isaacs, Martin, McCullough, Murphy, Schlör — 8.

ABSENT: Senator Zimmerman — 1.

Therefore, the Amendment was declared lost.

SA 5 to the Bill, which had been placed with the Bill, was stricken on motion of Senator Cordrey.

SB 391 was then laid on the table on motion of Senator

Knox.

Senator Isaacs then moved that the Bill be again lifted for consideration and the roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, McCullough, Schlor, Sharp, Steele, Zimmerman — 11.

NO: Senators Castle, Elliott, Hale, Knox, Manning — 5.

NOT VOTING: Senators Berndt, Holloway, Hughes and Martin — 4.

ABSENT: Senator Murphy — 1.

Therefore, the motion prevailed and **SB 391** was again before the Senate.

Senator Isaacs then moved that the Bill be again tabled and the motion prevailed without objection.

At 5:27 p.m., on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. March 23, 1976.

The Senate reconvened at 1:57 p.m. March 23, 1976, Lt. Governor Bookhammer presiding and on motion of Senator Isaacs, immediately adjourned to convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY

The Senate convened at 1:57 p.m. March 23, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Charles B. Hart.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT and 1 (Elliott) ABSENT.

The minutes of the previous day were approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed: **SB 524**; **SB 53 w HA 1**.

The following Bills were reported out of Committee:

From the Judiciary Committee: **SB 568** — 5 Merits; **SB 591** — 5 Merits; **HB 577** — 5 Merits.

From the Education Committee: **SB 577** — 1 Favorable, 4 Merits; **SB 576** — 2 Favorable, 4 Merits.

From the Health and Social Services Committee: **SB 342** — 2 Merits, 3 Unfavorable.

From the Public Safety Committee: **HB 808** — 5 Merits; **SB 598** — 5 Merits; **SB 597** — 5 Merits.

The following legislation was introduced:

SJR 51 — "Requesting the Delaware Agency to Reduce Crime to continue funding those positions in the State

Judiciary, the Attorney General's Office and the Public Defender's Office during the Fiscal Year 1977." Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 609 — "An Act to amend Chapter 1 of Title 17, Delaware Code, relating to general jurisdiction of the Department of Highways and Transportation." Sponsor: Senator Murphy. Assigned to Highways and Transportation Committee.

SA 1 to SB 573 was introduced by Senator Zimmerman and placed with the Bill.

SA 2 to HB 214 was introduced by Senator Cook and placed with the Bill.

SA 1 to SB 344 was introduced by Senator Steele and placed with the Bill.

SA 3 to SB 415 was introduced by Senator Isaacs and placed with the Bill.

HCR 63, sponsored by Representatives George, Lynch, Rispoli and Temple, was introduced:

HCR 63 — "Expressing the sorrow of the members of the 128th General Assembly of the State of Delaware over the death of Benjamin Ableman."

On motion of Senator Isaacs, the roll call vote on the Resolution was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele — 18.

ABSENT: Senators Elliott, McCullough and Zimmerman — 3.

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

The following House legislation was introduced:

HB 150 — "An Act to amend Chapter 5, Title 1 of the Delaware Code relating to legal holidays, and providing for the celebration of a holiday or birthday on its true or traditional date in certain instances." Sponsor: Representative Riddagh. Assigned to Community Affairs Committee.

HB 418 w HA 2, 3 — "An Act to amend Chapter 5, Part I, Title 11 Delaware Code relating to offenses involving obstruction of governmental operations." Sponsor: Representative Boulden. Assigned to Judiciary Committee.

HB 793 — "An Act to amend Subchapter I, Title 26, Delaware Code, relating to compensation of Public Service Commissioners." Sponsors: Representative George and

Senator Martin. Assigned to Finance Committee.

HB 834 w HA 1 — "An Act to amend Title 8, Delaware Code, relating to the Corporation Income Tax." Sponsors: Representatives McGinnis and Harrington. Assigned to Labor and Industrial Relations Committee.

SB 344 was taken up for consideration on motion of Senator Steele and read by title only:

SB 344 — "An Act proposing an Amendment to Article I of the Constitution of the State of Delaware, relating to Initiative and Referendum."

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

YES: Senators Berndt, Hughes, McCullough, Sharp, Steele — 5.

NO: Senators Adams, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Zimmerman — 12.

ABSENT: Senators Castle, Cicione, Elliott and Murphy — 4.

Therefore, the Amendment was declared lost.

The roll call vote on **SB 344** was then taken on motion of Senator Steele and announced:

YES: Senators Adams, Berndt, Castle, Hughes, McCullough, Sharp, Steele — 7.

NO: Senators Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Murphy, Schlör, Zimmerman — 10.

NOT VOTING: Senator Cook — 1.

ABSENT: Senators Cicione, Elliott and Martin — 3.

Therefore, the Bill was declared lost.

SB 601 was taken up for consideration on motion of Senator Cordrey and read by title only:

SB 601 — "An Act authorizing the State of Delaware to borrow money to be used for the purpose of making renovations and repairs to the Sussex Correctional Institute, and to issue Bonds and Notes therefor and appropriating the monies to the Department of Corrections."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Elliott — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

HB 577 was taken up for consideration on motion of Senator Kearns and read by title only:

HB 577 — "An Act to amend Chapter 5, Title 13 of the Delaware Code relating to divorce and annulment."

Senator Cicione moved that the Bill be tabled and the roll call vote on the motion was taken and announced:

YES: Senators Cicione, Hughes and Isaacs — 3.

NO: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Kearns, Knox, Manning, Martin, Murphy, Schlör, Steele — 13.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senators Elliott, Holloway, McCullough and Zimmerman — 4.

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

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill at the request of Senator Cicione.

The privilege of the floor was extended to Judge Robert Thompson of the Family Court to speak on the Bill.

At 3:34 p.m. on motion of Senator Cordrey, the Senate recessed for half an hour.

The Senate reconvened at 4:30 p.m., President Pro Tempore Isaacs presiding.

HB 577 was still before the Senate and on motion of Senator Kearns, the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Schlör, Steele, Zimmerman — 16.

NOT VOTING: Senators Cicione and Sharp — 2.

ABSENT: Senators Elliott, Hughes and Murphy — 3.

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

The following communications were read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

March 23, 1976

To the Senate of the 128th General
Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Crawford J. Carroll, 807 South Bradford Street, Dover, Delaware, to be a director of the Delaware Solid Waste Authority, for a one-year term from March 23, 1976 to expire March 23, 1977.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

March 23, 1976

To the Senate of the 128th General
Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Thomas J. Newell, 1522 Sycamore Street, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation.
(Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

March 23, 1976

To the Senate of the 128th General
Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

Horace W. Short, R.F.D. 1, Box 49 1/2, Laurel, Delaware, to be a Justice of the Peace for Sussex County, for a four-year term from date of confirmation, succeeding C. Linden McIlvain.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

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The letters of nomination were assigned to Executive Committee.

SB 506 was taken up for consideration on motion of Senator Cook and read by title only:

SB 506 — "An Act to relieve certain employees of the State of Delaware from the obligation of repaying to the State certain excess salary payments unknowingly received by such employees."

The privilege of the floor was extended to Fred Van Sant of the Controller General's Office to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Elliott and Murphy — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 507 was taken up for consideration on motion of Senator Cook:

SB 507 — "An Act making a supplementary appropriation to the Department of Administrative Services for the purpose of paying employees who failed to receive their annual increment."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Elliott and Murphy — 2.

Therefore, the Amendment was declared adopted.

Senator Cook introduced **SA 2** to the Bill and requested the privilege of the floor for Fred Van Sant of the Controller

General's Office to speak on the Amendment.

The roll call vote on the Amendment was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Steele — 17.

ABSENT: Senators Elliott, Martin, Sharp, Zimmerman — 4.

Therefore, the Amendment was declared adopted.

The roll call vote on **SB 507 w SA 1, 2** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Elliott — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

HB 214 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 24 w HA 1 — "An Act to amend Chapter 13, Title 30, Delaware Code, relating to rates of Inheritance Taxes."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NO: Senator Castle — 1.

ABSENT: Senators Elliott and McCullough — 2.

Therefore, the Amendment was declared adopted.

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

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Castle, Hale, Hughes, Knox, Manning — 5.

NOT VOTING: Senators Cicione and Steele — 2.

ABSENT: Senator Elliott — 1.

Therefore, the Amendment was declared adopted.

The roll call vote on **HB 214 w HA 1, SA 1, 2** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Elliott and Martin — 2.

Therefore, the Bill passed the Senate and was returned to the House for concurrence in the Senate Amendments.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Thomas J. Newell — 3 Favorable, 4 Merits; Crawford J. Carroll — 4 Favorable, 3 Merits; Horace W. Short — 3 Favorable; 4 Merits.

SB 562 was reported out of Education Committee: 3 Favorable, 1 Merits.

The following Bills were reported out of the Banking, Insurance and Elections Committee: **SB 555** — 4 Merits; **SB 563** — 4 Merits; **SB 556** — 4 Merits; **SS 1** for **SB 526** — 4 Merits.

SB 53 w HA 1 was reported out the Judiciary Committee: 4 Merits.

At 5:48 p.m. Lt. Governor Bookhammer presiding.

SCR 64, sponsored by Senators Cicione, Sharp, Berndt, Elliott; Representatives Byrd, Gilligan, Kelly and Maxwell, was introduced:

SCR 64 — "Expressing the concern of the General Assembly over the report by the Unique Hazards Committee of the Department of Public Instruction, relating to construction projects to eliminate hazards and reduce busing; and directing that the present moratorium be extended for one year."

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Resolution at the request of Senator Cicione.

On motion of Senator Manning, the Resolution was tabled temporarily.

On motion of Senator Berndt, the necessary rules were suspended for reconsideration of **SB 53** which had passed the Senate as now further amended by **HA 1**.

The roll call vote on **SB 53 w HA 1** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Elliott — 1.

Therefore, the Bill (as so amended) passed the Senate.

SB 270 was stricken on motion of Senator Adams.

At 6:00 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. March 24, 1976.

15TH LEGISLATIVE DAY

The Senate convened at 1:53 p.m. March 24, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Charles B. Hart.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT, 1 (Cicione) ABSENT.

The Journal of the 14th Day was approved as read.

Senator Cordrey introduced to the Senate the students from the Indian River P.O.D. Class.

The Secretary of the Senate informed the Senate that a message from the House informed the Senate that it had passed: **SB 579; SB 427; SB 253; SS 1 for SB 438; SB 477 w SA 1; SB 402; SJR 50.**

On motion of Senator Cordrey, the Governor's nomination for appointment of Crawford J. Carroll was considered and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Steele, Zimmerman — 19.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senator Cicone — 1.

Therefore, the nomination was confirmed by the Senate.

On motion of Senator Cordrey, the Governor's nomination for appointment of Thomas J. Newell was considered and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 19.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Cicone — 1.

Therefore, the appointment was confirmed.

On motion of Senator Cordrey, the Governor's nomination for appointment of Horace W. Short was considered and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Cicione — 1.

Therefore, the appointment was confirmed.

At 2:05 p.m. on motion of Senator Cordrey, the Senate recessed for forty-five minutes.

The Senate reconvened at 3:08 p.m., President Pro Tempore Isaacs presiding.

Senator Zimmerman introduced and welcomed to the Senate 10 students from Dover, Massachusetts.

The following House legislation was introduced:

HB 521 — "An Act to amend Chapter 5, Title 4, Delaware Code, to permit taprooms and taverns to charge a cover charge when live entertainment is provided." (By request). Sponsor: Representative McGinnis. Assigned to Administrative Services Committee.

HCR 64 (Sponsored by Representatives Byrd, Maxwell and Kelly; Senator Cicione) — "Extending congratulations to the Bicentennial Committee of the Town of Elsmere for the successful Bicentennial Celebration held on March 13, 1976."

The Resolution was laid on the table on motion of Senator Cordrey.

SR 137 was introduced by Senator Holloway who moved for its adoption:

SR 137 — "Requesting Governor Sherman W. Tribbitt to appoint a Special Committee to report on the extent and estimated cost of the damage incurred throughout Delaware in the severe storm of Sunday, March 21, 1976."

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

YES: Senators Adams, Berndt, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Steele, Zimmerman — 15.

NO: Senators Castle, Hale and Steele — 3.

NOT VOTING: Senator Manning — 1.

ABSENT: Senators Cicione and McCullough — 2.

Therefore, the Resolution was declared adopted.

SA 1 to SB 594 was introduced by Senator Isaacs and placed with the Bill.

The following legislation was introduced:

SB 610 — “An Act to provide a supplementary appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development.” Sponsors: Senator Sharp and Representative Derrickson. Assigned to Administrative Services Committee.

SB 611 — “An Act to amend Chapter 9, Title 5, Delaware Code relating to employment of 16 year olds.” Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 612 — “An Act to amend Part V, Chapter 51, Title 29, Delaware Code, relating to the establishment of limitations on acting heads of Departments, Boards, Agencies, Authorities and Commissions of the Executive Branch of State Government.” Sponsors: Senators Sharp and Isaacs. Assigned to Executive Committee.

SB 613 — “An Act to amend §9801 (1) (A), Chapter 98, Title 10 of the Delaware Code, relating to the establishment of a new rate.” Sponsor: Senator McCullough. Assigned to Judiciary Committee.

SB 614 — “An Act to repeal Chapter 312, Volume 60, Laws of Delaware and to amend Chapter 216, Volume 27, Laws of Delaware entitled: “An Act amending, revising and consolidating the Charter of the City of New Castle.” Sponsor: Senator McCullough. Assigned to Community Affairs Committee.

SB 615 — “An Act to amend Titles 17 and 21, Delaware Code relating to omnibus changes in the Department of Highways and Transportation and the Department of Public Safety.” Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 616 — “An Act to amend Chapters 19, 27 and 31 of Title 14, Delaware Code, relating to exceptional persons and mandating the State provide an Educational Program for certain handicapped persons and providing a supplementary appropriation therefor.” Sponsors: Senators Elliott and Holloway. Assigned to Education Committee.

SB 617 — “An Act to repeal Chapter 233, Volume 51, Laws of Delaware and to amend Chapter 216, Volume 27, Laws of Delaware entitled: “An Act amending, revising and consolidating the Charter of the City of New Castle.” Sponsor: Senator McCullough. Assigned to Community Affairs Committee.

SB 618 — “An Act to amend Part III, Chapter 31, Title 15, Delaware Code, relating to the required percentage of votes cast

in a political convention to become eligible to certify for a Primary Election." Sponsors: Senators Zimmerman and Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 571 was taken up for consideration on motion of Senator Cordrey:

SB 571 — "An Act directing the Secretary of State to execute and deliver Deeds to certain persons for land in Baltimore Hundred, Sussex County, Delaware."

At the request of Senator Manning, the privilege of the floor was extended to June MacArtor of the Department of Natural Resources and Environmental Control to speak on the Bill.

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

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

NOT VOTING: Senators Castle, Elliott, Hale and Knox — 4.

ABSENT: Senator Cicione — 1.

Therefore, the Bill passed the Senate and was sent to the House.

At 4:25 p.m. Lt. Governor Bookhammer presiding.

SB 573 was taken up for consideration on motion of Senator Zimmerman:

SB 573 — "An Act to provide a supplementary appropriation to the Delaware State College which funds shall be used to complete a Sewage Treatment Project."

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Zimmerman and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, McCullough and Sharp — 3.

Therefore, the Amendment was declared adopted.

The roll call vote on **SB 573** w **SA 1** was then taken on motion of Senator Zimmerman and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, McCullough, Schlör and Sharp — 4.

Therefore, the Bill passed the Senate and was ordered to the House.

HB 600 was taken up for consideration on motion of Senator Adams:

HB 600 — “An Act to amend Chapter 25, Title 21, Delaware Code, relating to Vehicle Dealer Reassignment Forms.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, McCullough and Murphy — 3.

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

HB 808 was taken up for consideration on motion of Senator Adams:

HB 808 — “An Act to amend Subchapter I, Chapter 21, Title 21 of the Delaware Code relating to the requirement of Insurance on motor vehicle.”

The privilege of the floor was extended to Robert J. Voshell, Delaware Motor Vehicle Division, at the request of Senator Adams.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, Hale, Martin and McCullough — 4.

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

SB 597 was taken up for consideration on motion of Senator Adams:

SB 597 — “An Act to amend Chapter 27, Title 21, of the Delaware Code relating to suspension of Drivers Licenses.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Isaacs — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 598 was taken up for consideration on motion of Senator Adams:

SB 598 — “An Act to amend Chapter 21, Title 21, of the Delaware Code relating to issuance of License Plates.”

The privilege of the floor was extended to Robert J. Voshell, Delaware Motor Vehicle Division, to speak on the Bill at the request of Senator Adams.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Martin — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

HB 291 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 291 w HA 1 — “An Act to amend Chapter 21, Part II, Title 16, Delaware Code, pertaining to regulatory provisions concerning Public Health, and specifically relating to mattresses, pillows and bedding.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Martin — 2.

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

SB 594 which had been laid on the table was lifted for consideration on motion of Senator Isaacs.

SB 594 — “An Act to amend Title 29, of the Delaware Code relating to the Department of Correction and other State Agencies; and providing for a reorganization of said Department.” Sponsor: Senator Isaacs.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, McCullough, Murphy, Schlör, Zimmerman — 16.

NO: Senators Manning and Steele — 2.

ABSENT: Senators Cicione, Martin and Sharp — 3.

Therefore, the Amendment was declared adopted.

The roll call vote on **SB 594 w SA 1** was then taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, McCullough, Murphy, Schlor, Sharp, Zimmerman — 13.

NO: Senators Castle, Hale, Knox, Manning, Steele — 5.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators Cicione and Martin — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 591 was taken up for consideration on motion of Senator Cordrey and the name of Representative Lynch added as co-sponsor of the Bill.

SB 591 — “An Act to amend Chapter 51, Title 25, of the Delaware Code relating to Landlord-Tenant.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele — 19.

ABSENT: Senators Cicione and Zimmerman — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

On motion of Senator Cordrey, **HCR 64** was lifted from the table for consideration.

HCR 64 — “Extending congratulations to the Bicentennial Committee of the Town of Elsmere for the successful Bicentennial Celebration held on March 13, 1976. Sponsors: Representatives Byrd, Maxwell, Kelly and Senator Cicione, and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele — 19.

ABSENT: Senators Cicione and Zimmerman — 2.

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

The following legislation was introduced:

SCR 65 — “Memorializing the Delaware Congressional Delegation to oppose the proposed change in Federal Regulations governing the use and distribution of Food Stamps.” Sponsors: Senators Kearns and Holloway. The

Resolution was laid on the table.

SJR 52 — "Requesting the Insurance Commissioner to report to the General Assembly regarding voluntary adoption by Insurers of readable policies." Sponsors: Senators Murphy and Hughes; Representatives Sincock and Gordy. Assigned to Banking, Insurance and Elections Committee.

SB 619 — "An Act to amend Title 17 and 21, Delaware Code relating to omnibus changes in the Department of Highways and Transportation and the Department of Public Safety." Sponsor: Senator Adams. Assigned to Public Safety Committee.

SB 620 — "An Act proposing an Amendment to Article II, Section 17 of the Constitution of the State of Delaware, relating to the elimination of the prohibition against Casino Games." Sponsor: Senator Schlor. Assigned to Judiciary Committee.

SB 621 — "An Act to amend Chapter 65 of Title 11, Delaware Code, relating to prisons and prisoners." Sponsors: Senators Holloway and Hale. Assigned to Corrections Committee.

SB 622 — "An Act to amend Part II, Title 16, Delaware Code by adding a new Chapter to be designated as Chapter 6, to provide assistance for the operation of a Program to detect and treat streptococcal infections; and to provide a supplemental appropriation to implement the provisions of this Act." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 623 — "An Act to amend Chapter 83 of Title 29, Delaware Code, relating to a Blood Bank Group for all State Employees and providing a supplementary appropriation to the Division of the Treasury and the Office of Budget Director for the purpose of implementing the provisions of this Act." Sponsors: Senators Zimmerman, Holloway and Murphy. Assigned to Finance Committee.

SB 35 was stricken on motion of Senator Isaacs.

At 5:35 p.m. on motion of Senator Isaacs, the Senate adjourned until March 25, 1976 at 1:30 p.m.

16TH LEGISLATIVE DAY

The Senate convened at 1:47 p.m. March 25, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Charles B. Hart.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The minutes of the previous day were approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed: **SB 443** and **SCR 62**.

The following Bills were reported back to the Senate from the Executive Committee: **SB 592** — 1 Favorable, 3 Merits, 1 Unfavorable; **SB 602** — 3 Favorable, 1 Merits, 1 Unfavorable; **SS 1** for **SB 256** — 5 Merits.

The following House legislation was introduced by the Chair:

HB 432 — "An Act to amend Chapter 7, Title 4, Delaware Code relating to the sale of alcoholic liquor." Sponsor: Representative McGinnis. Assigned to Executive Committee.

Senator Cook moved that **HB 432** be assigned to Administrative Services Committee rather than the Executive Committee.

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

YES: Senators Berndt, Cook, Elliott, Hale, Knox, Manning, Murphy, Sharp, Zimmerman — 9.

NO: Senators Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, Steele — 7.

NOT VOTING: Senator Adams — 1.

ABSENT: Senators Castle, Hughes, McCullough and Schlör — 4.

Therefore, the motion was defeated and **HB 432** remained in Executive Committee.

HB 422 w HA 1, 2 — "An Act to amend Subchapter III of Chapter 1, Title 17, Delaware Code, relating to general powers and duties of the Department of Highways." Sponsor: Representative Maxwell. Assigned to Highways and Transportation Committee.

HB 861 — "An Act to amend Chapter 166, Volume 43, Laws of Delaware, as amended, to authorize the Town of Georgetown to borrow money in anticipation of revenues." Sponsor: Representative Clendaniel. Assigned to Community Affairs Committee.

SCR 66 (Sponsored by Senators Cicione, Sharp, Berndt, Elliott; Representatives Byrd, Gilligan, Kelly and Maxwell) was introduced and laid on the table on motion of Senator Cicione:

SCR 66 — "Expressing the concern of the General Assembly over the report by the Unique Hazards Committee of the Department of Public Instruction, relating to construction Projects to eliminate hazards and reduce busing; and directing

that the present moratorium be extended for one year."

SB 607 was reported out of the Judiciary Committee — 4 Merits.

SCR 65 was lifted from the table for consideration on motion of Senator Kearns.

SCR 65 — "Memorializing the Delaware Congressional Delegation to oppose the proposed change in Federal Regulations governing the use and distribution of Food Stamps." Sponsors: Senators Kearns, and Holloway, and the roll call vote taken which revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Manning, Martin, Murphy, Zimmerman — 11.

NO: Senators Berndt, Hale, Hughes, Knox, Steele — 5.

ABSENT: Senators Castle, Elliott, McCullough, Schlör, Sharp — 5.

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

HB 48 was taken up for consideration on motion of Senator Cordrey:

HB 48 — "An Act to amend Chapter 55, Part V, Title 29 of the Delaware Code relating to the State Employees' Pension Plan; and providing legislative control over administrative expenditures from such Fund."

The roll call vote on the Bill was taken but before it was announced, Senator Cordrey moved that it be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Cicione, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Zimmerman — 11.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

NOT VOTING: Senator Cook — 1.

ABSENT: Senator McCullough — 1.

Therefore, the motion prevailed and the roll call vote on **HB 48** was tabled.

HB 692 was taken up for consideration on motion of Senator Holloway:

HB 692 — "An Act to amend Chapter 1, Title 31, Delaware Code, relating to the burial of the remains of an indigent person by the State."

At the request of Senator Zimmerman the privilege of the floor was extended to Representative Morris to speak on the Bill.

HB 692 was then laid on the table on motion of Senator Holloway without objection.

SB 568 was taken up for consideration on motion of Senator Holloway:

SB 568 — "An Act providing that a Referendum be held in the November 1976 General Election on the Question of Slot Machines in Delaware."

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

YES: Senators Cicione, Cook, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 11.

NO: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Hughes, Knox, Manning — 9.

ABSENT: Senator McCullough — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 555 was taken up for consideration on motion of Senator Murphy:

SB 555 — "An Act to amend Chapter 1 and Chapter 3, Title 15 of the Delaware Code relating to the definitions of "Party" or "Political Party" and of "Primary Election"; and providing for the supplying of voter lists to political party chairmen and other persons."

At the request of Senator Murphy, the privilege of the floor was extended to Everett Wilson, Department of Elections, to speak on the Bill.

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

YES: Senators Berndt, Castle, Cook, Hale, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 14.

NO: Senators Adams, Cordrey, Elliott, Manning — 4.

ABSENT: Senators Cicione, Holloway and McCullough — 3.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 556 was taken up for consideration on motion of Senator Murphy:

SB 556 — "An Act to amend Chapter 33, Title 15 of the Delaware Code relating to the nominations of candidates by parties; and providing a supplementary appropriation to various Departments of Election."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Hale and Hughes — 3.

Therefore, the Amendment was adopted.

The privilege of the floor was extended to Lewis C. Wrigtson, State Elections System, to speak on the Bill after which the roll call vote was taken on SB 556 w SA 1 and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlor, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Cicione and Holloway — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

At 3:25 p.m. on motion of Senator Cordrey, the Senate recessed for an hour.

The Senate reconvened at 4:21 p.m., Lt. Governor Bookhammer presiding.

The following communication was read from the Governor:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

March 25, 1976

To the Senate of the 128th General
Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:

John Francis Richardson, R.D. 1, Box 51, Georgetown, Delaware, to be Insurance Commissioner of the State of Delaware, effective April 1, 1976, filling the unexpired term ending the 1st Tuesday in January, 1977, succeeding Robert A. Short, resigned. At the General Election of November 1976, the Delaware Constitution, Article III Section 9, requires the election for a full four year term of the Insurance Commissioner.

Respectfully submitted,
(Signed) Sherman W. Tribbitt
Governor

* * * * *

The letter of nomination was assigned to the Executive Committee.

SS 1 for SB 526 was taken up for consideration on motion of Senator Murphy:

SS 1 for SB 526 — “An Act to amend Chapters 13, 19, 31, 45, 49 and 55 of Title 15, Delaware Code, relating to Registration Records, supplies, and places, Registration for Members of Military Forces and related organizations, sample Ballots for Primary Elections, Poll Lists for Primary Elections, Poll Lists for General Elections, grounds for refusing to accept a Ballot, and Absentee Voting.”

The privilege of the floor was extended to Betty M. Pond, Department of Elections for New Castle County, to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Elliott — 1.

ABSENT: Senators McCullough and Schlör — 2.

Therefore, the Bill passed the Senate and was sent to the House.

SB 562 was taken up for consideration on motion of Senator Steele:

SB 562 — “An Act to amend Title 15, Chapter 1 relating to Department of Elections and directing such State Departments to hold Referenda on the Question of Busing to Achieve Racial Equality in State Schools.”

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

YES: Senators Berndt, Cicione, Cook, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele — 11.

NO: Senators Adams, Cordrey, Elliott, Hale, Holloway, Knox, Manning, Zimmerman — 8.

NOT VOTING: Senator Schlör — 1.

ABSENT: Senator Castle — 1.

Therefore, the Bill passed the Senate and was sent to the House.

The Governor's nomination for appointment of John Francis Richardson was reported back from the Executive Committee: 2 Favorable, 4 Merits.

The following Bills were reported out of Committee:

From the Banking, Insurance and Elections Committee:
SJR 52 — 4 Merits; **SB 618** — 1 Favorable, 3 Merits.

From the Finance Committee: **HB 444** — 1 Favorable, 5

Merits.

From the Judiciary Committee: **SB 613** — 4 Merits.

From the Health and Social Services Committee: **SB 622** — 5 Merits.

The following legislation was introduced:

SB 624 — “An Act to permit the Capital School District to transfer certain Funds from its Debt Service Account to its Capital Improvement Account.” Sponsors: Senators Zimmerman, Murphy and Cook; Representatives Miller and McGinnis. The Bill was laid on the table at the request of Senator Zimmerman.

SB 625 — “An Act to amend Chapter 9, Part I, Title 10 of the Delaware Code relating to the Family Court of the State of Delaware; and permitting a party to an action to be accompanied by a person not connected with litigation.” Sponsors: Senators Holloway and Berndt; Representatives Matushefske and Ambrosino. Assigned to Judiciary Committee.

SB 626 — “An Act proposing an Amendment to Article IV, Section 3 of the Constitution of the State of Delaware, relating to terms of Office of certain State Judges.” Sponsors: Senators Sharp and McCullough. Assigned to Judiciary Committee.

SB 627 — “An Act to amend Chapters 9 and 13 of Title 10, Delaware Code, relating to terms of Office of certain State Judges.” Sponsors: Senators Sharp and McCullough. Assigned to Judiciary Committee.

SB 628 — “An Act to amend Title 17, Chapter 6, Section 612 providing for an exemption from Delaware Turnpike Tolls for persons issued special plates for handicapped persons who pay a fee of five dollars.” Sponsors: Senators Manning and Martin. Assigned to Revenue and Taxation Committee.

SB 629 — “An Act to amend Chapter 9 of Title 26, Delaware Code, relating to charges made for Directory Assistance calls.” Sponsor: Senator Zimmerman. Assigned to Administrative Services Committee.

SB 630 — “An Act to amend Chapter 52 of Title 30, Delaware Code, relating to penalty assessments payable by mail.” Sponsor: Senator Adams. Assigned to Revenue and Taxation Committee.

SA 1 to HB 834 was introduced by Senator Knox and placed with the Bill.

SA 1 to SCR 66 was introduced by Senator Hughes and

placed with the Bill.

SA 2 to SCR 66 was introduced by Senator Elliott and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 158**.

HB 86 w HA 1, 2, 3 (sponsored by Representatives McGinnis and Seibel) was introduced and assigned to Banking, Insurance and Elections Committee:

HB 86 w HA 1, 2, 3 — "An Act to amend Chapter 31, Title 15 of the Delaware Code relating to Primary Elections and nominations of Candidates, and providing for a Direct Primary."

SR 138, sponsored by Senator Isaacs, was introduced and considered for adoption:

SR 138 — "In reference to election of Staff Member."

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

YES: Senators Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Adams, Castle, Hale and Knox — 4.

Therefore, the Resolution was declared to be adopted.

At 5:50 p.m. on motion of Senator Isaacs, the Senate recessed until 1:30 p.m. March 31, 1976.

The Senate reconvened at 1:54 p.m. March 31, 1976, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY

The Senate convened at 1:54 p.m. March 31, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Gerald A. Foster.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators **PRESENT** and 1 (Senator Schlör) **ABSENT**.

The Journal was approved as read.

Legislative Advisories 66 and 67 received from William C. Bradley, Jr., Counsel to the Governor, informed the Senate that the Governor approved: **SCR 61** on March 27, 1976 and **SB 53 w HA 1** on March 29, 1976.

Senator Cordrey moved that **HB 834** be reassigned from the Labor Committee to the Revenue and Taxation Committee.

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

YES: Senators Adams, Cordrey, Isaacs, Kearns, Murphy, Steele, Zimmerman — 7.

NO: Senators Berndt, Cicione, Sharp — 3.

NOT VOTING: Senators Elliott, Hale, Hughes, Knox, Manning — 5.

ABSENT: Senators Castle, Cook, Holloway, Martin, McCullough and Schlor — 6.

Therefore, the motion prevailed and the Bill remained in the Labor Committee.

Senator Isaacs moved that the necessary rules be suspended for further consideration of **HB 834** and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Steele, Zimmerman — 11.

NO: Senator Sharp — 1.

NOT VOTING: Senators Berndt, Hale, Hughes, Knox, Manning — 5.

ABSENT: Senators Castle, Elliott, McCullough and Schlor — 4.

Therefore, the motion prevailed.

Senator Isaacs then moved that **HB 834** be placed in the Revenue and Taxation Committee and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Steele, Zimmerman — 10.

NO: Senators Cicione, McCullough and Sharp — 3.

NOT VOTING: Senators Berndt, Elliott, Hale, Hughes, Knox, Manning — 6.

ABSENT: Senators Castle and Schlor — 2.

The Chair announced that the motion prevailed and directed the Chairman of the Labor Committee to return **HB 834** to the Secretary of the Senate.

Committee Reports: From Public Safety **SB 606** — 5 Merits.

SCR 67 (Sponsored by Senators Isaacs, Kearns, Cordrey and all the Representatives) was introduced and considered for adoption on motion of Senator Isaacs:

SCR 67 — "Expressing Best Wishes, and reluctantly saying Goodbye, to Susan Winters of Legislative Council on her new job assignment."

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

YES: Senators Adams, Berndt, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 17.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Castle, Cordrey and Schlor — 3.

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

SS 1 for SB 235 was introduced by Senator Kearns and adopted in lieu of the original:

SS 1 for SB 235 — “An Act to amend Title 10, Title 11 and Title 29 of the Delaware Code relating to Court practice and procedure; and providing legal representation for public officers and employees under certain circumstances.”

SS 1 for SB 523 was introduced by Senator Cordrey and adopted in lieu of the original:

SS 1 for SB 523 — “An Act to amend an Act being Chapter 143, Volume 57, Laws of Delaware, as amended, entitled “An Act to Incorporate the Town of South Bethany.”

The Bill was laid on the table on motion of Senator Cordrey.

SA 1 to SS 1 for SB 235 was introduced by Senator Kearns and placed with the Bill.

SA 1 to SB 469 was introduced by Senator Adams and placed with the Bill.

SA 1 to HB 432 was introduced by Senator Elliott and placed with the Bill.

SJR 53 was introduced by Senator Holloway and laid on the table on his motion:

SJR 53 — “Requesting the Diamond State Telephone Company to rescind its request for charging for information calls and requesting that the Company return in its next Directory to larger type.”

SCR 68 was introduced by Senator Holloway and considered for adoption:

SCR 68 — “Requesting the Delaware Congressional Delegation to support the New Housing Incentive Investment Act.”

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

YES: Senators Adams, Cook, Holloway, Isaacs, Kearns, Martin, Murphy, Zimmerman — 8.

NO: Senator McCullough — 1.

NOT VOTING: Senators Berndt, Cordrey, Elliott, Hale,

Hughes, Knox, Manning, Sharp, Steele — 9.

ABSENT: Senators Castle, Cicone and Schlor — 3.

Therefore, the Resolution was declared lost.

SR 139 was introduced by Senator Holloway:

SR 139 — "Congratulating Jimmy Carter for selecting Delaware's U. S. Senator Joe Biden as the National Chairman of his Campaign Steering Committee."

Senator Hughes moved that the Resolution be stricken and the roll call vote on the motion was taken and announced:

YES: Senators Hale, Hughes and Steele — 3.

NO: Senators Adams, Berndt, Cicone, Cook, Cordrey, Holloway, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Zimmerman — 13.

NOT VOTING: Senators Elliott and Manning — 2.

ABSENT: Senators Castle, Schlor and Sharp — 3.

Therefore, the motion was defeated.

The Resolution was then laid on the table on motion of Senator Holloway.

On motion of Senator McCullough, **SB 275** was reassigned from the Education Committee to the Revenue and Taxation Committee.

At 2:45 p.m. on motion of Senator Cordrey, the Senate recessed for an hour and a half.

The Senate reconvened at 4:27 p.m. Lt. Governor Bookhammer presiding.

The Chair announced that there had been an error in the tabulation of the motion earlier in the day to reassigning **SB 834** to Revenue and Taxation Committee and that the motion failed to receive the required majority and was defeated; therefore the Bill remained in the Labor Committee.

The Committee Report from the Labor Committee on **HB 834 w HA 1** was announced: 1 Favorable, 2 Merits, 1 Unfavorable.

HB 296 w HA 1, 2, 3, 4 was reported out of Judiciary Committee: 2 Merits, 2 Unfavorable.

HB 834 w HA 1 was laid on the table on motion of Senator Cordrey.

The following legislation was introduced:

SB 631 — "An Act to amend Chapter 1, Title 7 of the Delaware Code, relating to the protection of wildlife." Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SB 632 — "An Act to amend Chapter 4, Part I, Title 29 of

the Delaware Code relating to the regulating of parking around Legislative Hall and other areas; and permitting the Department of Administrative Services to enforce rules and regulations." Sponsor: Senator Zimmerman. Assigned to Administrative Services Committee.

SA 1 to HB 684 was introduced by Senator Steele and placed with the Bill.

SA 1 to HB 692 was introduced by Senator Steele and placed with the Bill.

SA 1 to HB 86 was introduced by Senator Kearns and placed with the Bill.

SA 1 to SS 1 for SB 256 was introduced by Senator Adams and Senator Berndt and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted **SCR 67**.

SR 140 was introduced by Senator Cordrey and considered for adoption:

SR 140 — "Relative to Senate Bill No. 523."

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Isaacs, Martin and Schlor — 3.

Therefore, the Resolution was adopted.

HB 831, sponsored by Representatives Morris and Ridings, was introduced and assigned to Judiciary Committee: Committee:

HB 831 — "An Act to amend Chapter 4, Part I, Title 11 of the Delaware Code relating to voluntary intoxication as a defense against criminal liability."

HCR 65, sponsored by Representative Gilligan; Senators Manning and Sharp, was introduced and considered for adoption on motion of Senator Manning:

HCR 65 — "Congratulating Thomas McKean High School winners in the Twentieth Annual Delaware State D.E.C.A. Leadership Conference."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Martin, Murphy and Schlor — 3.

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

HCR 66, sponsored by Representative Clendaniel, was introduced and considered for adoption on motion of Senator Cordrey:

HCR 66 — “Congratulating Herm Bastianelli on his retirement as Wrestling Coach at Sussex Central High School.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Schlor — 2.

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

HB 417 was reported out of Banking, Insurance and Elections Committee: 1 Favorable, 3 Merits.

Senator Cordrey moved that **HB 834 w HA 1** be lifted for consideration:

HB 834 w HA 1 — “An Act to amend Title 8, Delaware Code, relating to the Corporation Income Tax”, and the roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 11.

NO: Senators Castle, Elliott, Hale, Knox, Manning, Sharp — 6.

NOT VOTING: Senators Berndt, Hughes and Steele — 3.

ABSENT: Senator Schlor — 1.

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

Senator Sharp, Chairman of the Labor Committee, extended the privilege of the floor to Senator Cordrey to act as floor manager of **HB 834 w HA 1**.

Senator Cordrey moved that the necessary rules be suspended for the consideration of the Bill and the roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 11.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Sharp, Steele — 9.

ABSENT: Senator Schlor — 1.

Therefore, the motion prevailed and the Bill was taken up for consideration.

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

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 11.

ABSENT: Senators Schlör and Sharp — 2.

Therefore, the Amendment was declared lost.

At the request of Senator Isaacs, the privilege of the floor was extended to Representative McGinnis to speak on the Bill.

The roll call vote on the Bill was then taken on motion of Senator Cordrey and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Zimmerman — 11.

NO: Senators Castle, Elliott, Hale, Knox, Manning — 5.

NOT VOTING: Senators Berndt, Hughes and Steele — 3.

ABSENT: Senators Schlör and Sharp — 2.

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

SB 191 was stricken on motion of Senator McCullough.

SB 617 was stricken on motion of Senator McCullough.

SS 1 for **SB 235 w SA 1** was reported out of Judiciary Committee: 1 Favorable, 4 Merits.

SR 141 was introduced by Senator Martin and considered for adoption:

SR 141 — "Regarding the advisability of National Networks Televising crime oriented programs in prime viewing time."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Steele, Zimmerman — 15.

NO: Senators Holloway and Manning — 2.

NOT VOTING: Senators Castle and Knox — 2.

ABSENT: Senators Schlör and Sharp — 2.

Therefore, the Resolution was adopted.

At 5:53 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:30 p.m. April 1, 1976.

18TH LEGISLATIVE DAY

The Senate convened at 1:40 p.m. April 1, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by Senator Hale.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT and 1 (Schlor) ABSENT.

The Journal of the previous day was approved as read.

Senator Cordrey moved that the Governor's nomination for appointment of John Francis Richardson be considered for confirmation by the Senate.

The privilege of the floor was extended to Mr. Richardson at the request of Senator Cordrey.

The roll call vote on the appointment was then taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Manning, McCullough and Schlor — 3.

Therefore, the appointment was confirmed by the Senate.

SB 563 was taken up for consideration on motion of Senator Kearns:

SB 563 — "An Act to amend Chapter 20 Title 15 of the Delaware Code relating to Voter Registration."

During the discussion of the Bill, the privilege of the floor was extended to C. Deloris Testerman, Harford County Maryland, and Lewis G. Wrightson of the Delaware State Election Commission to speak on the Bill.

The roll call vote on the Bill was taken but before being announced Senator Kearns moved that it be tabled and the roll call vote on the tabling motion was taken and announced:

YES: Senators Adams, Cicone, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Sharp, Zimmerman — 11.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senators McCullough and Schlor — 2.

Therefore, the motion prevailed and the roll call vote on **SB 563** was tabled.

At 3:37 p.m. on motion of Senator Cordrey, the Senate recessed for caucus.

The Senate reconvened at 6:25 p.m. and immediately recessed again until 8:00 p.m., with President Pro Tempore

Isaacs presiding.

The Senate reconvened at 8:57 p.m., President Pro Tem Isaacs presiding.

Senator Zimmerman moved that the necessary rules be suspended for consideration of **SB 624** and the roll call vote on the motion was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 16.

NO: Senators Castle, Hale, Knox and Manning — 4.

ABSENT: Senator Schlor — 1.

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

The roll call vote on the Bill was then taken but it was tabled before being announced on motion of Senator Zimmerman.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 601**.

HB 845 (Sponsored by Representative Matushefske) was introduced by the Chair and assigned to Banking, Insurance and Elections Committee:

HB 845 — “An Act to amend Part IV, Chapter 21, Title 5, Delaware Code, to remove the prohibition against post-judgement wage attachments.”

HB 872 (Sponsored by Representative Matushefske) was introduced by the Chair:

HB 872 — “An Act to amend Chapter 5, Title 28, Delaware Code relating to State Taxes and Licensee’s Commissions on contributions to Pari-Mutuel and Totalizator Pools at Harness Racing Meets.”

On motion of Senator Cordrey, the necessary rules were suspended for consideration of **HB 872** and the privilege of the floor was extended to Fred Van Sant of the Controller General’s Office to speak on the Bill.

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

YES: Senators Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale, Knox, Manning — 5.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Adams and Schlor — 2.

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

On motion of Senator Zimmerman, the roll call on **SB 624** was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 16.

NO: Senator Castle — 1.

NOT VOTING: Senators Elliott, Knox and Manning — 3.

ABSENT: Senator Schlör — 1.

Therefore, the Bill passed the Senate and was ordered to the House.

The following legislation was introduced:

SB 633 — “An Act to amend Chapter 30, Title 31, Delaware Code, relating to the composition of the Human Relations Commission.” Sponsor: Senator Isaacs. Assigned to Health and Social Services Committee.

SB 634 — “An Act to amend Chapter 347, Volume 58, 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 therefore and appropriating the monies to various Agencies of the State.” Sponsors: Senators McCullough, Isaacs, Kearns; Representatives Connor, Boulden, Matushefske, Cain, Spence, Ferguson.

On motion of Senator McCullough, the Bill was laid on the table.

SB 635 — “An Act to amend Part VI, Chapter 61, Title 29, Delaware Code, relating to funds received from State operated housing projects under the auspices of the Delaware State Housing Authority or the Department of Community Affairs and Economic Development.” Sponsor: Senator Isaacs. Assigned to Health and Social Services Committee.

SB 636 — “An Act to amend Chapters 62 and 91, Title 29 of the Delaware Code, relating to the Capital Investment Fund and Advanced Land Acquisition Fund reducing those Funds and appropriating a portion of the Funds released to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware.” Sponsors: Senators Isaacs, Cordrey, Kearns, Murphy, Hughes; Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table.

SB 637 — “An Act authorizing the State Treasurer of the

State of Delaware to appropriate unused proceeds of Bonds and Notes in State Bond Reversion Accounts and moneys in the State Capital Investment Fund to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes, Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok.

On motion of Senator Cordrey, the Bill was laid on the table.

SB 638 — "An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes and Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

On motion of Senator Cordrey, the Bill was laid on the table.

SB 639 — "An Act to amend Chapter 7, Title 5, Delaware Code, relating to Banking." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes, Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincok.

On motion of Senator Cordrey, the Bill was laid on the table.

SB 640 — "An Act ratifying the loan of money by the General Fund to Special Funds of the State and confirming the authority of the State to fund such loan from the proceeds of Bonds." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes, Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok.

On motion of Senator Cordrey, the Bill was laid on the table.

SB 641 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor and appropriate the funds thus obtained to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes, Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincok.

On motion of Senator Cordrey, the Bill was laid on the table.

SA 3 to SS 1 for SB 256 was introduced by Senator Kearns and placed with the Bill. **SA 1** to the Bill which had been wrongly numbered and introduced March 31 was stricken at the request of Senator Kearns.

SA 1 to SB 622 was introduced by Senator Holloway and placed with the Bill.

The following House legislation was introduced:

HB 913 — "An Act authorizing the Judicial Branch through the Chief Justice to transfer between all lines and Courts of the State of Delaware." Sponsor: Representative George. Assigned to Finance Committee.

HB 914 — "An Act making a supplementary appropriation to the Administrative Office of the Courts for the purpose of paying jurors." Sponsor: Representative George. Assigned to Finance Committee.

HB 917 — "An Act to provide a supplemental appropriation to the Division of Public Health and Social Services for continuance of the Adolescent Program." Sponsors: Representatives Johnson and Seibel.

Senator Cicione moved that the necessary rules be suspended for consideration of the Bill and the roll call vote on the motion revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Manning, McCullough, Murphy, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale, Knox, Martin, Sharp, Steele — 7.

ABSENT: Senator Schlor — 1.

Therefore, the motion prevailed and the Bill was before the Senate for consideration.

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Zimmerman — 17.

NO: Senators Martin, Sharp and Steele — 3.

ABSENT: Senator Schlor — 1.

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

On motion of Senator McCullough, **SB 602** taken up for consideration:

SB 602 — "An Act to grant approval to the Department of Natural Resources and Environmental Control to purchase Bellevue Manor Estates, Brandywine Hundred, New Castle, Wilmington, Delaware."

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

YES: Senators Adams, Berndt, Castle, Cook, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin,

McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Cicione — 1.

ABSENT: Senators Cordrey and Schlor — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

Senator Steele moved that the necessary rules be suspended for consideration of **SB 636** through **642** and the roll call vote on the motion revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 13.

NO: Senators Castle, Elliott, Hale and Knox — 4.

NOT VOTING: Senators Berndt and Hughes — 2.

ABSENT: Senators Manning and Schlor — 2.

Therefore, the motion prevailed and the Bills were considered as follows:

On motion of Senator Cordrey, **SB 636** taken up for consideration:

SB 636 — “An Act to amend Chapters 62 and 91, Title 29 of the Delaware Code, relating to the Capital Investment Fund and Advanced Land Acquisition Fund reducing those Funds and appropriating a portion of the Funds released to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware.”

The roll call vote on the Bill was taken but on motion of Senator Cordrey was tabled before being announced.

Senator Hale moved that the Senate recess until 1:30 p.m. April 5 and the roll call vote on the motion revealed:

YES: Senators Castle, Elliott, Hale and Knox — 4.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Zimmerman — 12.

NOT VOTING: Senators Berndt, Hughes and Steele — 3.

ABSENT: Senators Manning and Schlor — 2.

Therefore, the motion was defeated.

SB 637 was taken up for consideration on motion of Senator Cordrey:

SB 637 — “An Act authorizing the State Treasurer of the State of Delaware to appropriate unused proceeds of Bonds and Notes in State Bond Reversion Accounts and monies in the State Capital Investment Fund to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware.”

The roll call vote on the Bill was taken but before being

announced was tabled on motion of Senator Cordrey.

SB 638 was taken up for consideration on motion of Senator Cordrey:

SB 638 — "An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 15.

NO: Senators Elliott and Hale — 2.

NOT VOTING: Senator Knox — 1.

ABSENT: Senators Castle, Manning and Schlor — 3.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 639 was taken up for consideration on motion of Senator Cordrey:

SB 639 — "An Act to amend Chapter 7, Title 5, Delaware Code, relating to Banking."

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 15.

NO: Senators Elliott and Hale — 2.

NOT VOTING: Senators Castle and Knox — 2.

ABSENT: Senators Manning and Schlor — 2.

Therefore, the Bill passed the Senate and was ordered to the House.

SB 640 was taken up for consideration on motion of Senator Cordrey:

SB 640 — "An Act ratifying the loan of money by the General Fund to Special Funds of the State and confirming the authority of the State to Fund such loan from the proceeds of Bonds."

The privilege of the floor was extended to Mr. Bradley at the request of Senator Steele after which the roll call vote on the Bill was taken.

The roll call vote was tabled before being announced on motion of Senator Cordrey.

SB 641 was taken up for consideration on motion of Senator Cordrey:

SB 641 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor and appropriate the funds thus obtained to the purchase of

Preferred Stock of the Farmers Bank of the State of Delaware.”

The roll call vote on the Bill was taken but it was tabled on motion of Senator Cordrey before being announced.

On motion of Senator Cordrey, the roll call on **SB 636** was lifted but was retabled before being announced on his further motion.

At 10:53 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 11:45 p.m. President Pro Tempore Isaacs presiding.

The privilege of the floor was extended to Abraham Bettinger and Mr. Bradley to speak on the proceeding Bills.

The roll call vote on **SB 636** was lifted on motion of Senator Cordrey but was again retabled before being announced on his further motion.

At 12:34 A.M. April 2, 1976, on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 2, 1976.

The Senate reconvened at 2:22 p.m. April 2, 1976, President Pro Tempore Isaacs presiding.

The following legislation was introduced:

SB 642 (Sponsored by Senators Isaacs, Cordrey, Kearns, Hughes and Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock) — “An Act relating to the Charter of the Farmers Bank of the State of Delaware.”

The Bill was laid on the table on motion of Senator Cordrey without objection.

SB 643 — “An Act to amend Title 5, Delaware Code, relating to the establishment of the Farmers Bank Commission.” Sponsors: Senators Isaacs, Cordrey, Kearns, Hughes and Murphy; Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

SB 635 was reported out of Health and Social Services Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 219; SB 220; SB 221**.

The following House legislation was introduced:

HB 934 — “An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking.” Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the

table without objection.

HB 935 — "An Act to amend Chapter 7, Title 5, Delaware Code, relating to Banking." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson, Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 936 — "An Act to amend Title 5, Delaware Code, relating to the establishment of the Farmers Bank Commission." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 937 — "An Act relating to the Charter of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 938 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor and appropriate the funds thus obtained to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 939 — "An Act ratifying the loan of money by the General Fund to Special Funds of the State and confirming the authority of the State to fund such loan from the proceeds of Bonds." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 940 — "An Act authorizing the State Treasurer of the State of Delaware to appropriate unused proceeds of Bonds and Notes in State Bond Reversion Accounts and moneys in the State Capital Investment Fund to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 941 — "An Act to amend Chapters 62 and 91, Title 29 of the Delaware Code, relating to the Capital Investment Fund

and Advanced Land Acquisition Fund reducing those funds and appropriating a portion of the funds released to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock.

On motion of Senator Cordrey, the Bill was laid on the table without objection.

HB 918 w HA 1 — "An Act to amend Chapter 65, Part IV, Title 11, Delaware Code, relating to the retirement of certain persons within the Division of Adult Corrections by delaying the effective date of such amended Sections." Sponsors: Representatives Ferguson and Riddagh. Assigned to Corrections Committee.

HCR 67 — "Welcoming United States Senator Frank Church of Idaho to the First State of Delaware on his appearance as Guest Speaker at the Annual Jefferson-Jackson Day Dinner." Sponsors: Representatives Jonkiert, McGinnis, Harrington, Derrickson and Sincock; Senators Isaacs, Cordrey and Kearns.

The roll call vote for adoption of the Resolution was taken on motion of Senator Kearns and announced:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Isaacs, Kearns, Knox, Martin, Murphy, Sharp — 12.

NOT VOTING: Senators Berndt, Hale, Hughes, Manning, McCullough, Steele and Zimmerman — 7.

ABSENT: Senators Holloway and Schlör — 2.

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

At 2:30 p.m. April 2 the Senate adjourned on motion of Senator Cordrey to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY

The Senate convened at 2:30 p.m. April 2, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Gerald A. Foster.

Pledge of Allegiance to the Flag.

By roll call, there were 20 Senators PRESENT and 1 (Schlor) ABSENT.

The Journal of the previous day was approved as read.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of **HB 934** through **HB 941**. The Bills were then considered as follows:

On motion of Senator Cordrey, **HB 941** which is the same as **SB 636** was taken up for consideration:

HB 941 — "An Act to amend Chapters 62 and 91, Title 29 of the Delaware Code, relating to the Capital Investment Fund and Advanced Land Acquisition Fund reducing those Funds and appropriating a portion of the Funds released to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 17.

NO: Senators Elliott and Manning — 2.

ABSENT: Senators Holloway and Schlor — 2.

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

HB 940 which is the same as **SB 637** was taken up for consideration on motion of Senator Cordrey:

HB 940 — "An Act authorizing the State Treasurer of the State of Delaware to appropriate unused proceeds of Bonds and Notes in State Bond Reversion Accounts and monies in the State Capital Investment Fund to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 17.

NO: Senators Elliott and Manning — 2.

ABSENT: Senators Holloway and Schlor — 2.

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

HB 934 which is the same as **SB 638** was taken up for consideration on motion of Senator Cordrey:

HB 934 — "An Act to amend Subchapter I, Title 5, Delaware Code, relating to Banking."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 17.

NO: Senators Elliott and Manning — 2.

ABSENT: Senators Holloway and Schlor — 2.

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

HB 935 which is the same as **SB 639** was taken up for consideration on motion of Senator Cordrey:

HB 935 — "An Act to amend Chapter 7, Title 5, Delaware Code, relating to Banking."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 17.

NO: Senators Elliott and Manning — 2.

ABSENT: Senators Holloway and Schlor — 2.

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

HB 939 which is the same as **SB 640** was taken up for consideration on motion of Senator Cordrey and the Debt Statement read:

HB 939 — "An Act ratifying the loan of money by the General Fund to Special Funds of the State and confirming the authority of the State to fund such loan from the proceeds of Bonds."

During discussion of the Bill privilege of the floor was extended to Skip Webb of the Governor's Office and Secretary of Finance, John E. Malarkey, to speak on the Bill.

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

NO: Senators Elliott and Manning — 2.

ABSENT: Senator Schlor — 1.

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

HB 938 which is the same as **SB 641** was taken up for consideration on motion of Senator Cordrey and the Debt Statement read:

HB 938 — "An Act authorizing the State of Delaware to borrow money and to issue Bonds and Notes therefor and appropriate the funds thus obtained to the purchase of Preferred Stock of the Farmers Bank of the State of Delaware."

The roll call vote on the Bill revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

NO: Senators Elliott and Manning — 2.

ABSENT: Senator Schlor — 1.

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

At 3:15 p.m. on motion of Senator Cordrey, the Senate recessed for a short time and reconvened at 3:33 p.m., President Pro Tempore Isaacs presiding.

HB 937 which is the same as **SB 642** was taken up for consideration on motion of Senator Cordrey:

HB 937 — "An Act relating to the Charter of the Farmers Bank of the State of Delaware."

SA 1 to the Bill was introduced by Senator Zimmerman.

At the request of Senator McCullough, the following letter is included in this Journal:

**SENATE
LEGISLATIVE HALL
DOVER, DELAWARE**

February 25, 1976

Joe Smyth, Editor
Delaware State News
Dover, Delaware

Dear Joe;

As Chairman of the Senate Banking and Insurance Committee I feel compelled to respond to Ron Stevens' editorial of February 22, 1976, condemning the State of Delaware Directors on the Farmers Bank Board of Trustees.

Since the crisis was made aware to them last month in Governor Tribbitt's office, the State Directors have been meeting almost daily in an effort to understand and resolve every aspect of the bank's financial situation - and to bring about needed changes.

Indeed, the replacement of J. Edwards Danforth by Edward W. Hagemeyer as the bank's chief executive officer, a change which Stevens called "A step in the right direction toward restoring confidence," was brought about in large part by the persistence of the State Directors.

Stevens' call for resignation of the State Directors is most unfair to the men and women now serving in that capacity. The State Directors are charged by law with submitting to the Governor an annual report on the condition of the bank, but the last such report was presented in 1971 to Governor Peterson. The current Directors were appointed only late last spring and

the last quarterly report they received indicated that the condition of the bank was sound in all respects. None of the State Directors served on the executive committee (appointed by management) and one at least requested additional information which was not forthcoming; as a result, he consulted the Attorney General in respect to his rights as a Director. None of the State Directors, they have informed me, were explained their duties or assigned any responsibilities or direction by the Chairman of the Board.

The evidence is that the State Directors were concerned and curious - anything but complacent or indifferent, as your editorial would suggest.

In my own capacity as Chairman of the Senate Banking and Insurance Committee, I met on several occasions with the State Directors and endeavored to try and help them fulfill their persistent demands for more information. They met with little success but it was not for lack of trying.

But over and above who was right or wrong, Mr. Stevens' demand for heads to roll serves no worthwhile purpose. Recriminations are for the destroyers of the world; the builders look to create a foundation for the future. Under Mr. Hagemeyer's direction the bank is endeavoring to steady its course, fully restore the public confidence, renew the value of the State and shareholder investments, and set a pattern for future growth and development that will preclude any surprises such as the one which was sprung last month on an unsuspecting Governor, General Assembly, both State and shareholder directors, and the general public. We need to work together to achieve that kind of result. Once that is done, a full-scale investigation might well be in order to assure ourselves there will be no repetition of the events of last month and that those responsible for both the errors which caused the trouble and the cover-up which followed are no longer in decision-making positions.

We should also carefully consider whether the best interests of both the State and the bank would be served by making it a fully private institution in which the State held no ownership position, assuming we could net a worthwhile return on investments already made and a full recovery of any that might be made in the near future.

Sincerely,
 Bill Murphy
 William M. Murphy, Jr.
 18th Senatorial District

* * * * *

On motion of Senator Zimmerman, the roll call vote on **SA 1** to **HB 937** was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning, Steele — 8.

ABSENT: Senator Schlör — 1.

Therefore, the Amendment was declared adopted.

The roll call vote on **HB 937 w SA 1** was then taken on motion of Senator Cordrey, but before the roll call vote was announced it was tabled on further motion of Senator Cordrey without objection.

HB 936 which is the same as **SB 643** was taken up for consideration on motion of Senator Cordrey:

HB 936 — “An Act to amend Title 5, Delaware Code, relating to the establishment of the Farmers Bank Commission.”

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning and Steele — 8.

ABSENT: Senator Schlör — 1.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Elliott but on his motion was immediately stricken.

SA 3 to the Bill was introduced by Senator Murphy and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Elliott, Murphy, Zimmerman — 6.

NO: Senators Berndt, Castle, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Sharp, Steele — 12.

NOT VOTING: Senators Cicione and McCullough — 2.

ABSENT: Senator Schlör — 1.

Therefore, the Amendment was declared lost.

SA 4 to the Bill was introduced by Senator Elliott and on his motion laid on the table.

SA 5 to the Bill was introduced by Senator Elliott and considered for adoption. The roll call vote on the Bill revealed:

YES: Senators Castle, Cicione, Cook, Elliott, Hale, Holloway, Hughes, Knox, Manning, Murphy, Sharp, Steele, Zimmerman — 13.

NO: Senators Cordrey, Isaacs, Kearns, Martin, McCullough — 5.

NOT VOTING: Senators Adams and Berndt — 2.

ABSENT: Senator Schlor — 1.

Therefore, the Amendment was declared adopted.

At 4:50 p.m. on motion of Senator Cordrey the Senate recessed for a short time and reconvened at 5:35 p.m., President Pro Tempore Isaacs presiding.

HB 936 w SA 1, 5 was laid on the table on motion of Senator Cordrey without objection.

The roll call vote on **HB 937 w SA 1** was lifted on motion of Senator Cordrey.

On motion of Senator Cordrey and without objection, the roll call vote on **HB 937 w SA 1** was rescinded.

Senator Cordrey then moved that the roll call vote on **SA 1** to **HB 937** be rescinded and the roll call vote on the motion revealed:

YES: Senators Adams, Berndt, Castle, Cordrey, Elliott, Hale, Isaacs, Kearns, Knox, Murphy, Steele, Zimmerman — 12.

NO: Senators Cicione, Cook, Holloway, Martin, McCullough, Sharp — 6.

NOT VOTING: Senators Hughes and Manning — 2.

ABSENT: Senator Schlor — 1.

Therefore, the motion prevailed and the roll call on **SA 1** to **HB 937** was declared rescinded.

At 5:45 p.m. on motion of Senator McCullough the Senate recessed for a short time and reconvened at 5:56 p.m., President Pro Tempore Isaacs presiding.

SA 1 to **HB 937** was stricken on motion of Senator Zimmerman.

On motion of Senator Cordrey, the roll call vote on **HB 937** was then taken and revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Murphy, Steele, Zimmerman — 14.

NO: Senators Cicione, Holloway, Manning, Martin, McCullough, Sharp — 6.

ABSENT: Senator Schlor — 1.

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

Senator Steele moved that the Senate recess until Tuesday at 1:30 p.m. and the roll call vote on the motion revealed 20 Senators voting NO and 1 (Schlor) ABSENT. Therefore, the motion was declared defeated.

SR 142 was introduced by Senator McCullough and on his motion laid on the table:

SR 142 — "Relative to Senate Bill 602."

SJR 54 Sponsored by Senators Holloway, Martin, Adams and Kearns was introduced and assigned to Finance Committee:

SJR 54 — "Directing the Department of Natural Resources and Environmental Control, within a period of 30 days from date of purchase of the Bellevue Manor Estate to change the name to the Sherman W. Tribbitt State Recreational Park."

The following letter from the Governor was read:

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 2, 1976

To the Delaware State Senate
of the 128th General Assembly
of the State of Delaware

On March 23, 1976, I received Senate Bill No. 427 entitled:
"AN ACT TO AMEND CHAPTER 7, TITLE 17,
DELAWARE CODE, RELATING TO RAILROAD
CROSSINGS OVER HIGHWAYS".

I am returning this bill without my signature for the reason that since the introduction of Senate Bill No. 427 in the General Assembly, the Penn Central has been absorbed by Con Rail Corporation, and the new proprietor of Penn Central Property in Delaware will be responsible for and financially able to install and maintain the necessary signs, signals and lights or other devices at railroad track crossing which will furnish adequate protection to the traveling public; rather than the Department of Highways and Transportation.

I have spoken with the sponsor of this bill and we are in agreement that Senate Bill No. 427 should be returned without my signature.

Sincerely,
Sherman W. Tribbitt
Governor

* * * * *

SB 610 was reported out of Administrative Services Committee: 4 Merits.

SB 593 was reported out of Education Committee: 2 Favorable, 2 Merits.

At 6:12 p.m. on motion of Senator Cordrey, the Senate recessed until April 6, 1976 at 1:30 p.m.

The Senate reconvened at 2:10 p.m. April 6, 1976, Lt. Governor Bookhammer presiding.

On motion of Senator Isaacs, the Senate immediately adjourned to convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY

The Senate convened at 2:10 p.m. April 6, 1976, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Robert L. Sauls.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators PRESENT.

The Journal was approved as read.

Senator Manning introduced to the Senate Nancy Gorden, Special Assistant to the National Conference of State Legislatures. The Chair welcomed Ms. Gorden to the Senate.

Senator Kearns introduced **SCR 69** and moved for its adoption:

SCR 69 — "Requesting the Delaware Congressional Delegation to support national no-fault motor vehicle insurance."

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

YES: Senators Holloway, Kearns, McCullough and Schlor — 4.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Knox, Manning, Murphy, Sharp, Steele, Zimmerman — 15.

NOT VOTING: Senator Castle — 1.

ABSENT: Senator Martin — 1.

Therefore, the Resolution was declared lost.

The following legislation was introduced and assigned:

SB 644 — "An Act to amend Chapter 21, Part II, Title 21 of the Delaware Code relating to the registration of motor vehicles, and providing special license plates for members of the Delaware National Guard." Sponsor: Senator Cicione. Assigned to Public Safety Committee.

SB 645 — “An Act to amend Chapter 5, Part I, Title 7 of the Delaware Code relating to hunting, trapping and fishing licenses.” Sponsor: Senator Cicione. Assigned to Natural Resources and Environmental Control Committee.

SB 646 — “An Act relating to preference on dissolution of deposits of the State of Delaware municipalities against other deposits held by banks or trust companies.” Sponsor: Senator Elliott. Assigned to Banking, Insurance and Elections Committee.

SB 647 — “An Act proposing an Amendment to the Constitution of the State of Delaware relating to political representation among Justices of the Peace.” Sponsor: Senator Castle. Assigned to Judiciary Committee.

SB 648 — “An Act to amend Chapter 5, Title 7, Delaware Code, relating to requirements for fishing licenses.” Sponsors: Senator Manning and Representative LeGates. Assigned to Natural Resources and Environmental Control Committee.

SB 649 — “An Act to provide an appropriation to the Mayor and City Council of New Castle to defray expenses in connection with the celebration of Separation Day and Bicentennial events.” Sponsors: Senator McCullough and Representative Connor. Assigned to Community Affairs Committee.

The Chair announced that **SB 523** which had passed the Senate had now been received back from the House as requested in **SR 140**.

On motion of Senator Cordrey and without objection the roll call vote on **SB 523** was rescinded.

SS 1 for **SB 523** which had been laid on the table was adopted in lieu of the Original on motion of Senator Cordrey and assigned to Community Affairs Committee.

SB 306 was taken up for consideration on motion of Senator Elliott:

SB 306 — “An Act to authorize the transfer of the Ross Point School District No. 215 to the Ross Point Improvement Club.”

On further motion of Senator Elliott, the Bill was laid on the table.

At 3:22 p.m. on motion of Senator Cordrey, the Senate recessed until 4:00 p.m.

The Senate reconvened at 4:23 p.m. Lt. Governor Bookhammer presiding.

HB 936 w SA 1, 5 was lifted for consideration on motion

of Senator Cordrey.

On motion of Senator Zimmerman, **SA 6** to the Bill was stricken.

SA 7 to the Bill was introduced by Senator Elliott and on motion of Senator Cordrey was laid on the table.

Senator Elliott moved that **SA 7** be lifted for consideration and the roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Hughes, Knox, Manning — 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NOT VOTING: Senator Steele — 1.

Therefore, the motion was defeated and the Amendment remained on the table.

On motion of Senator Cordrey, the roll call vote on **HB 936 w SA 1, 5** was taken; however, before it was announced Senator Cordrey moved that it be tabled and the motion prevailed.

Senator Isaacs moved that the Senate recess in order that leaders of both parties could meet with the Governor.

The roll call vote on the motion taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 13.

NO: Senators Castle, Hale, Hughes, Knox, Manning — 5.

NOT VOTING: Senators Berndt, Elliott and Steele — 3.

Therefore, the motion prevailed and the Senate recessed at 4:37.

The Senate reconvened at 4:49 p.m., Lt. Governor Bookhammer presiding.

SB 342 was taken up for consideration on motion of Senator Steele:

SB 342 — "An Act to amend Title 29 and Title 31 of the Delaware Code relating to the State Human Relations Commission; and providing for the elimination of said Commission."

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

YES: Senators Sharp and Steele — 2.

NO: Senators Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Isaacs, Kearns, Knox, Manning, Martin, Schlör, Zimmerman — 13.

NOT VOTING: Senators Adams, Cook, Hughes and

Murphy — 4.

ABSENT: Senators Cicione and McCullough — 2.

Therefore, the Bill was declared lost.

SB 576 was taken up for consideration on motion of Senator Zimmerman:

SB 576 — “An Act relating to the name of the Kent Campus of Delaware Technical and Community College.”

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, McCullough and Sharp — 3.

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

HB 34 w HA 1 was lifted for consideration on motion of Senator Kearns.

HB 34 w HA 1 — “An Act to amend Title 13 of the Delaware Code relating to Domestic Relations; and providing for a Uniform Child Custody Jurisdiction Law.

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Steele, Zimmerman — 18.

NOT VOTING: Senator Sharp — 1.

ABSENT: Senators Cicione and McCullough — 2.

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

SB 609 was reported out of the Highways and Transportation Committee: 5 Merits.

SB 575 was reported out of the Revenue and Taxation Committee: 6 Merits.

SB 604 was reported out of the Judiciary Committee: 3 Merits.

The following Bills were reported out of the Community Affairs Committee: **SB 614** — 5 Merits; **SS 1** for **SB 523** — 1 Favorable, 4 Merits.

The following legislation was introduced:

SB 650 — “An Act to amend Chapter 3 of Title 18, Delaware Code, relating to the Insurance Department and establishing Branch Offices in Wilmington and Sussex County and further providing a supplementary appropriation therefor.” Sponsor: Senator Elliott. Assigned to Banking, Insurance and Elections Committee.

SB 651 — "An Act to amend Chapter 39 of Title 18, Delaware Code, relating to cancellation or non-renewal of automobile insurance by an Insurance Carrier licensed in this State." Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

SB 652 — "An Act to amend Chapter 39 of Title 18, Delaware Code, relating to rebates on automobile insurance premiums under certain prescribed conditions." Sponsor: Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

SA 1 to HB 188 was introduced by Senator Sharp and placed with the Bill.

SA 8 to HB 936 was introduced by Senator Murphy and placed with the Bill.

At 5:30 p.m. on motion of Senator Isaacs, the Senate adjourned until 1:00 p.m. April 7, 1976.

21ST LEGISLATIVE DAY

The Senate convened at 1:15 p.m., April 7, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by Senator Cordrey.

Pledge of Allegiance to the Flag.

There were only seven Senators present and the Chair declared a recess for lack of a quorum.

At 1:23 p.m. the Senate was reconvened and the roll call revealed 21 Senators PRESENT.

The Journal of the previous day was approved as read.

SCR 70 was introduced by Senator Zimmerman who moved for its adoption:

SCR 70 — "MEMORIALIZING AND URGING THE DELAWARE CONGRESSIONAL DELEGATION TO USE THE INFLUENCE OF THEIR RESPECTIVE OFFICES IN RESTORING THE PORT MAHON LIGHTHOUSE AT THE ENTRANCE OF PORT MAHON RIVER FROM THE DELAWARE BAY."

WHEREAS, the Port Mahon Lighthouse is one of the few lighthouses remaining along the Delaware Bay which remains to date in a state of disrepair; and

WHEREAS, the Port Mahon Lighthouse is located at the entrance of Port Mahon River from the Delaware Bay; and

WHEREAS, the Port Mahon Lighthouse has not been in use for several years; and

WHEREAS, the Port Mahon Lighthouse is an historical landmark and is worthy of restoration during our Bicentennial

anniversary; and

WHEREAS, the restoration of the Port Mahon Lighthouse will be a legacy to remind future generations of Delaware's navigational history.

NOW, THEREFORE:

BE IT RESOLVED by the members of the Senate of the 128th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Delaware Congressional Delegation use the influence of their respective offices in helping to restore the Port Mahon Lighthouse, located at the entrance of Port Mahon River from the Delaware Bay.

BE IT FURTHER RESOLVED that a copy of this Resolution be made a part of the Senate and House Journals and that upon passage the Secretary of the Senate forward copies to the Washington, D.C. offices of each member of the Delaware Congressional Delegation.

* * * * *

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

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Knox, Manning, Murphy, Sharp, Steele, Zimmerman — 15.

ABSENT: Senators Berndt, Hale, Holloway, Martin, McCullough and Schlor — 6.

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

HCR 68 Sponsored by Representatives Sincock, Derrickson and Senator Murphy was introduced and considered for adoption on motion of Senator Murphy:

HCR 68 — "Expressing the gratitude of the 128th General Assembly to Robert A. Short for his outstanding service to this State as Insurance Commissioner."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Sharp, Steele, Zimmerman — 16.

ABSENT: Senators Berndt, Hale, Holloway, Martin and Schlor — 5.

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

SB 577 was taken up for consideration on motion of Senator Cicione:

SB 577 — "An Act to amend Title 10, Title 11, Title 14, and Title 31 of the Delaware Code relating to parents and children;

and providing criteria in certain cases for the definition of Truant Behavior and Truancy.”

The roll call vote on the Bill revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Knox, Murphy, Sharp, Steele, Zimmerman — 14.

NOT VOTING: Senators Manning and McCullough — 2.

ABSENT: Senators Berndt, Hale, Holloway, Martin and Schlor — 5.

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

HB 444 was taken up for consideration on motion of Senator Cicione:

HB 444 — “An Act making a supplementary appropriation to the Family Court to pay wages past due Francine Gritz.”

The roll call vote on the Bill revealed:

YES: Senators Adams, Castle, Cicione, Cook, Cordrey, Elliott, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Berndt, Hale and Schlor — 3.

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

SJR 52 was taken up for consideration on motion of Senator Murphy and Senator Elliott was added as co-sponsor of the Resolution:

SJR 52 — “Requesting the Insurance Commissioner to report to the General Assembly regarding voluntary adoption by insurers of readable policies.”

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

YES: Senators Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Adams, Holloway and Schlor — 3.

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

SB 618 was taken up for consideration on motion of Senator Zimmerman:

SB 618 — “An Act to amend Part III, Chapter 31, Title 15, Delaware Code, relating to the required percentage of votes cast in a Political Convention to become eligible to certify for a

Primary Election.”

The roll call vote on the Bill revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, Schlör, Sharp, Steele, Zimmerman — 12.

NO: Senators Berndt, Castle, Elliott, Hale, Hughes, Isaacs, Knox — 7.

NOT VOTING: Senator Manning — 1.

ABSENT: Senator Murphy — 1.

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

At 2:07 p.m. on motion of Senator Cordrey, the Senate recessed for caucus for half an hour.

The Senate reconvened at 3:17 p.m., President Pro Tempore Isaacs presiding.

Senator Cordrey moved that all rules be suspended for consideration of **HB 936 w SA 1, 5** and the motion prevailed without objection.

HB 936 — “An Act to amend Title 5, Delaware Code, relating to the establishment of the Farmers Bank Commission.

The roll call vote on **HB 936 w SA 1 and 5** was rescinded on motion of Senator Cordrey without objection.

Senator Cordrey moved that the roll call on **SA 1 to HB 936** be rescinded and the roll call vote on the motion was taken and announced:

YES: Senators Berndt, Castle, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Steele — 11.

NO: Senators Adams, Cicione, Cook, McCullough, Murphy, Zimmerman — 6.

NOT VOTING: Senators Schlör and Sharp — 2.

ABSENT: Senators Elliott and Manning — 2.

Therefore, the motion prevailed and the roll call vote on **SA 1 to HB 936** was rescinded.

SA 5 to HB 936 was rescinded on motion of Senator Cordrey without objection.

SA 9 to HB 936 was introduced by Senator Zimmerman and on his motion was considered for adoption. The roll call vote on the Amendment was taken and announced:

YES: Senators Adams, Cicione, Cook, McCullough, Murphy, Zimmerman — 6.

NO: Senators Berndt, Castle, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Schlör,

Sharp, Steele — 14.

NOT VOTING: Senator Elliott — 1.

Therefore, the Amendment was declared lost.

At 3:25 p.m. Lt. Governor Bookhammer presiding.

The roll call vote on **HB 936** was then taken on motion of Senator Cordrey and announced:

YES: Senators Berndt, Castle, Cordrey, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Schlör, Sharp, Steele — 13.

NO: Senators Adams, Cicione, Cook, Elliott, Manning, McCullough, Murphy, Zimmerman — 8.

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

SB 469 was taken up for consideration on motion of Senator Adams:

SB 469 — “An Act to amend Chapters 21 and 29, Title 21, Delaware Code relating to motor vehicles and providing for self-insurance in certain instances.”

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

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator Martin — 1.

Therefore, the Amendment was declared adopted.

At the request of Senator Adams, the privilege of the floor was extended to Hattie W. Tarburton, Motor Vehicle Department, to speak on the Bill.

The roll call vote on **SB 469 w SA 1** was then taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and McCullough — 2.

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

On motion of Senator Zimmerman and without objection all rules were suspended for reconsideration of **SB 624** which had passed the Senate and as now amended by **HA 1**.

SB 624 w HA 1 — “An Act to permit the Capital School

District to transfer certain Funds from its Debt Service Account to its Capital Improvement Account."

Therefore, the roll call vote on **SB 624 w HA 1** was taken and announced:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, Holloway, McCullough and Schlor — 4.

Therefore, the Bill (as so amended) was declared passed by the Senate.

SB 606 was taken up for consideration on motion of Senator Adams:

SB 606 — "An Act to amend Chapter 27, Title 21 of the Delaware Code, relating to drivers licenses."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Cicione, Holloway and Schlor — 3.

Therefore, the Bill passed the Senate and was ordered to the House.

HB 417 was taken up for consideration on motion of Senator Murphy:

HB 417 — "An Act to amend Chapter 31, Title 15, Delaware Code, relating to filing fees in primary elections and providing for filing of petitions by indigent candidates."

The roll call vote on the Bill was taken but before it was announced, Senator Murphy moved that it be tabled. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Elliott, Isaacs, Kearns, Martin, McCullough, Murphy, Sharp, Zimmerman — 11.

NO: Senators Berndt, Castle, Hale, Hughes, Knox, Manning, Steele — 7.

ABSENT: Senators Cicione, Holloway and Schlor — 3.

Therefore, the motion prevailed and the roll call on **HB 417** was tabled.

SB 613 was taken up for consideration on motion of Senator McCullough:

SB 613 — "An Act to amend §9801 (1) (A) Chapter 98, Title 10 of the Delaware Code, relating to the establishment of a new rate."

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

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Kearns, Knox, Manning, Martin, McCullough, Schlör, Sharp, Steele — 16.

NO: Senator Hughes — 1.

ABSENT: Senators Cicione, Isaacs, Murphy, Zimmerman — 4.

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

SB 543 was taken up for consideration on motion of Senator Elliott:

SB 543 — “An Act to amend Chapter 21, Title 29, Delaware Code, relating to Senate and public notification of Gubernatorial Appointments.”

The roll call vote on the Bill was taken and before it was announced, Senator Elliott moved that it be tabled. The roll call vote on the motion revealed:

YES: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Knox, Manning, Steele — 9.

NO: Senators Adams, Cook, Cordrey, Kearns, Martin, McCullough, Murphy, Schlör, Sharp, Zimmerman — 10.

ABSENT: Senators Cicione and Isaacs — 2.

Therefore, the motion was defeated and the roll call vote on **SB 543** was announced:

YES: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Knox, Manning, Steele — 9.

NO: Senators Adams, Cook, Cordrey, Kearns, Martin, McCullough, Murphy, Schlör — 8.

ABSENT: Senators Cicione, Isaacs, Sharp and Zimmerman — 4.

Therefore, the Bill was declared defeated.

SR 143 (Sponsored by Senators Isaacs and Cordrey) was introduced and considered for adoption on motion of Senator Cordrey:

SR 143 — “To debit Senate Travel Account for legislators’ mileage of the present session of the 128th General Assembly.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 19.

ABSENT: Senators Cicione and Isaacs — 2.

Therefore, the Resolution was declared adopted.

SR 144 (Sponsored by Senators Isaacs and Cordrey) was introduced and considered for adoption on motion of Senator Cordrey:

SR 144 — "Authorizing payments for services rendered by the Staff of the Senate for the 128th General Assembly."

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Castle, Cook, Cordrey, Elliott, Hale, Hughes, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 17.

ABSENT: Senators Cicione, Holloway, Isaacs and Kearns — 4.

Therefore, the Resolution was declared adopted.

At 4:42 p.m. on motion of Senator Cordrey, the Senate recessed until April 8 at 1:30 p.m.

The Senate reconvened at 1:50 p.m. April 8, 1976, President Pro Tempore Isaacs presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY

The Senate convened at 1:50 p.m. April 8, 1976, President Pro Tempore Isaacs presiding.

A Prayer was offered by the Chaplain, Rev. Robert L. Sauls.

Pledge of Allegiance to the Flag.

By roll call, there were 21 Senators **PRESENT**.

The Journal of the 21st Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 576** and **SCR 70**.

SB 630 was reported out of the Revenue and Taxation Committee: 1 Favorable, 4 Merits.

SB 578 was reported out of the Banking, Insurance and Elections Committee: 2 Favorable, 3 Merits.

HB 422 w HA 1, 2 was reported out of the Highways and Transportation Committee: 6 Merits.

HB 188 w HA 1, 2, 3, 4, 5, 6 was reported out of the Labor Committee: 2 Favorable, 2 Merits.

SJR 55 (Sponsored by Senator Sharp) was introduced and laid on the table on motion of the Senator:

SJR 55 — "Directing the Division of Highways of the Department of Highways and Transportation to immediately begin the initial planning and engineering stages for the construction of the Newport Water Tower."

The following legislation was introduced:

SB 653 — “An Act to amend Title 6, Chapter 23 relating to interest on amounts escrowed by mortgage lenders for payment of mortgage borrowers’ taxes.” Sponsor: Senator Hale. Assigned to Judiciary Committee.

SB 654 — “An Act to amend Part VIII, Subchapter I, Chapter 79, Title 29, Delaware Code, relating to the qualifications of the Director of Mental Health and Mental Retardation.” Sponsors: Senators Elliott and Holloway. Assigned to Health and Social Services Committee.

SB 655 — “An Act making a supplementary appropriation to the Sussex County Mental Hygiene Clinic of the Department of Health and Social Services for the purpose of employing additional professional staff.” Sponsors: Senators Elliott and Holloway. Assigned to Finance Committee.

SS 1 for SB 631 — “An Act to amend Chapter 1, Title 7 of the Delaware Code, relating to the protection of wildlife.” Sponsor: Senator Isaacs. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to SB 616 was introduced by Senator Elliott and placed with the Bill.

SA 2 to SB 557 was introduced by Senator Hughes and placed with the Bill.

SA 4 to SS 1 for SB 256 was introduced by Senator Adams and placed with the Bill.

SA 5 to SS 1 for SB 256 (sponsored by Senators Adams and Elliott) was introduced and placed with the Bill.

SA 6, SA 7, SA 8, SA 9 to SS 1 for SB 256 were introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 593 introduced by Senator Adams and placed with the Bill.

The following House legislation was introduced:

HB 784 w HA 1 — “An Act to authorize and direct the transfer of the property formerly used by the Department of Public Safety as an Inspection Lane in Georgetown to Sussex County.” Sponsors: All Representatives and Senators from Sussex County. Assigned to Administrative Services Committee.

HB 869 — “An Act to amend Chapter 55, Title 30, Delaware Code, relating to Public Utility Taxes, and Chapter 43, Delaware Code, relating to use tax on leases of tangible personal property, to change the due dates for filing returns.” sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

HB 871 — “An Act to amend Chapter 23, Part III, Title 30 of the Delaware Code relating to Occupational Taxes and Fees, and levying a Gross Receipts Tax on Massage Parlors.” Sponsor: Representative Maxwell. Assigned to Revenue and Taxation Committee.

HCR 69 (Sponsored by Representatives McGinnis, Jonkiert, Harrington; Senators Isaacs, Cordrey and Kearns) was introduced and on motion of Senator Cordrey considered for adoption by the Senate:

HCR 69 — “Welcoming Caron Carter, daughter-in-law to Presidential Candidate Jimmy Carter, to the First State.”

The roll call vote on the Resolution revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, McCullough, Murphy, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senator Isaacs — 1.

ABSENT: Senators Castle and Schlör — 2.

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

SB 656 — “An Act to amend Chapter 9, Title 5 of the Delaware Code relating to the Farmers Bank Commission.” Sponsors: Senators Zimmerman, Murphy and Cook. Assigned to Banking, Insurance and Elections Committee.

At the request of Senator Holloway, the privilege of the floor was extended to Dr. Martz and Don Croson of the D.I.M.E.R. Program to make a presentation to the Senate of the purpose and progress of the Program.

At 3:32 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 3:47 p.m. President Pro Tempore Isaacs presiding.

On motion of Senator Isaacs, **SB 391** was lifted from the table for consideration.

Senator Knox introduced **SA 6** to the Bill and requested the privilege of the floor for Paul Crawford of Common Cause of Delaware to speak on the Amendment. The roll call vote on the Amendment was then taken on motion of Senator Knox and announced:

YES: Senators Castle, Hale, Holloway and Knox — 4.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Hughes, Isaacs, Kearns, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 16.

ABSENT: Senator McCullough — 1.

Therefore, the Amendment was declared lost.

Senator Knox introduced **SA 7, SA 8, SA 9** and **SA 10** to the Bill and on his motion the Amendments were laid on the table.

On motion of Senator Isaacs, the roll call vote on **SB 391** was then taken and revealed:

YES: Senators Adams, Cicione, Cook, Isaacs, Sharp, Steele — 6.

NO: Senators Berndt, Castle, Cordrey, Elliott, Hale, Holloway, Hughes, Kearns, Knox, Manning, Martin, Murphy, Schlör, Zimmerman — 14.

ABSENT: Senator McCullough — 1.

Therefore, the Bill was declared lost.

SB 607 was taken up for consideration on motion of Senator Isaacs:

SB 607 — “An Act to amend Title 29 Delaware Code, relating to the establishment of a Freedom of Information Act.”

The roll call vote on the Bill revealed:

YES: Senators Cicione, Isaacs, Schlör and Sharp — 4.

NO: Senators Berndt, Castle, Cook, Cordrey, Hale, Kearns, Knox, Manning, Martin, Murphy, Steele, Zimmerman — 12.

NOT VOTING: Senators Adams, Elliott, Holloway, Hughes — 4.

ABSENT: Senator McCullough — 1.

Therefore, the Bill was declared lost.

SS 1 for **SB 256** was taken up for consideration on motion of Senator Holloway:

SS 1 for **SB 256** — “An Act to amend Title 29 of the Delaware Code by adding a new Part relating to Freedom of Information and requiring that meetings of public bodies and records of public bodies be open to personal inspection by any citizen of the State of Delaware.”

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

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Adams. The name of Senator Berndt was added as co-sponsor. The roll call vote on the Amendment was then taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Sharp, Steele, Zimmerman — 18.

ABSENT: Senators Manning, McCullough and Schlör — 3.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Martin, Murphy, Schlör, Sharp, Steele — 18.

NOT VOTING: Senator McCullough — 1.

ABSENT: Senators Manning and Zimmerman — 2.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed:

YES: Senators Adams, Cicone, Cook, Cordrey, Holloway, Isaacs, Kearns, Martin, Murphy, Schlör, Sharp, Steele — 12.

NO: Senators Castle, Elliott, Hale, Hughes, Knox — 5.

NOT VOTING: Senators Berndt and McCullough — 2.

ABSENT: Senators Manning and Zimmerman — 2.

Therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Adams but before action was taken on the Amendment, the Senate recessed for 15 minutes on motion of Senator Adams at 4:50 p.m.

The Senate reconvened at 5:18 p.m. President Pro Tempore Isaacs presiding.

SA 5 to **SS 1** for **SB 256** which was taken up before the recess was laid on the table on motion of Senator Adams.

SA 6 and **SA 7** to the Bill which had been placed with the Bill were laid on the table on motion of Senator Holloway.

SA 8 and **SA 9** to the Bill were stricken on motion of Senator Holloway.

Senator Hughes introduced **SA 10** to the Bill and moved for its adoption.

Senator Holloway requested the floor for Mr. Paul E. Crawford.

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

YES: Senators Adams, Berndt, Castle, Cicone, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele — 19.

ABSENT: Senators McCullough and Zimmerman — 2.

Therefore, the Amendment was declared adopted.

At 5:23 p.m. Lt. Governor Bookhammer presiding.

SA 11 to the Bill was introduced by Senator Holloway and on his motion was immediately stricken.

Senator Castle requested the floor for Mr. Paul E. Crawford.

SA 12 to the Bill was introduced by Senator Adams and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Elliott, Holloway, Isaacs, Kearns, Knox, Manning, Martin, McCullough, Murphy, Schlör, Sharp, Steele, Zimmerman — 18.

NOT VOTING: Senators Castle, Hale and Hughes — 3.

Therefore, the Amendment was declared adopted.

SA 13 to the Bill was introduced by Senator Holloway and considered for adoption.

The roll call vote on the Amendment revealed 21 Senators voting **YES**.

Therefore, the Amendment was declared adopted.

Senator Cicione introduced **SA 14** to the Bill and moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, McCullough, Murphy, Schlör, Sharp, Zimmerman — 11.

NO: Senators Manning and Steele — 2.

NOT VOTING: Senators Berndt, Castle, Elliott, Hale, Holloway, Hughes, Knox, Martin — 8.

Therefore, the Amendment was declared adopted.

SA 15 to the Bill was taken up for consideration on motion of Senator Holloway and on his motion was immediately stricken.

SA 16 to the Bill was introduced by Senator Holloway and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Berndt, Castle, Cicione, Cook, Cordrey, Elliott, Hale, Holloway, Hughes, Isaacs, Kearns, Knox, Manning, Martin, Murphy, Schlör, Sharp, Steele, Zimmerman — 20.

ABSENT: Senator McCullough — 1.

Therefore, the Amendment was declared adopted.

SA 6 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway. The

roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Isaacs, Kearns, Manning, Martin, McCullough, Murphy, Schlor, Sharp, Steele, Zimmerman — 14.

NO: Senators Castle and Hale — 2.

NOT VOTING: Senators Berndt, Elliott, Holloway, Hughes, Knox — 5.

Therefore, the Amendment was declared adopted.

Senator Holloway requested the floor for Mr. Paul E. Crawford.

Senator Zimmerman requested the sponsor to table the Bill and have the Senate Amendments engrossed into the Bill and then introduce a new Bill.

Senator McCullough requested someone to tell him where Common Cause gets their money.

Senator Manning requested the floor for Mr. Robert D. Stoddard, Jr.

Senator Holloway moved that SS 1 for SB 256 (as amended) be tabled and the roll call vote on the motion was taken and revealed:

YES: Senators Adams, Castle, Cook, Holloway, Isaacs, Kearns, Steele, Zimmerman — 8.

NO: Senators Berndt, Cicione, Cordrey, Elliott, Hale, Hughes, Knox, Manning, Martin, McCullough, Murphy, Schlor, Sharp — 13.

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

At the request of Senator Hughes, the three following articles are included in this Journal:

March 29, 1976

Response to: **The Arrogant Moralism of Common Cause**, by Representative John Ashbrook (R-Ohio), **Human Events**, March 6, 1976, and: **Common Cause: Radical Chic for the Masses?**, compiled and published by the Church League of America, 422 North Prospect Street, Wheaton, Illinois 60187

By: Nancy Rogers, National Governing Board member, COMMON CAUSE

These articles stress the "liberal Democrat" character of Common Cause, although repeatedly naming Common Cause activists who do represent the Republican and Democratic parties, business and labor, as well as minorities. The articles also stress the "ultra left-wing" aspects of the Ford Foundation

and its support of the Urban Coalition, from which Common Cause grew, Common Cause itself, and organizations and individuals affiliated with Common Cause-type issues.

To be sure, the Ford Foundation, Common Cause and the Urban Coalition have supported some minority causes. Our system under our Constitution espouses "liberty and justice for all" and "is dedicated to the proposition that all men are created equal". The articles would have us believe that any egalitarian aim has communist overtones. This view would, I believe, stem from a very limited definition of democracy, a "survival of the fittest" concept or "license" rather than responsible freedom.

An important goal of Common Cause is to help eliminate government waste and over-bureaucratization wherever it exists. These goals are overlooked by Representative Ashbrook and the Church League of America. Both think that Common Cause promotes big government bordering on socialism. Nothing could be further from the truth. Common Cause is a staunch supporter of the taxpayers' rights to accountable and accessible representation in government, and has repeatedly uncovered wasteful government spending, unnecessary bureaucracy, and conflicts of interest which have cost the taxpayers millions.

Representative Ashbrook complained that his friend Representative Robert Sikes (D-Fla) had been unfairly criticized by Common Cause. Representative Sikes chairs the House Appropriations Committee's Subcommittee on Military Construction. The St. Petersburg (Fla.) Times has reported that in 1973 Sikes voted for a \$138 million Air Force contract to Fairchild Industries, a Maryland-based defense contractor, while owning substantial stock in the contracting firm. Sikes made no mention of his stock in Fairchild in filing his required 1973 financial reports although it was above the \$5,000 reporting minimum. This is a clear violation of House Rule 8 which prohibits members of Congress from voting on matters in which they have a "personal or pecuniary interest".

The Ashbrook article appears to be carefully researched from a conservative standpoint. I found it very enlightening and helpful in the sense that Representative Ashbrook improved my understanding of important "conservative" viewpoints on many crucial issues. His article and the Church League article are, I believe, as totally "conservative" as they think Common Cause and The Urban Coalition are "liberal". I

put these words in quotes since they are so loosely used nowadays they have really lost their original meanings.

I see an unnecessary polarization between these "conservatives" and "liberals". We agree that the problems we face as a nation desperately need solutions. Most of these problems could be solved most effectively by bringing to bear upon them ideals held dear by both "conservatives" and "liberals". There is no reason why, for example, the elimination of severe poverty and hopelessness needs to be accomplished at the expense of free enterprise as long as both government and business operate responsibly. This is the reason Common Cause seeks members and directors who represent all facets of American life. It is true that CC has difficulty attracting some elements of our society, particularly the poor and minorities whose opportunities we would like to see improved. Having served on the nominating committee for Common Cause 1976 new Board membership I can report that we tried very hard indeed to accomplish broad geographic, professional, political, sexual, and ethnic representation. Common Cause members believe in the democratic process. We want it to work.

The Ashbrook and Church League articles fail to describe most of the major work of Common Cause such as its Open Up the System (OUTS) core: campaign finance reform, conflict of interest correction, the need for lobbying and financial disclosure. It mentions only one legislative reform issue, CC's opposition to the seniority system in Congress, and then only superficially, assuming an anti-conservative motive.

The Church League of America article may be partially excused for its lack of insight since it is a pre-Watergate document. John Gardner may have been unique in his ability to foresee the shocking revelations of the Watergate era. It is the opinion of this writer, a current Republican member of the National Governing Board of Common Cause, that we owe him a debt of gratitude for supplying the tools, through the organization of Common Cause, for repairing and rebuilding our treasured democratic process. We agree with Mr. Gardner's statement: "Nations decay. Only their citizens, critical and loving, can bring them back to life."

Let us hope that American citizens can learn from mistakes, put aside biases, and strive to bring our unique multi-faceted talents together to become the great nation our forefathers envisioned.

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