

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape.

Representative Gordy introduced and brought HCR 89, co-sponsored by Representative West; Senators Cordrey & Littleton, before the House for consideration.

HCR 89 - Joining in the Congratulations to Joe Ben Hudson, of Mission, Sussex County, as He Observes His 106th Birthday on January 26, 1980.

HCR 89 was adopted by voice vote and sent to the Senate for concurrence.

Representative Connor introduced and brought HCR 90, co-sponsored by Representatives Van Sciver, Maroney, McBride, Sincock & Senator Weiss, before the House for consideration.

HCR 90 - Congratulating Regina Ciritella, a Student at St. Elizabeth's High School, on Winning the 1979-80 "Voice of Democracy" Contest Sponsored by the Veterans of Foreign Wars.

WHEREAS, the Veterans of Foreign Wars of the United States, its Ladies Auxiliary, and cooperating National and State Associations of Broadcasters offer every high school in the country an opportunity to involve its students in the "Voice of Democracy" National Broadcast Scriptwriting Scholarship Program; and

WHEREAS, this year's theme, "My Role in America's Future," focuses the attention of youth on their role as the leaders of tomorrow, and how their guidance will preserve democracy as a way of life in our Republic; and

WHEREAS, this is the 33rd annual "Voice of Democracy" scholarship program, which is the largest program of its type in the United States, involving winners from the fifty states along with a winner from Washington, D.C., one from Panama and one from the general Pacific area; and

WHEREAS, the last weekend in February is set aside for the selection of the national winner, which is coordinated with the Conference of National Officers of the Veterans of Foreign Wars and their State Commanders, in Washington, D.C.; and

WHEREAS, the winner will personally give his or her speech on the 1st Tuesday in March at a Congressional banquet in Washington, D.C. at which the President of the United States is expected to be in attendance; and

WHEREAS, Delaware's "Voice of Democracy" winner, Miss Regina Ciritella, from St. Elizabeth's High School, was recently selected on Sunday, January 13, 1980, from a list of four semi-finalists representing the City of Wilmington, New Castle County, Kent County and Sussex County; and

WHEREAS, the Delaware "Voice of Democracy" contest chairman Mr. Thomas B. Nolan; assistant chairman Don Addor; Ladies Auxiliary chairperson Veronica Carney; along with the district chairman, Service Officer for the Veterans Administration in Delaware, Mr. Elmer Saxton; and state officers are to be congratulated for the fine job they did in organizing and carrying out the contest in the State of Delaware.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 130th General Assembly of the State of Delaware, the Senate concurring therein, that congratulations are hereby extended to Miss Regina Ciritella for being the First Place Winner in Delaware's "Voice of Democracy" contest.

BE IT FURTHER RESOLVED that the Governor and the General Assembly of the State of Delaware wish her the very best of luck in her pursuit of the 1979-80 national "Voice of Democracy" scholarship award.

Representative Connor requested and was granted the privilege of the floor for Regina Ciritella.

Miss Ciritella read the following award-winning speech before the House:

My View on Involvement

My personal experience in the United States is so minimal that at first it didn't seem as if there were that much I myself could do to affect its future. This country has always fascinated me because of its large size. There are so many different people here, and yet this country functions as a whole. When people study history, most of what they learn is taught in a general view. There are a few people who are studied individually because of the effect their lives had on the people they were involved with. People like George Washington, Abraham Lincoln, Susan B. Anthony, or Martin Luther King. I never looked at myself as being able to influence my country in such a grand style as they did. But now I realize that isn't fair to say, about me or anyone.

I believe the education I've had in this country has formulated my present attitude. That attitude is that every single person in this country affects the future of us all in some way. And that includes me.

I asked myself the question, "What are my responsibilities as a citizen growing up in America?" It occurred to me that there are two that stand out as very important. These two responsibilities are so closely related that it's very difficult to see any difference between them. They both are vital to each other, they are a team. The first cannot work without the second, and the second doesn't exist without the first.

My first responsibility is to get an education. I have a responsibility to learn all about the things I am or may come in contact with. Besides studying such topics as physics, English, and sociology (to name a few) it's important to study this country: to study America's history, its people, and its makings. My second responsibility involves what I do with this knowledge. I must do something with what I've learned. It seems that the one word that is most important in carrying out my responsibilities, is the one word that turns most people away. The word is INVOLVEMENT. I must involve myself in the things I've studied. It's my second responsibility. It's my choice. And when I choose to become involved, I choose to affect the future.

There are many young people who involve themselves outside of the classroom with people who share their ideals. There are students involved with groups against nuclear power, and in groups for nuclear power. There are young people who express beliefs about such issues as discrimination, drugs, and abortion. There are students involved in groups for women's rights, and students involved in bettering their neighborhoods and their environment.

In addition to these groups that young people give their time freely to, some jobs may allow young people to contribute to and understand more fully their role in America's future.

For example, in many of our cities students can find jobs as errand runners for various law firms. They run messages, affidavits, and other materials to other law firms and to the different courts. They have a first hand look at how this country's judicial system works, and at the same time are learning the practical value of the dollar.

Another example of how a job can show a young person's integrity is counseling at a summer camp. In this situation young people spend time asserting their leadership qualities, giving example to younger children, and developing a sense of worth at having accomplished something good. These young people have the responsibility of controlling the children they are in charge of. Probably the best part of this job is the chance to share, the chance to share talents and imagination. And sharing is involvement.

Through these issues and jobs it is possible for me and others to take a stand, and through them I can have a role in America's future. Therefore I am on my way to fulfilling my two responsibilities.

People can study, think, and talk all they like. But if no one gets involved, then it doesn't mean a thing.

Submitted by: Regina Ciritella
St. Elizabeth High School
Wilmington, Delaware

HCR 90 was adopted by voice vote and sent to the Senate for concurrence.

Representative Connor introduced and brought HCR 91, co-sponsored by Representatives Sincock & McBride in behalf of All Members of the House of Representatives and the Senate, before the House for consideration.

HCR 91 - Welcoming Howard E. Vander Clute, Jr., National Commander-in-Chief of the Veterans of Foreign Wars, to Delaware and to the Regular Session of the 130th General Assembly.

WHEREAS, the State of Delaware is honored today with a visit by Howard E. Vander Clute, Jr., National Commander-in-Chief of the Veterans of Foreign Wars; and

WHEREAS, Commander-in-Chief Vander Clute is attending today's session of the 130th General Assembly as a part of his official visit to the First State; and

WHEREAS, the role of the Veterans of Foreign Wars in our national history is continually significant as this organization seeks to serve our veterans who have fought outside their country and helps to keep us alert to potential danger; and

WHEREAS, we appreciate the presence today at our meeting of Commander-in-Chief Vander Clute and, speaking for all of the people of Delaware, we invite him to return at his convenience.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 130th General Assembly, the Senate concurring, that we welcome Howard E. Vander Clute, National Commander-in-Chief of the Veterans of Foreign Wars, to Delaware and to today's regular session of the 130th General Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Commander-in-Chief Vander Clute.

Representative Connor requested and was granted the privilege of the floor for Howard E. Vander Clute, Jr., Commander-in-Chief of the Veterans of Foreign Wars.

HCR 91 was adopted by voice vote and sent to the Senate for concurrence.

Representative Ambrosino introduced and brought HR 137 before the House for consideration.

HR 137 - Providing for the Payment of Mileage Reimbursement to Members of the House of Representatives of the 130th General Assembly.

The roll call on HR 137 was taken and revealed:

YES: Representatives Ambrosino, Connor, Darling, George, Gordy, Holloway, Maxwell, McBride, Morris, Petrilli, Plant, Powell, Roy, Sincock, West - 15.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Fallon, Free, Gilligan, Harrington, Loughney, Maroney, McKay, Minner, Neal, Oberle, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 22.

NOT VOTING: Representatives Hebner, Jonkiert - 2.

ABSENT: Representatives Ferguson, Matushefske - 2.

Therefore, not having received a constitutional majority, HR 137 was declared defeated.

Representative George requested that HB 250 be stricken.

Representative McKay requested that HB 144 be stricken.

Representative Van Sciver introduced and brought HR 138, co-sponsored by Representative McBride, before the House for consideration.

HR 138 - Requesting that the School Closing Committee of the New Castle County School District Recommend that Krebs Elementary and Junior High Schools Remain Open.

Representative McBride moved to place HR 138 on the Speaker's table. The motion was properly seconded and defeated by voice vote.

The roll call on HR 138 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, Burris, Cain, Cathcart, Connor, George, Gilligan, Harrington, Hebner, Holloway, Maxwell, McBride, Oberle, Petrilli, Powell, Roy, Sincock, Van Sciver, Vernon - 21.

NO: Representatives Darling, Free, Jonkiert, Loughney, Maroney, McKay, Neal, Plant, Smith, West - 10.

NOT VOTING: Representatives Bennett, W. Brady, Clendaniel, Fallon, Gordy, Minner, Morris, Mr. Speaker Riddagh - 8.

ABSENT: Representatives Ferguson, Matushefske - 2.

Therefore, having received a constitutional majority, HR 138 was adopted.

Representative Burris moved to recess for caucus at 4:00 p.m.

The House reconvened at 5:19 p.m.

Representative Cathcart introduced HB 667, co-sponsored by Representatives Free, Oberle, Van Sciver, Powell, Petrilli, Maroney, W. Brady, Anderson, Holloway, George, Plant, Cain, Bennett; Senators Knox, Arnold, Hale, Hughes, Cicione, Kearns, Holloway & Marshall.

HB 667 - An Act Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of the Delaware Energy Crisis Assistance Program.

Mr. Speaker assigned HB 667 to the Revenue & Finance Committee.

Representative Roy introduced and brought HCR 92, co-sponsored by Senator Martin, before the House for consideration.

HCR 92 - Commending the Division of Highways, Department of Transportation, for the Completion of Phase I of "Operation Overhaul".

HCR 92 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker re-assigned HB 73 & HB 75 to the Revenue & Finance Committee.

Mr. Speaker re-assigned HB 265 to the Administrative Services & Energy Committee.

Mr. Speaker announced the following changes in the Committee assignments:

Representative W. Brady and Representative Oberle - Agriculture Committee.

Representative Harrington and Representative Vernon - Appropriations Committee.

Representative West introduced HB 668.

HB 668 - An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Exemptions.

Mr. Speaker assigned HB 668 to the Revenue & Finance Committee.

Representative Jonkiert moved to suspend all rules which interfere with introduction of and action on SB 382.

Representative Burris moved to recess to the call of the Chair at 5:27 p.m.

6th LEGISLATIVE DAY
Second Session

January 17, 1980

The Speaker called the House to order at 2:17 p.m.

Representative Jonkiert withdrew his motion to suspend all rules.

Representative W. Brady moved to suspend the rules which interfere with introduction of and action on HB 674. The motion was properly seconded and adopted by voice vote.

Representative W. Brady introduced and brought HB 674, co-sponsored by Representative Sincock; Senators Spence & Martin, before the House for consideration.

HB 674 - An Act to Amend Volume 62, Laws of Delaware, Chapter 146 in Relation to the Bond Authorization for the Appoquinimink School District. (3/4 bill)

The roll call on HB 674 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives T. Brady, Ferguson, Holloway, Jonkiert, Minner - 5.

Therefore, having received a constitutional majority of at least three-fourths members of the House, HB 674 was sent to the Senate for concurrence.

Representative Gilligan brought HB 361, co-sponsored by Representatives Burris & Maxwell, before the House for consideration.

HB 361 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Penalty for Late Filed Withholding Tax Returns.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Weston E. Nellius, Secretary, Department of Finance.

The roll call on HB 361 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 35.

NO: Representatives Ambrosino, Matushefske, Plant - 3.

ABSENT: Representatives Ferguson, Holloway, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 361 was sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 2:31 p.m., thereby ending the previous legislative day. The House reconvened at 2:32 p.m. A prayer was offered by Representative Hebner, Ninth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ferguson - 1.

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

The following prefiled legislation was introduced:

HB 669 -T. BRADY, SENATOR MC DOWELL - GRANTS-IN-AID: An Act to Amend Chapter 88, Volume 62 of the Delaware Laws, Making a Supplementary Appropriation for a Certain Grant-in-Aid. (3/4 bill)

HB 670 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Chapter 71, Title 29 of the Delaware Code, Relating to Mileage Reimbursement.

HB 671 - MAXWELL, MC BRIDE; SENATOR CICIONE - REVENUE & FINANCE: An Act to Amend Chapter 51, Part IV, Title 30 of the Delaware Code Relating to the Motor Fuel Tax; and Exempting Gasohol Sales from Such Tax.

HB 672 - AMBROSINO - HEALTH & SOCIAL SERVICES: An Act Directing the Department of Health and Social Services to Adopt the Federal "Medically Needy" Program; and Providing a Supplementary Appropriation to be Utilized in Matching the Required Federal Funding.

HB 673 - AMBROSINO, POWELL, SMITH, OBERLE, CATHCART, VAN SCIVER, LOUGHNEY, BENNETT, ANDERSON - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for Prohibitions Against the Possession, Manufacture or Delivery of Drug Paraphernalia.

HS 1 for HB 376 - BENNETT - BANKING & INSURANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, to Exempt From Realty Transfer Tax Transfers in Connection With, or in Lieu of, the Foreclosure of Certain Mortgages.

HA 1 to HB 661 - MAXWELL - ADMINISTRATIVE SERVICES & ENERGY: Placed with the bill.

HA 1 to HB 663 - GORDY - APPROPRIATIONS: Placed with the bill.

HA 2 to HB 663 - GEORGE - APPROPRIATIONS: Placed with the bill.

HA 3 to HB 663 - MAXWELL - APPROPRIATIONS: Placed with the bill.

HA 4 to HB 663 - CAIN, MAXWELL - APPROPRIATIONS: Placed with the bill.

HA 5 to HB 663 - CAIN, MAXWELL - APPROPRIATIONS: Placed with the bill.

SB 326 w/SA 2 - HOLLOWAY, MARSHALL, KNOX, HALE, BERNDT; REPRESENTATIVES MINNER, BURRIS, PLANT, OBERLE - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 40, Title 31, Delaware Code, by Increasing the Amount of Bonds and Notes the Delaware State Housing Authority Can Issue.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 326 w/SA 2, HCR 89, HCR 90, HCR 91.

Representative Cain introduced and brought HR 139, co-sponsored by Representatives Anderson, McBride & Neal, before the House for consideration.

HR 139 - Requesting that the School Closing Committee of the New Castle County School District Recommend That West Park Place Elementary School Remain Open.

Representative Smith moved to place HR 139 on the Speaker's table. The motion was seconded by Representative Hebner.

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

The roll call on the motion was taken and revealed:

YES: Representatives Free, Maroney, McKay, and Smith - 4.

NO: Representatives Ambrosino, Anderson, Bennett, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Jonkiert, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 30.

NOT VOTING: Representatives Hebner, Loughney - 2.

ABSENT: Representatives T. Brady, W. Brady, Ferguson, Holloway, Plant - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated and HR 139 remained before the House.

Representative Connor moved that HR 139 be assigned to the Education Committee. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Harrington, Hebner, Jonkiert, Maroney, McKay, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, Mr. Speaker Riddagh - 19.

NO: Representatives Anderson, Bennett, Cain, Clendaniel, Darling, Free, George, Gilligan, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Plant, West - 18.

ABSENT: Representatives W. Brady, Ferguson, Gordy, and Holloway - 4.

Therefore, not having received a constitutional majority, the motion was declared defeated and HR 139 remained before the House.

The roll call on HR 139 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Cain, Clendaniel, George, Gilligan, Gordy, Harrington, Holloway, Matushefske, Maxwell, McBride, Morris, Neal, Oberle, Petrilli, Plant, Van Sciver, West - 20.

NO: Representatives Darling, Free, Hebner, Jonkiert, Loughney, Maroney, McKay, Roy, Smith, Vernon, Mr. Speaker Riddagh - 11.

NOT VOTING: Representatives Ambrosino, T. Brady, W. Brady, Cathcart, Connor, Fallon, Minner, Powell, Sincock - 9.

ABSENT: Representative Ferguson - 1.

Therefore, not having received a constitutional majority, HR 139 was declared defeated.

Representative West introduced and brought HR 140, co-sponsored by Representative Gordy & All Kent & Sussex County Legislators, before the House for consideration.

HR 140 - Extending Our Best Wishes to Our Colleague, Representative Ruth Ann Minner, on Her ___th Birthday.

WHEREAS, information made available privately to members of the House of Representatives of the 130th General Assembly of Delaware disclosed that Representative Ruth Ann Minner, the Great Lady of the 33rd District, is ___ years old today; and

WHEREAS, the Honorable Ruth Ann Minner is a favorite with people on both sides of the aisle because she is always so well prepared and, besides, she can always summon a truck if we need one; and

WHEREAS, Ruth Ann Minner is also helpful because she knows all about weather moderation and can make it rain or shine just by putting in an order to Heigh Ho Silver Iodide, or even Charles West or, if things get tough, Howard Clendaniel; and

WHEREAS, with so much knowledge at her fingertips and with her long experience as the Whip Lady, Ruth Ann Minner comes across very big; and

WHEREAS, Ruth Ann Minner wishes this resolution would stop right here so her friends could start standing up and offering their congratulations, especially Representative Burris, Representative Gordy and Representative Sincock.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 130th General Assembly of the Weather Moderation State that we extend our best wishes to our colleague, Representative Ruth Ann Minner, on her ___th birthday.

BE IT FURTHER RESOLVED that the Speaker of the House be requested to present this resolution to Ruth Ann in behalf of all of us.

HR 140 was adopted by voice vote.

Representative Cathcart introduced and brought SCR 47, sponsored by Senator Hughes, before the House for consideration.

SCR 47 - Commending the Two Brave Citizens Who Went to the Aid of a State Trooper on November 25, 1979.

SCR 47 was adopted by voice vote and returned to the Senate.

Representative George announced that Representative Sincock had been elected Chairman of the Joint Finance Committee.

Representative Burris introduced and brought HCR 93, co-sponsored by Representatives Sincock & Gordy, before the House for consideration.

HCR 93 - Expressing the Sympathy of the Members of the 130th General Assembly to Former Representative Lewis B. Harrington Whose Mother, Emma Minner, Aged 91, Died on January 15, 1980.

HCR 93 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess for Committee meetings and caucus at 4:15 p.m.

The House reconvened at 5:55 p.m.

Representative George introduced and brought HR 141 before the House for consideration.

HR 141 - Commending Wilmington Police Officer Kevin P. Quinn Upon His Selection as Patrolman of the Year.

HR 141 was adopted by voice vote.

Representative Neal introduced HB 675, co-sponsored by Representatives Hebner, Burris, Cathcart, Free, Roy, Oberle, Van Sciver, Smith, Sincok, Connor, Maroney, Senators Knox, Arnold, Littleton, Hale, Hughes, Weiss, Spence & Berndt.

HB 675 - An Act to Amend Chapter 94, Title 29, of the Delaware Code, Relating to the Delaware Energy Office, to Provide Financial Assistance to Families in the Purchase of Weatherizing Materials for Their Homes and Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of Such a Program.

Mr. Speaker assigned HB 675 to the Appropriations Committee.

Representative Neal introduced HA 6 to HB 663, co-sponsored by Representative Free. HA 6 was placed with the bill.

Representative Free introduced HA 7 to HB 663, co-sponsored by Representative Neal. HA 7 was placed with the bill.

Representative T. Brady introduced HB 676, co-sponsored by Representatives Ambrosino, Vernon, Petrilli, McBride, Maroney, Gilligan, Matushefske, Loughney, Free & Senator McDowell.

HB 676 - An Act to Amend Chapter 86, Title 29 of the Delaware Code and Creating a Jobs Preservation Commission and Further Providing for a Supplemental Appropriation. (3/4 bill)

Mr. Speaker assigned HB 676 to the Appropriations Committee.

The Chief Clerk read the following Committee Reports into the record:

Education: HS 1 for HB 443 - 3F, 3M.

Appropriations: HB 667 - 6F, 5M.

Representative Burris moved to recess to the call of the Chair at 6:15 p.m.

7TH LEGISLATIVE DAY Second Session

January 22, 1980

The Speaker called the House to order at 2:00 p.m.

The Majority Whip moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m. A prayer was offered by Representative Morris, Thirty-Fourth District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 677 - RIDDAGH - COMMUNITY AFFAIRS: An Act to Amend Chapter 138, Volume 41, Laws of Delaware, Relating to the Town of Clayton; and Providing for the Power to Borrow Money When an Emergency Arises. (2/3 bill)

HB 678 - FALLON - EDUCATION: An Act to Amend Delaware Code, Title 14, by Making Technical Changes in Order to Remove Legal Ambiguities or Conflicts in Statements That Now Appear to Exist in the Instructions for Voting by Paper Ballot and/or Voting Machines.

HB 679 - BURRIS - REVENUE & FINANCE - An Act to Amend Subchapter 1, of Chapter 51, Title 30, Delaware Code, Relating to Refunds of Motor Fuel Taxes.

HB 680 - OBERLE - EDUCATION: An Act to Amend Delaware Code, Title 14, Relating to Curricular Offerings in Sex Education in Certain Grades of the Public Schools and Requiring Notice to Parents When Such Offerings are Made.

HA 8 to HB 663 - CAIN, MAXWELL - APPROPRIATIONS: Placed with the bill.

SJR 32 - MURPHY - TRANSPORTATION: In Reference to Senate Joint Resolution No. 18 Relating to the Workmen's Compensation Commission Established to Study Workmen's Compensation Laws, by Extending the Commission's Reporting Date From March 1, 1980 to June 1, 1980, and by Authorizing the Commission to Use Funds Appropriated to It for Reasonable and Necessary Expenses of the Commission and Its Members.

SS 1 for SB 109 w/SA 2 - MURPHY, BERNDT; REPRESENTATIVES MINNER, SINCOCK, OBERLE - PUBLIC SAFETY: An Act to Amend Title 21, Delaware Code, Relating to Odometer Requirements. (2/3 bill)

SB 385 - MURPHY; REPRESENTATIVES MORRIS, BENNETT, DARLING - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend An Act Entitled "An Act Changing the Corporate Name of 'The Commissioners of Wyoming' to 'The Town of Wyoming' and Establishing a Charter Therefor", Being Chapter 189, Volume 43, Laws of Delaware, 1941, As Amended by Expressly Authorizing the Council of the Town of Wyoming to Borrow Money From The First National Bank of Wyoming for the Purpose of Acquiring the Town Railroad Station Building and Lands From the Present Owner.

SB 414 - MURPHY, BERNDT; REPRESENTATIVES HARRINGTON, GORDY - BANKING & INSURANCE: An Act to Amend Chapter 5, Title 18, Delaware Code, Relating to General Requirements and Authorization of Insurer.

The Chief Clerk read the following Committee Reports into the record:

Revenue & Finance: SB 380 - 2F, 1M; SB 384 - 3F, 1M; HB 670 - 1F, 2M, 1U.

Aging: HB 456 - 4M; HB 457 - 4M.

Representative Connor moved to suspend the rules which interfere with introduction of and action on HJR 29.

Representative Connor rose on a point of order.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, W. Brady, Cathcart, Connor, Fallon, George, Harrington, Hebner, Jonkiert, Maroney, McKay, Minner, Morris, Oberle, Petrilli, Smith, Van Sciver - 17.

NO: Representatives Anderson, Bennett, Burris, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Loughney, McBride, Neal, Vernon, West, Mr. Speaker Riddagh - 15.

NOT VOTING: Representatives Free, Powell, Roy, Sincock - 4.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Maxwell, Plant - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated and the rules were not suspended.

Representative Connor introduced HJR 29, co-sponsored by Representative Cathcart.

HJR 29 - Providing For a Moratorium on Any Installation or Preparations for the Installation of Petroleum Products Pipelines.

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

Mr. Speaker assigned HJR 29 to the Administrative Services & Energy Committee.

Representative Harrington introduced and brought HCR 94, co-sponsored by Senator Hughes, before the House for consideration.

HCR 94 - Requesting the Governor to Designate February 12 through February 22 as National Defense Week.

HCR 94 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy brought HB 603, co-sponsored by Senator Littleton, before the House for consideration.

HB 603 - An Act Approving the Sale of a Parcel of Land Owned by the Laurel School District to Maurice L. and Nancy B. Cannon.

The roll call on HB 603 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Maxwell, Plant - 5.

Therefore, having received a constitutional majority, HB 603 was sent to the Senate for concurrence.

Representative Petrilli brought HS 1 for HB 443, co-sponsored by Senator Arnold; Representatives Ambrosino, Neal, Oberle, McBride, Gilligan, Cathcart, Loughney, Roy, Powell, Sincock, McKay, Van Sciver, Smith, Hebner, Cain, Maxwell; Senators Knox, Sharp, Martin, Spence, Kearns, Hughes, Hale, McCullough, Berndt & Weiss, before the House for consideration.

HB 443 - An Act to Provide for the Election of Members to the Board of Education of the New Castle County School District, a School District Created July 1, 1978 by Order of the Federal Court and to Provide for Enlargement of the Board.

Representative Van Sciver brought HA 1 to HS 1 for HB 443, co-sponsored by Representative McBride, before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli brought HA 2 to HS 1 for HB 443 before the House for consideration. HA 2 was adopted by voice vote.

Representative Connor brought HA 3 to HS 1 for HB 443, co-sponsored by Representatives Free & Neal, before the House for consideration.

The roll call on HA 3 to HS 1 for HB 443 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, Gordy, Harrington, Hebner, Loughney, Maroney, McKay, Minner, Neal, Oberle, Petrilli, Powell, Roy, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 28.

NO: Representatives Darling, Gilligan, Jonkiert, Matushefske, McBride, Morris, Sincock, Smith - 8.

NOT VOTING: Representatives Bennett, Holloway, Maxwell - 3.

ABSENT: Representatives George and Plant - 2.

Therefore, having received a constitutional majority, HA 3 was adopted.

Representative Loughney requested that his name be removed as a sponsor of HS 1 for HB 443.

Representative Loughney brought HA 4 to HS 1 for HB 443 before the House for consideration.

Representative Loughney requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Burris rose on a point of order.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HA 4 to HS 1 for HB 443 was taken and revealed:

YES: Representatives Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Matushefske - 9.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Harrington, Hebner, Maroney, McBride, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 20.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Holloway, Maxwell, Minner, Morris - 7.

ABSENT: Representatives Cain, Fallon, Free, Plant, West - 5.

Therefore, not having received a constitutional majority, HA 4 to HS 1 for HB 443 was declared defeated.

Representative McBride brought HA 5 to HS 1 for HB 443 before the House for consideration.

Representative Burris moved to place HA 5 to HS 1 for HB 443 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Ferguson, George, Gilligan, Gordy, Holloway, Matushefske, Maxwell, McBride, Minner - 14.

NOT VOTING: Representatives Jonkiert, Loughney and Morris - 3.

ABSENT: Representatives Darling, Plant and West - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 5 to HS 1 for HB 443 was placed on the Speaker's table.

Representative McBride requested that his name be removed as a sponsor of HS 1 for HB 443.

Representative Gordy moved to recess at 4:12 p.m.

The House reconvened at 4:18 p.m.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Riddagh declared a two minute recess at 4:25 p.m.

The House reconvened at 4:27 p.m.

Representative Loughney requested and was granted the privilege of the floor for Dr. Dennis Carey, Special Assistant to the Governor for Education.

Representative Petrilli moved to place HS 1 for HB 443 w/HA 1,2,3 on the Speaker's table.

Representative Hebner moved to suspend all rules which interfere with introduction of and action on HJR 30. The motion was properly seconded and adopted by voice vote.

Representative Hebner introduced and brought HJR 30, co-sponsored by Senators Sharp & McCullough, before the House for consideration.

HJR 30 - Requiring State Board of Education Approval for the Extension of Any Administrator's Term of Employment When More Than One Year Remains on the Original Term.

Representative Burris moved to recess for caucus at 5:13 p.m.

The House reconvened at 5:40 p.m.

The roll call on HJR 30 was taken and revealed:

YES: Representatives T. Brady, Cathcart, Connor, Ferguson, Free, Harrington, Hebner, Oberle, Powell, Roy, Smith, Van Sciver, Mr. Speaker Riddagh - 13.

NO: Representatives Ambrosino, Bennett, W. Brady, Fallon, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Petrilli, Sincock, Vernon, West - 15.

NOT VOTING: Representatives Anderson, Burris, Cain, Clendaniel, George, Gilligan, Gordy, Holloway, Maxwell, Neal - 10.

ABSENT: Representatives Darling, Matushefske, Plant - 3.

Therefore, not having received a constitutional majority, HJR 30 was declared defeated.

Mr. Speaker Riddagh announced that Representatives Fallon, Harrington, and Vernon have been removed from the Appropriations Committee.

Representative W. Brady requested that HJR 16 be stricken.

Representative McKay moved to lift HB 213 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative McKay moved that HB 213 be assigned to the Banking & Insurance Committee. Mr. Speaker re-assigned HB 213 to the Banking & Insurance Committee.

Representative Smith requested that HB 625 be stricken.

Representative Smith requested that HB 635 be stricken.

Representative Hebner requested that HB 537 be stricken.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 663 - HA 1,2,3,4,5,6,7,8 - 4F,6M,1UF; SB 220 - 10M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 49, SCR 50, SCR 48, SB 385, HCR 92, SS 1 for SB 109 w/SA 2, HB 674, SB 414, SJR 32, HB 597 HCR 93, SJR 33, HCR 94.

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

8th Legislative Day
Second Session

January 23, 1980

The Speaker called the House to order at 1:58 p.m.

Representative Jonkiert introduced and brought HCR 95, co-sponsored by Representative McBride & Senator Marshall, before the House for consideration.

HCR 95 - Mourning the Death of Major General D. Preston Lee, Former Adjutant General of the Delaware National Guard.

Representative Jonkiert noted a typographical error in line 11 of HCR 95. He moved that the word "formal" be understood to read "former".

HCR 95 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris introduced and brought SCR 49, sponsored by Senator Cordrey, before the House for consideration.

SCR 49 - Providing That a Joint Session of the House of Representatives and the Senate be Convened to Hear the Presentation of the Governor's Annual State of the State Message.

SCR 49 was adopted by voice vote and returned to the Senate.

Representative Ferguson introduced and brought HCR 96, co-sponsored by Representatives Gordy & West; Senators Sharp & McCullough, before the House for consideration.

HCR 96 - In Support of President Jimmy Carter's Objection to United States Participation in the Olympic Games at Moscow This Summer Unless Russia Moves Her Troops from Afghanistan Within a Month.

HCR 96 was adopted by voice vote and sent to the Senate for concurrence.

Representative Neal introduced and brought HR 142, co-sponsored by Representatives Petrilli, Connor, Van Seiver, T. Brady, Vernon, Free & Smith, before the House for consideration.

HR 142 - Relating to the Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

Representative Burris moved to place HR 142 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli moved to lift HS 1 for HB 443 w/HA 1,2,3 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Ferguson brought HA 6 to HS 1 for HB 443 before the House for consideration.

Representative Burris moved to recess at 2:21 p.m.

The House reconvened at 2:28 p.m.

Representative Ferguson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Mr. Speaker Riddagh declared a recess at 2:45 p.m.

The House reconvened at 2:52 p.m.

The roll call on HA 6 to HS 1 for HB 443 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Neal, Oberle, Plant - 22.

NO: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Harrington, Hebner, Maroney, McKay, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 17.

ABSENT: Representatives Free, West - 2.

Therefore, having received a constitutional majority, HA 6 was adopted.

Representative McBride requested that his name be restored as a sponsor of HS 1 for HB 443.

Representative Petrilli moved to place HS 1 for HB 443 w/HA 1,2,3,6 on the Speaker's table. The motion was seconded by Representative Vernon.

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

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

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 20.

Therefore, having received a constitutional majority, the motion was adopted and HS 1 for HB 443 w/HA 1,2,3,6 was placed on the Speaker's table.

The Chief Clerk read the following Committee Reports into the record:

Judiciary & Constitution: SB 77 - 5M; SB 169 w/SA 2 - 5M; HB 539 - HA 1 - 5M; SB 167 w/SA 2 - 5M; HB 292 - HA 1 - 1F, 4M; HS 1 for HB 444 - 4M, 1UF.

Environmental Control: HB 223 - 2F, 2M; SB 291 - 2F, 2M.

Community Affairs & Economic Development: SB 385 - 2F, 2M.

Transportation: HB 541 - 1F, 4M; HB 647 - 1F, 4M.

Banking & Insurance: HB 519 - 3M; SB 414 - 1F, 2M.

Representative Bennett introduced HA 7 to HS 1 for HB 443. HA 7 was placed with the bill.

Mr. Speaker Riddagh re-assigned HB 311 to the Family Services Subcommittee.

The Majority Leader moved to adjourn at 3:10 p.m., thereby ending the previous legislative day. The House reconvened at 3:11 p.m. A prayer was offered by Representative Free, Fourth District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 681 - NEAL, HEBNER, BURRIS, CATHCART, FREE, ROY, OBERLE, VAN SCIVER, SMITH, SINCOCK, CONNOR, MARONEY, POWELL; SENATORS KNOX, ARNOLD, LITTLETON, HUGHES, WEISS, SPENCE, BERNDT - REVENUE & FINANCE: An Act Authorizing the Delaware Energy Office to Provide Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials for Their Homes and Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of Such a Program.

HB 682 - AMBROSINO, ANDERSON, CONNOR, MC BRIDE - BANKING & INSURANCE: An Act to Amend Chapter 21, Part II, Title 25 of the Delaware Code Relating to Mortgages on Real Estate by Providing for Interest Payments on Escrow Funds.

HB 683 - MC KAY - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article 3 of the Delaware Constitution to Eliminate the Office of Lieutenant Governor. (2/3 bill)

HB 684 - BENNETT, DARLING, MINNER, MORRIS; SENATORS COOK, MURPHY, ZIMMERMAN - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 41, Title 9 of the Delaware Code to Increase the Amount That Kent County May Borrow and to Remove the Maximum Interest Rate of Six Percent on County Loans.

HB 685 - MC BRIDE - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16 and Title 31 of the Delaware Code Relating to Natural Food Substances; and Providing for Compensation from Insurance, Group Hospital Services and Related Plans When Such Substances are Prescribed by a Physician, Surgeon or Osteopath.

HA 1 to SB 220 - SINCOCK - APPROPRIATIONS: Placed with the bill.

SJR 33 - CORDREY, KNOX; REPRESENTATIVES BURRIS, GORDY - REVENUE & FINANCE: Revising the Official Estimate of General Fund Revenues for the Fiscal Year Ending June 30, 1980.

SB 378 w/SA 1 - CICIONE - JUDICIARY & CONSTITUTION: An Act to Amend Title 11, Delaware Code, to Require Restitution by Persons Convicted of Forgery. (2/3 bill)

Mr. Speaker Riddagh re-assigned HB 681 to the Appropriations Committee.

Representative Smith read the following letter:

January 16, 1980

Mr. Jim Baker
Community Action of
Greater Wilmington
1103 Madison Street
Wilmington, Delaware 19801
Dear Jim:

The continuing rise in energy cost, particularly of fuel oil, has placed a special emphasis on the importance of the Energy Crisis Assistance Program. Proper and effective management of the program must be achieved if we are to be assured that those most in need have the financial ability to provide for their essential heating fuel requirements.

It has been brought to my attention that the portion of the program within Community Action of Greater Wilmington is experiencing major management problems which jeopardize the effectiveness of the system.

To cite some examples, it has been reported that:

- 1) Application forms are often lost, requiring potential clients to refile;
- 2) Personnel have not been properly trained to handle neither the volume nor the specific nature of the applications;
- 3) There has been insufficient follow-through on emergency calls;
- 4) Many emergency requests are delayed beyond normal delivery times;
- 5) Fuel vendors are delayed as much as four weeks in receiving their reimbursement checks.

I would appreciate your immediate attention to these questions and an indication of how you plan to correct the above deficiencies. It is essential that the program become more effective than it appears to be, so that a maximum number of citizens may be served during the remainder of the winter.

Sincerely,
Pierre S. duPont
Governor

PSduP/dpl

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

The House reconvened at 3:50 p.m.

The Reading Clerk read the following communications into the record:

November 8, 1979

As a result of inquiries from Mayor Klingmeyer, members of City Council and interested citizens in New Castle, my office has for the last several months worked with appropriate federal and state agencies to insure that (1) the alignment for the proposed pipeline be one that most minimizes threats to public safety and the environment; (2) that any pipeline that may be constructed be built in such a way that hazard to public safety and the environment are eliminated.

My staff has met with Getty representatives on several occasions. They have been most co-operative and appear to be sincerely trying to build a safe, efficient line to carry their product. It should be noted here that Getty's economic interest is best served by constructing a safe leakproof pipeline. From those meetings, I am convinced that Getty sincerely believes that the line that they propose comes as close to meeting that goal as is possible.

From my standpoint one of the more troublesome aspects of the federal permitting process here concerns the Corps of Engineers environmental assessment required for the permit that is the subject of tonight's hearing.

The most significant shortcoming with the environmental assessment is that it fails to address or in fact recognize any other route alternatives for the pipeline other than the one proposed by the applicant.

Under the provisions of the National Environmental Policy Act it is the clear responsibility of the permitting agency to evaluate the relative advantages and disadvantages of viable alternatives. It is my opinion that the Corps has failed its responsibility in this regard.

The environmental assessment should provide this hearing with a frame of reference that would permit the public to engage in an objective discussion of various route alternatives and methods for moving refined product from Getty.

Further, such an assessment would provide us with a basis for deciding whether a full environmental impact statement is needed.

Ironically the Corps of Engineers in its August 24 notice for hearing used an environmental assessment which was not available to the public until a full two months after its decision to find that an environmental impact statement was not necessary to its permitting decision.

Any discussion here tonight on the relative merits of alternative alignments by the applicant, state and federal agencies and the general public will, I'm sure, be helpful to the decision-making process. Such discussion, however, cannot substitute for a timely and complete environmental assessment.

I therefore strongly recommend that the Corps of Engineers prepare a revised environmental assessment which would consider viable route alternatives. I further recommend that upon completion of the assessment that another public hearing be held. Further, I'm sure it would be helpful if the revised assessment were attached to the notice for that public hearing.

On a different subject, as a result of general and specific inquiries and concerns that the public has raised on the safety of petroleum pipelines I asked the Secretary of the Department of Transportation to send us a representative from the Office of Pipeline Safety to respond to the public's inquiries. He has very graciously responded to my request by making Mr. Cesar Deleon, Director of Pipeline Regulation, available for tonight's meeting.

If, after this hearing you have any concerns or questions about the federal part of this permitting process, call or write my Wilmington office.

Thank you.

Senator Joseph R. Biden, Jr.

The following letter was not read, but Representative Connor requested that it be made a part of the record:

January 15, 1980

Colonel James Ton
District Engineer
Philadelphia District
U. S. Army Corps of Engineers
Custom House - 2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106
Dear Colonel Ton:

Getty Pipeline, Inc., has applied to you for a Federal permit to construct a refined petroleum products pipeline from Getty Oil Company's refinery in Delaware City, Delaware to a Sun Oil Company pump station in Marcus Hook, Pennsylvania.

According to Getty's plans, its proposed pipeline would run directly through a major water aquifer and within the city limits of New Castle, Delaware. This aquifer serves as the major source of water for thousands of residents of the City of New Castle as well as customers of Artesian Water Company in New Castle County Delaware. In addition, the 20-mile route of the pipeline through Delaware would cross nine major streams, pass through fragile wetlands, and come within 60 feet of the City of New Castle's water plant.

Since the time when Getty applied for this Federal permit, the residents and elected officials of New Castle and other Delaware citizens have expressed to me their strong concern that the pipeline as planned would endanger their water supplies and would have a major impact on their public safety and environment.

Because I believe very strongly that all the concerns of the New Castle residents need to be fully addressed, I urge you to perform a timely and complete environmental assessment of the proposed pipeline which includes a full evaluation of its impact on water supplies and the environment in general, alternatives to the pipeline, and alternative routes.

It is my understanding that the Corps has taken no action since the public hearing in New Castle in November. This matter is far too important to the residents of New Castle to face further delays. I urge that the environmental assessment begin immediately.

Finally, I recommend that you make copies of your environmental assessment available to the public when complete, and that you hold a public hearing in the City of New Castle in order to receive testimony from interested citizens on the findings of the assessment.

In this way, the interests of the public in a full, fair, and open consideration of the issues raised by the pipeline can best be served and an informed decision on the environmental impact of the pipeline can best be made.

Sincerely,
William V. Roth, Jr.
U. S. Senate

WVR:dmi

Representative Connor moved to suspend the rules which interfere with action on HJR 29. The motion was properly seconded and adopted by voice vote.

Representative Connor introduced and brought HJR 29, co-sponsored by Representative Cathcart, before the House for consideration.

HJR 29 - Providing for a Moratorium on Any Installation or Preparations for the Installation of Petroleum Products Pipelines.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Connor moved to place HJR 29 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Cathcart brought HB 667, co-sponsored by Representatives Free, Oberle, Van Sciver, Powell, Petrilli, Maroney, W. Brady, Anderson, Holloway, George, Plant, Cain, Bennett; Senators Knox, Arnold, Hale, Hughes, Cicione, Kearns, Holloway & Marshall, before the House for consideration.

HB 667 - An Act Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of the Delaware Energy Crisis Assistance Program.

Representative Cathcart brought HA 1 to HB 667 before the House for consideration. HA 1 was adopted by voice vote.

Representative Cathcart brought HA 2 to HB 667 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for David L. Press, Special Assistant to the Governor for Energy.

The House recessed at 5:02 for the purpose of changing the tape on the recorder.

The House reconvened at 5:07 p.m.

Representative Cathcart moved to place HB 667 w/HA 1 - HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 663 - HA 1,2,3,4,5,6,7,8, co-sponsored by Representatives Powell, Neal, Cain, Anderson, Roy, Jonkiert, Loughney, Maroney, Burris, Cathcart, Sincok, Riddagh, Van Sciver, Gilligan, Maxwell, Plant, McBride, Connor, Harrington, Matushefske, Ferguson, W. Brady, Holloway, George; Senators Sharp, Berndt, Cicione, Martin, Arnold, Hughes, Kearns, Knox, Marshall, Weiss, Spence, Hale, Littleton & Holloway, before the House for consideration.

HB 663 - An Act Establishing an Emergency Loan Committee Making a Supplemental Appropriation Thereto, and Authorizing the Committee to Make Loans to the Chrysler Corporation. (3/4 bill)

Representative Gordy introduced HA 9 to HB 663, co-sponsored by Representative George. HA 9 was placed with the bill.

Representative Oberle introduced HA 10 to HB 663. HA 10 was placed with the bill.

Representative Oberle introduced HA 11 to HB 663. HA 11 was placed with the bill.

Representative George introduced HA 12 to HB 663, co-sponsored by Representative Sincok. HA 12 was placed with the bill.

Representative Oberle moved to place HB 663 - HA 1,2,3,4,5,6,7,8,9,10,11,12 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Burris introduced and brought SCR 52, sponsored by Senator Hughes and All Senators and Representatives, before the House for consideration.

SCR 52 - Expressing the Condolences of the Members of the 130th General Assembly of Delaware to Senator Everett Hale on the Death of His Father, Stanley F. Hale, on January 17, 1980.

SCR 52 was adopted by voice vote and returned to the Senate.

Representative Connor moved to lift HJR 29 from the Speaker's table.

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

The motion was seconded by Representative Harrington and adopted by voice vote.

HJR 29 - Providing for a Moratorium on Any Installation or Preparations for the Installation of Petroleum Products Pipelines.

Representative Connor brought HA 1 to HJR 29 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 29 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Ferguson, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 33.

NO: Representatives Bennett, Clendaniel, Darling, Free, Gordy, Vernon - 6.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HJR 29 w/HA 1 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 51, SCR 52, HCR 95, HCR 96, SB 379, SB 395, SB 397 w/SA 1, HB 361, SB 378 w/SA 1, SJR 34.

Representative Burris moved to recess to the call of the Chair at 5:47 p.m.

9th Legislative Day
Second Session

January 24, 1980

The Speaker called the House to order at 1:15 p.m.

The Majority Leader moved to adjourn at 1:16 p.m., thereby ending the previous legislative day. The House reconvened at 1:17 p.m. A prayer was offered by Representative Hebner, Ninth District.

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

The Chief Clerk called the roll.

Members Present: 41.

Representative Burris moved to recess for Joint Session at 1:20 p.m.

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

JOINT SESSION
SENATE CHAMBER
January 24, 1980

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

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

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

The President appointed the following committee to escort the Governor to the Senate Chamber: Senators Holloway and Berndt; Representatives Jonkiert and Fallon.

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

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

When we began our task in January of 1977, the challenge for Delaware was clear: to establish a framework for restoring the machinery and the integrity of State Government that would help correct the excesses and errors of the earlier years of that decade, and assure our preparedness for the uncertainties of the next decade.

Although there were reasons for what had gone before, the public mistrust and the fiscal problems that plagued our government in that cold winter left little doubt in any mind that Delaware required a new order. I spoke to the task of creating this order on Inaugural Day in January of 1977:

"The challenge, then, will be to recognize our limitations, establish our priorities, and live within our means. It will require personal discipline from each of us, and political discipline from all of us. It will be painful, but not fatal, for a careful pruning of the shoots and branches of government will lead to a new prosperity, founded on economic growth, unencumbered by the luxury of non-essential services or the deadweight of a non-productive bureaucracy."

Delaware met the challenge of survival in the turbulent 70's by going back to basics, by following a policy of sensitive austerity in all facets of our State Government. But, more was needed; we also asked for the trust of our people. We asked you to believe that sacrifice and contribution would bring financial stability and control. We asked you, in the face of all the broken promises that had gone before, for a new commitment that we be given an opportunity to demonstrate that change could be achieved and progress become a reality. In short, we asked each Delawarean to accept on faith the basic competence and integrity of our trusteeship at a time when there was precious little reason to do so.

Our people accepted the challenge and helped us at a difficult time. Thanks to your support, we were successful. Delaware has not only survived the crisis of the 70's; it has emerged strong and confident. Our budget is balanced for the third consecutive year, and it will be again next year. Our Emergency Reserve Account is full to the brim. We have rolled back the Deficit Gasoline Tax as promised, and we managed to do so much earlier than promised. We have witnessed the economic revitalization of the Farmers Bank. We have reduced Personal Income Tax rates for the first time in modern history. We have corsetted the growth of government by moving toward permanent limitations on our spending power, and similar constraints on our taxing power. We have prevailed.

Most significantly, the restoration of both economic vitality and creditability to Delaware government did not mean that Programs and Reforms took a back seat. To the contrary, prosperity permitted carefully planned progress; the parity between fiscal responsibility in government and the improvement of government services to which we pledged our efforts has achieved substantial results.

Operation Overhaul is patching and treating 1,250 miles of Delaware road and resurfacing 100 miles more — the most ambitious and successful program of its kind in our history. We have broken ground on two new correctional facilities which, when completed in the fall of 1981, will give us an additional 424 beds over and above the 490 beds we have already added since 1977. We have introduced Community Crime Prevention Programs to the entire State; to date, 3,700 households are already participating. Welfare benefits have been increased prudently. There are 710 units of subsidized housing that did not exist in 1977, and the State Mortgage Program has made home ownership possible for 1,100 families. Statewide testing, competency based education, programs for the gifted and talented, a school for excellence for our very gifted students, the soundness of basics plus education and the common sense of comprehensive job placement and counseling through our Jobs for Delaware Graduates Program have marked our progress in education. We have witnessed the successes of our Judicial Nominating Commission, our Washington Office and the Office of the Public Advocate. In short, for the third successive year, we have demonstrated meaningful progress without jeopardy to our pocketbook.

While we in State government may take pride in our unified and positive role in accomplishing these successes, let none of us forget where the true credit rests: with the people of Delaware. You gave us the mandate for reform; you endured the sacrifices; you time and again extended the faith and credit that provided the political capital for change and innovation. We have emerged so well from the last decade because, once more, the people of Delaware proved our claim as the First State of the United States of America.

Today we are joined in a new beginning — preparing ourselves and our State for a new year and a new decade. Ahead of us lie a host of challenges. Some familiar from the 1970's, others fresh and demanding as we are confronted by the uncertainties of the 1980's. In our effort to master these challenges, what we have so successfully demonstrated in the past few years suggests our course for the next decade: continued attention to the basics of government — economics, education, employment; and a continuing commitment to excellence in government — in spirit, concept, and in the delivery of human services.

Future historians will view the 1980's as a time of testing and will measure our success by the quality of our response. Accusations and outrage will not help us reach our goals; understanding and common sense will. The quantity of dollars expended or programs begun will not be the measure of our success: the quality of our efforts will. Success in the 1980's will consist of steady progress towards clearly defined goals, by the achievement of a limited number of highly desirable objectives, by recognition of the complexity of our problems and rejection of solutions that reach their symptoms rather than their substance.

In Delaware, as everywhere in America, we are entering a decade of critical choices. Driven by the dwindling availability of the earth's natural resources, buffeted by a currency of shrinking value which makes the cost of all our resources increasingly dear, and acutely aware of the impact of these twin pressures upon our citizenry and its government, we are coming face to face with hard and irreversible choices which are so fundamental as to control our destiny for the next decade. Our task is to make choices that will strengthen our ability to prosper in a weakening national environment.

The areas of critical choice number three: first, we must resolve to conserve by every means possible our energy and other dwindling natural resources; second, we must with equal vigor expand our economic base; and finally, we must make certain that State and Local Government operations and programs foster — and rather than hinder — our collective economic well-being and quality of life.

CONSERVATION

We in Delaware have already demonstrated our capacity to conserve. When temporary shortages in heating fuels and gasoline occurred in the last decade, necessitating the imposition of both voluntary and involuntary conservation measures, Delawareans resolutely cut back, stoked down, and shut off.

But the effort to conserve is merely beginning. After five years of spot shortages, and other unmistakable signals, Washington still has not prepared an energy policy that assures adequate development of domestic energy resources, and a lessening dependence upon foreign oil.

We must accept the reality that energy will be a scarce resource in the 80's, and we must prepare ourselves for it. This means doing much more than complying with the President's voluntary target of an 8% reduction in gasoline consumption; indeed we are rapidly approaching that target with the limited measures now in effect. The critical choice of maximum conservation requires much more of both Delaware government and our citizens.

First, the State must lead by example; and we will. Our fleet purchases will focus upon the most energy efficient vehicles. We will establish as our goal a reduction in consumption of gasoline by State Agencies of 20%. To assure compliance with our own target of 15% reduction in heating oil consumption by the State, we will continue to weatherize, to monitor thermostats and to reprogram the way we build, refurbish and utilize State facilities. Additional funds for these proposals will be made available during the next fiscal year.

I know that these sweeping conservation efforts within State government have required and will continue to require difficult adjustments in the workstyles and lifestyles of some State employees. But these changes and sacrifices are working, and they are paying substantial conservation dividends to our State.

State government will ask Delaware citizens to do no less. We have already proposed a \$2 million Conservation Grant Program to help 10,000 homeowners weatherize their homes. We must further expand the Weatherization Program and make it mandatory for all homes which benefit from fuel subsidies. We will prod local governments to enforce energy efficient Building Codes as mandated by 1979 legislation. We must learn by our past mistakes and assure that all new construction meet energy efficiency standards. Additionally we must continue to explore all possible incentives for voluntary installation of fuel saving improvements in residential and commercial construction and in building operation.

Conservation is not our only response to our energy dilemma. We must move aggressively to promote greater use of renewable energy sources. In an effort to encourage their greater use, I am proposing a Renewable Resource Grants Program to assist Delaware consumers in converting to renewable resource energy systems such as solar and biomass conversion.

These critical conservation efforts will succeed with minimum dislocation of daily life in Delaware if we choose to commit ourselves totally and immediately to the cause. So too with the task of conserving equally critical non-energy resources whose existence might well be in jeopardy during the 80's. We are in the third year of the three year Beach Erosion Control Program. The beaches of Delaware are among our greatest resources; we should, therefore, continue this important program into its fourth year and search for new ways to protect our shoreline.

The decade of the 80's also requires that we find permanent solutions to conserve and protect our water supply and our croplands against further depletion. We must concentrate on containing older land fills. We must expand our solid waste treatment capability. We must adopt by legislation appropriate controls for hazardous substances and toxic wastes, so that their disposal and storage pose no threat to the environment.

A permanent solution to the subtle depletion of our valuable croplands is no less critical. Since 1943, the amount of acreage devoted to farming, truly Delaware's major industry, has dwindled from 814,000 to 630,000 acres. We must halt this trend. We will form a study group under the direction of the Office of Management Budget and Planning to evaluate a range of options, from farm use covenants to a land classification system, so that we can recommend to the General Assembly legislation which will most effectively secure for our farmers sufficient incentives to keep their rich lands under cultivation.

Finally inflation -- the cruelest tax of all -- is making conservation of personal resources most difficult. The solution to that problem lies more in Washington than in Dover. But we can help the one group of Delawareans least able to cope with inflation -- our senior citizens on fixed incomes.

For several years Delaware has supervised a statewide Retail Discount Program which provides significant cash discounts for many retail goods and services purchased by older Delawareans. That program is a good beginning, but it could serve many more senior citizens. With renewed emphasis and increased financial support "Diamond Club" Memberships could reach thousands of over 60 Delawareans who are trying to cope with the problem of inflation every day. With a full statewide program, the annual cash saving to each "Diamond Club" member should reach \$400 — a \$400 cut in the cost of living is meaningful help for our senior citizens.

The critical choice for the 80's is to conserve our precious non-renewable resources: heating oil and gasoline, beaches, and cropland, and the economic resources of those on fixed incomes. In the past three years we have demonstrated that we can serve; now, to meet the challenge of the 80's, we must choose to do even more.

EXPANDING DELAWARE'S ECONOMIC BASE

Delaware can and should do all that it can to combat the predicted recession. We have come too far, adhered to principles of sound fiscal control too well, and committed ourselves too deeply to the stability of continued economic growth, to retrench. Let others accept without question the economic stagnation which Washington forecasts as inevitable; Delaware will redouble its commitment during the new decade to steady economic growth. To do so, we must make a number of critical choices.

Initially, and above all else, we must look to the needs of those industries which already nurture the Delaware economy; history has shown that the best source of new jobs for our people is already here — the businesses inside our borders. To secure those jobs, we must choose to allocate a portion of our limited resources, and to assume an occasional investment risk, for the necessary protection or welcome expansion of our native industries. For example, Chrysler Corporation made and continues to make a giant investment in the economic well-being of Delaware. Faced with collapse because of forces not entirely of its own making, Delaware must help by making a modest investment in its economic well being, just as we assisted Phoenix Steel Corporation, and just as we are dedicated to providing incentives to preserve Hercules as a major employer in downtown Wilmington. We must continue our efforts to attract for the first time a duPont Company facility to Kent County. In each case, the message we want to transmit to our native industries is clear: we want you to expand in Delaware, and we will help you do so.

Next, we want to see that as many new industries as possible become native industries during the decade of the 80's. The action which we took to reduce the "Red Flag" rates of our Personal Income Tax, and the passage of a Gross Receipts and Corporate Income Tax credit for new business, provided important starting points, but we can do much more. First, the funding of the Delaware Economic Development Corporation, which I initially suggested in 1976, is long overdue.

Second, this is the target year for our concerted effort to make Delaware the home base for America's Insurance Industry. The coalition of Delaware insurance and business executives who make up the "Why Not Delaware Committee" has already achieved significant success in this effort. This year, as part of that effort, I will personally talk with the executives of national companies to make clear the warmth of Delaware's welcome and the advantages of a Delaware Home Office.

Third, Delaware must maximize the potential of its natural business magnets, including the Port of Wilmington, and the Lewes Marine Park. I will ask General Assembly approval for additional facilities for the Port which will move it closer to containerization, the technological foundation for expansion in the 80's. I also renew my call for passage of HB 447, which will, as a complement to the recent authorization of offshore oil drilling support facilities, permit the cross flow of oil and gas through the Coastal Zone. And I will, in conjunction with the commendable efforts of the College of Marine Studies of the University of Delaware, work with several research organizations whose relocation to the University's Sussex complex in Lewes could make us competitive with Woodshole as a Marine Research Center.

Fourth, we must continue efforts to put to work the most precious of our natural and economic resources — our young people. A successful private/public sector program is underway to put young people to work — Jobs for Delaware Graduates. It is essential to expand our efforts to help that Job Program reach every high school senior in Delaware.

Finally, I believe 1980 is the year when Delaware should recoup its investment in the Farmers Bank. Through continued State efforts and sound management, Farmers Bank has become a viable institution, but the costs to our State have been high. State government does not belong in the banking business. Selling the State's interest in Farmers Bank will free up our State deposits, further improve our credit rating on Wall Street, and reduce our outstanding indebtedness.

Delaware can sustain its economic growth in the 80's if we make the correct decisions. The time is ripe: the critical choices are clear. Let's make them together.

MAKING GOVERNMENT BETTER

I believe that our collective efforts to improve the efficiency of State government during the past three years have finally established us as an ally, rather than an adversary, of progress. But we can do ever better if we choose.

To assure a continuation of this Alliance for Progress throughout the decade, I am suggesting a number of initiatives to improve the quality and efficiency of government in Delaware, and to enhance the level of services delivered to our citizens:

- The continuation of Operation Overhaul, funded at a level of \$6 million for the next fiscal year, with concentration on the preservation and renewal of main roads and connecting arteries. When added to the \$9 million we invested in our highways last year, we will have completed a major commitment to our transportation system.

- Implementation of most of the 93 recommendations for the streamlining of government in Delaware as developed by the Intergovernmental Task Force, with major emphasis in the coming year upon the establishment of the coordinating mechanisms for Public Safety, Economic Development, and Health Planning.
- Expansion of our investment in weatherization of State buildings to stem the most rapidly rising cost of State government — the cost of energy.
- Construction and rehabilitation of the new home of the Department of Natural Resources on the Richardson and Robbins site in Dover, to include a central State laboratory that will permit the consolidation of certain routine and duplicative laboratory services now performed by several different Agencies;
- Reform of the outdated Workman's Compensation Statute and the dedication of additional management resources to the Industrial Accident Board to eliminate a serious backlog in cases;
- Restructuring Delaware's Conflict of Interest Statute so that every public officer and employee is subject to clear and enforceable standards of conduct;
- Passage of the "Second Leg" of the two Constitutional Amendments limiting State appropriations to 98% of revenues, and prohibiting the enactment of new taxes or higher tax rates unless approved by a 3/5 vote of the membership of the General Assembly;
- Continuation of the Governor's School for Excellence and expansion of both Basics Plus Schools and the Jobs for Delaware Graduates Program state-wide.

A few days from now, I will discuss more specifically many of these initiatives, and several more, in my annual Budget message. Together, they continue the course of prudence and progress that has characterized our movement out of the '70's.

In Delaware, we must begin this new decade much as we ended the last; chastened by the necessity for limiting our expectations of what government can do for us; and challenged by the extraordinary task of preserving our economy and our environment against dwindling resources and external forces which we do not control. But, unlike the dark days of the last decade, there is one important difference; we know, because we have now seen it with our own eyes, that our willingness to make the critical choices correctly will cause us to succeed.

Continued attention to the basics of government, and a continuing commitment to excellence — these are the cornerstones upon which the foundations of progress must be built. I hope you will join me in this effort, for in this the 204th year of our independence, we must rededicate all of our efforts and energies to these goals.

* * * * *

The previously named committee escorted the Governor from the Chamber.

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

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

Senator Sharp moved the two Houses now separate to re-convene in their respective Chambers. The motion prevailed.

The House was called to order at 2:30 p.m.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 256 w/SA 1, SCR 53.

The following prefiled legislation was introduced:

HB 686 - RIDDAGH, HARRINGTON - AGING: An Act to Amend Part IV, Title 16 of the Delaware Code Relating to Gerovital; and Permitting its Manufacture, Delivery, Possession and Use under Certain Circumstances.

HB 687 - ROY; SENATOR SHARP - APPROPRIATIONS: An Act Awarding Special Pension Benefits to Edward C. Sobolewski, a Former Employee of the University of Delaware. Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 688 - SMITH, W. BRADY, MARONEY, AMBROSINO, ANDERSON, FALLON, MC BRIDE, MINNER, RIDDAGH; SENATORS MARTIN, ARNOLD, KNOX, LITTLETON, SPENCE, WEISS - ENVIRONMENTAL CONTROL: An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

HB 689 - HARRINGTON - EDUCATION: An Act to Amend Chapter 41, Part I, Title 18 of the Delaware Code Relating to the Responsibilities of Certain Public School Employees.

HB 690 - VAN SCIVER, SINCOCK, CONNOR; SENATORS CICIONE, SHARP, ARNOLD - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the City of Newport. (3/4 bill)

HB 691 - GILLIGAN, MAXWELL, T. BRADY, MARONEY, MC BRIDE - APPROPRIATIONS: An Act to Authorize the Re-Grading of Certain State-Employed Nurses; and Providing an Appropriation Therefor.

HB 692 - HOLLOWAY; SENATOR HOLLOWAY - REVENUE & FINANCE: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code Relating to the Deduction of Pension Contributions Both Public and Private from State Personal Income Taxes.

HA 8 to HS 1 for HB 443 - BURRIS - ETHICS & HOUSE ADMINISTRATION: Placed with the bill.

HA 1 to HB 519 - BENNETT - BANKING & INSURANCE: Placed with the bill.

HA 13 to HB 663 - T. BRADY - APPROPRIATIONS: Placed with the bill.

HA 1 to HB 676 - T. BRADY - APPROPRIATIONS: Placed with the bill.

SJR 34 - SHARP, ARNOLD, MC CULLOUGH; REPRESENTATIVES HEBNER, ROY - ETHICS & HOUSE ADMINISTRATION: Requiring State Board of Education Approval for the Extension of Any Administrator's Term of Employment when More than One Year Remains on the Original Term.

SB 256 w/SA 1 - MARTIN; REPRESENTATIVE MINNER - TRANSPORTATION: An Act to Amend Title 21, Delaware Code, Relating to Size and Weight of Vehicles and Loads Clarifying the Granting of Special Permits in the Hauling Permit Section of the Department of Transportation. (2/3 bill)

SB 379 - MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 40, Title 31, Del. C., Relating to the Definition of Low and Moderate Income.

SB 395 - ADAMS - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend Chapter 101, Volume 62, Laws of Delaware Relating to the Town Council for the Town of Slaughter Beach. (2/3 bill)

SB 397 w/SA 1 - MC CULLOUGH, CICIONE; REPRESENTATIVES MAXWELL, MC BRIDE - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the State Board of Education for the Purpose of Reimbursing Parents or Guardians of Students for Pupil Transportation Cost.

Representative Hebner moved to suspend the rules which interfere with introduction of and action on SJR 34. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Hebner introduced and brought SJR 34, co-sponsored by Senators Sharp, Arnold, McCullough, Cicione; Representatives Roy & Ferguson, before the House for consideration.

SJR 34 - Requiring State Board of Education Approval for the Extension of Any Administrator's Term of Employment When More than One Year Remains on the Original Term.

Representative Sincock cited a flaw in the BE IT RESOLVED clause of SJR 34.

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

Representative Hebner requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Hebner moved to place SJR 34 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Burris moved to recess for caucus at 2:55 p.m.

The House reconvened at 3:18 p.m.

Representative Burris introduced and brought HCR 97 before the House for consideration.

HCR 97 - Providing That a Joint Session of the Senate and the House of Representatives be Convened to Hear the Presentation of the Governor's Annual Budget Message.

HCR 97 was adopted by voice vote and sent to the Senate for concurrence.

Representative Free introduced HB 693, co-sponsored by Representative Neal.

HB 693 - An Act to Make an Appropriation to Make Loans for the Benefit of Chrysler Corporation. (3/4 bill)

Mr. Speaker assigned HB 693 to the Appropriations Committee.

Representative Oberle moved to lift HB 663 - HA 1,2,3,4,5,6,7,8,9,10,11,12. The motion was properly seconded and adopted by voice vote.

HB 663 - An Act Establishing an Emergency Loan Committee, Making a Supplemental Appropriation Thereto, and Authorizing the Committee to Make Loans to the Chrysler Corporation. (3/4 bill)

Representative Gordy brought HA 1 to HB 663 before the House for consideration.

The roll call on HA 1 to HB 663 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Powell, Roy, West. - 23.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 17.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, HA 1 to HB 663 was adopted.

Representative George brought HA 2 to HB 663 before the House for consideration.

Representative George requested that HA 2 to HB 663 be stricken.

Representative Maxwell brought HA 3 to HB 663 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Mr. E. Harwood Rydholm, Vice President of Chrysler Corporation.

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

Representative Maxwell moved to place HA 3 to HB 663 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cain brought HA 4 to HB 663 before the House for consideration. HA 4 was adopted by voice vote.

Representative Maxwell brought HA 5 to HB 663 before the House for consideration.

Representative Maxwell requested that HA 5 be stricken.

Representative Neal brought HA 6 to HB 663 before the House for consideration.

Representative Neal requested that HA 6 to HB 663 be stricken.

Representative Free brought HA 7 to HB 663 before the House for consideration.

Representative Free requested that HA 7 to HB 663 be stricken.

Representative Cain brought HA 8 to HB 663 before the House for consideration.

Representative Cain moved to place HA 8 to HB 663 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Gordy brought HA 9 to HB 663 before the House for consideration. HA 9 was adopted by voice vote.

Representative Oberle brought HA 10 to HB 663 before the House for consideration. HA 10 was adopted by voice vote.

Representative Oberle brought HA 11 to HB 663 before the House for consideration.

Representative McKay requested and was granted the privilege of the floor for Weston E. Nelliuss, Secretary, Department of Finance.

HA 11 was adopted by voice vote.

Representative George brought HA 12 to HB 663 before the House for consideration. HA 12 was adopted by voice vote.

Representative T. Brady brought HA 13 to HB 663 before the House for consideration.

Representative T. Brady requested that HA 13 be stricken.

Representative Free brought HA 14 to HB 663 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Weston E. Nellius, Secretary, Department of Finance.

Mr. Speaker Riddagh requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Neal requested and was granted the privilege of the floor for Weston E. Nellius, Secretary, Department of Finance.

Representative Oberle moved to place HB 663 w/HA 1,4,9,10,11,12, - HA 14 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli moved to lift HS 1 for HB 443 w/HA 1,2,3,6 - HA 7 from the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

NO: Representatives Jonkiert, Matushefske - 2.

Therefore, having received a constitutional majority, the motion was adopted and HS 1 for HB 443 w/HA 1,2,3,6 - HA 7 was lifted from the Speaker's table.

Representative Bennett brought HA 7 to HS 1 for HB 443 before the House for consideration. HA 7 was adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with consideration of HA 8.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 20.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Burris brought HA 8 to HS 1 for HB 443 before the House for consideration.

Representative Burris moved to place HA 8 to HS 1 for HB 443 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli moved to place HS 1 for HB 443 w/HA 1,2,3,6,7 on the Speaker's table. The motion was properly seconded and adopted by voice vote and HS 1 for HB 443 w/HA 1,2,3,6,7 was placed on the Speaker's table.

Representative Cathcart introduced HB 694, co-sponsored by Representative Oberle.

HB 694 - An Act Making a Supplemental Appropriation to the State Fire Marshall's Office for the Purpose of Matching Federal Funds Awarded to Delaware by the Law Enforcement Assistance Administration to Augment an Arson Control Program.

Mr. Speaker assigned HB 694 to the Appropriations Committee.

Representative Jonkiert introduced HB 695, co-sponsored by Representatives Ambrosino & Loughney.

HB 695 - An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to the Board of Pharmacy, Pharmacists and Assistant Pharmacists, Hospital Pharmacies, Retail Pharmacies, Pharmaceutical Establishments Other than Retail Pharmacies; and Providing for Prohibited Acts and Penalties.

Mr. Speaker assigned HB 695 to the Revenue & Finance Committee.

Representative Oberle moved to lift HB 663 w/HA 1,4,9,10,11,12 - HA 14 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative T. Brady brought HA 15 to HB 663 before the House for consideration. HA 15 was adopted by voice vote.

Representative Free brought HA 1 to HA 14 to HB 663, co-sponsored by Representative Neal, before the House for consideration.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Burris moved to recess at 5:40 p.m.

The House reconvened at 5:55 p.m.

Representative Jonkiert moved to place HA 1 to HA 14 to HB 663 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, West - 17.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Clendaniel, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 22.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representative Matushefske - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 1 to HA 14 to HB 663 remained before the House.

HA 1 to HA 14 to HB 663 was adopted by voice vote.

The roll call on HA 14 to HB 663 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Clendaniel, Connor, Free, Maroney, McKay, Minner, Neal, Petrilli, Roy, Van Sciver, Vernon, West - 14.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, McBride, Morris, Oberle, Plant, Powell, Sincock, Mr. Speaker Riddagh - 23.

ABSENT: Representatives Jonkiert, Matushefske, Maxwell, Smith - 4.

Therefore, not having received a constitutional majority, HA 14 to HB 663 was declared defeated.

Representative Holloway brought HA 16 to HB 663 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Holloway moved to place HA 16 to HB 663 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative West requested and was granted the privilege of the floor for Mr. E. Harwood Rydholm, Vice President of Chrysler Corporation.

The roll call on HB 663 w/HA 1,4,9,10,11,12,15 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Matushefske, Maxwell, McBride, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 35.

NO: Representatives McKay, Vernon - 2.

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

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority of at least three-fourths members of the House, HB 663 w/HA 1,4,9,10,11,12,15 was sent to the Senate for concurrence.

Representative Burris moved to recess at 7:30 p.m.

The House reconvened at 8:45 p.m.

Representative Cathcart moved to lift HB 667 w/HA 1 - HA 2. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Cain brought HA 1 to HA 1 to HB 667, co-sponsored by Representative Anderson, before the House for consideration.

The roll call on HA 1 to HA 1 to HB 667 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 38.

NO: Representatives Powell, Roy, Vernon - 3.

Therefore, having received a constitutional majority, HA 1 to HA 1 to HB 667 was adopted.

Representative Cathcart requested that HA 2 to HB 667 be stricken.

The roll call on HB 667 w/HA 1, HA 1 to HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Van Sciver, West - 36.

NO: Representatives McKay, Neal, Roy, Vernon, Mr. Speaker Riddagh - 5.

Therefore, having received a constitutional majority, HB 667 w/HA 1, HA 1 to HA 1 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules which interfere with action on HB 539. The motion was properly seconded and adopted by voice vote.

Representative Minner brought HB 539 before the House for consideration.

HB 539 - An Act to Amend Chapters 9 and 11, Title 13, Delaware Code, Relating to Adoption and Termination of Parental Rights.

Representative Minner brought HA 1 to HB 539 before the House for consideration. HA 1 was adopted by voice vote.

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

The roll call on HB 539 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Petrilli, Plant, Powell, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

NOT VOTING: Representatives Oberle, Roy - 2.

Therefore, having received a constitutional majority, HB 539 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HS 1 for HB 443 w/HA 1,2,3,6,7,8. The motion was properly seconded and adopted by voice vote.

Representative Neal moved to reconsider the roll call on HA 6 to HS 1 for HB 443. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Ferguson rose on a point of order.

Representative Ferguson requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Loughney rose on a point of order.

Representative Burris rose on a point of order.

Representative Hebner rose on a point of order.

Representative Burris rose on a point of order.

Representative Gordy rose on a point of order.

Mr. Speaker ruled that the House can act to reconsider the roll call on HA 6 to HS 1 for HB 443.

Representative McBride moved to adjourn.

The roll call on the motion was taken and announced incorrectly by the Clerk as 18 YES, 23 NO.

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 19.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 22.

Therefore, not having received a constitutional majority, the motion was declared defeated and the House remained in session.

Representative Gordy moved to recess at 9:46 p.m.

During the recess, the recording tape was changed.

The House was called to order at 9:53 p.m.

Representative Gordy rose on a point of order.

Representative Gordy moved to recess. The motion was seconded by Representative Minner and defeated by voice vote.

Representative Burris rose on a point of order.

Representative Gordy rose on a point of order.

Representative Gordy requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Gordy moved to recess.

Representative Connor moved to rescind the previous roll call on HA 6 to HS 1 for HB 443. The motion was seconded by Representative Roy.

Representative Gordy rose on a point of order.

Representative Connor rose on a point of order.

Representative Gordy rose on a point of order.

Representative Gordy moved to table Representative Connor's motion to rescind the roll call. The motion was properly seconded.

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

YES: Representatives Clendaniel, Gilligan, Matushefske, Maxwell, McBride - 5.

NO: Representatives Ambrosino, T. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Harrington, Hebner, Maroney, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 28.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Gordy, Holloway, Jonkiert, Loughney, West, - 8.

Therefore, not having received a constitutional majority, the motion was declared defeated and the motion to rescind the roll call remained before the House.

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

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 16.

NOT VOTING: Representatives Gordy, Holloway, Jonkiert, Matushefske - 4.

Therefore, having received a constitutional majority, the motion was adopted and the previously taken roll call on HA 6 to HS 1 for HB 443 was rescinded.

Representative Minner rose on a point of order.

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

YES: Representatives Anderson, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, McBride, Minner, Morris, Plant, West - 18.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NOT VOTING: Representatives Bennett, Maxwell - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and the House remained in session.

Representative Ferguson rose on a point of order.
Representative T. Brady rose on a point of order.
Representative Ferguson rose on a point of order.
Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.
Representative Anderson moved to recess.
Representative Burris rose on a point of order.
Representative Burris moved to recess at 10:38 p.m.
The House reconvened at 11:24 p.m.
Representative Burris moved to recess to the call of the Chair at 11:25 p.m.

10th Legislative Day
Second Session

January 29, 1980

The Speaker called the House to order at 1:15 p.m.

Mr. Speaker Riddagh made the following announcement: "Upon conferring with all attorneys, it is the ruling from the Chair that the corrected roll call for Representative McBride's motion to adjourn on Thursday last was 19 YES, 22 NO. Will the Chief Clerk announce the roll call?"

The Chief Clerk then announced the roll call as 19 YES, 22 NO.

Representative Petrilli moved to place HS 1 for HB 443 w/HA 1,2,3,7,8 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

The Majority Leader moved to adjourn at 1:17 p.m., thereby ending the previous legislative day. The House reconvened at 1:18 p.m.

A prayer was offered by Representative Morris, Thirty-Fourth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Minner - 1.

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

The Sergeant-at-Arms announced the President and Members of the Senate.

They were admitted and seated. The Speaker invited Lieutenant Governor McGinnis and President Pro Tempore Cordrey to a seat on the rostrum.

JOINT SESSION
HOUSE CHAMBER

January 29, 1980

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

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

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

The Speaker appointed Representative Sincock and Representative W. Brady and Senator Cook and Senator Spence to escort the Governor to the Chamber.

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

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

This afternoon, I am presenting to you for your consideration, and the consideration of the citizens of the State of Delaware, the fiscal year 1981 budget. This budget represents yet another forward step for our mutually agreed upon course of sound financial planning and administration - a course we embarked upon together three years ago to solve the recurring financial problems of the past. To the credit of the executive and the legislative branches, we have erased our deficit, enacted and executed balanced budgets, built an emergency budget reserve fund, and achieved significant debt reduction. For our efforts we have been rewarded with a higher credit rating for the State and, more importantly, we have been able to reduce taxes for all Delawareans.

The budget that I am presenting to you today is, for the fourth straight year, a balanced budget. It proposes operating expenditures equal to the revenues we expect to receive during the fiscal year. It does not dip into accumulated surplus to fund recurring operating expenses. It will, if enacted, enhance the solid financial footing we have worked so hard to achieve. Enactment of this budget will mean a decline in the real cost of government - measured in "deflated" dollars - for the third consecutive year.

The Delaware Economic and Financial Advisory Council has estimated that tax revenues will reach \$634 million dollars in FY 1981. When combined with revenue sharing receipts and the increased federal funds automatically received from a change in Medicaid income limits for nursing homes and State institutions, projected revenues become \$641 million. The budget act, combined with monies for grants, supplementals and automatic appropriations that are likely to be enacted, brings expenditures to \$641 million, which balances against projected revenues.

As we enter the decade of the 1980's, we face an uncertain economy. Gloomy forecasts of inflation, recession and unemployment vary only in degree: All of our economic forecasters agree that a difficult year lies ahead of us. But, in Delaware, we are prepared for these potential difficulties about as well as we can be. Our budget is honestly balanced; we will have a reserve fund of \$32 million to cushion the impact of an economic downturn; our spending controls are both strong and effective. It is a year to be prudent and conservative in our spending programs, for we have not yet experienced the full impact of last year's tax cut, nor do we know the depth and extent of the coming recession. But, if we are both careful and conservative, and if the recession is not too deep, we will survive in sound economic health.

While under these conditions, what kind of a spending plan should we prepare for the coming year? Of course, it must balance expenditures with revenues, but what of our existing surplus, how can we best utilize this resource to benefit our future? How can we best meet the challenge that inflation places upon employees and programs in the coming year? These are the crucial questions for our spending plan. Let me express myself briefly upon each.

THE EXCESS RESERVE

Recall that we concluded fiscal year 1977 with a \$19.3 million deficit. Together we enacted taxes and reduced spending to eliminate this deficit and to build a reserve fund - a "Rainy Day Fund" - to cushion us against future recessions. In 1979 and 1980, we filled that reserve account, and we expect to add nearly \$3 million more in the coming fiscal year, so that by the end of fiscal year 1981, the budget reserve account will contain \$32 million or 5% of our operating budget. This is perhaps the most important result we have achieved by working together: protecting Delaware, its taxpayers and its employees against future financial uncertainty.

But we have accomplished even more. Carefully controlled spending, coupled with unexpectedly strong growth in our economy, has produced an unencumbered cash balance, in addition to the budget reserve account, of \$27 million. What should be done with this money?

Certainly, it must not be spent for the ongoing operating expenses of government, for it is one time revenue that will not come to us every year. The cornerstone of the budget I am recommending to you today is that we have not used any of these funds to meet the recurring operating expenses of the next fiscal year. We should use these funds with special care, just as we used our Divestiture Funds in the past two decades.

We have recommended that these funds be invested in specific projects that will strengthen our economy and the basic structure of our state - economic development, transportation, agriculture and energy conservation. We are recommending the investment of \$27 million in one time projects that will not require additional annual operating costs and that will benefit all of our citizens in the future.

The investment of \$5.0 million in Chrysler Corporation is one such priority; \$800,000 in further developing the Port of Wilmington, \$500,000 in the Lewes Marine Park and \$200,000 in agricultural ditching projects are additional economic development programs that will enhance our opportunities to grow throughout the decade of the 1980's.

During this fiscal year, we successfully undertook Operation Overhaul, investing \$9 million in improving the roads of our state. Another \$6 million in the next fiscal year will complete the task of bringing our highways back to sound condition and aid in further development of our State's resources.

Reducing our dependence on foreign oil calls for an aggressive response on the part of state government. Earlier this month, I proposed a \$2 million dollar program to help private citizens insulate their homes, saving dollars for themselves and energy for America. Today, I would propose that we extend this effort through a \$200,000 renewable resources grant program which will provide financial incentives to residential home owners to convert to the fuels of the future, such as solar power and biomass conversion.

In addition, I am proposing that about \$1.6 million be made available for insulating state buildings and schools, so that they, too, can conserve our valuable energy resources and, in turn, our state tax dollars. This program will generate nearly an equal amount in matching federal dollars.

The improved mass transit systems will help meet the transportation needs of our people and save energy at the same time, so we propose to use \$1.5 million of the unencumbered cash balance to match with federal dollars to purchase 55 new energy efficient DART busses. And \$200,000 to match city and federal monies to build a new transportation center in downtown Wilmington.

\$800,000 we suggest for the purchase of a modern communications system for the Delaware State Police. Over the years we have attempted to see that our State Police are well equipped and capable of responding to the law enforcement needs of our citizens. This has paid dividends in the saving of lives and property. One element of the State Police operations, however, has been ignored. The communications equipment has reached a state where it is now seriously beginning to impede the State Police's ability to respond, and if the disrepair goes unchecked, we will encounter difficulties more frequently than we already have.

Finally, two financial liabilities demand the allocation of additional dollars. A one-time \$5 supplemental appropriation year will fully fund the post-retirement pension benefit program enacted a year ago. And a one-time Social Security payment of under \$3 million to the federal government will be required in 1981 because of a change in federal accounting rules that becomes effective July 1, 1980.

All of these expenditures are investments in our future. All are one-time expenditures that will not increase our financial liabilities in future years. All will help insure, as I stressed in my State of the State Message last week, that Delaware is well prepared to fend for itself in a weakening national economic environment.

THE BUDGET

The traditional concerns of Delaware budgets have been education and employee salaries, for these are the major costs of State government. Again this year, nearly half our expenditures will be devoted to education, and again this year our single largest expense is for people - because service is our primary responsibility. But this year another cost of government has become critical as well - the cost of energy.

Because of the very rapid increase in energy costs - both experienced and forecast - we have included increased funding in our budget energy lines - a special \$650 per unit increase in the Division II education budgets for example. We have also set aside nearly \$7 million in an energy contingency fund to insure sufficient funds to pay our energy bills. Even so, if these funds are going to cover those costs, all departments must reach the conservation goal of 15 percent discussed in the State of the State Message last week.

The largest category of expense within State government is, of course, employees' salaries. President Carter's administration has again requested compliance with its wage and price guidelines, and I believe it is our duty to continue the fight against inflation but this does not mean that we are unmindful of our employees needs when the cost of living is rising so rapidly. With these competing factors in mind, I am proposing a salary policy which will allow us to make our contribution in the fight against inflation but will also be meaningful to our State employees. First, I have included an 8 percent increase in salary for all employees, inclusive of their step increments; second, I am proposing that this and all future raises be effective at the beginning of the fiscal year on July 1st, exclusive of those employees with contractual agreements which begin on a date certain. Third, I am recommending that the State pay 100% of the premium cost of family basic plan health benefits for State employees. Fourth, we have included \$3 million to be used as an additional contribution to the pension fund to finance increasing the contribution rate to keep the fund actuarially sound. This plan provides real increases in benefits to State employees (exclusive of pension contributions) totalling \$21 million, and continues our support for reasonable benefit increases within the bounds of national guidelines.

I am particularly sensitive to the question of growth in government. It not only places an increasing burden on the taxpayers but also subtracts from our ability to address the needs of our current employees. The total contingent of State employees will decline this year, by 161 positions, even after we have moved 50 employees from bond funds to general funds. As we have pointed out in the past, an employee paid from 20 year bonds funds costs 63% more than one paid directly from the general fund. The transfer of these additional 50 employees brings the three-year total to 183, at a savings to the taxpayer of almost \$2.5 million.

Education consumes about 45 percent of the total State budget, and energy related increases are particularly costly for our school system. It will require, for an example, an additional \$7 million to transport our children to schools next year primarily due to the rising costs of fuel - bringing the total annual cost of school transportation to more than \$22 million. This includes monies for the transportation of handicapped children required by legislation passed last session. In Division II, we have raised the per unit state payment from \$2,310 to \$2,967, a 28% increase to help meet rising energy costs. A \$100 per unit increase in Division III funding will help continue equalization programs.

The education financing recommendations we are putting forward today include increased support services for autistic children and the private placement of the handicapped and they also contain a doubling of the resources for gifted and talented program support which should result in a doubling of the number of children served.

Delaware, like all communities, suffers severe problems in youth employment. Nearly half of all our unemployed are under 24 years of age.

At the end of the first half of the school year our Jobs for Delaware Graduates Program has interviewed and tested more than 4,000 seniors and juniors; more than twice as many students as we expected have asked to be in the program -- and the business, labor, and education communities have all been highly supportive of our effort.

There is an urgent need to continue and expand this program. I have included in the budget, \$250,000 which will permit us to expand the program throughout the State and secure more than \$2.5 million in federal and private funding. I am also requesting in the budget \$250,000 to insure the current level of career guidance and placement services in our high schools -- and that is another critical element of our overall placement program.

Finally, I believe that the State should pursue the innovative proposal of the Lieutenant Governor that we develop a monorail transportation system for Delaware. I am, therefore, asking the General Assembly to appropriate \$50,000 to permit a careful financial and practical analysis of such a demonstration project.

As we leave the seventies behind we have all experienced painful lessons concerning the limitation of our resources. Our economy cannot support nor satisfy all of our desires. Critical choices must be made and must be with appropriate consideration for the future. This budget, much like the ones I suspect will be presented throughout the first part of the 1980's, is shaped by many considerations largely beyond our control -- the price of energy and the cost of inflation.

This does not mean that we should not actively pursue shaping our own destinies. Quite the contrary, our successful efforts to lower personal taxes, provide business tax incentives, and improve our transportation system will result in Delaware being a more competitive, attractive place for economic investments and this, in turn, will provide the stable base from which to maintain our standard of living.

Let me say in closing that in times of 13% inflation and enormous increases in energy costs, that balancing this operating budget without dipping into the surplus for on-going programs has required many difficult choices. In the past, the seeds of future financial problems have been sown, not when we were in financial trouble and all pulling together, but when we were financially healthy, when the temptations were great, and the pressures even greater. This year those pressures will be very, very strong. It will be tempting to enact new, attractive programs which will be popular before the election, but will lead us to financial difficulty in 1981 and 1982. This is the year in which we must have the political will and the personal discipline to live within our means, for this is the year which will set the financial course for our State for the next several years.

The 1981 budget that I am submitting to you today is balanced, conservative, and focused upon the basics of government - improving our infrastructure and paying close attention to education, energy and economics. It is a prudent budget and I believe provides a sound beginning for the 1980's. I recommend it to you for your consideration, and look forward to working with you towards its enactment.

Representative Sincock and Representative W. Brady and Senator Cook and Senator Spence escorted the Governor from the Chamber.

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

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

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

Representative Burris moved that the House stand in recess for five minutes to allow the chamber to be cleared. The motion prevailed.

The House was called to order at 1:59 p.m.

The Chief Clerk read the following Committee Report into the record:

Health & Social Services: SB 326 w/SA 2 - 2F, 2M.

Representative Burris moved to recess for committee meetings and caucus at 2:03 p.m.

The House reconvened at 3:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 36, SCR 54, SCR 55, SB 387 w/SA 1, HCR 97.

The following prefiled legislation was introduced:

HB 696 - FREE, T. BRADY, PLANT, HOLLOWAY; SENATORS MARSHALL, ZIMMERMAN - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Department of Community Affairs and Economic Development to Maintain an Adequate Service Level.

HB 697 - MC KAY, SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 51, Title 16 of the Delaware Code Relating to Discharge of Patients from Delaware State Hospital.

HB 698 - BENNETT, DARLING, MINNER, MORRIS, HARRINGTON; SENATORS COOK, MURPHY, ZIMMERMAN - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend Volume 58, Chapter 583 Laws of Delaware Relating to the Authority of the Levy Court of Kent County to Issue Bonds on the Full Faith and Credit of the County not to Exceed \$2,000,000.

HB 699 - JONKIERT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to Renewal of Licenses to Pharmacists and to Assistant Pharmacists.

HB 700 - SINCOCK - APPROPRIATIONS: Reserved for Budget Bill.

HB 701 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Chapter 43, Part III, Title 21 of the Delaware Code Relating to the Equipment and Construction of Vehicles; and Providing for a Prohibition on the Use of Devices on Motor Vehicles to Detect the Presence of Radar upon Highways.

HB 702 - HOLLOWAY, NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 3, Title 4, Delaware Code, Relating to the Labeling of Alcoholic Beverages Sold in This State.

HB 703 - NEAL - FAMILY SERVICES: An Act to Amend Chapter 3, Title 13, Delaware Code, Relating to Marriage Contracts.

HB 704 - MAXWELL - HEALTH & SOCIAL SERVICES: An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to Zoning Requirements for Facilities for Developmentally Disabled Persons. (2/3 bill)

HA 1 to HB 456 - ANDERSON - AGING: Placed with the bill.

HA 1 to HB 572 - AMBROSINO - HEALTH & SOCIAL SERVICES: Placed with the bill.

SB 387 w/SA 1 - COOK - APPROPRIATIONS: An Act to Amend Chapter 52, Title 29, of the Delaware Code to Increase the Payment of Subscription Charges for Health Care Insurance for State Employees and Their Dependents. Fiscal Note.

SJR 36 - SHARP, ARNOLD, MCCULLOUGH; REPRESENTATIVES HEBNER, ROY - EDUCATION: Prohibiting the New Castle County Board of Education from Giving Approval for the Extension of any Administrator's Term of Employment When More Than One Year Remains on the Original Term.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 694 - 9M; HB 681 - 3F, 6M; HB 690 - 1F, 6M.

Health & Social Services: SB 379 - 2M, 3UF; SB 163 - 5M; SB 172 - 5M; SB 323 - 1F, 4M; SJR 16 - 4M.

Education: HB 678 - 6F.

Representative Van Sciver introduced and brought SCR 51, sponsored by Senator Holloway, before the House for consideration.

SCR 51 - Requesting Delaware Newspapers to Devote Sections Periodically to Matters of Special Interest to the Elderly.

SCR 51 was adopted by voice vote and returned to the Senate.

Representative Powell introduced and brought SCR 53, co-sponsored by Senators Adams, Berndt & Representative Matushefske, before the House for consideration.

SCR 53 - Extending the Existence and Mandate of the State Police Pension Reform Committee.

SCR 53 was adopted by voice vote and returned to the Senate.

Representative Anderson introduced and brought HR 143, co-sponsored by Representatives Maxwell, Gilligan, McBride, Bennett, Loughney, Cain, Ferguson, Jonkiert, W. Brady, Plant, Cathcart, Oberle, Connor, Ambrosino & Van Sciver, before the House for consideration.

HR 143 - Requesting the Members of Delaware's Congressional Delegation to Immediately Support Appropriate Steps to Investigate the Effects of "Agent Orange" and Other Defoliants.

HR 143 was adopted by voice vote.

Representative Morris introduced and brought HCR 98, co-sponsored by All Members of the House and Senate, before the House for consideration.

HCR 98 - Expressing Our Hope for the Quick and Complete Recovery of Our Colleague, Representative Ruth Ann Minner, from an Operation.

HCR 98 was adopted by voice vote and sent to the Senate for concurrence.

Representative T. Brady introduced and brought SCR 54, sponsored by Senator Holloway, before the House for consideration.

SCR 54 - Commending Attorney General Richard S. Gebelein and Former Attorney General Richard R. Wier, Jr., for Their Success in the Nemours Foundation Suit Which Will Bring \$25 Million a Year to Delaware for Crippled Children and Elderly Citizens.

SCR 54 was adopted by voice vote and returned to the Senate.

Representative West introduced and brought HR 144 before the House for consideration.

HR 144 - Mourning the Death of Carlton L. Lingo, of Millsboro, a Member of the House of Representatives in the 102nd and 103rd Sessions of the General Assembly.

HR 144 was adopted by voice vote.

Representative Burris introduced and brought HR 145, co-sponsored by Representative Gordy and All House Members, before the House for consideration.

HR 145 - Congratulating Former Speaker of the House John P. Ferguson and His Charming Wife, Marie, as They Observe Their 43rd Wedding Anniversary Today, January 29, 1980.

HR 145 was adopted by voice vote.

Representative Connor moved to suspend the rules which interfere with introduction of and action on SJR 35. The motion was seconded by Representative Hebner.

Representative Burris moved to recess. Mr. Speaker Riddagh declared a five minute recess.

Representative Connor yielded, stating that SJR 35 had been delayed in the Senate.

Representative Ambrosino brought HB 670 before the House for consideration.

HB 670 - An Act to Amend Chapter 71, Title 29 of the Delaware Code, Relating to Mileage Reimbursement.

The roll call on HB 670 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Harrington, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Oberle, Plant, Powell, Roy, Van Seiver - 23.

NO: Representatives T. Brady, Burris, Fallon, Free, Hebner, Maroney, McBride, McKay, Morris, Neal, Petrilli, Smith, Vernon, West, Mr. Speaker Riddagh - 15.

NOT VOTING: Representative Sincok - 1.

ABSENT: Representatives Gordy, Minner - 2.

Therefore, having received a constitutional majority, HB 670 was sent to the Senate for concurrence.

Representative Sincok brought SB 220, sponsored by Senators Cordrey & Murphy, before the House for consideration.

SB 220 - An Act Making a Supplemental Appropriation to the Department of Finance for Payment of a Bona Fide Veteran's Claim.

Representative Sincock brought HA 1 to SB 220 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 220 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Gordy, Maxwell, Minner - 3.

Therefore, having received a constitutional majority, SB 220 w/HA 1 was returned to the Senate.

Representative Powell brought SB 380, sponsored by Senator Murphy & Representative Minner, before the House for consideration.

SB 380 - An Act Making a Supplemental Appropriation to the Magnolia Volunteer Fire Company for the Maintenance and Operation of an Ambulance. (3/4 bill)

The roll call on SB 380 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Gordy, Minner - 2.

Therefore, having received a constitutional majority of at least three-fourths members of the House, SB 380 was returned to the Senate.

Representative Powell brought SB 384, sponsored by Senator Zimmerman; Representatives Bennett & Harrington, before the House for consideration.

SB 384 - An Act to Authorize the Capital School District to Expend Funds from Its Debt Service Account.

The roll call on SB 384 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Gordy, Minner - 2.

Therefore, having received a constitutional majority, SB 384 was returned to the Senate.

Representative Free moved to suspend the order of the agenda for the purpose of considering and acting on SB 385. The motion was properly seconded and adopted by voice vote.

Representative Free brought SB 385, sponsored by Senator Murphy; Representatives Morris, Darling & Bennett, before the House for consideration.

SB 385 - An Act to Amend an Act Entitled "An Act Changing the Corporate Name of 'The Commissioners of Wyoming' to 'The Town of Wyoming' and Establishing a Charter Therefor", Being Chapter 189, Volume 43, Laws of the Town of Wyoming to Borrow Money from the First National Bank of Wyoming for the Purpose of Acquiring the Town Railroad Station Building and Lands from the Present Owner. (2/3 bill)

The roll call on SB 385 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Gordy, Minner - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 385 was returned to the Senate.

Representative Petrilli requested that HS 1 for HB 443 be stricken.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on a bill that deals with election and enlargement of a school board in New Castle County. The motion was seconded by Representative Free.

Representative Plant rose on a point of order.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant, West - 18.

ABSENT: Representatives Matushefske, Minner - 2.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Petrilli introduced HB 705.

HB 705 - An Act to Provide for the Election of Members to the Board of Education of the New Castle County School District, a School District Created July 1, 1978 by Order of the Federal Court, and to Provide for Enlargement of the Board.

Representative McBride moved to place HB 705 on the Speaker's table. The motion was seconded by Representative Cain.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Morris, Plant, West - 19.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 20.

ABSENT: Representatives Minner, Oberle - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 705 remained before the House.

Representative Petrilli moved to place HB 705 on the Speaker's table. The motion was seconded by Representative Connor and adopted by voice vote.

Representative Gilligan introduced HB 706.

HB 706 - An Act Proposing an Amendment to Article 2 of the Delaware Constitution to Permit Gambling with Certain Exceptions. (2/3 bill)

Mr. Speaker assigned HB 706 to the Judiciary & Constitution Committee.

Representative Vernon requested that HB 398 be stricken.

Representative McKay requested that HB 62, HB 211, HJR 9 be stricken.

Representative Gordy introduced HB 707, co-sponsored by Representative Sincock; Senators Cook, Cordrey, Berndt.

HB 707 - An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Making Adjustments With the School Bus Contractors.

Mr. Speaker assigned HB 707 to the Appropriations Committee.

Representative Anderson introduced and brought HR 146 before the House for consideration.

HR 146 - Requesting the Department of Transportation to Reconsider Their Decision of Making "East Main Street" Newark, Del. From Library Road to Washington Street a One Way Street and to Further Reconsider Their Proposal for Paper Road, an Extension of Washington Street.

Representative Roy moved to place HR 146 in Committee.

The roll call on the motion was taken and revealed:

YES: Representatives Burris, Free, Harrington, Hebner, Maroney, McKay, Powell, Roy, Sincock, Vernon, Mr. Speaker Riddagh - 11.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Morris, Neal, Oberle, Petrilli, Plant, Smith, Van Sciver, West - 28.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representative Minner - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HR 146 remained before the House.

HR 146 was adopted by voice vote.

Mr. Speaker re-assigned HB 83, HB 528, HB 197 to the Public Safety Committee.

Representative Burris moved to recess to the call of the Chair at 6:35 p.m.

11th Legislative Day
Second Session

January 30, 1980

The Speaker called the House to order at 1:50 p.m.

The Chief Clerk read the following Committee Reports into the record:

Revenue & Finance: HB 540 - 3F, 2M.

Judiciary & Constitution: HB 480 - 5M; HB 626 - 5M.

The Majority Leader moved to adjourn at 1:52 p.m., thereby ending the previous legislative day. The House reconvened at 1:53 p.m. A prayer was offered by Representative Maroney, Twelfth District.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Matushefske, Minner - 2.

Representative Burris moved to recess for caucus at 2:16 p.m.

The House reconvened at 3:13 p.m.

The following prefiled legislation was introduced:

HB 708 - HARRINGTON - EDUCATION: An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to the Responsibilities of Certain Public School Employees.

HB 709 - AMBROSINO - REVENUE & FINANCE: An Act to Amend Chapter 23, Part III, Title 30 of the Delaware Code Relating to Occupational and Business Licenses and Taxes; and Providing for a Fee to be Charged to Amusement Machine Owners.

HB 710 - AMBROSINO - REVENUE & FINANCE: An Act to Invalidate Certain Unclaimed Mutuel Racing Tickets, and Make All Required Reimbursements.

HB 711 - GEORGE, SINCOCK, MC KAY - APPROPRIATIONS: An Act to Amend Section 6301, Chapter 63, Title 29, Delaware Code, Relating to the Appropriation of Funds from All Sources.

HB 712 - MC KAY, MARONEY; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act Authorizing a Supplemental Appropriation to the Department of Health and Social Services.

HB 713 - FERGUSON - PUBLIC SAFETY: An Act to Amend Chapter 15, Part I, Title 25 of the Delaware Code Relating to the Liability of Owners or Occupiers of Land for Injury to Guests or Trespassers.

HS 1 for HB 193 - MC BRIDE, VAN SCIVER, AMBROSINO, ANDERSON, T. BRADY, W. BRADY, CAIN, CATHCART, CONNOR, FERGUSON, GILLIGAN, GEORGE, HOLLOWAY, JONKIERT, LOUGHNEY, MAXWELL, MINNER, OBERLE, PLANT, WEST; SENATORS BERNDT, CICIONE, HOLLOWAY, KEARNS, MARSHALL, MARTIN, MC DOWELL, MURPHY, SHARP, SPENCE, ZIMMERMAN - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code Relating to Welfare; and Providing for Pharmaceutical Assistance to the Aged.

HS 1 for HB 394 - MC BRIDE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 43, Part II, Title II of the Delaware Code Relating to Criminal Procedures; and Providing for Expungement Under Certain Circumstances.

HA 1 to HB 691 - GILLIGAN - APPROPRIATIONS: Placed with the bill.

SB 210 w/SA 1,2 - CICIONE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 1, Title 10, Delaware Code, Relating to Opinions by the Supreme Court.

SB 294 - CORDREY - APPROPRIATIONS: An Act Awarding Special Pension Benefits to John Longobardi, a Former State Employee, Appropriating Monies into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award were Made Pursuant to Chapter 55, Title 29, Delaware Code. (Fiscal Note)

SB 405 w/SA 1 - CICIONE - EDUCATION: An Act to Amend Chapter 5, Title 19, Delaware Code, Relating to Child Labor.

SB 422 - COOK; REPRESENTATIVES MINNER, BENNETT, DARLING, MORRIS - BANKING & INSURANCE: An Act to Amend Title 9, of the Delaware Code Relating to the Power of Kent County to Issue Single Family Mortgage Revenue Bonds.

SB 423 - HUGHES, ZIMMERMAN, MARTIN - APPROPRIATIONS: An Act to Amend Chapter 68, Volume 62, Laws of Delaware, Being "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions."

SB 433 - ADAMS; REPRESENTATIVE CLENDANIEL - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend An Act Being Chapter 166, Volume 43, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown" to Permit the Sale of Bond or Certificate or Certificates of Indebtedness by Public or Private Sale. (2/3 bill)

Mr. Speaker re-assigned SB 405 to the Labor Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 405 w/SA 1, SB 433, SCR 56, HCR 98, SB 422, SB 292, HB 422, HB 555, SB 210 w/SA 1, SA 2; HB 269 w/SA 1, HA 1; SB 423, SJR 35.

Representative Connor moved to suspend the rules which interfere with introduction of and action on SJR 35. The motion was properly seconded and adopted by voice vote.

Representative Connor introduced and brought SJR 35, co-sponsored by Senator McCullough & Representative Cathcart, before the House for consideration.

SJR 35 - Providing for a Moratorium on Any Installation or Preparations for the Installation of Petroleum Products Pipelines.

Representative McBride requested and was granted the privilege of the floor for Mr. Al Spanek of the Operating Engineers Union.

The roll call on SJR 35 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Harrington, Hebner, Maroney, Neal, Petrilli, Smith - 12.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, Ferguson, Free, Gordy, Jonkiert, Loughney, Maxwell, McBride, McKay, Plant, Roy, Sincok, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 20.

NOT VOTING: Representatives Holloway, Morris - 2.

ABSENT: Representatives Cain, George, Gilligan, Matushefske, Minner, Oberle, Powell - 7.

Therefore, not having received a constitutional majority, SJR 35 was declared defeated.

Representative Plant introduced and brought HR 147 before the House for consideration.

HR 147 - Requesting the House Committee on Labor and Commerce to Investigate the State Department of Labor to Discover, Among Other Things, Why the Department Plays Favorites with Certain Large Employers with Respect to Unemployment Insurance Payments.

Mr. Speaker assigned HR 147 to the Labor Committee.

Representative Jonkiert introduced and brought HR 148, co-sponsored by All House Members, before the House for consideration.

HR 148 - Expressing the Best Wishes of the Members of the House of Representatives for the Speedy and Complete Recovery of Hazel Plant, Wife of our Colleague, Representative Al O. Plant.

HR 148 was adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Education: HB 391 - 2F, 3M; SB 222 - 6F; HB 141 - 1F, 3M.

Judiciary & Constitution: SB 251 - 1F, 4M; SB 63 - 4M.

Grants-in-Aid Subcommittee: HB 669 - 9M.

Appropriations: HB 696 - 8M; SB 423 - 7M, 1UF.

Labor & Commerce: SB 405 - 5M.

Mr. Speaker re-assigned HB 712 to the Appropriations Committee.

Representative Sincok introduced HB 700, co-sponsored by Representatives Burris & Hebner.

HB 700 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds: And Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 700 to the Appropriations Committee.

Representative Anderson brought HB 456, co-sponsored by Representatives Free, Holloway, Harrington & Kelly, before the House for consideration.

HB 456 - An Act to Amend Chapter 11, Title 16, Delaware Code, Relating to Nursing Homes, Providing for Public Reports on Nursing Homes.

Representative Anderson moved to place HB 456 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Anderson moved to defer action on HB 457 - HA 1 to a day certain, January 31, 1980.

Representative Harrington brought SB 414, sponsored by Senator Murphy, before the House for consideration.

SB 414 - An Act to Amend Chapter 5, Title 18, Delaware Code, Relating to General Requirements and Authorization of Insurer.

The roll call on SB 414 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Gordy, Matushefske, Minner - 3.

Therefore, having received a constitutional majority, SB 414 was returned to the Senate.

Representative Free moved to suspend the rules which interfere with action on SB 433. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Free brought SB 433, sponsored by Senator Adams and Representative Clendaniel, before the House for consideration.

SB 433 - An Act to Amend An Act Being Chapter 166, Volume 43, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown" to Permit the Sale of Bond or Certificate or Certificates of Indebtedness by Public or Private Sale. (2/3 bill)

The roll call on SB 433 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Minner, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 433 was returned to the Senate.

Representative McKay moved to suspend the agenda rules for the purpose of acting on SB 326 w/SA 2. The motion was properly seconded and adopted by voice vote.

Representative McKay brought SB 326 w/SA 2, sponsored by Senators Holloway, Marshall, Knox, Hale, Berndt; Representatives Minner, Burris, Plant & Oberle, before the House for consideration.

SB 326 - An Act to Amend Chapter 40, Title 31, Delaware Code, by Increasing the Amount of Bonds and Notes the Delaware State Housing Authority Can Issue.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Robert Moyer, Director, State Division of Housing.

The roll call on SB 326 w/SA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Van Seiver, Vernon, Mr. Speaker Riddagh - 36.

NO: Representatives Smith, West - 2.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, having received a constitutional majority, SB 326 w/SA 2 was returned to the Senate.

Representative Fallon moved to suspend the agenda rules for the purpose of acting on HB 678. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Fallon brought HB 678 before the House for consideration.

HB 678 - An Act to Amend Delaware Code, Title 14, by Making Technical Changes in Order to Remove Legal Ambiguities or Conflicts in Statements That now Appear to Exist in the Instructions for Voting by Paper Ballot and/or Voting Machines.

The roll call on HB 678 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, having received a constitutional majority, HB 678 was sent to the Senate for concurrence.

Representative Van Sciver moved to suspend the agenda rules for the purpose of acting on HB 690. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Van Sciver brought HB 690, co-sponsored by Representatives Sincock, Connor; Senators Cicione, Sharp & Arnold, before the House for consideration.

HB 690 - An Act Making a Supplementary Appropriation to the City of Newport. (3/4 bill)

Representative Jonkiert moved to place HB 690 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Ferguson, George, Gordy, Holloway, Jonkiert, Plant - 6.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, Gilligan, Harrington, Hebner, Maroney, McBride, McKay, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Van Sciver, Vernon, Mr. Speaker Riddagh - 28.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Cain, Loughney, Matushefske, Maxwell, Minner, West - 6.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 690 remained before the House.

Mr. Speaker Riddagh requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The House recessed at 5:16 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:30 p.m.

The roll call on HB 690 was taken.

Representative Van Sciver moved to table the roll call on HB 690. The motion was seconded by Representative Darling and adopted by voice vote.

Representative Neal moved to suspend the agenda rules for the purpose of acting on HB 681. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative Neal brought HB 681, co-sponsored by Representatives Hebner, Burris, Free, Roy, Cathcart, Oberle, Van Sciver, Smith, Sincok, Connor, Maroney, Powell; Senators Knox, Arnold, Littleton, Hughes, Weiss, Spence & Berndt, before the House for consideration.

HB 681 - An Act Authorizing the Delaware Energy Office to Provide Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials for Their Homes and Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of Such a Program.

Representative Neal moved to place HB 681 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Cathcart moved to suspend the agenda rules for the purpose of acting on HB 694. The motion was properly seconded and adopted by voice vote.

Representative Cathcart brought HB 694, co-sponsored by Representative Oberle, before the House for consideration.

HB 694 - An Act Making a Supplemental Appropriation to the State Fire Marshal's Office for the Purpose of Matching Federal Funds Awarded to Delaware by the Law Enforcement Assistance Administration to Augment an Arson Control Program.

Representative Bennett requested and was granted the privilege of the floor for Mr. Ben Roy, State Fire Marshal.

Mr. Roy yielded to Mr. Michael Rabasca of the Delaware Criminal Justice Planning Commission.

Mr. Rabasca yielded to Mr. Roy.

Representative George requested and was granted the privilege of the floor for Mr. Rabasca and Mr. Roy.

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

Representative McKay moved to place HB 694 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives McBride, McKay - 2.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Matushefske, Minner, West - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 694 remained before the House.

The roll call on HB 694 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

NO: Representative McKay - 1.

ABSENT: Representatives Matushefske, Minner - 2.

Therefore, having received a constitutional majority, HB 694 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HB 705 from the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative Ambrosino introduced HA 1 to HB 705. Representative Ambrosino moved to place HA 1 with the bill. The motion was seconded by Representative George and adopted by voice vote.

Representative Gilligan introduced HA 2 to HB 705. HA 2 was placed with the bill.

Representative Gilligan introduced HA 3 to HB 705. HA 3 was placed with the bill.

Representative McBride introduced HA 4 to HB 705. HA 4 was placed with the bill.

Representative McBride introduced HA 5 to HB 705. HA 5 was placed with the bill.

Representative Ferguson introduced HA 6 to HB 705. HA 6 was placed with the bill.

Representative Holloway introduced HA 7 to HB 705, co-sponsored by Representative Plant. HA 7 was placed with the bill.

Representative Burris moved to recess to the call of the Chair at 6:40 p.m.

12th Legislative Day
Second Session

January 31, 1980

The Speaker called the House to order at 1:45 p.m.

Representative Petrilli moved to place HB 705 - HA 1,2,3,4,5,6,7 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincock introduced HB 728.

HB 728 - An Act Authorizing the State Treasurer to Pay \$9,438 to Vantasyland for Work Performed at the Request of the Division of Vocational Rehabilitation.

Mr. Speaker assigned HB 728 to the Appropriations Committee.

Representative Petrilli introduced HB 729.

HB 729 - An Act to Amend Chapter 89, Title 29 of the Delaware Code Relating to Authority of the Commissioner of the Department of Correction to Appoint an Acting Commissioner.

Mr. Speaker assigned HB 729 to the Corrections Committee.

Representative Ferguson introduced HB 730, co-sponsored by Representatives Jonkiert, Loughney, Bennett, Gilligan, Maxwell, McBride, Anderson; Senators McCullough & Sharp.

HB 730 - An Act to Amend Chapter II, Part II, Title 30, Delaware Code, Relating to Modifications of Personal Income.

Mr. Speaker assigned HB 730 to the Revenue & Finance Committee.

Representative Plant introduced and brought HR 149 before the House for consideration.

HR 149 - Welcoming the Rev. Dr. Martin Luther King, Sr. to Delaware on February 24, 1980.

HR 149 was adopted by voice vote.

Representative Matushefske introduced and brought HR 150 before the House for consideration.

HR 150 - Authorizing and Directing the Chief Clerk of the House of Representatives to Purchase and/or Lease and Install Electronic Voting Systems in the House Chamber, and Further Providing a Supplemental Appropriation Therefor.

Mr. Speaker assigned HR 150 to the Appropriations Committee.

Representative Roy introduced and brought SJR 32, sponsored by Senator Murphy, before the House for consideration.

SJR 32 - In Reference to Senate Joint Resolution No. 18 Relating to the Workmen's Compensation Commission Established to Study Workmen's Compensation Laws, by Extending the Commission's Reporting Date From March 1, 1980 to June 1, 1980, and by Authorizing the Commission to Use Funds Appropriated to it for Reasonable and Necessary Expenses of the Commission and Its Members.

The roll call on SJR 32 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives George, Jonkiert, Loughney, Minner, Oberle - 5.

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

Representative West introduced and brought HR 151, co-sponsored by Representative Bennett, before the House for consideration.

HR 151 - Joining the Commendation for Warren J. Gehrt, Superintendent of the Hospital for the Mentally Retarded at Stockley, for the Manner in Which He has Met the Challenge Involved in Allegations Made by the U.S. Department of Health, Education and Welfare.

The roll call on HR 151 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Holloway, Minner - 2.

Therefore, having received a constitutional majority, HR 151 was adopted.

Representative Plant read the following letter:

January 31, 1980

Special Delivery

The Honorable Patricia Harris, Secretary
Department of Health, Education and Welfare
330 Independence Avenue S.W.
Washington, D. C. 20201
Dear Secretary Harris:

I am respectfully requesting that your office investigate what appears to be a blatantly discriminatory act committed by Delaware's Department of Health and Social Services - in that a student from Iran is receiving general assistance even though a Delaware state law (with which I do not agree) prevents persons between the ages of eighteen and fifty-four who are single and employable, from receiving general assistance. In Delaware, our own Delaware citizens in this age category cannot get general assistance under any terms unless they are disabled, which the person in question is not.

I would hope that your office would carefully look into this situation so that a determination can be made whether or not the Department of Health and Social Services is going to have a uniform set of rules or if they are going to hand out special privileges to Iranian students while our own American students and other citizens are, in a very real sense, held hostage to breeding crime through the denial of general assistance even though our state has the second highest unemployment rate in the nation - which means that minority unemployment rates are even higher and getting worse.

Enclosed is an article from the Wilmington Morning News, Thursday, January 31, 1980, written by Margaret Kirk.

Should you need any further information, please contact me at 571-4100, or 764-4180, or by contacting Legislative Hall in Dover, Delaware.

Your immediate attention will be greatly appreciated.

Sincerely,
Al O. Plant, Sr.
Representative
2nd Representative District
General Chairman
Independent Affirmative Action
Investigating Committee

Representative Fallon requested that HB 172 be stricken.

Representative Loughney introduced and brought HCR 99, co-sponsored by Representatives Jonkiert, Bennett & Senator Sharp, before the House for consideration.

HCR 99 - The People of Delaware Say, Thank You, Canada!

HCR 99 was adopted by voice vote and sent to the Senate for concurrence.

The Chief Clerk read the following Committee Report into the record:

Appropriations: HR 150 - 1F,2M,5UF.

Representative Van Sciver moved to lift the roll call on HB 690. The motion was properly seconded and adopted by voice vote.

HB 690 - An Act Making a Supplementary Appropriation to the City of Newport. (3/4 bill)

The roll call on HB 690 was revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 23.

NO: Representatives W. Brady, Clendaniel, Darling, George, Gordy, Jonkiert, McBride, Morris - 8.

NOT VOTING: Representatives Bennett, Cain, Gilligan, Holloway - 4.

ABSENT: Representatives Anderson, Ferguson, Loughney, Maxwell, Minner, Plant - 6.

Therefore, not having received a constitutional majority of at least three-fourths members of the House, HB 690 was declared defeated.

Representative Petrilli moved to lift HB 705 - HA 1,2,3,4,5,6,7. The motion was seconded by Representative Burris and adopted by voice vote.

HB 705 - An Act to Provide for the Election of Members to the Board of Education of the New Castle County School District, a School District Created July 1, 1978 by Order of the Federal Court, and to Provide for Enlargement of the Board.

Representative McBride requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

The House reconvened at 3:49 p.m.

Representative Ambrosino brought HA 1 to HB 705 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant, West, Mr. Speaker Riddagh - 19.

NO: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Seiver, Vernon - 19.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, not having received a constitutional majority, HA 1 to HB 705 was declared defeated.

Mr. Speaker Riddagh declared a recess at 3:55 p.m.

The House reconvened at 3:57 p.m.

Representative Gilligan requested that HA 2 to HB 705 be stricken.

Representative Gilligan requested that HA 3 to HB 705 be stricken.

Representative McBride brought HA 4 to HB 705 before the House for consideration. HA 4 was adopted by voice vote.

Representative McBride brought HA 5 to HB 705 before the House for consideration. Representative Petrilli moved to place HA 5 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, Burris, Cathcart, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 19.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant, West - 18.

ABSENT: Representatives Connor, Holloway, Matushefske, Minner - 4.

Therefore, having received a constitutional majority, the motion was adopted and HA 5 to HB 705 was placed on the Speaker's table.

Representative Ferguson brought HA 6 to HB 705 before the House for consideration.

Representative McBride rose on a point of order.

Representative Ferguson moved to place HA 6 to HB 705 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Holloway brought HA 7 to HB 705 before the House for consideration. Representative Petrilli moved to place HA 7 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant, West - 17.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 7 to HB 705 was placed on the Speaker's table.

The roll call on HB 705 w/HA 4 was taken and revealed:

YES: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 19.

NO: Representatives Clendaniel, Darling, Gordy, Jonkiert, Maroney, Morris, Plant, West - 8.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Cain, Ferguson, George, Gilligan, Loughney, Maxwell, McBride - 10.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Minner - 4.

Therefore, not having received a constitutional majority, HB 705 w/HA 4 was declared defeated.

The Majority Leader moved to adjourn at 4:20 p.m., thereby ending the previous legislative day. The House reconvened at 4:21 p.m. A prayer was offered by Representative Hebner, Ninth District.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Holloway, Matushefske, Minner

- 3.

The minutes of the previous legislative day were approved as posted.
Mr. Speaker Riddagh declared a recess at 4:30 p.m.

The House reconvened at 4:54 p.m.

The following prefiled legislation was introduced:

HB 714 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation; and Relating Specifically to the Temporary Joint Underwriting Association.

HB 715 - AMBROSINO - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Section 17 and Section 17A, Article II of the Constitution of the State of Delaware, Relating to Lotteries and Other Gambling. (2/3 bill)

HB 716 - AMBROSINO - BANKING & INSURANCE: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to Health Care Malpractice Insurance and Litigation; and Specifically Relating to Compensation for Health Care Injuries.

HB 717 - VAN SCIVER; SENATOR CICIONE - JUDICIARY & CONSTITUTION: An Act to Amend Title 29, Delaware Code, Section 4308, by Requiring a Notary Public to Ensure that the Individual Whose Presence is Being Certified to by the Notary, Provide Proof of Their Identity.

HB 718 - OBERLE, CAIN - EDUCATION: An Act to Amend Delaware Code, Title 14, by Clarifying the Authority of the State Board of Education to Make Rules and Regulations Concerning Inter-Scholastic Athletics and Prohibiting the Approval of a Regulation that Would Prohibit Participation in Similar Team Activities by High School Athletes.

HB 719 - MC KAY, SMITH, DARLING, POWELL - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax.

HB 720 - NEAL, VAN SCIVER - BANKING & INSURANCE: An Act to Amend Title 6, Delaware Code, §4337 (1) and (2) by Reducing the Percentage of Interest Which may be Charged in a Retail Installment Account.

HB 721 - CONNOR - REVENUE & FINANCE: An Act to Amend Chapter 32, Part I, Title 18 of the Delaware Code Relating to Group Life Insurance; and Providing Life Insurance Coverage for Certain Persons.

HB 722 - CONNOR - EDUCATION: An Act Directing the State Board of Education to Inventory and Distribute Certain Textbooks.

HB 723 - NEAL, FREE, AMBROSINO, MC BRIDE, BENNETT; SENATORS WEISS, HALE - APPROPRIATIONS: An Act to Appropriate \$85,000 to the Department of Health and Social Services, Division of Mental Health, Bureau of Alcohol and Drug Abuse, to Provide for Research, Counseling, and Other Services to Treat Compulsive Gambling as a Social Problem.

HB 724 - RIDDAGH, HARRINGTON - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 41, Part II, Title 11 of the Delaware Code Relating to Criminal Procedures; and Providing Restitution for Property Damage Sustained by Victims of Crimes. (2/3 bill)

HB 725 - MC KAY; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 33 of Title 16 of the Delaware Code Relating to the Purity of Food and Drugs.

HB 726 - HOLLOWAY - EDUCATION: An Act to Amend Chapter 15 of Title 15, Delaware Code by Providing That Each Principal or Assistant Principal of Each Public or Private High School in Each County to Include Area Vocational Schools be Deputy Registrars for the Purpose of Registering Qualified Applicants who are Enrolled as Bona Fide Students.

HB 727 - BENNETT, GORDY; SENATORS COOK, CORDREY - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Department of Labor for the Purpose of Making a Partial Reimbursement on a Federal Loan to the State Unemployment Compensation Fund.

HB 731 - T. BRADY, MATUSHEFSKE - JUDICIARY & CONSTITUTION: An Act to Abolish Certain Courts of the Justice of the Peace: To Transfer Its Jurisdiction Over All Cases to Other Justices of the Peace Courts.

HB 732 - DARLING, RIDDAGH, WEST, MORRIS, AMBROSINO - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 47, Title 16 of the Delaware Code, Relating to Penalties for Distributing Drugs to Persons Under 18 Years of Age, by Providing Mandatory Jail Sentences for Those Distributing Drugs to Persons Under 16 Years of Age and 14 Years of Age. (2/3 bill)

HB 733 - MC BRIDE, MARONEY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article XV of the Constitution of the State of Delaware Relating to the Removal of Certain Public Officers. (2/3 bill)

HB 734 - MC BRIDE, T. BRADY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware, Relating to Public Accessibility to Each House and Its Committees. (2/3 bill)

HB 735 - MC BRIDE, MARONEY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware, and Providing That a Failure to Account for Public Money Shall be a Bar to Public Office. (2/3 bill)

HB 736 - MC BRIDE, MARONEY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware, Relating to Conviction for Commission of a Crime as a Prohibition Against Candidacy for Certain Public Offices. (2/3 bill)

HB 737 - MC BRIDE, MARONEY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware Relating to the Capitation Tax. (2/3 bill)

HB 738 - MC BRIDE, MARONEY; SENATOR MARSHALL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article III of the Constitution of the State of Delaware Relating to the Approval or Veto of Bills, Orders, Resolutions or Votes. (2/3 bill)

HB 739 - ROY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 28, Title 24, of the Professional Engineers Act Relating to Public Employee Professional Engineers Membership in Collective Bargaining Units.

HB 740 - ROY - TRANSPORTATION: An Act to Amend Chapter 3, Title 21, of the Delaware Code Relating to Drivers' Performance Records.

HB 741 - ROY - TRANSPORTATION: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Fees Charged for Driving Records and Vehicle Registration Records Furnished by the Division of Motor Vehicles.

HB 742 - ROY, POWELL, FREE, RIDDAGH, BURRIS, HARRINGTON, SINCOCK; SENATORS HUGHES, BERNDT, ARNOLD - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 42, Section 4209, Title 11 of the Delaware Code, Relating to the Method of Punishment for First Degree Murder.

HB 743 - BURRIS, POWELL - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, of the Delaware Code by Exempting all Pension Income for Persons Over 62 Years of Age From the State Personal Income Tax.

HB 744 - HARRINGTON, CLENDANIEL - BANKING & INSURANCE: An Act to Amend Title 19, Chapter 23 of the Delaware Code, Relating to Payment of Workmen's Compensation Benefits.

HB 745 - PETRILLI - APPROPRIATIONS: An Act to Make a Supplemental Appropriation to the Department of Correction for the Purpose of Meeting Legal Fee Obligations Necessitated by a Court Decision.

HB 746 - HEBNER, LOUGHNEY; SENATOR HUGHES - APPROPRIATIONS: An Act to Aid the Claymont Community Center by Making an Appropriation Therefor. (3/4 bill)

HB 747 - CLENDANIEL, GORDY - EDUCATION: An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Students.

HB 748 - FREE, MC KAY - PUBLIC SAFETY: An Act to Amend Chapter 29, Title 6, Delaware Code, Relating to Retail Gasoline Dealers.

HB 749 - W. BRADY, CAIN - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 64, Title 7, of the Delaware Code, to Require the Delaware Solid Waste Authority to Make Appraisals of Homes or Farms Within a Mile of Any Future Landfill Site for the Purpose of Paying the Owners the Difference Between the Appraised Value and the Sale Value.

HS 1 for HB 715 - AMBROSINO, CONNOR, CATHCART - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Section 17 and Section 17A, Article II of the Constitution of the State of Delaware, Relating to Lotteries and Other Gambling. (2/3 bill)

HA 1 to HB 574 - VAN SCIVER - ADMINISTRATIVE SERVICES & ENERGY: Placed with the bill.

HA 1 to HB 669 - T. BRADY - Placed with the bill.

HA 1 to HB 686 - RIDDAGH, HARRINGTON - AGING: Placed with the bill.

HA 2 to HB 691 - GILLIGAN, MAXWELL, MCBRIDE - APPROPRIATIONS: Placed with the bill.

HA 1 to HB 704 - MAXWELL - HEALTH & SOCIAL SERVICES: Placed with the bill.

HA 1 to HB 707 - GORDY - APPROPRIATIONS: Placed with the bill.

HA 1 to HR 142 - MINNER, W. BRADY - Placed with the bill. (Laid on the Table)

HA 2 to HR 142 - MINNER - Placed with the bill. (Laid on the Table)

HA 3 to HR 142 - MINNER - Placed with the bill. (Laid on the Table)

HA 4 to HR 142 - MINNER - Placed with the bill. (Laid on the Table)

HA 5 to HR 142 - MINNER - Placed with the bill. (Laid on the Table)

HA 6 to HR 142 - BENNETT - Placed with the bill. (Laid on the Table)

HA 7 to HR 142 - JONKIERT - Placed with the bill. (Laid on the Table)

SB 212 w/SA 1 - KEARNS - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware Relating to the Judiciary; and Permitting Certain Former State Judges and Former Justices of the Supreme Court to Return to Active Judicial Duty under Certain Circumstances. (2/3 bill)

SB 260 w/SA 1,2 - MURPHY - BANKING & INSURANCE: An Act to Amend Title 18, Chapter 39, Delaware Code Relating to Casualty Insurance Contracts.

SB 399 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to the Establishment of Mail-In Fines for a Violation of State Park Regulations. (2/3 bill)

SB 400 - MARTIN - REVENUE & FINANCE: An Act Authorizing a Feasibility Study of the Recreational Potential of the Christina River and Making an Appropriation to the Department of Natural Resources and Environmental Control.

SB 432 - ADAMS; REPRESENTATIVE GORDY; SENATORS CORDREY, COOK, LITTLETON; REPRESENTATIVES CLENDANIEL, WEST, DARLING, FALLON - APPROPRIATIONS: An Act Making an Appropriation to the University of Delaware for the Purchase of Equipment to be Used at the Agriculture Sub-Station near Georgetown and to Make Improvements There. (3/4 bill)

The Chief Clerk read the following Committee Reports into the record:

Administrative Services & Energy: HB 325 - 2F, 3M; HB 574 - 1F, 3M; HB 429 - 3M, 1UF; HB 91 - 2M, 1UF; HB 601 - 4M.

Agriculture: HB 620 - 3F, 2M.

Natural Resources: SB 132 - 2M, 1F; SB 302 - 2F, 1M; SB 152 - 2M, 1F.

Health & Social Services: HB 712 - 8M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 432, SB 212 w/SA 1, SCR 58, SCR 59, SB 260 w/SA 1, SA 2, SB 399, SB 400, HJR 27, HB 539 w/HA 1, SCR 57, HB 663 w/HA 1,4,9,10,11,12,15, SA 1.

Representative Neal moved to lift HB 681 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

HB 681 - An Act Authorizing the Delaware Energy Office to Provide Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials for Their Homes and Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of Such a Program.

Representative Neal brought HA 1 to HB 681 before the House for consideration. HA 1 was adopted by voice vote.

Representative Neal brought HA 2 to HB 681 before the House for consideration. HA 2 was adopted by voice vote.

Representative Neal brought HA 3 to HB 681 before the House for consideration. HA 3 was adopted by voice vote.

Representative Neal moved to waive the revised fiscal note. The motion was properly seconded and adopted by voice vote.

Representative Neal requested and was granted the privilege of the floor for David L. Press, Special Assistant to the Governor for Energy.

The roll call on HB 681 w/HA 1,2,3 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Neal, Oberle, Plant, Powell, Roy, Sincok, Smith, Van Seiver, West, Mr. Speaker Riddagh - 33.

NO: Representatives Gordy, Hebner, Morris, Vernon - 4.

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli

- 4.

Therefore, having received a constitutional majority, HB 681 w/HA 1,2,3 was sent to the Senate for concurrence.

Representative Anderson requested that HB 456 be stricken.

Representative Smith introduced and brought HR 152 before the House for consideration.

HR 152 - Requesting the Planning Division of the Office of Management, Budget and Planning to Make a Preliminary Study of All Aspects of Pipeline Activity With the State.

The roll call on HR 152 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Connor, Fallon, George, Harrington, Hebner, Maroney, Maxwell, McKay, Neal, Oberle, Plant, Powell, Roy, Sincok, Smith, Van Seiver, Vernon, Mr. Speaker Riddagh - 22.

NO: Representatives Bennett, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Jonkiert, Loughney, McBride, Morris, West - 12.

ABSENT: Representatives Anderson, Cathcart, Free, Holloway, Matushefske, Minner, Petrilli - 7.

Therefore, having received a constitutional majority, HR 152 was adopted.

Representative Ambrosino brought HB 647 before the House for consideration.

HB 647 - An Act to Amend Chapter 27, Part II, Title 21 of the Delaware Code Relating to Driver's Licenses; and Providing for a Junior Driver's License.

Representative Ambrosino brought HA 1 to HB 647 before the House for consideration.

Representative Ambrosino moved to suspend all rules which interfere with action on HA 1 to HB 647. The motion was seconded by Representative Connor and adopted by voice vote.

Representative Ambrosino moved to place HB 647 - HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Sincok moved to suspend the rules which interfere with action on HB 728. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok brought HB 728 before the House for consideration.

HB 728 - An Act Authorizing the State Treasurer to Pay \$9,438 to Vantasyland for Work Performed at the Request of the Division of Vocational Rehabilitation.

The roll call on HB 728 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Anderson, Holloway, Matushefske, Minner, Petrilli, - 5.

Therefore, having received a constitutional majority, HB 728 was sent to the Senate for concurrence.

Representative Maxwell introduced and brought HCR 100, co-sponsored by Representatives McBride, Bennett, Anderson, Loughney, Matushefske, Jonkiert, Plant, Cain, Fallon, Oberle, Powell, Van Sciver & Senator Cicione, before the House for consideration.

HCR 100 - Requesting the Division of Aging, the Department of Health and Social Services, the Department of Elections and the Legislative Council of Delaware Jointly to Make All Needed Preparations for the Holding of a Silver-Haired Legislature in Legislative Hall During That Month in Which the Silver-Haired Legislature is to be Convened.

Representative Maxwell requested and was granted the privilege of the floor for Eleanor L. Cain, Director, Division of Aging.

Representative McKay moved to place HCR 100 in the Aging Committee. The motion was seconded by Representative Free.

The roll call on the motion was taken and revealed:

YES: Representatives Burris, Free, Harrington, Maroney, McKay, Neal, Roy, Sincok, Smith, Mr. Speaker Riddagh - 10.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Maxwell, McBride, Oberle, Plant, Powell, Van Sciver, West - 24.

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

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli, Vernon - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated and HCR 100 remained before the House.

The roll call on HCR 100 was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Connor, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Oberle, Plant, Van Sciver - 15.

NO: Representatives Burris, Darling, Harrington, Maroney, McKay, Neal, Sincok, Vernon 8.

NOT VOTING: Representatives Ambrosino, T. Brady, W. Brady, Cathcart, Clendaniel, Fallon, Free, Hebner, Morris, Powell, Roy, Smith, Mr. Speaker Riddagh - 13.

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli, West - 5.

Therefore, not having received a constitutional majority, HCR 100 was declared defeated.

Representative Free moved to suspend the rules which interfere with action on HB 696. The motion was properly seconded and adopted by voice vote.

Representative Free brought HB 696, co-sponsored by Representatives T. Brady, Plant, Holloway; Senators Marshall & Zimmerman, before the House for consideration.

HB 696 - An Act to Provide a Supplemental Appropriation to the Department of Community Affairs and Economic Development to Maintain an Adequate Service Level.

Representative Free requested and was granted the privilege of the floor for Tom Verella, Director, Office of Minority Business.

The roll call on HB 696 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

NO: Representatives Darling, Morris - 2.

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli - 4.

Therefore, having received a constitutional majority, HB 696 was sent to the Senate for concurrence.

Representative T. Brady moved to suspend the rules which interfere with action on HB 669. The motion was properly seconded and adopted by voice vote.

Representative T. Brady brought HB 669, co-sponsored by Senator McDowell, before the House for consideration.

HB 669 - An Act to Amend Chapter 88, Volume 62 of the Delaware Laws, Making a Supplementary Appropriation for a Certain Grant-in-Aid. (3/4 bill)

Representative T. Brady brought HA 1 to HB 669, co-sponsored by Senator McDowell, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 669 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli - 4.

Therefore, having received a constitutional majority of at least three-fourths members of the House, HB 669 w/HA 1 was sent to the Senate for concurrence.

Representative McKay moved to suspend the rules which interfere with action on HB 712. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative McKay brought HB 712, co-sponsored by Representative Maroney & Senator Holloway, before the House for consideration.

HB 712 - An Act Authorizing a Supplemental Appropriation to the Department of Health and Social Services.

Representative Gilligan brought HA 1 to HB 712, co-sponsored by Representatives Maxwell & McBride, before the House for consideration.

Representative Burris moved to place HA 1 to HB 712 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Sincock moved to waive the fiscal note on HB 712. The motion was properly seconded and adopted by voice vote.

The roll call on HB 712 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Holloway, Matushefske, Minner, Petrilli - 4.

Therefore, having received a constitutional majority, HB 712 was sent to the Senate for concurrence.

Representative Bennett brought HB 519, co-sponsored by Representatives McKay, Petrilli & Senator Cordrey, before the House for consideration.

HB 519 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers and Salespersons and Real Estate Appraisers.

Representative Bennett brought HA 1 to HB 519 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to recess at 8:20 p.m.

The House reconvened at 9:30 p.m.

Representative McKay moved to place HB 519 w/HA 1 on the Speaker's table. The motion was seconded by Representative Cathcart and adopted by voice vote.

Representative Sincock introduced and brought SCR 59, sponsored by Senators Holloway & Hughes, before the House for consideration.

SCR 59 - Mourning the Death of James H. Sears, of Hockessin, Nationally Renowned for His Efforts to Encourage the Hiring of the Handicapped.

SCR 59 was adopted by voice vote and returned to the Senate.

Representative Fallon introduced and brought SCR 60, co-sponsored by Senator Littleton, before the House for consideration.

SCR 60 - Commending Brigadier General Walter Layton Johnson, of Georgetown, for Outstanding Service, as he Retires After 31 Years as a Member of the Delaware National Guard.

SCR 60 was adopted by voice vote and returned to the Senate.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 60, HB 728, HB 696, SB 434 w/SA 1, SA 2; SB 449, HB 694, HB 678, SB 376 w/SA 2,3,4.

Representative Plant moved to suspend the rules which interfere with action on HJR 31. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Plant brought HJR 31 before the House for consideration.

HJR 31 - Requesting the Secretary of Health and Social Services to Cease Immediately Payments Being Made to an Iranian College Student in New Castle County.

The roll call on HJR 31 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, George, Gilligan, Gordy, Harrington, Hebner, McBride, Morris, Oberle, Plant, Powell, Roy, Sincok, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 26.

NO: Representatives Maroney, McKay, Neal - 3.

ABSENT: Representatives Anderson, Cain, Ferguson, Free, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Minner, Petrilli, Smith - 12.

Therefore, having received a constitutional majority, HJR 31 was sent to the Senate for concurrence.

Representative Oberle introduced and brought HCR 101, co-sponsored by Senator Kearns, before the House for consideration.

HCR 101 - Establishing an Employment Compensation Committee to Explore the Problems and Make Recommendations to Legislature if Necessary.

Representative Oberle requested that HCR 101 be stricken.

Representative Vernon introduced and brought HR 153 before the House for consideration.

HR 153 - Memorializing Delaware's Congressional Delegation to Request an Audit of the Bethany Beach and Dewey Beach Water and Sewer Districts by the Inspector General of the United States.

HR 153 was adopted by voice vote.

Representative Ambrosino introduced and brought SCR 56, co-sponsored by Senators Hughes and Berndt, before the House for consideration.

SCR 56 - Mourning the Death of Thomas M. Adamson, a Member of the House of Representatives in the 106th General Assembly From the Former Sixth District.

SCR 56 was adopted by voice vote and returned to the Senate.

Representative Ambrosino introduced and brought HR 154, co-sponsored by Representatives Van Sciver, Holloway, Plant, before the House for consideration.

HR 154 - Congratulating Anthony Turner, A Student at the Howard Career Center, for Being Selected to Participate in the "United States Collegiate Wind Band" European Concert Tour.

HR 154 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 155, co-sponsored by Representatives Cathcart & Van Sciver, before the House for consideration.

HR 155 - Commending Eugene Solomon for His Quick Action in Single-Handedly Extinguishing a Potentially Dangerous Fire at the Howard Career Center.

HR 155 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 156, co-sponsored by Representatives Van Sciver, Plant & Holloway, before the House for consideration.

HR 156 - Expressing the Best Wishes of the House of Representatives to the Delaware Black Community in Its Observance of Black History Month.

HR 156 was adopted by voice vote.

Representative McBride introduced and brought HCR 102, co-sponsored by Representatives Anderson, Ferguson, Petrilli; Senators Arnold & Marshall, before the House for consideration.

HCR 102 - Requesting the State Department of Public Instruction to Establish a Committee to Review the Instructional Program and Related Problems in the New Castle County School District.

Mr. Speaker assigned HCR 102 to the Education Committee.

Representative West moved to suspend all rules which interfere with action on HB 540. The motion was properly seconded and adopted by voice vote.

Representative West brought HB 540, co-sponsored by Representatives McBride, Oberle, Powell, Petrilli; Senators Adams & Berndt, before the House for consideration.

HB 540 - An Act to Amend Chapter 51 and Chapter 52, Title 30 of the Delaware Code Relating to the Motor Fuel Tax and the Motor Carriers Fuel Purchase Law. (2/3 bill)

Representative West moved to place HB 540 on the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Sincock moved to suspend the rules which interfere with consideration and passage of SB 423. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Sincock brought SB 423, sponsored by Senators Hughes, Zimmerman & Martin, before the House for consideration.

SB 423 - An Act to Amend Chapter 68, Volume 62, Laws of Delaware, Being "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions."

The roll call on SB 423 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 31.

NO: Representatives Darling, Gilligan, Morris, West - 4.

ABSENT: Representatives Holloway, Jonkiert, Loughney, Matushefske, Minner, Petrilli - 6.

Therefore, having received a constitutional majority, SB 423 was returned to the Senate.

Representative Sincock moved to suspend the rules which interfere with consideration and passage of SB 432. The motion was properly seconded and adopted by voice vote.

Representative Sincock brought SB 432, sponsored by Senator Adams, Representative Gordy, Senators Cordrey, Cook, Littleton; Representatives Clendaniel, West, Darling & Fallon, before the House for consideration.

SB 432 - An Act Making an Appropriation to the University of Delaware for the Purchase of Equipment to be Used at the Agriculture Sub-Station Near Georgetown and to Make Improvements There. (3/4 bill)

The roll call on SB 432 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

NO: Representative Ambrosino - 1.

ABSENT: Representatives Holloway, Jonkiert, Loughney, Matushefske, Minner, Petrilli - 6.

Therefore, having received a constitutional majority of at least three-fourths members of the House, SB 432 was returned to the Senate.

Representative Oberle moved to suspend all rules which interfere with action on SB 405. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought SB 405 w/SA 1, sponsored by Senator Cicione, before the House for consideration.

SB 405 w/SA 1 - An Act to Amend Chapter 5, Title 19, Delaware Code, Relating to Child Labor.

The roll call on SB 405 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gordy, Harrington, Hebner, Maroney, McBride, McKay, Morris, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 29.

NO: Representatives Bennett, Gilligan, Neal - 3.

ABSENT: Representatives Ferguson, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Minner, Petrilli, West - 9.

Therefore, having received a constitutional majority, SB 405 w/SA 1 was returned to the Senate.

Representative Cathcart moved to suspend all appropriate rules for the purpose of acting on SB 449. The motion was properly seconded and adopted by voice vote.

Representative Sincock moved to waive the fiscal note as required by statute. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart brought SB 449, co-sponsored by Senator McDowell; Representatives Free & Van Sciver, before the House for consideration.

SB 449 - An Act Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of the "Delaware Energy Crisis Assistance Program" to Assist Homeowners and Others in Purchasing Heating Fuels.

Representative Cathcart requested and was granted the privilege of the floor for David L. Press, Special Assistant to the Governor for Energy.

The roll call on SB 449 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, Neal, Oberle, Plant, Powell, Sincock, Smith, Van Sciver, West - 26.

NO: Representatives Bennett, Darling, McKay, Morris, Roy, Vernon, Mr. Speaker Riddagh - 7.

ABSENT: Representatives Ferguson, Holloway, Jonkiert, Loughney, Matushefske, McBride, Minner, Petrilli - 8.

Therefore, having received a constitutional majority, SB 449 was returned to the Senate.

Representative Oberle moved to suspend all rules which interfere with action on HB 663 w/HA 1,4,9,10,11,12,15;SA 1. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 663 w/HA 1,4,9,10,11,12,15;SA 1 before the House for consideration.

HB 663 - An Act Establishing an Emergency Loan Committee Making a Supplemental Appropriation Thereto, and Authorizing the Committee to Make Loans to the Chrysler Corporation. (3/4 bill)

Representative Burris moved to recess for caucus at 11:02 p.m.

The House reconvened at 11:18 p.m.

The roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1 was taken.

Representative Oberle moved to table the roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1. The motion was seconded by Representative Maxwell.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Maxwell, Morris, Oberle, Plant, West - 16.

NO: Representatives T. Brady, Burris, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 16.

ABSENT: Representatives Ambrosino, Connor, Holloway, Jonkiert, Loughney, Matushefske, McBride, Minner, Petrilli - 9.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Ferguson moved to table the roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1. The motion was seconded by Representative Maxwell.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Maxwell, Morris, Oberle, Plant, West - 15.

NO: Representatives Ambrosino, T. Brady, Burris, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 18.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Cathcart, Holloway, Loughney, Matushefske, McBride, Minner, Petrilli - 7.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative George moved to table the roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Morris, Oberle, Plant, West - 18.

NO: Representatives Ambrosino, T. Brady, Burris, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 18.

ABSENT: Representatives Cathcart, Holloway, Matushefske, Minner, Petrilli - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated.

The roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1 was revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, Morris, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Mr. Speaker Riddagh - 28.

NO: Representatives Darling, McKay, Vernon, West - 4.

NOT VOTING: Representatives Bennett, Clendaniel, Jonkiert - 3.

ABSENT: Representatives Holloway, Loughney, Matushefske, McBride, Minner, Petrilli - 6.

Therefore, not having received a constitutional majority of at least three-fourths members of the House, HB 663 w/HA 1,4,9,10,11,12,15;SA 1 was declared defeated.

Representative Free moved to suspend all necessary rules for the purpose of acting on SB 422. The motion was properly seconded and adopted by voice vote.

Representative Free brought SB 422, sponsored by Senator Cook, Representatives Minner, Bennett, Darling & Morris, before the House for consideration.

SB 422 - An Act to Amend Title 9, of the Delaware Code Relating to the Power of Kent County to Issue Single Family Mortgage Revenue Bonds.

The roll call on SB 422 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Hebner, Maxwell, McBride, Morris, Neal, Powell, Roy, Sincock, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 27.

NO: Representatives Free, Maroney, McKay, Smith - 4.

NOT VOTING: Representative Harrington - 1.

ABSENT: Representatives Anderson, Holloway, Jonkiert, Loughney, Matushefske, Minner, Oberle, Petrilli, Plant - 9.

Therefore, having received a constitutional majority, SB 422 was returned to the Senate.

Representative Sincock moved to suspend the rules which interfere with action on SB 294. The motion was properly seconded and adopted by voice vote.

Representative Sincoc brought SB 294, sponsored by Senator Cordrey, before the House for consideration.

SB 294 - An Act Awarding Special Pension Benefits to John Longobardi, a Former State Employee, Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

Since a quorum was not present, Representative Burris moved to recess at 12:14 a.m.

The House reconvened at 2:04 a.m.

Representative Connor introduced HB 750.

HB 750 - An Act to Amend Title 5, Title 9, Title 10, Title 12, Title 23 and Title 29 of the Delaware Code Relating to Divestiture by the State of Delaware of Those Shares of Stock in the Farmers' Bank of the State of Delaware Which are Owned by the State.

Mr. Speaker assigned HB 750 to the Banking & Insurance Committee.

Representative Anderson introduced HB 751.

HB 751 - An Act Relating to Prohibition of Increases in Taxation of Real Property Owned by Certain Persons over 65 Years of Age.

Mr. Speaker assigned HB 751 to the Revenue & Finance Committee.

Representative McKay moved to reconsider HB 663 w/HA 1,4,9,10,11,12,15;SA 1. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative McKay brought HB 663 w/HA 1,4,9,10,11,12,15;SA 1 before the House for consideration.

HB 663 - An Act Establishing an Emergency Loan Committee Making a Supplemental Appropriation Thereto, and Authorizing the Committee to Make Loans to the Chrysler Corporation. (3/4 bill)

The roll call on HB 663 w/HA 1,4,9,10,11,12,15;SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincoc, Smith, Van Sciver, West, Mr. Speaker Riddagh - 34.

NO: Representatives Clendaniel, McKay, Vernon - 3.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, having received a constitutional majority of at least three-fourths members of the House, HB 663 w/HA 1,4,9,10,11,12,15;SA 1 was sent to the Governor.

Representative Gordy moved to suspend all rules for the purpose of acting on SB 434 w/SA 1,2. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, Free, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Morris, Plant, West - 19.

NO: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 19.

ABSENT: Representatives Holloway, Matushefske, Minner - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Sincok moved to suspend the rules which interfere with consideration and passage of SB 294. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Sincok brought SB 294, sponsored by Senator Cordrey, before the House for consideration.

SB 294 - An Act Awarding Special Pension Benefits to John Longobardi, a Former State Employee, Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on SB 294 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

ABSENT: Representatives Anderson, Cain, Holloway, Jonkiert, Loughney, Matushefske, Minner - 7.

Therefore, having received a constitutional majority, SB 294 was returned to the Senate.

Representative Connor moved to suspend the rules which interfere with action on SB 222. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Connor brought SB 222, sponsored by Senator Cook; Representative Gordy; Senators Zimmerman, Hughes & Cordrey, before the House for consideration.

SB 222 - An Act to Amend Chapter 39, Title 14, Delaware Code, to Provide Post-Retirement Increases to Retired and Disabled Teachers who Retired Prior to 1978.

The roll call on SB 222 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

ABSENT: Representatives Anderson, Holloway, Jonkiert, Loughney, Matushefske, Minner, - 6.

Therefore, having received a constitutional majority, SB 222 was returned to the Senate.

Representative Burris moved to recess to the call of the Chair at .45 a.m.

13th LEGISLATIVE DAY
Second Session

March 18, 1980

The Speaker called the House to order at 1:38 p.m.

The Majority Leader moved to adjourn at 1:45 p.m., thereby ending the previous legislative day. The House reconvened at 1:46 p.m. A prayer was offered by "Praise Hym", Linda & Ron Austin, Wilmington, DE.

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

The Chief Clerk called the roll.

Members Present: - 40.

Member Absent: Representative Bennett - 1.

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

Representative McKay read the following communication:

MEMORANDUM

February 11, 1980

TO: The Hon. Richard Cordrey, President Pro Tem
The Hon. Thomas Sharp, Senate Majority Leader
The Hon. Andrew Knox, Senate Minority Leader
The Hon. Robert Riddagh, Speaker of the House
The Hon. John Burris, House Majority Leader
The Hon. John Ferguson, House Minority Leader
The Hon. Herman Holloway, Sr., Chairman,
Senate Health & Social Services Committee
The Hon. John McKay, Chairman,
House Health & Social Services Committee

FROM: Patricia C. Schramm

SUBJECT: HJR 31

On January 31, House Joint Resolution 31 passed in the House of Representatives and was sent to the Senate for action. The resolution asked that I cease General Assistance payments to an Iranian student, or begin to process applications for General Assistance for Delawareans between the ages of 18-54.

I would like to clear up some confusion concerning this matter and make the General Assembly aware of the facts in this case. The Iranian student is not the eligible recipient for the General Assistance grant. This student has a baby, who is an American citizen, as documented by a passport, and it is the baby who is eligible for assistance. The grant is for one person only (the baby), and is for support of the baby. General Assistance laws do make children under the age of 18 eligible for grants if their families meet the income criteria. The Division of Social Services is in conformity with regulations and laws of the State of Delaware. We have a number of cases where eligible children are receiving assistance but their parents are not.

I share the anger and frustration that all Americans feel over the holding of hostages in Iran, but I feel that this case should be handled like any other, in accordance with established laws and regulations.

It would be a very dangerous precedent to deny assistance to any eligible recipient, based on the nationality or ethnic origin of that recipient's family or parents.

I hope that this will be taken into consideration in any Senate deliberations on HJR 31, and I welcome this opportunity to assure the General Assembly that we are abiding by the law in this matter.

PCS:sm

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 9 w/SA 1, HB 681 w/HA 1, 2, 3; HB 712.

January 22, 1980

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/8/80 - HJR 25; 1/10/80 - HJR 26; 1/16/80 - HCR 90, HCR 91; 1/17/80 - HJR 28; 1/21/80 - SB 357 w/HA 1, 2; 1/22/80 - HB 123, HB 646, HB 674.

February 7, 1980

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/25/80 - SJR 29; 1/29/80 - HB 597; 2/1/80 - SB 449; 2/4/80 - HB 361; 2/5/80 - HB 678.

February 14, 1980

LEGISLATIVE ADVISORY #29

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/7/80 - HJR 27; 2/8/80 - SB 433, HB 694, SB 385, SB 384, SB 380, HB 422, HB 555, SB 414; 2/11/80 - SB 220 w/HA 1; 2/12/80 - HB 663 w/HA 1, 4, 9, 10, 11, 12, 15; SA 1; SJR 32, SB 326 w/SA 2, HB 696, HB 728.

The Governor vetoed the following legislation on the date indicated: 2/12/80 - HB 539 w/HA 1.

February 12, 1980

TO THE HOUSE OF REPRESENTATIVES
OF THE 130TH GENERAL ASSEMBLY
OF THE STATE OF DELAWARE

On January 31, 1980 I received House Bill 539 as amended by House Amendment No. 1, entitled AN ACT TO AMEND CHAPTERS 9 and 11, TITLE 13, DELAWARE CODE RELATING TO ADOPTION AND TERMINATION OF PARENTAL RIGHTS. I am returning this Bill without my signature. The Bill has much to commend it in that it attempts to expedite the termination/adoption process, particularly in respect of newborn children. Further, it amplifies existing law concerning confidentiality of records.

Despite these desirable objectives, I am concerned that the Bill fails to provide notice and a right to be heard to those parties most affected by the proceedings - those whose parental rights are subject to termination. Considerations of fundamental fairness require that, when altering family relationships, our Courts proceed only on the basis of a record in which all concerned have had an opportunity to participate.

I am also troubled by the Bill's requirement that a father "acknowledge" his child or else lose his parental rights. If the reference is to the formal acknowledgement procedures described in 13 Del. C. §1301, it may be that many fathers are simply unaware that such procedural formalities must be followed. To base the forfeiture of such important rights upon an unfamiliarity with legal procedures seems inequitable.

Finally, certain of the Bill's provisions may run afoul of the Equal Protection Clause of the United States Constitution. For example, the Bill seems to require certain showings of male parents not required of female parents.

Because of the Bill's merits, it is my hope that legislation will soon be prepared and introduced which accomplishes the Bill's desirable objectives while avoiding the Constitutional difficulties to which I have referred.

Respectfully submitted,
Pierre S. du Pont, IV
Governor

PSduP/wmb
February 20, 1980

LEGISLATIVE ADVISORY #30

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/15/80 - HB 712, HB 681 w/HA 1, 2, 3; SB 222, SB 294, SB 405 w/SA 1; SB 422, SB 423, SB 432.

March 13, 1980

The Honorable Robert W. Riddagh
Speaker of the House
House of Representatives
Legislative Hall
Dover, DE 19901
Dear Mr. Speaker:

As required by Article VII, Section 1 of the Delaware Constitution, I am hereby transmitting to the General Assembly copies of all reprieves, pardons and remissions granted by me in 1979.

I would appreciate your advising the members of the House that this transmittal has been received and making it available to them. I would also appreciate your reading this communication into the Journal, as formal acknowledgment of receipt.

Sincerely yours,
Pierre S. du Pont
Governor

Attachments
PSduP/brs

March 18, 1980

Honorable Robert W. Riddagh
Legislative Hall
Dover, DE 19901
Dear Speaker Riddagh:

This letter is in response to House Resolution No. 146, concerning East Main Street in Newark, Delaware.

As requested we have reviewed our decision to make East Main Street, from Library Road to Washington Street, one way westbound. We find that we cannot allow two way traffic on this section and still maintain the integrity of the overall project.

It must be emphasized that the original decision was not made arbitrarily or without the full knowledge of the City. The traffic flow plan including the one way operation of this block of East Main Street was approved by the City of Newark in correspondence dated May 27, 1975.

This Department is mandated to provide for the transportation needs of all the citizens of Delaware. Unfortunately, while providing for the good of the many, sometimes a few are inconvenienced. We are certainly sensitive to the needs of those who are inconvenienced. This is exactly the case in this situation, and to this end we offered to the City of Newark on January 28, 1980 to construct a connector from George Read Village to Delaware Avenue to alleviate this inconvenience. The offer included the signalization of the intersection with Delaware Avenue, if any need develops. To date, we have received no response from the City to our offer.

Our responsibility and efforts in this matter have been and remain to efficiently and economically provide for the traveling needs of the majority of the public, while being sensitive to and minimizing the inconveniences to the few. I feel this has been duly illustrated by our traffic flow plan and subsequent offer to alleviate the inconvenience to the citizens of George Read Village.

Your consideration and understanding of the above is appreciated.

Sincerely,
Kermit H. Justice
Secretary

KHJ;jdh

cc: Hon. Roger P. Roy, Chairman, Highways & Transportation Committee

Hon. Marian P. Anderson, Resolution Sponsor

Hon. William Redd, Mayor of Newark

P.S. It is respectfully requested that this letter be read to the members of the House and become an official part of the record.

The following prefiled legislation was introduced:

HB 752 - HARRINGTON - LABOR: An Act to Amend Section 2326, Title 19, Delaware Code, Relative to Payment of Workmen's Compensation Benefits for Disfigurement.

HA 2 to HB 519 - BENNETT - Placed with the bill. (Laid on the table).

SB 376 w/SA 2, 3, 4 - MC DOWELL, MARSHALL; REPRESENTATIVES MC BRIDE, ANDERSON - HEALTH & SOCIAL SERVICES - An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code Relating to Welfare; and Providing for Pharmaceutical Assistance to the Aged. (Fiscal Note)

SB 434 w/SA 1, 2 - HOLLOWAY - EDUCATION: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Free Public Schools; and Providing for the Composition of the New Castle County School Board.

SJR 9 w/SA 1 - MARTIN, BERNDT; REPRESENTATIVES MAXWELL, AMBROSINO - JUDICIARY & CONSTITUTION: Directing the Michie Company of Charlottesville, Virginia, to Include Certain Organic Acts and Historical Documents of This State in the Next Cumulative Supplement and All Future Editions of the Delaware Code Annotated.

Representative Holloway introduced and brought HR 157 before the House for consideration.

HR 157 - Welcoming Reverend Jesse L. Jackson, Nationally Known Civil Rights Leader and President of People United to Save Humanity (PUSH) to the State of Delaware, the First State.

HR 157 was adopted by voice vote.

Representative Holloway requested and was granted the privilege of the floor for Reverend Jesse L. Jackson who addressed the House as follows:

Thank you, Mr. Speaker, Representative Holloway. To Distinguished Officials of this Body, to the people from the State of Delaware, who have been so warm and kind and so gracious to us since we've been here. I want to express my thanks to the officials of DAPI and to Mrs. Nix in particular, its founder, and to the men and women of this Body who have had the foresight to tackle one of the great and critical problems of our day in such a forthright and admirable fashion.

Furthermore, I thank you for giving me these few minutes to share with you some views and insights that we have gathered from traveling around this nation and from around the world.....and as we observe what is happening and what our leadership must do.....there is this critical moment for challenge and opportunity today. It is almost a foregone statement that our nation is in a crisis. I am disturbed at the repeated and rather superficial gestures toward what is now a crisis of mindboggling dimensions.

In the last ten years, with relatively few bullets being fired, almost no bombs being dropped, a worldwide revolution has occurred. In a matter of ten years, we take cognizance of a worldwide revolution, a drive for self-determination, a drive that has resulted in a kind of human rights renaissance that has rather profound effects on how our nation will survive.

Indeed for the balance of this century, just a very quick observation, there are about four million people on earth, one-half of all human beings are Asians, one-half of them Chinese, one of every eight human beings are African, one of every four Nigerian. Our neighbors to the south of us - Mexico, South, Central and Latin America - speak Spanish and Portugese. Look in the Middle East now and the Arab-OPEC states have under their feet 64% of the world's known oil reserves. They're talking about 44% for the Western World. Any alteration in that flow has rather profound implications for our nation and its destiny. The Arab-OPEC states have \$150 billion on fiscal reserves — more than half of it U.S. dollars — we haven't been a bit greedy, perhaps too undisciplined. We now find ourselves virtually dependent, held hostage, in many economic ways, upon foreign sources for fiscal and energy protection. There has been a radical redistribution of people and power in the world and those of us who are American are but 4% of the world's population. We are 4% of the world's population; beyond us is 96% of the world.

That calls for some radical readjustments, it seems, one being that the illusion that we are superior over the world must give way to a new reality, of the delusion that we must be inferior to the world, must give way to another reality; in fact, our challenge is to learn to live with the world and to maintain some leadership posture. Merely being 4% of the world, we cannot afford the kind of class, caste and racial divisiveness that threatens the internal stability of our nation.

We now find ourselves grappling with this great problem of inflation and all of us must commit ourselves to fighting inflation and yet, if we are to be ethically consistent and argue that to whom more is given, more is required, there are those more able to fight inflation than others. A hungry person, an ignorant person, an unemployed person is not eligible for any kind of fight against inflation or foreign forces or anybody. So now we find ourselves trying to fight this problem, by and large, off of the backs of the poor; asking the poor to accept mandatory requirements for wages that many of them do not have, asking the rich to operate in a voluntary fashion. This calls for a rather radical re-assessment — foreign governments benefit so tremendously from our flight of capital complex. Last year, Mr. Speaker, we spent more than \$150 billion in foreign countries; reaped about \$35 billion in profits from that. It had the effect of allowing oil from other countries and steel and cars to knock Americans out of jobs which created stagflation and unemployment as well as inflation. There must be, at every level of our government, radical re-assessment.

One area where we have a tremendous malfunction manifesting itself is how we relate to our children in the face of all this. Last year more than one million teenagers between the ages of fifteen and nineteen became pregnant. More than 600,000 gave birth last year. About 90% keep their babies. In addition, another 30,000 girls under fifteen became pregnant. 10% of all U.S. females became pregnant and gave birth. Babies born to babies. Babies born to teens are twice as likely to die during the first year. Of the one million teenagers who became pregnant, 28% follow in marriage. 10% precede marriage, 21% out of wedlock births. Two-thirds of all teenage pregnancies and one-half of all teenage births are unintended. These statistics are real and growing.

Three-fourths of the black children in America, who live in poverty, live in homes headed by females. More than 60% of the AFDC families were mothers who had babies as teenagers and more than 90% of them have the second child. The teenage pregnancy is the number one cause of school dropouts in this nation. The fact of the matter is, we have several options as we look at these children. We can turn our heads to the crisis and be ignorant and superstitious; we can turn our backs and be dispassionate, insensitive and unkind; or we can face the fact that these are our children, breeding our soldiers, our taxpayers, our workers, our labor market.

Delaware must be commended for being, at this point, the most forward state in the nation — by adopting the DAPI Program — a comprehensive assessment of how to handle the trauma. You do not handle a traumatized teenager who is pregnant by turning your head or by turning your back. I've observed piecemeal programs all over the nation; by far the most comprehensive, the most significant, the most impactful has been the DAPI Program. It's not black, it's not white. Because fundamentally the issue of teenage pregnancy is not an ethnic problem, it is an ethical problem. It is a reflection upon the state of affairs of the morality and the mentality of our nation.

We have a responsibility today in this State to remain forward in facing this problem and we've got critical choices, it seems to me, to make. One, we can choose sexual education over sexual ignorance. So many of our children are victimized by superstition and ignorance. We say, well, the church ought to teach morals to the children and, for many of those who attend, the church does. The homes ought to teach it but they don't. Schools ought to teach it but they don't. And so we find ourselves victimized by sexual ignorance. We find ourselves with increased sexual stimulation and reduced sexual education. For example, the number one record last year beating in our children's minds was, "Am I Sexy Enough for You?" followed up with songs like, "Let's Make a Baby," and "You Do It to Me and I'll Do It to You," and "Let's Do It the French Way." A kind of solemn demoral atmosphere ushering in a value system that is totally alien to human productivity. This notion of pornographic music being a stimulus, ushering our children into the premature heat, is a real fact of life.

T.V. can no longer get away with just being an education or an entertainment medium. This is the first generation of children who, by age fifteen, have seen 18,000 hours of television, 750,000 commercials, compared with 11,000 hours of school and less than 3,000 hours of church. The mass media quantitatively has more access to our children's minds and qualitatively its impressions are deeper than home, church and school combined. And so long as they usher in a value system that lends itself to premature sexual and violent aggression, no matter what laws we make in these chambers, no matter what morality we preach from pulpits, no matter how much love we project from homes, there is another estate quantitatively that has more access to our children's minds and qualitatively the impressions are deeper than home, church and school combined. And so we must move from merely occupying our chairs and mikes, for beyond us there is a pervasive problem that reaches each of our homes and this crisis of pregnancy is not one side of town.

The value crisis has hit an all-time low. We must make decisions. Shall our children become so anemic and so weak until, when the crises of life strike, they use pill power to cop out because they don't have the willpower to cope? Shall, when crises come, they put dope in their veins rather than hope in their brains? When the storms of life rage, do they have a factor of faith beyond their facts? Is there indeed something missing about how we generate a relationship with these children? Many of us become panic-stricken and say, well, lock them up. If one goes to any State University in America — Delaware, California, New York, Illinois — any State University in America for four years, it will cost less than \$20,000. If anyone goes to any State or Federal Penitentiary for four years, it will cost between \$60,000 and \$130,000. Penitentiary scholarships are four and five times higher than academic scholarships and yet, when we speak of cutting budgets, oftentimes we engage in short-term pleasure and longterm pain.

Today we find ourselves with a prison population of 550,000. Building jails far more rapidly than we are building schools. If we support DAPI, for some it represents short-term pain but longterm pleasure. The national rate of these girls who drop out of highschool and never come back is above 25%. At DAPI the girls who, in fact, are able to finish highschool and lead productive lives is above 75% because somebody in this Body had the good judgment and the good sense to be creative and forward-looking and not just backwards.

I say this, and I close to you today, that we must reassess our values and our options and our possibilities; be willing to communicate freely and openly with our children about society. We can't afford racial polarization. There are just not enough of us. We can't argue about the bus when the issue is us. There are just not enough of us.

An American child must be able to relate to Africans. They send to us from Nigeria the second greatest quantity of oil, the finest grade in the world. An American child just cannot be educated if he or she cannot speak some Arabic when these people have in their hands the destiny of our nation. We simply must learn not to be our brother's and sister's keeper, which is rather arrogant; but to be our brothers and sisters — brothers and sisters — as we reassess how we relate to the world.

The laws of these chambers are significant laws but there are some other laws we must teach our children. The laws of convenience lead to collapse; the laws of sacrifice lead to greatness. There are some other laws.....that which is superficial speaks to that which is symbolic and surface-ridden. The laws of sacrifice, the laws of the sacrificial, must reign superior to the laws of the artificial and superficial. There are some other laws.....if you're not smarter, work harder. There are some other laws.....if you are behind in the race, get up early in the morning to run faster; to be sober while your opposition is drunk; to be awake while your opposition is asleep.

Oh, yes, we need opportunity. But there is another law called the law of effort. Effort literally must exceed opportunity. But what does it matter if the doors of opportunity are wide open if we are too drunk to stagger through them? It is a question of values. What does it matter if we have a Ph.D., or no D for a teacher, if we do not attend the class to hear from either? What does it really matter if our classmate is black or white if we are antisocial toward both?

And so our children surely must learn that suffering and sacrifice are not negative terms because they are too necessary to go through to get the goodness and greatness. Each of us wants the crucifixion to pass by our lives trying to get to the resurrection. But there will be no resurrection without going through the crucifixion — suffer — the law of unearned suffering leads us to redemption. Suffering breeds character; character breeds faith and, in the end, faith will not disappoint.

Today we have the glorious opportunity and the splendid challenge right from this State which is famous for so many firsts, so many fundamental firsts, to be first in compassion, first in care, first in sensitivity, the first in knowing that we must balance bellies and budgets, first in knowing that we must judge people by their character and not merely by their color, first in knowing that, above the chaos, the confusion and the crying are infinite possibilities. It is a fact of faith in my life that weeping may endure for a night but joy will come in the morning. And, just because it rains, we do not have to drown. You may be born in the slum but the slum does not have to be born in you.

With a made-up mind you can rise above your circumstance. We do not judge the greatness of a nation by its budgets or by its buildings or by its height but by its breadth, its compassion and its sensitivity. Even as we have done it unto the least of these is the measure by which we will be judged.

I thank you for this privilege, for this opportunity. I APPEAL to you to assume your rightful place in the forefront of national leadership. Thank you so much.

Representative Neal introduced and brought SCR 55, sponsored by Senator Martin, before the House for consideration.

SCR 55 - Urging the Citizens of Delaware to Respond to President Jimmy Carter's Call for Voluntary Energy Conservation Efforts to Reduce America's Dependence on Foreign Oil.

SCR 55 was adopted by voice vote and returned to the Senate.

Representative Maxwell introduced and brought HR 158 before the House for consideration.

HR 158 - Commending Recipients of the Annual Awards of the National Conference of Christians and Jews.

HR 158 was adopted by voice vote.

Representative Fallon introduced and brought SCR 57, sponsored by Senator Cook, before the House for consideration.

SCR 57 - Commending the Division of Libraries and Sylvia Short, the State Librarian, for Developing the PDQ Library Line.

SCR 57 was adopted by voice vote and returned to the Senate.

Representative Maroney introduced and brought SCR 58, sponsored by Senator Holloway, before the House for consideration.

SCR 58 - Commending Gilbert S. Scarborough, Jr., President of the New Castle County Board of Education, Upon His Selection as the Marvel Cup Winner.

SCR 58 was defeated by voice vote and returned to the Senate.

Representative Neal moved to lift HR 142 w/HA 1,2,3,4,5,6,7 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HR 142 - Relating to the Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

Representative Minner brought HA 1 to HR 142 before the House for consideration. HA 1 was adopted by voice vote.

Representative Minner brought HA 2 to HR 142 before the House for consideration. HA 2 was adopted by voice vote.

Representative Minner brought HA 3 to HR 142 before the House for consideration.

The roll call on HA 3 was taken and revealed:

YES: Representatives Anderson, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, West - 15.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

ABSENT: Representatives Bennett, Cain, Holloway, Plant, Sincok - 5.

Therefore, not having received a constitutional majority, HA 3 to HR 142 was declared defeated.

Representative Minner brought HA 4 to HR 142 before the House for consideration.

The roll call on HA 4 was taken and revealed:

YES: Representatives Anderson, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 17.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

ABSENT: Representatives Bennett, Cain, Holloway - 3.

Therefore, not having received a constitutional majority, HA 4 to HR 142 was declared defeated.

Representative Minner brought HA 5 to HR 142 before the House for consideration. Representative Minner moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Maxwell and adopted by voice vote.

Representative Burris moved to recess at 3:37 p.m.

The House reconvened at 3:45 p.m.

Due to the absence of Representative Bennett, HA 6 to HR 142 was discarded.

Representative Jonkiert brought HA 7 to HR 142 before the House for consideration. HA 7 was adopted by voice vote.

Representative Neal brought HA 8 to HR 142 before the House for consideration. HA 8 was adopted by voice vote.

Representative Neal brought HA 9 to HR 142 before the House for consideration. HA 9 was adopted by voice vote.

Representative Neal brought HA 10 to HR 142 before the House for consideration. HA 10 was adopted by voice vote.

Representative George brought HA 11 to HR 142 before the House for consideration.

The roll call on HA 11 to HR 142 was taken and revealed:

YES: Representatives Ambrosino, W. Brady, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Matushefske, Morris, Oberle, Plant, West - 13.

NO: Representatives Anderson, T. Brady, Burris, Cathcart, Clendaniel, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Neal, Petrilli, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 22.

NOT VOTING: Representatives Powell, Sincok - 2.

ABSENT: Representatives Bennett, Cain, Maxwell, Roy - 4.

Therefore, not having received a constitutional majority, HA 11 to HR 142 was declared defeated.

Representative Powell brought HA 12 to HR 142 before the House for consideration.

The roll call on HA 12 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Darling, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 22.

NO: Representatives Representatives Anderson, W. Brady, Cain, Clendaniel, Ferguson, George, Gilligan, Gordy, Jonkiert, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 16.

ABSENT: Representatives Bennett, Holloway, Loughney - 3.

Therefore, having received a constitutional majority, HA 12 to HR 142 was adopted.

Representative Minner brought HA 13 to HR 142 before the House for consideration. Representative Burris moved to place HA 13 on the Speaker's table. The motion was seconded by Representative Vernon.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 20.

NO: Representatives Anderson, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 18.

ABSENT: Representatives Bennett, Free, Holloway, - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 13 to HR 142 was placed on the Speaker's table.

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

Representative Hebner rose on a point of order.

Representative Maxwell brought HA 14 to HR 142 before the House for consideration. Representative Maxwell moved to place HA 14 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Minner moved to lift HA 5 to HR 142 from the Speaker's table. The motion was properly seconded and defeated by voice vote.

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape at 5:00 p.m.

The House reconvened at 5:02 p.m.

The roll call on HR 142 w/HA 1,2,7,8,9,10,12 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Matushefske, McBride, Minner, Morris, Plant, West - 16.

NOT VOTING: Representatives Jonkiert, Loughney, - 2.

ABSENT: Representatives Bennett, Maxwell, - 2.

Therefore, having received a constitutional majority, HR 142 w/HA 1,2,7,8,9,10,12 was adopted.

Representative Ferguson introduced HA 1 to SB 434. HA 1 to SB 434 was placed with the bill.

Representative Petrilli introduced and brought HCR 103, co-sponsored by Representatives Oberle, Roy, Van Sciver, Anderson, Holloway; Senators Cicione, Sharp, Arnold & Knox, before the House for consideration.

HCR 103 - Requesting the New Castle County Board of Education, Before Adopting Any Plan for School Closings, to Hold at Least One Public Meeting in Each of the Four Attendance Areas and to Make Replies to Questions Propounded Herein.

HCR 103 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 6:00 p.m.

14th LEGISLATIVE DAY
Second Session
March 19, 1980

The Speaker called the House to order at 1:50 p.m.

Representative Sincock introduced and brought HCR 104, co-sponsored by Senator Berndt, before the House for consideration.

HCR 104 - Mourning the Death of Samuel P. Maroney, a Wilmington Teacher and Principal for 40 Years, on March 11, 1980, at the Age of 81.

HCR 104 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 A prayer was offered by Representative Maroney, Twelfth District.

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

The Chief Clerk called the roll.

Members Present: 41.

Representative Bennett asked to be marked present for the previous legislative day, March 18, 1980.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 61, SCR 62, SCR 63, SCR 64, SCR 65, SCR 66, SCR 67, SB 424 (Fiscal Note), SB 456, SB 463.

The following prefiled legislation was introduced:

HB 753 - AMBROSINO - SCHOOL FINANCE: An Act to Amend Title 14 of the Delaware Code Relating to Education; and Providing for the Organization, Governance and Financing of School Districts.

HB 754 - PLANT - JUDICIARY & CONSTITUTION: An Act to Amend Part I, Title 31, Del. C. by Requiring Certain Solicitors to be Licensed and to Make Financial Reports.

HB 755 - AMBROSINO - JUDICIARY & CONSTITUTION: An Act to Amend Title 21 and Title 25 of the Delaware Code Relating to Civil Liability of an Owner of Certain Real or Personal Property for Negligence Resulting in Injury to a Non-Paying Guest.

HB 756 - HARRINGTON, CONNOR, SINCOCK, GILLIGAN, MAXWELL, CLENDANIEL; SENATORS HOLLOWAY, KEARNS, ARNOLD, HUGHES - BANKING & INSURANCE: An Act to Amend an Act, Being Cl (101), Volume 8, Laws of Delaware, Entitled "An Act to Incorporate the Wilmington Savings Fund Society" Passed at Dover on January 11, 1832, as the Same Has Since Been Renewed, Amended and Changed, by Amending Section 7 Thereof to Provide That the Society May Make Loans With or Without Collateral Security. (2/3 bill).

HB 757 - HARRINGTON, CONNOR, SINCOCK, GILLIGAN, MAXWELL, CLENDANIEL; SENATORS HOLLOWAY, KEARNS, ARNOLD, HUGHES - BANKING & INSURANCE: An Act to Amend Sections 2108 (a) and 2112 (b) of Title 5 of the Delaware Code to Include Mutual Savings Banks Under the Provisions of the Small Loans Act (Chapter 21 of Title 5 of the Delaware Code) and to Amend Sections 909 (a), (a) (1), (a) (2) and (c) of Title 5 of the Delaware Code to Subject Mutual Savings Banks to the Same General Loan Limitations as are Applicable to Other State Banks or Trust Companies.

HB 758 - CONNOR - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Modifications of the Delaware Personal Income Tax.

HB 759 - CONNOR - REVENUE & FINANCE: An Act to Amend Chapter 47, Part V, Title 7 of the Delaware Code Relating to State Parks; and Exempting Certain Persons from State Park Fees.

HB 760 - GORDY, CLENDANIEL, WEST - AGRICULTURE: An Act to Amend Subchapter I, Chapter 67, Title 25, Del. C., Relating to Leases of Tenant Houses Located on Poultry Farms.

HB 761 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Delaware Transportation Authority for the Purpose of Acquiring Fifty-Five (55) Buses for the Delaware Administration for Regional Transit (DART). (3/5 bill.)

HB 762 - POWELL, ROY, CAIN, MC BRIDE, OBERLE, PETRILLI; SENATORS ADAMS, BERNDT - REVENUE & FINANCE: An Act to Amend Chapter 51 and Chapter 52, Title 30 of the Delaware Code Relating to the Motor Fuel Tax and the Motor Carriers Fuel Purchase Law. (2/3 bill.)

HB 763 - VERNON - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 63, Title 9, Delaware Code, Relating to the Requirements of Building Permits.

HB 764 - MAXWELL - TRANSPORTATION: An Act to Amend Title 21, Delaware Code, by Eliminating Certain Legal Obstructions to Ridesharing.

HB 765 - VERNON; SENATOR CORDREY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 302, Volume 49, Laws of Delaware, Being "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Elections and Certain Enumerated Powers of the Town. (2/3 bill.)

HB 766 - LOUGHNEY - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Proceeding Against a Child as an Adult. (2/3 bill.)

HB 767 - WEST - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of a Traffic Control Device on Warrington Street in Dagsboro.

HB 768 - FERGUSON - EDUCATION: An Act to Provide for the Election of Members to the Board of Education of the New Castle County School District, a School District Created July 1, 1978 by Order of the Federal Court and to Provide for Enlargement of the Board.

HB 769 - MC BRIDE - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Competitive Bidding, by Increasing the Minimum Amount of a Contract Before Bidding is Required.

HB 770 - GILLIGAN, FERGUSON, MATUSHEFSKE, MAXWELL, MC BRIDE, VAN SCIVER; SENATORS CICIONE, KEARNS, MARTIN - ADMINISTRATIVE SERVICES & ENERGY: An Act to Name a Portion of Highway Route 141 in Honor of Representative Daniel A. Kelly.

HB 771 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Delaware Transportation Authority for the Purpose of Assisting the Construction of a New Wilmington Transportation Center. (3/5 bill.)

HB 772 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the University of Delaware for the Construction of Phase I Utilities and Roadways Within the College of Marine Studies Industrial Research Park. (3/5 bill.)

HB 773 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Delaware Energy Office for the Purpose of Providing Funds to State Agencies and the Department of Public Instruction to Make Capital Improvements to State Schools, Hospitals, and Other Public Buildings so as to Reduce Their Consumption of Energy. (3/5 bill.)

HB 774 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development for the Purpose of Assisting in the Acquisition and Construction of a Multipurpose Crane and Necessary Related Equipment and Facilities at the Port of Wilmington. (3/4 bill.)

HB 775 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control for the Purpose of Accelerating the Drainage of the Agricultural Lands of Delaware and the Construction of Road Crossings Associated Therewith. (3/5 bill.)

HB 776 - SINCOCK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Division of Communications of the Department of Public Safety for the Purpose of Improving the Radio Communications System for the Delaware State Police. (3/5 bill.)

HA 1 to HB 513 - VAN SCIVER - AGING: Placed with the bill.

SB 424 - MURPHY, BERNDT; REPRESENTATIVES POWELL, ANDERSON - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation to the Department of Justice. (Fiscal Note.)

SB 456 - COOK - AGING: An Act Making a Supplementary Appropriation to the Delaware Transportation Authority to Subsidize Transportation for the Elderly and Handicapped in Kent and Sussex Counties.

SB 463 - COOK, BERNDT; REPRESENTATIVE SINCOCK - APPROPRIATIONS: An Act to Amend Volume 62, Chapter 146, Laws of Delaware, Relating to the Annual Bond Authorization Act of the State of Delaware for the State's Fiscal Year Beginning July 1, 1979, Being Former Senate Bill No. 374 of the 130th General Assembly. (3/4 bill.)

Representative West introduced and brought HCR 105, co-sponsored by Senator Cordrey, before the House for consideration.

HCR 105 - Congratulating the Indian River High School Basketball Team on Winning the State Championship for the First Time.

WHEREAS, the Indian River High School Basketball Team defeated Cape Henlopen, 66 to 65, on Saturday, March 15, 1980, at the University of Delaware Fieldhouse to win the state championship for the first time; and

WHEREAS, Dave Cook, coach of Indian River, gave full credit to his team for the victory which marked Indian River's first state championship in any sport; and

WHEREAS, to win the championship Indian River had to survive four tournament games, defeating Middletown, St. Mark's and Concord as well as Cape Henlopen; and

WHEREAS, Coach Ralph Baird of Cape Henlopen said "Our kids never quit and played to the last second. They beat us on the boards in the first half but we hung in there with them the second half. It was a typical Cape-Indian River game and I thought both teams played very well"; and

WHEREAS, good sportsmanship prevailed through the game and the tournament.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives of the 130th General Assembly of Delaware, the Senate concurring, congratulates the Indian River High School Basketball Team on winning the state championship for the first time.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the chief officer of the school as a token of our commendation.

HCR 105 was adopted by voice vote and sent to the Senate for concurrence.

Representative West introduced and brought HR 159 before the House for consideration.

HR 159 - Requesting the Congress of the United States to Reinstate the Deduction from Federal Adjusted Gross Income of State and Local Gasoline Taxes Incurred by an Individual for Personal Purposes.

WHEREAS, for many years the Federal Personal Income Tax Statute permitted deduction from the federal adjusted gross income of state and local gasoline taxes incurred by an individual for personal purposes; and

WHEREAS, this deduction now has been repealed by the Congress of the United States; and

WHEREAS, these taxes represent a significant expense to the citizens of the State of Delaware; and

WHEREAS, reinstatement of the deduction for state and local gasoline taxes would provide some relief from the overwhelming tax burden imposed on the citizens of the United States; and

WHEREAS, other, similar state and local taxes are still deductible; and

WHEREAS, the Federal Government has failed to show how the disallowance promotes any fiscal goal; and

WHEREAS, this disallowance helps to fuel inflation which the National Administration is trying to curb.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 130th General Assembly of Delaware requests the Congress of the United States to reinstate the deduction from federal adjusted gross income of state and local gasoline taxes incurred by an individual for personal purposes.

BE IT FURTHER RESOLVED that copies of this resolution be sent, without delay, to United States Senator Bill Roth, United States Senator Joseph R. Biden, Jr., and United States Representative Thomas B. Evans, Jr., at their Washington office.

HR 159 was adopted by voice vote.

Representative Clendaniel introduced and brought HCR 106, co-sponsored by Representative Gordy; Senators Adams & Cordrey, before the House for consideration.

HCR 106 - Congratulating the Delaware Council of Farm Organizations for Their Tenth Annual Agricultural Industry Dinner Culminating Delaware Agricultural Week.

HCR 106 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy introduced and brought SCR 65, co-sponsored by Senators Cordrey, Adams, Littleton; Representatives Clendaniel, West, Burris, Vernon & Fallon, before the House for consideration.

SCR 65 - Relating to the Proposed Closing of the National Cash Register Corporation Plant in Sussex County, Millsboro, Delaware.

SCR 65 was adopted by voice vote and returned to the Senate.

Representative Bennett introduced and brought HCR 107 before the House for consideration.

HCR 107 - Congratulating Esther S. Frear, of Dover, Upon Her Selection as Delaware's Mother of the Year.

HCR 107 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris introduced and brought HCR 108, co-sponsored by Representatives Minner, Darling; Senators Adams, Cook & Murphy, before the House for consideration.

HCR 108 - Expressing Congratulations to the Milford Buccaneers Wrestling Team and Their Coaches on Their Recent Winning of the State Championship.

HCR 108 was adopted by voice vote and sent to the Senate for concurrence.

Representative Minner brought HB 269 w/HA 1,SA 1 before the House for consideration.

HB 269 - An Act to Amend Chapter 21, Title 21, of the Delaware Code, to Give Official Recognition to the Historical Vintage Car Club of Delaware, Incorporated in the Registration of Antique Motor Vehicles.

The roll call on HB 269 w/HA 1,SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 269 w/HA 1, SA 1 was sent to the Governor.

Representative Burris moved to recess for caucus at 2:35 p.m.

The House reconvened at 4:00 p.m.

Representative Anderson brought HB 457 - HA 1, co-sponsored by Representatives Free, Holloway, Harrington & Kelly, before the House for consideration.

HB 457 - An Act to Amend Chapter 79, Title 29, Delaware Code Relating to the Advisory Council on the Aging.

Representative Anderson brought HA 1 to HB 457 before the House for consideration. HA 1 was adopted by voice vote.

Representative Anderson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 457 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Plant, Vernon, - 2.

Therefore, having received a constitutional majority, HB 457 w/HA 1 was sent to the Senate for concurrence.

Representative McKay brought SB 379, sponsored by Senator Murphy, before the House for consideration.

SB 379 - An Act to Amend Chapter 40, Title 31, Del. C., Relating to the Definition of Low and Moderate Income.

Representative Maroney moved to place SB 379 on the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative McKay brought SB 163, sponsored by Senator Holloway, before the House for consideration.

SB 163 - An Act to Amend Chapter 51, Title 16, Delaware Code, Relating to the Procedure for Voluntary Admission of Mentally Ill Persons to the Delaware State Hospital and Other Hospitals and Discharge Therefrom.

The roll call on SB 163 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 163 was returned to the Senate.

Representative McKay brought SB 172, sponsored by Senator Holloway, before the House for consideration.

SB 172 - An Act to Amend Chapter 53, Title 16, Delaware Code, Relating to Departments Within the Governor Bacon Health Center.

The roll call on SB 172 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 39.

ABSENT: Representatives McBride, West - 2.

Therefore, having received a constitutional majority, SB 172 was returned to the Senate.

Representative McKay brought SB 323, sponsored by Senator Holloway, before the House for consideration.

SB 323 - An Act to Change the Name of the Delaware Hospital for the Mentally Retarded, a Facility of the Department of Health and Social Services, to the Stockley Center.

The roll call on SB 323 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Maxwell, West - 2.

Therefore, having received a constitutional majority, SB 323 was returned to the Senate.

Representative McKay brought SJR 16, sponsored by Senator Holloway, before the House for consideration.

SJR 16 - Setting Forth the Procedures for Registering Medical Practitioners to Prescribe Marijuana to Patients for Medicinal Purposes.

Representative Ambrosino requested and was granted the privilege of the floor for Senator Herman M. Holloway, Sr.

Representative Neal moved to place SJR 16 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Roy requested that HB 480 be stricken.

Representative Roy brought HB 626, co-sponsored by Representatives McBride, Anderson, Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Free, Gilligan, Harrington, Hebner, Jonkiert, Maroney, Maxwell, McKay, Neal, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith & Vernon, before the House for consideration.

HB 626 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Imposition of Taxes or License Fees. (2/3 bill)

The roll call on HB 626 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 32.

NO: Representatives Darling, West - 2.

NOT VOTING: Representatives Ferguson, Holloway, Minner, Morris, Plant - 5.

ABSENT: Representatives Gordy, Maxwell - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House HB 626 was sent to the Senate for concurrence.

Representative Connor brought HB 141 - HA 1, co-sponsored by Representatives Jonkiert, Oberle, Cathcart, Ambrosino, T. Brady, Kelly, Free & Roy, before the House for consideration.

HB 141 - An Act to Amend Chapter 1, Part I, Title 14 of the Delaware Code Relating to Education, and Providing Homebound Instruction Under Certain Circumstances.

Representative Connor brought HA 1 to HB 141 before the House for consideration. HA 1 was adopted by voice vote.

Representative Connor moved to waive the fiscal note on HB 141. The motion was seconded by Representative Sincok and adopted by voice vote.

The roll call on HB 141 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Cain, Cathcart, Connor, Ferguson, Free, George, Gilligan, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Oberle, Petrilli, Plant, Powell, Roy, Van Sciver, Mr. Speaker Riddagh - 25.

NO: Representatives Bennett, Burris, Clendaniel, Darling, Fallon, Gordy, Harrington, Hebner, McKay, Minner, Neal, Sincok, Smith, Vernon, West - 15.

ABSENT: Representative Morris - 1.

Therefore, having received a constitutional majority, HB 141 w/HA 1 was sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Labor: HB 632 - 5M.

Health & Social Services: HB 534 - HA 1,2 - 2F,2M.

Representative Roy introduced HB 777, co-sponsored by Representatives Hebner, Vernon, Ambrosino, Neal, Petrilli, Riddagh & Powell,.

HB 777 - An Act Proposing an Amendment to the Constitution of the State of Delaware to Provide for Initiative and Referendum by the People. (2/3 bill)

Mr. Speaker assigned HB 777 to the Judiciary & Constitution Committee.

Representative McBride requested that HB 232, HB 364 be stricken.

Representative Burris moved to recess to the call of the Chair at 5:53 p.m.

15th LEGISLATIVE DAY
Second Session
March 20, 1980

The Speaker called the House to order at 1:45 p.m.

Representative Bennett requested that HB 136, HB 281, HB 349, HB 546, HB 596, HB 600, HB 619 be stricken.

Representative West requested that HB 434, HB 562 be stricken.

Representative Oberle requested that HB 176 be stricken.

Representative Petrilli requested that HB 262 be stricken.

The Majority Leader moved to adjourn at 1:50 p.m., thereby ending the previous legislative day. The House reconvened at 1:51 p.m. A prayer was offered by Representative Neal, Twenty-Fifth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 430 w/SA 1 (Fiscal Note), SB 453, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108.

The following prefiled legislation was introduced:

HB 778 - MC KAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 51, Title 16, of the Delaware Code Relating to the Discharge of Patients by the Delaware State Hospital.

HB 779 - GILLIGAN - REVENUE & FINANCE: An Act to Amend Chapter 10, Title 22 of the Delaware Code to Permit Qualified Residents 65 Years of Age or Over to Offset Property Taxes with Annual Liens.

HB 780 - MC KAY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to Leave for State Employees.

HB 781 - MC KAY, BENNETT, NEAL, MARONEY, FREE - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article VIII of the Delaware Constitution to Prohibit Borrowing Money for Capital Expenditures. (2/3 bill)

HB 782 - MCKAY, BENNETT - ADMINISTRATIVE SERVICES & ENERGY: An Act to Repeal Subchapter III, Chapter 86, Title 29 of the Delaware Code Providing for the Establishment of the Office of the Public Advocate.

HB 783 - OBERLE - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 1, Part 1, Title 25 of the Delaware Code Relating to Solar Easements.

HB 784 - BENNETT - ADMINISTRATIVE SERVICES & ENERGY: An Act Relating to State Motor Vehicle Fuel Purchases; and Prescribing an Effective Date.

HB 785 - OBERLE, ROY, POWELL, NEAL, MC BRIDE, ANDERSON, MAXWELL, GILLIGAN, CONNOR, T. BRADY - SCHOOL FINANCING: An Act Making Certain Adjustments in the Staffing of Delaware Public Schools.

HB 786 - GORDY, CLENDANIEL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Jurisdiction and Powers of the Public Service Commission.

HB 787 - MC BRIDE, MAXWELL; SENATOR BERNDT - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 22 of the Delaware Code Relating to Utility Services Provided by Municipalities Beyond Municipal Boundaries; and Providing for a Prohibition Against Discriminatory or Unfair Rates under Certain Circumstances. (2/3 bill)

HB 788 - NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act Authorizing the Public Service Commission to Expend Funds from the Public Service Commission Regulatory Revolving Fund to Pay for the Services of Consultants Retained by the Commission for Current Rate Hearings, Associated Rate Hearing Expenses, and Other Contractual Services.

HB 789 - GORDY, RIDDAGH, GEORGE, MCBRIDE, MARONEY - SCHOOL FINANCING: An Act to Amend Chapter 31, Title 14 of the Delaware Code, to Lower the Minimum Age of a Handicapped Person Requiring Special Educational Services to Three and Making an Appropriation Therefor.

HB 790 - BENNETT - REVENUE & FINANCE: An Act to Amend Section 2101, Chapter 21, Title 29 of the Delaware Code Relating to the Salary of the Governor.

HB 791 - CATHCART - JUDICIARY & CONSTITUTION: An Act Amending Title 28 of the Delaware Code Relating to Bingo Limitations and Regulations.

HB 792 - GILLIGAN - GRANT-IN-AID: An Act to Make a Supplementary Appropriation to the Cranston Heights Fire Company for the Maintenance and Operation of a Rescue Truck. (3/4 bill)

HB 793 - VAN SCIVER, SINCOCK, CONNOR, MATUSHEFSKE; SENATORS CICIONE, SHARP, ARNOLD - REVENUE & FINANCE: An Act Making a Supplementary Appropriation to the Town of Newport. (3/4 bill)

HB 794 - MC BRIDE, SENATOR MARSHALL; REPRESENTATIVES CAIN, GEORGE, GILLIGAN, HOLLOWAY, PLANT, BRADY, CONNOR, MARONEY, NEAL, OBERLE, POWELL, ROY, SMITH, VAN SCIVER - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 69, Part VI, Title 16 of the Delaware Code Relating to the Discharging of Certain Firearms and Weapons. (2/3 bill)

HB 795 - WEST, GEORGE, GORDY, CLENDANIEL, BURRIS - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the Delaware Transportation Authority to Subsidize Transportation for the Elderly and Handicapped in Kent and Sussex Counties.

HA 1 to HB 766 - LOUGHNEY - JUDICIARY & CONSTITUTION: Placed with the bill.

SB 453 - CORDREY - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Replacing the Millsboro Bridge and Spillway over the Indian River.

Representative Van Sciver introduced and brought SCR 61, sponsored by Senator Holloway, before the House for consideration.

SCR 61 - Urging the University of Delaware to Develop Career Courses in Gerontological Sciences.

Representative Maroney moved to place SCR 61 on the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Maroney introduced and brought SCR 62, sponsored by Senator Holloway, before the House for consideration.

SCR 62 - Urging the Commission for the Purchase of Products and Services and the Workshop for the Blind to Cooperate With Other Accredited Sheltered Workshops in Procuring Contracts for Products and Services From State Agencies.

SCR 62 was adopted by voice vote and returned to the Senate.

Representative Minner introduced and brought SCR 63, co-sponsored by Senator Adams & Representative Burris, before the House for consideration.

SCR 63 - Expressing Condolences to the Family of Former State Representative W. Carlton Clifton of Milford, Del. Who Died at Age 76 on February 8, 1980.

SCR 63 was adopted by voice vote and returned to the Senate.

Representative Burris introduced and brought SCR 64, co-sponsored by Senator Adams & Representative Minner, before the House for consideration.

SCR 64 - Expressing Condolences to the Family of Former Milton Mayor W. Graham Dill, Jr., Who Died at Age 67 on February 29, 1980.

SCR 64 was adopted by voice vote and returned to the Senate.

Representative Burris moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 3:38 p.m.

Representative Maxwell introduced and brought HR 160, co-sponsored by Representatives George, Ambrosino & Petrilli, before the House for consideration.

HR 160 - Commending the Order of the Sons of Italy in Delaware for Their Community Work and Congratulating the Winners of the 11th Annual Sons of Italy Scholarship Awards.

HR 160 was adopted by voice vote.

Representative Van Seiver introduced and brought SCR 66, sponsored by Senator Holloway, before the House for consideration.

SCR 66 - Providing for the Appointment of a Committee to Develop a Plan for the Housing of Severely Handicapped Citizens.

Representative Maroney moved that SCR 66 be placed in Health & Social Services Committee.

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

Representative Maroney withdrew the motion.

Representative Van Seiver rose on a point of order. Mr. Speaker concurred.

Representative Maroney moved that SCR 66 be placed in Health & Social Services Committee to be reported out on a day certain.

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

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, Burris, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Petrilli, Powell, Roy, Sinecock, Smith, Vernon, Mr. Speaker Riddagh - 16.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Oberle, Plant, Van Seiver, West - 22.

ABSENT: Representatives Connor, Matushefske, Morris - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and SCR 66 remained before the House.

The roll call on SCR 66 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Maxwell, McBride, Minner, Oberle, Petrilli, Plant, Powell, Van Seiver - 24.

NO: Representatives Burris, Harrington, Maroney, McKay, Neal, Roy, Sincok, Vernon, West, Mr. Speaker Riddagh - 10.

NOT VOTING: Representatives T. Brady, Free, Smith - 3.

ABSENT: Representatives Connor, Loughney, Matushefske, Morris - 4.

Therefore, having received a constitutional majority, SCR 66 was returned to the Senate.

Representative Fallon introduced and brought SCR 67, sponsored by Senator Cook, before the House for consideration.

SCR 67 - Commending the League of Women Voters for Public Service as the Organization Celebrates Its 60th Anniversary.

SCR 67 was adopted by voice vote and returned to the Senate.

Representative Free introduced and brought HCR 109, co-sponsored by Representative T. Brady, before the House for consideration.

HCR 109 - Congratulating Padua Academy Upon Winning the Girls' State Basketball Championship.

HCR 109 was adopted by voice vote and sent to the Senate for concurrence.

Representative Vernon introduced and brought HCR 110, co-sponsored by Senator Cordrey, before the House for consideration.

HCR 110 - Expressing the Sympathy of the Members of the 130th General Assembly to the Family of Dr. Joseph A. Vansant, Who Died on March 15, 1980.

HCR 110 was adopted by voice vote and sent to the Senate for concurrence.

Representative Fallon introduced and brought HR 161 before the House for consideration.

HR 161 - Urging the Appointment of Shelton Jay Merrill to the Federal Communications Commission.

HR 161 was adopted by voice vote.

Representative Oberle introduced and brought HR 162, co-sponsored by Representatives Powell, Neal, Anderson, Petrilli, Cain & Ferguson, before the House for consideration.

HR 162 - Expressing Congratulations to Patrick Downes as Recipient of the Wallace M. Johnson Community Service Award for 1980.

HR 162 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 163 before the House for consideration.

HR 163 - Relating to the Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

HR 163 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 164 before the House for consideration.

HR 164 - Relating to the Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

Representative Neal moved to place HR 164 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Cain, Gordy, Hebner, McKay, Vernon - 6.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, Minner, Neal, Oberle, Petrilli, Powell, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 31.

ABSENT: Representatives Matushefske, Morris, Plant, Roy - 4.

Therefore, not having received a constitutional majority, the motion was declared defeated and HR 164 remained before the House.

HR 164 was defeated by voice vote.

Representative Ambrosino introduced and brought HR 165 before the House for consideration.

HR 165 - Relating to the Temporary Rules of the House of Representatives of the 130th General Assembly of the State of Delaware.

Representative Ambrosino moved to place HR 165 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

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

Representative Loughney requested that HR 87 be stricken.

Representative Powell requested that HB 186, HB 244 be stricken.

Representative Roy requested that HB 397 be stricken.

Representative Oberle requested that HB 785 be stricken.

Representative Neal brought HB 325, co-sponsored by Representative Oberle, before the House for consideration.

HB 325 - An Act to Amend Chapter 13, Title 9, Delaware Code, Relating to the Name of the Beautification Board.

The roll call on HB 325 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Holloway, Matushefske, Morris - 3.

Therefore, having received a constitutional majority, HB 325 was sent to the Senate for concurrence.

Representative Vernon brought SB 132, sponsored by Senator Knox, before the House for consideration.

SB 132 - An Act to Amend Chapter 68, Title 7, Delaware Code, Relating to Appeals from Decisions of the Secretary of the Department of Natural Resources and Environmental Control.

Representative Gordy introduced and brought HA 1 to SB 132 before the House for consideration.

Representative Gordy requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Vernon requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Riddagh declared a two minute recess for the purpose of changing the recording tape.

The roll call on HA 1 to SB 132 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, McBride, Minner, Plant, West - 16.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 19.

ABSENT: Representatives Holloway, Maroney, Matushefske, Maxwell, McKay, Morris - 6.

Therefore, not having received a constitutional majority, HA 1 to SB 132 was declared defeated.

Representative Vernon moved to place SB 132 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, Burris, Cathcart, Fallon, Free, Harrington, Hebner, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 17.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Minner, Plant, West - 17.

ABSENT: Representatives Ambrosino, Connor, Holloway, Maroney, Matushefske, McKay, Morris, - 7.

Therefore, not having received a constitutional majority, the motion was declared defeated and SB 132 remained before the House.

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

Representative Ferguson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Burris moved to recess to the call of the Chair at 5:55 p.m.

16th LEGISLATIVE DAY
Second Session
March 25, 1980

The Speaker called the House to order at 2:42 p.m.

The roll call on SB 132 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Holloway, Maxwell, Plant - 3.

Therefore, having received a constitutional majority, SB 132 was returned to the Senate.

Representative Sincok introduced HB 804, co-sponsored by Senators Cook, Knox, McDowell; Representatives T. Brady, Cain & Jonkiert .

HB 804 - An Act to Amend Volume 57, Chapter 323, Laws of Delaware, Relating to the Care and Maintenance of the "Public Building" in Wilmington by Repealing Same: Authorizing the Purchase of Said Building by the State From the City of Wilmington and New Castle County at Fair Market Value and Making a Supplementary Appropriation Therefor.

Mr. Speaker assigned HB 804 to the Appropriations Committee.

Mr. Speaker re-assigned HB 788 to the Appropriations Committee.

Mr. Speaker re-assigned HB 651 to the Revenue & Finance Committee.

Representative Connor requested that HB 279, HB 654 be stricken.

Representative T. Brady requested that HB 252, HB 323 be stricken.

Representative Harrington requested that HB 689 be stricken.

Representative Cathcart requested that HB 184 be stricken.

Representative Jonkiert requested that HB 253, HB 254 be stricken.

Representative Ambrosino requested that HR 17, HR 90 be stricken.

Representative Ferguson requested that HB 613 be stricken.

Representative Anderson requested that HB 751 be stricken.

Representative Matushefske requested that HB 170 be stricken.

Mr. Speaker Riddagh announced that Representative Maroney had been appointed to the Grants-in-Aid Subcommittee, replacing Representative Fallon.

The Chief Clerk read the following Committee Reports into the record:

Aging: SB 456 - 3F, 2M.

Revenue & Finance: HB 695 - 3F, 2M; HB 762 - 3F, 2M.

Highways & Transportation: SB 232 - 6M; SB 231 - 6M; HB 741 - 6M; HB 584 - 6M; HB 452 - 5M. HB 740 and SB 313 were tabled for further action.

House Administration: HB 30 - 2F, 3M; HB 605 - 3F, 2M.

Education: HB 86 - 4M, 1UF; HB 747 - 6M.

HB 86: This legislation would provide educational employees with the same death benefits relative to unused sick leave days as State employees in the merit system. Approved by the Education Committee with all members in attendance.

HB 159: This legislation would freeze the lowering of the unit count for grades K-6. The unit count is supposed to go to 20 pupils per unit but will be frozen under this bill at the current count. Majority of the Education Committee voted to table the bill with all members in attendance.

HB 747: Requires the retirement of school buses after 12 years rather than 10 so long as they meet safety requirements. Approved by the Education Committee with one member, Representative Bennett, absent.

The Majority Leader moved to adjourn at 3:03 p.m., thereby ending the previous legislative day. The House reconvened at 3:04 p.m. A prayer was offered by Representative McKay, Thirteenth District.

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

The Chief Clerk called the roll.

Members Present: 41.

The minutes of the previous legislative day were approved as posted. Representative Burris moved to recess for committee meetings at 3:07 p.m.

The House reconvened at 4:13 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 296 w/SA 2, 3, (Fiscal Note); SCR 69, SJR 39, HCR 109, HCR 110, SB 408, HB 669 w/HA 1.

The Senate wishes to inform the House that it has defeated: HB 84 w/SA 1,2.

The following prefiled legislation was introduced:

HB 796 - OBERLE, ROY, POWELL, NEAL, MC BRIDE, ANDERSON, MAXWELL, GILLIGAN, CONNOR, T. BRADY - SCHOOL FINANCING: An Act Making Certain Adjustments in the Staffing of Delaware Public Schools.

HB 797 - BENNETT - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Expenditures From the Real Estate Guaranty Fund.

HB 798 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing for a Modification in Such Tax With Regard to Payments Received for Service in the Armed Forces of the United States.

HB 799 - VAN SCIVER - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to the Parking of Certain Motor Vehicles.

HB 800 - CAIN - REVENUE & FINANCE: An Act to Amend Part V, Title 9 of the Delaware Code Relating to Taxes; and Providing for a Delaware Circuit Breaker Act.

HB 801 - JONKIERT - BANKING & INSURANCE: An Act to Amend Chapter 27, Title 6 of the Delaware Code Relating to Contracts; and Providing for Basic Readability Requirements.

HB 802 - LOUGHNEY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 80, Title 15 of the Delaware Code to Prohibit Contributions From Outside the State to Candidates in General, Primary or Special Elections.

HB 803 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing That the Rates of Tax, Percentage Standard Deduction or Low Income Allowance, and Personal Exemptions May Vary According to an Annual Inflation Factor.

HA 1 to HB 215 - NEAL - REVENUE & FINANCE: Placed with the bill.

HA 1 to HB 620 - W. BRADY - Placed with the bill. (Agenda)

HA 1 to HR 165 - JONKIERT - Placed with the resolution. Laid on the table.

SB 296 w/SA 2, 3 - CICIONE; REPRESENTATIVES GILLIGAN, MATUSHEFSKE, ANDERSON, MINNER, NEAL, ROY - REVENUE & FINANCE: An Act to Amend Subchapter II, Chapter 11, Title 30 of the Delaware Code Relating to an Income Tax Credit for Active Volunteer Firemen. (Fiscal Note)

SB 408 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 32, Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

SB 430 w/SA 1 - MURPHY, ZIMMERMAN, HUGHES; REPRESENTATIVES GORDY, MINNER, POWELL, HARRINGTON - BANKING & INSURANCE: An Act to Amend Chapter 66, Title 18 of the Delaware Code to Provide Line-of-Duty Death Benefits to Beneficiaries of Covered Persons Who are Not Dependent Upon the Covered Person. (Fiscal Note)

SJR 39 - MARTIN - NATURAL RESOURCES: Recognizing the Valuable Services of the U. S. Fish and Wildlife Service Delaware Field Station and Calling for Its Continued Presence in Delaware.

Fiscal Note for SB 453 reached the House too late to be included on Prefile of Thursday, March 20, 1980.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: SB 397 w/SA 1 - 8M; HB 788 - 6M, 1UF; HB 804 - 2F, 6M; HB 707 - HA 1 - 1F, 4M, 2UF; SB 463 - 9M; SB 456 - 7M; SB 424 - 8M.

Banking & Insurance: HB 756 - 3M; HB 757 - 3M; SS 1 for SB 298 - 3M; SB 277 - 3M; SB 278 - 3M; SB 380 - 3M.

Environmental Control: HB 688 - 2F, 2M, 1UF.

Community Affairs and Economic Development: HB 573 - HA 1,2 - 6M; HB 677 - 6M; HB 698 - 5M.

Representative Connor requested that HR 21, HJR 23 be stricken.

Representative Ferguson introduced and brought HCR 111 before the House for consideration.

HCR 111 - Requesting the Congress of the United States to Authorize No Cutbacks in Federal Aid to States, Counties and Municipalities Until a Significant Reduction is Made in Foreign Aid.

HCR 111 was adopted by voice vote and sent to the Senate for concurrence.

Representative Holloway introduced and brought HR 166 before the House for consideration.

HR 166 - Requesting the Division of Social Services and the State Personnel Office to Deliberately Expedite the Filling of Social Worker Vacancies Within the Division of Social Services.

HR 166 was adopted by voice vote.

Representative Vernon brought SB 152, sponsored by Senator Cordrey, before the House for consideration.

SB 152 - An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Hunting and Fishing Licenses by Allowing Authorized Agents to Charge a Fee of no More than Fifty Cents.

The roll call on SB 152 was taken and revealed:

YES: Representative Bennett, T. Brady, Burris, Clendaniel, Darling, Fallon, Free, Harrington, Hebner, Maroney, McKay, Minner, Morris, Neal, Petrilli, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Riddagh - 21.

NO: Representatives Ambrosino, Anderson, Cain, Cathcart, Connor, George, Gilligan, Gordy, Jonkiert, Loughney, Matushefske, McBride, Oberle, Plant, Powell - 15.

NOT VOTING: Representatives W. Brady, Ferguson, Holloway - 3.

ABSENT: Representatives Maxwell, Van Sciver - 2.

Therefore, having received a constitutional majority, SB 152 was returned to the Senate.

Representative Vernon brought SB 302, sponsored by Senator Zimmerman, before the House for consideration.

SB 302 - An Act to Amend Title 7, Delaware Code Relating to the Establishment of Mail-In Fines for Violations of State Park Regulations. (2/3 bill)

The roll call on SB 302 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Smith, Vernon, West, Mr. Speaker Riddagh - 33.

NO: Representatives Ferguson, Gordy, McBride - 3.

NOT VOTING: Representatives Powell, Roy, Sincock - 3.

ABSENT: Representatives Maxwell, Van Sciver - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 302 was returned to the Senate.

Representative West moved to lift HB 540 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 540 - An Act to Amend Chapter 51 and Chapter 52, Title 30 of the Delaware Code Relating to the Motor Fuel Tax and the Motor Carriers Fuel Purchase Law.

Representative Powell requested and was granted the privilege of the floor for Dale Shuirman, Division of Motor Fuel Tax.

Representative West requested and was granted the privilege of the floor for John C. Lewis, Division of Motor Fuel Tax.

Representative McBride requested and was granted the privilege of the floor for Dale Shuirman and John C. Lewis, Division of Motor Fuel Tax.

Representative McBride moved to place HB 540 on the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative T. Brady moved to defer action on SB 63 w/SA 3 to a day certain, Tuesday, April 1.

Representative Burris moved to recess to the call of the Chair at 5:55 p.m.

17th LEGISLATIVE DAY
Second Session
March 26, 1980

The Speaker called the House to order at 1:50 p.m.

The Majority Leader moved to adjourn at 1:51 p.m., thereby ending the previous legislative day. The House reconvened at 1:52 p.m. A prayer was offered by Representative Fallon, Thirty-Ninth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Connor - 1.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 452, SB 476, SB 20.

March 25, 1980

Honorable Robert W. Riddagh
Speaker of the House
Delaware State Legislature
Dover, DE 19901

Dear Mr. Speaker:

On Wednesday, March 26 and Thursday, March 27, 1980, I am scheduled to be at a professional counselors' convention in Atlanta, Georgia. Because of this commitment, I will not be in attendance at the legislative session held on these dates.

The House of Representatives Education Committee, of which I am Chairman, is scheduled to meet on Wednesday, March 26th at 3 p.m. I hereby, give my permission to the Vice-Chairman, Mr. James Neal, to conduct the Education Committee meeting on the aforementioned date.

Sincerely,
Robert T. Connor
State Representative

RTC:jlw

The following prefiled legislation was introduced:

HB 805 - CONNOR - JUDICIARY & CONSTITUTION: 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 Requiring That Certain Cases be Tried by the Superior Court.

HB 806 - CONNOR - HIGHWAYS & TRANSPORTATION: An Act to Amend Chapter 29, Title 6 of the Delaware Code Relating to Retail Sales of Motor Fuel; and Providing for Price Signs Which are Easily Observable by Passing Motorists.

HB 807 - CAIN - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Del. C., Relating to the Realty Transfer Tax by Providing That a Portion of This Tax be Shared With the Counties and Municipalities of This State.

HB 808 - FALLON; SENATOR LITTLETON - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford to Provide an Exemption From Taxation for Certain Land Used for Recreational Purposes." (2/3 bill)

HB 809 - GORDY; SENATOR LITTLETON - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Laurel," Being Chapter 277, Volume 49, Laws of Delaware, as Amended, Relating to a Change in Vehicular and Passenger Traffic Regulations. (2/3 bill)

HB 810 - GORDY, SENATOR LITTLETON - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Also Known As "An Act to Reincorporate the Town of Laurel," to Increase the Amount When Competitive Bidding Shall Not be Required. (2/3 bill)

HB 811 - BENNETT - LABOR & COMMERCE: An Act to Amend Subchapter III, Chapter 33, Title 19, Delaware Code Relating to the Supplemental Assessment Rate on Employers.

HB 812 - LOUGHNEY - BANKING & INSURANCE: An Act to Amend Chapter 25, Title 5 of the Delaware Code Relating to License Requirements for Soliciting Certain Financial Transactions.

HB 813 - MC BRIDE - LABOR & COMMERCE: An Act to Amend Chapter 13, Part I, Title 19 of the Delaware Code Relating to the Right of Public Employees to Organize; and Providing Absentee Ballots for State Bargaining Units.

HB 814 - ANDERSON, JONKIERT, LOUGHNEY, VAN SCIVER - REVENUE & FINANCE: An Act Providing for Exemptions From Increases in Real Estate Taxes for Certain Persons 65 Years of Age or Older.

HB 815 - BENNETT - BANKING & INSURANCE: An Act to Amend Chapter 23, Title 6 of the Delaware Code Relating to the Legal Interest Rate.

HB 816 - WEST, BENNETT, FERGUSON, NEAL, FREE, MC BRIDE, ROY, MAXWELL, HOLLOWAY, DARLING, GEORGE, CAIN, PLANT, CATHCART, MARONEY, GILLIGAN, VAN SCIVER, SINCOCK, GORDY, AMBROSINO, JONKIERT, LOUGHNEY, POWELL - NATURAL RESOURCES: An Act to Amend Chapters 5, 7 and 13 of Title 7 of the Delaware Code Relating to Possession or Setting of Certain Traps and Penalties Therefore; and for the Creation of a Wildlife Theft Prevention Fund. (2/3 bill)

HB 817 - CONNOR, PETRILLI - SCHOOL FINANCING: An Act to Amend Delaware Code, Title 14, Relating to the Number of Units of Pupils in a School District and the Method of Calculating Such Units for Determining State Financial Support for Public Schools.

HB 818 - BURRIS, RIDDAGH, HEBNER, GORDY, FERGUSON - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 5, Title 29, Delaware Code, by Revising Certain Sections Relating to the Preservation of Public Records.

HB 819 - MAXWELL - HIGHWAYS & TRANSPORTATION: An Act Creating an Office of Ride Sharing in the Department of Transportation and Making an Appropriation Therefor.

HA 1 to HB 318 - MINNER - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: Placed with the bill.

HA 2 to HB 620 - W. BRADY - Placed with the bill. (Agenda)

HA 1 to HB 723 - NEAL - APPROPRIATIONS: Placed with the bill.

HA 1 to HB 791 - CATHCART - JUDICIARY & CONSTITUTION: Placed with the bill.

SB 20 - MURPHY - HEALTH & SOCIAL SERVICES: An Act to Amend Titles 24 and 31, Delaware Code, Relating to the Eligibility of Chiropractic Physicians for Compensation From Insurance, Group Hospital Services and Related Plans; and Further Providing Medical Care to the Indigent and Medically Indigent.

SB 452 - CORDREY - REVENUE & FINANCE: An Act to Authorize and Approve the Transfer of Warwick School No. 225 and All Land and Attachments Thereto to the Nanticoke Indian Association and Heritage Committee for Use as a Museum.

SB 476 - HOLLOWAY - BANKING & INSURANCE: An Act to Amend Chapter 40, Title 31, Delaware Code, Relating to the Delaware State Housing Authority.

Representative Free introduced and brought HR 167 before the House for consideration.

HR 167 - Providing for a Travel Allowance to Members of the House of Representatives of the 130th General Assembly and Their Staff.

The roll call on HR 167 was taken and revealed:

YES: Representatives Bennett, Fallon, Free, Harrington, Maroney, McKay, Minner, Morris, Vernon, Mr. Speaker Riddagh - 10.

NO: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Matushefske, Maxwell, McBride, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Seiver - 26.

ABSENT: Representatives Cain, Connor, Holloway, Loughney, West - 5.

Therefore, not having received a constitutional majority, HR 167 was declared defeated.

Representative George introduced and brought HCR 112, co-sponsored by Representatives Anderson, Cain, Ferguson, McBride; Senators Cicione, McDowell & Sharp, before the House for consideration.

HCR 112 - Requesting the New Castle County Board of Education to Reassign School Administrative Personnel to the School Buildings in the Attendance Areas and to Dispose of the Surplus Administration Buildings to the Financial Advantage of the State.

Representative Sincock requested that the following communication be included in the record:

704 Wilson Road
Wilmington, DE 19803
March 20, 1980

The Honorable Richard Sincock
2201 Beaumont Road
Fairfax
Wilmington, DE 19803
Dear Mr. Sincock:

May I recommend a possible way of cutting costs and increasing income for our government?

My recommendation is:

1. Sell the office building at 14th and Washington Streets to a company which pays taxes.
2. House the administrators now using the building in the empty wings of partially filled school buildings.

My reasons are:

1. The office building, centrally located, well built, with a beautiful view, ought to be a fine source of taxes for many years besides bringing a fine price at this time.
2. The building has always had a parking place too small to allow the citizens to reach administrators.
3. Housing administrators near students has a salutary effect on schools, and the opportunity to observe students briefly and informally each day is helpful to administrators.
4. Using one wing or section of three or four schools might alleviate somewhat the school-closing problems.
5. Taxpayers are interested in the best possible use of our resources and we now own too much school-building-space. Selling the office building is practical. Businesses could use it. Administrators can, (and in my opinion OUGHT TO BE,) housed near students. Business people, for safety reasons, ought not be housed in schools, unless the people, by nature of their work, have studied child psychology and related subjects.

I hope this recommendation will be considered.

Respectfully submitted,
Beatrice C. Boyles
Retired Elementary School Principal

Representative Loughney requested and was granted the privilege of the floor for Mr. Jack Freeberry, Administrative Assistant to Dr. Carroll Biggs.

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

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

HCR 112 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli introduced HB 820, co-sponsored by Representatives Morris, Bennett, T. Brady, Riddagh, Cathcart, Holloway & Senator Berndt.

HB 820 - An Act to Amend Subchapter VII, Chapter 65, Title 11 of the Delaware Code Relating to Authority of the Commissioner of the Department of Correction to Establish a Supervised Custody Program Permitting the Supervised Placement of Certain Trustworthy Inmates Into the Community.

Mr. Speaker assigned HB 820 to the Corrections Committee.

Representative Burris moved to recess for committee meetings at 3:14 p.m.

The House reconvened at 4:30 p.m.

Representative Matushefske introduced and brought HR 168 before the House for consideration.

HR 168 - Providing for an Increase in the Mileage Rate for Members of the Delaware State House of Representatives.

The roll call on HR 168 was taken and revealed:

YES: Representatives Ambrosino, Ferguson, George, Holloway, Jonkiert, Loughney, Matushefske, McBride, Plant - 9.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, Gilligan, Harrington, Hebner, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 29.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Connor, Gordy - 2.

Therefore, not having received a constitutional majority, HR 168 was declared defeated.

Representative Fallon introduced HJR 32, co-sponsored by Representatives Maroney & Minner.

HJR 32 - Commending the Libraries of the State of Delaware for the Excellent Service Provided to Delaware Citizens and to Encourage These Libraries Through Legislative Support to Extend the Services and Cooperate Among Themselves.

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

Mr. Speaker assigned HJR 32 to the Community Affairs & Economic Development Committee.

Representative W. Brady brought HB 620 - HA 1 before the House for consideration.

HB 620 - An Act to Amend Chapter 3, Title 25 of the Delaware Code Relating to Alien Ownership of Agricultural Land.

Representative W. Brady moved to strike HA 1 to HB 620. Without objection, HA 1 was stricken.

Representative W. Brady brought HA 2 to HB 620 before the House for consideration. HA 2 was adopted by voice vote.

Representative W. Brady requested and was granted the privilege of the floor for Mr. Alden Hopkins, Secretary, Department of Agriculture.

Representative Maxwell requested and was granted the privilege of the floor for Mr. Sherman Stevenson, Executive Vice President, Delaware Farm Bureau.

Representative W. Brady moved to place HB 620 w/HA 2 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative W. Brady requested that HB 77 be stricken.

Representative Free announced that at the Community Affairs & Economic Development Committee meeting on Tuesday, March 25, 1980, HB 380, not receiving sufficient votes, was tabled in committee.

Representative Cain requested that HB 472 be stricken.

Representative West moved to lift HB 540 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative West requested that HB 540 be stricken.

The Chief Clerk read the following attendance report into the record:

"At the Education Committee meeting held on Wednesday, March 26, 1980, all members were present with the exception of Representative Connor."

The Chief Clerk read the following Committee Reports into the record:

Health & Social Services: HB 673 - 3F, 3M.

Public Safety: HB 617 - 4M, 1UF; SS 1 for SB 109 w/SA 2 - 5M; HB 583 - 4M, 1UF.

Education: HB 478 - 3F, 3M; HB 556 - 1F, 4M; HB 527 - 2F, 3M; HB 589 HB 247, HB 342 - tabled for a later meeting; HCR 26, HB 680 - tabled at request of sponsor; HB 722 - tabled until sponsor is present.

Labor & Commerce: HB 206 - 1F, 3M; HB 657 - tabled pending preparation of amendments.

Representative Burris moved to recess to the call of the Chair at 5:52 p.m.

18th LEGISLATIVE DAY
Second Session
March 27, 1980

The Speaker called the House to order at 1:59 p.m.

The Majority Whip moved to adjourn at 2:01 p.m., thereby ending the previous legislative day. The House reconvened at 2:02 p.m. A prayer was offered by Reverend Kenneth Nicholson, Wilmington, DE.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Burris, Connor and Ferguson - 3.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 381, HB 389, HCR 111, HB 380.

TO: Speaker Riddagh

FROM: John M. Burris
RE: ABSENCE FROM SESSION
DATE: March 26, 1980

Please be advised that due to circumstances beyond my control I will be unable to attend Thursday's session.

The following prefiled legislation was introduced:

HS 1 for HB 522 - MAXWELL, SINCOCK, MC BRIDE, NEAL, ANDERSON - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Title 29, Chapter 8 of the Delaware Code Relating to Composition and Reapportionment of the General Assembly.

HB 821 - PETRILLI - SCHOOL FINANCING: An Act to Amend Delaware Code, Title 14 in Order to Mandate the Offering of Kindergarten in All School Districts and Requiring Attendance of All Children at a Kindergarten Program.

HB 822 - ROY, POWELL, PETRILLI, OBERLE, CATHCART, VERNON, HEBNER, CAIN, ANDERSON, LOUGHNEY, GILLIGAN, FERGUSON, VAN SCIVER; SENATORS MARTIN, ARNOLD, SHARP, HUGHES, CICIONE, BERNDT - TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of Street Name Signs in Suburban Developments.

HB 823 - SINCOCK; SENATOR COOK - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Adjusting the Gasoline Allowance in the Formula for Reimbursement to the School Bus Contractors and the School Districts for the Transportation of Public School Pupils During the Fiscal Year Ending June 30, 1980.

HB 824 - MAXWELL, HEBNER, LOUGHNEY - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 18 of the Delaware Code Relating to Time of Paying Claims.

HB 825 - HOLLOWAY & SENATOR HOLLOWAY - REVENUE & FINANCE: An Act to Amend Chapter 43, Title 30, Delaware Code, Relating to Use Tax on Leased Tangible Personal Property.

HA 1 to HB 223 - OBERLE - Placed with the bill. (Agenda)

HA 1 to HB 769 - MC BRIDE - ADMINISTRATIVE SERVICES & ENERGY: Placed with the bill.

Representative McKay introduced and brought SCR 69, sponsored by Senator Cicione, before the House for consideration.

SCR 69 - Memorializing the 96th Congress to Pursue the Necessary Congressional Action to Promote the Concept of School Prayer.

SCR 69 was adopted by voice vote and returned to the Senate.

Representative Gordy rose on a point of order. Mr. Speaker did not concur.

Representative Loughney rose on a point of order. Mr. Speaker did not concur.

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

Representative Fallon requested that HJR 32 be stricken.

Representative Sincock rose on a point of order. Mr. Speaker did not concur.

Representative Fallon introduced and brought HCR 113, co-sponsored by Representatives Maroney & Minner, before the House for consideration.

HCR 113 - Commending the Libraries of the State of Delaware for the Excellent Service Provided to Delaware Citizens and to Encourage These Libraries Through Legislative Support to Extend the Services and Cooperate Among Themselves.

HCR 113 was adopted by voice vote and sent to the Senate for concurrence.

Representative Loughney introduced and brought HR 169, co-sponsored by Representatives Gilligan & Jonkiert, before the House for consideration.

HR 169 - Congratulating the Claymont High School Basketball Team on Winning the Flight B and Blue Hen Conference Championships.

HR 169 was adopted by voice vote.

Representative West introduced and brought HCR 114 before the House for consideration.

HCR 114 - Congratulating Dave Cook of Indian River Upon His Selection as State High School Basketball Coach of the Year.

HCR 114 was adopted by voice vote and sent to the Senate for concurrence.

Representative McKay requested that HB 88, HB 90, HB 105, HB 132, HB 140, HB 213, HB 214, HB 248 be stricken.

Representative Hebner moved to recess for committee meetings at 2:28 p.m.

The House reconvened at 3:54 p.m.

Mr. Speaker re-assigned SB 452 to the Administrative Services & Energy Committee.

Representative George introduced and brought HCR 115, co-sponsored by Representatives Ambrosino & Petrilli, before the House for consideration.

HCR 115 - Congratulating Victor F. Battaglia, President of the Delaware Bar Association, Upon His Selection as the 1980 Winner of the Good Government Aware Presented by the Committee of 39.

HCR 115 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gordy brought HB 391, co-sponsored by Representatives Clendaniel, West, Burris, Fallon, Vernon; Senators Cordrey, Adams & Littleton, before the House for consideration.

HB 391 - An Act to Amend Chapter 19, Title 14 of the Delaware Code Increasing the Penalty for School Tax Delinquencies in Kent County and Sussex County.

The roll call on HB 391 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives T. Brady, Burris, Connor, Ferguson, Matushefske - 5.

Therefore, having received a constitutional majority, HB 391 was sent to the Senate for concurrence.

Representative Oberle brought HB 91, co-sponsored by Representatives Ambrosino, Cathcart & Roy, before the House for consideration.

HB 91 - An Act to Amend Subchapter I, Chapter 1, Title 26 of the Delaware Code Relating to the Composition of the Public Service Commission.

The roll call on HB 91 was taken and revealed:

YES: Representatives Ambrosino, Cathcart, Neal, Oberle, Petrilli, Roy, Van Sciver - 7.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Plant, Powell, Sincock, Smith, Vernon, West, Mr. Speaker Riddagh - 29.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representatives T. Brady, Burris, Connor, Ferguson - 4.

Therefore, not having received a constitutional majority, HB 91 was declared defeated.

Representative Neal moved to lift the roll call on HB 165. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 165 - An Act to Amend Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by Removing the Prohibition Against Political Activity by Persons Holding Unpaid Appointive City Positions. (2/3 bill)

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

The roll call on HB 165 was revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Riddagh - 35.

NO: Representatives Darling, Jonkiert - 2.

NOT VOTING: Representatives Ferguson, Loughney, Plant - 3.

ABSENT: Representative Kelly - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 165 was sent to the Senate for concurrence.

Representative Jonkiert requested that HB 122 be removed from the Agenda.

Representative Oberle brought HB 223 before the House for consideration.

HB 223 - An Act to Amend Chapter 17, Title 16, of the Delaware Code Relating to the Dumping or Flushing of Refuse.

Representative Oberle brought HA 1 to HB 223 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle moved to place HB 223 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Cain rose on a point of order. Mr. Speaker did not concur.

Representative Maxwell requested that action on HB 292 be deferred to a day certain, Tuesday, April 1, 1980.

Representative West brought HB 290 before the House for consideration.

HB 290 - An Act to Amend Chapter 25, Title 18, Delaware Code Relating to Insurance Rates.

Representative Sincock requested and was granted the privilege of the floor for Mr. Horace Sherrill, Independent Insurance Agents of Delaware.

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape at 4:52 p.m.

The House reconvened at 4:54 p.m.

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

Representative Matushefske moved to place HB 290 on the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative Ambrosino introduced and brought HR 170, co-sponsored by Representatives Smith, Plant, Sincok; Senators Berndt & Hughes, before the House for consideration.

HR 170 - Congratulations to the Cinderella Team of the 1979-1980 Delaware Girl's Basketball Season, the Mount Pleasant High School Girl's Basketball Team.

HR 170 was adopted by voice vote.

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

Representative Petrilli introduced and brought HR 171 before the House for consideration.

HR 171 - Mourning the Death of Rachel Elisabeth Maclary, a School Teacher in New Castle County for Almost 50 Years.

HR 171 was adopted by voice vote.

Representative McBride introduced and brought HR 172, co-sponsored by Representatives Anderson & George, before the House for consideration.

HR 172 - Requesting the State Department of Public Instruction to Establish a Committee to Review the Instructional Program and Related Problems in the New Castle County School District.

HR 172 was adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Corrections: HB 820 - 6M; HB 729 - 6M.

Transportation: HB 822 - 5M; SB 234 - 5M; SB 237 - 5M; SB 236 - 5M; SB 235 w/SA 1 - 5M.

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

Natural Resources: HB 816 - 5M.

Mr. Speaker re-assigned SB 400 to the Appropriations Committee.

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

19th LEGISLATIVE DAY
Second Session

April 1, 1980

The Speaker called the House to order at 2:10 p.m.

The Chief Clerk read the following Committee Report into the record:

Banking & Insurance: SB 476 - 3M.

The Majority Leader moved to adjourn at 2:14 p.m., thereby ending the previous legislative day. The House reconvened at 2:15 p.m. A prayer was offered by Reverend John Dean, Westminster Presbyterian Church, Rehoboth Beach, DE.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ambrosino - 1.

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

Representative McBride requested that his name be removed as a sponsor of HB 816.

Representative Hebner requested and was granted the privilege of the floor for Gregory Buckley, Vocational Student Organization.

Representative Hebner introduced and brought HCR 116, co-sponsored by Representative Burris and All Representatives and Senator Cordrey and All Senators, before the House for consideration.

HCR 116 - Expressing Deep Appreciation for the Easter Lillies Given Annually by the Vocational Student Organizations of Delaware During This Holy Week.

HCR 116 was adopted by voice vote and sent to the Senate for concurrence.

Representative McBride requested that HCR 102 be stricken.

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

Because Representative Burris was absent on the previous legislative day, his move to adjourn the previous legislative day was declared out of order.

The Majority Whip moved to adjourn at 2:40 p.m., thereby ending the previous legislative day. The House reconvened at 2:41 p.m.

Representative Connor moved that the previously taken roll call be stricken. The motion was seconded by Representative Sincock and adopted by voice vote.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ambrosino - 1.

Representative Burris requested that the prayer and salute to the Flag which had been done previously be accepted as sufficient for today.

The following prefiled legislation was introduced:

HB 826 - NEAL, VERNON, POWELL, MAXWELL, HARRINGTON, SMITH, AMBROSINO, PETRILLI, ANDERSON, T. BRADY, HEBNER, ROY, VAN SCIVER - REVENUE & FINANCE: An Act to Amend Title 30, Delaware Code, Chapter 11, by Modifying the Tax Rate, Modifications, Deductions and Exemptions Imposed by an Inflation Factor.

HB 827 - VERNON; SENATOR CORDREY - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend Chapter I, Title 22, Delaware Code, Relating to Elections, Voter Qualifications, and Certain Powers of Unincorporated Towns.

HB 828 - MINNER - PUBLIC SAFETY: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to Composition of the Commission on the Transportation of Hazardous Materials.

HB 829 - CAIN, MATUSHEFSKE - REVENUE & FINANCE: An Act Relating to the Levy of Taxes by the New Castle County School Board With Respect to Current Operating Expenses and Providing for a Referendum Therefor; and Further Relating to the Closing of Schools in the New Castle County School District.

HB 830 - MC BRIDE - SCHOOL FINANCING: An Act to Amend Delaware Code, Title 14 by Providing for the Funding of the Full Salary of a School Building Principal in a School Reduced in Size Because of Declining Enrollment.

HA 3 to HB 100 - MAXWELL, CAIN - Placed with the bill. (Laid on the Table)

HA 2 to HB 292 - MAXWELL - Placed with the bill. (Agenda)

HA 1 to HS 1 for HB 394 - MC BRIDE, T. BRADY - JUDICIARY & CONSTITUTION: Placed with the bill.

HA 2 to HS 1 for HB 394 - MC BRIDE - JUDICIARY & CONSTITUTION: Placed with the bill.

SB 101 w/SA 1 - ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Title 7, Delaware Code Relating to Non-Resident Hunting Licenses.

SB 386 w/SA 1, 2 - CORDREY; REPRESENTATIVE VERNON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend Chapter 212, Volume 25, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds", to Authorize the Town of Bethany Beach to Tax Real Estate Transfers Within the Said Town. (2/3 bill)

SB 462 - CORDREY - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Accumulation of Annual Leave.

SJR 38 - ZIMMERMAN; REPRESENTATIVE SMITH - ENVIRONMENTAL CONTROL: Requesting the Planning Division of the Office of Management, Budget and Planning to Make a Preliminary Study of All Aspects of Pipeline Activity With the State.

Representative Plant introduced HB 831.

HB 831 - An Act to Amend Chapter 182, Volume 62, Laws of Delaware Relating to Penalties for Defrauding Persons Eligible for the Energy Assistance Program.

Mr. Speaker assigned HB 831 to the Economic Development & Community Affairs Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 72 w/HA 1, HCR 113, HCR 114, HCR 115, SB 462, SB 101 w/SA 1, SJR 38, SCR 70, SB 386 w/SA 1,2.

March 25, 1980

Dr. Carroll W. Biggs, Executive Secretary
New Castle County Board of Education
4 Mt. Lebanon Road
Wilmington, Delaware 19803

Dear Dr. Biggs:

As I am sure you are aware, the subject of school closings is one that has caused a great deal of discussion both pro and con. Many educators take the position that closing schools will have an adverse effect on the students, parents fear even more busing and displacement of students, while others say it costs in excess of \$50,000 each year to keep a vacant school closed.

In my opinion, the taxpayers of New Castle County should have the right to address the problem by way of a referendum. Therefore, I propose that the Board of Education for New Castle County offer a referendum in June, July or September on the question: "Do the taxpayers of New Castle County wish to keep schools, no longer needed, open at a cost of 5¢ (five cents) per \$100 of assessed valuation? It is important that the referendum be held during the summer months, and not as a part of the general election in November. Further, the referendum must be countywide to allow all county residents the opportunity to voice their opinion.

I would be most interested to hear your comments on my proposal. I await a reply at your earliest convenience.

Yours truly,
John Matushefske
State Representative

JM:ssk

April 1, 1980

The Honorable Robert W. Riddagh
Speaker of the House
Legislative Hall
Dover, DE 19901

Dear Mr. Speaker:

I shall not be able to attend the session today due to a workshop seminar I am coordinating in conjunction with the University of Pittsburgh and Educational Testing Service of Princeton.

This seminar workshop will take place at Delcastle Highschool from 3:30 p.m. to 9:00 p.m.

Thank you for your cooperation.

Sincerely,
Joseph P. Ambrosino

P.S. Bob, please have this read into the record. Thank you.

JPA/jh

Representative Ferguson requested that the following statement be made a part of the record:

April 1, 1980

Mr. Speaker, Members of the House...

On March 25 I introduced House Concurrent Resolution No. 111 requesting the Congress of the United States to authorize no cutbacks in federal aid to states, counties and municipalities until a significant reduction is made in foreign aid. I am happy to say today that my colleagues in this house and in the Senate approved this resolution and, I feel sure, copies of it are now on their way to the several persons to whom they were addressed including the members of the Delaware Congressional Delegation.

I will need only a moment or two more of your time, Mr. Speaker. I had sensed for weeks, even months, that the uneasy feeling among political subdivision officials over budgets and taxes - over the whole problem known as Finances - was becoming more acute. The rumors and reports from Washington that the budget cutting was going to be deep and severe grew by the hour. I was and I remain alarmed. I know that this generous nation spends billions and billions of dollars a year on foreign aid. I am reminded of remarks made by the late United States Senator Everett Dirksen one afternoon, some years ago, in a debate on the Senate floor about funds. Senator Dirksen said, "A billion here...a billion there...pretty soon it runs into money! "

Our foreign aid runs into lots of money and I have to assume that much of it is well spent. But an article in the latest issue of U.S. News and World Report inspires some doubt. One quote underlines what I am saying and I quote: "Closer scrutiny has revealed that many aid programs are not advancing U. S. foreign policy and, indeed, are counterproductive to our objectives in some cases." End quote.

Now, please, one more quote from this U.S. News and World Report article. I quote again: "What discourages many lawmakers is that instability and anti-American hostility continue to flourish around the globe despite U.S. foreign-aid expenditures of nearly 195 billion dollars since World War II." In other words, we are not getting much, if anything, out of our investment. Let us then review it and let us review it now when we are dedicated to balancing our national budget. Let us not deprive our own people of the services they require while we ply people who are in some cases dedicated enemies of our nation and our system with our riches.

Thank you, Mr. Speaker, and, Mr. Speaker, may I ask that with your kind permission this short statement be made a part of the record of today's proceedings of the House? Thank you.

Representative Burris moved to recess for committee meetings and caucus at 2:58 p.m.

The House reconvened at 4:07 p.m.

The Chief Clerk read the following Committee Reports into the record:

Administrative Services & Energy: HB 190 - 4M; HB 492 - 5M; HB 684 - 5M; HB 404 - 5M.

Appropriations: HB 792 - 3F, 6M.

Judiciary & Constitution: HB 777 - 3M, 1 UF.

Banking & Insurance: HB 516 - 3M; HB 517 - 3M; HB 518 - 3M.

Economic Development & Community Affairs: SB 181 - 7M; SB 395 - 7M; HB 515 - 3M, 3 UF; HB 520 - 6M; HB 521 - 6M; HB 808 - 5M.

Representative Powell stated that the Revenue & Finance Committee has placed a moratorium on all tax reduction bills until after the next DEFAC meeting.

Representative Fallon introduced and brought HR 173 before the House for consideration.

HR 173 - Congratulating the Delaware Association of the Future Farmers of America on Its 50th Birthday.

HR 173 was adopted by voice vote.

Representative Burris introduced and brought SCR 70, sponsored by Senators Spence & Weiss, before the House for consideration.

SCR 70 - Commending the Tribute to the American Family to be Held at the Caesar Rodney Junior High School on April 15, 1980.

SCR 70 was adopted by voice vote and returned to the Senate.

Representative T. Brady brought SB 63 w/SA 3, sponsored by Senator Holloway, before the House for consideration.

SB 63 - An Act to Amend Chapter 45, Title 10, Delaware Code Relating to Qualifications for Jury Duty.

The roll call on SB 63 w/SA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Ambrosino, Jonkiert, McBride - 3.

Therefore, having received a constitutional majority, SB 63 w/SA 3 was returned to the Senate.

Representative West brought HB 291 before the House for consideration.

HB 291 - An Act to Amend Chapter 25, Part I, Title 18, of the Delaware Code Relating to Motor Vehicle Insurance Rates; and Providing Certain Restrictions With Regard to Rate Increases.

Representative West moved to place HB 291 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Petrilli brought HS 1 for HB 444 before the House for consideration.

HS 1 for HB 444 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Constitutional Conventions. (2/3 bill)

The roll call on HS 1 for HB 444 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Ambrosino, Jonkiert, Matushefske - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HS 1 for HB 444 was sent to the Senate for concurrence.

Representative Gilligan brought HB 534, co-sponsored by Senator Holloway, before the House for consideration.

HB 534 - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy to Provide for the Licensing of Foreign-Trained Physical Therapists, to Eliminate the Provision for Temporary Certificates, and to Revise the Section Dealing With Certificate Renewal.

Representative Gilligan brought HA 1 to HB 534 before the House for consideration. HA 1 was adopted by voice vote.

Representative Gilligan brought HA 2 to HB 534 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 534 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Ambrosino, Jonkiert, Matushefske, Roy - 4.

Therefore, having received a constitutional majority, HB 534 w/HA 1,2 was sent to the Senate for concurrence.

Representative T. Brady requested that HB 541 be placed in the Banking & Insurance Committee.

Representative Oberle brought HB 574 - HA 1, co-sponsored by Senator McDowell, before the House for consideration.

HB 574 - An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Qualifications of the Members and Employees of the Public Service Commission.

Representative Van Sciver requested that HA 1 to HB 574 be stricken.

Representative Oberle moved to place HB 574 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative McBride brought HB 590 before the House for consideration.

HB 590 - An Act to Amend Chapter 45, Title 6 of the Delaware Code Relating to Equal Accommodations, and Providing for a Time Limitation Within Which Complaints Shall be Filed.

The roll call on HB 590 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Neal, Plant, Powell, Van Seiver, West - 29.

NO: Representatives Bennett, McKay, Minner, Morris, Petrilli, Roy, Sincok, Vernon, Mr. Speaker Riddagh - 9.

NOT VOTING: Representatives Oberle, Smith - 2.

ABSENT: Representative Ambrosino - 1.

Therefore, having received a constitutional majority, HB 590 was sent to the Senate for concurrence.

Representative Gilligan brought HB 601 before the House for consideration.

HB 601 - An Act to Amend Chapter 5, Title 9, Delaware Code, to Permit Fire Companies to Inspect Fire Hydrants and Water Mains and to Report Their Findings and to Permit Testing of Fire-Fighting Equipment.

The roll call on HB 601 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Ambrosino, Burris - 2.

Therefore, having received a constitutional majority, HB 601 was sent to the Senate for concurrence.

Representative Maxwell brought HB 632, co-sponsored by Representatives Plant, McBride, Loughney, Powell & Roy, before the House for consideration.

HB 632 - An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation.

The roll call on HB 632 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Ambrosino, T. Brady - 2.

Therefore, having received a constitutional majority, HB 632 was sent to the Senate for concurrence.

Representative W. Brady brought HB 639, co-sponsored by Representatives Roy & Petrilli, before the House for consideration.

HB 639 - An Act to Amend Chapter 29, Title 6 of the Delaware Code Relating to the Independence of Retail Gasoline Dealers.

Representative W. Brady moved to place HB 639 on the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative Maxwell brought HB 292 - HA 1,2, co-sponsored by Representatives Matushefske, Jonkiert, Petrilli; Senators Cook & Cicione, before the House for consideration.

HB 292 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

Representative Maxwell requested that HA 1 to HB 292 be stricken.

Representative Maxwell brought HA 2 to HB 292 before the House for consideration. HA 2 was adopted by voice vote.

Representative T. Brady brought HA 3 to HB 292, co-sponsored by Representative Petrilli, before the House for consideration.

Representative Maxwell requested and was granted the privilege of the floor for Lieutenant Bill Davies of the Delaware State Police.

HA 3 to HB 292 was adopted by voice vote.

Representative George requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 292 w/HA 2,3 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Neal, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

NO: Representative Gordy - 1.

NOT VOTING: Representatives Cain, Morris, Oberle - 3.

ABSENT: Representative Ambrosino - 1.

Therefore, having received a constitutional majority, HB 292 w/SA 2,3 was sent to the Senate for concurrence.

Representative Free introduced HB 832.

HB 832 - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles and Providing for Mandatory Use of Safety Belts.

Mr. Speaker assigned HB 832 to the Public Safety Committee.

Representative Holloway introduced HB 833.

HB 833 - An Act to Amend Subchapter V, Chapter 59, Title 29, Delaware Code, Prohibiting Employers From Subjecting Merit Employees to Reprisals, Harassment or Retribution Who Furnish Information to Members of the General Assembly.

Mr. Speaker assigned HB 833 to the Administrative Services & Energy Committee.

Representative Burris introduced and brought HR 174, co-sponsored by Representatives Jonkiert, George, McKay & Sincock, before the House for consideration.

HR 174 - Amending House Resolution No. 142.

Representative Burris moved to place HR 174 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli introduced and brought HR 175 before the House for consideration.

HR 175 - Congratulating Patti Templeton, of Christiana High School, Upon Her Selection as High School All-American Athlete.

HR 175 was adopted by voice vote.

The following prefiled legislation was introduced:

SB 493 - SHARP, COOK, HOLLOWAY, HUGHES, SPENCE; REPRESENTATIVES PETRILLI, T. BRADY, FREE, OBERLE, W. BRADY, HOLLOWAY, MORRIS - CORRECTIONS: An Act Authorizing Certain Pay Grade and Classification Changes for Positions of Employment Within the Department of Correction. (Fiscal Note)

Representative Burris moved to recess to the call of the Chair at 5:40 p.m.

20th LEGISLATIVE DAY
Second Session
April 2, 1980

The Speaker called the House to order at 1:51 p.m.

Representative Bennett introduced HS 1 for HB 519, co-sponsored by Representatives McKay & Petrilli.

HS 1 for HB 519 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers and Salespersons and Real Estate Appraisers.

Mr. Speaker assigned HS 1 for HB 519 to the Banking & Insurance Committee.

Representative T. Brady introduced HB 844, co-sponsored by Representative Neal & Senator Hughes.

HB 844 - An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties. (2/3 bill)

Mr. Speaker assigned HB 844 to the Judiciary & Constitution Committee.

Representative Burris introduced and brought SCR 71, sponsored by Senators Holloway & Hughes, before the House for consideration.

SCR 71 - Mourning the Death of Jesse Owens, the Hero of the 1936 Olympics, at the Age of 66.

SCR 71 was adopted by voice vote and returned to the Senate.

Representative Burris introduced and brought SCR 72, sponsored by Senator Knox, before the House for consideration.

SCR 72 - Requesting the Governor to Proclaim May 1, 1980, Delaware Bicycling Day.

SCR 72 was adopted by voice vote and returned to the Senate.

Representative Darling introduced and brought HR 176, co-sponsored by Representative Morris, before the House for consideration.

HR 176 - Mourning the Death of Samuel Tilden Hughes, of Felton, a Member of the House of Representatives in the 117th General Assembly.

HR 176 was adopted by voice vote.

Representative Cain introduced and brought HCR 117, co-sponsored by All Representatives & Senators, before the House for consideration.

HCR 117 - Commending Professional Secretaries for Their Contribution to Our Society and Designating the Week of April 20-26 as National Secretaries Week and Wednesday, April 23, as Secretaries Day.

HCR 117 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 71, SCR 72, SB 475, SB 493 (FN), HCR 116.

Representative McKay introduced and brought HCR 118, co-sponsored by Representatives Oberle, Cathcart, Neal, Harrington, Smith, Petrilli, Sincock, Maroney, Roy, Fallon, T. Brady, Hebner, Powell, Burris, Riddagh, Vernon, Free, Van Sciver, West, Morris, Minner, Ambrosino, W. Brady, Clendaniel, Plant, Anderson, George, Gilligan, Loughney, Gordy, Matushefske, Bennett, McBride, Cain, Jonkiert; Senators Arnold, Holloway, Hughes, Berndt, Littleton, Spence, Cook, Knox & Hale, before the House for consideration.

HCR 118 - Designating April 17, 1980 as "Free Enterprise Day" in Delaware.

HCR 118 was adopted by voice vote and sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 177 before the House for consideration.

HR 177 - Providing for a Travel Allowance to the House of Representatives of the 130th General Assembly and Their Staff.

The roll call on HR 177 was taken and revealed:

YES: Representatives T. Brady, Burris, George, Harrington, Hebner, Neal, Petrilli, Plant, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 13.

NO: Representatives Anderson, Bennett, W. Brady, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, Gordy, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Oberle, Powell, Sincock, West - 23.

ABSENT: Representatives Ambrosino, Cain, Gilligan, Holloway, Maxwell - 5.

Therefore, not having received a constitutional majority, HR 177 was declared defeated.

The Chief Clerk read the following Committee Report into the record:

Corrections: SB 493 - 7M.

The Majority Leader moved to adjourn at 2:26 p.m., thereby ending the previous legislative day. The House reconvened at 2:27 p.m. A prayer was offered by Representative William Brady, Twenty-Ninth District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communications into the record:

April 2, 1980

LEGISLATIVE ADVISORY #31

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: April 1, 1980 - HB 269 as amended by HA 1, SA 1; SB 163, SB 172, SB 323.

The following prefiled legislation was introduced:

HB 834 - FALLON, SMITH; SENATOR KNOX - AGRICULTURE: An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Pesticides. (2/3 bill)

HB 835 - MAXWELL, CAIN, GEORGE, DARLING, BENNETT, FERGUSON, WEST, W. BRADY, LOUGHNEY, CLENDANIEL, MC BRIDE, GILLIGAN, PLANT, ANDERSON, MATUSHEFSKE, HOLLOWAY, JONKIERT, POWELL, HEBNER, PETRILLI, HARRINGTON, NEAL, ROY, T. BRADY, VERNON, CATHCART, AMBROSINO; SENATORS ADAMS, COOK, MARSHALL, HOLLOWAY - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code to Provide for Annual Adjustment of Personal Income Tax Brackets for Inflation.

HB 836 - VAN SCIVER, ROY, CATHCART, MC BRIDE; SENATOR ARNOLD - TRANSPORTATION: An Act to Amend Title 21 Relating to Licensing of Motorcycle and Motorbike Operators.

HB 837 - POWELL - REVENUE & FINANCE: An Act to Amend Chapter 20, Title 30, Delaware Code, Relating to the Credit Against Corporation Income Tax and Reduction in License Tax for Qualified New Business Facilities.

HB 838 - T. BRADY, VAN SCIVER - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Modification of State Taxation of Interest on Passbook Savings Accounts.

HB 839 - POWELL, SINCOCK - REVENUE & FINANCE: An Act to Amend Section 2301 (d), Title 30, Delaware Code, Relating to Occupational Licenses and Fees, and the Requirement to File Quarterly Returns.

HB 840 - MINNER; SENATOR MURPHY - APPROPRIATIONS: An Act to Make a Supplementary Appropriation to the Department of Transportation for Construction of a Drainage System on Road 106 Easterly to Road 365, Crossing Route 113, in Kent County.

HB 841 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford," to Establish a Time When the Next Territory Becomes a Part of the City of Seaford and to Permit Territory to be Considered to Annexation at Any Time. (2/3 bill)

HB 842 - BENNETT - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend Chapter 46, Title 9, Delaware Code Relating to the Time Limitation for the Kent County Levy Court to Issue Notes in Anticipation of Bond Sales.

HB 843 - NEAL, T. BRADY, ANDERSON, CATHCART, OBERLE, CONNOR, ROY, JONKIERT, MC BRIDE, HOLLOWAY - EDUCATION: An Act to Amend Chapter 28 of Title 14 of the Delaware Code by Adding a New Section 2806 Providing for Public Hearings and Criteria for Decisions Made in Connection With Planned School Closings or School Openings.

HS 1 for HB 764 - MAXWELL - TRANSPORTATION: An Act to Amend Title 21, Delaware Code, by Eliminating Certain Legal Obstructions to Ridesharing.

HA 1 to HB 206 - BENNETT - Placed with the bill. (Ready List)

HA 1 to HB 778 - MC KAY - HEALTH & SOCIAL SERVICES: Placed with the bill.

SB 475 - ADAMS, COOK; REPRESENTATIVES GORDY, CLENDANIEL AND FALLON - AGRICULTURE: An Act Making a Supplemental Appropriation to the Department of Agriculture, Division of Standards and Inspections, for the Purpose of Establishing Two New Positions.

Representative Bennett requested and was granted the privilege of the floor for William W. Craig and Jean Bochnowski, Delaware American Legion.

Representative Minner introduced and brought HR 178, co-sponsored by Representative Gordy, before the House for consideration.

HR 178 - Requesting the Division of Motor Vehicles to Refrain From Using the Word "Reconstructed" on Titles of Rebuilt Motor Vehicles.

HR 178 was adopted by voice vote.

Representative Sincok brought HB 804, co-sponsored by Senators Cook, Knox, McDowell; Representatives T. Brady & Cain and Jonkiert, before the House for consideration.

HB 804 - An Act to Amend Volume 57, Chapter 323, Laws of Delaware, Relating to the Care and Maintenance of the "Public Building" in Wilmington by Repealing Same; Authorizing the Purchase of Said Building by the State From the City of Wilmington and New Castle County at Fair Market Value and Making a Supplementary Appropriation Therefor.

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

Representative Burris moved to recess for committee meetings at 3:05 p.m.

The House reconvened at 4:20 p.m.

Representative Gilligan requested and was granted the privilege of the floor for Nathan Hayward, Director, Office of Management, Budget & Planning.

The roll call on HB 804 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 38.

NO: Representatives Bennett, Ferguson, West - 3.

Therefore, having received a constitutional majority, HB 804 was sent to the Senate for concurrence.

Representative Smith deferred action on HB 688 to a day certain, Wednesday, April 23, 1980.

Representative Gordy brought HB 707 - HA 1, co-sponsored by Representative Sincok; Senators Cook, Cordrey & Berndt, before the House for consideration.

HB 707 - An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Making Adjustments With the School Bus Contractors.

Representative Gordy brought HA 1 to HB 707 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 707 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Free - 1.

Therefore, having received a constitutional majority, HB 707 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert deferred action on HB 695 to a day certain, Tuesday, April 22, 1980.

Representative Sincok brought SB 463, co-sponsored by Senators Cook & Berndt, before the House for consideration.

SB 463 - An Act to Amend Volume 62, Chapter 146, Laws of Delaware, Relating to the Annual Bond Authorization Act of the State of Delaware for the State's Fiscal Year Beginning July 1, 1979, Being Former Senate Bill No. 374 of the 130th General Assembly. (3/4 bill)

The roll call on SB 463 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

NOT VOTING: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fourths members of the House, SB 463 was returned to the Senate.

Representative Sincok brought SB 424, sponsored by Senators Murphy, Berndt; Representatives Powell & Anderson, before the House for consideration.

SB 424 - An Act to Provide a Supplemental Appropriation to the Department of Justice.

The roll call on SB 424 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 41.

Therefore, having received a constitutional majority, SB 424 was returned to the Senate.

Representative Neal brought HB 788 before the House for consideration.

HB 788 - An Act Authorizing the Public Service Commission to Expend Funds From the Public Service Commission Regulatory Revolving Fund to Pay for the Services of Consultants Retained by the Commission for Current Rate Hearings, Associated Rate Hearing Expenses, and Other Contractual Services.

Representative Neal requested and was granted the privilege of the floor for Robert Kennedy, Director, Public Service Commission.

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

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape at 6:16 p.m.

The House reconvened at 6:18 p.m.

Representative Neal moved to place HB 788 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Sincock introduced HB 845, co-sponsored by Representatives Gordy, Ferguson and Senator Holloway.

HB 845 - An Act to Amend Title 5 and Title 6, Delaware Code, Relating to Loans, Interest and Other Charges and Terms, Deferments, Prepayments and Refinancing, Finance Charge Limitations, Credit Upon Anticipation of Payments, Formula to Determine Maximum Loan, Legal Rate, Service Charge Authorized and Service Charge Rates.

Mr. Speaker assigned HB 845 to the Banking & Insurance Committee.

Representative Harrington introduced and brought HR 179, co-sponsored by Representative Sincock, before the House for consideration.

HR 179 - Requiring the Department of Transportation to Investigate the Feasibility of Using Flyovers in the State of Delaware.

HR 179 was adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Agriculture: HB 834 - 2F, 2M; SB 475 - 2F, 1M.

Aging: HB 458 - 1F, 2M; HB 460 - 1F, 2M; HB 513 - HA 1 - 5M.

Education: HB 718 - 3F, 1M; HB 493 - 1F, 3M.

Appropriations: SB 493 - 10M.

Judiciary & Constitution: HS 1 for HB 394 - HA 1,2 - 1F, 3M, 1UF; HB 844 - 4M; SB 309 w/SA 1, 2 - 4M; SB 378 w/SA 1 - 5M; HB 717 - 5M; HB 561 - 3M.

Representative Burris moved to recess to the call of the Chair at 6:40 p.m.

21st LEGISLATIVE DAY
Second Session
April 3, 1980

The Speaker called the House to order at 2:25 p.m.

The Chief Clerk read the following Committee Report into the record:

Banking & Insurance: HB 845 - 3M.

Mr. Speaker Riddagh added HB 845 to the Agenda for April 3, 1980.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 276, HB 391, SB 407 w/SA 2, SB 13.

Representative Vernon read the following communication:

We wish you to know the expression of sympathy from the Members of the 130th General Assembly meant a great deal to us.

He spent many hours there in the past working for things in which he believed.

The thoughtfulness of friends helps greatly to soften one's sorrow.

Emma H. Vansant and family

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the previous legislative day. The House reconvened at 2:31 p.m. A prayer was offered by Reverend R. W. Coleman, Mt. Zion A.M.E. Church, Dover, DE.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 846 - VERNON - BANKING & INSURANCE: An Act to Amend Subchapter II, Chapter II, Title 30, Delaware Code Relating to Partial Exclusion of Interest Received by Individuals.

HB 847 - GEORGE; SENATOR HOLLOWAY; REPRESENTATIVES GILLIGAN, SINCOCK; SENATOR COOK - APPROPRIATIONS: An Act Making a Supplemental Appropriation to the Office of Economic Opportunity, Department of Community Affairs and Economic Development, for the Purpose of Providing Support to Emergency Food Pantries Through Contractual Services.

HB 848 - FREE, T. BRADY, VAN SCIVER, ANDERSON, MINNER, PLANT, ROY - FAMILY SERVICES: An Act to Amend Chapter 30 of Title 31 and Chapter 46 of Title 6 of the Delaware Code Relating to the Prohibition of Discrimination Against the Handicapped in Housing, With Recourse to the State Human Relations Commission.

HB 849 - T. BRADY, MAXWELL, W. BRADY, MORRIS, PETRILLI, FREE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 9, Subchapter III, Title 10 of the Delaware Code Relating to the Family Court; Mandating a Minimum of Six (6) Months of Confined Institutional Treatment for Certain Children; Providing for a Hearing Before a Judge Before Release on Passes, Extended Leave or After-Care Release Subsequent to Mandatory Institutional Treatment; and Providing for an Amenability Hearing for Later Charges of a Child Who Has Already Received Mandatory Institutional Treatment.

HB 850 - GORDY, CLENDANIEL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code to Prohibit Utilities From Selling Power to Users Outside of Delaware for Less Than They Charge Commercial Customers Within the State.

HB 851 - CONNOR, AMBROSINO - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 29 of the Delaware Code Relating to the Periodic Legislative Review of Certain Agencies and Included Programs; and Providing for a Delaware Sunset Act.

HB 852 - T. BRADY, MAXWELL - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 5, Title 10, of the Delaware Code to Increase the Number of Superior Court Judges.

HB 853 - NEAL, ROY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Section 714, Title 4 of the Delaware Code Relating to Prohibition of Sales at Certain Times.

HB 854 - HOLLOWAY; SENATOR HOLLOWAY - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend Chapter 53, Title 25, Delaware Code, Relating to Landlord Obligations and Tenant Remedies.

HB 855 - HOLLOWAY, NEAL - BANKING & INSURANCE: An Act to Amend Chapter 43, Title 31, of the Delaware Code Relating to the Indebtedness of the Housing Authority.

HA 2 to HB 273 - GILLIGAN, MC KAY - Placed with the bill. (Laid on the Table)

HA 1 to HB 695 - BURRIS - Placed with the bill. (Ready List)

HA 1 to HB 748 - CATHCART, NEAL, POWELL, AMBROSINO, CONNOR, FREE, MC KAY, MC BRIDE, LOUGHNEY, VAN SCIVER, PLANT, HARRINGTON, MARONEY, ROY, JONKIERT - PUBLIC SAFETY: Placed with the bill.

HA 1 to HB 816- VERNON, MINNER, FALLON, ROY, LOUGHNEY - Placed with the bill. (Ready List)

HA 1 to HB 844 - T. BRADY - Placed with the bill. (Agenda)

HJR 33 - CAIN - EDUCATION: Directing State-Supported Institutions of Higher Education Not to Admit Iranian Nationals as Students of Such Institutions, Until the American Hostages Have Been Released.

SB 13 - CORDREY - JUDICIARY & CONSTITUTION: An Act Concurring in a Proposed Amendment to Article X of the Constitution to Provide for a Vote of the Eligible Voters of a School District When it is Proposed to Divert Property Taxes Raised for One Purpose to Another Purpose. (2/3 bill)

SB 276 - MURPHY; REPRESENTATIVE MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapters 7 and 9 of Title 5, Delaware Code, Relating to Bank Branches.

SB 407 w/SA 2 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 39, Title 18, of the Delaware Code, Relating to Casualty Insurance Contracts for Motor Vehicles.

Representative Gordy introduced and brought HR 180 before the House for consideration.

HR 180 - A Resolution Urging the Supreme Court of Delaware Not to Revise Superior Court Criminal Rule 16 so as to Require Disclosure of State's Witnesses' Names and Addresses to Criminal Defendants Prior to Trial.

HR 180 was adopted by voice vote.

Representative Jonkiert introduced HB 856, co-sponsored by Representatives Holloway and Plant.

HB 856 - An Act Making a Supplementary Appropriation to the Department of Health and Social Services for Programs at the Blackman's Development Center Inc. (3/4 bill)

Mr. Speaker assigned HB 856 to the Health & Social Services Committee.

Representative Holloway introduced and brought HR 181 before the House for consideration.

HR 181 - Requesting Legislative Council to Install Fire Extinguishers in Certain Offices of Legislative Hall.

HR 181 was adopted by voice vote.

Representative Cathcart introduced HB 857, co-sponsored by Representatives Oberle and Connor.

HB 857 - An Act to Amend Subchapter 1 of Title 26, of the Delaware Code by Providing for the Election of Public Service Commission Members.

Mr. Speaker assigned HB 857 to the Administrative Services & Energy Committee.

Representative T. Brady brought SB 251, sponsored by Senator Murphy & Representative Matushefske before the House for consideration.

SB 251 - An Act to Amend Chapter 68 of Title 16, Delaware Code Relating to Immunity for the Reporting of Arson.

The roll call on SB 251 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Loughney, Maroney, McBride, McKay, Minner, Neal, Petrilli, Powell, Roy, Sincock, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 31.

NO: Representatives Ferguson, Gordy, Oberle - 3.

NOT VOTING: Representatives Ambrosino, Maxwell, Morris, Smith - 4.

ABSENT: Representatives Jonkiert, Matushefske, Plant - 3.

Therefore, having received a constitutional majority, SB 251 was returned to the Senate.

Representative Sincock brought SB 397 w/SA 1, sponsored by Senators McCullough, Cicione; Representatives Maxwell & McBride, before the House for consideration.

SB 397 - An Act to Provide a Supplementary Appropriation to the State Board of Education for the Purpose of Reimbursing Parents or Guardians of Students for Pupil Transportation Cost.

Representative McKay brought HA 1 to SB 397 before the House for consideration.

Representative Sincock rose on a point of order. Mr. Speaker did not concur.

The roll call on HA 1 to SB 397 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, Harrington, Hebner, Maroney, McKay, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 25.

NO: Representatives Anderson, W. Brady, Cain, Cathcart, Ferguson, George, Gilligan, Gordy, Jonkiert, Matushefske, Maxwell, McBride, Minner, Plant - 14.

ABSENT: Representatives Holloway, Loughney - 2.

Therefore, having received a constitutional majority, HA 1 to SB 397 was adopted.

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

The roll call on SB 397 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

NOT VOTING: Representative Minner - 1.

Therefore, having received a constitutional majority, SB 397 w/SA 1, HA 1 was returned to the Senate.

Representative Sincock brought SB 456, sponsored by Senator Cook, before the House for consideration.

SB 456 - An Act Making a Supplemental Appropriation to the Delaware Transportation Authority to Subsidize Transportation for the Elderly and Handicapped in Kent and Sussex Counties.

Representative Sincock moved to place SB 456 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 820, co-sponsored by Representatives Morris, Bennett, T. Brady, Riddagh, Cathcart, Holloway & Senator Berndt, before the House for consideration.

HB 820 - An Act to Amend Subchapter VII, Chapter 65, Title 11 of the Delaware Code Relating to Authority of the Commissioner of the Department of Correction to Establish a Supervised Custody Program Permitting the Supervised Placement of Certain Trustworthy Inmates Into the Community.

Representative Petrilli moved to place HB 820 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Ambrosino brought HB 673, co-sponsored by Representatives Powell, Smith, Oberle, Cathcart, Van Sciver, Loughney, Bennett & Anderson, before the House for consideration.

HB 673 - An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for Prohibitions Against the Possession, Manufacture or Delivery of Drug Paraphernalia.

Representative Ambrosino moved to place HB 673 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought SB 493, co-sponsored by Senators Sharp, Cook, Holloway, Hughes, Spence; Representatives T. Brady, Free, Oberle, W. Brady, Holloway & Morris before the House for consideration.

SB 493 - An Act Authorizing Certain Pay Grade and Classification Changes for Positions of Employment Within the Department of Correction.

Representative Petrilli requested and was granted the privilege of the floor for Commissioner of Corrections, John L. Sullivan.

Representative Petrilli moved to place SB 493 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Burris moved to recess for caucus at 4:14 p.m.

The House reconvened at 5:02 p.m.

Representative Burris introduced and brought HR 182, co-sponsored by Representative Gordy, before the House for consideration.

HR 182 - Commending Karen Diamond for Her Coverage of the Delaware General Assembly and Extending Her Best Wishes in Her New Job Assignment.

Representative Connor moved to place HR 182 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Harrington brought SB 476, sponsored by Senator Holloway, before the House for consideration.

SB 476 - An Act to Amend Chapter 40, Title 31, Delaware Code, Relating to the Delaware State Housing Authority.

Representative Harrington moved to place SB 476 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Free brought SB 395, sponsored by Senator Adams, before the House for consideration.

SB 395 - An Act to Amend Chapter 101, Volume 62, Laws of Delaware Relating to the Town Council for the Town of Slaughter Beach. (2/3 bill)

Representative Burris moved to place SB 395 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

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

Representative Fallon brought SB 475, co-sponsored by Senators Adams, Cook; Representatives Gordy & Clendaniel, before the House for consideration.

SB 475 - An Act Making a Supplemental Appropriation to the Department of Agriculture, Division of Standards and Inspections, for the Purpose of Establishing Two New Positions.

Representative Fallon moved to place SB 475 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative T. Brady brought HB 844, co-sponsored by Representative Neal & Senator Hughes, before the House for consideration.

HB 844 - An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties.

Representative T. Brady moved to place HB 844 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Sincock brought HB 845, co-sponsored by Representatives Gordy, Ferguson & Senator Holloway, before the House for consideration.

HB 845 - An Act to Amend Title 5 and Title 6, Delaware Code, Relating to Loans, Interest and Other Charges and Terms, Deferments, Prepayments and Refinancing, Finance Charge Limitations, Credit Upon Anticipation of Payments, Formula to Determine Maximum Loan, Legal Rate, Service Charge Authorized and Service Charge Rates.

Representative Sincock brought HA 1 to HB 845, co-sponsored by Representatives Gordy, Ferguson and Senator Holloway, before the House for consideration. HA 1 was adopted by voice vote.

Representative Sincock requested and was granted the privilege of the floor for State Banking Commissioner, John E. Malarkey.

Representative Oberle brought HA 2 to HB 845, co-sponsored by Representatives Powell, Roy & Free, before the House for consideration.

Mr. Speaker Riddagh requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Oberle requested and was granted the privilege of the floor for State Banking Commissioner, John E. Malarkey.

HA 2 to HB 845 was adopted by voice vote.

Representative Connor brought HA 3 to HB 845 before the House for consideration.

Representative Connor requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative W. Brady rose on a point of order. Mr. Speaker concurred.

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

Representative Hebner rose on a point of order. Mr. Speaker did not concur.

Representative Maxwell rose on a point of order. Mr. Speaker did not concur.

Mr. Speaker Riddagh declared a recess at 7:00 p.m.

The House reconvened at 7:01 p.m.

Representative Gordy moved to place HA 3 to HB 845 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, W. Brady, Cain, Clendaniel, Ferguson, George, Gordy, Hebner, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McKay, Morris, Sincock, Vernon - 15.

NO: Representatives Ambrosino, Anderson, T. Brady, Burris, Cathcart, Connor, Darling, Fallon, Free, Gilligan, Harrington, Jonkiert, Maroney, McBride, Minner, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith Van Sciver, - 23.

NOT VOTING: Mr. Speaker Riddagh - 1.

ABSENT: Representatives Loughney, West - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 3 to HB 845 remained before the House.

The roll call on HA 3 to HB 845 was taken and revealed:

YES: Representatives Ambrosino, Cathcart, Connor, Free, Van Sciver - 5.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Petrilli, Plant, Powell, Roy, Sincock, Smith, Vernon, West - 34.

NOT VOTING: Mr. Speaker Riddagh - 1.

ABSENT: Representative Oberle - 1.

Therefore, not having received a constitutional majority, HA 3 to HB 845 was declared defeated.

Representative Cathcart brought HA 4 to HB 845 before the House for consideration.

Representative Cathcart requested that HA 4 to HB 845 be stricken.

The roll call on HB 845 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McKay, Minner, Morris, Neal, Petrilli, Powell, Roy, Sincock, Smith, Vernon - 28.

NO: Representatives Ambrosino, Cathcart, Connor, Darling, Free, Maxwell, McBride, Oberle, Plant, Van Sciver, West - 11.

NOT VOTING: Representative Holloway, Mr. Speaker Riddagh - 2.

Therefore, having received a constitutional majority, HB 845 w/HA 1,2 was sent to the Senate for concurrence.

Mr. Speaker Riddagh announced that he was recorded as "not voting" on HB 845 w/HA 1,2 because of a conflict of interest.

Representative Neal moved to lift HB 788 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HB 788 - An Act Authorizing the Public Service Commission to Expend Funds From the Public Service Commission Regulatory Revolving Fund to Pay for the Services of Consultants Retained by the Commission for Current Rate Hearings, Associated Rate Hearing Expenses, and Other Contractual Services.

The roll call on HB 788 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Ferguson, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 33.

NO: Representatives Clendaniel, Darling, George, McBride, Minner, Morris, West - 7.

ABSENT: Representative Maxwell - 1.

Therefore, having received a constitutional majority, HB 788 was sent to the Senate for concurrence.

Representative Ambrosino moved to lift HB 673 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 673 - An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for Prohibitions Against the Possession, Manufacture or Delivery of Drug Paraphernalia.

Representative Ambrosino requested and was granted the privilege of the floor for Russ Larson, Controller General's Office.

Representative Ambrosino moved to waive the fiscal note on HB 673. The motion was seconded by Representative Sincock and adopted by voice vote.

The roll call on HB 673 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 41.

Therefore, having received a constitutional majority, HB 673 was sent to the Senate for concurrence.

The following prefiled legislation was introduced:

HB 858 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Increase the Authorized Amount of Bonded Indebtedness. (2/3 bill)

HB 859 - FREE, NEAL, MAXWELL, OBERLE, MARONEY, POWELL, PETRILLI, AMBROSINO - ADMINISTRATIVE SERVICES & ENERGY: An Act to Require Affected State Agencies to Report Annually Their Efforts to Comply With the Policy of This State to Encourage Employee Stock Ownership Plans.

HB 860 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Titled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford", to Provide for Public Bidding on Certain Contracts. (2/3 bill)

HB 861 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Delete the Limitation on the Amount of Sewer Services Charges. (2/3 bill)

HB 862 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Increase the Value of Property Which May be Sold or Leased Without a Special Election and to Provide for Voting at the Special Election. (2/3 bill)

HB 863 - FALLON; SENATOR LITTLETON - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Increase the Salary Which May be Paid to the Mayor and to Each Councilman. (2/3 bill)

HB 864 - T. BRADY, SINCOCK, FREE, PETRILLI, BENNETT, JONKIERT, HOLLOWAY, PLANT, MAXWELL; SENATORS HOLLOWAY, MC DOWELL, MARSHALL - JUDICIARY & CONSTITUTION: An Act to Abolish the Municipal Court of the City of Wilmington; to Transfer Its Jurisdiction Over All Cases to the Court of Common Pleas. (2/3 bill)

HB 865 - T. BRADY, SINCOCK, BENNETT - JUDICIARY & CONSTITUTION: An Act to Abolish the Court of Common Pleas to Transfer Its Jurisdiction Over All Cases to the Superior Court; and to Abolish the Office of Clerk of the Court of Common Pleas.

HB 866 - HEBNER; SENATOR HUGHES - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Amend Chapter 51, Section 5105 of Title 25, Delaware Code Relating to the Service of Notice Under the Landlord-Tenant Code.

HB 867 - OBERLE - ADMINISTRATIVE SERVICES: An Act to Amend Subchapter I, Title 26 of the Delaware Code Concerning the Qualifications of the Public Service Commissioners.

HB 868 - WEST, CLENDANIEL, GORDY, BURRIS, VERNON, FALLON; SENATORS CORDREY, ADAMS, HOLLOWAY, LITTLETON - HEALTH & SOCIAL SERVICES: An Act to Make an Appropriation to the Stockley Center to Meet Department of Health, Education and Welfare Requirements for Personnel.

HB 869 - T. BRADY, VERNON, GORDY, PETRILLI - JUDICIARY & CONSTITUTION: An Act to Amend Subchapter III, Title 10 of the Delaware Code Relating to the Civil Jurisdiction of the Court of Common Pleas. (2/3 bill)

HB 870 - T. BRADY, VERNON, GORDY, PETRILLI - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 93, Title 10 of the Delaware Code Relating to the Jurisdiction of the Justice of the Peace Court. (2/3 bill)

HB 871 - OBERLE; SENATOR KEARNS - LABOR & COMMERCE: An Act to Amend Chapter 85, Title 29, of the Delaware Code Relating to the Reimbursement of Out-of-Pocket Expenses of Members Attending Meetings of the Governor's Council on Labor.

HA 3 to HB 620 - W. BRADY - Placed with the bill. (Laid on the Table)

HA 1 to HB 773 - W. BRADY, SINCOCK & SENATOR SPENCE - APPROPRIATIONS: Placed with the bill.

HA 1 to HB 796 - OBERLE - SCHOOL FINANCING: Placed with the bill.

HA 1 to HB 814 - ANDERSON - REVENUE & FINANCE: Placed with the bill.

SB 417 - BERNDT - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 4, Title 24, of the Delaware Code Relating to the State Board of Examiners of Barbers.

SB 490 - ADAMS - AGRICULTURE: An Act to Amend Title 3, Delaware Code Relating to Agriculture and Forestal Operations Not Being Considered Nuisances.

SB 491 - SHARP, COOK, HOLLOWAY, HUGHES, SPENCE - CORRECTIONS: An Act to Amend Title 11 of the Delaware Code to Create the Offense of Sexual Relations in a Detention Facility.

SB 492 - SHARP, HOLLOWAY, HUGHES, SPENCE - CORRECTIONS: An Act to Amend Title 29 of the Delaware Code to Prohibit the Placement of Female Correctional Officers in Male Housing Units and to Prohibit Placement of Male Correctional Officers in Female Housing Units.

Representative Petrilli moved to lift SB 493 from the Speaker's table. The motion was seconded by Representative Vernon and adopted by voice vote.

SB 493 - An Act Authorizing Certain Pay Grade and Classification Changes for Positions of Employment Within the Department of Correction.

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

Representative George requested and was granted the privilege of the floor for Secretary of Finance Weston Nellius.

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

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

Representative Petrilli requested and was granted the privilege of the floor for Corrections Commissioner, John L. Sullivan.

The roll call on SB 493 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Roy, Sincock, Smith, Van Seiver Vernon, West, Mr. Speaker Riddagh - 39.

NO: Representative Minner - 1.

ABSENT: Representative Powell - 1.

Therefore, having received a constitutional majority, SB 493 was returned to the Senate.

Representative Harrington moved to lift SB 476 from the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

SB 476 - An Act to Amend Chapter 40, Title 31, Delaware Code, Relating to the Delaware State Housing Authority.

The roll call on SB 476 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Maroney, McBride, McKay, Minner, Neal, Petrilli, Plant, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

NOT VOTING: Representatives Harrington, Loughney, Matushefske, Maxwell, Morris - 5.

ABSENT: Representatives Oberle, Powell - 2.

Therefore, having received a constitutional majority, SB 476 was returned to the Senate.

Representative Fallon moved to lift SB 475 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

SB 475 - An Act Making a Supplemental Appropriation to the Department of Agriculture, Division of Standards and Inspections, for the Purpose of Establishing Two New Positions.

Representative Fallon moved to waive the fiscal note on SB 475. The motion was seconded by Representative Cain and adopted by voice vote.

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

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

The roll call on SB 475 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, Minner, Morris, Oberle, Plant, Roy, Sincock, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

NO: Representatives Bennett, McKay, Neal, Petrilli - 4.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Ambrosino, Powell - 2.

Therefore, having received a constitutional majority, SB 475 was returned to the Senate.

Representative Burris moved to lift HR 182 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HR 182 - Commending Karen Diamond for Her Coverage of the Delaware General Assembly and Extending Her Best Wishes in Her New Job Assignment.

HR 182 was adopted by voice vote.

Representative Bennett brought HB 698, co-sponsored by Representatives Darling, Minner, Morris, Harrington; Senators Cook, Murphy & Zimmerman, before the House for consideration.

HB 698 - An Act to Amend Volume 58, Chapter 583 Laws of Delaware Relating to the Authority of the Levy Court of Kent County to Issue Bonds on the Full Faith and Credit of the County Not to Exceed \$2,000,000.

The roll call on HB 698 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

NO: Representatives Jonkiert, Loughney - 2.

NOT VOTING: Representative Sincok - 1.

ABSENT: Representative Powell - 1.

Therefore, having received a constitutional majority, HB 698 was sent to the Senate for concurrence.

Representative T. Brady moved to lift HB 844 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative T. Brady brought HA 1 to HB 844 before the House for consideration.

Representative T. Brady requested that HA 1 be stricken.

Representative T. Brady brought HA 2 to HB 844 before the House for consideration. HA 2 was adopted by voice vote.

Representative T. Brady brought HA 3 to HB 844 before the House for consideration.

The roll call on HA 3 to HB 844 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cathcart, Connor, Darling, Fallon, Free, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 25.

NO: Representatives George, Gilligan, Holloway, McBride, West - 5.

NOT VOTING: Representatives Bennett, Cain, Clendaniel, Ferguson, Maxwell, Minner, Morris, Plant - 8.

ABSENT: Representatives Anderson, Gordy, Powell - 3.

Therefore, having received a constitutional majority, HA 3 to HB 844 was adopted.

Representative T. Brady requested and was granted the privilege of the floor for Senate Attorney G. Thomas Sandbach.

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

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

Representative George moved to place HB 844 w/HA 2,3 on the Speaker's table. The motion was seconded by Representative Gilligan.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Maxwell, Minner, Morris, West - 14.

NO: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 24.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives McBride, Powell - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 844 w/HA 2,3 remained before the House.

Representative Gilligan moved to recess for dinner.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Minner, Morris, West - 13.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McKay, Neal, Oberle, Petrilli, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 23.

NOT VOTING: Representatives W. Brady, Maxwell, Plant - 3.

ABSENT: Representatives McBride, Powell - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and the House remained in session.

Five members rose for the purpose of closing the debate on HB 844 w/HA 2,3.

The roll call on the motion was taken and revealed:

YES: Representatives T. Brady, Burris, Fallon, Free, Harrington, Hebner, Maroney, McKay, Oberle, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 14.

NO: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Neal, Petrilli, Plant, West - 24.

ABSENT: Representatives Morris, Powell, Roy - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Mr. Speaker Riddagh declared a two minute recess at 9:26 p.m. for the purpose of changing the recording tape.

The House reconvened at 9:28 p.m.

Representative Burris moved to place HB 844 w/HA 2,3 on the Speaker's table. The motion was seconded by Representative Ferguson and adopted by voice vote.

Representative Roy introduced HB 872, co-sponsored by Senator Martin; Representatives Powell, Sincock, Burris, Hebner, Riddagh, Ambrosino, T. Brady, Cathcart, Fallon, Gilligan, Harrington, Maroney, McKay, Neal, Oberle, Petrilli, Smith, Vernon, Van Sciver, Ferguson, Free, Connor; Senators Arnold, Murphy, Cook, Spence, Knox, Berndt, Weiss, Hughes, Littleton & Hale.

HB 872 - An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Bridge Replacements, Drainage Ditching, Road Patching and Resurfacing, and Pavement Marking. (3/5 bill)

Mr. Speaker assigned HB 872 to the Appropriations Committee.

Representative Ambrosino introduced HB 873, co-sponsored by Representatives Cathcart, Jonkiert & Loughney.

HB 873 - An Act to Amend Chapter 5, Title 13 of the Delaware Code Relating to Failure to Support for Just Cause.

Mr. Speaker assigned HB 873 to the Health & Social Services Committee.

Representative Free introduced HB 874, co-sponsored by Representatives Cathcart, Gilligan, McBride & Senator Cicione.

HB 874 - An Act to Amend Title 29, Delaware Code, to Provide for the Legalization of Lotteries by Charitable, Religious, Fraternal, or Volunteer Organizations and to Provide for Appropriations to the Attorney General and State Lottery Commission to Implement Such Lotteries.

Mr. Speaker assigned HB 874 to the Judiciary & Constitution Committee.

Representative Maxwell introduced HB 875, co-sponsored by Representative Gilligan.

HB 875 - An Act to Amend Chapters 17 and 13 of Title 14 of the Delaware Code Relating to the Funding of Educational Services for Persons Who Are Deaf-Blind.

Mr. Speaker assigned HB 875 to the Education Committee.

Representative Sincock moved to lift SB 456 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

SB 456 - An Act Making a Supplemental Appropriation to the Delaware Transportation Authority to Subsidize Transportation for the Elderly and Handicapped in Kent and Sussex Counties.

The roll call on SB 456 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Neal, Oberle, Petrilli, Plant, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

ABSENT: Representatives Ambrosino, Fallon, Maroney, Matushefske, McKay, Morris, Powell - 7.

Therefore, having received a constitutional majority, SB 456 was returned to the Senate.

Representative W. Brady introduced HB 876, co-sponsored by Representative Oberle.

HB 876 - An Act to Amend Chapter 5, Part I, Title 7 of the Delaware Code Relating to the Migratory Waterfowl Stamp.

Mr. Speaker assigned HB 876 to the Labor & Commerce Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 845 w/HA 1, 2; HB 788, HB 707 w/HA 1, HB 603, HB 403 w/SA 1; SB 417, SB 491, SB 492, SB 490, HCR 117, HCR 118.

April 3, 1980

LEGISLATIVE ADVISORY #32

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: April 3, 1980 - HB 669 w/HA 1, SB 132, SB 152, SB 302.

Representative Burris moved to recess to the call of the Chair at 9:44 p.m.

22nd LEGISLATIVE DAY
Second Session

April 22, 1980

The Speaker called the House to order at 2:03 p.m.

The Speaker declared a recess for the purpose of repairing the public address system at 2:06 p.m.

The House reconvened at 2:11 p.m.

Representative Sincok brought HB 403 w/SA 1 before the House for consideration.

HB 403 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Imposing Fees for Late Renewals of Vehicle Registration Fees.

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

YES: Representatives Bennett, T. Brady, W. Brady, Burris, Cain, Darling, Fallon, Free, Harrington, Hebner, Maroney, Matushefske, McKay, Minner, Morris, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 23.

NO: Representatives Anderson, Cathcart, Clendaniel, Connor, Gilligan, Gordy, Jonkier, Loughney, Neal, Oberle, West - 11.

ABSENT: Representatives Ambrosino, Ferguson, George, Holloway, Maxwell, McBride, Plant - 7.

Therefore, having received a constitutional majority, HB 403 w/SA 1 was sent to the Governor.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m. A prayer was offered by Representative James P. Neal, Twenty-Fourth District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 877 - SMITH, HEBNER, CAIN - BANKING & INSURANCE: An Act to Amend Chapter 23, Title 18, Delaware Code, Relating to Unfair Claim Settlement Procedures in Auto Insurance.

HB 878 - CAIN, SMITH - BANKING & INSURANCE: An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code Relating to Casualty Insurance Contracts; and Providing for a Prohibition Against Premium Increases Under Certain Circumstances.

The Reading Clerk read the following communications into the record:

April 9, 1980

LEGISLATIVE ADVISORY #33

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: April 8, 1980 - HB 380, HB 381, HB 389. April 9, 1980 - HB 788, SB 424.

April 16, 1980

LEGISLATIVE ADVISORY #34

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: April 11, 1980 - SB 63 aab SA 3, HB 72 aab HA 1. April 15, 1980 - SB 493, SB 251, SB 463, SB 476, HB 391, HB 603. April 16, 1980 - HB 707 aab HA 1.

Representative Burris moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 3:46 p.m.

Representative George introduced and brought HCR 119 before the House for consideration.

HCR 119 - Expressing the Sorrow of the Members of the 130th General Assembly of Delaware at the Death of Zelda K. Herrmann, Wife of Chief Justice Daniel L. Herrmann.

HCR 119 was adopted by voice vote and sent to the Senate for concurrence.

Representative George introduced and brought HCR 120, co-sponsored by Senator Berndt, before the House for consideration.

HCR 120 - Mourning the Death of Mary Babiarz, Mother of Former Mayor John E. Babiarz of Wilmington.

HCR 120 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert brought HB 695 - HA 1, co-sponsored by Representatives Ambrosino & Loughney, before the House for consideration.

HB 695 - An Act to Amend Chapter 25, Title 24, Delaware Code Relating to the Board of Pharmacy, Pharmacists and Assistant Pharmacists, Hospital Pharmacies, Retail Pharmacies, Pharmaceutical Establishments Other Than Retail Pharmacies; and Providing for Prohibited Acts and Penalties.

Representative Burris requested that HA 1 to HB 695 be stricken.

Representative Jonkiert moved to place HB 695 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Jonkiert moved to lift HB 695 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Jonkiert brought HA 2 to HB 695, co-sponsored by Representative Burris, before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for Thomas W. Campbell, Delaware Board of Pharmacy.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Richard Cooch.

HA 2 to HB 695 was adopted by voice vote.

Representative Jonkiert requested and was granted the privilege of the floor for Thomas W. Campbell, Delaware Board of Pharmacy.

Representative Jonkiert requested and was granted the privilege of the floor for Martin Goldman, Secretary, Delaware Board of Pharmacy.

Representative Jonkiert moved to place HB 695 w/HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Harrington brought HB 756, co-sponsored by Representatives Connor, Sincock, Gilligan, Maxwell, Clendaniel; Senators Holloway, Kearns, Arnold & Hughes, before the House for consideration.

HB 756 - An Act to Amend an Act, Being Cl (101), Volume 8, Laws of Delaware, Entitled "An Act to Incorporate the Wilmington Savings Fund Society" Passed at Dover on January 11, 1832 as the Same Has Since Been Renewed, Amended and Changed, by Amending Section 7 Thereof to Provide That the Society May Make Loans With or Without Collateral Security. (2/3 bill)

Representative Harrington brought HA 1 to HB 756 before the House for consideration.

Representative Gordy requested and was granted the privilege of the floor for John Malarkey, State Banking Commissioner.

The roll call on HA 1 to HB 756 was taken and revealed:

YES: Representatives Ambrosino, Burris, Cathcart, Clendaniel, Connor, Fallon, Free, Gilligan, Harrington, Hebner, Holloway, Maroney, McKay, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver - 22.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Darling, George, Gordy, Jonkiert, Loughney, Matushefske, McBride, Minner, Morris, Vernon, West, Mr. Speaker Riddagh - 16.

NOT VOTING: Representative Maxwell - 1.

ABSENT: Representatives Cain, Ferguson - 2.

Therefore, having received a constitutional majority, HA 1 to HB 756 was adopted.

Representative Harrington requested and was granted the privilege of the floor for Augustine Papillo of Wilmington Savings Fund Society.

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

Representative Gordy moved to recess. The motion was seconded by Representative George. Due to the lack of a quorum, Mr. Speaker declared a recess to the call of the Chair at 5:30 p.m.

23rd LEGISLATIVE DAY

Second Session

April 23, 1980

The Speaker called the House to order at 2:28 p.m.

Representative Burris moved to recess for committee meetings at 2:29 p.m.

The House reconvened at 3:49 p.m.

Representative Harrington brought HA 2 to HB 756 before the House for consideration.

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

Due to lack of a quorum, the Speaker declared a recess. The House reconvened at 3:52 p.m.

Representative Harrington requested and was granted the privilege of the floor for Mr. John Malarkey, State Banking Commissioner.

Representative Ferguson asked to be marked present for the previous legislative day, April 22, 1980.

The roll call on HA 2 to HB 756 was taken and revealed:

YES: Representatives Ambrosino, Burris, Cathcart, Connor, Fallon, Ferguson, Free, Gilligan, Harrington, Hebner, Holloway, Maroney, McKay, Neal, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, George, Gordy, Jonkiert, McBride, Minner, Morris, Oberle, Vernon, West - 14.

ABSENT: Representatives T. Brady, Cain, Loughney, Matushefske, Maxwell, Plant - 6.

Therefore, having received a constitutional majority, HA 2 to HB 756 was adopted.

Representative Harrington moved to place HB 756 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Neal and adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Administrative Services & Energy: HB 769 - 1F, 4M; HB 859 - 4M, 1UF.

Education: HB 722 - 1F, 4M, 1UF; HJR 33 - 1F, 3M.

Community Affairs & Economic Development: HB 221 - 4M.

Health & Social Services: HB 665 - 3F, 2M.

The Reading Clerk read the following communications into the record:

April 23, 1980

LEGISLATIVE ADVISORY #35

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: April 18, 1980 - HB 845 aab HA 1, 2. April 23, 1980 - SB 397, SB 456, SB 475.

The Senate wishes to inform the House that it has passed: HCR 119, HCR 120, SB 95.

Representative Maxwell requested that his name be removed as a co-sponsor of HB 756.

Mr. Speaker Riddagh announced that Representative Hebner has been appointed to the State Council of Governing Boards.

The Majority Leader moved to adjourn at 4:10 p.m., thereby ending the previous legislative day. The House reconvened at 4:11 p.m. A prayer was offered by Reverend Clayton E. Hammond, Pastor, Whatcoat United Methodist Church, Dover, DE.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative T. Brady - 1.

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

The following prefiled legislation was introduced:

HB 879 - W. BRADY; SENATOR SPENCE - NATURAL RESOURCES: An Act Making a Supplemental Appropriation to the Department of Natural Resources and Environmental Control to be Used by the Division of Fish and Wildlife for the Construction of an Access Ramp and Fishing Pier at Port Penn.

HB 880 - VAN SCIVER - REVENUE & FINANCE: An Act to Amend Chapter 31, Title 16 of the Delaware Code Relating to Fees of Certificates.

HB 881 - NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 29 of Title 25 of the Delaware Code by Adding a New Section Thereto and Amending Existing Sections to Provide for the Establishment of a Lien for Taxes and Other Government Charges and Setting Forth Their Respective Priorities. (2/3 bill)

HB 882 - WEST - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 80, Title 15 of the Delaware Code to Prohibit Contributions From Lobbyists to Candidates in General, Primary or Special Elections.

HB 883 - AMBROSINO - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Subchapter III, Chapter 86, Part VIII, Title 29 of the Delaware Code Relating to the Office of the Public Advocate.

HB 884 - CONNOR - APPROPRIATIONS: An Act to Amend Chapter 59, Part V, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for the Separation of Employee Compensation Under the Uniform Pay Plan From Pay Increases Granted for Other Reasons.

HB 885 - SINCOCK, GEORGE; SENATOR COOK - FAMILY SERVICES: An Act to Provide for a Supplemental Appropriation to the Department of Health & Social Services, Division of Social Services, for the Purpose of Child Foster Care.

HB 886 - DARLING, MORRIS - TRANSPORTATION: An Act to Amend Title 21 Relating to the Issue of Conditional Driver Licenses for Drivers Who Were Suspended for Not Having Liability Insurance.

HB 887 - PLANT - LABOR & COMMERCE: An Act to Amend Chapter 8, Part I, Title 19 of the Delaware Code Relating to the Protection of Employees.

HB 888 - PLANT - TRANSPORTATION: An Act to Amend Chapter 43, Title 16 of the Delaware Code to Require That Certain Motor Vehicles Shall be Equipped with Governors to Control Their Speed. (2/3 bill)

HA 3 to HS 1 for HB 394 - MC BRIDE - Placed with the bill. (Ready List)

HA 1 to HB 515 - PLANT - Placed with the bill. (Ready List)

HA 1 to SB 184 - GILLIGAN - HEALTH & SOCIAL SERVICES: Placed with the bill.

Representative Gilligan introduced and brought HR 183 before the House for consideration.

HR 183 - Expressing the Condolences of the House of Representatives to the Family of Reginald G. Parris, Former Member of the Marshallton-McKean District Board of Education.

HR 183 was adopted by voice vote.

Representative Minner introduced and brought HCR 121, co-sponsored by Representative Burris; Senators Adams & Cook, before the House for consideration.

HCR 121 - Commending the Milford High School Marching Bucs for Their Outstanding Performance at the Southern National Music Festival in Orlando, Florida, on April 11 and 12, 1980.

HCR 121 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gilligan moved to lift HB 273 w/HA 1 - HA 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Gilligan brought HA 2 to HB 273, co-sponsored by Representative McKay, before the House for consideration. HA 2 was adopted by voice vote.

Representative Ambrosino moved to place HB 273 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with action on SJR 43. The motion was seconded by Representative Vernon and adopted by voice vote.

Representative Burris introduced and brought SJR 43, sponsored by Senator Cordrey, before the House for consideration.

SJR 43 - In Reference to Election of Officers.

The roll call on SJR 43 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives T. Brady, Gordy, Holloway - 3.

Therefore, having received a constitutional majority, SJR 43 was returned to the Senate.

Representative Jonkiert moved to lift HB 695 w/HA 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HB 695 - An Act to Amend Chapter 25, Title 24, Delaware Code Relating to the Board of Pharmacy, Pharmacists and Assistant Pharmacists, Hospital Pharmacies, Retail Pharmacies, Pharmaceutical Establishments Other Than Retail Pharmacies; and Providing for Prohibited Acts and Penalties.

Representative Jonkiert brought HA 3 to HB 695 before the House for consideration. HA 3 was adopted by voice vote.

Representative Neal brought HA 4 to HB 695, co-sponsored by Representative Oberle, before the House for consideration. HA 4 was adopted by voice vote.

Representative Matushefske moved to place HB 695 w/HA 2,3,4 on the Speaker's table. The motion was seconded by Representative Ferguson and defeated by voice vote.

The roll call on HB 695 w/HA 2,3,4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

NO: Representatives Ferguson, Matushefske - 2.

ABSENT: Representatives T. Brady, Darling, Holloway, Plant - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 695 w/HA 2,3,4 was sent to the Senate for concurrence.

Representative Smith brought HB 688, co-sponsored by Representatives W. Brady, Maroney, Ambrosino, Anderson, Fallon, McBride, Minner, Riddagh; Senators Martin, Arnold, Knox, Littleton, Spence & Weiss, before the House for consideration.

HB 688 - An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

Representative Ferguson read the following communication into the record:

Rambleton Liquor Store
Rambleton Acres Shopping Center
April 16, 1980

John P. Ferguson
Legislative Hall,
Dover, DE
Dear Sir:

We have a liquor store in Rambleton Acres Shopping Center and I wish to express my concern over the pending Bottle Bill #688. It is not only unfair but many other problems go with it and one especially I am concerned about is the unhealthy situation it will surely make as you know some will be very dirty, cigarette butts and anything else they can put in. Another problem is there is nothing to stop our customers from crossing over to Pennsylvania, Maryland and buying cheaper and then trying to pass the bottles to us. This means more help which I do not need. Also paper is a problem so why not tax the fast food shoppes and also any other bottle companies milk and etc. Please take all of these things in your consideration before passing such a bill. It will surely hurt small stores like ours and many more Mom and Pop places. Thank you for your time and consideration.

We remain,
Mr. & Mrs. Philip Carucci
Rambleton Liquors
Rambleton Shopping Center

P. S. Where do we get the extra room for all the returnables?

Representative Smith moved to place HB 688 on the Speaker's table. The motion was seconded by Representative Neal and adopted by voice vote.

Representative Hebner moved to recess to the call of the Chair at 5:35 p.m.

24th LEGISLATIVE DAY
Second Session
April 24, 1980

The Speaker called the House to order at 2:10 p.m.

The Chief Clerk read the following Committee Report into the record:

Natural Resources: SJR 39 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 121, SCR 75, SJR 43.

The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the previous legislative day. The House reconvened at 2:13 p.m. A prayer was offered by Reverend Roberto Balducelli, Pastor, St. Anthony of Padua Church, Wilmington, DE.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 889 - NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

HB 890 - SMITH, NEAL - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Solar Energy, and Rates Charged When There is Dual Generation of Electricity.

HB 891 - SMITH, NEAL, OBERLE - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Unjust or Unreasonable Utility Rates and Preferences; and Prohibiting Discrimination Against Renewable Energy Sources.

HB 892 - HEBNER, MORRIS - REVENUE & FINANCE: An Act to Amend An Act to Amend Title 25 of the Delaware Code Relating to Property; by Adopting the Uniform Disclaimer of Property Interests Act so as to Permit the Disclaimer of Interests in Property.

HB 893 - SMITH, NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 26 of the Delaware Code Relating to Certain Energy-Producing Equipment; and Prohibiting Utilities From Competing With Private Businesses Which Merchandise Alternate Energy-Producing Equipment by Which Electricity is Derived From Solar Energy, Wind Power or From Other Alternate Energy-Producing Fuels.

HB 894 - OBERLE, POWELL, ROY, CATHCART, CAIN, MAXWELL; SENATORS CICIONE, KEARNS, BERNDT, HUGHES, SPENCE - LABOR & COMMERCE: An Act to Amend Part I, Title 19, Delaware Code, by Adding a New Chapter Authorizing Collective Bargaining Between Law Enforcement Officers and Their Public Employers; Providing for Arbitration in Order to Settle Disputes; and Requiring Compliance With Collective Bargaining Agreement and Find of Arbitrators. (2/3 bill)

SB 95 - ARNOLD - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 4, Part I, Title 11 of the Delaware Code Relating to Defenses Against Criminal Liability; and Providing Protection to Persons Defending Real and Personal Property Against Felonies or Attempted Felonies.

Representative Oberle introduced HB 895, co-sponsored by Representatives Hebner, Roy, Vernon, Cain & Senator Cicione.

HB 895 - An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Litter. (2/3 bill)

Mr. Speaker assigned HB 895 to the Environmental Control Committee.

Representative Burris introduced and brought SCR 75, co-sponsored by Senator Sharp, before the House for consideration.

SCR 75 - Memorializing the United States Congress to Encourage the Exploration of Alaska's Resources to Enable the United States to Become Energy Self-Sufficient.

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

Representative Burris moved to place SCR 75 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Gordy introduced and brought HCR 122 before the House for consideration.

HCR 122 - Expressing Our Admiration for William Thomas Watson, of Laurel, Who Observed the Centenary of His Birth on April 23, 1980.

HCR 122 was adopted by voice vote and sent to the Senate for concurrence.

Representative Connor requested and was granted the privilege of the floor for Doyle Owen, Supervisor, Delaware V.I.C.A.

Representative Connor introduced and brought HCR 123, co-sponsored by Representatives Ambrosino, Van Sciver & Neal, before the House for consideration.

HCR 123 - Commending Delaware V.I.C.A. for the Service it Renders in Providing Valuable Skill Training, Civic Responsibility, and Social Growth for Vocational Students; and Congratulating the Student Winners of the 1980 V.I.C.A. Competitions in Vocational Skill and Leadership.

HCR 123 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli requested and was granted the privilege of the floor for Joseph DiNorshia, American Mushroom Institute.

Representative Petrilli introduced and brought HCR 124, co-sponsored by Representative McKay & Senator Knox, before the House for consideration.

HCR 124 - Recognizing the Mushroom Industry of the State of Delaware.

HCR 124 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess for committee meetings at 3:07 p.m.

The House reconvened at 4:08 p.m.

Representative Bennett introduced and brought HR 184 before the House for consideration.

HR 184 - Congratulating Jean Bochnowski, a Dover High School Student, on Winning the State American Legion Speech Contest.

HR 184 was adopted by voice vote.

Representative Bennett introduced and brought HR 185 before the House for consideration.

HR 185 - Congratulating Mary A. Cuyjet, of Cheswold, on Her Selection as 1980 Delaware Social Worker of the Year.

HR 185 was adopted by voice vote.

Representative Minner introduced and brought HR 186, co-sponsored by Representative Gilligan, before the House for consideration.

HR 186 - Wishing Walt Nedwick a Speedy Recovery From His Recent Illness.

HR 186 was adopted by voice vote.

Representative Vernon brought SJR 39, sponsored by Senator Martin, before the House for consideration.

SJR 39 - Recognizing the Valuable Services of the U.S. Fish and Wildlife Service Delaware Field Station and Calling for its Continued Presence in Delaware.

The roll call on SJR 39 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Free, Holloway - 2.

Therefore, having received a constitutional majority, SJR 39 was returned to the Senate.

Representative Smith moved to lift HB 688 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HB 688 - An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

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

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

Representative Jonkiert requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Jonkiert moved to place HB 688 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 41.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 688 remained before the House.

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

The roll call on HB 688 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Clendaniel, Connor, Fallon, Free, George, Hebner, Maroney, McBride, McKay, Minner, Morris, Neal, Petrilli, Smith, Van Sciver, Mr. Speaker Riddagh - 20.

NO: Representatives Bennett, Burris, Cain, Cathcart, Darling, Ferguson, Gordy, Harrington, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Oberle, Plant, Powell, Roy, Sincock, Vernon, West - 20.

ABSENT: Representative Gilligan - 1.

Therefore, not having received a constitutional majority, HB 688 was declared defeated.

The Chief Clerk read the following Committee Reports into the record:

Ethics & House Administration: HB 616 - 3F, 2M.

Revenue & Finance: HB 837 - 1F, 3M; HB 839 - 1F, 3M.

Representative Cain rose on a point of order.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 366, HB 310 w/HA 2, HA 1 to HA 2, SB 519, SCR 76, HCR 122, HCR 123, HCR 124.

Representative Sincock read the following communication into the record:

April 24, 1980

TO: Mr. Duane O. Olsen
Controller General

FROM: Below Signatory Members, Joint Finance Committee

SUBJECT: LEGISLATORS' EXPENSE ACCOUNT

By direction of the majority of the members of the Joint Finance Committee, as indicated by the signatures below, the Legislators' Expense Account money, which was placed in the proposed operating budget at \$3,500 per Legislator for FY 1981 is to be revised to \$2,500 per Legislator for FY 1981.

	From Proposed <u>FY 1981</u>	To (HB 700) <u>FY 1981</u>	(Decrease)
Expenses - House Members	\$143.5	\$102.5	(\$ 41.0)
Expenses - Senate Members	73.5	52.5	(21.0)
Richard Sincock		Nancy W. Cook	
John McKay		Harris B. McDowell	
Joseph R. Petrilli		H. M. Holloway, Sr.	
Jane Maroney		Anthony J. Cicione	
Jody Ambrosino		William M. Murphy, Jr.	
J. P. Neal		F. J. Kearns	
E. M. Bennett		Lee Littleton	
Robert F. Gilligan		Ev Hale	
Orlando J. George, Jr.		Robert J. Berndt	
John Matushefske		C. E. Hughes	
cc: Senator Richard S. Cordrey			
Rep. Robert W. Riddagh			
Rep. John M. Burris			
Senator Andrew G. Knox			
Rep. William J. Gordy			

Representative Burris moved to recess to the call of the Chair at 5:30 p.m.

25th LEGISLATIVE DAY
Second Session
April 29, 1980

The Speaker called the House to order at 2:11 p.m.

Representative Gordy introduced and brought SCR 76, sponsored by Senator Holloway, before the House for consideration.

SCR 76 - Requesting the Members of the Delaware Congressional Delegation to Support Legislation Establishing a National Memorial to Franklin Delano Roosevelt, the 32nd President of the United States.

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

Mr. Speaker re-assigned HB 907 to the Appropriations Committee.

Representative Oberle introduced HB 909, co-sponsored by Representatives Morris, Cathcart, Vernon & Senator Sharp.

HB 909 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Fraudulent Delivery of Non-Controlled Substances and to Create a Definition of Finished Product.

Mr. Speaker assigned HB 909 to the Labor & Commerce Committee.

The Majority Leader moved to adjourn at 2:17 p.m., thereby ending the previous legislative day. The House reconvened at 2:18 p.m. A prayer was offered by Representative Donald Van Sciver, Sixteenth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 896 - CATHCART - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 5, Title 13, Delaware Code Relating to Violation of Support Order for Spouse or Child; Proceedings; Contempt; Assignment of Wages; Employer's Duties.

HB 897 - MC KAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 58A, Title 29 of the Delaware Code Relating to Laws Regulating the Conduct of Officers and Employees of the State to Provide for Handling of Medicaid Funds.

HB 898 - HARRINGTON - FAMILY SERVICES: An Act to Amend Subchapter 11, Chapter 3, Part I, Title 31 of the Delaware Code Relating to the Regulation of Boarding Homes for Children.

HB 899 - WEST - NATURAL RESOURCES: An Act Making an Appropriation to the Department of Natural Resources and Environmental Control for the Purchase of the Rosedale Beach Hotel Inc. Property and Preparation of the Tract for Public Recreational Use.

HB 900 - VAN SCIVER, MARONEY, HARRINGTON, ANDERSON, JONKERT, FREE; SENATOR CICIONE - HEALTH & SOCIAL SERVICES: An Act to Amend Title 31, Delaware Code, Relating to the Establishment of an Adult Protective Services Unit Within the Department of Health and Social Services and Further Providing a Supplementary Appropriation Therefor.

HB 901 - CATHCART, LOUGHNEY, CONNOR, WEST - PUBLIC SAFETY: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Headlights on Motorcycles, Mopeds, and Tripeds. (2/3 bill)

HB 902 - CONNOR, VAN SCIVER - REVENUE & FINANCE: An Act to Amend Chapter 47, Part V, Title 7 of the Delaware Code Relating to State Parks; and Exempting Certain Persons From State Park Fees.

HB 903 - OBERLE, HEBNER, VAN SCIVER, GILLIGAN; SENATOR SHARP - HEALTH & SOCIAL SERVICES: An Act to Amend Title 16 and Title 30 of the Delaware Code Relating to Health and Safety; and Providing for a Cancer Control and Research Act.

HB 904 - POWELL - REVENUE & FINANCE: An Act Amending Title 24 of the Delaware Code Relating to Professional Engineers.

HB 905 - T. BRADY, PETRILLI - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 27, Title 11 of the Delaware Code Relating to Jurisdiction of the Justices of the Peace. (2/3 bill)

HB 906 - MC BRIDE - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 69, Part VI, Title 29 of the Delaware Code Relating to the Limitation on Cost of Automobiles for State Use.

HB 907 - ROY; SENATOR MARTIN; POWELL, SINCOCK, BURRIS, HEBNER, RIDDAGH, AMBROSINO, T. BRADY, CATHCART, FALLON, FREE, HARRINGTON, MARONEY, MC KAY, NEAL, OBERLE, PETRILLI, SMITH, VERNON, VAN SCIVER, FERGUSON, CONNOR, GILLIGAN; SENATORS ARNOLD, MURPHY, COOK, SPENCE, KNOX, BERNDT, WEISS, HUGHES, LITTLETON, HALE - TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Bridge Replacements, Drainage Ditching, Road Patching, Sign Maintenance, and Pavement Marking. (3/5 bill)

HB 908 - MC KAY, RIDDAGH, VERNON, ROY, OBERLE, FREE, FALLON, SMITH, NEAL, MARONEY, MINNER, SINCOCK, VAN SCIVER, BENNETT - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Title 29 of the Delaware Code Relating to Compensation of Members of the General Assembly.

HA 1 to HB 527 - NEAL - Placed with the bill. (Ready List)

HA 4 to HB 620 - NEAL - Placed with the bill. (Laid on the Table)

SB 366 - ADAMS; REPRESENTATIVE BURRIS - EDUCATION: An Act to Transfer Land From the Milford School District to the Department of Health and Social Services.

SB 519 - BERNDT, HOLLOWAY; REPRESENTATIVES SINCOCK, GORDY - APPROPRIATIONS: An Act to Amend An Act Entitled An Act to Amend Title 5 and Title 6, Delaware Code, Relating to Loans, Interest and Other Charges and Terms, Deferments, Prepayments and Refinancing, Finance Charge Limitations, Credit Upon Anticipation of Payments, Formula to Determine Maximum Loan, Legal Rate, Service Charge Authorized and Service Charge Rates, Formerly Known as House Bill No. 845 of the 130th General Assembly.

Representative Vernon requested a moment of silent prayer for the eight servicemen who lost their lives in the hostage rescue attempt.

Representative Burris moved to recess for committee meetings at 2:25 p.m.

The House reconvened at 3:41 p.m.

Representative Gordy brought HB 363 w/SA 1 before the House for consideration.

HB 363 - An Act to Amend Chapter 21, Title 21, of the Delaware Code, to Provide for the Issuance of Special License Plates to Former Prisoners of War.

Representative Gordy moved to place HB 363 w/SA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Gordy moved to lift HB 363 w/SA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

The roll call on HB 363 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 363 w/SA 1 was sent to the Governor.

Representative Free moved to lift SB 395 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

SB 395 - An Act to Amend Chapter 101, Volume 62, Laws of Delaware Relating to the Town Council for the Town of Slaughter Beach. (2/3 bill)

The roll call on SB 395 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, McBride, Petrilli - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 395 was returned to the Senate.

Representative Jonkiert introduced and brought HCR 125, co-sponsored by Representatives Maroney, Loughney & Senator Marshall, before the House for consideration.

HCR 125 - Commending the Work of the Girls Clubs of Delaware and Marking the Week of May 11-17, 1980, as Girls Clubs Week.

HCR 125 was adopted by voice vote and sent to the Senate for concurrence.

Representative Van Sciver introduced and brought HR 187, co-sponsored by Representatives Harrington, Fallon, Maroney, Ambrosino, Oberle, Cathcart, Free, Petrilli, Powell, McKay & Connor, before the House for consideration.

HR 187 - Expressing Appreciation and Respect to Senior Citizens During Observation of Older Americans Month.

Representative Ferguson moved to place HR 187 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 18.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

ABSENT: Representatives Holloway, Matushefske - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HR 187 remained before the House.

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

HR 187 was adopted by voice vote.

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

Representative McBride moved to suspend the rules which interfere with action on SB 376. The motion was seconded by Representative Anderson.

Representative Connor moved to table the motion. The motion was seconded by Representative Roy and adopted by voice vote.

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

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

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, McBride, Minner, Morris, Plant, West - 17.

ABSENT: Representatives Holloway, Matushefske, Maxwell - 3.

Therefore, having received a constitutional majority, the motion to suspend rules was tabled.

Representative Harrington brought HB 757, co-sponsored by Representatives Connor, Sincock, Gilligan, Maxwell, Clendaniel; Senators Holloway, Kearns, Arnold & Hughes, before the House for consideration.

HB 757 - An Act to Amend Sections 2108 (a) and 2112 (b) of Title 5 of the Delaware Code to Include Mutual Savings Banks Under the Provisions of the Small Loans Act (Chapter 21 of Title 5 of the Delaware Code) and to Amend Sections 909 (a), (a) (1), (a) (2) and (c) of Title 5 of the Delaware Code to Subject Mutual Savings Banks to the Same General Loan Limitations as are Applicable to Other State Banks or Trust Companies.

Representative Harrington moved to place HB 757 on the Speaker's table. The motion was seconded by Representative Neal and adopted by voice vote.

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

Representative Oberle brought HB 478 before the House for consideration.

HB 478 - An Act to Amend Chapter 2, Title 14 of the Delaware Code, Relating to Procedures Upon Graduation From the Public School System.

The roll call on HB 478 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McKay, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, - 32.

NO: Representatives McBride, Minner, Morris, Vernon, West, Mr. Speaker Riddagh - 6.

ABSENT: Representatives Cain, Holloway, Matushefske - 3.

Therefore, having received a constitutional majority, HB 478 was sent to the Senate for concurrence.

Representative Powell brought HB 762, co-sponsored by Representatives Roy, Cain, McBride, Oberle, Petrilli; Senators Adams & Berndt, before the House for consideration.

HB 762 - An Act to Amend Chapter 51 and Chapter 52, Title 30 of the Delaware Code Relating to the Motor Fuel Tax and the Motor Carriers Fuel Purchase Law. (2/3 bill)

Representative Connor requested and was granted the privilege of the floor for Mr. Dale Shurman, Director, Division of Motor Fuel Tax.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

Representative Powell requested and was granted the privilege of the floor for Mr. John C. Lewis, Division of Motor Fuel Tax.

The roll call on HB 762 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Cathcart, Connor, Fallon, Harrington, Hebner, Maroney, Oberle, Petrilli, Powell, Roy, Sincok, Van Sciver, Vernon, Mr. Speaker Riddagh - 16.

NO: Representatives Anderson, W. Brady, Clendaniel, George, Gilligan, Gordy, Jonkiert, Minner, Morris, Neal, West - 11.

NOT VOTING: Representatives Bennett, Burris, Cain, Loughney, Maxwell, McBride - 6.

ABSENT: Representatives Darling, Ferguson, Free, Holloway, Matushefske, McKay, Plant, Smith - 8.

Therefore, not having received a constitutional majority of at least two-thirds members of the House, HB 762 was declared defeated.

Representative West requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative West requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Bennett requested that HB 815, HCR 80 be stricken.

Representative Free introduced HB 910, co-sponsored by Representatives Cathcart, McBride & Senator Cicione.

HB 910 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Mr. Speaker assigned HB 910 to the Judiciary & Constitution Committee.

Representative Free introduced HB 911, co-sponsored by Representatives Cathcart, McBride and Senator Cicione.

HB 911 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Mr. Speaker assigned HB 911 to the Judiciary & Constitution Committee.

Representative Neal requested that HB 365, HB 414, HB 720 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 125, SB 261 w/SA 1, SB 131, HB 363 w/SA 1, SB 1, SB 520, SB 514, SB 510, SB 516, SB 527.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 907 - 9M; SB 350 - 9M; SB 519 - 9M.

Banking & Insurance: HS 1 for HB 376 - 3M; HB 801 - 3M; SB 193 w/SA 1 - 3M; SB 430 w/SA 1 - 2F, 1M.

Labor & Commerce: HB 909 - 3F, 1M; HB 876 - 4M.

Representative Burris moved to recess to the call of the Chair at 5:45 p.m.

26th LEGISLATIVE DAY
Second Session
April 30, 1980

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

Mr. Speaker Riddagh appointed Representatives Neal and George to the Grant-in-Aid Subcommittee.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the previous legislative day. The House reconvened at 2:10 p.m. A prayer was offered by Representative Maxwell, Fourteenth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Holloway - 1.

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

The following prefiled legislation was introduced:

HB 912 - CONNOR - APPROPRIATIONS: An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Pay Increases for State Employees.

HB 913 - ROY, OBERLE, PETRILLI, JONKIERT; SENATOR ARNOLD - JUDICIARY & CONSTITUTION: An Act to Amend Subchapter V, Title 11 of the Delaware Code Relating to Sexual Exploitation of Children. (2/3 bill)

HB 914 - GORDY; SENATORS LITTLETON, MARTIN - APPROPRIATIONS: An Act to Appropriate the Sum of \$650 to the Division of Historical and Cultural Affairs of the State Department for the Installation of a Marker Honoring William Barkley Cooper, Governor of Delaware in 1821-1822.

HB 915 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act Making a Supplementary Appropriation to the Department of Health and Social Services to be Used for the Delaware Adolescent Program. (3/4 bill)

HB 916 - T. BRADY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Section 5854(d), Title 29, Delaware Code to Permit State Agencies to Enter Into Certain Professional Services Contracts Without Competitive Bidding.

HA 1 to HB 221 - AMBROSINO - Placed with the bill. (Ready List)

HA 1 to HB 493 - BENNETT - Placed with the bill. (Ready List)

HA 1 to HB 605 - CAIN - Placed with the bill. (Agenda)

HA 2 to HB 605 - CONNOR - Placed with the bill. (Agenda)

HA 1 to HB 760 - CLENDANIEL - AGRICULTURE: Placed with the bill.

HA 1 to HB 895 - OBERLE - ENVIRONMENTAL CONTROL: Placed with the bill.

SB 1 - CORDREY - JUDICIARY & CONSTITUTION: An Act Concurring in a Proposed Amendment to Article 8, Section 6 of the Constitution of the State of Delaware by Limiting Appropriations to 98 Percent of the State Revenue. (2/3 bill)

SB 131 - WEISS - BANKING & INSURANCE: An Act to Amend §2906, Chapter 29, Title 18, of the Delaware Code, Relating to Notice Required Upon Nonpayment of Life Insurance Premiums.

SB 261 w/SA 1 - HUGHES - REVENUE & FINANCE: An Act to Amend Title 8, Section 391, Delaware Code Regarding Taxes and Fees Payable to the Secretary of State for Certain Non-Profit Corporations.

SB 510 - CORDREY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Reimbursing State Employees.

SB 514 - CORDREY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend An Act, Being Chapter 457, Volume 60, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Millsboro" to Amend the Qualifications for Voters at the Annual Municipal Election, to Provide for the Appointment of a Town Clerk, to Delete the Provision for a Town Manager, to Eliminate the Requirement That the President of Council be Elected by Ballot, to Provide for a Treasurer of the Town, and to Permit a Collection Charge to be Imposed on Delinquent Accounts. (2/3 bill)

SB 516 - CORDREY - BANKING & INSURANCE: An Act to Amend Chapter I, Title 5, Delaware Code, Relating to Fees for Examination and Supervisory Assessment.

SB 520 - CORDREY - APPROPRIATIONS: An Act to Amend Section 6533 of Title 29, Delaware Code, to Define Terms Used Therein.

SB 527 - CORDREY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 161, Volume 43, Laws of Delaware, Entitled "An Act to Re-Incorporate the Town of Dagsboro", As Amended, to Revise the Qualifications for Voters in Municipal Elections and to Permit Absentee Voting in such Elections. (2/3 bill)

Representative Oberle brought HB 909, co-sponsored by Representatives Morris, Cathcart, Vernon & Senator Sharp, before the House for consideration.

HB 909 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Fraudulent Delivery of Non-Controlled Substances and to Create a Definition of Finished Product.

Representative Oberle requested and was granted the privilege of the floor for Detective Sergeant Robert Collison, Delaware State Police.

Representative Oberle moved to place HB 909 on the Speaker's table. The motion was seconded by Representative McBride.

Representative McKay requested that HB 697 and HB 780 be stricken.

Representative Burris moved to recess for committee meetings at 2:45 p.m.

The House reconvened at 4:10 p.m.

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

Representative Oberle withdrew the motion to place HB 909 on the Speaker's table.

Representative Oberle requested and was granted the privilege of the floor for Detective Sergeant Robert Collison, Delaware State Police.

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

Representative Morris brought HA 1 to HB 909 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HB 909 before the House for consideration. HA 2 was adopted by voice vote.

Representative Plant requested and was granted the privilege of the floor for Detective Sergeant Robert Collison, Delaware State Police.

The roll call on HB 909 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

NO: Representative Neal - 1.

NOT VOTING: Representatives Maxwell, Plant - 2.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 909 w/HA 1,2 was sent to the Senate for concurrence.

Representative Sincock brought SB 519, co-sponsored by Senators Berndt, Holloway & Representative Gordy, before the House for consideration.

SB 519 - An Act to Amend An Act Entitled An Act to Amend Title 5 and Title 6, Delaware Code, Relating to Loans, Interest and Other Charges and Terms, Deferrals, Prepayments and Refinancing, Finance Charge Limitations, Credit Upon Anticipation of Payments, Formula to Determine Maximum Loan, Legal Rate, Service Charge Authorized and Service Charge Rates, Formerly Known as House Bill No. 845 of the 130th General Assembly.

Representative Sincock requested and was granted the privilege of the floor for Senate Attorney Thomas Sandbach.

The roll call on SB 519 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Maroney, Matushefske, McKay, Minner, Morris, Neal, Petrilli, Powell, Roy, Sincok, Smith, Vernon, Mr. Speaker Riddagh - 29.

NO: Representatives Ambrosino, Bennett, Cathcart, Connor, Loughney, Maxwell, McBride, Oberle, Van Sciver, West - 10.

NOT VOTING: Representative Plant - 1.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, SB 519 was returned to the Senate.

Representative Sincok brought HB 583, co-sponsored by Representatives Powell, Fallon & Gordy, before the House for consideration.

HB 583 - An Act to Amend Subchapter 1 of Chapter 43, Title 21, Delaware Code, Relating to Projections From the Periphery of Tires.

The roll call on HB 583 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, McBride, McKay, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 32.

NO: Representatives Jonkiert, West - 2.

NOT VOTING: Representatives Burris, Clendaniel, Ferguson, Matushefske, Maxwell, Minner - 6.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 583 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HB 820 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 820 - An Act to Amend Subchapter VII, Chapter 65, Title 11 of the Delaware Code Relating to Authority of the Commissioner of the Department of Correction to Establish a Supervised Custody Program Permitting the Supervised Placement of Certain Trustworthy Inmates Into the Community.

Representative Petrilli requested and was granted the privilege of the floor for Corrections Commissioner John L. Sullivan.

Mr. Speaker Riddagh declared a recess at 5:30 p.m.

The House reconvened at 5:31 p.m.

The roll call on HB 820 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Morris, Neal, Petrilli, Plant, Powell, Roy, Sincok, Smith, Vernon, Mr. Speaker Riddagh - 35.

NO: Representatives Clendaniel, Minner, Oberle, Van Sciver, West - 5.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 820 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 420, SB 483, SB 509, SB 511, SB 512.

The Chief Clerk read the following Committee Reports into the record:

Agriculture: SB 490 - 1F, 3M; HB 760 w/HA 1 - 1F, 3M.

Aging: HB 686 w/HA 1 - 1F, 3M.

Education: HB 621 w/HA 1 - 2F, 3M; HB 598 - 4M.

Public Safety: HB 832 - 3M, 3UF; HB 828 - 6M.

Judiciary & Constitution: HB 580 w/HA 1 - 5M; HB 911 - 1F, 1M, 2UF; HB 732 - 2F, 3M; HB 910 - 1F, 2M, 2U; SB 212 w/SA 1 - 5M.

Representative Anderson introduced HJR 34.

HJR 34 - Designating Monday, May 26, 1980, as Memorial Day and Declaring It a Legal Holiday in the State of Delaware for the Year 1980.

Mr. Speaker assigned HJR 34 to the Administrative Services & Energy Committee.

Representative Burris moved to recess to the call of the Chair at 5:50 p.m.

27th LEGISLATIVE DAY
Second Session
May 1, 1980

The Speaker called the House to order at 2:05 p.m.

Representative West introduced and brought HR 188 before the House for consideration.

HR 188 - Requesting President Jimmy Carter to Call Off the Programs for the Cuban Refugees and Start Helping the Citizens of the United States Who Are Paying and Paying.

WHEREAS, for two weeks at least, the United States has been receiving Cuban refugees who are coming ashore at Key West and other places along the Florida Coast; and

WHEREAS, the cost of receiving and caring for these refugees grows every day; and

WHEREAS, these refugees, whom we really know nothing about, are going to be a future burden to a nation already sliding into a recession; and

WHEREAS, at the same time that the President is admitting these refugees, the people who have been living here right along are suffering from high prices, inflation, low expectation, rising unemployment, 15-percent mortgages, unlimited interest, overdose of credit cards, falling hopes; and

WHEREAS, the President of the United States in his capacity as Chief Executive, has the power to stop this inflow of refugees who, for all we know, may be a Trojan Horse; and

WHEREAS, if the President and the Executive Suite do not start to heed the needs of the people of the United States there will be the biggest awakening on Tuesday, November 4, 1980, that anyone can remember.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 130th General Assembly of Delaware requests President Jimmy Carter to call off the programs for the Cuban refugees and start helping the citizens of the United States who are paying and paying and paying.

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Jimmy Carter at the White House and to the Speaker of the House and the President Pro Tem of the Senate, of the United States Congress.

BE IT FURTHER RESOLVED that copies of this resolution be sent also to the members of the Delaware Congressional Delegation - United States Senator Bill Roth, United States Senator Joseph R. Biden, Jr., and United States Representative Tom Evans at their Washington, D.C. offices.

HR 188 was adopted by voice vote.

Representative Ambrosino introduced and brought HR 189 before the House for consideration.

HR 189 - In Honor of Joseph R. ("Chubby") Imburgia, and in Recognition of His Many Achievements.

HR 189 was adopted by voice vote.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 508 w/SA 1.

The Chief Clerk read the following Committee Report into the record:

Judiciary & Constitution: SB 1 - 2F, 3M.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the previous legislative day. The House reconvened at 2:30 p.m. A prayer was offered by Representative Gwynne Smith, Tenth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Jonkiert - 1.

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

The following prefiled legislation was introduced:

HB 917 - ROY, OBERLE - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 24 of the Delaware Code Relating to Barber Schools and the Licensing of Barbers.

HB 918 - VAN SCIVER, CATHCART, FALLON, ROY, OBERLE, CONNOR, AMBROSINO, ANDERSON, PLANT - REVENUE & FINANCE: An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Personal Income Tax of Resident Individuals.

HB 919 - VAN SCIVER, MAXWELL, MC BRIDE - AGING: An Act to Direct the Convening of a Silver-Haired Legislature and to Provide a Supplementary Appropriation to the Division of Aging for Planning Purposes.

HB 920 - RIDDAGH, SINCOCK, BURRIS, HEBNER, MC KAY, GORDY, BENNETT, OBERLE, SMITH, HARRINGTON, MARONEY, VAN SCIVER, DARLING, MORRIS, FREE; SENATORS HOLLOWAY, HUGHES, SPENCE, ARNOLD - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 90, Part VI, Title II of the Delaware Code Relating to Compensation for Innocent Victims of Crime.

HB 921 - HARRINGTON, MATUSHEFSKE; SENATOR MURPHY - BANKING & INSURANCE: An Act to Amend Chapters 9, 25, 27, 33, and 38, Title 18, Delaware Code, Relative to the Offering of, Solicitation, and Sale of Specified Disease Insurance Within the State of Delaware and to Residents of the State of Delaware.

HB 922 - CATHCART - TRANSPORTATION: An Act to Amend Chapter 30, Title 30 of the Delaware Code Relating to Motor Vehicle Document Fees.

HA 1 to HB 747 - BURRIS - Placed with the bill. (Ready List)

HA 1 to HB 817 - CONNOR - SCHOOL FINANCING: Placed with the bill.

HA 1 to HB 840 - MINNER - APPROPRIATIONS: Placed with the bill.

HA 1 to SCR 75 - MINNER - Placed with the bill. (Laid on the Table)

SB 420 - HOLLOWAY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 6, Title 24, Delaware Code, Relating to Number of Cosmetologists' Apprentices and the Fee Schedule for This Profession.

SB 483 - CICIONE, MC DOWELL, MARSHALL - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the State Board of Education for the Transportation Reimbursement of Pupils Attending Nonpublic and Nonprofit Schools.

SB 508 w/SA 1 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 25, Title 18, of the Delaware Code to Require Insurers to Provide Reductions in Motor Vehicle Insurance Premium Rates for Drivers Completing a Motor Vehicle Accident Prevention Course.

SB 509 - MURPHY - BANKING & INSURANCE: An Act to Amend Chapter 5, Title 18 of the Delaware Code to Establish Fees for Service of Process Against Insurance Companies.

SB 511 - MURPHY; REPRESENTATIVE MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 41, Title 18 of the Delaware Code Relating to Property Insurance Contracts.

SB 512 - MURPHY; REPRESENTATIVES HARRINGTON, MATUSHEFSKE - BANKING & INSURANCE: An Act to Amend Chapter 17, Title 18, Delaware Code, Regarding the Examination Procedures of Agents, Brokers, Surplus Lines Brokers, Consultants, Limited Representatives, Fraternal Representatives, Adjusters, and Appraisers.

✓Representative T. Brady brought SB 1, sponsored by Senator Cordrey, before the House for consideration.

SB 1 - An Act Concurring in a Proposed Amendment to Article 8, Section 6 of the Constitution of the State of Delaware by Limiting Appropriations to 98 Percent of the State Revenue. (2/3 bill)

The roll call on SB 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Holloway, Jonkiert, Maxwell - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 1 was returned to the Senate.

Representative McBride moved to lift SB 2 - HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

SB 2 - An Act Concurring in a Proposed Amendment to Article 8 of the Constitution to Provide for a Three-Fifths Vote of the General Assembly to Enact Laws Authorizing an Increase in the Rate of Taxes and License Fees; to Provide an Exception Thereto for Laws Authorizing an Increase in the Rate of Taxes and License Fees to Satisfy the State's Pledge of its Faith and Credit for the Payment of Principal of and Interest on Debt After Provision has been Made Annually for Such Payment; and to Provide for the Allocation of Public Moneys to Make Such Payments. (2/3 bill)

Representative Connor requested that HA 1 to SB 2 be stricken.

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

The roll call on SB 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Holloway, Jonkiert, Maxwell - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 2 was returned to the Senate.

Representative Burris moved to recess for caucus at 2:55 p.m.

The House reconvened at 4:02 p.m.

Representative Sincock moved to suspend the rules which interfere with consideration of SB 520. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Sincock brought SB 520, sponsored by Senator Cordrey, before the House for consideration.

SB 520 - An Act to Amend Section 6533 of Title 29, Delaware Code, to define Terms Used Therein.

The roll call on SB 520 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Matushefske, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Ambrosino, Connor, Jonkiert, Maxwell, Plant - 5.

Therefore, having received a constitutional majority, SB 520 was returned to the Senate.

Representative Burris moved to reconsider HB 688. The motion was seconded by Representative Sincock.

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

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Harrington, Hebner, Maroney, Maxwell, McBride, McKay, Minner, Neal, Roy, Sincock, Smith, Vernon, Mr. Speaker Riddagh - 25.

NO: Representatives Bennett, Cain, Cathcart, Ferguson, Gordy, Holloway, Loughney, Matushefske, Morris, Oberle, Plant, Powell, Van Sciver, West - 14.

ABSENT: Representatives Jonkiert, Petrilli - 2.

Therefore, having received a constitutional majority, the motion was adopted and HB 688 was brought before the House for consideration.

HB 688 - An Act to Amend an Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by changing the Effective Date Thereof.

Representative Burris brought HA 1 to HB 688, co-sponsored by Representative Darling, before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Loughney rose on a point of order. Mr. Speaker did not concur.

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

The roll call on HA 1 to HB 688 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Clendaniel, Darling, Fallon, Free, George, Harrington, Hebner, Holloway, McKay, Minner, Morris, Neal, Petrilli, Sincock, Smith, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Ambrosino, Bennett, Cain, Cathcart, Connor, Ferguson, Gilligan, Gordy, Loughney, Maroney, Matushefske, Maxwell, McBride, Oberle, Plant, Powell, Roy, Van Sciver, West - 19.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HA 1 to HB 688 was adopted.

Mr. Speaker Riddagh declared a recess at 5:07 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:09 p.m.

The roll call on HB 688 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, Fallon, Free, George, Gordy, Harrington, Hebner, Maroney, McKay, Minner, Neal, Petrilli, Roy, Sincock, Smith, Vernon, Mr. Speaker Riddagh - 24.

NO: Representatives Bennett, Cain, Cathcart, Ferguson, Gilligan, Holloway, Loughney, Matushefske, Maxwell, McBride, Oberle, Plant, Powell, Van Sciver, West - 15.

NOT VOTING: Representative Morris - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 688 w/HA 1 was sent to the Senate for concurrence.

Representative Vernon requested that HB 573 be stricken.

Representative Van Sciver brought HB 717, co-sponsored by Senator Cicione, before the House for consideration.

HB 717 - An Act to Amend Title 29, Delaware Code, Section 4308, by Requiring a Notary Public to Ensure That the Individual Whose Presence is Being Certified to by the Notary, Provide Proof of Their Identity.

Representative Van Sciver requested and was granted the privilege of the floor for Attorney Gerald Street.

The roll call on HB 717 was taken and revealed:

YES: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 19.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Loughney, Matushefske, McBride, Minner, Morris, Petrilli - 15.

NOT VOTING: Representatives Holloway, Maxwell - 2.

ABSENT: Representatives Ambrosino, Gordy, Jonkiert, Plant, West - 5.

Therefore, not having received a constitutional majority, HB 717 was declared defeated.

Representative Fallon brought HB 808, co-sponsored by Senator Littleton, before the House for consideration.

HB 808 - An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford to Provide an Exemption From Taxation for Certain Land Used for Recreational Purposes." (2/3 bill)

Representative Fallon moved to place HB 808 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Ferguson introduced HB 923, co-sponsored by Senators Sharp & McCullough; Representatives W. Brady, Gilligan, Powell, Minner, Sincock, Van Sciver, George, Petrilli, Darling, Loughney, Riddagh, Gordy, West, Anderson, Connor, Clendaniel, Cathcart, Maxwell, Ambrosino, Oberle, Cain, & Roy.

HB 923 - An Act to Provide That a Referendum be Held in the November, 1980 General Election in Which the Qualified Voters of the State of Delaware Shall Decide Whether or Not They Prefer That Initiative and Referendum (or Either of Them) Shall be Included Within the Constitution of the State.

Mr. Speaker assigned HB 923 to the Ethics & House Administration Committee.

Representative Darling introduced HB 924, co-sponsored by Representatives Ferguson, W. Brady, Maxwell, Minner, Gilligan, Harrington, Morris & Loughney.

HB 924 - An Act to Amend Chapter 16, Title 16 of the Delaware Code Relating to Litter Control and to Provide for Payment by Mail for Violations of the Law. (2/3 bill)

Mr. Speaker assigned HB 924 to the Judiciary & Constitution Committee.

Representative Burris moved to recess to the call of the Chair at 5:42 p.m.

28th LEGISLATIVE DAY
Second Session
May 6, 1980

The Speaker called the House to order at 2:16 p.m.

Representative Sincock introduced HB 950, co-sponsored by Senator Cook; Representatives Ambrosino, Bennett, Gilligan, George, Maroney, McKay, Matushefske, Neal, Petrilli; Senators Berndt, Cicione, Holloway, Hughes, Kearns, Littleton, McDowell & Murphy.

HB 950 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds: And Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 950 to the Appropriations Committee.

Representative Jonkiert asked to be marked present for the previous legislative day, Thursday, May 1, 1980.

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the previous legislative day. The House reconvened at 2:31 p.m. A prayer was offered by Brother Dennis Fleming, Holy Spirit Church, New Castle, DE.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 925 - BURRIS - APPROPRIATIONS: An Act to Provide a Supplemental Appropriation for Energy Costs in Public Schools During Fiscal Year 1980.

HB 926 - HEBNER, SMITH, AMBROSINO, LOUGHNEY; SENATOR HUGHES - APPROPRIATIONS: An Act to Help the Claymont Community Center Meet One-Time Relocation Expenses by Making an Appropriation Therefor. (3/4 bill)

HB 927 - MATUSHEFSKE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 90, Title II of the Delaware Code Relating to Recovery From the Offender in Cases Involving Innocent Victims of Crime.

HB 928 - NEAL - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to the Manner in Which an Appearance to a Divorce Petition Shall be Made.

HB 929 - CAIN - TRANSPORTATION: An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to Motor Vehicle Repairs; and Providing for a Mandatory Inspection of the Motor Vehicle Under Certain Circumstances.

HB 930 - GORDY, FERGUSON, CAIN, GEORGE, MAXWELL, MINNER, BURRIS, HEBNER, OBERLE, PETRILLI, POWELL, ROY, SINCOCK - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 69, Title 29 of the Delaware Code by Adding Definitions of Governmental Unit, Public Works Contract, Public Funds, Public Building and subcontractor, and by Adding Requirements for Advertising, Preparation and Submission of Bid Invitations and Awarding of Contracts and Listing of Subcontractors. (2/3 bill)

HB 931 - FREE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 25, Title 29 of the Delaware Code Relating to Powers of the State Department of Justice.

HB 932 - FREE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 5, Title 10 of the Delaware Code Relating to Superior Court Powers.

HA 1 to HB 903 - OBERLE - HEALTH & SOCIAL SERVICES: Placed with the bill.

SB 461 - HOLLOWAY; REPRESENTATIVE MINNER - EDUCATION: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Instructional Attendants and/or Aides for the Partially Sighted and Blind.

SB 479 - ARNOLD - JUDICIARY & CONSTITUTION: An Act to Amend Subchapter IV, Chapter 47, Title 16, of the Delaware Code, Relating to Delivery of Narcotic Controlled Substances.

SB 488 w/SA 1 - MC DOWELL, CICIONE, MARSHALL, SHARP, HOLLOWAY; REPRESENTATIVES JONKIERT, T. BRADY, GILLIGAN, MATUSHEFSKE, HOLLOWAY, GEORGE, MAXWELL, PLANT, VAN SCIVER - APPROPRIATIONS: An Act Making an Appropriation to the Department of Transportation for the Installation of Firefighting Standpipes.

SB 502 - CICIONE, HUGHES, LITTLETON, BERNDT; REPRESENTATIVES GILLIGAN, JONKIERT, GORDY, MINNER, FERGUSON, SINCOCK, MATUSHEFSKE - EDUCATION: An Act to Amend Chapter 29, Title 14 of the Delaware Code to Regulate the Renewal of Contracts With School Bus Contractors.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 461, SB 479, SB 488 w/SA 1, SB 502, SCR 77.

In compliance with the Provisions of Rule 20 (d) of the Temporary Rules of the House of Representatives, I, Edward J. Bennett, do hereby request that my name be removed as Sponsor/Co-Sponsor of HB 920.
5/2/80

May 2, 1980

LEGISLATIVE ADVISORY #36

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/24/80 - SJR 43.

5/1/80 - SB 395, HB 403 aab SA 1.

The following is a constitutional Amendment and did not require the Governor's signature: SB 1, SB 520, SB 2.

May 1, 1980

To the House of Representatives
of the 130th General Assembly
of the State of Delaware

House Bill No. 310, as amended by House Amendment 2 and House Amendment 1 to House Amendment 2, was received by my office on April 24, 1980, and is entitled:

"AN ACT TO AMEND CHAPTER 39, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS; AND PROVIDING A LIMITATION ON PREMIUM INCREASES AND POLICY CANCELLATIONS."

It is intended to prevent the cancellation of an insurance policy, or an increase in the rate for such insurance, following an accident in which the insured is not at fault. I am returning the bill without my signature because I believe that in its present form the bill may well deter rather than promote the laudable purpose of the legislation.

First, one effect of the bill in its present form is actually to expand, rather than restrict, the reasons on which a cancellation of a policy may be based. The bill would permit a cancellation after a single accident; this is not now permitted under Delaware Law unless certain other factors, such as a conviction or a misrepresentation, are involved.

Second, the bill amends Section 3903 of Title 18, which is primarily a definitional section, rather than Section 3904 which lists the reasons on which the cancellation or nonrenewal of a policy must be based. This flaw is not simply a stylistic one, for the section of the Code which provides for a right to a hearing before the Insurance Commissioner when a policy is cancelled specifically refers to Section 3904. Thus, by amending Section 3903 rather than Section 3904, the bill unwittingly eliminates the right to a hearing when a policy is cancelled after a claim is made thereon.

Other problems with the bill include its failure to adequately define such terms as "minor claims", "substantial history" and "continuous claims", and its 60 day notice requirement, which appears to conflict with other time-frames established by the Chapter.

I note that the Insurance Commissioner concurs in my "veto" of this bill and he and the sponsor are working to develop a corrected version.

Respectfully submitted,
Pierre S. du Pont, IV
Governor

PSduP/brs
Attachment

Representative Plant introduced and brought HR 190 before the House for consideration.

HR 190 - Requesting Governor Pierre S. du Pont IV to Provide \$58,567 From His Contingency Fund to Help Meet the Budget Requirements of the Delaware Adolescent Program Inc.

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

Representative Plant requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Burris moved to recess for committee meetings at 3:03 p.m.

The House reconvened at 4:23 p.m.

Representative Plant requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HR 190 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, Plant, West - 19.

NO: Representatives Ambrosino, Connor, McKay, Van Sciver, Vernon, Mr. Speaker Riddagh - 6.

NOT VOTING: Representatives T. Brady, Burris, Cathcart, Fallon, Free, Harrington, Hebner, Maroney, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith - 15.

ABSENT: Representative Clendaniel - 1.

Therefore, not having received a constitutional majority, HR 190 was declared defeated.

Representative Powell introduced and brought HR 191 before the House for consideration.

HR 191 - Amending the Rules of the House of Representatives of the 130th General Assembly as Contained in House Resolution No. 142.

Representative Powell moved to place HR 191 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Roy brought HB 777, co-sponsored by Representatives Hebner, Vernon, Ambrosino, Neal, Petrilli, Riddagh & Powell, before the House for consideration.

HB 777 - An Act Proposing an Amendment to the Constitution of the State of Delaware to Provide for Initiative and Referendum by the People. (2/3 bill)

Representative Roy moved to place HB 777 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Fallon brought HB 834, co-sponsored by Representative Smith & Senator Knox, before the House for consideration.

HB 834 - An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Pesticides. (2/3 bill)

Representative Fallon moved to place HB 834 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Roy brought HB 741 before the House for consideration.

HB 741 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Fees Charged for Driving Records and Vehicle Registration Records Furnished by the Division of Motor Vehicles.

The roll call on HB 741 was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Maroney, Matushefske, McBride, McKay, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

NO: Representatives Bennett, Jonkiert, Loughney, Minner, Morris - 5.

ABSENT: Representative Maxwell - 1.

Therefore, having received a constitutional majority, HB 741 was sent to the Senate for concurrence.

Mr. Speaker Riddagh appointed Representative Hebner as Acting Speaker for the purpose of bringing HB 677 before the House for consideration.

Representative Riddagh brought HB 677 before the House for consideration.

HB 677 - An Act to Amend Chapter 138, Volume 41, Laws of Delaware, Relating to the Town of Clayton; and Providing for the Power to Borrow Money When an Emergency Arises. (2/3 bill)

The roll call on HB 677 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Darling, Ferguson, Jonkiert, McBride, West - 5.

NOT VOTING: Representatives Bennett, W. Brady, Cain, Clendaniel, George, Gilligan, Gordy, Holloway, Loughney, Matushefske, Minner, Morris - 12.

ABSENT: Representatives Anderson, Maxwell, Plant - 3.

Therefore, not having received a constitutional majority of at least two-thirds members of the House, HB 677 was declared defeated.

Representative Ferguson moved to restore HB 677 to the calendar. The motion was seconded by Representative George.

Representative Jonkiert rose on a point of order.

Representative Burris moved to table the motion to restore HB 677.

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

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, West - 19.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, the motion was adopted and the motion to restore HB 677 was tabled.

Representative Ferguson rose on a point of order. Acting Speaker Hebner concurred.

Representative Connor rose on a point of order. Acting Speaker Hebner concurred.

Representative Connor requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Ferguson rose on a point of order. Acting Speaker Hebner concurred.

Representative Burris introduced and brought SCR 77, sponsored by Senators Hughes, Knox, Cicione; Representatives Ambrosino, McKay & Petrilli, before the House for consideration.

SCR 77 - Requesting Congressional Assistance to Remove the Unfair Burden on the Domestic Mushroom Industry.

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

Representative Burris introduced and brought SCR 78, sponsored by Senator Murphy, before the House for consideration.

SCR 78 - Urging the United States Congress to Reject Increased Gasoline Taxes as an Energy-Conservation Measure in Favor of Alternative Conservation Methods.

SCR 78 was adopted by voice vote and returned to the Senate.

Representative Plant introduced and brought HR 192, co-sponsored by Representatives Free & Cathcart, before the House for consideration.

HR 192 - Requesting Governor Pierre S. du Pont IV to Provide \$58,567 From His Contingency Fund to Help Meet the Budget Requirements of the Delaware Adolescent Program Inc.

HR 192 was adopted by voice vote.

Representative Holloway introduced and brought HR 193 before the House for consideration.

HR 193 - Requesting the Governor to Rescind the Minimum Gasoline Purchase Requirement Issued in His June 20, 1979 Proclamation.

Representative Holloway moved to place HR 193 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Holloway introduced HB 933.

HB 933 - An Act to Establish a Taxpayer Revolving Loan Fund for the Purpose of Assisting Citizen Taxpayers who are Unable to Receive Emergency Type Financial Assistance from Private and Commercial Institutions; and Further Providing a Supplementary Appropriation Therefor.

Mr. Speaker assigned HB 933 to the Banking & Insurance Committee.

Representative Petrilli moved to reconsider HB 717. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 717, sponsored by Representative Van Sciver & Senator Cicione, before the House for consideration.

HB 717 - An Act to Amend Title 29, Delaware Code, Section 4308, by Requiring a Notary Public to Ensure That the Individual Whose Presence is Being Certified to by the Notary, Provide Proof of Their Identity.

Representative Van Sciver brought HA 1 to HB 717 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 717 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Holloway, Loughney, Maroney, Matushefske, Maxwell, McKay, Minner, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 34.

NO: Representatives Clendaniel, Gordy, McBride, Morris, West - 5.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority, HB 717 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to suspend the agenda rules which interfere with consideration of HJR 34. The motion was properly seconded and adopted by voice vote.

Representative Burris brought HJR 34, sponsored by Representative Anderson, before the House for consideration.

HJR 34 - Designating Monday, May 26, 1980, as Memorial Day and Declaring It a Legal Holiday in the State of Delaware for the Year 1980.

Representative Matushefske moved to place HJR 34 on the Speaker's table. The motion was seconded by Representative Oberle.

Representative Anderson moved to table the motion to table HJR 34. The motion was properly seconded and defeated by voice vote and HJR 34 remained before the House.

The roll call on HJR 34 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Cathcart, Connor, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Maroney, Neal, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon - 24.

NO: Representatives Burris, Cain, Clendaniel, Darling, Gordy, Jonkiert, Loughney, Matushefske, McBride, McKay, Minner, Morris, Oberle, West, Mr. Speaker Riddagh - 15.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Maxwell - 1.

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

Representative Free introduced and brought HCR 126, co-sponsored by Representative T. Brady, before the House for consideration.

HCR 126 - Congratulating Sister Germaine Catlin, D.C. Upon Her Golden Jubilee.

HCR 126 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert introduced and brought HCR 127, co-sponsored by Senator Marshall, before the House for consideration.

HCR 127 - Commemorating the 189th Anniversary of the Polish Constitution of May 3, 1791.

HCR 127 was adopted by voice vote and sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

Administrative Services & Energy-Federal, State Relations: HB 916 - 3M; SB 452 - 3M; HB 655 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 78.

Representative Van Sciver requested that HB 799 be stricken.

Representative Burris moved to recess to the call of the Chair at 6:27 p.m.

29th LEGISLATIVE DAY
Second Session
May 7, 1980

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

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m. A prayer was offered by Representative Ferguson, Twentieth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Connor - 1.

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

The following prefiled legislation was introduced:

HB 934 - CAIN - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to Certain Drugs Not Yet Distributed for the General Public.

HB 935 - CONNOR, CATHCART, VAN SCIVER, GILLIGAN, JONKIERT - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code Relating to Hospital and Medical Services Paid for From Public Funds; and Providing for Price Posting by Certain Medical Clinics.

HB 936 - ROY, VERNON - TRANSPORTATION: An Act to Amend Section 1108 of Title 17 of the Delaware Code Relating to Advertising and Beautification Along Highways.

HB 937 - OBERLE, NEAL - PUBLIC SAFETY: An Act to Amend Title 16 and Title 26 of the Delaware Code Relating to Fission Reactors and Other Nuclear Facilities.

HB 938 - T. BRADY, GILLIGAN, PETRILLI, NEAL - SCHOOL FINANCING: An Act Creating a Special Fund in the State Treasury to be Known as the School Building Rehabilitation Fund.

HB 939 - NEAL, AMBROSINO, ANDERSON, BENNETT, T. BRADY, GILLIGAN, OBERLE, POWELL, PETRILLI, CAIN, BURRIS, FREE, CONNOR, MAXWELL, FALLON, VAN SCIVER, W. BRADY, FERGUSON; SENATORS BERNDT, MARTIN, COOK, KEARNS, MC DOWELL, WEISS, CICIONE, HOLLOWAY, LITTLETON - EDUCATION: An Act to Amend Delaware Code, Title 14, as It Relates to the Funding of Educational Services to Persons Who Are Autistic.

HB 940 - HARRINGTON, BENNETT; SENATOR ZIMMERMAN - TRANSPORTATION: An Act Authorizing the Conveyance of a Right of Access to and From Certain Property From a Public Highway. (2/3 bill)

HB 941 - T. BRADY, MORRIS, FREE, MARONEY, MAXWELL, PETRILLI, SINCOCK, NEAL, LOUGHNEY, JONKIERT - BANKING & INSURANCE: An Act to Amend Chapter 50, Subchapter XI, Scire Facias on Mortgage, Title 10 of the Delaware Code Relating to Occasion for Suing Out Writs of Scire Facias; Parties and Notice.

HB 942 - AMBROSINO - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 51, Part V, Title 29 of the Delaware Code Relating to Public Officers and Employees; and Providing Conditions for the Holding of Certain Public Offices.

HB 943 - PETRILLI - TRANSPORTATION: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of Classic Vehicles.

HB 944 - HARRINGTON - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 945 - HOLLOWAY - LABOR & COMMERCE: An Act to Amend Chapter 13, Title 19, Delaware Code Relating to a Limited Right of Public Employees to Strike.

HB 946 - PETRILLI, T. BRADY, FREE, W. BRADY, HOLLOWAY, HARRINGTON; SENATORS SHARP, HOLLOWAY, HUGHES - CORRECTIONS: An Act to Amend Chapter 65, Title 11 of the Delaware Code Relating to Work by Inmates.

HB 947 - MAXWELL - LABOR & COMMERCE: An Act to Amend Title 29 of the Delaware Code Relating to State Government; and Providing for an Office of Small Business Enterprise.

HJR 35 - MAXWELL, GORDY, BENNETT, MATUSHEFSKE, HOLLOWAY; SENATOR CICIONE - ADMINISTRATIVE SERVICES & ENERGY: Memorializing and Urging President Carter to Postpone the Next Phase of the Oil De-Control Program.

HA 4 to HB 182 - MC KAY - Placed with the bill. (Laid on the Table)

HA 1 to HB 849 - T. BRADY - JUDICIARY & CONSTITUTION: Placed with the bill.

HA 1 to HB 912 - CONNOR - APPROPRIATIONS: Placed with the bill.

HA 1 to HJR 33 - CAIN - Placed with the bill. (Agenda)

HA 2 to HJR 33 - MAXWELL - Placed with the bill. (Agenda)

HA 1 to SB 309 - MARONEY - Placed with the bill. (Agenda)

Representative Roy brought HB 907, co-sponsored by Senator Martin; Representatives Powell, Sincock, Burris, Hebner, Riddagh, Ambrosino, T. Brady, Cathcart, Fallon, Free, Harrington, Maroney, McKay, Neal, Oberle, Petrilli, Smith, Vernon, Van Sciver, Ferguson, Connor, Gilligan; Senators Arnold, Murphy, Cook, Spence, Knox, Berndt, Weiss, Hughes, Littleton & Hale, before the House for consideration.

HB 907 - An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Bridge Replacements, Drainage Ditching, Road Patching, Sign Maintenance and Pavement Marking. (3/5 bill)

Representative Roy moved to place HB 907 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Roy brought SB 231, sponsored by Senator Cordrey, before the House for consideration.

SB 231 - An Act to Amend Chapter 1 and Chapter 27, Title 21 of the Delaware Code Relating to Drivers License.

The roll call on SB 231 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Ambrosino, Connor, Holloway, Plant - 4.

Therefore, having received a constitutional majority, SB 231 was returned to the Senate.

Representative Roy brought HB 822, co-sponsored by Representative Powell, Oberle, Cathcart, Vernon, Hebner, Cain, Anderson, Loughney, Gilligan, Ferguson, Van Sciver, Petrilli; Senators Martin, Arnold, Sharp, Hughes, Cicione, & Berndt, before the House for consideration.

HB 822 - An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of Street Name Signs in Suburban Developments.

Representative Roy requested that HB 822 be stricken.

Representative Bennett brought HB 684, co-sponsored by Representatives Darling, Minner, Morris; Senators Cook, Murphy & Zimmerman, before the House for consideration.

HB 684 - An Act to Amend Chapter 41, Title 9 of the Delaware Code to Increase the Amount that Kent County may Borrow and to Remove the Maximum Interest Rate of Six Percent on County Loans.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 684 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

NOT VOTING: Representative Sincock - 1.

ABSENT: Representatives Ambrosino, Connor, Plant - 3.

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

Representative Cain introduced and brought HCR 128 before the House for consideration.

HCR 128 - Urging the C.M.I. of Genoa, Italy, to Award the Fabrication of a Multi-Purpose Crane Being Purchased by the Port of Wilmington to a Delaware Firm.

HCR 128 was adopted by voice vote and sent to the Senate for concurrence.

Representative West introduced and brought HR 194 before the House for consideration.

HR 194 - Mourning the Deaths of the Eight United States Servicemen Whose Bodies Have Been Brought to the Dover Air Force Base and Standing in Silence in Their Honor.

WHEREAS, the bodies of the eight United States servicemen killed in the collision during the failed hostage-rescue effort near Tehran have been brought to the Dover Air Force Base; and

WHEREAS, a national memorial service will be held in Washington on Friday, May 9, at 10 a.m.; and

WHEREAS, during a planeside ceremony at the Air Force Base early Tuesday evening, a presidential proclamation was read which said in part that the nation mourns "their loss; we admire their courage; we respect their dedication, and we reaffirm the principles for which they died."; and

WHEREAS, we as members of the House of Representatives of the State of Delaware wish to note this solemn moment and express the condolences of the people of the State to the families of these servicemen.

NOW THEREFORE:

BE IT RESOLVED that the House of representatives of the 130th General Assembly of Delaware mourns the deaths of the eight United States Servicemen whose bodies have been brought to the Dover Air Force Base and stand in silence in their honor.

HR 194 was adopted by voice vote and the House stood in silence.

Representative Fallon moved to lift HB 834 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HB 834 - An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Pesticides. (2/3 bill)

Representative Fallon requested and was granted the privilege of the floor for Greer Stayton, Pesticide Compliance supervisor, State Department of Agriculture.

Representative Burriss moved to recess for caucus at 2:54 p.m.

The House reconvened at 4:48 p.m.

Representative Fallon moved to place HB 834 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Cain brought HB 605, co-sponsored by Representative Connor; Senators Marshall & Berndt, before the House for consideration.

Representative Cain moved to place HB 605 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Harrington requested that HB 944 be stricken.

Representative Maxwell brought HB 404, co-sponsored by Representative T. Brady, before the House for consideration.

Representative Maxwell moved to place HB 404 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Cain brought HJR 33 before the House for consideration.

HJR 33 - Directing State-Supported Institutions of Higher Education Not to Admit Iranian Nationals as Students of Such Institutions, Until the American Hostages Have Been Released.

Representative Cain brought HA 1 to HJR 33 before the House for consideration.

Representative Cain requested that HA 1 to HJR 33 be stricken.

Representative Maxwell brought HA 2 to HJR 33 before the House for consideration.

Representative Maxwell requested that the following letter be made a part of the record:

May 5, 1980

Dear Member of the House of Representatives:

I am writing to request your support in favor of amending House Joint Resolution No. 33, introduced on April 3, 1980, "directing state-supported institutions of higher education not to admit Iranian nationals as students of such institutions, until the American hostages have been released."

I wish to congratulate Representative Gerrard Cain for initiating a resolution reflecting the feeling and concern of the people of our State toward our fellow American hostages in Iran. However, it is my conviction that, with minor but relevant changes, the Resolution can be further strengthened and reflect more accurately and justifiably what Representative Cain aims to accomplish.

The U.S. Immigration and Naturalization Service has screened the more than fifty thousand Iranian students in our country and has determined that a specified number of little over six thousand are illegally here and under the law, therefore, deportable. However, to the best of our knowledge, only nineteen have actually been deported. Thus, the problem with Iranian students in our country seems to be not those

who are legal and pursue their studies, but those who are illegal, and those who have taken part in violent or in unauthorized demonstrations.

It is very important to note that most of the Iranian students who have maintained their legal status in this country and who have not taken part in violent or unauthorized demonstrations are anti-Khomeini, some even pro-Shah, and certainly pro-American. To punish these students for what the mob in Iran is doing to our people — the same which they would do to pro-American Iranians returning to Iran — is not only unjustifiable, but even dangerous. It would be paralleled only by the now-regrettable 1941 action against Japanese-Americans.

In view of the above, I urge you to strengthen Representative Cain's praiseworthy, as an initial endeavor, House Joint Resolution No. 33 by amending the last line, #12, to read from line #11, "....to suspend all admissions of Iranian nationals illegally in the United States and of those Iranian nationals who have participated in violent or unauthorized demonstrations."

For the benefit of our country which looks to us for respectability, of our world which looks to us for leadership, and of our youth which looks to us for firmness, but with fairness, I pray that the proposed resolution be amended to protect the innocent and to punish the guilty, as it is intended to do.

Sincerely yours,

Dean C. Lomis, Ph.D.

International Student Adviser

Representative Maxwell requested that HA 2 to HJR 33 be stricken.

Representative Burris introduced HA 3 to HJR 33.

Representative Maxwell requested and was granted the privilege of the floor for House Attorney Richard Cooch.

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

Representative Burris requested that HA 3 to HJR 33 be stricken.

Representative Maxwell requested and was granted the privilege of the floor for Bruce Rogers, Student, University of Delaware.

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

Representative McBride rose on a point of order. Mr. Speaker did not concur.

Representative T. Brady requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Cain introduced HA 4 to HJR 33. HA 4 was adopted by voice vote.

Representative Ambrosino moved to place HJR 33 w/HA 4 on the Speaker's table. The motion was properly seconded.

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

Representative Ambrosino rose on a point of order. Mr. Speaker did not concur.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Harrington, Hebner, Maroney, McKay, Neal, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Mr. Speaker Riddagh - 15.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Fallon, Ferguson, George, Gordy, Jonkiert, Loughney, McBride, Minner, Morris, Vernon, West - 17.

NOT VOTING: Representatives Cathcart, Maxwell - 2.

ABSENT: Representatives Connor, Free, Gilligan, Holloway, Matushefske, Oberle, Petrilli - 7.

Therefore, not having received a constitutional majority, the motion was declared defeated and HJR 33 w/HA 4 remained before the House.

The roll call on HJR 33 w/HA 4 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Ferguson, George, Gordy, Jonkiert, Loughney, McBride, Morris, Van Sciver, Vernon, West - 17.

NO: Representatives Ambrosino, T. Brady, Burris, Harrington, Maroney, McKay, Neal, Sincock, Smith - 9.

NOT VOTING: Representatives Fallon, Hebner, Maxwell, Minner, Plant, Powell, Roy, Mr. Speaker Riddagh - 8.

ABSENT: Representatives Connor, Free, Gilligan, Holloway, Matushefske, Oberle, Petrilli - 7.

Therefore, not having received a constitutional majority, HJR 33 w/HA 4 was declared defeated.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 128, SB 537, HCR 126, HCR 127, HJR 34.

Mr. Speaker Riddagh announced that Representative Neal and Representative George have been appointed to the Grant-in-Aid Subcommittee.

Mr. Speaker Riddagh re-assigned HB 926 to the Health & Social Services Committee.

Mr. Speaker Riddagh re-assigned HB 206 to the Labor & Commerce Committee.

Representative Vernon introduced HB 948.

HB 948 - An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays.

Mr. Speaker assigned HB 948 to the Administrative Services & Energy Committee.

The Chief Clerk read the following Committee Reports into the record:

Judiciary & Constitution: HB 509 - 5M; HB 510 - 4M; HB 511 - HA 1, 2 - 3M, 1UF; HB 512 - 5M; HB 638 - 4M, 1UF; HB 849 - HA 1 - 4M; SJR 9 w/SA 1 - 5M.

Representative Burris moved to recess to the call of the Chair at 6:15 p.m.

30th LEGISLATIVE DAY
Second Session
May 8, 1980

The Speaker called the House to order at 2:06 p.m.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m. A prayer was offered by Reverend Clifton V. Holmes, New Jerusalem Baptist Church, Dover, DE.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives T. Brady, Matushefske - 2.

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

The following prefiled legislation was introduced:

HB 949 - RIDDAGH - TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of a Traffic Control Device on Eastbound Delaware Route 6 at the Sharp Curve Just Prior to the Clayton Elementary School Crossing.

HB 951 - RIDDAGH - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 138, Volume 41, Laws of Delaware, Relating to the Town of Clayton; and Providing for the Power to Borrow Money When an Emergency Arises. (2/3 bill)

HB 952 - NEAL, T. BRADY - JUDICIARY & CONSTITUTION: An Act to Amend Article II, Section 16 of the Delaware Constitution of 1897 Relating to Legislation, Its Introduction, Amendment and Other Procedural Matters. (2/3 bill)

HB 953 - NEAL; SENATOR HALE - JUDICIARY & CONSTITUTION: An Act to Amend Title 25, Chapter 55 of the Delaware Code to Provide for a Penalty for a Violation of Section 5511. (2/3 bill)

HB 954 - VAN SCIVER - TRANSPORTATION: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to the Parking of Certain Motor Vehicles.

HB 955 - FREE, PETRILLI, T. BRADY, MC KAY, MATUSHEFSKE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 51, Title 10 of the Delaware Code Relating to Court Costs.

HB 956 - HOLLOWAY - JUDICIARY & CONSTITUTION: An Act to Amend Subchapter I, Chapter 17, Title 15, Delaware Code Relating to Voter Disqualification.

HB 957 - HOLLOWAY - HEALTH & SOCIAL SERVICES: An Act to Amend Chapter 5, Title 31, Delaware Code Relating to the Amount of Earned Income to be Eligible for Assistance.

HB 958 - HOLLOWAY - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Article V, §2, of the Delaware Constitution Relating to Qualifications for Voting. (2/3 bill)

HB 959 - HOLLOWAY - PUBLIC SAFETY: An Act to Amend Part V, Chapter 83, Title 11, Delaware Code Relating to Prohibitive Police Practices.

HB 960 - ROY, SMITH - TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of Flashing School Speed Limit Signs on Veale Road at the Entrance to St. Edmond's Academy.

HA 1 to HB 437 - SMITH - ENVIRONMENTAL CONTROL: Placed with the bill.

HA 1 to HB 708 - HARRINGTON - EDUCATION: Placed with the bill.

SB 537 - CICIONE; REPRESENTATIVE MAXWELL - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Division of Economic Development of the Department of Community Affairs and Economic Development, for the Purchase of Delaware State Flags.

The Reading Clerk read the following communications into the record:

TO: Honorable Robert W. Riddagh
FROM: Representative Thomas E. Brady
DATE: May 1, 1980
RE: Music Program for May 14

Mrs. Marilyn Haas, Music Teacher in the New Castle County School District, has requested an opportunity to again bring her violin students to perform before the House. Mrs. Haas has asked that this be permitted on Wednesday, May 14, at the beginning of session. The performance will take about 15 minutes. If this is satisfactory with you, I will notify Mrs. Haas.

TEB/gr

cc: Representative John Burriss

Representative Charles Hebner

P.S. —I'll stay in my seat during the performance.

6th

May

1980

Honorable Robert W. Riddagh
Speaker of the House of Representatives
Legislative Hall
Dover, Delaware 19901
My Dear Mr. Speaker:

I wish to convey to the members of the 130th General Assembly my heartfelt appreciation and the deep appreciation of my sons, Stephen and Richard, for House Concurrent Resolution No. 119 expressing sorrow and sympathies upon the death of Zelda K. Herrmann, beloved wife and mother.

My family and I shall always treasure the document and the very kind and thoughtful sentiments it represents.

Sincerely,
Daniel L. Herrmann

DLH:jo

May 2, 1980

The Honorable Robert Riddagh
Speaker of House
Delaware House of Representatives
Dover, Delaware

Dear Representative Riddagh:

The Board of Commissioners of the Wilmington Housing Authority would like to express their appreciation to the General Assembly for making it possible, through Grants and Aids Bill #172, for the Senior Citizens and handicapped residents of their Hi-Rise Buildings to have a bus to transport them to markets, medical facilities, public housing programs and occasional recreation events.

Since there are approximately 926 residents of these buildings you can appreciate the gratitude felt for this portal to portal transportation in a facility that includes an electric lift for disabled persons and space for four wheelchairs to be locked in place when they are aboard.

The bus attracts much attention, examination, admiration and many questions from citizens when they see the lift operating in the shopping centers.

You may be interested in the attached copy of the schedule by which the bus operates.

Respectfully yours,
Kester I. H. Cross,
Chairman
Marcello Rispoli
Julius A. Ryland, Jr.
Margaret D. Tyson
John M. Maiorano

MT/cc
Attachment

Representative Smith introduced and brought HR 195, co-sponsored by Representatives Sincock, Ambrosino, Maroney, Loughney & George, before the House for consideration.

HR 195 - Congratulating the Mt. Pleasant Senior High School Choir for Winning a Silver Medal for Excellence at the sounds of America Music Festival, Nashville, Tennessee, May 3-4, 1980.

HR 195 was adopted by voice vote.

Representative Burris introduced and brought HR 196, co-sponsored by Representatives Riddagh, Hebner, Gordy, Ferguson and All Male Members of the House, before the House for consideration.

HR 196 - To the Mothers of the State on Mother's Day, May 11, 1980.

WHEREAS, Mother's Day, 1980, falls on Sunday, May 11; and

WHEREAS, as we observe Mother's Day let us remember that the best way we can show our Mothers our love for them is to be good people, to succeed in the citizenship of life, to be a success as persons and as members of the community; and

WHEREAS, these accomplishments make a Mother proud and bring joy and warmth to her heart; and

WHEREAS, our Mothers, always patient, helpful when we fall, uplifted when we rise, give us our lives and shelter us; and

WHEREAS, it is to our Mothers we turn to report our problems and our triumphs, expecting and receiving their assistance; and

WHEREAS, in the 130th General Assembly of Delaware there are five Mothers in the House, Representatives Marian P. Anderson, Tina Fallon, Jane Maroney, Ruth Ann Minner and Gwynne P. Smith; and

WHEREAS, these Legislators-Mothers have combined with great success the difficult roles of Mothers and Representatives and we wish herewith to tell them so.

NOW THEREFORE:

BE IT RESOLVED that with simplicity and sincerity we the members of the House of Representatives of the 130th General Assembly of Delaware address this resolution to the Mothers of the State on Mother's Day, May 11, 1980.

HR 196 was adopted by voice vote.

Representative Bennett brought HS 1 for HB 376 before the House for consideration.

HB 376 - An Act to Amend Chapter 54, Title 30, Delaware Code, to Exempt From Realty Transfer Tax Transfers in Connection With, or in Lieu of, the Foreclosure of Certain Mortgages.

Representative Bennett introduced and brought HA 1 to HS 1 for HB 376 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape at 2:47 p.m.

The House reconvened at 2:50 p.m.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HS 1 for HB 376 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Riddagh - 33.

NO: Representatives Clendaniel, Van Seiver - 2.

NOT VOTING: Representatives Cain, Plant - 2.

ABSENT: Representatives T. Brady, Matushefske, Maxwell, Powell - 4.

Therefore, having received a constitutional majority, HS 1 for HB 376 w/HA 1 was sent to the Senate for concurrence.

The House stood in silent prayer for Representative Matushefske's wife who is in Intensive Care at the Delaware Division of the Wilmington Medical Center.

Representative Cain moved to lift HB 605 - HA 1,2. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 605 - An Act to Amend Title 25 of the Delaware Code Relating to the Periodic Review and Termination of Certain State Agencies and Providing for a Delaware Sunset Act.

Representative Cain brought HA 1 to HB 605 before the House for consideration. HA 1 was adopted by voice vote.

Representative Connor brought HA 2 to HB 605 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 605 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, McBride, McKay, Minner, Neal, Oberle, Petrilli, Roy, Sincok, Smith, Van Seiver, Vernon, Mr. Speaker Riddagh - 31.

NO: Representatives Darling, Holloway, Morris, West - 4.

ABSENT: Representatives T. Brady, Jonkiert, Matushefske, Maxwell, Plant, Powell - 6.

Therefore, having received a constitutional majority, HB 605 w/HA 1, 2 was sent to the Senate for concurrence.

Representative Roy brought SB 232, sponsored by Senator Cordrey, before the House for consideration.

SB 232 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to a Fee for the Reinstatement of Driving Privileges for a Non-Resident.

The roll call on SB 232 was taken and revealed:

YES: Representatives Ambrosino, Bennett, W. Brady, Burris, Cain, Cathcart, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 31.

NO: Representatives Anderson, Clendaniel, Darling, West - 4.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives T. Brady, Matushefske, Maxwell, Plant, Powell - 5.

Therefore, having received a constitutional majority, SB 232 was returned to the Senate.

In the absence of Representative T. Brady, Representative Maroney brought SB 309 w/SA 1,2 - HA 1, sponsored by Senator Weiss, before the House for consideration.

SB 309 - An Act to Amend Chapter 9, Title 24, of the Delaware Code Relating to Deadly Weapons Dealers. (2/3 bill)

Representative Maroney brought HA 1 to SB 309 before the House for consideration. HA 1 was defeated by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Senator Daniel L. Weiss.

Representative Oberle requested that the following communication be read into the record:

May 2, 1980

DELAWARE LEGISLATIVE ALERT

Dear NRA Member:

A major gun bill, S.B. 309, passed the Delaware Senate in 1979 and will be considered by the full House within the next few days. Under the terms of this bill all prospective gun owners are presumed to be guilty until proven innocent.

Police statistics in state after state prove that the incidence of crime and violence committed by persons who legally purchase handguns is virtually non-existent. Yet, to Senator Weiss, the sponsor of this bill, these facts apparently don't mean much.

The Weiss bill, S.B. 309, would:

*require a purchase application to be filled out and sent to the State Police.

*Require a 48-hour waiting period to purchase any handgun less than 25 years old, including black powder replicas.

This measure will do nothing to prevent criminals from obtaining a handgun. Study after study has shown that criminals do not purchase firearms legally. They obtain their weapons from underground and illegal sources.

This bill won't stop crimes of passion either. Crimes of passion are usually committed with any object close at hand such as knives, clubs, appliance cords, and any other accessible objects. These crimes are also most often committed between the 10 p.m. to 3 a.m. time frame by someone under the influence of alcohol or drugs. The sale of firearms is already precluded in the one instance and prohibited in the latter.

What S.B. 309 would do is subject innocent gun buyers to more bureaucratic red tape. It would force the applicant to take time off from his job and make repeated trips to legally purchase a firearm. More paperwork for dealers means higher prices. Because the bill does not direct the State Police to destroy or return the forms to the purchaser, you will have statewide "de facto" registration.

But that's not all. Inevitably, waiting periods fail to reduce crime; invariably, that failure is used as an excuse to impose more restrictive laws.

Delaware has a proud history of firearms ownership. S.B. 309 by Senator Weiss threatens that fine tradition.

Time is short, we need your help. This bill has already passed the State Senate. It need only pass the House and it will be sent to the Governor. Call your Delaware State Representative today and ask for a NO vote on S.B. 309. We're counting on you.

Sincerely,
Neal Knox
Executive Director

P.S. If you don't know the name or phone number of your Representative, call the toll free Legislative Council number (1-800-282-8545) for that information.

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

Representative Burris moved to recess for five minutes at 4:10 p.m.

The House reconvened at 4:15 p.m.

Representative Burris moved to place SB 309 w/SA 1,2 on the Speaker's table. The motion was seconded by Representative Cathcart and adopted by voice vote.

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

Representative Burris withdrew the motion to table.

Representative Burris requested and was granted the privilege of the floor for Senator Daniel L. Weiss.

The roll call on SB 309 w/SA 1,2 was taken and revealed:

YES: Ambrosino, Free, Maroney - 3.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 33.

ABSENT: Representatives T. Brady, Hebner, Matushefske, Maxwell, Plant - 5.

Therefore, not having received a constitutional majority of at least two-thirds members of the House, SB 309 w/SA 1,2 was declared defeated.

Representative Morris brought SB 378 w/SA 1, sponsored by Senator Cicione, before the House for consideration.

SB 378 - An Act to Amend Title 11, Delaware Code, to Require Restitution by Persons Convicted of Forgery. (2/3 bill)

Representative Morris moved to place SB 378 w/SA 1 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Roy moved to suspend all rules which interfere with introduction of and action on a bill. The motion was properly seconded and adopted by voice vote.

Representative Roy introduced HS 1 for HB 907, co-sponsored by Senator Martin; Representatives Powell, Sincock, Burris, Hebner, Riddagh, Ambrosino, Cathcart, Fallon, Free, Harrington, Maroney, McKay, Neal, Oberle, Petrilli, Smith, Vernon, Van Sciver, Ferguson, Connor, Gilligan; Senators Arnold, Murphy, Cook, Spence, Knox, Berndt, Weiss, Hughes, Littleton & Hale.

HS 1 for HB 907 - An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Bridge Replacements, Drainage Ditching, Road Patching, Sign Maintenance, and Pavement Marking. (3/5 bill)

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

Representative Burris moved to recess for caucus at 4:30 p.m. The motion was seconded by Representative Ferguson and adopted by voice vote.

The House reconvened at 5:28 p.m.

The roll call on HS 1 for HB 907 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Riddagh - 35.

ABSENT: Representatives T. Brady, Cain, Matushefske, McBride, Plant, Van Sciver - 6.

Therefore, having received a constitutional majority of at least three-fifths members of the House, HS 1 for HB 907 was sent to the Senate for concurrence.

Representative Morris moved to lift SB 378 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

SB 378 - An Act to Amend Title 11, Delaware Code, to Require Restitution by Persons Convicted of Forgery. (2/3 bill)

The roll call on SB 378 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives T. Brady, Matushefske, Plant, Van Sciver - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 378 w/SA 1 was returned to the Senate.

Representative Holloway moved to lift HR 193 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HR 193 - Requesting the Governor to Rescind the Minimum Gasoline Purchase Requirement Issued in His June 20, 1979 Proclamation.

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

HR 193 was adopted by voice vote.

Representative Bennett introduced and brought HR 197 before the House for consideration.

HR 197 - Congratulating Stacia Remsburg of Holy Cross High School Upon Achieving the Highest Individual Score in the Annual Examination Sponsored by the Delaware Council of Teachers of Mathematics.

HR 197 was adopted by voice vote.

Mr. Speaker re-assigned HB 880 to the Aging Committee.

Mr. Speaker re-assigned HB 951 to the Community Affairs & Economic Development Committee.

Mr. Speaker re-assigned HB 943 to the Public Safety Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 540.

Representative Fallon introduced HB 961, co-sponsored by Senator Littleton.

HB 961 - An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford." (2/3 bill)

Mr. Speaker assigned HB 961 to the Community Affairs & Economic Development Committee.

The Chief Clerk read the following Committee Report into the record:

Appropriations: HB 950 - 5F, 4M.

Representative Burris moved to recess to the call of the Chair at 5:45 p.m.

31st LEGISLATIVE DAY
Second Session
May 13, 1980

The Speaker called the House to order at 1:56 p.m.

Due to lack of a quorum, Representative Burris moved to recess for committee meetings at 1:59 p.m.

The House reconvened at 3:42 p.m.

Representative Bennett introduced and brought HR 198, co-sponsored by Representatives Smith, McKay, Neal, Fallon, Petrilli & Harrington, before the House for consideration.

HR 198 - Designating the Week of May 11, 1980, as Small Business Week in Delaware.

HR 198 was adopted by voice vote.

Representative West introduced and brought HR 199 before the House for consideration.

HR 199 - Requesting the Delaware Congressional Delegation to Oppose the Illegal Admission of Any More Cuban Escapees.

HR 199 was defeated by voice vote.

The Majority Leader moved to adjourn at 3:59 p.m., thereby ending the previous legislative day. The House reconvened at 4:00 p.m. A prayer was offered by Representative Fallon, Thirty-Ninth District.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives T. Brady, Maroney, Matushefske

- 3.

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

The following prefiled legislation was introduced:

HB 962 - ROY - TRANSPORTATION: An Act to Amend Chapter 89, Title 29 of the Delaware Code Relating to the Department of Transportation and the Office of Administration.

HB 963 - HOLLOWAY - CORRECTIONS: An Act to Amend Chapter 65, Title II, Delaware Code, Relating to Furloughs for Inmates.

HB 964 - WEST, GORDY, MORRIS - LABOR & COMMERCE: An Act to Amend Title 6, Delaware Code, Relating to the Requirement of Antique Dealers Maintaining Records of Purchases and Prices of Same. (2/3 bill)

HB 965 - SINCOCK, GORDY; SENATORS COOK, CORDREY, BERNDT - APPROPRIATIONS: An Act Making a Supplementary Appropriation to the State Board of Education for the Purpose of Adjusting the Gasoline Allowance in the Formula for Reimbursement to the School Bus Contractors and the School Districts for the Transportation of Public School Pupils During the Fiscal Year Ending June 30, 1980.

HB 966 - CONNOR - EDUCATION: An Act to Amend Chapter 13, Part I, Title 14 of the Delaware Code Concerning the Unit Formula for School Nurses.

HB 967 - ROY, POWELL, OBERLE, CATHCART, VERNON, HEBNER, CAIN, ANDERSON, LOUGHNEY, GILLIGAN, FERGUSON, VAN SCIVER, PETRILLI; SENATORS MARTIN, ARNOLD, SHARP, HUGHES, CICIONE, BERNDT - TRANSPORTATION: An Act Making a Supplemental Appropriation to the Department of Transportation for the Installation of Street Name Signs Along Suburban Area Streets.

SB 540 - CICIONE, MC DOWELL; REPRESENTATIVES CATHCART, CONNOR, FALLON, FREE, NEAL, POWELL, OBERLE - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to the Delaware Franchise Security Law; and Providing for the Curtailment of Certain Practices in the Sale of Petroleum Products.

Mr. Speaker re-assigned HB 922, HB 929, HB 823 to the Public Safety Committee.

Representative Ambrosino introduced and brought HR 200 before the House for consideration.

HR 200 - Extending Congratulations to Bonnie Lynn Berry for Her Outstanding Record of Academic and 4-H Club Achievements.

HR 200 was adopted by voice vote.

Representative Oberle introduced and brought HCR 129, co-sponsored by All Representatives; Senator Sharp & All Senators, before the House for consideration.

HCR 129 - Wishing Helen Baynard, the Cheerful Chef of the Legislative Hall Haute Cuisine, a Happy Birthday and sending Her a Get-Well-Quick Message at the Same Time.

HCR 129 was adopted by voice vote and sent to the Senate for concurrence.

Representative George introduced and brought HCR 130, co-sponsored by Representatives Plant, Holloway, Jonkiert, Free, T. Brady; Senators Holloway, Marshall & McDowell, before the House for consideration.

HCR 130 - Requesting the Department of Commerce of the United States to Emphasize That the Port of Wilmington be Included as One of the "Ports of Philadelphia" in a Maritime Agreement Under Consideration With the People's Republic of China.

HCR 130 was adopted by voice vote and sent to the Senate for concurrence.

Representative Plant requested that the following letter be made a part of the record:

May 13, 1980

Mr. Speaker and Fellow Members of the Delaware General Assembly:

I believe it is essential prior to my introduction of a resolution that I make a few remarks. I believe that after many years of disagreements concerning minority rights with various members of this Assembly, I am generally respected by you and regarded by Delawareans as a man of principle who believes in fairness and justice regardless of the issue.

I am not against Cuban immigrants or any other immigrants coming to this country as long as they are prepared to work hard and contribute in a positive way to the growth and development of this great country. After all, with the exception of Indians, there are really no true Americans in the sense of natural rights to this country.

The forefathers of everyone in this room chose to leave other countries and come to this land founded by Christopher Columbus. Of course, my forefathers and the forefathers of other blacks were brought to this country as slaves in bondage and chains. This shame still mars the history of this country.

My concern today is not to dwell on history but to beg for justice for the Haitians caught up in politics and racism, who want to become citizens of the greatest nation on earth.

Frankly, this is not the best time in our history to let any foreigners into the United States, with inflation at the highest level in the history of this country; with workers suffering under the worst unemployment in many years, and with blacks and other minorities unable to find work, and now at the brink of the frustration that played such a large part in the riots of the 1960s.

There are simply no funds available to support these refugees.

But, if we are to admit persons seeking so-called political asylum into this country, then surely the Haitians have a greater case than the Cubans. Fidel Castro has indicated that he intends to send all the mental patients and scum of the earth he can find to the United States. I don't blame Mr. Castro at all for sending us his social burden - but why should we accept these types of people when there are healthy, hard-working Haitians who want more than anything else to come into this country and be an asset and not a burden to our society?

I can see no reason other than the darkness of skin as to why the United States Government ignores the starvation and political repression going on in Haiti, yet opens up its hearts and doors to the Cubans. As a black American I am ashamed and appalled at this apparent double standard and hypocrisy in United States foreign policy, and I hope you will join me and support the resolution I offer today, which in effect demands that the Carter administration move to immediately allow the 15,000 Haitians into this country in the name of justice and fairness.

Al O. Plant, Sr.,
Representative
2nd Representative
District

Representative Plant introduced and brought HCR 131 before the House for consideration.

HCR 131 - Memorializing President Jimmy Carter and the 96th Congress of the United States to Show Consistency in Human Rights and Compassion to Persons Who Desire to Enter This Country to Escape Inhumane and Repressive Regimes of the World.

HCR 131 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert introduced and brought HR 201 before the House for consideration.

HR 201 - Amending the Temporary Rules of the House of Representatives of the General Assembly of the State of Delaware.

Representative Jonkiert requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Jonkiert requested that the following memorandum be made a part of the record:

MEMORANDUM

TO: REP. JONKIERT
FROM: RICHARD R. COOCH, HOUSE ATTORNEY
DATE: May 7, 1980
RE: Examples of the "Prevailing Side" with respect to Motions to Reconsider (House Rule 33).

A Motion to Reconsider can be made only by a member who voted with the "prevailing side" on the motion.

"....a reconsideration can be moved only by one who voted aye if the motion involved was adopted, or no if the motion was lost."
Roberts' Rules of Order Newly Revised, §36.

The following are examples of its application:

1. A Simple Majority Bill, receives 20 ayes, 19 noes, one not voting and one absent. A Motion to Reconsider may be made by a member who voted no. It may never be made by a member who was absent or not voting.
2. A 2/3 or 3/4 Bill, receives 23 ayes, 15 noes, 2 not voting and one absent. A Motion to Reconsider may be made by a member who voted no. It may not be made by a member who was absent or not voting.
3. A Simple Majority Bill, receives 15 ayes, 20 noes, 5 not voting and 1 absent. A Motion to Reconsider may be made by one who voted no. It may not be made by a member who was absent or not voting.

It should be noted that the Motion to Reconsider in certain instances can also be applied to bills and resolutions that passed the House.

HR 201 was adopted by voice vote.

Representative Powell introduced and brought HR 202, co-sponsored by Representatives Ambrosino, Petrilli, Vernon, Fallon, Sincock, McKay, Maroney & Smith, before the House for consideration.

HR 202 - Congratulating the Delaware Press Women, the News Journal Company, and the Winners of the 1979-1980 State High School Writing Contest.

HR 202 was adopted by voice vote.

Representative Sincock introduced and brought HR 203 before the House for consideration.

HR 203 - Mourning the Death of Retired State Police Captain Walter E. Nedwick on May 8, 1980.

HR 203 was adopted by voice vote.

Representative Darling introduced and brought HCR 132, co-sponsored by Representatives Bennett, Morris, Minner; Senators Cook, Murphy & Zimmerman, before the House for consideration.

HCR 132 - Wishing the Caesar Rodney High School Bands the Best of Luck at the International Music Festival Competition at Toronto, Canada, May 17-20, 1980.

HCR 132 was adopted by voice vote and sent to the Senate for concurrence.

Representative Powell brought HB 837 before the House for consideration.

HB 837 - An Act to Amend Chapter 20, Title 30, Delaware Code, Relating to the Credit Against Corporation Income Tax and Reduction in License Tax for Qualified New Business Facilities.

Representative Powell requested and was granted the privilege of the floor for Secretary of Finance, Weston Nellius.

Representative Powell moved to place HB 837 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Burris brought HB 190 before the House for consideration.

HB 190 - An Act to Amend Title 4 and Title 10 of the Delaware Code, Relating to Statutory Liabilities of Persons Who Sell or Dispense Alcoholic Liquors. (2/3 bill)

Representative Burris brought HA 1 to HB 190 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to place HB 190 w/HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Clendaniel brought HB 747 - HA 1, co-sponsored by Representative Gordy, before the House for consideration.

HB 747 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Students.

Representative Burris brought HA 1 to HB 747 before the House for consideration.

Representative Burris requested that HA 1 be stricken.

Representative Gordy brought HA 2 to HB 747, co-sponsored by Representative Clendaniel, before the House for consideration.

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

HA 2 to HB 747 was adopted by voice vote.

Representative Oberle brought HA 3 to HB 747, co-sponsored by Representative Hebner, before the House for consideration.

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

Representative Oberle requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Oberle moved to place HA 3 to HB 747 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Clendaniel moved to place HB 747 w/HA 2 on the Speaker's table. The motion was seconded by Representative Hebner.

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

Representative Clendaniel withdrew the motion.

Representative Clendaniel moved to place HB 747 w/HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Powell moved to lift HB 837 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

HB 837 - An Act to Amend Chapter 20, Title 30, Delaware Code, Relating to the Credit Against Corporation Income Tax and Reduction in License Tax for Qualified New Business Facilities.

Representative Minner brought HA 1 to HB 837 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 837 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Cathcart, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

NO: Representative Connor - 1.

ABSENT: Representatives T. Brady, Burris, Maroney, Matushefske, McBride, Roy - 6.

Therefore, having received a constitutional majority, HB 837 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to restore HR 199 to the calendar.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Cain, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Minner, Morris, Petrilli, Plant, Powell, Sincok, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 26.

NO: Representatives Hebner, Neal, Smith - 3.

ABSENT: Representatives T. Brady, Burris, Cathcart, Fallon, Free, Maroney, Matushefske, Maxwell, McBride, McKay, Oberle, Roy - 12.

Therefore, having received a constitutional majority, HR 199 was restored to the calendar.

Representative Hebner moved to recess to the call of the Chair at 6:19 p.m.

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

Representative Hebner moved to recess to the call of the Chair at 6:20 p.m.

32nd LEGISLATIVE DAY
Second Session
May 14, 1980

The Speaker called the House to order at 2:20 p.m.

Representatives T. Brady and Matushefske asked to be marked present for the 31st Legislative Day without benefit of mileage reimbursement.

The roll call on HR 199 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gordy, Jonkiert, Loughney, Matushefske, McBride, McKay, Minner, Morris, Plant, Roy, Sincock, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 29.

NO: Representatives Neal, Smith - 2.

NOT VOTING: Representatives Free, Harrington, Hebner, Holloway, Oberle, Petrilli, Powell - 7.

ABSENT: Representatives Gilligan, Maroney, Maxwell - 3.

Therefore, having received a constitutional majority, HR 199 was adopted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 577, HCR 132.

May 13, 1980

LEGISLATIVE ADVISORY #37

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/7/80 - HJR 34; 5/8/80 - SJR 39; 5/13/80 - SB 231, SB 232, SB 519.

The Governor vetoed the following legislation on the dates indicated: HB 310 aab HA 2 & HA 1 to HA 2; 5/9/80 - HB 363 aab SA 1.

May 9, 1980

To the House of Representatives
of the 130th General Assembly
of the State of Delaware

On April 30, 1980, I received House Bill No. 363 as amended by Senate Amendment No. 1, which is entitled:

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

The bill is designed to recognize former prisoners of war by issuing to them special license plates. While I share the respect and gratitude that all Americans have for those who suffered long and difficult periods of imprisonment, I am not convinced that enactment of this legislation is the most appropriate way to honor these brave men.

I am also concerned that the bill will establish an unwise and potentially expensive precedent, for once special plates are issued to a particular group or organization, however deserving, it becomes difficult to deny such plates to other groups. This has been the experience in other states, and in fact, I note that six other special license plates bills are now pending in the General Assembly.

Further, passage and enactment of this legislation is unfair to members of other groups who have sought special plates - such as volunteer firemen and disabled veterans - but who have voluntarily refrained from pushing for legislation because of the cost involved.

Finally, I note that the bill has no fiscal projection as required by 29 Del. Code 1907 and the House Rules, contains in Section 2 an incorrect reference to "\$2121 (h)" rather than to "\$2136", and erroneously designates subsection (d) as subsection (e).

For these reasons, I return House Bill No. 363 as amended by Senate Amendment No. 1 without my signature.

Respectfully submitted,
Pierre S. duPont, IV,
Governor

PSduP/brs
Attachment

The Chief Clerk read the following Committee Reports into the record:

Administrative Services & Energy: HB 893 - 4M; HB 881 - 5M.

Appropriations: HB 773 - HA 1 - 2F, 6M.

Community Affairs & Economic Development: HB 842 - 6F; HB 951 - 6F; HB 961 - 6F.

School Financing: HB 789 - HA 1 - 2M, 1UF; HB 796 - 3M.

Banking & Insurance: SB 276 - 1F, 2M; SB 512 - 3M; SB 511 - 3M; SB 509 - 3M; SB 407 w/SA 2 - 1F, 2M; SB 508 w/SA 1 - 1F, 2M; HB 714 - 3M; HS 1 for HB 519 - 2M, 1UF; HB 921 - 3M; HB 716 - 2M; HB 652 - 2M.

The Majority Leader moved to adjourn at 2:35 p.m., thereby ending the previous legislative day. The House reconvened at 2:36 p.m. A prayer was offered by Pastor Ron Adrian, First Baptist Church of New Castle, DE.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Maroney - 1.

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

The following prefiled legislation was introduced:

HB 968 - NEAL - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to the Manner in Which a Divorce Petition Shall be Filed.

HB 969 - MINNER - BANKING & INSURANCE: An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Health Care Insurance by Providing Coverage for Regular Part-Time Employees.

HB 970 - BENNETT - APPROPRIATIONS: An Act Making an Appropriation to the Department of Transportation for the Installation of Traffic Control Devices on Road 192, Webbs Lane, Dover, at the W. Reilly Brown School. (3/5 bill)

HB 971 - SMITH; SENATOR WEISS - ETHICS & HOUSE ADMINISTRATION: An Act to Allow George Macarthur Platz, a Non-Resident, to Marry Maryann Elizabeth Dudley, a Non-Resident.

HB 972 - JONKIERT - REVENUE & FINANCE: An Act to Amend Chapter 118, Volume 33, Laws of Delaware, As Amended by Chapter 505, Volume 57, Laws of Delaware, Entitled "An Act Providing for a Firemen's Pension Fund for Members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington" to Provide for an Increase in Pension Benefits for Disabled Retired Firemen and the Widows and Dependents of Disabled Retired Firemen. (2/3 bill)

HB 973 - CATHCART, CONNOR, VAN SCIVER, OBERLE, LOUGHNEY, PETRILLI, AMBROSINO, JONKIERT - PUBLIC SAFETY: An Act to Amend Chapter 42, Title 21, Delaware Code Relating to Reports of Accidents Involving Personal Injury or Property Damage. (2/3 bill)

HB 974 - FREE, VAN SCIVER, CATHCART, CONNOR - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 25, Title 29 of the Delaware Code Relating to Powers of the State Department of Justice.

HB 975 - MAXWELL, ANDERSON, W. BRADY, FERGUSON, GILLIGAN, PETRILLI, VAN SCIVER; SENATORS CICIONE, KEARNS - PUBLIC SAFETY: An Act to Amend Part VI, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for Restrictions in the Use of Certain Petroleum Products.

HB 976 - AMBROSINO - JUDICIARY & CONSTITUTION: An Act to Amend Title 10 and Title 13 of the Delaware Code Relating to the Rights and Responsibilities of Parents.

HB 977 - HEBNER, MINNER - PUBLIC SAFETY: This is an Act to Provide a Supplementary Appropriation to the Department of Public Safety for the Purpose of Reimbursing Volunteer Fire Companies for Extraordinary Expenses. (3/4 bill)

HB 978 - MC BRIDE - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to Section 15, Article II of the Constitution of the State of Delaware, Relating to the Compensation of Members of the General Assembly. (2/3 bill)

HB 979 - BENNETT - SCHOOL FINANCING: An Act to Amend Chapter 17, Title 14 of the Delaware Code, Relating to the Number of Units of Pupils in a School District and the Method of Calculating Such Units.

HA 1 to HB 617 - MC BRIDE - Placed with the bill. (Ready List)

HA 2 to HB 816 - VERNON, MINNER, FALLON, ROY, LOUGHNEY - Placed with the bill. (Agenda)

HA 1 to HB 836 - VAN SCIVER - TRANSPORTATION: Placed with the bill.

HA 1 to HB 859 - MAXWELL, FREE - Placed with the bill. (Agenda)

HA 1 to HB 910 - LOUGHNEY - Placed with the bill. (Ready List)
HA 2 to HB 910 - LOUGHNEY - Placed with the bill. (Ready List)
HA 1 to HB 911 - LOUGHNEY - Placed with the bill. (Agenda)
HA 2 to HB 911 - LOUGHNEY - Placed with the bill. (Agenda)
HA 1 to HB 942 - AMBROSINO - ADMINISTRATIVE SERVICES & ENERGY: Placed with the bill.

SB 577 - CORDREY, HOLLOWAY; REPRESENTATIVES GORDY, FERGUSON - ETHICS & HOUSE ADMINISTRATION: An Act to Provide That a Referendum on the Equal Rights Amendment be Held in the November 1980 General Election in Delaware.

Representative Connor introduced and brought HCR 133, co-sponsored by Senator McCullough, before the House for consideration.

HCR 133 - Extending Appreciation to Mr. Bruce Laird, Delaware Teacher of the Year for 1980, and to Local Teachers of the Year.

Representative Connor requested and was granted the privilege of the floor for Bruce Laird, Delaware Teacher of the Year.

HCR 133 was adopted by voice vote and sent to the Senate for concurrence.

Representative T. Brady introduced and brought HR 204, co-sponsored by Representative Hebner, before the House for consideration.

HR 204 - Welcoming Estelle Frankel, Marilyn Haas and New Castle County Music Students From Warner School, Greenville School and A. I. du Pont Junior High School.

HR 204 was adopted by voice vote.

Representative Van Sciver introduced and brought HR 205, co-sponsored by Representatives Ambrosino, Fallon, Powell, Roy, Gilligan & Connor, before the House for consideration.

HR 205 - Congratulating Mary Marshall and the Members of the James Groves Evening School Class on the Occasion of Their Graduation.

WHEREAS, Mary Marshall and the members of her class have made a very important decision to return to school to complete their high school education; and

WHEREAS, they have faithfully attended night school and diligently studied the required subjects; and

WHEREAS, the incentive to increase their knowledge has transcended their daily labors both in industry and the home,

NOW THEREFORE:

BE IT RESOLVED that the members of the House of Representatives extend their congratulations and best wishes to Mary Marshall and the fellow members of her graduating class of the James Groves Evening High School in the New Castle County Vo-Tech School District.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to Mary Marshall and to Mr. Pasquale Marra, principal of the Groves Evening School.

HR 205 was adopted by voice vote.

Representative Burris moved to recess for committee meetings at 3:05 p.m.

The House reconvened at 4:30 p.m.

Representative Burris introduced and brought HR 206, co-sponsored by All Members of the House, before the House for consideration.

HR 206 - Expressing the Condolences of the Members of the House of Representatives to the Family of Emily Morris, Secretary of the House, Whose Mother, Rosa R. Thomas, Died May 10, 1980.

HR 206 was adopted by voice vote.

Representative Minner introduced and brought HR 207, co-sponsored by Representatives Morris, Bennett & Darling, before the House for consideration.

HR 207 - Mourning the Death of Edward (Buddy) Long, Jr., a Member of the House of Representatives in the 120th General Assembly.

HR 207 was adopted by voice vote.

Representative Free brought HB 911 - HA 1, 2, co-sponsored by Representatives Cathcart, McBride & Senator Cicione, before the House for consideration.

HB 911 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Representative Loughney brought HA 1 to HB 911 before the House for consideration.

Representative Loughney requested that HA 1 be stricken.

Representative Loughney brought HA 2 to HB 911 before the House for consideration.

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

Representative Free brought HA 3 to HB 911 before the House for consideration.

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

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Riddagh declared a recess at 5:13 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:15 p.m.

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

HA 3 to HB 911 was adopted by voice vote.

Representative Loughney brought HA 4 to HB 911 before the House for consideration.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Loughney requested that HA 4 be stricken.

Representative Free moved to place HB 911 w/HA 3 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

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

Representative McBride moved to suspend all rules which interfere with action on SB 580. The motion was seconded by Representative Burris and adopted by voice vote.

Representative McBride brought SB 580, co-sponsored by Senator Cicione; Representatives Van Sciver & Maxwell, before the House for consideration.

SB 580 - An Act to Amend the Charter of the Town of Elsmere.
(2/3 bill)

The roll call on SB 580 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Maroney, Matushefske, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 580 was returned to the Senate.

The Chief Clerk read the following Committee Reports into the record:

Health & Social Services: HB 672 - 4M; HB 778 - HA 1 - 4M; HB 532 - 4M; HB 533 - 4M; HB 725 - 4M; HB 885 - 3M.

Judiciary & Constitution: HB 852 - 1F, 2M, 2UF; HB 791 - HA 1 - 4M, IUF.

Education: SB 502 - 4M; SB 461 - 5M; HB 875 - 2F, 5M; HB 342 - 5M; HB 585 - 5M; HB 708 - HA 1 - 3M, IUF.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 129, HCR 130, SB 546 w/SA 1, SB 547 w/SA 1, SB 549, HCR 133, SB 580.

Representative Burris moved to recess to the call of the Chair at 5:47 p.m.

33rd LEGISLATIVE DAY
Second Session
May 15, 1980

The Speaker called the House to order at 1:54 p.m.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m. A prayer was offered by Dr. J. Gordon Stapleton, Wilmington, DE.

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Ambrosino, Holloway, Matushefske, Sincok - 4.

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

The following prefiled legislation was introduced:

HB 980 - MARONEY, OBERLE, HARRINGTON, AMBROSINO, ANDERSON, BENNETT, T. BRADY, W. BRADY, BURRIS, CAIN, CATHCART, CLENDANIEL, CONNOR, FALLON, FERGUSON, FREE, GEORGE, GILLIGAN, HEBNER, HOLLOWAY, LOUGHNEY, MATUSHEFSKE, MAXWELL, MC BRIDE, MC KAY, MINNER, NEAL, PETRILLI, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SMITH, VAN SCIVER, VERNON, WEST; SENATORS ARNOLD, BERNDT, CICIONE, COOK, HALE, HOLLOWAY, HUGHES, KEARNS, KNOX, LITTLETON, MARSHALL, MARTIN, SPENCE, WEISS - HEALTH & SOCIAL

SERVICES: An Act to Amend Part III, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for Cancer Registration. (2/3 bill)

HB 981 - CAIN, GEORGE, T. BRADY; SENATORS MC DOWELL, MARSHALL - EDUCATION: An Act to Amend Delaware Code, Title 14 by Clarifying the Authority of the State Board of Education to Make Rules and Regulations Concerning Interscholastic Athletics and Prohibiting the Approval of Any Regulation That Would Prohibit Competition Between Public and Nonpublic Schools.

HB 982 - POWELL, ROY, CAIN, MC BRIDE, OBERLE, PETRILLI; SENATORS ADAMS & BERNDT - REVENUE & FINANCE: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Motor Fuel Tax Law.

HB 983 - POWELL, ROY, CAIN, MC BRIDE, OBERLE, PETRILLI; SENATORS ADAMS & BERNDT - REVENUE & FINANCE: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to the Motor Carrier Fuel Purchase Law.

HB 984 - POWELL, ROY, CAIN, MC BRIDE, OBERLE, PETRILLI; SENATORS ADAMS & BERNDT - REVENUE & FINANCE: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Special Fuel Tax Law.

HB 985 - FERGUSON - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Title 4, Delaware Code, Relating to Delivery of Beer on Sundays.

HJR 36 - BURRIS - APPROPRIATIONS: Appropriating \$48,000 to the Workmen's Compensation Commission for Expenses Incurred in Developing Its Final Report to the Governor and to the General Assembly.

HA 1 to HB 929 - CAIN - PUBLIC SAFETY: Placed with the bill.

SB 546 w/SA 1 - CORDREY; REPRESENTATIVE CATHCART - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code Relating to Omnibus Changes in the Department of Transportation and the Department of Public Safety. (2/3 bill)

SB 547 w/SA 1 - CORDREY; REPRESENTATIVE CATHCART - PUBLIC SAFETY: An Act to Amend Title 21 of the Delaware Code Relating to Omnibus Changes in the Department of Transportation and the Department of Public Safety. (2/3 bill)

SB 549 - CORDREY; REPRESENTATIVE CATHCART - EDUCATION: An Act to Amend Title 21 of the Delaware Code Relating to the Defining of Schoolchild and School Bus Operation.

Representative Gilligan announced that Mrs. Lois Matushefske had been rushed to Canada for surgery and requested a moment of silent prayer on her behalf.

Representative Fallon requested that **HB 808** be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 320 w/SA 1,2,3,4.**

Representative Powell introduced and brought **HCR 134**, co-sponsored by Senator Sharp, before the House for consideration.

HCR 134 - Extending Congratulations to Anne Christine Liesl Zumsteg, Age 17, on Becoming Miss Delaware Teen on Saturday, May 10, 1980.

HCR 134 was adopted by voice vote and sent to the Senate for concurrence.

Representative W. Brady moved to lift HB 620 w/HA 2 - HA 3,4 from the Speaker's table. The motion was seconded by Representative Gordy and adopted by voice vote.

Representative W. Brady brought HB 620 w/HA 2 - HA 3,4 before the House for consideration.

HB 620 - An Act to Amend Chapter 3, Title 25 of the Delaware Code Relating to Alien Ownership of Agricultural Land.

Representative W. Brady brought HA 3 to HB 620 before the House for consideration. HA 3 was adopted by voice vote.

Representative Neal requested that HA 4 to HB 620 be stricken.

Representative Neal brought HA 5 to HB 620 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HB 620 w/HA 2,3,5 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 31.

NO: Representatives Bennett, Harrington - 2.

ABSENT: Representatives Ambrosino, Free, Holloway, Matushefske, Maxwell, Plant, Sincok, West - 8.

Therefore, having received a constitutional majority, HB 620 w/HA 2,3,5 was sent to the Senate for concurrence.

Representative Roy brought HB 665, co-sponsored by Senator Cicione, before the House for consideration.

HB 665 - An Act to Amend Chapter 5, Title 31, Delaware Code Relating to Nontransferability of Assistance Granted Under This Chapter.

The roll call on HB 665 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 35.

NO: Representative West - 1.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Maxwell, Sincok - 5.

Therefore, having received a constitutional majority, HB 665 was sent to the Senate for concurrence.

Representative Cathcart brought SS 1 for SB 109 w/SA 2, sponsored by Senators Murphy, Berndt; Representatives Minner, Sincok & Oberle, before the House for consideration.

SB 109 - An Act to Amend Title 21, Delaware Code, Relating to Odometer Requirements.

Representative Cathcart moved to place SS 1 for SB 109 w/SA 2 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Free brought HB 859, co-sponsored by Representatives Neal, Maxwell, Oberle, Maroney, Powell, Petrilli & Ambrosino, before the House for consideration.

HB 859 - An Act to Require Affected State Agencies to Report Annually Their Efforts to Comply With the Policy of This State to Encourage Employee Stock Ownership Plans.

Representative Free brought HA 1 to HB 859 before the House for consideration.

Representative Neal requested and was granted the privilege of the floor for Attorney Gerald Street.

HA 1 was adopted by voice vote.

The roll call on HB 859 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Sincok - 4.

Therefore, having received a constitutional majority, HB 859 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess for committee meetings at 2:35 p.m.

The House reconvened at 3:45 p.m.

Representative Powell brought HB 839, co-sponsored by Representative Sincok before the House for consideration.

HB 839 - An Act to Amend Section 2301 (d), Title 30, Delaware Code, Relating to Occupational Licenses and Fees, and the Requirement to File Quarterly Returns.

The roll call on HB 839 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

ABSENT: Representatives Ambrosino, George, Holloway, Matushefske, Morris, Plant, Sincok - 7.

Therefore, having received a constitutional majority, HB 839 was sent to the Senate for concurrence.

Representative Anderson brought HB 458, co-sponsored by Representatives Holloway, Harrington & Kelly, before the House for consideration.

HB 458 - An Act to Amend Chapter 10, Title 22, Delaware Code, Relating to Exemptions From Municipal Taxation on Real Property for Persons 65 Years of Age or Over.

Representative Anderson brought HA 1 to HB 458 before the House for consideration.

Representative Anderson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

HA 1 to HB 458 was adopted by voice vote.

The roll call on HB 458 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Ambrosino, Holloway, Matushefske, Plant, Sincok - 5.

Therefore, having received a constitutional majority, HB 458 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 493 before the House for consideration.

HB 493 - An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Employment Formula and Salary Schedules for Certain Professional Personnel Employed by the School District.

Representative Bennett brought HA 1 to HB 493 before the House for consideration. HA 1 was adopted by voice vote.

Representative Bennett moved to place HB 493 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Bennett moved to lift HB 493 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Bennett requested that HB 493 w/HA 1 be assigned to the Appropriations Committee. Mr. Speaker assigned HB 493 w/HA 1 to the Appropriations Committee.

Representative Oberle brought HB 718, co-sponsored by Representative Cain, before the House for consideration.

HB 718 - An Act to Amend the Delaware Code, Title 14, by Clarifying the Authority of the State Board of Education to Make Rules and Regulations Concerning Inter-Scholastic Athletics and Prohibiting the Approval of a Regulation That Would Prohibit Participation in Similar Team Activities by High School Athletes.

Representative Oberle moved to place HB 718 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Connor brought HB 722 before the House for consideration.

HB 722 - An Act Directing the State Board of Education to Inventory and Distribute Certain Textbooks.

Representative Connor brought HA 1 to HB 722 before the House for consideration.

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

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

HA 1 to HB 722 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Connor moved to waive the Fiscal Note on HB 722. The motion was properly seconded and adopted by voice vote.

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

Representative Connor moved to place HB 722 w/HA 1 on the Speaker's table. The motion was seconded by Representative McBride and adopted by voice vote.

Representative Harrington brought SB 277, sponsored by Senator Murphy & Representative Matushefske, before the House for consideration.

SB 277 - An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to Reserve Requirements.

The roll call on SB 277 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Smith, Vernon, Mr. Speaker Riddagh - 30.

NO: Representatives Maxwell, West - 2.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Ambrosino, Gilligan, Holloway, Matushefske, Plant, Powell, Sincock, Van Sciver - 8.

Therefore, having received a constitutional majority, SB 277 was returned to the Senate.

Representative Harrington brought SB 278, sponsored by Senator Murphy & Representative Matushefske, before the House for consideration.

SB 278 - An Act to Amend Chapter 9, Title 5, Delaware Code, Pertaining to Regulations Governing Business of Banks and Trust Companies.

The roll call on SB 278 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Darling, Fallon, Ferguson, Free, George, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Smith, Vernon, Mr. Speaker Riddagh - 29.

NO: Representative Maxwell - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Ambrosino, Connor, Gilligan, Holloway, Matushefske, Plant, Powell, Sincock, Van Sciver, West - 10.

Therefore, having received a constitutional majority, SB 278 was returned to the Senate.

Representative Harrington brought SB 280, sponsored by Senator Murphy & Representative Matushefske, before the House for consideration.

SB 280 - An Act to Amend Chapter 9, Title 5, Delaware Code, Relating to Reserve Requirements.

The roll call on SB 280 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gordy, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Roy, Smith, Vernon, West, Mr. Speaker Riddagh - 31.

NO: Representative Maxwell - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Ambrosino, Gilligan, Holloway, Matushefske, Plant, Powell, Sincock, Van Sciver - 8.

Therefore, having received a constitutional majority, SB 280 was returned to the Senate.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 513 w/SA 1, HCR 134, SB 477, SB 478, HB 626.

Representative Maxwell requested that his name be removed as a co-sponsor of SB 209.

In concurrence with SCR 66, Mr. Speaker Riddagh appointed Representatives Smith, Hebner and Ferguson to the Committee to Develop a Plan for the Housing of Severely Handicapped Citizens.

Representative Oberle introduced HB 986, co-sponsored by Representative Neal.

HB 986 - An Act to Amend Chapter 18, Title 16 Delaware Code Relating to Solid Waste: Management, Storage, Collection and Disposal.

Mr. Speaker assigned HB 986 to the Environmental Control Committee.

Representative Fallon introduced HB 987, co-sponsored by Representatives Free, Neal, Smith, Powell, Connor, Roy, Maroney, Cathcart, Hebner, T. Brady, Van Sciver, W. Brady & Anderson.

HB 987 - An Act to Amend Chapter 94, Title 29 of the Delaware Code, Relating to the Delaware Energy Office, to Provide Financial Incentives for the Development of Renewable Sources of Energy and Making a Supplemental Appropriation to the Delaware Energy Office for the Operation of Such a Program. (3/5 bill)

Mr. Speaker assigned HB 987 to the Natural Resources Committee.

Representative T. Brady introduced and brought HR 208 before the House for consideration.

HR 208 - Congratulating Sharon and Rudolph Ali, Owners of the Ali Baking Company of Wilmington, Upon Their Selection for the Small Business of the Year for Delaware.

HR 208 was adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

Transportation: HB 936 - 6M; HB 960 - 6M; HB 962 - 6M; SB 256 w/SA 1 - 5M.

Corrections: HB 946 - 5M; SB 491 - 5M; SB 492 - 5M.

Ethics & House Administration: HB 923 - 4F, 1M.

Representative Burris moved to recess to the call of the Chair at 5:30 p.m.

34th LEGISLATIVE DAY
Second Session
May 20, 1980

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

Representative Smith introduced and brought HCR 135 before the House for consideration.

HCR 135 - Congratulating Charlotte Shedd Upon Her Selection as Americanism Medal Winner of the National Society, Daughters of the American Revolution.

HCR 135 was adopted by voice vote and sent to the Senate for concurrence.

Representative West introduced and brought HR 209 before the House for consideration.

HR 209 - Requesting the Members of the Delaware Congressional Delegation to Work for Approval of an Interim Policy to Restrict Immigration by Supporting Senate Concurrent Resolution No. 94 of the Congress of the United States.

The roll call on HR 209 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Powell, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 32.

NO: Representative Neal - 1.

ABSENT: Representatives T. Brady, Free, Hebner, Matushefske, Plant, Roy, Sincock, Smith - 8.

Therefore, having received a constitutional majority, HR 209 was adopted.

Representative Neal introduced and brought HCR 136, co-sponsored by Representatives Roy, Ferguson, Powell, Gilligan & Senator Arnold, before the House for consideration.

HCR 136 - Commending the Wilmington Medical Center for Its Efforts Toward Increasing Health Care in New Castle County by Plan Omega.

Representative Holloway moved to place HCR 136 on the Speaker's table. The motion was seconded by Representative Smith.

The roll call on the motion was taken and revealed:

YES: Representatives Holloway, Jonkiert, Loughney, Smith - 4.

NO: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Ferguson, Free, Gilligan, Harrington, Hebner, Maroney, McBride, McKay, Minner, Neal, Oberle, Petrilli, Powell, Roy, Van Sciver, Vernon, Mr. Speaker Riddagh - 24.

NOT VOTING: Representatives Bennett, Clendaniel, Morris - 3.

ABSENT: Representatives Ambrosino, Darling, Fallon, George, Gordy, Matushefske, Maxwell, Plant, Sincock, West - 10.

Therefore, not having received a constitutional majority, the motion was declared defeated and HCR 136 remained before the House.

HCR 136 was adopted by voice vote.

The Majority Leader moved to adjourn at 2:22 p.m., thereby ending the previous legislative day. The House reconvened at 2:23 p.m. A prayer was offered by Reverend William Bowers, Calvary United Presbyterian Church, Wilmington, DE.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 988 - MARONEY; SENATOR ZIMMERMAN - JUDICIARY & CONSTITUTION: An Act to Amend Title 13 of the Delaware Code Relating to Domestic Relations; and Providing for a Uniform Parentage Act.

HB 989 - GILLIGAN - APPROPRIATIONS: An Act to Provide a 9.5 Percent Increase in the Pension Paid to Former Employees of the State and Providing an Appropriation Therefor.

HB 990 - BURRIS - ETHICS & HOUSE ADMINISTRATION: An Act Making a Supplemental Appropriation to the State Employees Pension Trust Fund Pursuant to the Provision of Section 5544 (g), Chapter 55, Title 29, Delaware Code (3/5 bill)

HB 991 - BURRIS - ETHICS & HOUSE ADMINISTRATION: An Act Making a Supplemental Appropriation to the State Treasurer for the Purpose of Providing Funds to Pay Social Security Contributions for Two Months as Required by the Change in Social Security Regulations Requiring Deposits on a Monthly Basis Rather Than on a Quarterly Basis. (3/5 bill)

HA 1 to HB 880 - VAN SCIVER - AGING: Placed with the bill.

SB 320 w/SA 1,2,3,4 - HOLLOWAY, MC DOWELL; REPRESENTATIVES HOLLOWAY, GILLIGAN - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 15, Title 15, Delaware Code Relating to Registration Officers.

SB 467 - KEARNS - JUDICIARY & CONSTITUTION: An Act to Amend Section 37, Article IV of the Constitution of the State of Delaware Relating to the Judiciary; and Providing for a Commission on Judicial Performance. (2/3 bill)

SB 477 - SHARP, WEISS - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Term of the Office of Sheriff. (2/3 bill)

SB 478 - WEISS, SHARP - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 21, Title 10 of the Delaware Code Relating to the Office of Sheriff.

SB 513 w/SA 1 - MURPHY; REPRESENTATIVE HARRINGTON - BANKING & INSURANCE: An Act to Amend Chapter 42, Title 18, Delaware Code Relating to the Identification of the Principal Place of Business When Recovering Claims From an Insurer.

SB 538 - HUGHES, ADAMS - PUBLIC SAFETY: An Act to Amend Chapter 7, Title 21 of the Delaware Code to Prohibit the Payment of Motor Vehicle Fines by Mail for Minors.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 538, SB 467, SB 551.

Representative Holloway introduced and brought HR 210 before the House for consideration.

HR 210 - Commending Miss Delores Tatman and the Black Dupont Company Employees Association for Sponsoring Their Ninth Annual Career Conference on Saturday, May 10, 1980.

HR 210 was adopted by voice vote.

Mr. Speaker re-assigned HB 990, 991 to the Appropriations Committee.

Representative West brought HB 816 - HA 1,2, co-sponsored by Representatives Bennett, Ferguson, Neal, Free, McBride, Roy, Maxwell, Holloway, Darling, George, Cain, Plant, Cathcart, Maroney, Gilligan, Van Sciver, Sincok, Gordy, Ambrosino, Jonkiert, Loughney & Powell, before the House for consideration.

HB 816 - An Act to Amend Chapters 5, 7 and 13 of Title 7 of the Delaware Code Relating to Possession or Setting of Certain Traps and Penalties Therefore; and for the Creation of a Wildlife Theft Prevention Fund. (2/3 bill)

Representative Vernon requested that HA 1 to HB 816 be stricken.

Representative Vernon brought HA 2 to HB 816 before the House for consideration. HA 2 was adopted by voice vote.

Representative Vernon brought HA 3 to HB 816 before the House for consideration.

Representative Vernon requested that the following letter be made a part of the record.

May 13, 1980

The Honorable William H. Vernon
House of Representatives
Legislative Hall
Dover, DE 19901

Dear Representative Vernon:

In reference to your request concerning the position of the Division of Fish and Wildlife with respect to a total ban on the use of 220 Conibear traps in Delaware, this Division does not support the total ban of 220 Conibears in the State of Delaware for the following reasons:

1. The 220 Conibear was designed as an alternative to the use of a drowning set for a foot trap.
2. The area in which the 220 Conibear is allowed to be used; to wit, tidal marshes east of Route 13 in Kent and New Castle Counties, has not been a problem area with catching dogs.

The area in which we have a problem is that the fine for the illegal use of these traps is too low and should be raised.

Your amendment is consistent with established Division policy (a copy of the regulation is attached).

Sincerely,
William C. Wagner II
Director

WCW:jsy

Enc.

Representative Burris moved to recess for committee meetings at 2:45 p.m.

The House reconvened at 4:25 p.m.

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

The roll call on HA 3 to HB 816 was taken and revealed:

YES: Representatives Ambrosino, Free, Gilligan, Hebner, McKay, Petrilli, Powell, Roy, Sincok, Smith, Vernon, Mr. Speaker Riddagh - 12.

NO: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gordy, Harrington, Holloway, Jonkiert, Loughney, Maroney, McBride, Morris, Neal, Plant, Van Seiver, West - 25.

ABSENT: Representatives Matushefske, Maxwell, Minner, Oberle - 4.

Therefore, not having received a constitutional majority, HA 3 to HB 816 was declared defeated.

The roll call on HB 816 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Seiver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 816 w/HA 2 was sent to the Senate for concurrence.

Representative Gilligan brought HB 792 before the House for consideration.

HB 792 - An Act to Make a Supplementary Appropriation to the Cranston Heights Fire Company for the Maintenance and Operation of a Rescue Truck. (3/4 bill)

The roll call on HB 792 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority of at least three-fourths members of the House, HB 792 was sent to the Senate for concurrence.

Representative Sincock moved to suspend the rules which interfere with introduction of and action on SJR 46. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Sincock introduced and brought SJR 46, sponsored by Senators Cordrey & Berndt, before the House for consideration.

SJR 46 - Revising the Official Estimate of General Fund Revenues for the Fiscal Year Ending June 30, 1980.

The roll call on SJR 46 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Matushefske, Vernon - 2.

Therefore, having received a constitutional majority, SJR 46 was returned to the Senate.

Representative Harrington brought SB 276, sponsored by Senator Murphy & Representative Matushefske, before the House for consideration.

SB 276 - An Act to Amend Chapters 7 and 9 of Title 5, Delaware Code, Relating to Bank Branches.

Representative Harrington requested and was granted the privilege of the floor for State Banking Commissioner, Mr. John Malarkey.

The roll call on SB 276 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 33.

NO: Representative Morris - 1.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Ambrosino, Cain, Gordy, Hebner, Matushefske, West - 6.

Therefore, having received a constitutional majority, SB 276 was returned to the Senate.

Representative Petrilli brought HB 616, co-sponsored by Representatives McKay, Sincock, Riddagh, Connor, Hebner, Smith, Oberle, Maroney & Fallon, before the House for consideration.

HB 616 - An Act to Amend Chapter 7, Title 29 of the Delaware Code, Relating to the Remuneration of Members of the General Assembly From Grant-in-Aid Funds.

Representative Petrilli brought HA 1 to HB 616 before the House for consideration.

Representative Burris moved to recess at 5:05 p.m.

The House reconvened at 5:09 p.m.

Representative Petrilli requested that HA 1 to HB 616 be stricken.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Petrilli moved to place HB 616 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Gilligan moved to lift HB 182 - HA 1,2,3,4 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 182 - An Act to Amend Chapter 35, Title 24, Delaware Code, Relating to the Practice of Psychology.

Representative Burris moved to place HA 1 to HB 182 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Gilligan brought HA 2 to HB 182 before the House for consideration. HA 2 was adopted by voice vote.

Representative Burris brought HA 3 to HB 182 before the House for consideration. HA 3 was adopted by voice vote.

Representative McKay brought HA 4 to HB 182 before the House for consideration. HA 4 was adopted by voice vote.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Harry Loveless of the Board of Examiners for Psychologists.

Representative Gilligan moved to place HB 182 w/HA 2,3,4 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Morris brought HB 621 before the House for consideration.

HB 621 - An Act to Amend Chapter 34, Part I, Title 14 of the Delaware Code, Relating to Financial Assistance for Higher Education; and Providing Certain Educational Benefits for Members of the Delaware National Guard.

Representative Morris brought HA 1 to HB 621 before the House for consideration. HA 1 was adopted by voice vote.

Representative Morris requested and was granted the privilege of the floor for Adjutant General Francis A. Ianni, Delaware National Guard.

The roll call on HB 621 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Free, Matushefske, Neal - 3.

Therefore, having received a constitutional majority, HB 621 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli introduced and brought HCR 137, co-sponsored by Representatives Anderson, Maxwell, Sincock, Gilligan, McKay, Fallon, Neal, Cathcart, Van Sciver, McBride, Free; Senators Hughes & Marshall, before the House for consideration.

HCR 137 - Directing Agencies of the State Not to Send Annual Reports to Members of the General Assembly Unless so Requested.

HCR 137 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle introduced HB 992, co-sponsored by Representatives Cain, Gilligan, Powell, Loughney, Anderson, Roy, Plant, Maxwell, Cathcart; Senators Kearns & Cicione.

HB 992 - An Act to Amend Chapter 13, Title 19 and Chapter 40, Title 14 of the Delaware Code Relating to the Right of Public Employees to Organize.

Mr. Speaker assigned HB 992 to the Labor & Commerce Committee.

Representative Anderson introduced HB 993, co-sponsored by Representatives W. Brady, Ferguson, Oberle, Neal; Senators Martin & Hale.

HB 993 - An Act to Make an Appropriation for a Grant-in-Aid to the City of Newark for the Purchase of Two (2) Diesel Passenger Buses to be Operated as Part of the "Uni-City Transportation System". (3/4 bill)

Mr. Speaker assigned HB 993 to the Appropriations Committee.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 687 - 7M; HB 914 - 8M; HB 745 - 2M, 6UF; HB 767 - 8M; HB 847 - 6M.

Community Affairs & Economic Development: SB 386 w/SA 1,2 - 5M; HB 827 - 6M; HB 809 - 5M; HB 810 - 5M.

Ethics & House Administration: HB 971 - 2F, 3M.

Environmental Control: HB 890 - 1F, 3M; HB 891 - 1F, 3M.

Banking & Insurance: HB 941 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 559 w/SA 2, SCR 81, SJR 46, HCR 135, HCR 136.

Representative Burris moved to recess to the call of the Chair at 6:50 p.m.

35th LEGISLATIVE DAY
Second Session
May 21, 1980

The Speaker called the House to order at 2:03 p.m.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m. A prayer was offered by Representative Morris, Thirty-Fourth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 994 - T. BRADY, GILLIGAN, PETRILLI, NEAL - ETHICS & HOUSE ADMINISTRATION: An Act Creating a Special Fund in the State Treasury to be Known as the School Building Rehabilitation Fund and Appropriating Funds for This Purpose.

HB 995 - CAIN - LABOR & COMMERCE: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for Prohibition Against Certain Pricing Practices.

HB 996 - VERNON - BANKING & INSURANCE: An Act to Amend Subchapter I, Chapter 49, Title 10, of the Delaware Code Relating to Exemptions in Bankruptcy.

HB 997 - WEST - APPROPRIATIONS: An Act to Make an Appropriation to the Department of Transportation for the Installation of Traffic Signs at the Stockley Center Near Georgetown.

HB 998 - CONNOR - REVENUE & FINANCE: An Act to Amend Part V, Title 9 of the Delaware Code Relating to County Taxes; and Providing for a Truth-in-Taxation Act.

HB 999 - CONNOR, CATHCART, FALLON, OBERLE, VAN SCIVER, ANDERSON, JONKIERT, LOUGHNEY, MAXWELL, MC BRIDE, PLANT - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Pay Increases for State Employees.

HB 1000 - CONNOR - EDUCATION: An Act to Amend Chapter 17, Part I, Title 14 of the Delaware Code Establishing Supplementary Pupil Units for Elementary Guidance, Art, Music, Library and Physical Education Programs.

HB 1001 - CONNOR - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 64, Part VII, Title 7 of the Delaware Code Relating to Certain Fees and Charges Paid to the Delaware Solid Waste Authority.

HB 1002 - GILLIGAN, SINCOCK - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 68, Title 16, Del. C. Relating to the Exemption of Persons From Liability When Rendering Emergency Care.

HB 1003 - LOUGHNEY, ANDERSON, JONKIERT - TRANSPORTATION: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Modifications of Adjusted Gross Income for Purposes of the Personal Income Tax.

HB 1004 - ROY - TRANSPORTATION: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Motor Fuel Taxes, by Establishing a Department of Transportation Improvements Fund to be Funded by the Motor Vehicle Fuel Tax.

HB 1005 - CONNOR - EDUCATION: An Act to Amend Section 1326, Title 14 of the Delaware Code Relating to Salaries for Substitute Teachers and Nurses.

HB 1006 - CONNOR, FREE, AMBROSINO, MC KAY, VAN SCIVER, NEAL, SINCOCK; SENATOR MC DOWELL - EDUCATION: An Act to Amend Title 14 of the Delaware Code Rescinding Statutory Authority for a Non-Operational Commission and Providing for the Statutory Creation of Its Successor Agency, the Delaware Postsecondary Education Commission.

HB 1007 - W. BRADY, GORDY, MAXWELL, FERGUSON, MC BRIDE, DARLING, ANDERSON - LABOR & COMMERCE: An Act Making an Appropriation to the Department of Labor for Payments to Employees Who Worked Overtime Under a Federal Government Safety Program.

HJR 37 - CONNOR - PUBLIC SAFETY: Establishing a Legislative Committee to Assess Present Motor Vehicle Inspection Facilities and Procedures, and to Study the Feasibility of Implementing Vehicle Inspection Techniques Not Presently Utilized in Delaware.

HA 1 to HB 404 - MAXWELL - Placed with the bill. (Laid on the Table)

HA 3 to HB 511 - T. BRADY - Placed with the bill. (Ready List)

HA 2 to HB 722 - SMITH, MINNER - Placed with the bill. (Laid on the Table)

HA 5 to HB 911 - LOUGHNEY - Placed with the bill. (Laid on the Table)

HA 1 to HB 954 - VAN SCIVER - TRANSPORTATION: Placed with the bill.

HA 1 to SS 1 for SB 109 - MINNER - Placed with the bill. (Laid on the Table)

HA 1 to SB 320 - GILLIGAN - ETHICS & HOUSE ADMINISTRATION: Placed with the bill.

SB 551 - MC DOWELL, COOK, WEISS, SHARP; REPRESENTATIVES MINNER, FERGUSON, ROY - ETHICS & HOUSE ADMINISTRATION: An Act Making a Supplemental Appropriation to Legislative Council, Office of Research Director; for the Purpose of Employing Professional and Para-Professional Staff to Assist Standing Committees of the General Assembly.

SB 559 w/SA 2 - CORDREY, ADAMS, ARNOLD, BERNDT, CICIONE, COOK, HALE, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MARTIN, MC DOWELL, MURPHY, WEISS, ZIMMERMAN; REPRESENTATIVES AMBROSINO, ANDERSON, BENNETT, T. BRADY, CAIN, CATHCART, CLENDANIEL, DARLING, FALLON, GEORGE, GILLIGAN, GORDY, HARRINGTON, HEBNER, HOLLOWAY, JONKIERT, MARONEY, MAXWELL, MC BRIDE, MC KAY, OBERLE, PETRILLI, PLANT, POWELL, ROY, SINCOCK, VAN SCIVER, VERNON - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: An Act to Amend Chapter 70, Title 6 Delaware Code, Relating to Economic Development, by Repealing That Chapter and Enacting a New Chapter 70 Creating the Delaware Economic Development Authority; Authorizing Such Authority to Issue Bonds for Industrial, Commercial, Agricultural and Pollution Control Projects; Authorizing Such Authority to Pledge the Full Faith and Credit of the State to the Payment of Certain Bonds of Such Authority; and Granting Certain Additional Powers to Such Authority. (3/4 bill)

SCR 81 - SHARP, KEARNS, MARTIN; REPRESENTATIVES FERGUSON, GILLIGAN, CAIN, ANDERSON - ETHICS & HOUSE ADMINISTRATION: Extending Congratulations to the Wilmington Medical Center and the Suburban-County Hospital Task Force on the Positive Decision Regarding Plan Omega Rendered by the United States District Court on Tuesday, May 13, 1980.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 131.

In compliance with the provisions of Rule 20 (d) of the Temporary Rules of the House of Representatives, I, Edward J. Bennett, do hereby request that my name be removed as Sponsor/Co-Sponsor of HB 723. 5/20/80.

Mr. Speaker Riddagh appointed Representative Hebner as Acting Speaker for the purpose of bringing HB 951 before the House for consideration.

Representative Riddagh brought HB 951 before the House for consideration.

HB 951 - An Act to Amend Chapter 138, Volume 41, Laws of Delaware, Relating to the Town of Clayton; and Providing for the Power to Borrow Money When an Emergency Arises. (2/3 bill)

Mr. Acting Speaker Hebner declared a recess for the purpose of changing the recording tape at 2:20 p.m.

The House reconvened at 2:24 p.m.

The roll call on HB 951 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

ABSENT: Representatives Darling, Gordy, Holloway, Matushefske, Maxwell, Plant - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 951 was sent to the Senate for concurrence.

Representative George brought SB 350, co-sponsored by Senator Cicione, before the House for consideration.

SB 350 - An Act to Aid WHYY, Inc. Engaged in Educating the People of This State by Making an Appropriation Therefor. (3/4 bill)

The roll call on SB 350 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

ABSENT: Representatives Gordy, Holloway, Matushefske, Plant - 4.

Therefore, having received a constitutional majority of at least three-fourths members of the House, SB 350 was returned to the Senate.

Representative Cathcart brought HB 791 before the House for consideration.

HB 791 - An Act Amending Title 28 of the Delaware Code Relating to Bingo Limitations and Regulations.

Representative Cathcart brought HA 1 to HB 791 before the House for consideration. HA 1 was adopted by voice vote.

Representative Cathcart moved to suspend all necessary rules which interfere with action on HB 791 w/HA 1. The motion was seconded by Representative Fallon and adopted by voice vote.

The roll call on HB 791 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, Cathcart, Connor, Fallon, Free, George, Gilligan, Harrington, Hebner, Jonkiert, Maroney, McBride, Oberle, Powell, Roy, Sinecock, Smith, Van Sciver, Mr. Speaker Riddagh - 21.

NO: Representatives W. Brady, Burris, Cain, Clendaniel, Darling, Ferguson, McKay, Minner, Morris, Neal, Petrilli, Vernon, West - 13.

NOT VOTING: Representatives Anderson, Gordy, Loughney, Maxwell - 4.

ABSENT: Representatives Holloway, Matushefske, Plant - 3.

Therefore, having received a constitutional majority, HB 791 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess for committee meetings at 2:40 p.m.

The House reconvened at 4:02 p.m.

Representative Harrington brought SB 193 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 193 - An Act to Amend Chapter 27, Title 5, Delaware Code, Relating to Cashing of Checks, Drafts or Money Orders.

Representative Harrington moved to place SB 193 w/SA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Fallon brought HB 961, co-sponsored by Senator Littleton, before the House for consideration.

HB 961 - An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford." (2/3 bill)

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

Representative Jonkiert moved to adjourn.

The roll call on the motion was taken and revealed:

YES: Representatives Jonkiert, McBride, West - 3.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sinecock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 36.

ABSENT: Representatives George, Matushefske - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated.

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

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

The roll call on HB 961 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Cathcart, Matushefske - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 961 was sent to the Senate for concurrence.

Representative Darling brought HB 732, co-sponsored by Representatives Riddagh, West, Morris & Ambrosino, before the House for consideration.

HB 732 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Penalties for Distributing Drugs to Persons Under 18 Years of Age, by Providing Mandatory Jail Sentences for Those Distributing Drugs to Persons Under 16 Years of Age and 14 Years of Age. (2/3 bill)

Representative Darling moved to place HB 732 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Free moved to lift HB 911 w/HA 3 - HA 5 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Loughney brought HA 5 to HB 911 before the House for consideration.

The roll call on HA 5 was taken and revealed:

YES: Representatives Anderson, W. Brady, Burris, Clendaniel, Connor, Ferguson, Gordy, Hebner, Holloway, Jonkiert, Loughney, McKay, Neal, Petrilli, Plant, West, - 16.

NO: Representatives Ambrosino, Bennett, T. Brady, Cain, Cathcart, Darling, Fallon, Free, Gilligan, Harrington, Maroney, Maxwell, McBride, Minner, Morris, Oberle, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 23.

ABSENT: Representatives George, Matushefske - 2.

Therefore, not having received a constitutional majority, HA 5 to HB 911 was declared defeated.

Representative Neal brought HA 6 to HB 911 before the House for consideration.

Representative W. Brady requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Ambrosino moved to place HA 6 to HB 911 on the Speaker's table. The motion was seconded by Representative Free.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Bennett, Burris, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Harrington, Jonkiert, Maroney, Maxwell, McBride, Minner, Oberle, Plant, Powell, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 25.

NO: Representatives Anderson, T. Brady, W. Brady, Cain, Clendaniel, Gordy, Hebner, Loughney, McKay, Morris, Neal, Petrilli - 12.

ABSENT: Representatives Holloway, Matushefske, Roy, West - 4.

Therefore, having received a constitutional majority, HA 6 to HB 911 was placed on the Speaker's table.

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

The roll call on HB 911 w/HA 3 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Cathcart, Connor, Fallon, Ferguson, Free, George, Gilligan, Hebner, Jonkiert, Maroney, Maxwell, McBride, Oberle, Powell, Sincock, Smith, Van Sciver, Mr. Speaker Riddagh - 20.

NO: Representatives Anderson, Bennett, W. Brady, Burris, Cain, Clendaniel, Darling, Gordy, Harrington, Loughney, McKay, Minner, Morris, Neal, Vernon, West - 16.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Holloway, Matushefske, Petrilli, Roy - 4.

Therefore, not having received a constitutional majority of at least two-thirds members of the House, HB 911 w/HA 3 was declared defeated.

Representative Sincock introduced HB 1008, co-sponsored by Representatives McKay, Maroney, George, Gilligan, T. Brady, Cain, Powell, Plant, Jonkiert, Ambrosino, Holloway, W. Brady; Senators Holloway, Spence & Hughes.

HB 1008 - An Act to Authorize New Castle County to Sell Certain Land to the City of Wilmington Without Competitive Bidding.

Mr. Speaker assigned HB 1008 to the Administrative Services & Energy Committee.

Representative Harrington introduced HB 1009, co-sponsored by Representatives Neal, Powell, Maroney, Van Sciver, Smith, Clendaniel & Riddagh.

HB 1009 - Amend Title 30, Chapter 11, of the Delaware Code Relating to Exemption of Savings Income From the State Personal Income Tax.

Mr. Speaker assigned HB 1009 to the Revenue & Finance Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 469 w/SA 3, HCR 137.

The Chief Clerk read the following Committee Reports into the record:

Health & Social Services: HB 408 - HA 1 - 6M; HB 934 - 1F, 4M; HB 926 - 1F, 5M; HB 856 - 5M.

Public Safety: HB 973 - 2F, 4M, 1UF; HB 713 - 1F, 5M.

Judiciary & Constitution: HB 920 - 1F, 3M; HB 913 - 4M; HB 870 - 4M; HB 869 - 4M; HB 627 - 4M; HB 563 - 4M.

Aging: HB 880 - HA 1 - 2F, 3M.

Appropriations: HB 990 - 2F, 7M; HB 991 - 2F, 7M.

Labor & Commerce: HB 163 - 4M.

Mr. Speaker re-assigned HB 191, HB 801 to the Ethics & House Administration Committee.

Mr. Speaker Riddagh appointed Representatives Maroney, Neal and Gilligan to an Ad Hoc Committee to study the effects of gambling on the poor. The Committee will report to the House on January 15, 1981.

Mr. Speaker re-assigned HB 994 to the Appropriations Committee.
Representative Burris moved to recess to the call of the Chair at
6:04 p.m.

36th LEGISLATIVE DAY
Second Session
May 22, 1980

The Speaker called the House to order at 2:04 p.m.

Mr. Speaker re-assigned HB 930 to the Ethics & House Administration Committee.

Mr. Speaker re-assigned HB 527, HB 823 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the previous legislative day. The House reconvened at 2:09 p.m. A prayer was offered by Bishop Paul Kellogg, Christ Episcopal Church, Dover, DE.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Ferguson, Matushefske, Maxwell

- 3.

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

The following prefiled legislation was introduced:

HB 1010 - WEST - TRANSPORTATION: An Act Making an Appropriation to the Department of Transportation for the Construction of a Concrete Sidewalk and Replacement of a Deteriorated Guard Rail at the Phillip Showell School in Selbyville.

HB 1011 - WEST - APPROPRIATIONS: An Act Making an Appropriation to the Division of Economic Development of the Department of Economic Development and Community Affairs for the Promotion of the Recreational Assets of Sussex County.

HB 1012 - T. BRADY, VAN SCIVER, NEAL, MARONEY, JONKIERT, LOUGHNEY - PUBLIC SAFETY: An Act to Amend Title 21, Chapter 41, Section 4177 of the Delaware Code, the Driving Under the Influence Law, to Provide for a Penalty for Violation of a Conditional License.

HB 1013 - BURRIS - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 59, Title 29, Delaware Code Relating to Promotion Within the Classified Service.

HB 1014 - MC KAY, FALLON, MARONEY - JUDICIARY & CONSTITUTION: An Act to Amend Article 2, Section 2 of the Constitution of the State of Delaware by Limiting the Number of Terms a Member Can be Elected to the House of Representatives or to the Senate. (2/3 bill)

HB 1015 - MC BRIDE; SENATOR MARSHALL - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 27, Title 24 of the Delaware Code, Relating to the Composition of the Board of Registration for Professional Land Surveyors.

HB 1016 - BENNETT - SCHOOL FINANCING: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Employment Formula and Salary Schedules for Certain Professional Personnel Employed by the School District; and Further Providing a Supplementary Appropriation Therefor. (3/5 bill)

HB 1017 - VERNON; SENATORS CORDREY & MURPHY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 1, Title 22 Relating to General Provisions for Municipalities.

HB 1018 - VERNON, MINNER; SENATORS BERNDT, ZIMMERMAN - ENVIRONMENTAL CONTROL: An Act to Amend Title 7, Delaware Code, by Adding Chapter 63, Relating to the Regulation of Hazardous Waste; Providing for the Imposition of Duties on the Department of Natural Resources and Environmental Control; Prescribing Penalties and Further Providing for Enforcement of the Act.

HA 1 to HB 827 - VERNON - Placed with the bill. (Ready List)

HA 1 to HB 847 - GEORGE, SINCOCK, GILLIGAN; SENATORS COOK, HOLLOWAY - Placed with the bill. (Ready List)

HA 1 to HB 970 - BENNETT - APPROPRIATIONS: Placed with the bill.

SS 1 for SB 416 w/SA 1,2,3 - HOLLOWAY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 24, Delaware Code by Establishing a Board of Sanitarian Registration, to Establish Powers and Duties of Said Board, to Provide for the Examination and Registration of Sanitarians, to Establish a Schedule of Fees for Sanitarian Registration, and to Authorize Expenditure of Fees Collected by Said Board. (2/3 bill)

HA 1 to SB 559 - SMITH - COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 416 w/SA 1,2,3.

Representative Oberle introduced and brought HCR 138, co-sponsored by Representatives Cathcart, Roy, Powell, Vernon, Petrilli, Hebner, Harrington, Connor, Van Sciver, Ambrosino, Cain, Ferguson; Senators Sharp, Arnold, Hughes, Littleton, Spence, Cicione & Martin, before the House for consideration.

HCR 138 - Requesting Notice to Parents When Curricular Offerings in Sex Education are Made in Certain Grades of the Public Schools.

HCR 138 was adopted by voice vote and sent to the Senate for concurrence.

Representative Van Sciver introduced and brought HCR 139, co-sponsored by Representatives Cathcart, Plant, Free & Senator Arnold, before the House for consideration.

HCR 139 - Requesting the Delaware Congressional Delegation to Support Senate Resolution No. 432 Which Objects to Any Taxing of Social Security Payments.

HCR 139 was adopted by voice vote and sent to the Senate for concurrence.

Representative Anderson moved to suspend the rules which interfere with action on SCR 81. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Anderson introduced and brought SCR 81, co-sponsored by Senators Sharp, Kearns, Martin; Representatives Ferguson, Gilligan & Cain, before the House for consideration.

SCR 81 - Extending Congratulations to the Wilmington Medical Center and the Suburban-County Hospital Task Force on the Positive Decision Regarding Plan Omega Rendered by the United States District Court on Tuesday, May 13, 1980.

SCR 81 was adopted by voice vote and returned to the Senate.

Representative Oberle introduced and brought HR 211, co-sponsored by Representative Neal, before the House for consideration.

HR 211 - Urging the New Castle County School District to Reconsider the Transfer of Building Principals for the School Year 1980 to 1981.

The roll call on HR 211 was taken and revealed:

YES: Representatives Anderson, Harrington, Hebner, Neal, Oberle, Vernon - 6.

NO: Representatives Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Free, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Petrilli, Plant, Powell, Roy, Sincock, Van Sciver, Mr. Speaker Riddagh - 27.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representatives Ambrosino, Cain, Ferguson, Matushefske, Maxwell, Smith, West - 7.

Therefore, not having received a constitutional majority, HR 211 was declared defeated.

Mr. Speaker re-assigned HB 598 to the Appropriations Committee.

Representative Burris moved to recess for caucus and committee meetings at 2:55 p.m.

The House reconvened at 4:05 p.m.

Mr. Speaker re-assigned HB 930 to the Administrative Services & Energy Committee.

Representative Maroney requested that her name be removed as a sponsor of HB 950.

Representative Free brought HB 638 before the House for consideration.

HB 638 - An Act to Amend Chapter 43, Title II of the Delaware Code, Relating to Sentencing.

Representative Free moved to place HB 638 on the Speaker's table. The motion was seconded by Representative McBride and adopted by voice vote.

Representative T. Brady brought SB 212 w/SA 1, sponsored by Senator Kearns, before the House for consideration.

SB 212 - An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware Relating to the Judiciary; and Permitting Certain Former State Judges and Former Justices of the Supreme Court to Return to Active Judicial Duty Under Certain Circumstances. (2/3 bill)

The roll call on SB 212 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, McBride, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

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

Therefore, having received a constitutional majority of at least two-thirds members of the House, SB 212 w/SA 1 was returned to the Senate.

Representative Free moved to lift HB 638 from the Speaker's table. The motion was seconded by Representative Neal and adopted by voice vote.

HB 638 - An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to Sentencing.

Representative Free brought HA 1 to HB 638 before the House for consideration. HA 1 was adopted by voice vote.

Representative Loughney requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Free moved to place HB 638 w/HA 1 on the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Ambrosino brought HB 221 - HA 1 before the House for consideration.

HB 221 - An Act to Amend Chapter 53, Part III, Title 25 of the Delaware Code, Relating to the Obligation of a Landlord to Supply and Maintain a Fit Rental Unit; and Providing for Adequate Heat to be Supplied to the Tenant.

Representative Ambrosino moved to place HB 221 - HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Cathcart moved to lift SS 1 for SB 109 w/SA 2 - HA 1 from the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

SB 109 - An Act to Amend Title 21, Delaware Code, Relating to Odometer Requirements.

Representative Minner brought HA 1 to SS 1 for SB 109 before the House for consideration. HA 1 was adopted by voice vote.

Representative Minner brought HA 2 to SS 1 for SB 109 before the House for consideration. HA 2 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Detective John C. Quigley and William A. Hagan of the Delaware State Police.

The roll call on SS 1 for SB 109 w/SA 2;HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

ABSENT: Representatives Ferguson, Matushefske, Maxwell, Neal, Powell - 5.

Therefore, having received a constitutional majority of at least two-thirds members of the House, SS 1 for SB 109 w/SA 2; HA 1, 2 was returned to the Senate.

Representative Anderson requested that HB 460 be stricken.

Representative Fallon requested that HB 841, HB 858, HB 860, HB 861, HB 862, HB 863 be stricken.

Representative T. Brady brought HB 849 - HA 1, co-sponsored by Representatives Maxwell, W. Brady, Morris, Petrilli, & Free, before the House for consideration.

HB 849 - An Act to Amend Chapter 9, Subchapter III, Title 10 of the Delaware Code Relating to the Family Court; Mandating a Minimum of Six (6) Months of Confined Institutional Treatment for Certain Children; Providing for a Hearing Before a Judge Before Release Subsequent to Mandatory Institutional Treatment; and Providing for an Amenability Hearing for Later Charges of a Child Who has Already Received Mandatory Institutional Treatment.

Representative T. Brady brought HA 1 to HB 849 before the House for consideration. HA 1 was adopted by voice vote.

Representative Gordy requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative T. Brady moved to place HB 849 w/HA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Roy deferred action on HB 936 to a day certain, May 27, 1980.

Representative McBride brought HB 769 - HA 1 before the House for consideration.

HB 769 - An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Competitive Bidding, by Increasing the Minimum Amount of a Contract Before Bidding is Required.

Representative McBride requested that HA 1 to HB 769 be stricken.

Representative McBride moved to suspend the rules which interfere with introduction of and action on HA 2 to HB 769. The motion was properly seconded and adopted by voice vote.

Representative McBride brought HA 2 to HB 769 before the House for consideration. HA 2 was adopted by voice vote.

Representative Connor requested and was granted the privilege of the floor for Controller General Duane Olsen.

The roll call on HB 769 w/HA 2 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Anderson, Ferguson, Loughney, Matushefske, Maxwell - 5.

Therefore, having received a constitutional majority, HB 769 w/HA 2 was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on HB 971. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative Smith brought HB 971, co-sponsored by Senator Weiss, before the House for consideration.

HB 971 - An Act to Allow George MacArthur Platz, a Non-Resident, to Marry Maryann Elizabeth Dudley, a Non-Resident.

The roll call on HB 971 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

NO: Representatives Hebner, Loughney - 2.

ABSENT: Representatives Ferguson, Matushefske, Maxwell - 3.

Therefore, having received a constitutional majority, HB 971 was sent to the Senate for concurrence.

Representative Petrilli brought HB 946, co-sponsored by Representatives T. Brady, Free, W. Brady, Holloway, Harrington; Senators Sharp, Holloway & Hughes, before the House for consideration.

HB 946 - An Act to Amend Chapter 65, Title II of the Delaware Code Relating to Work by Inmates.

Representative Holloway requested that his name be removed as a sponsor of HB 946.

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

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

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

Representative Plant requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Petrilli moved to place HB 946 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative George moved to suspend the rules which interfere with introduction of and action on a bill. The motion was properly seconded and adopted by voice vote.

Representative George introduced HB 1019, co-sponsored by Representative Van Sciver; Senators McDowell & Cicione.

HB 1019 - An Act to Allow Joseph Grajewski, a Non-Resident, to Marry Carol Hogan, a Non-Resident.

The roll call on HB 1019 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Maroney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

NO: Representatives Hebner, Loughney - 2.

ABSENT: Representatives Ferguson, Matushefske, Maxwell - 3.

Therefore, having received a constitutional majority, HB 1019 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HB 946 from the Speaker's table. The motion was properly seconded.

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 33.

NO: Representatives Clendaniel, Holloway, Jonkiert, Plant - 4.

ABSENT: Representatives Ferguson, Maroney, Matushefske, Maxwell - 4.

Therefore, having received a constitutional majority, the motion was adopted and HB 946 was lifted from the Speaker's table.

HB 946 - An Act to Amend Chapter 65, Title II of the Delaware Code Relating to Work by Inmates.

Representative Petrilli requested and was granted the privilege of the floor for Frederick Van Sant, Bureau of Adult Corrections.

The roll call on HB 946 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Fallon, Free, George, Gordy, Harrington, Hebner, Loughney, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Vernon, West, Mr. Speaker Riddagh - 31.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Cain, Ferguson, Gilligan, Maroney, Matushefske, Maxwell, Van Sciver - 7.

Therefore, having received a constitutional majority, HB 946 was sent to the Senate for concurrence.

Representative Ambrosino introduced HB 1020.

HB 1020 - An Act to Amend Title 14 of the Delaware Code Relating to Education; and Providing for the Organization, Governance and Financing of School Districts.

Mr. Speaker assigned HB 1020 to the Education Committee.

Representative Ambrosino introduced HB 1021.

HB 1021 - An Act to Amend Title 28 and Title 29 of the Delaware Code Relating to Activities Involving Gambling and Gaming.

Mr. Speaker assigned HB 1021 to the Judiciary & Constitution Committee.

Representative Loughney requested that the following letter be made a part of the record:

May 22, 1980

Representative William H. Vernon
Chairman, Natural Resources Committee
Legislative Hall
Dover, Delaware 19901
Representative Vernon:

A meeting of the Natural Resources Committee convened on Thursday, May 15, 1980 at 5:15 p.m. in Room 103. This meeting was originally scheduled for 3:00 p.m. on the same date. Representative Minner and I received no notice of this schedule change. Accordingly, we were not in attendance at this meeting.

In the future, please inform Representative Minner and me as to when meetings of the committee will be held.

Sincerely yours,
Joseph C. Loughney
State Representative
Ruth Ann Minner
State Representative

JCL/dd

cc: The Honorable Robert W. Riddagh
Speaker of the House

Representative Petrilli introduced HB 1022, co-sponsored by Representative Vernon; Senator Cicione; Representatives T. Brady, Anderson, Free, Maroney, Bennett, Roy, Oberle, Cathart, Powell, Loughney, McBride, Jonkiert, Ambrosino, Sincok, Van Seiver, Smith, Ferguson, Maxwell, Burris, Gilligan, McKay, Connor; Senators Littleton, Arnold, Murphy, Hughes & Spence.

HB 1022 - An Act to Amend Chapter 16 of Title 24 of the Delaware Code by Providing for the Licensing of Massage Establishments, Adult Bookstores and Other Adult Entertainment Establishments.

Mr. Speaker assigned HB 1022 to the Administrative Services & Energy Committee.

Representative Bennett introduced HB 1023, co-sponsored by Representatives Darling, Morris, West, Gordy, Sincok, Powell, Vernon; Senators Cordrey & Adams.

HB 1023 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Exempting Small Trailers From the Late-Registration Renewal Fee.

Mr. Speaker assigned HB 1023 to the Public Safety Committee.

Representative Fallon introduced HB 1024.

HB 1024 - An Act to Make an Appropriation for the Improvement of the Ventilation System and Construction of a Vehicle Maintenance Area for the Department of Agriculture.

Mr. Speaker assigned HB 1024 to the Appropriations Committee.

Representative Fallon introduced HB 1025, co-sponsored by Senator Adams.

HB 1025 - An Act to Amend Chapter 23, Subchapter I, Title 19 of the Delaware Code Relating to Workmen's Compensation and Excluding Real Estate and Insurance Agents and Solicitors From Its Provisions.

Mr. Speaker assigned HB 1025 to the Labor & Commerce Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 256, HB 971, SB 563, HCR 138, HCR 139, SB 506, SB 533 w/SA 1, HB 909 w/HA 1,2; HB 673, HB 695 w/HA 2,3,4; SCR 79 w/SA 1.

5/22/80

Dear Mr. Speaker:

Please remove my name as a cosponsor of HB 950, the 1981 General Fund Budget Bill.

Sincerely,
John McKay

The Chief Clerk read the following Committee Reports into the record:

Transportation: HB 806 - 5M; HB 949 - 4M; HB 954 - HA 1 - 5M; HB 836 - HA 1 - 4M, 1UF; SB 313 w/SA 1 - 5M.

Representative Burris moved to recess to the call of the Chair at 6:53 p.m.

37th LEGISLATIVE DAY
Second Session
May 27, 1980

The Speaker called the House to order at 1:50 p.m.

Representative Harrington introduced and brought HR 212 before the House for consideration.

HR 212 - Congratulating the Dover Central Middle School Stage Band for the Program Played Today, May 27, 1980, Before the House of Representatives.

HR 212 was adopted by voice vote.

The Majority Leader moved to adjourn at 2:27 p.m., thereby ending the previous legislative day. The House reconvened at 2:28 p.m. A prayer was offered by Representative McKay, Thirteenth District.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Matushefske, Sincok - 2.

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

The following prefiled legislation was introduced:

HB 1026 - OBERLE, ROY, VAN SCIVER, CATHCART; SENATORS MC DOWELL, CICIONE - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 1, Title 26, of the Delaware Code Relating to the Funding of Activities of the Office of the Public Advocate in Public Utility and Cable Television System Rate Relief Proceedings.

HB 1027 - HEBNER; SENATOR SHARP - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 93, Title 10 of the Delaware Code Relating to Jurisdiction of the Justices of the Peace. (2/3 bill)

HB 1028 - T. BRADY; SENATOR MC DOWELL - JUDICIARY & CONSTITUTION: An Act to Appropriate Funds to the Family Court of the State of Delaware for the Purchase of Furniture and Equipment for the New Family Court Building Located at 900 King Street, Wilmington, Delaware.

HB 1029 - HEBNER; SENATOR HUGHES - JUDICIARY & CONSTITUTION: An Act to Amend Subchapter II, Title 21 of the Delaware Code Relating to Interference With Traffic Control Devices. (2/3 bill)

HA 1 to HB 828 - MINNER - Placed with the bill. (Agenda)

HA 1 to HB 977 - HEBNER - PUBLIC SAFETY: Placed with the bill. SB 506 - MURPHY; REPRESENTATIVE HARRINGTON - BANKING & INSURANCE: An Act to Amend Sections 1706 and 1715, Chapter 17 of Title 18, Delaware Code, Relative to the Licensing of Limited Representatives.

SB 533 w/SA 1 - MURPHY; REPRESENTATIVE HARRINGTON - BANKING & INSURANCE: An Act to Amend Chapters 11 and 29, Title 18, Delaware Code Relating to the Interest Rate Used for Calculating Minimum Reserves and Nonforfeiture Benefits for Life Insurance Policies and Annuity Contracts, and for Variable Contracts.

SB 563 - CORDREY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Authorize the Town of Bethany Beach to Issue Bonds to the Farmers Home Administration, U.S. Department of Agriculture, for Improvements and Additions to the Town Water Supply and Distribution System. (2/3 bill)

Representative Burris moved to recess for committee meetings at 2:33 p.m.

The House reconvened at 4:02 p.m.

Representative Jonkiert introduced and brought HR 213, co-sponsored by Representative Minner, before the House for consideration.

HR 213 - Requesting the Speaker of the House to Designate Certain Areas in the Chamber of the House of Representatives for Non-Smokers.

Representative Loughney moved to place HR 213 on the Speaker's table. The motion was seconded by Representative Cathcart and defeated by voice vote.

Representative Jonkiert moved to assign HR 213 to a committee. The motion was seconded by Representative Burris and defeated by voice vote.

Representative Jonkiert moved to place HR 213 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Harrington requested that HB 756, 757 be stricken.

Representative Minner brought HB 828 before the House for consideration.

HB 828 - An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to Composition of the Commission on the Transportation of Hazardous Materials.

Representative Minner brought HA 1 to HB 828 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 828 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Matushefske, Sincok, Smith - 3.

Therefore, having received a constitutional majority, HB 828 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 936, co-sponsored by Representative Vernon, before the House for consideration.

HB 936 - An Act to Amend Section 1108 of Title 17 of the Delaware Code Relating to Advertising and Beautification Along Highways.

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

The roll call on HB 936 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 39.

ABSENT: Representatives Matushefske, Sincock - 2.

Therefore, having received a constitutional majority, HB 936 was sent to the Senate for concurrence.

Representative Neal brought HB 881 before the House for consideration.

HB 881 - An Act to Amend Chapter 29 of Title 25 of the Delaware Code by Adding a New Section Thereto and Amending Existing Sections to Provide for the Establishment of a Lien for Taxes and Other Government Charges and Setting Forth Their Respective Priorities. (2/3 bill)

Representative Oberle requested and was granted the privilege of the floor for Thomas G. Hughes, City Solicitor, City of Newark.

The roll call on HB 881 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 34.

NO: Representative Darling - 1.

ABSENT: Representatives Anderson, Harrington, Matushefske, Plant, Sincock, West - 6.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 881 was sent to the Senate for concurrence.

Representative Bennett brought HB 842 before the House for consideration.

HB 842 - An Act to Amend Chapter 46, Title 9, Delaware Code Relating to the Time Limitation for the Kent County Levy Court to Issue Notes in Anticipation of Bond Sales.

The roll call on HB 842 was taken and revealed:

YES: Representatives Ambrosino, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

ABSENT: Representatives Anderson, Matushefske, Sincock - 3.

Therefore, having received a constitutional majority, HB 842 was sent to the Senate for concurrence.

Representative Harrington brought HB 921, co-sponsored by Representative Matushefske & Senator Murphy, before the House for consideration.

HB 921 - An Act to Amend Chapters 9, 25, 27, 33 and 38, Title 18, Delaware Code, Relating to the Offering of Solicitation, and Sale of Specified Disease Insurance Within the State of Delaware and to Residents of the State of Delaware.

Representative Harrington moved to place HB 921 on the Speaker's table. The motion was seconded by Representative T. Brady and adopted by voice vote.

Representative T. Brady moved to lift HB 849 w/HA 1 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

HB 849 - An Act to Amend Chapter 9, Subchapter III, Title 10 of the Delaware Code Relating to the Family Court; Mandating a Minimum of Six (6) Months of Confined Institutional Treatment for Certain Children; Providing for a Hearing Before a Judge Before Release Subsequent to Mandatory Institutional Treatment; and Providing for an Amenability Hearing for Later Charges of a Child Who has Already Received Mandatory Institutional Treatment.

Representative T. Brady brought HA 2 to HB 849 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 849 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

NO: Representative Plant - 1.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Jonkiert, Matushefske, Sincok - 3.

Therefore, having received a constitutional majority, HB 849 w/HA 1,2 was sent to the Senate for concurrence.

Representative Plant introduced and brought HCR 140, co-sponsored by Representative Riddagh, before the House for consideration.

HCR 140 - Providing for the Selection of a Committee to Study the Need for and Feasibility of Legislation Establishing an Elective Judicial System.

Representative T. Brady requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

The roll call on HCR 140 was taken and revealed:

YES: Representatives Ambrosino, Anderson, W. Brady, Cathcart, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Harrington, Holloway, Jonkiert, Loughney, Maxwell, McBride, McKay, Minner, Morris, Oberle, Petrilli, Plant, Powell, Roy, Van Sciver, West, Mr. Speaker Riddagh - 27.

NO: Representatives Bennett, T. Brady, Burris, Cain, Fallon, Free, George, Hebner, Maroney, Neal, Smith - 11.

ABSENT: Representatives Matushefske, Sincock, Vernon - 3.

Therefore, having received a constitutional majority, HCR 140 was sent to the Senate for concurrence.

Representative Loughney moved to reinstate HB 911 w/HA 3. The motion was seconded by Representative Hebner.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, T. Brady, Cathcart, Connor, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, Neal, Oberle, Petrilli, Plant, Powell, Roy, Smith, Van Seiver - 26.

NO: Representatives Bennett, W. Brady, Clendaniel, Darling, Harrington, McKay, Minner, Morris, Vernon, West, Mr. Speaker Riddagh - 11.

ABSENT: Representatives Burris, Cain, Matushefske, Sincock - 4.

Therefore, having received a constitutional majority, the motion was adopted and HB 911 w/HA 3 was reinstated.

HB 911 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Representative Anderson brought HA 7 to HB 911 before the House for consideration. Representative Free moved to place HA 7 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Anderson brought HA 8 to HB 911 before the House for consideration. Representative Anderson moved to place HA 8 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Anderson brought HA 9 to HB 911 before the House for consideration. Representative Gilligan moved to place HA 9 on the Speaker's table. The motion was seconded by Representative Loughney and adopted by voice vote.

Representative Anderson moved to lift HA 8 to HB 911 from the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

HA 8 was adopted by voice vote.

Representative Free moved to place HB 911 w/HA 3,8 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Holloway introduced and brought HR 214 before the House for consideration.

HR 214 - Expressing a Speedy Recovery to Mrs. Linda Duffy, a New Castle County School Bus Driver Who was Injured by a Thrown Bottle and Further Requesting the New Castle County School Board to Consider Some Type of Remuneration for Injury Incurred by Mrs. Linda Duffy While Unemployed.

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

Representative Holloway moved to place HR 214 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Free introduced and brought HR 215, co-sponsored by Representatives Maxwell, Neal & Roy, before the House for consideration.

HR 215 - Commending the Federal Department of Energy for Probing Gasoline Prices, Finding That 29 Delaware Service Stations had Been Overcharging, Assessing Fines Totaling \$8,130, and Making the Information Public.

HR 215 was adopted by voice vote.

Representative T. Brady requested that HB 938 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 544, SB 556, HB 1019, HB 458 w/HA 1, HB 601.

In compliance with the provisions of Rule 20 (d) of the Temporary Rules of the House of Representatives, I, Tina Fallon, do hereby request that my name be removed as Sponsor/Co-Sponsor of SB 536.

5/20/80

Tina Fallon

The Chief Clerk read the following Committee Reports into the record:

Economic Development & Community Affairs: HB 866 - 5M.

Banking & Insurance: SB 506 - 3M.

Mr. Speaker re-assigned HB 1022 to the Judiciary & Constitution Committee.

Representative Burris moved to recess to the call of the Chair at 5:54 p.m.

38th LEGISLATIVE DAY
Second Session
May 28, 1980

The Speaker called the House to order at 1:58 p.m.

Representative Burris introduced and brought SCR 79 w/SA 1, sponsored by Senators Berndt, Martin, Murphy, Hughes; Representatives Powell & Roy, before the House for consideration.

SCR 79 - Memorializing the Congress of the United States With Regard to the Oil Import fee.

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

SCR 79 w/SA 1 was adopted by voice vote and returned to the Senate.

Representative Burris introduced and brought SCR 82, sponsored by Senator Hughes, before the House for consideration.

SCR 82 - Congratulating Delaware Lodge No. 1, Independent Order of Odd Fellows, as the Members Observe the 150th Anniversary of Its Founding Today, May 27, 1980.

SCR 82 was adopted by voice vote and returned to the Senate.

Mr. Speaker re-assigned HB 940 to the Ethics & House Administration Committee.

Representative Burris moved to suspend the rules for the purpose of marking Representative Matushefske present for the previous legislative day, May 27, 1980. The motion was seconded by Representative Ambrosino and adopted by voice vote.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the previous legislative day. The House reconvened at 2:11 p.m. A prayer was offered by K. Richard Varell, Bethel United Methodist Church, Lewes, DE.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 1030 - NEAL, MARONEY, ANDERSON, T. BRADY, FALLON, FREE, GEORGE, HARRINGTON, HEBNER, HOLLOWAY, MAXWELL, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS WEISS, HOLLOWAY, HALE, MC DOWELL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Veteran's Preference.

HB 1031 - NEAL, MARONEY, ANDERSON, CAIN, FALLON, FREE, HARRINGTON, HOLLOWAY, MAXWELL, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER; SENATORS WEISS, HOLLOWAY, HALE, MC DOWELL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 17, Title 13, Delaware Code Relating to the Domicile of Married Women.

HB 1032 - NEAL, MARONEY, ANDERSON, T. BRADY, CAIN, FALLON, FREE, GEORGE, HARRINGTON, HEBNER, HOLLOWAY, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS HALE, HOLLOWAY, MC DOWELL, WEISS, - JUDICIARY & CONSTITUTION: An Act to Amend Section 7 of Article V of the Delaware Constitution Regarding Voter Disqualification. (2/3 bill)

HB 1033 - NEAL, MARONEY, ANDERSON, T. BRADY, FALLON, GEORGE, HARRINGTON, HEBNER, HOLLOWAY, MC BRIDE, MINNER, ROY, SMITH, VAN SCIVER; SENATORS WEISS, HOLLOWAY, HALE, MC DOWELL - LABOR & COMMERCE: An Act to Amend Chapter 5, Title 19, Delaware Code, Relating to Provisional Employment Certificates for Minors.

HB 1034 - MARONEY, NEAL, ANDERSON, T. BRADY, CAIN, FALLON, FREE, HARRINGTON, HOLLOWAY, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS WEISS, HOLLOWAY, HALE, MC DOWELL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 39, Title 12, Delaware Code Relating to the Termination of Guardianship Over a Minor Upon His Marriage.

HB 1035 - MARONEY, NEAL, ANDERSON, FALLON, HARRINGTON, HOLLOWAY, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS HALE, MC DOWELL, WEISS, HOLLOWAY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Title 20, Delaware Code Relating to the Delaware National Guard and Miscellaneous Matters Relating to Military and Naval Organizations.

HB 1036 - MARONEY, NEAL, ANDERSON, T. BRADY, FALLON, FREE, GEORGE, HARRINGTON, HEBNER, HOLLOWAY, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS WEISS, HOLLOWAY, HALE, MC DOWELL - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 56, Title 29, Delaware Code, Relating to Judicial Pensions.

HB 1037 - MARONEY, NEAL, ANDERSON, T. BRADY, CAIN, FALLON, FREE, GEORGE, HARRINGTON, HEBNER, HOLLOWAY, MAXWELL, MC BRIDE, MC KAY, MINNER, POWELL, ROY, SMITH, VAN SCIVER, VERNON; SENATORS HALE, HOLLOWAY, MC DOWELL, WEISS - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 83, Title 11, Delaware Code, Relating to Pension Benefits for State Police.

HB 1038 - MAXWELL; SENATOR WEISS - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to the Date for Primary Elections.

HB 1039 - T. BRADY, ROY; SENATOR HOLLOWAY - APPROPRIATIONS: An Act to Make an Appropriation for Placing Guard Rail, Resetting Iron Fence and Hot Mix Curb Along Delaware Avenue, to the Department of Transportation.

HA 2 to HB 895 - OBERLE - ENVIRONMENTAL CONTROL: Placed with the bill.

HA 1 to HB 921 - JONKIERT - Placed with the bill. (Laid on the Table)

HA 1 to HB 923 - FERGUSON - Placed with the bill. (Agenda)

HA 2 to HB 970 - BENNETT - APPROPRIATIONS: Placed with the bill.

SB 469 w/SA 3 - MC DOWELL, MARTIN, MARSHALL, KNOX, ARNOLD; REPRESENTATIVES AMBROSINO, ANDERSON, W. BRADY, CAIN, PETRILLI, PLANT - NATURAL RESOURCES: An Act to Amend Title 7, Delaware Code, Relating to the Establishment of Public Policy in Promoting the Discovery, Development, Production and Regulation of Geothermal Resources in the State of Delaware.

SB 544 - MURPHY - ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS: An Act to Provide a Supplementary Appropriation to the Department of Community Affairs and Economic Development, Office of the Secretary to Repay Monies Loaned From the Budget Commission Contingency Fund for the Operation of the "Why Not Delaware" Committee for Operations in Fiscal Year 1980.

SB 556 - MURPHY - APPROPRIATIONS: An Act to Amend Chapter 68, Volume 62, Laws of Delaware Entitled: "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1980; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions".

Representative Maxwell requested and was granted the privilege of the floor for Mr. Otavio T. George of the Meadowood School for Retarded Children.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 535, SCR 82.

May 27, 1980

LEGISLATIVE ADVISORY #38

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/15/80 - SB 580. 5/22/80 - SB 378 aab SA 1, SJR 46. 5/27/80 - HB 971.

The following is a Constitutional Amendment and did not require the Governor's signature: HB 626.

May 23, 1980

The Honorable Robert W. Riddagh
Speaker of the House
House of Representatives
Legislative Hall
Dover, Delaware 19901
Dear Mr. Speaker:

I am in receipt of House Resolution Number 192, adopted by voice vote on May 6, requesting that I provide the sum of \$58,560.00 from the Contingency Fund to meet operating expenses of the Delaware Adolescent Program, Inc. While I am sympathetic to the important mission of this fine organization, there are significant reasons why I cannot accommodate the will of the House of Representatives in this matter.

First, the majority of the membership of the Budget Commission, and not the Governor alone, must approve any expenditure from the Contingency Fund. Second, it is the long standing position of the membership of the Budget Commission that no monies be expended from the Contingency Fund for purposes which constitute grants-in-aid in the absence of an express authorization by the General Assembly by not less than a vote of 3/4 of the membership of both Houses, as the Delaware Constitution requires. And finally, it would seem appropriate in the instance of any extraordinary earmarking of funds from the Contingency Fund that the Budget Commission have the mandate of both the Delaware Senate and House of Representatives, rather than an expression of will of one House without the other.

I would respectfully request that this communication be made part of the journal of the House of Representatives so that all members might understand and have an opportunity to comment upon the circumstances of my denial of the request embodied in House Resolution Number 192.

Sincerely yours,
Pierre S. du Pont
Governor

Representative Burris moved to recess for committee meetings and caucus at 2:22 p.m.

The House reconvened at 4:07 p.m.

Representative Clendaniel moved to lift HB 747 w/HA 2 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 747 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Students.

Representative Clendaniel brought HA 4 to HB 747 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 747 w/HA 2,4 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 36.

NO: Representative Oberle - 1.

ABSENT: Representatives Jonkiert, Matushefske, Neal, Plant - 4.

Therefore, having received a constitutional majority, HB 747 w/HA 2,4 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 718 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 718 - An Act to Amend the Delaware Code, Title 14, by Clarifying the Authority of the State Board of Education to Make Rules and Regulations Concerning Inter-Scholastic Athletics and Prohibiting the Approval of a Regulation That Would Prohibit Participation in Similar Team Activities by High School Athletes.

Representative Oberle requested and was granted the privilege of the floor for Dr. Colin McIntosh.

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

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

The House reconvened at 5:15 p.m.

Representative Ambrosino requested and was granted the privilege of the floor for Mr. Dale Farmer and Mr. William Griswold of Delaware Secondary Schools Athletic Association.

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

The roll call on HB 718 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Fallon, George, Harrington, Hebner, Jonkiert, Loughney, Maroney, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Mr. Speaker Riddagh - 21.

NO: Representatives Ambrosino, Bennett, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Holloway, Maxwell, McBride, McKay, Minner, Morris, Vernon, West - 16.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Free, Matushefske, Van Sciver - 3.

Therefore, having received a constitutional majority, HB 718 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has defeated: HCR 140.

Representative Connor introduced HB 1040, co-sponsored by Representatives Ambrosino, Harrington, Petrilli; Senators Holloway & McDowell.

HB 1040 - An Act to Amend Delaware Code, Title 14 by Authorizing the Creation of a Community Schools Program and Authorizing Reassignment of Qualified State Grant in Aid Programs to That Community Schools Program.

Mr. Speaker assigned HB 1040 to the Education Committee.

The Chief Clerk read the following Committee Reports into the record:

Health & Social Services: HB 898 - 1F, 3M; HB 699 - 1F, 5M; HB 848 - 1F, 5M; HB 703 - 1F, 3M; HB 980 - 3F, 2M.

Labor & Commerce: HB 1007 - 4M.

Education: HB 1005 - 5M; HB 1006 - 5M.

Judiciary & Constitution: HB 755 - 5M; SB 95 - 4M.

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

39th LEGISLATIVE DAY
Second Session
May 29, 1980

The Speaker called the House to order at 1:58 p.m.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m. A prayer was offered by Representative Maroney, Twelfth District.

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

The Chief Clerk called the roll.

Members Present: 41.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 570, SJR 44, HB 219, HB 297 w/SA 2.

The following prefiled legislation was introduced:

HB 1041 - VAN SCIVER, FREE, CATHCART, CONNOR, AMBROSINO - AGING: An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code Relating to Welfare and Providing for Pharmaceutical Assistance for the Aged Through a Maintenance Drug Program.

HB 1042 - ROY - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Section 711, Title 29, Delaware Code, Relating to Expenses to Members of the General Assembly.

HB 1043 - WEST - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 91, Title 9 of the Delaware Code to Increase Certain Mileage Rates.

HB 1044 - SINCOCK, GEORGE - APPROPRIATIONS: An Act to Authorize and Direct the Sale by the New Castle County School District of Certain Property Located in the City of Wilmington to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control, and to Make a Supplemental Appropriation for Certain Moving Expenses Incurred by the New Castle County Vocational Technical School District as a Result of Such Sale.

HB 1045 - SMITH - ENVIRONMENTAL CONTROL: An Act to Amend Chapter 1, Title 26, Delaware Code, and Chapter 60, Title 7, Delaware Code, Relating to Jurisdiction Over Water Companies.

HB 1046 - LOUGHNEY - REVENUE & FINANCE: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to the Amount of Personal Exemptions on Income Tax.

HB 1047 - MC KAY, T. BRADY, CATHCART, CONNOR, FALLON, FREE, HEBNER, MARONEY, NEAL, OBERLE, POWELL, PETRILLI, RIDDAGH, ROY, SMITH, VAN SCIVER, VERNON - APPROPRIATIONS: An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

HB 1048 - BENNETT - LABOR & COMMERCE: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation by Restoring the Rehire Credit for Computing Variations in the Standard Rate.

HA 1 to SB 376 - MC BRIDE - HEALTH & SOCIAL SERVICES:
Placed with the bill.

SB 535 - MARSHALL; REPRESENTATIVE JONKIERT - JUDICIARY & CONSTITUTION: An Act to Amend Title II, Delaware Code, to Provide That Terms of Imprisonment Imposed for Felonies Include Hard Labor.

SB 570 - SHARP - CORRECTIONS: An Act to Amend Chapter 65, Part IV, Title II of the Delaware Code, Relating to Work by Inmates of Delaware Prisons.

SJR 44 - MARSHALL; REPRESENTATIVE JONKIERT - CORRECTIONS: Directing the Department of Corrections to Develop a Plan to Incorporate Hard Labor as Part of the Rehabilitation of Convicted Felons.

Representative Sincock moved to suspend the rules for the sole purpose of acting on HB 950. The motion was seconded by Representative Burris.

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

The motion was adopted by voice vote.

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

Representatives McKay & Maroney requested that their names be removed as sponsors of HB 950.

Representative Smith brought HA 1 to HB 950 before the House for consideration. Representative Burris moved to place HA 1 on the Speaker's table. The motion was seconded by Representative George.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Burris, Cathcart, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Morris, Petrilli, Plant, Powell, Sincock, West - 22.

NO: Representatives T. Brady, Clendaniel, Fallon, Free, Hebner, Maroney, McKay, Minner, Neal, Oberle, Roy, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 15.

ABSENT: Representatives Ambrosino, Cain, Connor, Holloway - 4.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to HB 950 was placed on the Speaker's table.

The roll call on HB 950 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, W. Brady, Burris, Cathcart, Clendaniel, Connor, Darling, Ferguson, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, Morris, Neal, Petrilli, Plant, Powell, Roy, Sincock, Van Sciver, Vernon, West - 30.

NO: Representatives T. Brady, Cain, Maroney, McKay, Minner, Oberle, Smith - 7.

NOT VOTING: Representatives Fallon, Free, McBride, Mr. Speaker Riddagh - 4.

Therefore, having received a constitutional majority, HB 950 was sent to the Senate for concurrence.

Representative Burris moved to recess for caucus at 3:22 p.m.

The House reconvened at 4:40 p.m.

Representative Roy brought HS 1 for HB 907 w/SA 1 before the House for consideration.

HB 907 - An Act Making a Supplemental Appropriation to the Department of Transportation for the Purpose of Bridge Replacements, Drainage Ditching, Road Patching, Sign Maintenance and Pavement Marking. (3/5 bill)

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

Mr. Speaker declared a recess for the purpose of changing the recording tape at 4:46 p.m.

The House reconvened at 4:48 p.m.

The roll call on HS 1 for HB 907 w/SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Matushefske, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 39.

NO: Representative West - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fifths members of the House, HS 1 for HB 907 w/SA 1 was sent to the Governor.

Representative Plant introduced and brought HR 216 before the House for consideration.

HR 216 - Requesting the Governor to Appoint an Ad Hoc Committee to Study the Delaware Criminal Justice System to Ascertain Why Ninety-Eight Percent of the Prison Population is Composed of Minorities.

HR 216 was defeated by voice vote.

Representative Neal introduced and brought HR 217, co-sponsored by Representative McBride, before the House for consideration.

HR 217 - Congratulating Harry Levin Upon His Selection as New Castle County's Small Business Person of the Year.

HR 217 was adopted by voice vote.

Representative T. Brady introduced and brought HR 218, co-sponsored by Representative Free, before the House for consideration.

HR 218 - Expressing the Sorrow of the House of Representatives at the Death of John O. Hopkins, Jr., Wilmington Businessman and Republican Leader.

HR 218 was adopted by voice vote.

Representative Holloway introduced and brought HR 219 before the House for consideration.

HR 219 - Expressing a Speedy Recovery to Mrs. Linda Duffy, a New Castle County School Bus Driver Who Was Injured by a Soda Bottle Thrown by a Group of Recalcitrant Students.

HR 219 was adopted by voice vote.

Representative Sincock moved to suspend the rules which interfere with introduction of and action on HB 1049 concerning a salary increase for a new employee. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, Matushefske, McKay, Neal, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Maxwell, McBride, Minner, Morris, Oberle, West - 17.

NOT VOTING: Representatives Loughney, Plant - 2.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, the motion was adopted and Representative Sincock introduced and brought HB 1049, co-sponsored by Representatives Free, Vernon, Harrington & Maroney, before the House for consideration.

HB 1049 - An Act to Amend Chapter 68, Volume 62, Laws of Delaware, Being Former House Bill No. 333 of the 130th General Assembly, the Budget Appropriation Act, Relating to the Salary of the Secretary of Community Affairs and Economic Development.

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

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

Representative Ferguson moved to place HB 1049 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Morris, West - 19.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Seiver, Vernon, Mr. Speaker Riddagh - 21.

ABSENT: Representative Plant - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 1049 remained before the House.

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

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

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

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

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

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

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

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

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

The roll call on HB 1049 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Bennett, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Matushefske, Maxwell, McBride, Minner, Plant, West - 17.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representatives Cain, Morris - 2.

Representative Vernon moved to rescind the roll call on HB 1049. The motion was seconded by Representative Sincock.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Loughney, Matushefske, Maxwell, Minner, Powell, Sincock, Vernon, West, Mr. Speaker Riddagh - 18.

NO: Representatives T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Jonkiert, Maroney, McBride, McKay, Neal, Oberle, Petrilli, Plant, Roy, Smith, Van Sciver - 19.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Ambrosino, Cain, Morris - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 1049 was sent to the Senate for concurrence.

Representative Jonkiert introduced HB 1050.

HB 1050 - An Act to Abolish the Delaware Heritage Commission.

Mr. Speaker assigned HB 1050 to the Administrative Services & Energy Committee.

Representative Smith introduced and brought HR 220 before the House for consideration.

HR 220 - Congratulating Curtis Comack, Son of Petie Rittenhouse, One of Our Attaches, Upon His Graduation From the University of Delaware.

HR 220 was adopted by voice vote.

Representative Anderson introduced and brought HCR 141, co-sponsored by Representative Gordy & Senator Martin before the House for consideration.

HCR 141 - A Resolution Urging the Department of Labor to Implement Regulations That Would Permit Employees Temporarily Laid-Off for Retraining and Model Changes to Apply for Unemployment Benefits by Mail.

HCR 141 was defeated by voice vote.

Representative Holloway introduced and brought HR 221 before the House for consideration.

HR 221 - Urging the Public Service Commission to Reconsider Its Decision of Permitting Delmarva Power and Light Company to Charge Eighteen Percent Finance Charge on Late Utility Bills Commencing in July.

HR 221 was adopted by voice vote.

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

Representative Burris moved to recess to the call of the Chair at 6:40 p.m.

40th LEGISLATIVE DAY
Second Session
June 3, 1980

The Speaker called the House to order at 1:58 p.m.

The Chief Clerk read the following Committee Reports into the record:

Aging: HB 1041 - 1F, 2M.

Revenue & Finance: HB 984 - 5M; HB 904 - 5M; HB 982 - 5M; HB 983 - 5M; SB 296 w/SA 2,3 - 4M; HB 215 - HA 1 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HS 1 for HB 907 w/SA 1, SB 565 w/SA 1, SB 460 w/SA 1,2; HB 621 w/HA 1, SA 1.

May 29, 1980

LEGISLATIVE ADVISORY #39

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/29/80 - HB 1019, SB 276, SB 277, SB 278, SB 280.

In compliance with the provisions of Rule 20 (d) of the Temporary Rules of the House of Representatives, I, Tina Fallon, do hereby request that my name be removed as Sponsor/Co-Sponsor of SB 540.

5/28/80

Tina Fallon

In compliance with the provisions of Rule 20 (d) of the Temporary Rules of the House of Representatives, I, Charles Hebner, do hereby request that my name be removed as Sponsor/Co-Sponsor of HB 1047.

5/29/80

Charles Hebner

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m. A prayer was offered by Representative Neal, Twenty-Fifth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 1051 - OBERLE - NATURAL RESOURCES: An Act to Amend Section 1701, Title 7 of the Delaware Code Relating to Dog Licenses.

HB 1052 - NEAL - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 11, Title 9, of the Delaware Code Relating to Vacancies in the Office of the County Executive of New Castle County and in the Offices of Other Elected Officials of the County Governing Body.

HB 1053 - SINCOCK, MATUSHEFSKE; SENATOR HUGHES - APPROPRIATIONS: An Act Awarding Service-Connected Disability Payments Pursuant to Chapter 83, Title 11, of the Delaware Code, and Directing the Board of Pension Trustees to Grant Such Application for Service-Connected Disability.

HB 1054 - MATUSHEFSKE - APPROPRIATIONS: Providing for a Pay Increase of 9.5 Percent for the Fiscal Year Starting July 1, 1980, for All State Employees Not Included in Section 11 of House Bill No. 950, the Budget Appropriation Bill; and Providing an Appropriation Therefor.

HB 1055 - T. BRADY; SENATOR CICIONE - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 6, Title 11 of the Delaware Code Relating to Vehicular Homicides and Assaults and to Amend Chapter 2 of Title 11 in Order to Provide a Definition of Negligence.

HB 1056 - BURRIS - APPROPRIATIONS: An Act to Make a Supplemental Appropriation to the Odd Fellows Cemetery of Milford for the Repair of the Vandalized Tombstone of Former Governor of Delaware, Joseph Haslet.

HB 1057 - CATHCART, CONNOR, VAN SCIVER, LOUGHNEY, MC BRIDE - PUBLIC SAFETY: An Act to Amend Chapter 7, Title 21, Delaware Code Relating to the Authority and Duties of Delaware State Police Size and Weight Enforcement Technicians.

HB 1058 - T. BRADY, CAIN; SENATOR CICIONE - APPROPRIATIONS: An Act Amending Chapter 45, Title 10 of the Delaware Code Providing for Reimbursement of Jurors' Parking Expenses.

HB 1059 - BENNETT - APPROPRIATIONS: An Act to Amend Chapter 13, Section 1322, Title 14, of the Delaware Code Relating to the Salaries of School Lunch Employees; and Further Providing a Supplementary Appropriation Therefor.

HB 1060 - FERGUSON, W. BRADY, DARLING, LOUGHNEY, MINNER, WEST, ANDERSON, JONKIERT, GILLIGAN, CLENDANIEL, MORRIS, PLANT - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Campaign Contributions by Providing That a Company Employing a Member of the General Assembly but Not Making a Deduction From the Member's Salary for the Time Spent by the Employee in Legislative Activity Shall Report the Non-Deducted Income as a Political Contribution to the Employee.

HS 2 for HB 522 - MAXWELL, SINCOCK, MC BRIDE, NEAL, ANDERSON - ETHICS & HOUSE ADMINISTRATION: An Act to Amend Title 29, Chapter 8 of the Delaware Code Relating to Composition and Reapportionment of the General Assembly.

HS 1 for HB 900 - VAN SCIVER, MARONEY, HARRINGTON, ANDERSON, JONKIERT, FREE; SENATOR CICIONE - HEALTH & SOCIAL SERVICES: An Act to Amend Title 31, Delaware Code, Relating to the Establishment of an Adult Protective Services Unit Within the Department of Health and Social Services and Further Providing a Supplementary Appropriation Therefor.

HS 1 for HB 939 - NEAL, AMBROSINO, ANDERSON, BENNETT, T. BRADY, GILLIGAN, OBERLE, POWELL, PETRILLI, CAIN, BURRIS, FREE, CONNOR, MAXWELL, FALLON, VAN SCIVER, W. BRADY, FERGUSON; SENATORS BERNDT, MARTIN, COOK, KEARNS, MC DOWELL, WEISS, CICIONE, HOLLOWAY, LITTLETON - EDUCATION: An Act to Amend Delaware Code, Title 14, as It Relates to the Funding of Educational Services for Persons Who are Autistic.

HA 2 to HB 921 - MATUSHEFSKE - : Placed with the bill. (Laid on the Table)

HA 1 to HB 965 - SINCOCK, GORDY; SENATORS COOK, CORDREY, BERNDT - APPROPRIATIONS: Placed with the bill.

SB 460 w/SA 1,2 - HOLLOWAY - ADMINISTRATIVE SERVICES & ENERGY: An Act to Amend Chapter 3, Title 24, Delaware Code, Regulating the Practice of Architecture.

The Reading Clerk read the following communications into the record:

June 3, 1980

LEGISLATIVE ADVISORY #40

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/2/80 - HB 256, HB 673, HB 695 aab HA 2, 3, 4; HB 909 aab HA 1, 2; SB 350.

The following is a Constitutional Amendment on its first leg and did not require the Governor's signature: SB 212 aab SA 1.

Representative Jonkiert moved to suspend the rules which interfere with action on HB 1050. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 1050 - An Act to Abolish the Delaware Heritage Commission.

Mr. Speaker Riddagh made the following announcement:

"Upon reviewing the House tapes with Mrs. Morris on Friday, the voice vote clearly indicated that HCR 141 had failed the House. At this time, I would like to apologize to Mrs. Anderson for the mix-up.

"Also, on reconsidering the debate on HB 1049, the chair erred in not permitting the debate to continue.

"If this House is to function properly and if each Representative is to have the opportunity to do the job they were elected for - the respect for the rules should be accorded them.

"At this time, I want to personally apologize to Representative Gilligan, Representative Darling, and Representative Holloway and to and through Representative Gordy for any other minority member who intended to continue speaking on HB 1049 last Thursday.

"Knowing anything I might offer today would be inadequate, I still want to say that I am sorry."

Representative Maxwell moved to place HB 1050 on the Speaker's table. The motion was seconded by Representative McBride.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cathcart, Connor, Fallon, Ferguson, Free, Harrington, Hebner, Maroney, Maxwell, McKay, Neal, Powell, Roy, Sincock, Smith, Van Sciver, Vernon - 23.

NO: Representatives Cain, Darling, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, McBride, Minner, Morris, Oberle, Petrilli, Plant, West, Mr. Speaker Riddagh - 16.

ABSENT: Representatives Clendaniel, Matushefske - 2.

Therefore, having received a constitutional majority, the motion was adopted and HB 1050 was placed on the Speaker's table.

Representative Burris moved to recess for caucus and committee meetings at 2:27 p.m.

The House reconvened at 4:00 p.m.

Representative Plant brought HB 509 before the House for consideration.

HB 509 - An Act to Amend Chapter 57, Title 25, Delaware Code, Relating to Landlord-Tenant Relationships by Providing for an Appeal From a Summary Proceeding for Possession.

The roll call on HB 509 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, West, Mr. Speaker Riddagh - 36.

NOT VOTING: Representatives Clendaniel, Harrington, Loughney, Vernon - 4.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 509 was sent to the Senate for concurrence.

Representative Plant brought HB 510 before the House for consideration.

HB 510 - An Act to Amend Chapter 53, Title 25 of the Delaware Code, Relating to Landlord-Tenant Relationships by Providing for Verification of Excess Utility Charges.

The roll call on HB 510 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Holloway, Jonkiert, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 38.

NOT VOTING: Representatives Harrington, Loughney - 2.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 510 was sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with introduction of and action on a resolution. The motion was properly seconded and adopted by voice vote.

Representative Burris introduced and brought HR 222 before the House for consideration.

HR 222 - Requesting the Senate to Return House Bill 950 to the House of Representatives for Further Consideration.

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

Representative Ferguson moved to recess for fifteen minutes. The motion was seconded by Representative Bennett and defeated by voice vote.

The roll call on HR 222 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representative Darling - 1.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 18.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority HR 222 was adopted.

Representative McKay moved to suspend the rules which interfere with action on HB 1047. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Cain, Darling, Ferguson, George, Gordy, McBride, Minner, Morris, Plant, West - 10.

NOT VOTING: Representatives Anderson, Bennett, W. Brady, Clendaniel, Gilligan, Holloway, Jonkiert, Loughney, Maxwell - 9.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative McKay brought HB 1047, co-sponsored by Representatives T. Brady, Cathcart, Connor, Fallon, Free, Maroney, Neal, Oberle, Petrilli, Riddagh, Roy, Smith, Van Sciver & Vernon, before the House for consideration.

HB 1047 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative Loughney requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

Representative Burris moved to recess for caucus at 5:08 p.m.

The House reconvened at 5:30 p.m.

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

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

Representative Jonkiert requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

Representative Jonkiert moved to place HB 1047 on the Speaker's table. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Gordy moved to table the motion to place HB 1047 on the Speaker's table.

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

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

The roll call on the motion to place HB 1047 on the Speaker's table was taken and revealed:

YES: Representatives Bennett, Cain, Darling, Ferguson, George, Gilligan, Gordy, Jonkiert, Loughney, Plant - 10.

NO: Representatives Anderson, T. Brady, W. Brady, Burris, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NOT VOTING: Representatives Cathcart, Clendaniel, Holloway, Maxwell, McBride, Minner, Morris, West - 8.

ABSENT: Representatives Ambrosino, Matushefske - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 1047 remained before the House.

Representative Ambrosino moved to vote on the bill. The motion was seconded by Representative Connor.

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

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

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

Representative Minner moved to table the motion to vote on the bill. The motion was seconded by Representative West.

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

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

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

Representative George rose on a point of procedure. Mr. Speaker concurred.

The roll call on the motion to table the motion to vote on HB 1047 was taken and revealed:

YES: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 19.

NO: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 20.

NOT VOTING: Representative Powell - 1.

ABSENT: Representative Matushefske - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

Representative Burris requested and was granted the privilege of the floor for Weston Nellius, Secretary of Finance.

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

Representative Darling requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Ambrosino withdrew the motion to vote on the bill. Representative Connor withdrew the second.

Representative Loughney brought HA 1 to HB 1047 before the House for consideration.

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

Representative Loughney moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Anderson brought HA 2 to HB 1047 before the House for consideration.

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

Representative Burris moved to recess for caucus at 7:40 p.m.

The House reconvened at 7:50 p.m.

Representative Burris moved to lift HA 1 to HB 1047. The motion was seconded by Representative McBride and adopted by voice vote.

Representative Sincock moved to place HA 1 to HB 1047 on the Speaker's table. The motion was seconded by Representative Smith.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HA 1 to HB 1047 was placed on the Speaker's table.

Representative Burris moved to lift HA 2 to HB 1047. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Sincock moved to place HA 2 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkiert, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HB 1047 was placed on the Speaker's table.

Representative T. Brady rose on a point of order. Mr. Speaker concurred.

Representative Minner brought HA 3 to HB 1047 before the House for consideration.

Representative Sincock moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Harrington.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkier, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HB 1047 was placed on the Speaker's table.

Representative Minner brought HA 4 to HB 1047 before the House for consideration.

Representative T. Brady moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Neal.

The roll call on the motion was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, Harrington, Hebner, Maroney, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, Mr. Speaker Riddagh - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, George, Gilligan, Gordy, Holloway, Jonkier, Loughney, Maxwell, McBride, Minner, Morris, Plant, West - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 4 to HB 1047 was placed on the Speaker's table.

Mr. Speaker Riddagh declared a recess for the purpose of changing the recording tape at 8:53 p.m.

The House reconvened at 8:55 p.m.

The roll call on HB 1047 was taken and revealed:

YES: Representatives Anderson, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Fallon, Free, Gilligan, Gordy, Harrington, Hebner, Jonkier, Loughney, Maroney, Maxwell, McBride, McKay, Neal, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 31.

NO: Representatives Ambrosino, Bennett, Darling, Ferguson, George, Holloway, Minner, Morris, Plant - 9.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 1047 was sent to the Senate for concurrence.

Representative Anderson introduced and brought HCR 142, co-sponsored by Representative Gordy and Senator Martin, before the House for consideration.

HCR 142 - Urging the Department of Labor to Implement Regulations That Would Permit Employees Temporarily Laid-Off for Retooling and Model Changes to Apply for Unemployment Benefits by Mail.

HCR 142 was defeated by voice vote.

Representative Petrilli introduced and brought HR 223 before the House for consideration.

HR 223 - Commending Avon Products Inc. for Planning to Expand Its Newark Distribution Plant With an Addition of 150 New Jobs.

HR 223 was adopted by voice vote.

Representative Burris moved to recess to the call of the Chair at 9:36 p.m.

41st LEGISLATIVE DAY
Second Session
June 4, 1980

The Speaker called the House to order at 2:10 p.m.

Representative Minner requested that HB 840, HA 1 to HB 447 and HB 421 w/HA 1,2 be stricken.

Representative Oberle introduced and brought HR 224 before the House for consideration.

HR 224 - Congratulating the Graduates of the Margaret S. Sterck School for the Hearing Impaired.

HR 224 was adopted by voice vote.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 571, SB 581, HB 820 w/SA 1, SB 542.

The Chief Clerk read the following Committee Reports into the record:

Appropriations: HB 965 - HA 1 - 8M; HB 789 - 1F, 7M; SB 387 w/SA 1 - 8M; SB 556 - 8M; HB 493 - HA 1 - 2F, 3M, 3UF; HB 598 - 4F, 5M.

Banking & Insurance: SB 513 w/SA 1 - 3M.

The Majority Leader moved to adjourn at 2:17 p.m., thereby ending the previous legislative day. The House reconvened at 2:18 p.m. A prayer was offered by Representative T. Brady, Sixth District.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Matushefske - 1.

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

The following prefiled legislation was introduced:

HB 1061 - RIDDAGH; SENATOR ZIMMERMAN - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 48, Part II, Title 25 of the Delaware Code Relating to the Registration of Federal Tax Liens; and Providing for a Uniform Federal Tax Lien Registration Act.

HB 1062 - VERNON, MINNER; SENATORS BERNDT, ZIMMERMAN - NATURAL RESOURCES: An Act to Amend Chapter 60, Title 7, Delaware Code to Authorize the Secretary of the Department of Natural Resources and Environmental Control to Develop and Carry Out a State Pretreatment Program for Publicly Owned Treatment Works and Industrial Users of Such Treatment Works in Accordance With Federal Laws and Regulations, and to Appropriate Funds for Such Purpose.

HB 1063 - AMBROSINO, CONNOR, PLANT; SENATOR MC DOWELL - REVENUE & FINANCE: An Act to Amend Chapter 27, Part III, Title 30 of the Delaware Code Relating to Manufacturers' License Requirements and Taxes; and Providing for an Excise Tax on the Processing of Crude Petroleum.

HB 1064 - ROY; SENATOR MARTIN - TRANSPORTATION: An Act to Amend Subchapter III, of Chapter I, Title 17, Delaware Code, Relating to the Authorization of the Department of Transportation to Allow Vending Machines and Other Items for the Driver's Rest and Relaxation in Safety Roadside Rest Areas on an Experimental Basis; and to Further Provide for a Special Fund Within the State Treasury to Which Such Profits Shall be Earmarked.

HB 1065 - ROY; SENATOR MARTIN - APPROPRIATIONS: An Act to Provide a Supplementary Appropriation to the Department of Transportation to be Used to Pay an Obligation Incurred in a Prior Fiscal Year for Reimbursement to an Employee Necessitated by a State Personnel Commission Ruling.

HB 1066 - T. BRADY; SENATOR CICIONE; REPRESENTATIVES GORDY, SINCOCK, MC KAY, MORRIS, CAIN, BENNETT, JONKIERT; SENATOR BERNDT - JUDICIARY & CONSTITUTION: An Act to Amend Chapter 56, Title 29, Delaware Code, Relating to the State Judiciary Pension Plan.

HA 1 to HB 598 - BENNETT - Placed with the bill. (Ready List)

HA 1 to HB 916 - T. BRADY - Placed with the bill. (Ready List)

HA 1 to HB 934 - CAIN - HEALTH & SOCIAL SERVICES: Placed with the bill.

HA 1 to HB 985 - FERGUSON - ETHICS & HOUSE ADMINISTRATION: Placed with the bill.

HA 1 to HB 994 - T. BRADY - APPROPRIATIONS: Placed with the bill.

HA 2 to SB 376 - MC BRIDE - HEALTH & SOCIAL SERVICES: Placed with the bill.

SB 565 w/SA 1 - KEARNS - JUDICIARY & CONSTITUTION: An Act to Amend Title 25, of the Delaware Code Relating to "Self-Service Storage Facilities", to Provide a Lien on All Personal Property Stored at Such Facilities in Favor of the Owners Thereof; and to Provide a Procedure for the Enforcement of Such Lien.

SB 571 - BERNDT, KEARNS, KNOX, MC DOWELL - JUDICIARY & CONSTITUTION: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

SB 581 - ADAMS, HALE; REPRESENTATIVES BURRIS, CLENDANIEL, MINNER - SCHOOL FINANCING: An Act to Amend Section 1056, Title 14 of the Delaware Code Relating to the Disposition of Fees for the Use of School Property, Facilities and Equipment Not in Use for Educational Purposes.

Representative T. Brady introduced and brought HR 225, co-sponsored by Representative Cain, before the House for consideration.

HR 225 - Congratulating Janice M. Traynor, Chief of Real Estate for Wilmington, Upon Her Selection as Young Career Woman of the Year.

HR 225 was adopted by voice vote.

Representative Free introduced and brought HR 226, co-sponsored by Representative T. Brady, before the House for consideration.

HR 226 - Mourning the Death of W. Roy Willits, of Wilmington, a Former Member and Majority Leader of the House of Representatives.

HR 226 was adopted by voice vote.

Representative Burris moved to recess for committee meetings at 2:28 p.m.

The House reconvened at 4:13 p.m.

Mr. Speaker re-assigned HB 1041 to the Health & Social Services Committee.

Representative Roy requested that HB 425, HB 740, HB 872 be stricken.

Representative West introduced and brought HR 227 before the House for consideration.

HR 227 - Marking the Arrival of the 100,000th Special Visitor From Cuba.

HR 227 was adopted by voice vote.

Representative Plant introduced and brought HCR 143 before the House for consideration.

HCR 143 - Condemning the Cuban Immigrants Who Have Rioted at Fort Chaffee, Arkansas, and Renewing the Request Contained in House Concurrent Resolution No. 131.

HCR 143 was adopted by voice vote and sent to the Senate for concurrence.

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

SCR 84 - Mourning the Death of Retired Delaware State Police Captain John R. Downey on May 3, 1980.

SCR 84 was adopted by voice vote and returned to the Senate.

Representative Morris brought HB 621 w/HA 1,SA 1 before the House for consideration.

The roll call on HB 621 w/HA 1,SA 1 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 40.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 621 w/HA 1, SA 1 was sent to the Governor.

Representative Petrilli brought HB 820 w/SA 1 before the House for consideration.

The roll call on HB 820 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Jonkiert, Loughney, Maroney, Maxwell, McBride, McKay, Morris, Petrilli, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 34.

NO: Representatives Ambrosino, Clendaniel, Minner, Neal, Oberle - 5.

ABSENT: Representatives Matushefske, Plant - 2.

Therefore, having received a constitutional majority, HB 820 w/SA 1 was sent to the Governor.

Representative Harrington moved to lift HB 921 - HA 1,2 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 921 - An Act to Amend Chapters 9, 25, 27, 33 and 38, Title 18, Delaware Code, Relative to the Offering of Solicitation and Sale of Specified Disease Insurance Within the State of Delaware and to Residents of the State of Delaware.

Representative Jonkiert brought HA 1 to HB 921 before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington brought HA 3 to HB 921 before the House for consideration.

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

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

Representative Jonkiert moved to place HA 2 to HB 921 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The roll call on HA 3 to HB 921 was taken and revealed:

YES: Representatives Free, George, Harrington - 3.

NO: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Gilligan, Gordy, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Neal, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 35.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representatives Jonkiert, Matushefske - 2.

Therefore, not having received a constitutional majority, HA 3 to HB 921 was declared defeated.

The roll call on HB 921 w/HA 1 was taken and revealed:

YES: Representatives Ambrosino, T. Brady, Burris, Cathcart, Connor, Fallon, Free, George, Harrington, Hebner, Jonkiert, Loughney, Maroney, McKay, Neal, Oberle, Petrilli, Roy, Sincock, Smith, Van Sciver - 21.

NO: Representatives Anderson, Bennett, W. Brady, Cain, Clendaniel, Darling, Ferguson, Gilligan, Gordy, Holloway, Maxwell, McBride, Minner, Morris, Plant, Powell, Vernon, West, Mr. Speaker Riddagh - 19.

ABSENT: Representative Matushefske - 1.

Therefore, having received a constitutional majority, HB 921 w/HA 1 was sent to the Senate for concurrence.

Representative Maxwell moved to lift HB 404 - HA 1 from the Speaker's table. The motion was seconded by Representative burris and adopted by voice vote.

HB 404 - An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects.

Representative Maxwell brought HA 1 to HB 404 before the House for consideration. HA 1 was adopted by voice vote.

Representative T. Brady brought HA 2 to HB 404 before the House for consideration.

Representative Petrilli requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

HA 2 was adopted by voice vote.

The roll call on HB 404 w/HA 1,2 was taken and revealed:

YES: Representatives Ambrosino, Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Harrington, Hebner, Holloway, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Neal, Oberle, Petrilli, Plant, Powell, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 37.

NO: Representative Roy - 1.

NOT VOTING: Representative Morris - 1.

ABSENT: Representatives Jonkiert, Matushefske - 2.

Therefore, having received a constitutional majority, HB 404 w/HA 1,2 was sent to the Senate for concurrence.

Representative Darling moved to lift HB 732 from the Speaker's table. The motion was seconded by Mr. Speaker Riddagh and adopted by voice vote.

HB 732 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Penalties for Distributing Drugs to Persons Under 18 Years of Age, by Providing Mandatory Jail Sentences for Those Distributing Drugs to Persons Under 16 Years of Age and 14 Years of Age. (2/3 bill)

Representative Darling brought HA 1 to HB 732 before the House for consideration.

Representative Darling requested and was granted the privilege of the floor for House Attorney Richard Cooch.

HA 1 was adopted by voice vote.

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

Representative Darling requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Oberle requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HB 732 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, T. Brady, W. Brady, Burris, Cain, Cathcart, Clendaniel, Connor, Darling, Fallon, Ferguson, Free, George, Gilligan, Gordy, Hebner, Loughney, Maroney, Maxwell, McBride, McKay, Minner, Morris, Oberle, Powell, Sincock, Smith, Van Sciver, Vernon, West, Mr. Speaker Riddagh - 32.