

At the request of Senator Sharp the privilege of the floor was extended to Mr. Seitz and Mr. Oberly for the full time necessary for discussion of the Bill and the Amendments which would be offered.

On motion of Senator Kearns the roll call vote on SA 5 to the Bill was taken and revealed:

YES: Senators Hale, Holloway, Kearns, Knox, Weiss, Zimmerman - 6.

NO: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Littleton, Schlor, Sharp, Spence - 10.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Adams, Martin, McCullough, Murphy - 4.

Therefore, the Amendment was declared lost.

SA 6 to the Bill was introduced by Senator Kearns and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Berndt, Hale, Holloway, Kearns, Knox, Weiss, Zimmerman - 7.

NO: Senators Adams, Arnold, Cook, Cordrey, Hughes, Littleton, Martin, Murphy, Schlor, Sharp, Spence - 11.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Amendment was declared lost.

SA 7 to the Bill was introduced by Senator Kearns and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Berndt, Holloway, Kearns, Knox, Weiss - 5.

NO: Senators Adams, Arnold, Cook, Cordrey, Hughes, Littleton, Martin, Murphy, Schlor, Sharp, Spence - 11.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Cicione, Hale, McCullough, Zimmerman - 4.

Therefore, the Amendment was declared lost.

SA 8 to the Bill was introduced by Senator Kearns and considered for adoption on his motion. The roll call vote was taken and revealed:

YES: Senators Berndt, Hale, Holloway, Kearns, Knox, Weiss, Zimmerman - 7.

NO: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Littleton, Martin, Murphy, Schlor, Sharp, Spence - 12.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

At the request of Senator Kearns, the following were listed as in opposition to the Bill: Shirley C. Horowitz, Jewish Federation of Delaware; Scott Cown, Executive Director, Delaware Council on Crime and Justice; Archibold M. Woodrull, III, Chairperson, Crime and Justice Task Force for the Social Action and Awareness Ministries of the Delaware Ecumenical Agency.

The following communications in relation to the Bill were read into the record at the request of Senator Kearns:

AERENSON & BALICK  
Wilmington, Delaware  
March 9, 1977

Honorable Francis J. Kearns  
Dover, Delaware

Re: Capital Punishment

Dear Senator Kearns:

On November 16, 1976, you wrote to me in my capacity as Chairman of the Criminal Law Committee on the Delaware Bar Association. You asked our Committee to review the Capital Punishment Bill which you are sponsoring. You also referred to the bill drafted by the Attorney General. In response to your request, our Committee has reviewed both bills.

The Committee decided that it would simply point out possible constitutional problems rather than suggest or propose legislative amendments. The Committee met several times, the last meeting being just last Wednesday. The written suggestions were hand-delivered to my office yesterday afternoon. The Committee had agreed that I would incorporate those suggestions into a letter to you. Unfortunately, I learned this morning that the House had passed a capital punishment bill yesterday, which I understand is the one that had been drafted by the Attorney General. I was also advised that there is a possibility that the Senate may suspend rules to act on the House Bill today. Therefore, I have decided to simply forward the Committee's work product directly to you in outline form. You will note that the numbers on the bills may not be correct. However, as I understand it, what our Committee refers to as Senate Bill No. 28 is the same as that bill passed by the House yesterday without amendments. The bill we refer to as Senate Bill No. 863 is the same as the bill you sponsored without amendment.

Very truly yours,  
Sidney Balick, Chairman  
Criminal Law Committee

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POSSIBLE CONSTITUTIONAL PROBLEMS

SENATE BILL 28:

1. Possible Problems of Notice. Defendant arguably should be on notice prior to trial (not just prior to the punishment hearing) of the aggravating circumstances the state intends to allege, and the evidence upon which the state intends to rely.

2. In order to preserve the defendant's right of confrontation, the introduction of evidence by the State at the punishment hearing should be governed by the rules of evidence; the defendant should be accorded greater latitude in the presentation of evidence of mitigation.

3. Due process may require that the jury or judge find beyond a reasonable doubt a statutory aggravating circumstance, and not just any aggravating circumstance.

4. Many of the statutory aggravating circumstances are so vague or over-broad, that they may violate due process, especially sub-sections (16) - (19).

5. It may be unconstitutional to have a provision whereby a statutory aggravating circumstance is established by the conviction of a defendant under 11 Del.C. §636 (a)(2) through (a)(7), without anything further.

6. Regarding conviction under 11 Del.C. §636 (a)(2) through (a)(7), it may be unconstitutional (violation of cruel and unusual punishment clause) to make the death penalty potentially available for unintentional killings.

7. Problems of due process in that jury is given no guidance as to the sentence to be imposed if it finds both aggravating and mitigating circumstances.

8. Appellate review provisions inadequate, in that it provides for no comparison of case on appeal to determine if death penalty imposed arbitrarily when compared with other cases of a similar nature.

9. Appellate review provisions inadequate in that it provides no review of the evidence of mitigating circumstances.

#### SENATE BILL 863:

1. Limitation on mitigating circumstances to just those listed may be unconstitutional.

2. Specific appellate review provision should be provided to insure constitutionality.

#### AS TO BOTH BILLS:

1. No provision permitting a waiver of the punishment hearing if defendant so desires and no provision permitting the state to stipulate that no aggravating circumstances exist, or that mitigating circumstances do exist.

2. Defendant should arguably have right to a separate jury for determination of penalty.

3. Defendant may be able to object on due process grounds if he is forced to have a separate jury.

\* \* \* \* \*

WILLIAM T. QUILLEN  
New Castle, Delaware  
March 2, 1977

Senator Francis J. Kearns  
Wilmington, Delaware

Dear Senator Kearns:

Due to another commitment, it may not be possible for me to attend the public hearing on capital punishment on Wednesday, March 2. I therefore express my views by means of this letter.

It has never been my opinion that capital punishment per se is Unconstitutional. Capital punishment is a legislative issue. Unfortunately, the emphasis on Constitutional litigation has been a diversion which has effectively limited serious legislative and public debate about the death penalty. You should be commended for providing a forum where competing views can be exchanged. But, to be useful, the forum must do more than take a poll or have a show of hands. It seems to me that discussion must center on two levels.

First, there is the basic question concerning the propriety of any use of capital punishment as an instrument of ours. I suspect that people lean firmly either one way or the other on that question depending upon their religious and moral viewpoints and their concern for the potential for mistake. I also suspect that few people are going to change their mind. But a reasoned statement of our society's position is needed on this fundamental question. And, unfortunately, the discussion usually ends with emotion and without resolution on this basic level.

But there is a second level where debate and analysis are also sorely needed. If capital punishment is not totally excluded as morally improper, in what circumstances and for what purposes is it to be used? It may make a difference if the purpose advocated is retribution or deterrence. One purpose may be unworthy whereas another may be worthy. But the purpose to be served can have great influence on the extent of the use. If the purpose is deterrence, there is no need to include within the definition of capital crimes those crimes which will not be deterred by the existence of the death penalty. Contract murder and ransom kidnapping may be deterred but a killing resulting from domestic discord is unlikely to be. There should be an effort to delineate capital crimes in such a manner as to fit them within a defined legislative purpose for the existence of the penalty.

It is at this second level where the absence of debate has been particularly harmful in recent years. Partly as a result of confusing judicial decisions on capital punishment and partly as a result of a lack of analysis in legislative reaction, there has been a tendency to expend the definition of capital crimes without any rational consideration of the relationship between the crimes and the purpose for capital punishment.

I suggest that this time the legislature should not react



in an automatic fashion. This time we should consider capital punishment with respect for the enormity of the issue, killing by society. At the very least, we should try to define in rational terms why and how we justify taking the lives of human beings.

I have had the experience of mounting a Superior Court bench, armed with the full trappings of judicial office, and possessing the option of imposing the death penalty. It did not give me a feeling of power nor a feeling of compassion. It gave me only a feeling of my own humanness. I know the sting of Justice Blackman's words:

"Cases such as these provide for me an excruciating agony of the spirit. I yield to no one in the depth of my distaste, antipathy, and indeed, abhorrence for the death penalty, with all its aspects of physical distress and fear and of moral judgment exercised by finite minds."

I believe that it is incumbent upon the State to establish a concrete basis to demonstrate the necessity of capital punishment and that this should be done by way of a detailed legislative history prior to any legislation.

I favor a resolution for the establishment of a capital punishment study commission to investigate, report and make recommendations on the reinstatement of capital punishment. In so favoring, I express no opinion on who the members of the commission should be. I ask only that they be free to exercise their independent judgment on the proper role, if any, of capital punishment in Delaware in 1977.

Very sincerely yours,  
William T. Quillen

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SA 9 to the Bill was introduced by Senator Sharp and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator Holloway - 1.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Sharp the roll call vote on

SB 28 w SA 1, 2, 9 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Littleton, Martin, Murphy, Schlor, Sharp, Spence, Zimmerman - 13.

NO: Senators Holloway, Kearns, Knox, McDowell, Weiss - 5.

NOT VOTING: Senators Berndt and Hale - 2.

ABSENT: Senator McCullough - 1.

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

At 6:25 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 20, 1977.

The Senate reconvened at 1:45 p.m. April 20, 1977, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 172.

SB 171 was reported out of Agriculture Committee: 5 Merits.

HB 74 was reported out of Finance Committee: 4 Favorable, 1 Merits.

The following legislation was introduced:

SB 173 - AN ACT TO AMEND THE LAWS OF DELAWARE AS THEY RELATE TO STUDENTS VOLUNTARILY TRANSFERRING FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER. Sponsors: Senator Arnold and Representative Maxwell. The Bill was laid on the table at the request of Senator Arnold.

SB 174 - AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES. Sponsors: Senators McDowell and Murphy. Assigned to Energy Committee.

SA 1 to SB 122 was introduced by Senator Martin and placed with the Bill.

SR 47 was introduced by Senator Sharp and considered for adoption:

SR 47 - CITING FRANCIS A. TERRANOVA FOR QUICK THINKING IN PROVIDING FIRST AID FOR A BOY BADLY INJURED WHEN STRUCK BY A TRAIN.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Cicione, Kearns, McCullough, McDowell, Schlor and Spence) ABSENT; therefore, the Resolution was declared adopted.

SCR 22 - EMBODYING REASONS WHY THE GENERAL ASSEMBLY BELIEVES THE ATTORNEY GENERAL'S NOTION FOR A STAY OF THE EVANS V. BUCHANAN JUDGMENT OF JUNE 15, 1976 SHOULD BE GRANTED. Sponsors: Senators Arnold, Cicione, Hughes, Sharp, Spence, Knox, Kearns and Martin; Representatives Oberle, Ridings, Worthen, Byrd and Roy. The Resolution was laid on the table on motion of Senator Arnold.

SJR 18 - DIRECTING THE DELMARVA POWER AND LIGHT COMPANY AND THE CHESAPEAKE UTILITIES CORPORATION TO FORMULATE A COMPREHENSIVE ENERGY DISTRIBUTION PLAN, THE OBJECTIVE OF WHICH IS TO MAINTAIN THE HIGHEST AMOUNT OF EMPLOYMENT POSSIBLE IN EVERY TYPE OF ENERGY CRISIS OR EMERGENCY. Sponsor: Senator McDowell. Assigned to Energy Committee.

HJR 11 - TO ADOPT ENERGY CONSERVATION AS A STATE POLICY AND TO SET GOALS FOR THE STATE OF DELAWARE. Jointly sponsored by: Representatives Smith, Darling, Burris, Clendaniel and Gilligan; Senators McDowell, Berndt, Knox, Martin, McCullough and Spence. Assigned to Energy Committee.

HCR 17 - REQUESTING THE GOVERNOR TO RECOMMEND A PROGRAM WHICH WILL ENABLE THE STATE TO COLLECT MILLIONS OF DOLLARS IN UNPAID PERSONAL INCOME TAXES. Sponsors: Representatives Gilligan, Anderson and Ferguson; Senators Cook and Cicione. The Resolution was laid on the table on motion of Senator Cook.

Senator McCullough was marked PRESENT.

HCR 16 - COMMENDING THOSE FAMILIES WHO HAVE PARTICIPATED IN THE FRESH AIR PROGRAM. Sponsor: Representative Cain.

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

HB 249 - AN ACT TO AMEND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO THE METHOD, PUNISHMENT AND REVIEW OF PUNISHMENT FOR FIRST DEGREE MURDER. Sponsors: Representatives Riddagh, Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor, Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Lynch, Maxwell, Minner, Morris, Oberle, Powell, Ridings, Roy, Sincok, Temple and Vernon; Senators Sharp, Cook, Cicione, Hughes, Arnold, Adams, Littleton and Spence. Assigned to Judiciary Committee.

HB 120 - AN ACT TO AUTHORIZE AND APPROVE OF THE TRANSFER OF CERTAIN STATE REAL PROPERTY SITUATED IN EAST DOVER HUNDRED, KENT COUNTY, DELAWARE. Sponsor: Representative Bennett. The Chair assigned the Bill to the Administrative Services Committee; however, Senator Sharp moved that the Chair be overruled and the Bill be assigned to the Correction Committee.

The roll call vote on the motion to place the Bill in the Correction Committee was taken and announced:

YES: Senators Arnold, Berndt, Hughes, Martin, Sharp, Spence - 6.

NO: Senators Adams, Cook, Cordrey, Hale, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Weiss, Zimmerman - 12.

ABSENT: Senators Cicione, Holloway and Schlor - 3.

Therefore, the motion was defeated and the Bill remained in the Administrative Services Committee.

HB 180 - AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE V, SECTION 4A. OF THE CONSTITUTION OF THE STATE OF DELAWARE TO PERMIT A REGISTERED VOTER TO VOTE AN ABSENTEE BALLOT IF THE VOTER IS ON VACATION. Sponsor: Representative Gordy. Assigned to Banking, Insurance and Elections Committee.

HB 182 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE TO ELIMINATE THE DISTINCTION BETWEEN PERSONS ADDICTED TO NARCOTIC DRUGS AND THOSE NOT SO ADDICTED WITH REFERENCE TO THE SENTENCES PRESCRIBED FOR DELIVERY AND POSSESSION, MANUFACTURE AND POSSESSION WITH INTENT TO DELIVER NARCOTIC DRUGS. Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HB 190 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER 11, SUBPART D, OF TITLE 11, DELAWARE CODE RELATING TO SEXUAL OFFENSES.  
Sponsor: Representative Loughney. Assigned to Judiciary Committee.

The following legislation was reported out of the Judiciary Committee: SB 52 - 1 Favorable, 4 Merits; HB 40 - 2 Favorable, 1 Unfavorable; HB 70 - 3 Merits; SB 158 - 2 Favorable, 1 Unfavorable; SB 157 - 4 Merits; HB 1 - 2 Merits, 2 Unfavorable.

Senator Cordrey welcomed the ladies from the Medical Department who were present in the Senate Chamber.

At 2:13 p.m. on motion of Senator Martin, the Senate adjourned to convene immediately for the 19th Legislative Day.

#### 19TH LEGISLATIVE DAY

The Senate convened at 2:13 p.m. April 20, 1977, President Pro Tempore Cordrey presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 18th Day was approved as read.

At 2:16 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:32 p.m., Lt. Governor McGinnis now presiding.

Senator Kearns moved that the roll call vote on HCR 9 be lifted from the table; however, before the roll call was announced, it was again laid on the table on further motion of Senator Kearns.

SCR 22 was lifted from the table for consideration on motion of Senator Arnold and the roll call vote taken which revealed:

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

NO: Senators Holloway, McDowell and Schlör - 3.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Hale and Hughes - 2.

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

Senator Arnold moved that the necessary rules be suspended to lift SB 173 for consideration. The roll call vote on the motion was taken and revealed:

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

NO: Senators Holloway, McDowell and Schlör - 3.

ABSENT: Senator Zimmerman - 1.

Therefore, the motion prevailed and the Bill was taken up for consideration:

SB 173 - AN ACT TO AMEND THE LAWS OF DELAWARE AS THEY RELATE TO STUDENTS VOLUNTARILY TRANSFERRING FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER.

Senator Martin was added as co-sponsor of the Bill at his request.

At 4:18 p.m. Senator Murphy presiding.

Senator Kearns moved that the requirement for a Fiscal Note on SB 173 be waived and the roll call vote on the motion was taken and announced:

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

NO: Senators Holloway, McDowell and Schlor - 3.

NOT VOTING: Senator Zimmerman - 1.

Therefore, the motion prevailed.

At the request of Senator Cicione, the privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Bill after which the roll call vote was taken and announced:

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

NO: Senators Holloway, McDowell and Schlor - 3.

NOT VOTING: Senator Zimmerman - 1.

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

SB 147, SB 148 and SB 61 were laid on the table at the request of Senator Kearns.

HJR 7 was taken up for consideration on motion of Senator Cook:

HJR 7 - PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE OPERATION OF THE STATE LOTTERY.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senator Schlor - 1.

NOT VOTING: Senators Holloway, Hughes and Littleton - 3.

ABSENT: Senators Arnold and McDowell - 2.

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

SB 125 which was next on the Agenda for the day was deferred at the request of Senator Holloway.

SB 119 was taken up for consideration on motion of Senator Sharp:

SB 119 - AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE RELATING TO THE COMPUTATION OF SEWER SERVICE CHARGES IN NEW CASTLE COUNTY.

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

YES: Senators Adams, Arnold, Cicione, Cordrey, Hughes, Kearns, Martin, Murphy, Sharp, Spence, Zimmerman - 11.

NO: Senators Berndt, Hale, Knox, McCullough - 4.

NOT VOTING: Senators Cook and Weiss - 2.

ABSENT: Senators Holloway, Littleton, McDowell, Schlor - 4.

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

SB 102 was taken up for consideration on motion of Senator Martin:

SB 102 - AN ACT TO AMEND CHAPTER 7, SUBCHAPTER 1 OF TITLE 7, DELAWARE CODE RELATING TO PROHIBITED HUNTING AND TRAPPING DEVICES AND METHODS.

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

YES: Senators Cook, Martin and Zimmerman - 3.

NO: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Knox, McDowell, Murphy, Schlor, Spence, Weiss - 14.

NOT VOTING: Senators Kearns, McCullough and Sharp - 3.

ABSENT: Senator Littleton - 1.

Therefore, the Bill was declared lost.

SB 99 which was next on the Agenda for the day was placed at the bottom of the day's Agenda at the request of Senator Cordrey.

SJR 16 was lifted for consideration on motion of Senator Cicione:

SJR 16 - RECOGNIZING THE IMPORTANCE OF TODAY'S SECRETARY IN INDUSTRY, THE PROFESSIONS, AND GOVERNMENT; AND PROCLAIMING THE WEEK OF APRIL 24 THROUGH APRIL 30, 1977, AS SECRETARIES' WEEK.

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

HB 11 was taken up for consideration on motion of Senator Cicione:

HB 11 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN.

The privilege of the floor was extended to Representative George at the request of Senator Cicione after which the roll call vote on the Bill was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Knox - 1.

ABSENT: Senator Littleton - 1.

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

SA 1 to HB 249 was introduced by Senator Kearns and placed with the Bill.

The following Committee reports were announced:

From the Public Safety Committee: HB 53 w HA 1 - 6 Merits; HB 115 - 5 Merits.

From the Banking, Insurance and Elections Committee: SB 128 - 2 Favorable, 3 Merits.

From the Community Affairs Committee: SB 115 - 4 Merits.

At 5:50 p.m. on motion of Senator Cordrey, the Senate recessed until Thursday April 21, 1977, at 1:30 p.m.

The Senate reconvened at 1:50 p.m. April 21, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 20th Day.

#### 20TH LEGISLATIVE DAY

The Senate convened at 1:50 p.m. April 21, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

The Journal of the 19th Day was approved as read.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Kearns - 1.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 16.

SCR 23 (Sponsored by Senators Murphy, Cook and Berndt; Representatives T. Brady, Worthen and Morris) was introduced and considered for adoption on motion of Senator Murphy:

SCR 23 - RELATING TO THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE COMMITTEE SYSTEM OF THE DELAWARE LEGISLATURE.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 15.

NO: Senator McCullough - 1.

ABSENT: Senators Cicione, Holloway, Kearns, Knox, Zimmerman - 5.

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

The following legislation was introduced:

HB 98 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO FEES FOR HUNTING AND TRAPPING LICENSES FOR NONRESIDENTS. Sponsor: Representative Gilligan. Assigned to Natural Resources and Environmental Control Committee.

HB 99 - AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR REFUSAL TO GRANT A LIQUOR LICENSE. Sponsor: Representative Anderson. Assigned to Administrative Services Committee.

HB 127 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO WATER ALLOCATION BY THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Representative Worthen. Assigned to Natural

Resources and Environmental Control Committee.

HB 178 - AN ACT TO AMEND CHAPTER 1 AND CHAPTER 92, TITLE 10, DELAWARE CODE TO ABOLISH THE OFFICE OF DEPUTY ADMINISTRATOR OF THE JUSTICE OF THE PEACE COURTS. Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HB 251 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 13 TITLE 10 DELAWARE CODE RELATING TO THE FAMILY COURT AND COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE. Sponsor: Representative Gordy. Assigned to Judiciary Committee.

HJR 9 - AUTHORIZING THE GOVERNOR TO ENTER INTO A CONTRACT OR CONTRACTS WITH THE FEDERAL DEPOSIT INSURANCE CORPORATION AND THE FARMERS BANK OF THE STATE OF DELAWARE. Sponsors: Representative Sincock and Senator Murphy.

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

SB 175 - AN ACT AUTHORIZING THE DEPARTMENT OF INSURANCE TO TRANSFER BETWEEN LINES. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SA 1 to SB 106 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 157 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 159 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 161 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 160 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 162 was introduced by Senator Sharp and placed with the Bill.

SJR 19 - DIRECTING THE STATE BOARD OF EDUCATION TO EXTEND THE DATE BY WHICH SCHOOL BUS CONTRACTORS MAY SERVE NOTICE IF THEY DO NOT INTEND TO PROVIDE SERVICE DURING THE SCHOOL YEAR STARTING IN SEPTEMBER 1977. Sponsors: Senator Cicione; Representatives Temple, Gordy, Gilligan, Maxwell, Byrd, Kelly. Assigned to Education Committee.

SB 171 was taken up for consideration on motion of Senator Adams:

SB 171 - AN ACT TO AMEND CHAPTER 74, TITLE 3, DELAWARE CODE, RELATING TO THE DIAGNOSIS AND TESTING EXPENSES OF THE EQUINE INFECTIOUS ANEMIA PROGRAM.

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

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

ABSENT: Senators Cicione, Hale, Kearns, Knox, Zimmerman - 5.  
Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 99 was taken up for consideration on motion of Senator Murphy:

SB 99 - AN ACT TO AMEND CHAPTER 21, SUBCHAPTER 1 OF TITLE 21 OF DELAWARE CODE RELATING TO THE RIGHTS OF SUBROGATION UNDER THE DELAWARE NO-FAULT INSURANCE FOR MOTOR VEHICLES.



The roll call vote on the Bill was taken and revealed:  
YES: Senators Adams, Arnold, Berndt, Cook, Cordrey,  
Hale, Hughes, Littleton, Martin, McCullough, McDowell,  
Murphy, Schlor, Sharp, Spence, Weiss - 16.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Cicione, Kearns, Knox and Zimmerman - 4.  
Therefore, the Bill was declared passed by the Senate and  
sent to the House for consideration.

SB 128 was taken up for consideration on motion of Senator  
Murphy:

SB 128 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO  
THE INSURANCE DEPARTMENT FOR THE PURPOSE OF RETAINING  
PROFESSIONAL ASSISTANCE AND/OR ADVICE WITH RESPECT TO  
CERTAIN RATE FILING MADE BEFORE THE INSURANCE DEPARTMENT.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale,  
Holloway, Hughes, Knox, Littleton, Martin, McCullough,  
McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

ABSENT: Senators Cicione and Kearns - 2.

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

Senator Hale moved that the roll call on HCR 9 be lifted;  
however, the Chair ruled that since the sponsor of the  
Resolution, Senator Kearns, was absent the roll call could not  
be lifted.

HB 44 was reported out of Community Affairs Committee:  
1 Favorable, 3 Merits.

SB 176 was introduced by Senator Sharp and laid on the table  
at his request:

SB 176 - AN ACT TO AMEND CHAPTER 19, TITLE 10, DELAWARE CODE,  
RELATING TO ATTORNEYS-AT-LAW.

SCR 24 (Sponsored by Senators Berndt, Sharp and Arnold;  
Representatives Darling, Roy, Byrd, McKay and Loughney)  
was introduced and considered for adoption on motion of Senator  
Berndt:

SCR 24 - CALLING UPON THE PRESIDENT AND THE CONGRESS OF THE  
UNITED STATES TO INSURE THAT ADEQUATE RESEARCH AND DEVELOPMENT  
FUNDING BE PROVIDED FOR NUCLEAR AND COAL ENERGY DEVELOPMENT  
AND ALTERNATE ENERGY RESOURCES.

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

At 2:45 p.m. on motion of Senator Martin, the Senate  
recessed for an hour.

The Senate reconvened at 5:05 p.m., Lt. Governor McGinnis  
presiding.

On motion of Senator Cordrey, the necessary rules were  
suspended to lift HJR 9 for consideration:

HJR 9 - AUTHORIZING THE GOVERNOR TO ENTER INTO A CONTRACT  
OR CONTRACTS WITH THE FEDERAL DEPOSIT INSURANCE CORPORATION AND  
THE FARMERS BANK OF THE STATE OF DELAWARE.

SA 1 to the Resolution was introduced by Senator Zimmerman. Consideration of the Amendment was deferred temporarily on motion of Senator Zimmerman.

The Amendment was then taken up for consideration on motion of Senator Zimmerman and the privilege of the floor extended to David S. Swayze, Office of the Governor, to speak on the Amendment. The roll call vote on the Amendment was then taken and revealed:

YES: Senators Cook, Sharp and Zimmerman - 3.

NO: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Weiss - 14.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Cicione, Holloway and Kearns - 3.

Therefore, the Amendment was declared lost.

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

YES: Senators McDowell and Zimmerman - 2.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Weiss - 16.

ABSENT: Senators Cicione, Holloway and Kearns - 3.

Therefore, the motion was defeated.

On motion of Senator Cordrey, the roll call vote on HJR 9 was then taken and announced:

YES: Senators Adams, Berndt, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Weiss - 13.

NO: Senators Cook, McDowell, Spence, Zimmerman - 4.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators Cicione, Holloway and Kearns - 3.

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

SB 176 which had been laid on the table was assigned to the Executive Committee on motion of Senator Sharp.

SJR 18 was reported out of the Energy Committee: 3 Favorable, 2 Merits.

SA 1 to SB 11 was introduced by Senator Murphy and placed with the Bill.

SB 177 (Sponsored by Senator Hale) was introduced and placed in the Executive Committee:

SB 177 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO ABOLISH CERTAIN COUNTY OFFICES AS ELECTED POSITIONS, AND TO PROVIDE FOR THEIR APPOINTMENT.

SR 48 (Sponsored by Senator Holloway) was introduced and laid on the table in the absence of the sponsor:

SR 48 - REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO MAINTAIN VETERANS' BENEFITS UNDER MANAGEMENT AND CONTROL OF VETERANS ADMINISTRATION.

SR 49 (Sponsored by Senators Hale and Littleton) was introduced and laid on the table on motion of Senator Hale:

SR 49 - REQUESTING THE JOINT FINANCE COMMITTEE TO LIMIT SALARY INCREASES TO NO MORE THAN 5% FOR ANY INDIVIDUAL EMPLOYED BY THE STATE.

SCR 25 (Sponsored by Senators Cicione, Cordrey and Hughes; Representatives Boulden and Sincock) was introduced and considered for adoption on motion of Senator Cordrey:

SCR 25 - WELCOMING WILLIAM ROGERS, NATIONAL COMMANDER, AMERICAN LEGION TO DELAWARE, THE FIRST STATE.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Arnold, Cicione, Holloway, Kearns and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 26 (Sponsored by Senators Spence and Holloway) was introduced and considered for adoption on motion of Senator Spence:

SCR 26 - COMMENDING THE LOWER NEW CASTLE COUNTY MEDICAL CENTER, INCORPORATED.

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

At 5:45 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 26, 1977.

The Senate reconvened at 1:50 p.m. April 26, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 21st Legislative Day.

## 21ST LEGISLATIVE DAY

The Senate convened at 1:50 p.m. April 26, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 20th Legislative Day was approved as read.

Senator Cordrey welcomed a group of senior students from Sussex County who were present in the Chamber.

The Secretary announced that a message from the House informed the Senate that it had passed SB 173.

The Secretary announced that Legislative Advisory #7 received from the Office of Counsel to the Governor indicated that the Governor approved SB 33 on March 6, 1977; SB 78; SB 47; SJR 3 on April 21, 1977 and SB 172 on April 22, 1977. The Governor vetoed SJR 14 on April 7, 1977.

SB 178 (Sponsored by Senator Cicione; Representatives Gilligan, Maxwell, Byrd and Kelly) was introduced and assigned

to Administrative Services Committee:

SB 178 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES FOR SALES OF ALCOHOLIC LIQUORS TO BE CONSUMED OFF-PREMISES.

At 1:57 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:55 p.m., President Pro Tempore Cordrey presiding.

The Secretary announced that a message received from the House informed the Senate that it had adopted SJR 16.

HB 251 was reported out of the Judiciary Committee:  
4 Merits.

The following legislation was introduced:

SB 179 - AN ACT TO AMEND CHAPTER 59, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND EXEMPTING MEMBERS, EMPLOYEES AND AGENTS OF THE DELAWARE STATE LOTTERY. Sponsor: Senator Cicione. Assigned to Judiciary Committee.

SB 180 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE RELATING TO PUBLIC HOUSING TENANTS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 181 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE CAPITAL SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING AN ADDITION TO THE KENT COUNTY ORTHOPEDIC SCHOOL. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 182 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE RELATING TO DISPOSITION OF LOST OR STOLEN PROPERTY. Sponsors: Senators Zimmerman, Martin, Holloway, Schlor, Kearns, McCullough, Berndt, Hale, Weiss and Hughes; Representatives Morris, Gilligan, Minner, W. Brady and Miller. Assigned to Judiciary Committee.

SB 183 - AN ACT TO AMEND CHAPTER 92, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO THE ORGANIZATION AND OPERATION OF JUSTICE OF THE PEACE COURTS. Sponsors: Senator Cicione; Representatives Byrd, Maxwell and Kelly. Assigned to Judiciary Committee.

SA 1 to SB 10 was introduced by Senator Murphy and placed with the Bill.

SCR 27 was introduced by Senator Hughes and laid on the table at his request:

SCR 27 - REQUESTING THE GOVERNOR TO TAKE STEPS NECESSARY FOR USE OF A PORTION OF THE WOODS HAVEN KRUSE SCHOOL AS A GERIATRIC SERVICES FACILITY.

HB 69 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE. Sponsors: Representative Riddagh; Senators Cook and Zimmerman. Assigned to Executive Committee.

HB 219 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO LEGISLATIVE JOURNALS BY SIMPLIFYING PRINTING REQUIREMENTS. Sponsor: Representative Jonkiert. Assigned to Executive Committee.

HJR 13 - PROCLAIMING MAY 1 AS LAW DAY. Sponsor: Representative Matushefske. Assigned to Executive Committee.

HB 1 was taken up for consideration on motion of Senator Kearns:

HB 1 - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO SUPPORT ORDERS AND ENFORCEMENT THEREOF.

At the request of Senator Kearns, the following letter is made part of this Journal:

THE FAMILY COURT OF THE STATE OF DELAWARE  
January 26, 1977

Senator Francis Kearns  
Chairman of the Judiciary Committee  
Dover, Delaware

RE: Impact of House Bill 1 on children

Dear Senator Kearns:

House Bill 1, a copy of which is enclosed herein, passed the House of Representatives on January 25, 1977. When your Committee deliberates on the merits of House Bill 1, I request you consider the following:

The proposed amendment to 13 Del. C. §516 attempts to equate support and visitation of children although these two aspects of Family Law differ and have been treated separately and independently by the Court. The aim of the legislation appears to be to assure the non-custodial parent who has been accorded visitation rights, a means of enforcing these rights. If the custodial parent denies or thwarts visitation, then the non-custodial parent is justified in ceasing support payments. The problem inherent in making the two mutually dependent is that it, in effect, ignores the welfare of the child. If the support is allowed to stop, then it is the child, not the custodial parent, who suffers. If the proposed law is enacted, then there is a very real possibility that a child could lose both support and the opportunity to see the non-custodial parent. A custodial parent, in many instances, refuses a non-custodial parent visitation of their children because of valid reasons, such as, drunkenness, abuse or neglect, which of course, are not in the best interest of the child; however, it takes six to eight weeks to get back in Court to have the visitation rights adjusted and during the interim period the non-custodial parent could pay no support for the child and then have a defense to such non-payment under H.B. 1. In my many years as a Judge I have found a great deal more abuse by the non-custodial parent who fails to pay support than I have the custodial parent who fails to grant visitation rights. There are means in Family Court for the enforcement of visitation when the custodial parent is in violation of an Order.

The Judges of Family Court believe the child should not become a pawn, a tool for bargaining. I sincerely hope you and your honorable colleagues feel the same.

Yours very truly,  
Robert D. Thompson  
Chief Judge

\* \* \* \* \*

On motion of Senator Berndt, the Bill was then laid on the table.

SB 52 was taken up for consideration on motion of Senator Kearns:

SB 52 - AN ACT TO AMEND PART VI, TITLE 10 OF THE DELAWARE CODE RELATING TO FEES AND COSTS; AND PROVIDING FOR THE RECOUPMENT OF DEFENSE COSTS.

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

HB 40 was taken up for consideration on motion of Senator Kearns:

HB 40 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING PENALTIES FOR THE PROMOTION OF PROSTITUTION.

At 4:37 p.m., Senator Sharp presiding.

At the request of Senator Kearns, the privilege of the floor was extended to Attorney, Harry Terry and Representative Riddagh to speak on HB 40 after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, Schlor, Sharp, Spence - 14.

NO: Senator Weiss - 1.

NOT VOTING: Senators Berndt, Holloway, Kearns, McDowell, Zimmerman - 5.

ABSENT: Senator Murphy - 1.

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

At 5:25 p.m. President Pro Tempore Cordrey presiding.

HB 70 was taken up for consideration on motion of Senator Kearns:

HB 70 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO SHOPLIFTING.

At the request of Senator Kearns, the privilege of the floor was extended to Representative Gilligan to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss - 19.

NOT VOTING: Senators Cicione and Zimmerman - 2.

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

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 74:

HB 74 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR EXTRADITION EXPENSES.

At the request of Senator Zimmerman, the privilege of the floor was extended to George H. Seitz, Department of Justice, to speak on the Bill after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 158 was deferred for consideration on motion of Senator Sharp.

SB 157 was taken up for consideration on motion of Senator Sharp:

SB 157 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO THE GENERAL PROVISIONS IN THE COURT OF COMMON PLEAS COVERING THE RIGHT TO TRIAL BY JURY.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the privilege of the floor extended to George H. Seitz, Department of Justice, to speak on the Amendment after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 18.

NO: Senator Zimmerman - 1.

ABSENT: Senators Arnold and Cicione - 2.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to George H. Seitz, Harry Terry and Tom Sandback to speak on SB 157 w SA 1 after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, Schlör, Sharp, Weiss - 14.

NO: Senators Cook, Littleton, McDowell, Murphy, Spence, Zimmerman - 6.

ABSENT: Senator Cicione - 1.

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

SB 115 was taken up for consideration on motion of Senator Kearns:

SB 115 - AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE RELATING TO PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES.

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

YES: Senators Adams, Arnold, Cook, Cordrey, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 14.

NOT VOTING: Senators Berndt, Hale, Hughes, Knox, Littleton - 5.

ABSENT: Senators Cicione and Holloway - 2.

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

SR 50 was introduced by Senator Zimmerman and considered for adoption on his motion:

SR 50 - EXTENDING CONGRATULATIONS TO DOVER HIGH SCHOOL SCIENCE STUDENTS FOR WINNING THE FIRST ANNUAL DELAWARE SCIENCE OLYMPIAD ON APRIL 23, 1977.

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

The following Committee reports were announced:

From the Health and Social Services Committee: SB 118 - 4 Merits; SB 180 - 4 Merits.

From the Judiciary Committee: SB 182 - 5 Favorable.

From the Education Committee: SJR 19 - 6 Merits.

From the Executive Committee: HJR 13 - 6 Merits.

The following legislation was introduced:

SB 184 - AN ACT TO AMEND CHAPTER 36 OF TITLE 24, DELAWARE CODE, RELATING TO THE REGISTRATION OF PROFESSIONAL GEOLOGISTS. Sponsor: Senator Martin. Assigned to Administrative Services Committee.

SB 185 - AN ACT TO AMEND CHAPTER 39, TITLE 11 OF THE DELAWARE CODE RELATING TO CONCURRENT AND CONSECUTIVE SENTENCES. Sponsor: Senator Schlör. Assigned to Judiciary Committee.

SA 1 to SB 183 was introduced by Senator Cicione and placed with the Bill.

At 6:20 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. April 27, 1977.

The Senate reconvened at 1:57 p.m., April 27, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 20; SCR 23; SCR 25 and SCR 26.

The following legislation was introduced:

SB 186 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES," BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, BY CONFERRING UPON THE CITY COUNCIL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF LEWES. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

HB 241 w HA 1 - AN ACT TO AMEND CHAPTER 7, PART II, TITLE 29 OF THE DELAWARE CODE RELATING TO THE GENERAL ASSEMBLY; AND PROVIDING FOR AN ANNUAL LEGISLATIVE ART SHOW. Sponsor: Representative Ferguson. Assigned to Executive Committee.

HCR 18 - EXPRESSING THE APPRECIATION OF THE DELAWARE GENERAL ASSEMBLY FOR THE GENEROUS GIFT BY GREG LUZINSKI, STAR OUTFIELDER FOR THE PHILADELPHIA PHILLIES, OF GAME TICKETS TO UNDER-PRIVILEGED CHILDREN FROM WILMINGTON AND DOVER. Sponsor: Representative George.

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



The following legislation was reported out of the Banking, Insurance and Elections Committee: SB 50 - 4 Merits; SB 175 - 4 Merits; SB 100 - 4 Merits; HB 180 - 4 Merits.

At 2:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 22nd Legislative Day.

## 22ND LEGISLATIVE DAY

The Senate convened at 2:00 p.m. April 27, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 21st Day was approved as read.

The following legislation was reported out of the Executive Committee: HB 69 - 6 Merits; HB 219 - 6 Merits.

SJR 18 was taken up for consideration on motion of Senator McDowell:

SJR 18 - DIRECTING THE DELMARVA POWER & LIGHT COMPANY AND THE CHESAPEAKE UTILITIES CORPORATION TO FORMULATE A COMPREHENSIVE ENERGY DISTRIBUTION PLAN, THE OBJECTIVE OF WHICH IS TO MAINTAIN THE HIGHEST AMOUNT OF EMPLOYMENT POSSIBLE IN EVERY TYPE OF ENERGY CRISIS OR EMERGENCY.

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

HCR 15 was lifted from the table for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 44 was taken up for consideration on motion of Senator Schlör:

HB 44 - AN ACT TO AMEND CHAPTER 55, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR A TERMINATION OF TENANCY UNDER CERTAIN CIRCUMSTANCES.

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

YES: Senators Berndt, Cook, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, Schlör, Sharp, Spence, Weiss - 13.

NO: Senators Adams, Arnold, Cicione, Cordrey, Zimmerman - 5.

NOT VOTING: Senators Hughes and Murphy - 2.

ABSENT: Senator McDowell - 1.

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

HB 251 was taken up for consideration on motion of Senator Kearns:

HB 251 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 13 TITLE 10

DELAWARE CODE RELATING TO THE FAMILY COURT AND COURT OF COMMON  
PLEAS FOR THE STATE OF DELAWARE.

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

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

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

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator McCullough - 1.

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

At the request of Senator Cordrey, the following letters  
are made part of this record:

STATE OF DELAWARE  
DEPARTMENT OF INSURANCE  
April 26, 1977

The Honorable Richard S. Cordrey  
President Pro Tempore  
Legislative Hall  
Dover, Delaware

Dear Senator Cordrey:

So that our records may be current, we would appreciate  
your advising us as to the identity of your appointments to  
the State Group Life Insurance Committee (18 Delaware Code,  
Section 3206).

Thank you for your attention to this matter.

Very truly yours,  
Arnold R. Olsen  
Director of Insurance Coverage

\* \* \* \* \*

SENATE  
STATE OF DELAWARE  
DOVER  
April 27, 1977

Mr. Arnold R. Olsen  
Director of Insurance Coverage  
Department of Insurance  
Dover, Delaware

Dear Mr. Olsen,

As per your letter of April 26, 1977, requesting my  
appointments to the State Group Life Insurance Committee,  
(18 Delaware Code, Section 3206), I hereby submit the names of:  
Senators William Murphy, Senator Lee Littleton to serve on this

committee, as outlined in the Code. Thank you for bringing this matter to my attention.

Sincerely,  
Senator Richard S. Cordrey,  
President Pro Tempore

\* \* \* \* \*

The following Committee Reports were announced:

From the Executive Committee: HB 241 w HA 1 - 6 Merits.

From the Judiciary Committee: SB 164 - 5 Merits; SB 162 - 3 Merits, 1 Unfavorable; SB 160 - 4 Merits.

SR 51 (Sponsored by Senators Cordrey and Adams) was introduced and considered for adoption:

SR 51 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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

At 3:07 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 4:45 p.m., Lt. Governor McGinnis presiding.

The following Committee Reports were announced:

From the Judiciary Committee: HB 182 - 3 Merits, 1 Unfavorable; HB 178 - 3 Merits.

From the Community Affairs Committee: SB 186 - 4 Merits.

HJR 14 (Sponsored by Representatives Jonkiert and Cain; Senator Holloway) was introduced and laid on the table at the request of Senator Holloway:

HJR 14 - RECOGNIZING THE IMPORTANCE OF GIRLS CLUBS OF DELAWARE AND PROCLAIMING THE WEEK OF MAY 8 THROUGH MAY 14, 1977 AS GIRLS CLUB WEEK.

HCR 19 (Sponsored by Representatives George, Bennett, Gilligan, Matushefske, Worthen, Ambrosino and Connor; Senators Cicione, McDowell, Kearns, Holloway, Cook, Hale and Littleton) was introduced and considered for adoption on motion of Senator Holloway:

HCR 19 - COMMENDING THE CONTROLLER GENERAL AND HIS STAFF FOR THEIR EXCEPTIONAL WORK IN PREPARING THE GENERAL APPROPRIATION BILL.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Weiss - 15.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Arnold, Berndt, Hughes, Sharp, Spence - 5.

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

Lt. Governor McGinnis recognized and welcomed Representative and Mrs. Orth to the Chamber.

SB 93 was reported out of the Finance Committee - 1 Favorable, 4 Merits.

SB 187 was introduced by Senator Weiss and assigned to

Judiciary Committee:

SB 187 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO TRIALS BY JURY IN CIVIL ACTIONS.

HCR 20 (Sponsored by Representative Cain) was introduced and considered for adoption on motion of Senator McDowell:

HCR 20 - COMMENDING THE PRESIDENT ON HIS EFFORTS TO DEAL WITH OUR NATIONS'S ENERGY SHORTAGE AND URGING ALL DELAWAREANS TO SUPPORT SUCH EFFORTS.

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

The following legislation was introduced:

HB 222 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO MUNICIPAL STREET AID. Sponsors: Representative Temple and Senator Adams. Assigned to Revenue and Taxation Committee.

HB 203 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO CHANGES IN THE HEIGHT OF SCHOOL BUS FLASHING LIGHTS. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 204 - AN ACT TO AMEND CHAPTER 43, OF TITLE 21, DELAWARE CODE RELATING TO CHANGES IN MINIMUM SCHOOL BUS SIZE. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 122 w HA 1 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO FLAT-FEE PERMITS. Sponsor: Representative Minner. Assigned to Revenue and Taxation Committee.

SB 188 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGULATION OF ADULT ENTERTAINMENT BUSINESSES. Sponsors: Senators Sharp, Martin, Adams, Kearns, Cook and Cicone; Representatives Ferguson and Maxwell. Assigned to Labor Committee.

HJR 13 was taken up for consideration on motion of Senator Adams:

HJR 13 - PROCLAIMING MAY 1 AS LAW DAY.

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

SJR 19 was taken up for consideration on motion of Senator Cicone:

SJR 19 - DIRECTING THE STATE BOARD OF EDUCATION TO EXTEND THE DATE BY WHICH SCHOOL BUS CONTRACTORS MAY SERVE NOTICE IF THEY DO NOT INTEND TO PROVIDE SERVICE DURING THE SCHOOL YEAR STARTING IN SEPTEMBER 1977.

The roll call vote on the Resolution was taken and revealed:  
YES: Senators Arnold, Berndt, Cicone, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 19.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator Adams - 1.

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

SB 180 was taken up for consideration on motion of Senator Holloway:

SB 180 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE RELATING TO PUBLIC HOUSING TENANTS.

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

SB 125 was taken up for consideration on motion of Senator Holloway:

SB 125 - AN ACT TO AMEND CHAPTER 26, TITLE 6, DELAWARE CODE, TO PROHIBIT RETAIL SELLERS OF CIGARETTES FROM SELLING FOR LESS THAN THEY PAID FOR THE CIGARETTES.

At the request of Senator Holloway, the privilege of the floor was extended to Representative Matushefske after which the roll call vote was taken. Senator Holloway moved that the roll call be tabled before being announced and the roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Berndt, Hale, Hughes and Knox - 4.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senator Cicione - 1.

Therefore, the motion prevailed and the roll call on

SB 125 was tabled.

SB 118 was taken up for consideration on motion of Senator Holloway:

SB 118 - AN ACT TO AMEND CHAPTER 37, TITLE 31 OF THE DELAWARE CODE RELATING TO LICENSED CLINICAL SOCIAL WORKERS.

The privilege of the floor was extended to E. I. Slacum, Sr., Office of Professional Licensing, to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 19.

NO: Senator Zimmerman - 1.

ABSENT: Senator Cicione - 1.

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

The following legislation was introduced:

SB 189 - AN ACT PROVIDING THAT THE REIGNING MISS DELAWARE AND HER SUCCESSORS BE MADE HONORARY HOSTESS FOR THE STATE OF DELAWARE. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 190 - AN ACT TO AMEND TITLE 9, TITLE 16 AND TITLE 22 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL TAXES; AND PROVIDING TAX ADJUSTMENTS TO ENCOURAGE THE INSTALLATION OF ENERGY CONSERVATION IMPROVEMENTS. Sponsor: Senator Arnold. Assigned to Community Affairs Committee.

SB 144 was reported out of the Health and Social Services Committee: 4 Merits, 1 Unfavorable.

The following communication was read and made a part of this Record at the request of the Chair:

GOVERNOR  
Dover, Delaware  
April 27, 1977

Mr. Austin P. Olney  
Director, Division of Environmental Control  
Dover, Delaware

Dear Austin:

In light of the unfortunate but hopefully temporary incapacity of Harry Derrickson, Acting Secretary of the Department of Natural Resources and Environmental Control, I hereby designate you as Acting Secretary of that Department as authorized by the provisions of 29 Delaware Code, §8002.

You are to exercise all the powers and to perform all the duties and functions of the Secretary for so long as Mr. Derrickson shall be incapacitated, or until a Secretary has been duly qualified and appointed.

Sincerely yours,  
Pierre S. duPont  
Governor

\* \* \* \* \*

At 6:10 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 28, 1977.

The Senate reconvened at 2:00 p.m. April 28, 1977, Lt. Governor McGinnis presiding.

The following Committee Reports were announced:

From the Public Safety Committee: SB 30 - 6 Merits; SB 117 - 1 Favorable, 4 Merits; SB 54 - 5 Merits; HB 10 w HA 1 - 6 Merits; HB 203 - 6 Merits; HB 204 - 6 Merits; SB 112 - 5 Merits; SB 156 - 5 Merits; HB 76 - 5 Merits; SB 150 - 6 Merits; SB 106 - 6 Merits; SB 107 - 6 Merits.

From the Executive Committee: Governor's nomination for appointment of Kennedy Ayers - 6 Favorable; SB 189 - 5 Merits.

The following legislation was introduced:

SB 191 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 63, TITLE 29, DELAWARE CODE RELATING TO THE CONSIDERATION BY THE GENERAL ASSEMBLY OF THE BUDGET APPROPRIATION BILL. Sponsors: Senators Holloway, Hale, Littleton, Weiss; Representative Gilligan. Assigned to Finance Committee.

SB 192 - AN ACT TO AMEND SUBCHAPTER X, CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING REGULATIONS. Sponsors: Senators Weiss and Berndt. Assigned to Public Safety Committee.

SB 193 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE A NEW TIME FOR FILING PETITIONS FOR NOMINATIONS, TO PROVIDE A NEW TIME FOR REVIEW OF PETITIONS FOR NOMINATIONS, AND TO PROVIDE A NEW TIME FOR THE ANNUAL MUNICIPAL ELECTION. Sponsors: Senator Cordrey and Representative Vernon. Assigned to Community Affairs Committee.

HB 271 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO OPERATING OR RIDING ON MOTORCYCLES. Sponsor: Representative Byrd. Assigned to Public Safety Committee.

SCR 28 (Sponsored by Senator Kearns and Representative Matushefske) was introduced and considered for adoption on motion of Senator Kearns:

SCR 28 - REQUESTING THE SUPPORT OF THE DELAWARE CONGRESSIONAL DELEGATION FOR SENATE BILL 551 WHICH WOULD APPROPRIATE FUNDS TO STATES FOR INNOCENT VICTIMS OF VIOLENT CRIMES.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Weiss, Zimmerman - 16.

NO: Senators Hughes and Spence - 2.

NOT VOTING: Senators Hale, McCullough and Sharp - 3.

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

Senator Murphy moved that HB 76 which had been reported out of the Public Safety Committee be reassigned to the Banking, Insurance and Elections Committee. The roll call vote on the motion was taken and revealed:

YES: Senators Cicione, Hale, Holloway, Kearns, Knox, Littleton, Murphy, Spence, Zimmerman - 9.

NO: Senators Adams, Berndt, Cook, Cordrey, Hughes, Sharp, Weiss - 7.

NOT VOTING: Senators Arnold, Martin, McCullough, McDowell, Schlor - 5.

Therefore, the motion was defeated.

At 2:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 23rd Legislative Day.

### 23RD LEGISLATIVE DAY

The Senate convened at 2:20 p.m. April 28, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT; Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence,

Weiss, Zimmerman - 21.

The Journal of the 22nd Day was approved as read.

SB 121 was stricken at the request of Senator Arnold.

SB 182 was taken up for consideration on motion of Senator Zimmerman:

SB 182 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE RELATING TO DISPOSITION OF LOST OR STOLEN PROPERTY.

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

At 2:34 p.m. on motion of Senator Martin the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Lt. Governor McGinnis still presiding.

The following committee Reports were announced:

From the Administrative Services Committee: SB 141 - 1 Favorable, 5 Merits; HB 18 w HA 1 - 1 Favorable, 4 Merits; HB 120 - 4 Merits, 2 Unfavorable.

From the Executive Committee: SB 111 - 1 Favorable, 4 Merits.

The Governor's nomination for appointment of Kennedy Ayers was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and Zimmerman) ABSENT; therefore, the appointment was declared confirmed by the Senate.

SB 175 was taken up for consideration on motion of Senator Murphy:

SB 175 - AN ACT AUTHORIZING THE DEPARTMENT OF INSURANCE TO TRANSFER BETWEEN LINES.

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

SB 100 was taken up for consideration on motion of Senator Murphy:

SB 100 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK", BY AMENDING SECTION 2 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN THIRTEEN NOR MORE THAN TWENTY DIRECTORS.

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

HB 180 was taken up for consideration on motion of Senator Murphy:

HB 180 - AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE V, SECTION 4A, OF THE CONSTITUTION OF THE STATE OF DELAWARE TO PERMIT A REGISTERED VOTER TO VOTE AN ABSENTEE BALLOT IF THE VOTER IS ON VACATION.

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



returned to the House.

SB 164 was taken up for consideration on motion of Senator Kearns:

SB 164 - AN ACT TO AMEND CHAPTER 5 OF TITLE 31, DELAWARE CODE RELATING TO JURISDICTION OF FRAUDULENT ACTS.

The Bill was temporarily tabled on further motion of Senator Kearns.

SB 162 was taken up for consideration on motion of Senator Sharp:

SB 162 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 45, PART III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE RIGHT TO TRIAL BY PETIT JURY IN CRIMINAL CASES.

The privilege of the floor was extended to Charles M. Oberly, III, Department of Justice to speak on the Bill and the Amendment. The roll call vote on the Amendment was then taken and revealed 19 Senators voting YES and 2 (Cicione and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 162 w SA 1 was then taken and revealed:

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

NO: Senators Cook, McDowell, Murphy, Spence, Zimmerman - 5.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Holloway - 1.

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

SB 164 which had been deferred for final consideration was lifted for consideration on motion of Senator Kearns.

SA 1 to the Bill was introduced by Senator Kearns who moved for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Cook and Holloway) ABSENT; therefore, the Amendment was declared adopted.

At the request of Senator Kearns, the privilege of the floor was extended to Charles M. Oberly, III, Department of Justice, to speak on the Bill after which the roll call vote on SB 164 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 28 w SA 1, 2, 9 which had previously passed the Senate was again taken up for consideration on motion of Senator Sharp as now further amended by HA 1. Before final action on the Bill (as thus amended) was taken however; it was temporarily tabled on further motion of Senator Sharp.

The Secretary announced that a message from the House informed the Senate that it had passed SB 171 and SB 28 w SA 1, 2, 9, HA 1.

On motion of Senator Sharp the necessary rules were suspended for the introduction and consideration of HB 291:

HB 291 - AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, RELATING TO PENSION BENEFITS OF CORRECTION OFFICERS.

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

YES: Senators Adams, Arnold, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Berndt and Cicione - 2.

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

SB 160 was taken up for consideration on motion of Senator Sharp:

SB 160 - AN ACT TO AMEND CHAPTER 7, PART 1, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 16.

ABSENT: Senators Berndt, Holloway, Kearns, Knox, McCullough - 5.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Charles M. Oberly, III, Department of Justice, to speak on the Bill after which the roll call vote on SB 160 w SA 1 was taken and revealed:

YES: Senators Adams, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Schlör, Sharp - 11.

NO: Senators Arnold, Cicione, Cook, Holloway, McDowell, Murphy, Spence, Weiss, Zimmerman - 9.

ABSENT: Senator Berndt - 1.

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

Senator Sharp moved that the necessary rules be suspended for lifting for final consideration of SB 28 w SA 1, 2, 9 as now further amended by HA 1. The roll call vote on the motion to suspend rules was taken and announced:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Littleton, Martin, McCullough, Schlör, Sharp, Spence - 12.

NO: Senators Holloway, Kearns, Knox, McDowell, Weiss, Zimmerman - 6.

NOT VOTING: Senators Hale and Murphy - 2.

ABSENT: Senator Berndt - 1.

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

The privilege of the floor was extended to David Swayze, Attorney from the Governor's Office, to speak on the Bill after which the roll call vote on SB 28 w SA 1, 2, 9, HA 1, was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Littleton, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Zimmerman - 14.

NO: Senators Holloway, Kearns, Knox, McDowell, Weiss - 5.

NOT VOTING: Senator Hale - 1.

ABSENT: Senator Berndt - 1.

Therefore, the Bill was declared passed by the Senate.

SB 66 was reported out of the Finance Committee: 2

Favorable, 3 Merits, 1 Unfavorable.

The following legislation was introduced:

SB 194 - AN ACT TO AMEND CHAPTER 55, TITLE 25, DELAWARE CODE, RELATING TO RENT INCREASES. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 2 to SB 161 was introduced by Senator Sharp and placed with the Bill.

SA 1 to SB 144 was introduced by Senator Holloway and placed with the Bill.

SA 1 to SB 93 was introduced by Senator Cicione and placed with the Bill.

HB 276 - AN ACT TO AMEND CHAPTER 25, TITLE 10, DELAWARE CODE, TO CHANGE THE ANNUAL COMPENSATION OF THE CHIEF DEPUTY REGISTER IN CHANCERY FOR SUSSEX COUNTY. Sponsor: Representative Temple. Assigned to Judiciary Committee.

HB 261 w HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO TAXICAB DRIVER LICENSES. Sponsor: Representative Minner. Assigned to Public Safety Committee.

SR 52 - COMMENDING COMMISSIONER OF CORRECTION JAMES T. VAUGHN FOR RESTORING ORDER AND DISCIPLINE AT THE DELAWARE CORRECTIONAL INSTITUTION. Sponsor: Senator Sharp. The Resolution was laid on the table on motion of Senator Sharp.

SR 53 - CONGRATULATING LORI CHRISTIANSEN, A STUDENT AT THE DELAWARE STATE COLLEGE, FOR WINNING THE 1977 TRUMAN SCHOLARSHIP FROM DELAWARE. Sponsors: Senators Cook and Zimmerman.

The roll call vote for adoption of the Resolution was taken on motion of Senator Cook and revealed 20 Senators voting YES and 1 (Berndt) ABSENT: therefor, the Resolution was declared adopted by the Senate.

SCR 29 - PROVIDING FOR THE APPOINTMENT OF AN AD HOC COMMITTEE TO CONSIDER THE FEASIBILITY OF STATE PURCHASE OF THE WILMINGTON DOWNTOWN POST OFFICE BUILDING FOR USE BY STATE COURTS AND RELATED OFFICES. Sponsor: Senator Kearns.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Berndt and Murphy - 2.

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

At the request of Senator Holloway, Senators Arnold, Knox, Sharp and Hughes were added as co-sponsors of SB 191.

At 6:43 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. Tuesday, May 3, 1977.

The Senate reconvened at 1:59 p.m. May 3, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message received from the House informed the Senate that it had passed SB 175 and adopted SJR 19.

The following legislation was introduced:

SB 195 - AN ACT AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS"; IT BEING FORMER HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY. Sponsors: Senators Cook, Sharp, McDowell and Cordrey. Assigned to Executive Committee.

SB 196 - AN ACT AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS"; IT BEING FORMER HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY. Sponsors: Senators Cook, Sharp, McDowell and Cordrey. Assigned to Executive Committee.

HB 245 - AN ACT TO AMEND CHAPTER 100, PART X, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT; AND EXEMPTING CERTAIN INFORMATION FROM PUBLIC SCRUTINY. Sponsors: Representatives Anderson, Cain, Riddagh, Oberle. Assigned to Executive Committee.

HB 254 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES; AND PROVIDING FOR SPECIAL AUTOMOBILE PLATES TO VEHICLES DESIGNATED AS "STREET RODS". Sponsors: Representatives Ferguson and Roy. Assigned to Public Safety Committee.

HB 277 - AN ACT MAKING AN APPROPRIATION OF \$15,000 TO THE DEPARTMENT OF CORRECTION TO BE USED FOR DISCHARGE ALLOWANCES UNDER TITLE 11, DELAWARE CODE. Sponsors: Representatives Plant and Johnson; Senator Holloway. Assigned to Correction Committee.

SB 197 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE PURPOSE OF PAYING AN EMPLOYEE WHO FAILED TO RECEIVE PAYMENT FOR OVERTIME HOURS WORKED. Sponsors: Senators Murphy (by request) and Zimmerman. Assigned to Administrative Services Committee.

The following legislation was reported out of the Judiciary Committee: SB 159 - 4 Merits; SB 161 - 4 Merits; HB 276 - 4 Merits.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 24th Legislative Day.

#### 24TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 3, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT; Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence,

Weiss, Zimmerman - 21.

The Journal of the 23rd Legislative Day was approved as read.

The following communications were read and are made part of this Journal at the request of Senator Cordrey:

SENATE  
STATE OF DELAWARE  
DOVER

May 3, 1977

TO: Senators of the 129th General Assembly  
FROM: Richard S. Cordrey, President Pro Tempore  
RE: Appointments to Standing Committees

As per House Joint Resolution No. 7, providing for the establishment of an Ad Hoc Committee to study the operation of the State Lottery, I do hereby, appoint the following to serve as members of this committee: Senator Anthony Cicione, Senator Winifred Spence.

\* \* \* \* \*  
SENATE  
STATE OF DELAWARE  
DOVER

May 3, 1977

TO: Senators of the 129th General Assembly  
FROM: Richard S. Cordrey, President Pro Tempore  
RE: Appointments to Standing Committees

As per Senate Concurrent Resolution No. 23, relating to the establishment of an Ad Hoc Committee to study the committee system of the Delaware Legislature, I do hereby, appoint the following to serve as members of this committee: Senator Nancy Cook; Senator Harris McDowell; Senator Daniel Weiss.

\* \* \* \* \*

On motion of Senator Sharp, SR 52 was lifted from the table for consideration and the following Senators added as co-sponsors to the Resolution: Senators Hughes, Arnold, Martin, Cicione, Kearns, Spence, Littleton and Cook. The roll call vote on the Resolution was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 19.

NO: Senator Zimmerman - 1.

ABSENT: Senator Holloway - 1.

Therefore, the Resolution was declared adopted.

At 2:50 p.m. Senator Cordrey presiding.

SB 10 was lifted from the table on motion of Senator Murphy.

SA 1 to the Bill was introduced by Senator Murphy and the privilege of the floor extended to Richard C. Williams,

Delaware Insurance Department, to speak on the Amendment after which the Amendment was stricken at the request of Senator Murphy.

At 3:00 p.m. Lt. Governor McGinnis presiding.

The roll call vote on SB 10 was then taken and revealed:

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

NO: Senator McDowell - 1.

NOT VOTING: Senators Arnold, Hughes and Zimmerman - 3.

ABSENT: Senator Holloway - 1.

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

At 3:26 p.m. Senator Cordrey presiding.

HB 241 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 241 w HA 1 - AN ACT TO AMEND CHAPTER 7, PART II, TITLE 29 OF THE DELAWARE CODE RELATING TO THE GENERAL ASSEMBLY; AND PROVIDING FOR AN ANNUAL LEGISLATIVE ART SHOW.

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

SB 93 was taken up for consideration on motion of Senator Cicione:

SB 93 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE PUBLIC DEFENDER TO PAY WAGES PAST DUE TO JAN LAWTON.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Knox, Littleton, Martin, McDowell, Murphy, Weiss, Zimmerman - 13.

ABSENT: Senators Arnold, Holloway, Hughes, Kearns, McCullough, Schlor, Sharp, Spence - 8.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 93 w SA 1 was then taken on motion of Senator Cicione and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Knox, Littleton, Martin, McDowell, Murphy, Weiss, Zimmerman - 14.

NOT VOTING: Senator Kearns - 1.

ABSENT: Senators Arnold, Hughes, McCullough, Schlor, Sharp, Spence - 6.

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

At 3:34 p.m. Senator Cicione presiding.

SB 186 was taken up for consideration on motion of Senator Cordrey:

SB 186 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES," BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, BY CONFERRING UPON THE CITY COUNCIL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF LEWES.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 17.

ABSENT: Senators Arnold, Hughes, McCullough and Sharp - 4.

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

HB 182 was taken up for consideration on motion of Senator Kearns:

HB 182 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE TO ELIMINATE THE DISTINCTION BETWEEN PERSONS ADDICTED TO NARCOTIC DRUGS AND THOSE NOT SO ADDICTED WITH REFERENCE TO THE SENTENCES PRESCRIBED FOR DELIVERY AND POSSESSION, MANUFACTURE AND POSSESSION WITH INTENT TO DELIVER NARCOTIC DRUGS.

At the request of Senator Kearns, the following letter is made part of this Journal:

DIVISION OF PUBLIC HEALTH  
CAPITAL SQUARE  
DOVER, DELAWARE

April 25, 1977

The Honorable Francis Kearns  
Chairman, Senate Judiciary Committee  
Dover, Delaware  
Dear Senator Kearns:

The Controlled Substances Advisory Committee met on April 21, 1977. Its membership is composed of representatives from State Police, Medicine, Dentistry, Pharmacy, and the Division of Public Health. The Committee reviewed House Bill 182 and unanimously support this amendment.

We hope this information is useful to you.

Very truly yours,  
Nicholas P. Haritos, M.D.  
Deputy Director

\* \* \* \* \*

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

SB 144 was taken up for consideration on motion of Senator Holloway and the name of Senator McDowell added as co-sponsor at his request:

SB 144 - AN ACT TO AMEND SUBCHAPTER V, CHAPTER 40, PART III, OF TITLE 31, DELAWARE CODE RELATING TO THE REQUIREMENT OF SECURITY GUARDS AT ALL PUBLIC HOUSING UNITS IN CERTAIN MUNICIPALITIES.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 19.

VOT VOTING: Senator Hughes - 1.

ABSENT: Senator Schlor - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 114 w SA 1 was then taken and announced:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senator Adams - 1.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Schlor - 1.

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

At 4:32 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 5:36 p.m., Senator Cicione still presiding.

On motion of Senator Adams, the roll call vote on SB 14 w SA 1 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senators Hale and Hughes - 2.

ABSENT: Senator Holloway - 1.

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

On motion of Senator Zimmerman, the necessary rules were suspended to lift for consideration SB 90 which had been restored to the Calendar. The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Murphy, the roll call vote on SB 73 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senators Hale and McCullough - 2.

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

HB 241 w HA 1 which had been deferred for final action was lifted on motion of Senator Adams.

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

The roll call vote on HB 241 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT;



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

HB 182 final consideration of which had been deferred was lifted on motion of Senator Kearns.

SA 1 to the Bill was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

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

NO: Senators Hale, Hughes, McDowell, Schlor - 4.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

The following letter concerning the Bill was read and made part of this Journal at the request of Senator Kearns:

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE  
April 21, 1977

Senator Thomas B. Sharp  
Dover, Delaware

RE: House Bill 182

Dear Senator Sharp:

The referenced bill involves an amendment to 16 Del. C. §4751 Delivery of Narcotic Drugs. The present status of the law differentiates between addicts and nonaddicts, in terms of punishment in a way which creates a problem for us in prosecuting these cases. We cannot, in the great majority of cases, prove beyond a reasonable doubt a person's status in relation to addiction.

This amendment does not represent a statement by us that addiction or nonaddiction is irrelevant in sentencing nor will it have that effect. In appropriate cases we will bring to the attention of the sentencing judge the status of the defendant in that regard and I am sure that such information will result in harsher sentences in many cases. However, it is preferable that such a matter not be a part of the statute creating the crime itself.

Thank you for your assistance in this matter.

Very truly yours,  
Richard J. McMahon  
Deputy Attorney General

\* \* \* \* \*

Senator Hughes moved that HB 182 w SA 1 be laid on the table and the roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton,

McDowell, Schlör, Sharp, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, Martin, McCullough, Murphy, Zimmerman - 9.

ABSENT: Senator Holloway - 1.

Therefore, the motion prevailed and the Bill was tabled.

The following Committee Reports were announced:

From the Community Affairs Committee: SB 193 - 6 Merits.

From the Judiciary Committee: HB 190 - 4 Merits.

The following legislation was introduced:

SB 198 - AN ACT AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS"; IT BEING FORMER HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY. Sponsors: Senator Sharp and Representative Byrd. Assigned to Finance Committee.

SB 199 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING FORMULA ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS. Sponsor: Senator Cicione. Assigned to Finance Committee.

SA 3 to SB 161 sponsored by Senator Kearns. Placed with the Bill.

SA 1 to SB 163 sponsored by Senator Martin. Placed with the Bill.

HB 222 was reported out of the Revenue and Taxation Committee - 5 Merits.

The following communication from the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 3, 1977

To the Senate of the 129th General Assembly  
of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Richard L. Timmons, Cedar Neck Ocean View, Delaware, to be a Member of the Delaware Solid Waste Authority to complete the term of the Honorable Robert J. Berndt, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV  
Governor

\* \* \* \* \*

The nomination was assigned to the Executive Committee.

SCR 30 (Sponsored by Senators Adams and Cook; Representative Clendaniel) was introduced and considered for adoption:

SCR 30 - EXPRESSING THE SORROW OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY AT THE DEATH OF EDGAR T. ENGLISH, A MEMBER OF THE HOUSE OF REPRESENTATIVES DURING THE 119TH AND 120TH GENERAL ASSEMBLIES.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Holloway and Kearns) ABSENT: therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 29; SCR 28 and SJR 5 w HA 1.

The following legislation was introduced:

HB 183 - AN ACT TO AMEND CHAPTER 431, VOLUME 60, LAWS OF DELAWARE RELATING TO PUBLIC HEARINGS ON APPLICATIONS TO CHANGE THE FUEL ADJUSTMENT RATE. Sponsor: Representative Worthen. Assigned to Administrative Services Committee.

HB 253 - AN ACT TO AMEND CHAPTER 23 OF TITLE 9, DELAWARE CODE TO ALLOW THE CREATION OF CONSOLIDATED SANITARY SEWER DISTRICTS. Sponsors: Representatives Gilligan and Sincock. Assigned to Energy Committee.

AT 6:11 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 4, 1977.

The Senate reconvened at 2:00 p.m. May 4, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

HB 253 which had been introduced on the previous Calendar Day, May 3, 1977, and assigned to the Energy Committee was reassigned to the Community Affairs Committee.

SB 200 - AN ACT TO AUTHORIZE EXPENDITURE FROM THE EDUCATIONAL CONTINGENCY FUND. Sponsors: Senators Arnold, Cicione, Spence, Hughes, McCullough and Sharp; Representatives Maxwell, Worthen, Byrd, Roy, Oberle and Ridings. Assigned to Education Committee.

SB 201 - AN ACT TO AMEND CHAPTER 41, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO FOOD AND DRUGS; AND PROVIDING FOR THE FREE AND OPEN SALE OF SACCHARIN. Sponsor: Senator Cicione. Assigned to Health and Social Services Committee.

SA 2 to HB 182 sponsored by Senator Schlor. Placed with the Bill.

On motion of Senator Murphy, the necessary rules were suspended to reconsider SJR 5 which had previously been adopted by the Senate and as now further amended by HA 1. The roll call vote on SJR 5 w HA 1 was therefore taken and revealed 18 Senators voting YES and 3 (Adams, Hughes and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

At 2:07 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 25th Legislative Day.

#### 25TH LEGISLATIVE DAY

The Senate convened at 2:07 p.m. May 4, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

HB 178 was taken up for consideration on motion of Senator Kearns:

HB 178 - AN ACT TO AMEND CHAPTER 1 AND CHAPTER 92, TITLE 10, DELAWARE CODE TO ABOLISH THE OFFICE OF DEPUTY ADMINISTRATOR OF THE JUSTICE OF THE PEACE COURTS.

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

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

NO: Senators Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp - 11.

ABSENT: Senators Adams and Zimmerman - 2.

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

The roll call vote on HB 178 was then taken on motion of Senator Kearns and revealed:

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

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

ABSENT: Senators Adams and Zimmerman - 2.

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

SB 111 was taken up for consideration on motion of Senator Knox:

SB 111 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 59, SECTION 5910, RELATING TO THE APPOINTMENT AND QUALIFICATIONS OF THE DIRECTOR OF PERSONNEL.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 19.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Adams - 1.

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

At the request of Senator Zimmerman and without objection, HB 253 which had been assigned to the Community Affairs Committee was reassigned to the Natural Resources and Environmental Control Committee.

SB 141 was taken up for consideration on motion of Senator Murphy:

SB 141 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO THE PROHIBITION OF SALES TO CERTAIN PERSONS.

On further motion of Senator Murphy, the Bill was laid on the table before final consideration was taken.

SB 66 was taken up for consideration on motion of Senator Spence:

SB 66 - AN ACT TO AMEND VOLUME 60, CHAPTER 691, SECTION 37, LAWS OF DELAWARE, ENTITLED, AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFORE AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS; AMENDING VOLUME 56, CHAPTER 369, LAWS OF DELAWARE; AMENDING VOLUME 57, CHAPTER 299, LAWS OF DELAWARE PERTAINING TO CAPITOL COMPLEX ELECTRIC DISTRIBUTION SYSTEM AND CENTRAL HEATING AND AIR CONDITIONING; AMENDING VOLUME 57, CHAPTER 306, LAWS OF DELAWARE; AMENDING VOLUME 57, CHAPTERS 320 AND 736, VOLUME 58, CHAPTER 347, AND VOLUME 59, CHAPTER 223, LAWS OF DELAWARE, PERTAINING TO BOND AUTHORIZATION FOR LOCAL SCHOOL DISTRICTS; AMENDING VOLUME 60, CHAPTER 271, LAWS OF DELAWARE, PERTAINING TO THE TRANSFER OF FUNDS FROM THE CONSTRUCTION OF A WOMEN'S PRISON TO THE CONSTRUCTION OF A MAXIMUM SECURITY BUILDING.

The roll call vote on the Bill was taken on motion of Senator Spence; however, before being announced, it was tabled on further motion of the Senator.

HB 120 was taken up for consideration on motion of Senator Cook:

HB 120 - AN ACT TO AUTHORIZE AND APPROVE OF THE TRANSFER OF CERTAIN STATE REAL PROPERTY SITUATED IN EAST DOVER HUNDRED, KENT COUNTY, DELAWARE.

At the request of Senator Sharp, the privilege of the floor was extended to Representative Bennett to speak on the Bill.

SA 1 to the Bill was introduced by Senator Zimmerman who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Weiss, Zimmerman - 17.

NO: Senators Cordrey and Sharp - 2.

NOT VOTING: Senators Arnold and Hale - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Cook, the roll call vote on HB 120 w SA 1 was then taken and revealed:

YES: Senators Cicione, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Weiss, Zimmerman - 12.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Knox, Littleton, Sharp - 8.

NOT VOTING: Senator Berndt - 1.

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

SB 204 was introduced by Senator Weiss and assigned to Community Affairs Committee:

SB 204 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO PROHIBITED HAND GUNS.

SB 192 was reported out of the Public Safety Committee: 5 Merits.

SB 200 was reported out of the Education Committee: 3 Favorable, 3 Merits.

The following legislation was introduced:

SB 202 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING FOR A DELAWARE ENERGY LIFELINE ACT. Sponsors: Senator McDowell and Representative Ambrosino. Assigned to Energy Committee.

SA 1 to SB 185 sponsored by Senator Schlor. Placed with the Bill.

SA 2 to SB 59 sponsored by Senator Zimmerman. Placed with the Bill.

SA 3 to HB 182 sponsored by Senator Spence. Placed with the Bill.

At 4:05 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:07 p.m. with President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 30.

The Chair introduced HB 209 (Sponsored by Representatives Rispoli and Miller; Senators McDowell and Schlor):

HB 209 - AN ACT TO AMEND CHAPTER 3, PART 1, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE SONG.

On motion of Senator Schlor, the necessary rules were suspended for consideration of HB 209 and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Berndt, Holloway and Hughes - 3.

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

Senator Martin introduced to the Senate Mr. Devine and Mr. Hart who wrote the words to the State Song.

At the request of Senator Cordrey, Senator Knox acted as floor manager for the introduction and consideration of SB 203:

SB 203 (Sponsored by Senator Cordrey) - AN ACT TO AMEND CHAPTER 691, VOLUME 60, LAWS OF DELAWARE, KNOWN AS THE "ANNUAL CAPITAL IMPROVEMENTS ACT OF 1977" AND CHAPTER 719, VOLUME 60, LAWS OF DELAWARE, WHICH AUTHORIZED THE TRANSFER OF FUNDS FROM THE SCHOOL BOND REVERSION ACT TO THE DEPARTMENT OF CORRECTION, FOR THE PURPOSE OF AUTHORIZING THE DEPARTMENT OF CORRECTION TO USE CERTAIN FUNDS FOR SPECIFIED PRISON CONSTRUCTION AND RENOVATION PROJECTS.

On motion of Senator Knox, the necessary rules were suspended for consideration of the Bill and the privilege of the floor extended to Battle Robinson to speak on the Bill. On further

motion of Senator Knox, SB 203 was laid on the table before final action was taken.

SB 54 was taken up for consideration on motion of Senator Cook:

SB 54 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF PAYING AN EMPLOYEE WHO FAILED TO RECEIVE HER ANNUAL INCREMENT.

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

At 5:40 p.m. Senator Sharp presiding.

HB 18 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 18 w HA 1 - AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF THE PROPERTY FORMERLY USED BY THE DEPARTMENT OF TRANSPORTATION FOR STATE POLICE TROOP NUMBER TWO TO THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY.

The roll call vote on the Bill was taken on motion of Senator Cook; however, before it was announced it was laid on the table on further motion of the Senator.

SB 39 which was next on the Agenda for the day was deferred to the bottom of the Agenda at the request of Senator Schlor.

SB 193 was taken up for consideration on motion of Senator Cordrey:

SB 193 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE A NEW TIME FOR FILING PETITIONS FOR NOMINATIONS, TO PROVIDE A NEW TIME FOR REVIEW OF PETITIONS FOR NOMINATIONS, AND TO PROVIDE A NEW TIME FOR THE ANNUAL MUNICIPAL ELECTION.

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

SB 189 was taken up for consideration on motion of Senator Cordrey:

SB 189 - AN ACT PROVIDING THAT THE REIGNING MISS DELAWARE AND HER SUCCESSORS BE MADE HONORARY HOSTESS FOR THE STATE OF DELAWARE.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Cicione and Holloway - 2.

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

HB 204 was taken up for consideration on motion of Senator Cordrey:

HB 204 - AN ACT TO AMEND CHAPTER 43 OF TITLE 21, DELAWARE CODE RELATING TO CHANGES IN MINIMUM SCHOOL BUS SIZE.

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

HB 203 was taken up for consideration on motion of Senator Cordrey:

HB 203 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO CHANGES IN THE HEIGHT OF SCHOOL BUS FLASHING LIGHTS.

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

HB 219 was taken up for consideration on motion of Senator Adams:

HB 219 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO LEGISLATIVE JOURNALS BY SIMPLIFYING PRINTING REQUIREMENTS.

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

At 5:55 p.m. Senator Cordrey presiding.

HB 222 was taken up for consideration on motion of Senator Adams:

HB 222 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO MUNICIPAL STREET AID.

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

The following legislation was introduced:

SB 204 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO PROHIBITED HAND GUNS. Sponsor: Senator Weiss. Assigned to Community Affairs Committee.

SA 1 to HB 92 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to HB 76 sponsored by Senator Cicione. Placed with the Bill.

HB 260 - AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO ITEMIZED INCOME TAX DEDUCTIONS TO ALLOW A DEDUCTION FOR CERTAIN HOUSEHOLD AND DEPENDENT CARE EXPENSES. Sponsors: Representatives Worthen and Cain. Assigned to Revenue and Taxation Committee.

HB 71 - AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES, AGENCIES AND DEPARTMENTS. Sponsor: Representative Gordy. Assigned to Administrative Services Committee.

HB 196 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE ELECTION AND TERM OF OFFICE FOR CERTAIN STATE OFFICERS. Sponsors: Representatives Temple and Thomas Brady. Assigned to Banking, Insurance and Elections Committee.



HCR 21 - COMMENDING THE VERY REVEREND EUGENE FRANCIS CLARAHAN FOR TWENTY-FIVE YEARS OF OUTSTANDING SERVICE. Sponsors: Representatives Connor, T. Brady, Jonkiert, Ambrosino, Gilligan, Kelly, Boulden, Matushefske, Ferguson and Rispoli; Senators McCullough, Schlor and Kearns.

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

On motion of Senator Cook, the roll call vote on HB 18 w HA 1 was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Cordrey and Littleton - 2.

NOT VOTING: Senators Arnold, Hale and Knox - 3.

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

On motion of Senator Holloway, the necessary rules were suspended to lift HJR 14 for consideration. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Cicione and Hale) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 6:13 p.m. on motion of Senator Martin, the Senate recessed until May 5, 1977 at 1:30 p.m.

The Senate reconvened at 2:35 p.m. May 5, 1977, Lt. Governor McGinnis presiding.

SA 1 to SB 39 was introduced by Senator Schlor and placed with the Bill.

SA 1 to SB 156 was introduced by Senator Arnold and placed with the Bill.

SA 1 to SB 203 was introduced by Senator Sharp and placed with the Bill.

SA 1 to HB 277 (Sponsored by Senators Hughes and Spence and Representative Riddagh) was introduced and placed with the Bill.

The following legislation was reported out of the Finance Committee: SJR 15 - 6 Merits; SB 199 - 1 Favorable, 5 Merits.

The following legislation was introduced:

HB 223 - AN ACT TO AMEND TITLE 30, CHAPTER 54 OF THE DELAWARE CODE RELATING TO COMMISSIONS TO BE PAID TO AGENTS COLLECTING REALTY TRANSFER TAX FOR THE DEPARTMENT OF FINANCE. Sponsor: Representative Darling. Assigned to Revenue and Taxation Committee.

HB 75 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE TO PROVIDE AN EXEMPTION FOR CERTAIN OLDER PERSONS FROM THE PAYMENT OF MOTOR VEHICLE REGISTRATION FEES. Sponsor: Representative Gordy. Assigned to Public Safety Committee.

HB 245 - was reported out of the Executive Committee: 2 Favorable, 4 Merits.

HJR 15 (Sponsored by Representatives Hebner and Loughney and Senator Hughes) was introduced:

HJR 15 - CONGRATULATING THE CLAYMONT HIGH SCHOOL BAND, DRUM MAJORS, COLOR GUARD, BATON TWIRLERS, FLAG BEARERS AND RIFLE SQUAD FOR THEIR OUTSTANDING PERFORMANCES IN THE FIFTIETH SHENANDOAH APPLE BLOSSOM FESTIVAL.

On motion of Senator Hughes, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 16 Senators voting YES and 5 (Berndt, Cook, McCullough, Weiss, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SA 2 to SB 39 was introduced by Senator McDowell and placed with the Bill.

At 2:45 p.m. on motion of Senator Cordrey the Senate adjourned to immediately convene for the 26th Legislative Day.

#### 26TH LEGISLATIVE DAY

The Senate convened at 2:45 p.m. May 5, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the 25th Legislative Day was approved as read.

The following Communication was read into the record at the request of the Lieutenant Governor:

The Speaker's Rooms  
U.S. House of Representatives  
Washington, D.C.  
April 26, 1977

Legislative Counsel of Delaware  
Delaware State Senate  
Dover, Delaware

Dear Sir:

This will acknowledge receipt of Senate Concurrent Resolution No. 24, calling upon the Congress to insure that adequate research and development funding be provided for nuclear and coal energy development and alternate energy resources.

Sincerely,  
Thomas P. O'Neill, Jr.  
The Speaker

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The Secretary announced that Legislative Advisories 7 and 8 received from the Office of Counsel to the Governor indicated that the Governor approved: SB 33 on April 6, 1977; SB 78, SB 47 and SJR 3 on April 21, 1977; SB 172 on April 22, 1977; SJR 16 and SB 32 w SA 1, HA 5, 6; SB 95 w HA 1 on April 28, 1977. The Governor vetoed SJR 14 on April 7, 1977.

At 2:42 p.m. on motion of Senator Martin the Senate recessed for a short period and reconvened at 4:37 p.m., Lt. Governor McGinnis still presiding.

HCR 17 was lifted from the table for consideration on motion of Senator Cicione and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended to lift SB 203 from the table for consideration.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlör, Sharp, Spence, Zimmerman - 18.

NO: Senator McCullough - 1.

ABSENT: Senators Murphy and Weiss - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Cordrey, the roll call vote on SB 203 w SA 1 was taken; however, before it was announced it was laid on the table on further motion of the Senator.

The Secretary announced that a message from the House informed the Senate that it had passed SB 99 and SB 100.

The roll call vote on HB 78 which had been tabled was lifted and announced at the request of Senator Zimmerman:

YES: Senators Arnold, Berndt, Cook, Hale, Hughes, Knox, Littleton, Martin, McCullough, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cordrey, McDowell, Murphy, Zimmerman - 6.

NOT VOTING: Senators Kearns, Schlör, Sharp - 3.

ABSENT: Senator Holloway - 1.

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

The roll call vote on SB 203 w SA 1 was lifted and announced at the request of Senator Cordrey:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp - 16.

NO: Senators Cook, McCullough, Spence - 3.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Weiss - 1.

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

The following legislation was reported out of the Public Safety Committee: HB 254 - 6 Merits; HB 261 w HA 1 - 6 Merits.

HCR 22 was introduced by the Chair and considered for adoption on motion of Senator Cordrey:

HCR 22 (Sponsored by Representative Temple) - WISHING ALL OF THE STATE'S MOTHERS A HAPPY AND MEMORABLE MOTHERS' DAY ON MAY 8, 1977.

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

HCR 23 was introduced by the Chair and laid on the table on motion of Senator McDowell:

HCR 23 (Sponsored by Representatives Darling, Byrd, Clendaniel, Gilligan, Burris and Smith) - RECOMMENDING THE APPOINTMENT OF A COMMITTEE TO WORK WITH THE PUBLIC SCHOOLS IN THE DEVELOPMENT AND ENFORCEMENT OF AN ENERGY SAVING PROGRAM.

The following legislation was introduced:

HB 304 - AN ACT DIRECTING THE STATE POLICE TO RETURN TO JACK CRAFT AND JOHN WEBER THE SUM OF \$980 WHICH THEY FOUND AND TURNED OVER TO THE STATE POLICE. Sponsor: Representative Matushefske. Assigned to Public Safety Committee.

SB 205 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO DECENDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 206 - AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL TAXES; AND PROVIDING CERTAIN RESTRICTIONS IN THE ASSESSMENT OF BUILDINGS IMPROVED IN THE INSTALLATION OF ENERGY CONSERVATION IMPROVEMENTS. Sponsors: Senators Arnold and Spence. Assigned to Energy Committee.

SR 54 (Sponsored by Senators Cordrey and Adams) was introduced and considered for adoption:

SR 54 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence - 18.

NO: Senator Zimmerman - 1.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Resolution was declared adopted.

SA 3 to SB 39 was introduced by Senator McDowell and placed with the Bill.

SS 1 for SB 170 was introduced by Senator Cook and adopted in lieu of the Original.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
April 28, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Henry duPont Ridgely, 215 East Camden-Wyoming Avenue, Camden, Delaware, to be a member of the Violent Crimes Compensation Board for a three year term from date of confirmation, succeeding Clifford B. Hearn, Jr.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV  
Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
April 28, 1977

To the Senate of the 129th General Assembly of the  
State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: R. Franklin Balotti, 2312 West 17th Street, Wilmington, Delaware, to be Chairman of the Delaware Alcoholic Beverage Control Commission, to serve at the pleasure of the Governor, succeeding Joseph R. Walling.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV  
Governor

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At 5:57 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 10, 1977.

The Senate reconvened at 2:11 p.m., May 10, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 24 and SCR 22.

The following legislation was introduced:

HB 296 - AN ACT TO AMEND CHAPTER 69, SUBCHAPTER 1, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC WORK CONTRACTS AND PROCUREMENTS BY EXEMPTING THE COUNTY LIBRARY DEPARTMENTS FROM THE REQUIREMENTS THEREOF. Sponsor: Representative Loughney. Assigned to Executive Committee.

SB 207 - AN ACT AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS"; IT BEING FORMER HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 208 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16,

OF THE DELAWARE CODE, RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES. Sponsor: Senator Arnold. Assigned to Health and Social Services Committee.

SB 209 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO PERMIT THE OWNER OF A MOTOR VEHICLE TO PAY \$5 ANNUALLY IN LIEU OF THE INSPECTION. Sponsor: Senator Hughes. Assigned to Public Safety Committee.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 27th Legislative Day.

#### 27TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 10, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 26th Legislative Day was approved as read.

At the request of Senator Martin, the privilege of the floor was extended to F. Eugene Thomure, Sterck School for Hearing Impaired.

The Chair welcomed to the Senate Chamber students from the School for the Hearing Impaired in Wilmington.

SB 200 was taken up for consideration on motion of Senator Arnold:

SB 200 - AN ACT TO AUTHORIZE EXPENDITURE FROM THE EDUCATIONAL CONTINGENCY FUND.

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

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

NOT VOTING: Senators Holloway, McDowell, Schlör - 3.

ABSENT: Senators Adams and McCullough - 2.

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

HB 95 which had been lost for passage in the Senate and restored to the Calendar was taken up for reconsideration on motion of Senator Cicione and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 18.

NO: Senator Zimmerman - 1.

ABSENT: Senators Adams and McCullough - 2.

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

SB 192 was taken up for consideration on motion of Senator Weiss:

SB 192 - AN ACT TO AMEND SUBCHAPTER X, CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING REGULATIONS.

SA 1 to the Bill was introduced by Senator Weiss and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 192 w SA 1 was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 18.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Adams - 1.

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

SB 30 was taken up for consideration on motion of Senator Sharp:

SB 30 - AN ACT TO AMEND CHAPTER 42, OF TITLE 21, DELAWARE CODE RELATING TO ACCIDENTS RESULTING IN PROPERTY DAMAGE.

The privilege of the floor was extended to Tom Sandback, Senate Attorney, to speak on the Bill after which it was laid on the table on further motion of Senator Sharp.

SB 159 was taken up for consideration on motion of Senator Sharp:

SB 159 - AN ACT TO AMEND CHAPTER 45, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS BEFORE AN ALDERMAN OR MAYOR AND PROVIDING FOR AN ACCUSED'S RIGHT TO ELECTION TO BE TRIED IN THE COURT OF COMMON PLEAS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss - 19.

ABSENT: Senators Spence and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

At the request of Senator Sharp, Senator Kearns, Chairman of the Judiciary Committee, floor managed the Bill.

On motion of Senator Kearns, the roll call vote on

SB 159 w SA 1 was then taken; however, before it was announced it was laid on the table on motion of Senator Sharp.

SB 161 was laid on the table on motion of Senator Sharp.

SB 88 was taken up for consideration on motion of Senator Holloway:

SB 88 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONTINUING THE STREPTOCOCCAL DETECTION PROGRAM.

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

HB 190 was taken up for consideration on motion of Senator Kearns:

HB 190 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER 11, SUBPART D, OF TITLE 11, DELAWARE CODE RELATING TO SEXUAL OFFENSES.

The privilege of the floor was extended to Representative Loughney at the request of Senator Kearns after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Cicione, Holloway and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

The Secretary read HR 57 which requested that the Senate return HB 276 to the House for reconsideration. On motion of Senator Cordrey, and without objection, the Secretary was directed to return the Bill as requested.

SB 39 which was next on the Agenda for the day was placed at the bottom of the Agenda at the request of Senator Schlor.

SB 30 which had been deferred for final consideration was lifted from the table on motion of Senator Sharp. On further motion of Senator Sharp, the Bill was again tabled before final action was taken.

At 4:10 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for 41 minutes.

The Senate reconvened at 5:33 p.m., President Pro Tempore Cordrey presiding.

SB 30 which had been laid on the table was taken up for consideration on motion of Senator Sharp.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Martin, McDowell, Schlor, Sharp, Spence, Weiss - 14.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Berndt, Hale, Holloway, McCullough, Murphy, Zimmerman - 6.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 30 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Knox, Littleton, Martin, McDowell, Schlor, Sharp, Spence, Weiss - 14.

NOT VOTING: Senators Hughes and Zimmerman - 2.

ABSENT: Senators Berndt, Hale, Holloway, McCullough, Murphy - 5.

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

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of HB 312:

HB 312 (Sponsored by Representatives Kelly and Gilligan; Senator Cicione) - AN ACT TO PERMIT THE MARRIAGE OF TWO DELAWARE CITIZENS PRIOR TO THE EXPIRATION OF TWENTY-FOUR (24) HOURS FROM THE ISSUANCE OF THE MARRIAGE LICENSE.

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



YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Hale and Holloway - 2.

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

HB 245 was taken up for consideration on motion of Senator Adams:

HB 245 - AN ACT TO AMEND CHAPTER 100, PART X, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT; AND EXEMPTING CERTAIN INFORMATION FROM PUBLIC SCRUTINY.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Zimmerman - 17.

NO: Senators Holloway and Weiss - 2.

NOT VOTING: Senators Hale and McDowell - 2.

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

The following legislation was introduced:

SB 210 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND CREATING A RESIDENTIAL UTILITY CONSUMER ACTION GROUP. Sponsor: Senator McDowell. Assigned to Administrative Services Committee.

SB 211 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, BY PROVIDING FOR A DISCHARGE ALLOWANCE AND MAKING AN APPROPRIATION THEREFOR. Sponsors: Senators Sharp and Holloway. Assigned to Correction Committee.

SB 212 - AN ACT TO AMEND PART III, TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM DISCLAIMER OF TRANSFERS UNDER NON-TESTAMENTARY INSTRUMENTS ACT. Sponsor: Senator Murphy. Assigned to Judiciary Committee.

SJR 20 - REQUESTING SECRETARY SCHRAMM TO MAKE RECOMMENDATIONS ON REORGANIZATION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senator Holloway and Representative Miller. Assigned to Health and Social Services Committee.

SA 1 to HB 254 sponsored by Senator Adams. Placed with the Bill.

HCR 24 (Sponsored by Representatives Darling and Clendaniel and Senator Adams) - EXPRESSING CONDOLENCES UPON HEARING OF THE DEATH OF MR. THOMAS N. STAYTON, A FORMER REPRESENTATIVE.

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

SB 2 was stricken at the request of Senator Sharp.

SB 110 and SB 112 were stricken at the request of Senator Weiss.

The following legislation was reported out of the Energy Committee: SB 174 - 1 Favorable, 4 Merits; HJR 11 - 3 Favorable, 2 Merits.

At 6:20 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. May 11, 1977.

The Senate reconvened at 2:17 p.m. May 11, 1977, Lt. Governor McGinnis presiding.

SA 2 to HB 92 was introduced by Senator Holloway and placed with the Bill.

SR 55 (Sponsored by Senator Holloway) was introduced and considered for adoption on his motion:

SR 55 - REQUESTING THE DELAWARE ASSOCIATION FOR RETARDED CITIZENS, INC. TO CONSIDER AND RECOMMEND AN APPROPRIATE NAME FOR THE HOSPITAL FOR THE MENTALLY RETARDED AT STOCKLEY.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, McDowell, Murphy, Schlör, Sharp, Zimmerman - 15.

ABSENT: Senators Berndt, Hale, Martin, McCullough, Spence, Weiss - 6.

Therefore, the Resolution was declared adopted.

The following legislation was introduced:

HB 42 - AN ACT TO AMEND CHAPTER 2 AND CHAPTER 35, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

SB 213 - AN ACT TO AMEND §123, SUBCHAPTER 1, CHAPTER 1, TITLE 13, OF THE DELAWARE CODE, RELATING TO MARRIAGES BETWEEN MINORS WHO ARE PROSPECTIVE PARENTS OF A CHILD. Sponsor: Senator Littleton. Assigned to Judiciary Committee.

SB 214 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING FOR THE CREATION OF THE OFFICE OF PUBLIC ADVOCATE. Sponsors: Senators Kearns and McDowell; Representatives Miller and Ambrosino. Assigned to Administrative Services Committee.

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

#### 28TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. May 11, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 27th Legislative Day was approved as read.

Senator Martin congratulated Senator Cook and Senator Berndt on their Birthdays.

SA 1 to HB 10 was introduced by Senator Adams and placed with the Bill.

SB 199 was taken up for consideration on motion of Senator Cicione:

SB 199 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING FORMULA ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS.

The privilege of the floor was extended to Duane Olsen, Controller General, and Frieda K. Edley representing the School Bus Contractors to speak on the Bill. Before final action was taken on the Bill however, it was laid on the table on further motion of Senator Cicione.

HB 254 was taken up for consideration on motion of Senator Cordrey:

HB 254 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES; DESIGNATED AS "STREET RODS".

SA 1 to the Bill was introduced by Senator Adams who moved for its adoption. The privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Amendment after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 254 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 261 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 261 w HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO TAXICAB DRIVER LICENSES.

At 4:10 p.m. Senator Kearns presiding.

The privilege of the floor was extended to Representative Minner to speak on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Murphy and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SR 56 (Sponsored by Senator Cordrey) was introduced and considered for adoption:

SR 56 - WISHING OUR MAJORITY WHIP, THE HONORABLE NANCY COOK, THE HAPPIEST OF BIRTHDAYS.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (Cook) NOT VOTING, and 1 (Schlor) ABSENT; therefore, the Resolution was declared adopted.

At 4:25 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:32 p.m., Senator Kearns still presiding.

HB 115 was taken up for consideration on motion of Senator Cordrey:

HB 115 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO EXEMPTING FARM TRUCKS FROM THIS ACT IF EXEMPT FROM MOTOR VEHICLE REGISTRATION.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Holloway, Martin and Murphy - 3.

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

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

HB 16 - AN ACT TO AMEND CHAPTER 381, VOLUME 59, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS", FORMERLY HOUSE BILL NO. 750.

The privilege of the floor was extended to Representative Minner to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Schlor, Sharp, Spence, Weiss - 14.

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

ABSENT: Senators Holloway, Martin, McDowell, Murphy - 4.

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

HB 53 w HA 1 which was next on the Agenda for the day was deferred and removed from the Agenda.

Senator Cordrey yielded the floor to Senator Adams, co-sponsor of HB 10 w HA 1, on whose motion the Bill was taken up for consideration.

HB 10 w HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BICYCLES, MOPEDS, AND SIMILAR VEHICLES.

SA 1 to the Bill was introduced by Senator Adams who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Cicione, Holloway and Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 10 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 39 which had been reported out of the Community Affairs Committee was reassigned to the Committee at the request of the Chairman of the Committee, Senator Schlor.

SB 211 was reported out of the Correction Committee: 4 Merits.

The following legislation was introduced:

SB 215 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 216 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 217 - AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE, TO PROVIDE A WARRANTY FOR ALL USED CARS. Sponsor: Senator Holloway.

Assigned to Administrative Services Committee.

SB 218 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF PAYING BACK PAY DUE AN EMPLOYEE WHOSE ANNUAL PAY INCREMENT WAS NOT PAID. Sponsors: Senator Zimmerman and Representative Bennett. Assigned to Agriculture Committee.

SCR 31 was introduced by Senator Spence and considered for adoption on her motion:

SCR 31 - REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE STANDARDS OF RELEASE FROM MENTAL INSTITUTIONS.

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

SB 184 was reported out of the Administrative Services Committee: 2 Favorable, 3 Merits.

SJR 21 (Sponsored by Senators Hughes, Cicione, Arnold, Littleton and Berndt; Representatives Sincok, Boulden, Bennett and McKay) was introduced and assigned to the Executive Committee.

SJR 21 - MEMORIALIZING CONGRESS AND THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT AGAINST UNITED STATES RELINQUISHMENT OF ITS SOVEREIGNTY OVER THE PANAMA CANAL AND THE PANAMA CANAL ZONE ON THE ISTHMUS OF PANAMA.

SA 1 to HB 98 was introduced by Senator Zimmerman and placed with the Bill.

SB 9 was stricken at the request of Senator Cordrey.

SA 1 to SB 199 was introduced by Senator Cicione and placed with the Bill.

At 6:15 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 12, 1977.

The Senate reconvened at 2:24 p.m. May 12, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 73 and SB 128.

The following legislation was reported out of the Highways and Transportation Committee: SB 48 - 1 Favorable, 5 Merits; SB 122 - 6 Merits.

The following legislation was introduced:

HB 289 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE, THE 1977 BUDGET APPROPRIATION ACT, ENACTED AS HOUSE BILL NO. 1274, AMENDED BY HOUSE AMENDMENT NO. 1. Sponsor: Representative Sincok. Assigned to Finance Committee.

HB 281 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE PURPOSE OF PAYING THE COMMISSION ON THE COLLECTION OF THE REALTY TRANSFER TAX. Sponsor: Representative Sincok. Assigned to Finance Committee.

SB 219 - AN ACT TO AMEND CHAPTER 43, TITLE 31, DELAWARE CODE BY PROVIDING FOR TWO ADDITIONAL MEMBERS OF THE WILMINGTON HOUSING AUTHORITY TO BE APPOINTED BY THE GOVERNOR. Sponsors: Senators Holloway and McDowell. Assigned to Health and Social Services Committee.

SA 2 to SB 11 sponsored by Senator Knox. Placed with the Bill.  
SA 1 to HB 53 sponsored by Senator Kearns. Placed with the Bill.  
At 2:25 p.m. on motion of Senator Cordrey, the Senate adjourned  
to immediately convene for the 29th Legislative Day.

#### 29TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. May 12, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Arnold.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 28th Legislative Day was approved as read.

SB 11 was taken up for consideration on motion of Senator Murphy:

SB 11 - 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.

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

SA 2 to the Bill was introduced by Senator Knox but immediately stricken at his request.

The privilege of the floor was extended to Rhoslyn J. Bishoff, representing the Medical Advisory Committee and Joseph F. Rooney, Jr., D.C., representing Delaware Association of Chiropractic Physicians to speak on the Bill.

At the request of Senator Weiss, the Fiscal Note on SB 362 of the previous Session was read into the record:

#### 128TH GENERAL ASSEMBLY SECOND SESSION - 1976 FISCAL NOTE

BILL: SB 362  
SPONSOR: Senator Murphy  
DESCRIPTION: An Act 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.

#### Assumptions:

1. Effective when signed into law.
2. Costs of increased Blue Cross premiums for State employees will not be in effect until FY 1979.
3. Only the increased costs to cover Medicaid recipients for chiropractic services incurred by the State of Delaware are considered.

4. All services furnished by a chiropractor, including physiotherapy, x-ray, office visits, and any other services (all without limit) are included.
5. There will be no limit on the number of treatments for a given ailment in a given period of time.
6. No increase in Medicaid recipients is expected for the year beginning July 1, 1976; and current chiropractor charges will remain in effect.
7. The number of Medicaid recipients as of 4/76 is approximately 39,000.
8. Chiropractor charges will increase 8.3% and Medicaid recipients will receive 5% in FY 1977.
9. Utilization of chiropractic services will increase each fiscal year.
10. Costs cannot be pin-pointed, as there is no known source of utilization data for Medicaid recipients.
11. The range of costs is derived by using the premium rate history for a large account of 16,000 contracts underwritten in a northwestern state for similar services and at similar charges.

FY 1976: Additional General Funds	\$225,000 to \$450,000
FY 1977: Additional General Funds	\$250,000 to \$500,000
FY 1978: Additional General Funds	\$275,000 to \$550,000

Office of the Controller General  
June 29, 1976

\* \* \* \* \*

The Chair ruled that no Fiscal Note was required for SB 11. A roll call vote was requested on the Chair's ruling that no Fiscal Note was needed. Therefore, the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence - 13.  
NO: Senators Berndt, Hale, Hughes, Knox, Weiss, Zimmerman - 6.  
NOT VOTING: Senator McCullough - 1.  
ABSENT: Senator Holloway - 1.

Therefore, the ruling was upheld.

At the request of Senator Weiss, the privilege of the floor was extended to Edward J. Dugan, Blue Cross & Blue Shield of Delaware, to speak on the Bill.

At the request of Senator Knox the following letter is made part of this Journal:

MEDICAL SOCIETY OF DELAWARE  
1925 Lovering Avenue  
Wilmington, Delaware  
January 19, 1977

Senator Andrew G. Knox  
Centerville, Delaware  
Dear Senator Knox:

We have noticed with disappointment that SB 11 has been introduced for consideration as one of the early new bills in the 129th General Assembly.

This is a very bad piece of legislation in the estimation of the Medical Society of Delaware and we hope you will join us in opposing it. Our reasons are many but are entirely professional in origin and motivation. We will be glad to explain them to you upon request. We sincerely hope that if the bill comes to the floor for a vote you will give us an opportunity to express our profound medical concern about its ramifications at a public hearing before the roll call is actually taken.

We hope to work very closely with members of the General Assembly on all matters concerning medicine and health care. You will find our staff people and our membership available to discuss such matters with you on short notice.

All of you were very cooperative with Doctor Calvin Hearne in 1976 and, as his successor, I hope we can establish equally good rapport.

With every good wish for a successful and productive session.

Sincerely,  
C. Edward Graybeal, M.D.  
President

\* \* \* \* \*

The roll call vote on SB 11 was taken on motion of Senator Murphy; however, before it was announced it was laid on the table on further motion of Senator Murphy.

Senator Murphy then moved that the roll call vote on SB 11 be lifted. The roll call vote on the lifting motion was taken and revealed:

YES: Senators Arnold, Cicione, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, McDowell, Murphy, Schlör, Sharp - 12.

NO: Senators Adams, Berndt, Hale, Knox, McCullough, Weiss, Zimmerman - 7.

ABSENT: Senators Holloway and Spence - 2.

Therefore, the motion prevailed and the roll call vote on SB 11 was lifted and announced:

YES: Senators Arnold, Cicione, Cook, Hughes, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence - 11.

NO: Senators Adams, Berndt, Cordrey, Hale, Kearns, Knox, Weiss, Zimmerman - 8.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Holloway - 1.

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

At 4:21 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for 39 minutes and reconvened at 6:03 p.m.,



President Pro Tempore Cordrey presiding.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 11, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Charles A. LeGates, Jr., 223 North State Street, Dover, Delaware, to be a member of the Solid Waste Authority to complete the term of D. Wayne Holden, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 11, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: James D. Wilson, 1202 Norbee Drive, Wilmington, Delaware, to be a member of the Council on Correction to complete the term of Lydia Boyer, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 12, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Earp F. Jennings, Jr., 1401 Pennsylvania Avenue, Wilmington, Delaware, to be a member of the Delaware Solid Waste Authority to complete the term of the Honorable Casimir S. Jonkiert, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 11, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: James F. Nestor, Ph. D., 114 County Club Drive, Wilmington, Delaware, to be Chairman of the Council on Correction, to serve at the pleasure of the Governor, to fill a vacancy.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*  
The following legislation was reported out of the Judiciary Committee: SB 187 - 5 Merits; SB 213 - 5 Merits; SB 212 - 5 Merits; SB 205 - 5 Merits.

The following legislation was introduced:

SB 220 - AN ACT TO AMEND CHAPTER 13, TITLE 19, DELAWARE CODE RELATING TO PUBLIC EMPLOYERS ENTERING INTO EMPLOYMENT CONTRACTS WITH PUBLIC EMPLOYEES OR BARGAINING REPRESENTATIVES OF PUBLIC EMPLOYEES. Sponsor: Senator Sharp. Assigned to Labor committee.

SB 221 - AN ACT TO AMEND TITLE 6 AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PUBLIC HEALTH, SAFETY AND WELFARE; AND PROVIDING RESTROOMS WHICH ARE AVAILABLE TO THE PUBLIC IN CERTAIN COMMERCIAL PLACES. Sponsor: Senator Cicione. Assigned to Health and Social Services Committee.

SB 222 - AN ACT TO AMEND PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION OF THE STATE'S NATURAL RESOURCES; ESTABLISHING A STATE SYSTEM OF NATURE PRESERVES; AND PROVIDING FOR THEIR ACQUISITION, CONTROL, USE, MANAGEMENT AND PROTECTION. Sponsors: Senators Zimmerman, McDowell, Knox, Martin, Murphy, Weiss; Representatives Bennett, Miller and Gordy. Assigned to Natural Resources and Environmental Control Committee.

SB 223 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE TO ALLOW THE FAMILY COURT TO PROCEED AGAINST AN 18 YEAR OLD AS AN ADULT EVEN THOUGH CHARGED WITH THE OFFENSE WHILE A JUVENILE. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SCR 32 - REMINDING STATE ADMINISTRATORS AND PURCHASING AGENTS THAT DELAWARE LAW REQUIRES THEM TO GIVE PREFERENCE TO THE DELAWARE BUREAU FOR THE VISUALLY IMPAIRED IN THE PURCHASE OF SUPPLIES WHICH ARE AVAILABLE FROM THE BUREAU. Sponsor: Senator Kearns.

On motion of Senator Kearns, the roll call vote on SCR 32 was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 224 - AN ACT AWARDING SPECIAL PENSION BENEFITS, APPROPRIATING MONIES TO FUND SUCH PENSIONS, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF SUCH PENSIONS AS IF AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Cicione. Assigned to Finance Committee.

HB 183 was reported out of the Administrative Services Committee: 4 Merits, 1 Unfavorable.

SB 219 was reported out of the Health and Social Services Committee: 4 Merits.

At 6:18 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. Tuesday, May 17, 1977.

The Senate reconvened at 2:22 p.m. May 17, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 14 w SA 1; SB 115; SB 193; SB 200; SB 203 w SA 1.

The following legislation was introduced:

SB 225 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, BY EXEMPTING FROM GENERAL PREMIUM TAX ON INSURANCE PREMIUMS OR SUBSCRIPTION CHARGES FOR BASIC HEALTH CARE INSURANCE PLANS FOR STATE EMPLOYEES. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 226 - AN ACT TO AMEND CHAPTER 19, OF TITLE 29, DELAWARE CODE RELATING TO FISCAL PROJECTIONS ON BILLS AND JOINT RESOLUTIONS. Sponsor: Senator Schlor. Assigned to Community Affairs Committee.

SA 1 to SB 223 sponsored by Senator Kearns. Placed with the Bill.

HB 41 w HA 1 - AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF FINES AND COSTS. Sponsor: Representative Riddagh. Assigned to Judiciary Committee.

HB 139 w HA 1 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 7, PART I, TITLE 7 OF THE DELAWARE CODE RELATING TO PROHIBITED HUNTING AND TRAPPING DEVICES AND METHODS. Sponsor: Representative Cain. Assigned to Natural Resources and Environmental Control Committee.

HB 279 - AN ACT AUTHORIZING THE BUDGET OFFICE TO TRANSFER CERTAIN SPECIAL FUNDS TO THE WORK EDUCATION RELEASE PROGRAM, DEPARTMENT OF CORRECTION, AND APPROPRIATING FUNDS TO THE WORK

EDUCATION RELEASE PROGRAM. Sponsor: Representative Worthen.  
Assigned to Correction Committee.

The Secretary announced that Legislative Advisory #9 received from the Office of Counsel to the Governor informed the Senate that the Governor approved: SB 173 on May 3, 1977; SB 171 on May 5, 1977; SJR 19 and SB 175 on May 10, 1977.

SJR 22 (Sponsored by Senators Cicione and Kearns; Representatives Byrd, Kelly and Maxwell) was introduced:

SJR 22 - COMMENDING THE ELKTON, MARYLAND, JAYCEES FOR THEIR EFFORTS ON BEHALF OF A GOOD CAUSE, AND REQUESTING THAT DELAWARE'S DEPARTMENT OF PUBLIC SAFETY AND STATE POLICE LEND THEIR ASSISTANCE TO THE JAYCEES IN "PROJECT BATHTUB".

On motion of Senator Cicione, the necessary rules were suspended for consideration of the Resolution. The name of Senator Kearns was added as co-sponsor of the Resolution at the request of Senator Cicione and the roll call vote on the Resolution was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 19.

NO: Senator Zimmerman - 1.

ABSENT: Senator Holloway - 1.

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

At 2:35 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 30th Legislative Day, Tuesday, May 17, 1977.

### 30TH LEGISLATIVE DAY

The Senate convened at 2:35 p.m. May 17, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 29th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 32.

SB 56 which had been defeated for passage and restored to the Calendar was again taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 50 was taken up for consideration on motion of Senator Martin:

SB 50 - AN ACT TO AMEND CHAPTER 45, OF TITLE 15, DELAWARE CODE RELATING TO ACCESSIBILITY OF POLLING PLACES FOR THE ELDERLY AND THE PHYSICALLY HANDICAPPED.

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

YES: Senators Cicione, Martin and Spence - 3.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Schlor, Weiss, Zimmerman - 12.

NOT VOTING: Senators Kearns, McCullough, McDowell, Murphy and Sharp - 5.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared defeated for passage.

SB 174 which was next on the Agenda for the day was placed at the bottom of the Agenda on motion of Senator McDowell.

Lt. Governor McGinnis welcomed to the Senate Chamber and invited former Lt. Governor Bookhammer to the Rostrum.

HJR 11 was taken up for consideration on motion of Senator McDowell:

HJR 11 - TO ADOPT ENERGY CONSERVATION AS A STATE POLICY AND TO SET GOALS FOR THE STATE OF DELAWARE.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 19.

NO: Senator Adams - 1.

ABSENT: Senator Sharp - 1.

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

At 3:13 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for about 1 1/2 hours.

The Senate reconvened at 5:05 p.m., President Pro Tempore Cordrey presiding.

SB 227 (Sponsored by Senators Holloway, Martin, Hale and Cicione; Representatives Worthen, Conner and Powell) was introduced and assigned to Health and Social Services Committee:

SB 227 - AN ACT TO AMEND CHAPTER 13, 17 AND 31, TITLE 14, DELAWARE CODE RELATING TO EXCEPTIONAL CHILDREN.

The following communication from the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

DOVER

May 17, 1977

To the Delaware State Senate of the 129th General  
Assembly of the State of Delaware

On May 5, 1977, I received Senate Bill No. 99, entitled as follows:

"AN ACT TO AMEND CHAPTER 21, SUBCHAPTER 1 OF TITLE 21 OF DELAWARE CODE RELATING TO THE RIGHTS OF SUBROGATION UNDER THE DELAWARE NO-FAULT INSURANCE FOR MOTOR VEHICLES."

I am returning this bill without my signature in order that a technical error in the legislation may be corrected. The subparagraph (3) on page 2 of the bill contains a reference to 21 Delaware

Code, Section 2118(4)(1), which is a non-existent provision. The correct reference should be to 21 Delaware Code 2118 (i). I think it is important that in an area of the law as important as the Delaware "no fault" insurance provision, the enrolled bill, which is incorporated into the Laws of Delaware, be correct on its face.

I also note that the word "take" in line 15 on page 1 of the bill should read "make".

When corrected legislation reaches my desk, I intend to sign the bill, which contains recommendations of a Committee formed at the request of my predecessor.

Respectfully submitted,  
Pierre S. duPont, IV  
Governor

\* \* \* \* \*

HCR 23 which had been laid on the table was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss - 16.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Cicione, Holloway, Sharp, Zimmerman - 4.

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

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

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

May 12, 1977

The Honorable Francis J. Kearns  
Senator of the State of Delaware  
Dover, Delaware  
Dear Senator Kearns:

Thank you for sending me a copy of the recent General Assembly resolution requesting my support for legislation which would appropriate funds to the states for compensation for innocent victims of violent crimes.

The House Judiciary Committee is currently considering H.R. 7010 which would provide monies to states for the purpose of compensating victims of violent crimes. The bill would provide a 50% reimbursement to such victims of state crimes and 100% compensation for victims of federal crimes.

You may be assured that when this bill is reported to the full House for consideration, I will support it.

With kindest regards,

Sincerely,  
Thomas B. Evans, Jr.

SB 184 was taken up for consideration on motion of Senator Martin:

SB 184 - AN ACT TO AMEND CHAPTER 36 OF TITLE 24, DELAWARE CODE, RELATING TO THE REGISTRATION OF PROFESSIONAL GEOLOGISTS.

The roll call vote on the Bill was taken on motion of Senator Martin; however, before it was announced it was laid on the table on further motion of the Senator.

SJR 20 was reported out of the Health and Social Services Committee: 4 Merits.

HB 92 was reported out of the Administrative Services Committee: 5 Merits.

The following legislation was introduced:

SB 228 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CAPITAL IMPROVEMENT ACCOUNT. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 229 - AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE EXEMPTION OF CERTAIN REAL PROPERTY FROM TAXATION AND ASSESSMENT. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Revenue and Taxation Committee.

SB 230 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE SMYRNA REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT. Sponsor: Senator Cook. Assigned to Finance Committee.

SR 57 was introduced by Senator Hughes and considered for adoption on his motion:

SR 57 - REQUESTING THE HOUSE OF REPRESENTATIVES TO RETURN SENATE BILL NO. 42 TO THE SENATE.

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

SJR 23 was introduced by Senator Martin and immediately stricken on his motion:

SJR 23 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO REPORT TO THE GENERAL ASSEMBLY ON ITS EFFORTS TO BRING BUSINESS AND INDUSTRY TO DELAWARE.

SA 1 to SB 174 was introduced by Senator McDowell and placed with the Bill.

At 6:00 p.m. on motion of Senator Martin the Senate recessed until 1:30 p.m. May 18, 1977.

The Senate reconvened at 2:07 p.m. May 18, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 22.

The following legislation was introduced:

HB 305 w HA 2 - AN ACT TO AMEND PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO NATURAL FOOD SUBSTANCES; AND PERMITTING THE DISTRIBUTION OF LAETRILE UNDER CERTAIN CIRCUMSTANCES. Sponsors: Representatives Ridings, Ambrosino and Lynch. Assigned to Health and Social Services Committee.

SB 231 - AN ACT TO AMEND CHAPTER 21, SUBCHAPTER I OF TITLE 21 OF DELAWARE CODE RELATING TO THE RIGHTS OF SUBROGATION UNDER THE DELAWARE NO-FAULT INSURANCE FOR MOTOR VEHICLES. Sponsor:

Senator Murphy. The Bill was laid on the table at the request of Senator Murphy.

SS 1 for SB 211 (Sponsored by Senators Sharp and Holloway) was introduced and adopted in lieu of the Original.

SS 1 for SB 191 (Sponsored by Senator Holloway and Representative Gilligan) was introduced, adopted in lieu of the Original and assigned to Finance Committee.

SR 58 was introduced by Senator Holloway and laid on the table on his motion:

SR 58 - COMMENDING THOMAS H. ELLIOTT, JR. FOR HIS WORK IN FOUNDING AND DIRECTING THE SCIARRA MEMORIAL DRUM AND BUGLE CORPS.

HCR 25 (Sponsored by Representatives Jonkiert, Boulden and Gordy; Senators Cordrey, Martin, Cook, Berndt and Hughes) - WELCOMING KENNETH M. CURTIS, FORMER GOVERNOR OF MAINE, NOW CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, TO DELAWARE, THE FIRST STATE.

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

SB 232 - AN ACT TO AMEND CHAPTER 5 OF TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND ROADS GENERALLY, AND PROVIDING FOR COORDINATION BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE SEVERAL COUNTIES IN FUTURE PLANNING. Sponsors: Senators Sharp and Martin. Assigned to Highways and Transportation Committee.

SJR 24 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO REPORT TO THE GENERAL ASSEMBLY ON ITS EFFORTS TO BRING BUSINESS AND INDUSTRY TO DELAWARE. Sponsor: Senator Martin. Assigned to Administrative Services Committee.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 31st Legislative Day, Wednesday, May 18, 1977.

### 31ST LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 18, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 30th Legislative Day was approved as read.

SB 48 which was first on the Agenda for the day was moved to the bottom of the Agenda at the request of Senator Martin.

SB 187 was taken up for consideration on motion of Senator Weiss:

SB 187 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO TRIALS BY JURY IN CIVIL ACTIONS.



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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 18.

NOT VOTING: Senators McCullough and Zimmerman - 2.

ABSENT: Senator Hughes - 1.

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

SB 213 was taken up for consideration on motion of Senator Littleton:

SB 213 - AN ACT TO AMEND §123, SUBCHAPTER 1, CHAPTER 1, TITLE 13, OF THE DELAWARE CODE, RELATING TO MARRIAGES BETWEEN MINORS WHO ARE PROSPECTIVE PARENTS OF A CHILD.

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

SB 205 was taken up for consideration on motion of Senator Zimmerman:

SB 205 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT.

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

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

NO: Senator McCullough - 1.

NOT VOTING: Senators Sharp and Spence - 2.

ABSENT: Senators Martin and Weiss - 2.

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

The following nominations for appointment by the Governor were reported out of the Executive Committee: Earl F. Jennings - 5 Favorable, 1 Merits; Richard L. Timmons - 5 Merits, 1 Favorable; Charles A. LeGates - 4 Favorable, 2 Merits.

SS 1 for SB 211 was reported out of the Correction Committee - 5 Merits.

At 2:37 p.m. on motion of Senator Martin, the Senate recessed for 37 minutes for Party Caucus.

The Senate reconvened at 4:07 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 10 and defeated for passage SB 30 w SA 1.

The following legislation was introduced:

HB 328 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, TO PROVIDE FOR A REDUCTION IN THE MOTOR VEHICLE REGISTRATION FEE PAID BY CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES. Sponsor: Representative Jonkiert. Assigned to Public Safety Committee.

HB 84 w HA 3, 4 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO INITIATIVE AND REFERENDUM. Sponsors: Representatives Ferguson, Gilligan and Riddagh. Assigned to Judiciary Committee.

On motion of Senator Adams the necessary rules were suspended for consideration of three nominations for appointment by the Governor.

The name of Earp F. Jennings, Jr. was then taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the nomination was declared confirmed.

The name of Richard L. Timmons was then taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the nomination was declared confirmed.

The name of Charles A. LeGates, Jr. was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the nomination was declared confirmed.

SB 199 was taken up for consideration on motion of Senator Cicione:

SB 199 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING FORMULA ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS.

SA 1 to the Bill was introduced by Senator Cicione who moved for its adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 199 w SA 1 was then taken on motion of Senator Cicione and revealed 20 Senators voting YES and 1 (Adams) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Murphy, the necessary rules were suspended for consideration of SB 231:

SB 231 - AN ACT TO AMEND CHAPTER 21, SUBCHAPTER 1 OF TITLE 21 OF DELAWARE CODE RELATING TO THE RIGHTS OF SUBROGATION UNDER THE DELAWARE NO-FAULT INSURANCE FOR MOTOR VEHICLES.

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

SA 1 to SB 114 was introduced by Senator Adams and placed with the Bill.

SB 197 was reported out of the Administrative Services Committee: 5 Merits.

SB 46 was reported out of the Health and Social Services Committee: 4 Merits.

SR 59 (Sponsored by Senator Adams and all the Senators) was introduced and considered for adoption:

SR 59 - EXPRESSING THE CONDOLENCES OF THE SENATE TO OUR COLLEAGUE, SENATOR LEE LITTLETON, UPON THE DEATH OF HIS MOTHER ON MAY 17, 1977.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Littleton) NOT VOTING; therefore, the Resolution was declared adopted.

SR 58 which had been laid on the table was lifted for consideration at the request of Senator Holloway and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING; therefore, the Resolution was declared adopted.

At 4:31 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. May 19, 1977.

The Senate reconvened at 2:07 p.m. May 19, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that Legislative Advisory #10 received from the Office of Counsel to the Governor informed the Senate that the Governor approved the following: SB 203 w SA 1 on May 13; SB 28 w SA 1, 2, 9, HA 1 on May 14; SJR 5 w HA 1 on May 16; SB 100 on May 17. The Governor vetoed SB 99 on May 17, 1977.

SA 3 to SB 159 was introduced by Senator Kearns and placed with the Bill.

SA 2 to SB 159 was introduced by Senator Weiss and placed with the Bill.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 32nd Legislative Day, Thursday, May 19, 1977.

#### 32ND LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 19, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

The Journal of the 31st Legislative Day was approved as read.

SB 212 was taken up for consideration on motion of Senator Murphy:

SB 212 - AN ACT TO AMEND PART III, TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM DISCLAIMER OF TRANSFERS UNDER NON-TESTAMENTARY INSTRUMENTS ACT.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Zimmerman - 18.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators McCullough and Weiss - 2.

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

At the request of Senator Knox SB 156 was removed from the Agenda.

SB 48 was taken up for consideration on motion of Senator Martin:

SB 48 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF REIMBURSING

THE OGLETOWN BAPTIST CHURCH LOCATED AT 316 RED MILL ROAD, NEWARK, DELAWARE.

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

The roll call vote on SB 48 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the roll call vote on SB 159 w SA 1 was lifted from the table and rescinded without objection.

SA 2 to the Bill (Sponsored by Senator Weiss) was introduced but no action was taken on the Amendment in the absence of the sponsor.

At 2:45 p.m. Senator Cordrey presiding.

SA 3 to the Bill was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (McCullough and Weiss) ABSENT; therefore, the Amendment was declared adopted.

At the request of Senator Berndt, the privilege of the floor was extended to Charles M. Oberly, III, Department of Justice, to speak on the Bill after which the roll call vote on SB 159 w SA 1, 3 was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Sharp - 12.

NO: Senators Cook, McDowell, Spence and Zimmerman - 4.

NOT VOTING: Senators Cicione, Holloway and Schlor - 3.

ABSENT: Senators Murphy and Weiss - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for consideration of SB 161:

SB 161 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO ELECTION BY ACCUSED TO HAVE CERTAIN CASES TRIED IN THE COURT OF COMMON PLEAS WHEN PROCEEDINGS ARE ORIGINALLY BROUGHT BEFORE JUSTICES OF THE PEACE, OR ANY ALDERMAN OR MAYOR OF ANY INCORPORATED CITY OR TOWN.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken at the request of the sponsor, Senator Sharp.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cicione and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 161 w SA 3 was then taken and announced:

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

NO: Senator McCullough - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Cicione and Weiss - 2.

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

At 3:30 p.m. Senator Adams presiding.

At 3:33 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for about 45 minutes.

The Senate reconvened at 5:10 p.m., Lt. Governor McGinnis presiding.

The following legislation was reported out of Committee:

From the Labor Committee: SB 188 - 1 Favorable, 4 Merits.

From the Banking, Insurance and Elections Committee: SB 142 - 5 Merits.

From the Judiciary Committee: SB 185 - 1 Favorable, 2 Merits, 2 Unfavorable.

From the Revenue and Taxation Committee: HB 223 - 4 Merits; HB 260 - 4 Merits.

The following legislation was introduced:

SB 233 - AN ACT TO AMEND CHAPTER 65, TITLE 16, DELAWARE CODE RELATING TO HEALTH, SAFETY AND WELFARE BY REQUIRING THAT DEALERS OR AGENTS RENTING VEHICLES HAVE SUCH VEHICLES PERIODICALLY INSPECTED. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 234 - AN ACT AWARDED SPECIAL PENSION BENEFITS, APPROPRIATING MONIES TO FUND SUCH PENSIONS, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF SUCH PENSIONS AS IF AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Cicione. Assigned to Administrative Services Committee.

SB 235 - AN ACT TO MAKE AN APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE FOR SERVICES TO THE FOREIGN BORN. Sponsors: Senators Holloway, Cicione, Berndt and Zimmerman; Representatives Sincock, Gilligan, Maxwell, Kelly, Byrd and Jonkiert. Assigned to Finance Committee.

SB 236 - AN ACT TO AMEND CHAPTER 6, TITLE 17, DELAWARE CODE, AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION OF THE STATE OF DELAWARE TO CONSTRUCT, MAINTAIN, REPAIR, IMPROVE AND OPERATE AN EXPRESS TOLL HIGHWAY FROM A POINT IN THE VICINITY OF U.S. ROUTE 13 BELOW THE CITY OF DOVER NEAR WOODSIDE TO A CONNECTION WITH THE EXISTING DELAWARE TURNPIKE, INCLUDING A SPUR TO U.S. ROUTE 301 TO THE MARYLAND STATE LINE, TO MAINTAIN, REPAIR, IMPROVE AND OPERATE THE EXISTING DELAWARE TURNPIKE, TO ISSUE TURNPIKE REVENUE BONDS OF THE DEPARTMENT PAYABLE SOLELY FROM TOLLS AND OTHER REVENUES, FOR THE PURPOSE OF PAYING, WITH OTHER AVAILABLE FUNDS, THE COST OF SAID EXPRESS TOLL HIGHWAY AND IMPROVEMENTS TO THE EXISTING DELAWARE TURNPIKE AND FOR THE PURPOSE OF REFUND TURNPIKE REVENUE BONDS ISSUED FOR THE EXISTING DELAWARE TURNPIKE, TO COLLECT TOLLS FOR THE USE OF THE DELAWARE TURNPIKES AND TO PLEDGE SUCH TOLLS AND OTHER REVENUES TO THE PAYMENT OF THE TURNPIKE REVENUE BONDS AND THE STATE BONDS HEREIN AUTHORIZED; AUTHORIZING THE DEPARTMENT TO ISSUE TURNPIKE REVENUE REFUNDING BONDS; AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY FOR THE PURPOSE OF PAYING A PART OF THE COST OF SAID EXPRESS TOLL HIGHWAY AND TO ISSUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT EXCEEDING \$100,000,000 UPON THE FULL FAITH AND CREDIT OF THE STATE OF DELAWARE; AND

REPEALING SECTIONS 601 THROUGH 623, CHAPTER 6, TITLE 17, DELAWARE CODE, UPON PROVISION BEING MADE FOR THE RETIREMENT OF TURNPIKE REVENUE BONDS ISSUED FOR THE EXISTING DELAWARE TURNPIKE. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

Senator Martin moved that SB 236 just introduced should be assigned to the Highways and Transportation Committee instead of the Finance Committee.

At 5:25 p.m. on motion of Senator Kearns, the Senate recessed for a short period and reconvened at 5:27 p.m., Lt. Governor McGinnis still presiding.

The roll call vote on Senator Martin's motion to place SB 236 in the Highways and Transportation Committee was taken and revealed:

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

NO: Senators Cicione, Hale, Holloway and Murphy - 4.

NOT VOTING: Senators Schlor and Zimmerman - 2.

ABSENT: Senators Cordrey and Weiss - 2.

Therefore, the motion prevailed and SB 236 was reassigned to the Highways and Transportation Committee.

SB 229 was reported out of the Revenue and Taxation Committee: 4 Merits.

SS 1 for SB 209 was introduced by Senator Hughes and placed with the Original at his request:

SS 1 for SB 209 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE, TO PERMIT THE OWNER OF A MOTOR VEHICLE TO PAY \$5 ANNUALLY IN LIEU OF THE INSPECTION. Sponsors: Senators Hughes and Adams.

SR 60 was introduced by Senator Murphy and considered for adoption on his motion:

SR 60 - EXPRESSING CONGRATULATIONS TO THE CAESAR RODNEY BUSINESS STUDENTS ON BEING VOTED THE NATION'S TOP CHAPTER OF THE OFFICE EDUCATION ASSOCIATION.

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

SB 237 was introduced by Senator Martin and assigned to Administrative Services Committee:

SB 237 - 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.

SR 61 was introduced by Senator McDowell and laid on the table on his request:

SR 61 - REQUESTING THE DIRECTOR OF THE DIVISION OF MAINTENANCE, COMMUNICATIONS AND CAPITAL SECURITY TO COMPLY WITH THE PROVISIONS OF EXECUTIVE ORDER NO. 16.

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

SB 114 - AN ACT TO AMEND CHAPTER 6, TITLE 31 DELAWARE CODE, RELATING TO THE MISUSE OF FOOD STAMPS.

SA 1 to the Bill which had been placed with the Bill was

considered for adoption on motion of Senator Adams and the roll call taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

During discussion of SB 114 w SA 1 the privilege of the floor was extended to Harry Terry and Tom Sandback, Senate attorneys to speak on the Bill after which it was laid on the table on motion of Senator Adams.

SB 174 was taken up for consideration on motion of Senator McDowell:

SB 174 - AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES.

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

YES: Senators Arnold, Berndt, Cook, Cordrey, Kearns, Knox, McDowell - 7.

NO: Senators Adams, Hale, Littleton, McCullough, Schlor, Spence - 6.

NOT VOTING: Senators Holloway, Hughes, Martin, Murphy, Sharp, Zimmerman - 6.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Amendment was declared defeated.

At the request of Senator Murphy his name was removed as co-sponsor to SB 174 after which the roll call vote on the Bill was taken on motion of Senator McDowell and announced:

YES: Senators Kearns, McCullough, McDowell and Schlor - 4.

NO: Senators Adams, Cordrey, Hale, Littleton, Murphy, Spence, Zimmerman - 7.

NOT VOTING: Senators Arnold, Cook, Holloway, Hughes, Knox, Sharp - 6.

ABSENT: Senators Berndt, Cicione, Martin and Weiss - 4.

Therefore, the Bill was declared defeated for passage.

At 6:32 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. Tuesday, May 24, 1977.

The Senate reconvened at 2:10 p.m. May 24, 1977, Lt. Governor McGinnis presiding.

The following communication from the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
May 17, 1977

To the Senate of the 129th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Joseph M. Dell'Olivo, 1302 Carr Road, Wilmington, Delaware, to be a member of the

Council on Corrections to complete the term of Nancy W. Woodward, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*

The letter of nomination was assigned to the Executive Committee. SA 2 and SA 3 to SB 114 were introduced by Senator Adams and placed with the Bill.

SA 1 to SB 197 was introduced by Senator Murphy and placed with the Bill.

SCR 33 (Sponsored by Senator Littleton and Representative Gordy) was introduced and considered for adoption on motion of Senator Littleton:

SCR 33 - EXTENDING CONGRATULATIONS TO RON WALLER ON THE OCCASION OF HIS INDUCTION INTO THE DELAWARE SPORTS HALL OF FAME.

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

HCR 26 (Sponsored by Representative Gordy and Senator Littleton) was introduced and considered for adoption on motion of Senator Littleton:

HCR 26 - THANKING THE LAUREL HISTORICAL SOCIETY INC. FOR INVITING THE GENERAL ASSEMBLY TO THE SERVICES HONORING NATHANIEL MITCHELL, GOVERNOR OF DELAWARE FROM 1805 TO 1808.

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

Pursuant to the above Resolution, The Resolution of the Laurel Historical Society, Inc. is herein recorded:

A RESOLUTION TO HONOR LAUREL'S FIRST GOVERNOR  
OF THE STATE OF DELAWARE

Whereas, the Laurel Historical Society, Inc. of Laurel, Delaware, does hereby announce memorial services will be held on Monday, May 30, 1977 at 2:00 o'clock p.m. to honor Nathaniel Mitchell, Governor of the State of Delaware from the years 1805 to 1808;

Whereas, appropriate memorial services will be conducted at Governor Mitchell's grave site adjacent to Old Christ Church, Broad Creek Hundred, Laurel, Delaware;

Whereas, Governor Mitchell served with honor and distinction both as an officer in the American Reveolution and as a moldor of our State government;

Whereas, Governor Mitchell being the first governor from Laurel, and being closely associated with notables of his day, namely General George Washington and being a nephew of General Dagsworthy;



Whereas, Governor Mitchell being a lawyer, business man and a farmer played an important role in the development of our state and county;

Now, be it further resolved, The Laurel Historical Society, Inc. does hereby request this resolution be read as a joint resolution in the Senate and House and spread upon the minutes accordingly;

And, be it further resolved, Representatives of the Senate and House be urged to attend the memorial services to pay homage to so distinctive and dedicated a man, Revolutionary War Hero, Governor of the State of Delaware and member of both the State Senate and State House;

We, Madeline A. Dunn, president of the Laurel Historical Society, Inc. of Laurel, Delaware and George M. Warner, vice president of the Laurel Historical Society, Inc. do hereby certify that the following resolution was passed by the officers and executive board of The Laurel Historical Society, Inc.

Madeline A. Dunn, President  
George M. Warner, Vice President

\* \* \* \* \*

Senator Weiss was marked PRESENT for the 32nd Legislative Day.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 33rd Legislative Day, Tuesday, May 24, 1977.

### 33RD LEGISLATIVE DAY

The Senate convened at 2:15 p.m. May 24, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 32nd Legislative Day was approved as read.

The following Legislation was reported out of the Banking, Insurance and Elections Committee: SB 216 - 1 Favorable, 3 Merits; SB 215 - 1 Favorable, 3 Merits; SB 225 - 1 Favorable, 3 Merits.

SB 114 w SA 1 which had been laid on the table was taken up for consideration on motion of Senator Adams.

SA 2 to the Bill which had been placed with the Bill was stricken on motion of Senator Adams.

SA 3 to the Bill was introduced by Senator Adams and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 114 w SA 1, 3 was then taken and

revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SJR 20 was taken up for consideration on motion of Senator Holloway:

SJR 20 - REQUESTING SECRETARY SCHRAMM TO MAKE RECOMMENDATIONS ON REORGANIZATION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

HB 92 was taken up for consideration on motion of Senator Holloway:

HB 92 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway.

The Bill was then again laid on the table on further motion of Senator Holloway.

At 2:37 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for approximately 35 minutes.

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

The members of Girl Scout Troop #850 who were present in the Chamber were introduced to the Senate by the Lt. Governor.

HB 92 which had been laid on the table was taken up for consideration on motion of Senator Holloway and the privilege of the floor extended to Representative Gilligan to speak on the Bill.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Sharp, Spence, Weiss - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators McDowell and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 92 w SA 2 was then taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senators McCullough and Sharp - 2.

ABSENT: Senator McDowell - 1.

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

SS 1 for SB 211 was taken up for consideration on motion of Senator Sharp:

SS 1 for SB 211 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, BY PROVIDING FOR A DISCHARGE ALLOWANCE AND MAKING AN APPROPRIATION THEREFOR.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McDowell, Murphy, Schlor, Sharp, Weiss - 14.

NO: Senators Adams, Cicione, Cook, Cordrey, McCullough, Spence, Zimmerman - 7.

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

SB 155 was taken up for consideration on motion of Senator Kearns:

SB 155 - AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO SHOT SIZE ALLOWED TO TAKE GAME.

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

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

NOT VOTING: Senators Hughes and McCullough - 2.

ABSENT: Senators Cicione, Holloway and Martin - 3.

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

SB 197 was taken up for consideration on motion of Senator Murphy:

SB 197 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE PURPOSE OF PAYING AN EMPLOYEE WHO FAILED TO RECEIVE PAYMENT FOR OVERTIME HOURS WORKED.

SA 1 to the Bill was introduced by Senator Murphy who moved for its adoption. The roll call vote on the Amendment was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 16.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Cicione, Holloway, Kearns and Martin - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 197 w SA 1 was then taken on motion of Senator Murphy; however, before it was announced it was laid on the table on further motion of the Senator.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 33 and SJR 18.

The following legislation was reported out of Committee:

From the Health and Social Services Committee: HB 305 w HA 2 - 4 Merits.

From the Executive Committee: SJR 21 - 2 Favorable, 4 Merits.

The following legislation was introduced:

SB 238 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, AS AMENDED, BY REDESIGNATING THE MEETING PLACE OF THE TOWN COUNCIL, INCREASING THE AMOUNT THE TOWN COUNCIL IS AUTHORIZED TO RAISE ANNUALLY BY TAXATION, AND FOR OTHER PURPOSES. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 239 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO RESIDENTIAL ENERGY CONSERVATION IMPROVEMENTS. Sponsors: Senators Holloway and McDowell. Assigned to Energy Committee.

SA 1 to SB 188 was introduced by Senator Weiss and placed with the Bill.

The following communication was read from the Governor:  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

To the Senate of the 129th General Assembly of the State of Delaware

On May 24, 1977, pursuant to my authority under Article III, §18 of the Delaware Constitution, I am returning to the Senate, without my signature, Senate Bill 115, entitled: AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE, RELATING TO PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES.

I take this action for the following reasons:

1. The Act works a significant inequity on the vast majority of sewer service users who timely paid their user charge prior to the March 31 deadline. At the same time, the Act provides unjust enrichment for those users who have, in bad faith, ignored the payment deadline, and who may now delay another six weeks before tendering their user charges without incurring further statutory penalty.

2. §1. of S. B. 115 eliminates imposition of the statutory late payment penalty for the entire first six months of the calendar year 1977. By so doing, it prohibits interest during those months on sewer bills that are one year or more delinquent, and it may well require a rebate of any portion of a penalty paid after January 1, 1977 which is attributable to that period. Such a result is both administratively unfeasible and fundamentally unfair.

3. The maintenance, operation and financing of sewer service in New Castle County is wholly and exclusively the responsibility of that sovereign jurisdiction. While the State unquestionably has the power to intervene in that function, only the most extraordinary circumstance, in my judgment, would warrant such intervention. In the instant case, I am advised that the County, by Ordinance 77-22, has in large measure mitigated the conditions which motivated the passage of S.B. 115, and further, that the County has taken all steps necessary to correct technical and computer errors identified in the last billing cycles. Under these circumstances, I find no justification of an extraordinary nature for the State to intervene in this exclusive County function.

For the foregoing reasons, I return S. B. 115 without my signature for reconsideration.

Respectfully yours,  
Pierre S. duPont, IV, Governor

\* \* \* \* \*

The Chair pointed out that the Veto letter was undated and Senator Cordrey moved that the date on which the communication was read (May 24, 1977) be considered the date of the communication.

HB 353 (sponsored by Representatives George and Sincock) was introduced and laid on the table on motion of Senator Cordrey:

HB 353 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES, FOR CERTAIN PUBLIC WELFARE PROGRAMS FROM ENTITLEMENT PAYMENTS RECEIVED BY THE STATE FROM THE FEDERAL ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS ACT.

The following legislation was introduced:

HCR 29 - REQUESTING THE GOVERNOR TO ASK THE STATE SUPREME COURT FOR AN ADVISORY OPINION CONCERNING THE CONSTITUTIONALITY OF A CERTAIN SECTION OF THE BUDGET ACT FOR FISCAL YEAR 1977. Sponsor: Representative Jonkiert. Assigned to Finance Committee.

HCR 28 - EXPRESSING THE SORROW OF THE 129TH GENERAL ASSEMBLY AT THE PASSING OF WARREN C. NEWTON, OF BRIDGEVILLE, BANKER, FARMER, CIVIC LEADER. Sponsors: Representative Clendaniel; Senators Adams and Cook.

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

HB 322 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11 TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING AND REPORTS TO THE BANKING COMMISSIONER AND TIME FOR ASSESSMENT AND PAYMENT OF BANK FRANCHISE TAXES. Sponsors: Representatives Worthen and Powell. Assigned to Banking, Insurance and Elections Committee.

HB 323 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO THE FARMERS BANK AND INDEMNIFICATION OF FARMERS BANK DIRECTORS BY THE STATE. Sponsors: Representatives Worthen, T. Brady and Gordy. Assigned to Banking, Insurance and Elections Committee.

At 5:40 p.m. on motion of Senator Cordrey, the Senate recessed until Wednesday, May 25, 1977 at 1:30 p.m.

The Senate reconvened at 2:10 p.m. May 25, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 240 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF REPLACING BRIDGE NO. 289 LOCATED ON OLD WILMINGTON ROAD IN THE CITY OF NEW CASTLE, DELAWARE. Sponsor: Senator McCullough. Assigned to Finance Committee.

SA 2 and SA 3 to SB 188 sponsored by Senator Weiss. Placed with the Bill.

SB 174 which had been defeated for passage was restored to the Calendar and assigned to the Energy Committee on motion of Senator Cordrey and without objection.

At 2:12 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 34th Legislative Day, Wednesday, May 25, 1977.

34TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. May 25, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 33rd Legislative Day was approved as read.

SB 188 was taken up for consideration on motion of Senator Sharp:

SB 188 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGULATION OF ADULT ENTERTAINMENT BUSINESSES.

At 2:30 p.m. Senator Cicione presiding.

SA 1 to SB 188 which had been placed with the Bill was taken up for consideration on motion of Senator Weiss.

The privilege of the floor was extended to Tom Sandbach and Harry Terry, Senate attorneys, to speak on the Amendment. A letter was read in at the request of Senator McCullough concerning the Amendment and returned to him.

At 2:35 p.m. Lt. Governor McGinnis presiding.

The roll call vote on SA 1 to SB 188 was taken and revealed:

YES: Senators Knox and Weiss - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 18.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared defeated.

SA 2 and SA 3 to the Bill which had been placed with the Bill were stricken on motion of Senator Weiss.

The roll call vote on SB 188 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 19.

NOT VOTING: Senators Knox and Weiss - 2.

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

SB 185 was taken up for consideration on motion of Senator Schlor:

SB 185 - AN ACT TO AMEND CHAPTER 39, TITLE 11 OF THE DELAWARE CODE RELATING TO CONCURRENT AND CONSECUTIVE SENTENCES.

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

The roll call vote on SB 185 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Zimmerman - 15.

NO: Senators Berndt, Kearns, Knox, McDowell and Weiss - 5.

ABSENT: Senator Holloway - 1.

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

At 4:17 p.m. on motion of Senator Martin the Senate recessed for Party Caucus for about 45 minutes.

The Senate reconvened at 5:38 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, and without objection, the necessary rules were suspended for lifting of HB 353 for consideration:

HB 353 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES, FOR CERTAIN PUBLIC WELFARE PROGRAMS FROM ENTITLEMENT PAYMENTS RECEIVED BY THE STATE FROM THE FEDERAL ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS ACT.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Schlor, Sharp, Zimmerman - 18.

ABSENT: Senators Murphy, Spence and Weiss - 3.

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

HB 223 was removed from the Agenda at the request of Senator Cordrey.

HB 260 was taken up for consideration on motion of Senator Cordrey:

HB 260 - AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO ITEMIZED INCOME TAX DEDUCTIONS TO ALLOW A DEDUCTION FOR CERTAIN HOUSEHOLD AND DEPENDENT CARE EXPENSES.

The privilege of the floor was extended to Representative Worthen to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Schlor, Spence, Weiss, Zimmerman - 18.

NO: Senator Adams - 1.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Murphy - 1.

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

HCR 29 which had been assigned to the Finance Committee was taken out of the Committee and laid on the table on motion of Senator Cicione and without objection.

SB 232 was reported out of the Highways and Transportation Committee: 2 Favorable, 3 Merits.

SB 120 was reported out of the Agriculture Committee: 1 Favorable, 5 Merits.

SB 238 was reported out of the Community Affairs Committee:

4 Merits.

The following legislation was introduced:

SB 241 - AN ACT TO RESUME PENSION PAYMENTS TO HOWARD M. TEAL WHICH PAYMENTS WERE UNINTENTIONALLY TERMINATED; AND TO OBTAIN FOR THE SAID HOWARD M. TEAL THOSE BENEFITS WHICH HE SHOULD HAVE RECEIVED DURING THE TIME PENSION PAYMENTS WERE WITHHELD. Sponsor: Senator McCullough. The Bill was laid on the table on motion of Senator McCullough.

SB 242 - AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL TAXES; AND PROVIDING RESTRICTIONS IN THE ASSESSMENT OF BUILDINGS IMPROVED BY THE INSTALLATION OF ENERGY CONSERVATION IMPROVEMENTS. Sponsors: Senators McDowell and Arnold. Assigned to Energy Committee.

SB 243 - AN ACT TO AMEND CHAPTER 15, TITLE 3, DELAWARE CODE RELATING TO DUTIES AND AUTHORITY OF THE DEPARTMENT OF AGRICULTURE. Sponsors: Senators Adams and Knox; Representative Clendaniel. Assigned to Agriculture Committee.

SB 244 - AN ACT AUTHORIZING THE CAPITAL SCHOOL DISTRICT TO TRANSFER FUNDS FROM THE LOCAL BALANCE OF MINOR CAPITAL IMPROVEMENTS PROGRAM TO THE CAPITAL SCHOOL DISTRICT OPERATING ACCOUNT. Sponsors: Senator Zimmerman; Representatives Bennett and Miller. Assigned to Finance Committee.

SA 1 to HB 328 sponsored by Senator Cicone. Placed with the Bill.

SR 62 - DIRECTING THE SENATE ATTORNEYS TO RESEARCH, EXAMINE AND RECOMMEND PROPOSED LEGISLATION THAT WILL EFFECTIVELY REGULATE AND CONTROL ADULT BOOKSTORES IN THE STATE OF DELAWARE. Sponsors: Senators Holloway, Arnold, Littleton, Knox, Spence. The Resolution was laid on the table at the request of Senator Holloway.

At 6:05 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m., Thursday, May 26, 1977.

The Senate reconvened at 2:08 p.m. May 26, 1977, Lt. Governor McGinnis presiding.

The following legislation was reported out of the Administrative Services Committee: SB 237 - 1 Favorable, 3 Merits; SJR 24 - 1 Favorable, 3 Merits.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 35th Legislative Day, Thursday, May 26, 1977.

#### 35TH LEGISLATIVE DAY

The Senate convened at 2:10 p.m. May 26, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

SJR 21 which was the first item on the Agenda for the day



was laid on the table at the request of Senator Hughes.

SB 225 was taken up for consideration on motion of Senator Murphy:

SB 225 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, BY EXEMPTING FROM GENERAL PREMIUM TAX ON INSURANCE PREMIUMS OR SUBSCRIPTION CHARGES FOR BASIC HEALTH CARE INSURANCE PLANS FOR STATE EMPLOYEES.

The privilege of the floor was extended to Edward J. Dugan, Blue Cross and Blue Shield of Delaware, to speak on the Bill after which the roll call vote was taken. On motion of Senator Murphy and without objection, the roll call vote on SB 225 was tabled before being announced.

SB 215 was taken up for consideration on motion of Senator Murphy:

SB 215 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING.

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

SB 216 was taken up for consideration on motion of Senator Murphy:

SB 216 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING.

The privilege of the floor was extended to John Malarkey, State Banking Commissioner, to speak on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (McCullough) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 46 which was next on the Agenda for the day was deferred for consideration on motion of Senator Kearns.

SB 244 was reported out of the Finance Committee: 6 Merits.

The following legislation was introduced:

SB 245 - AN ACT TO AMEND CHAPTER 59, TITLE 18, DELAWARE CODE RELATING TO LIQUIDATION OF DOMESTIC INSURERS. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Election Committee.

SB 246 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO PENALTY FOR FAILURE TO REPORT OR PAY TAX. Sponsors: Senator Adams and Representative Minner. Assigned to Revenue and Taxation Committee.

SB 247 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES. Sponsors: Senators Cicione and Berndt; Representative Maxwell. Assigned to Finance Committee.

SJR 21 was lifted for consideration on motion of Senator Hughes:

SJR 21 - MEMORIALIZING CONGRESS AND THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT AGAINST UNITED STATES RELINQUISHMENT OF ITS SOVEREIGNTY OVER THE PANAMA CANAL AND THE PANAMA CANAL ZONE ON THE ISTHMUS OF PANAMA.

The privilege of the floor was extended to Frederick vanSant

and Chef de Chemin de Fer John Kilgus, National Commander of Forty and Eight, to speak on the Resolution after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (McDowell) voting NO; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 3:02 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for about an hour.

The Senate reconvened at 8:42 p.m. Lt. Governor McGinnis presiding.

The following legislation was introduced:

HB 160 - AN ACT TO AMEND SECTION 391, TITLE 8, DELAWARE CODE, TO INCREASE THE FEE COLLECTED AND PAID TO THE SECRETARY OF STATE FOR CERTIFYING COPIES OF PAPERS RELATING TO CORPORATIONS ON FILE WITH THE SECRETARY OF STATE. Sponsors: Representative Sincock and Senator Knox. On motion of Senator Cordrey, the Bill was laid on the table.

HB 161 w HA 2 - AN ACT TO AMEND CHAPTER 11, TITLE 5, DELAWARE CODE, RELATING TO BANKS AND TRUST COMPANIES. Sponsors: Representative Sincock and Senator Knox. The Bill was laid on the table on motion of Senator Cordrey.

HB 162 w HA 2 - AN ACT TO AMEND CHAPTER 18, TITLE 5, DELAWARE CODE, RELATING TO TAXATION OF BUILDING AND LOAN ASSOCIATIONS. Sponsors: Representative Sincock and Senator Knox. The Bill was laid on the table on motion of Senator Cordrey.

HB 382 w HA 3 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE RATE OF THE CORPORATION INCOME TAX. Sponsor: Representative Sincock. The Bill was laid on the table on motion of Senator Cordrey.

The following legislation was reported out of the Banking, Insurance and Elections Committee: HB 323 w HA 1 - 4 Merits; HB 322 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 189; SB 231, SB 54; SB 88; SB 93 w SA 1; SB 146.

The following legislation was introduced:

HB 314 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE NATIONAL GUARD, TO PAY A PRIOR YEAR'S OBLIGATION FOR A LIABILITY CLAIM PAYABLE TO THE UNITED STATES GOVERNMENT FOR THE BALANCE OF EXPENSES INCURRED IN MARCH 1967, MOTOR VEHICLE ACCIDENT. Sponsor: Representative George. Assigned to Finance Committee.

HB 330 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE INSURANCE DEPARTMENT FOR THE PURPOSE OF MEETING THE EXPENSE OF WORKMEN'S COMPENSATION THROUGH JUNE 30, 1977. Sponsors: Representatives George and Sincock. Assigned to Finance Committee.

HB 332 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE STATE JUDICIARY AGENCIES. Sponsors: Representatives George and Sincock. Assigned to Finance Committee.

HB 342 w HA 1 - AN ACT TO PROVIDE SUPPLEMENTARY APPROPRIATIONS TO THE SEVERAL AGENCIES FOR THE PURPOSE OF PAYING SALARIES AND OTHER EMPLOYMENT COSTS. Sponsors: Representatives George and Sincock. Assigned to Finance Committee.

HCR 30 - COMMENDING HELEN BYRD ACHTENBERG, JANE BOONE, WILLIAM DAWSON, MIKE GOSCH AND BEVERLY TUTTILL FOR THEIR VOLUNTEER WORK WITH THE BOWERS BEACH MARITIME MUSEUM, INC. Sponsors: Representative Minner and Senator Murphy.

On motion of Senator Murphy, the roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Littleton, McCullough, Spence and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 31 - MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ACCEPT THE "EL PASO" PROPOSAL OF NATURAL GAS TRANSPORTATION OFF THE NORTH SLOPE OF THE STATE OF ALASKA. Joint Sponsors: Representatives Byrd, Darling and Senator Berndt.

On motion of Senator Berndt, the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Hale, McCullough and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 157 w HA 2 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO THE MOTOR FUEL TAX. Sponsor: Representative Sincock. The Bill was laid on the table on motion of Senator Cordrey.

On motion of Senator Cordrey, the necessary rules were suspended for lifting of HB 160 for consideration:

HB 160 - AN ACT TO AMEND SECTION 391, TITLE 8, DELAWARE CODE, TO INCREASE THE FEE COLLECTED AND PAID TO THE SECRETARY OF STATE FOR CERTIFYING COPIES OF PAPERS RELATING TO CORPORATIONS ON FILE WITH THE SECRETARY OF STATE.

The roll call vote on the Bill was taken on motion of Senator Cordrey; however, on further motion of the Senator it was laid on the table before being announced.

At 9:00 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 9:30 p.m., Lt. Governor McGinnis still presiding.

On motion of Senator Cordrey, the roll call vote on HB 160 was lifted from the table and announced:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, McCullough, McDowell, Murphy, Schlör, Sharp - 9.

ABSENT: Senator Zimmerman - 1.

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

On motion of Senator Cordrey, the necessary rules were suspended for the lifting for consideration of HB 161 w HA 2:

HB 161 w HA 2 - AN ACT TO AMEND CHAPTER 11, TITLE 5, DELAWARE CODE, RELATING TO BANKS AND TRUST COMPANIES.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, McCullough, McDowell, Murphy, Schlör, Sharp, Zimmerman - 10.

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

On motion of Senator Cordrey, the necessary rules were suspended for lifting for consideration HB 162 w HA 2:

HB 162 w HA 2 - AN ACT TO AMEND CHAPTER 18, TITLE 5, DELAWARE CODE, RELATING TO TAXATION OF BUILDING AND LOAN ASSOCIATIONS.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, McDowell, Murphy, Schlor, Sharp, Zimmerman - 10.

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

On motion of Senator Cordrey, the necessary rules were suspended for lifting for consideration HB 382 w HA 3:

HB 382 w HA 3 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE RATE OF THE CORPORATION INCOME TAX.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 10.

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

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 157 w HA 2 for consideration:

HB 157 w HA 2 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE MOTOR FUEL TAX.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 10.

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

HB 383 w HA 1 was introduced:

HB 383 w HA 1 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE CUMULATIVE GENERAL FUND OBLIGATIONS OF THE STATE INCURRED OR TO BE INCURRED THROUGH JUNE 30, 1977, AND PROVIDING A MEANS OF SECURING REPAYMENT OF SUCH BONDS.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 383 w HA 1 and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

At 9:54 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 31, 1977.

The Senate reconvened at 2:05 p.m. May 31, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 248 - AN ACT TO AMEND PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING FOR A UNIFORM SYSTEM OF JOB EVALUATION AND COMPENSATION. Sponsor: Senator Arnold. Assigned to Executive Committee.

SB 249 - AN ACT TO AMEND CHAPTER 12, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF JUNKYARDS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 250 - AN ACT TO AMEND CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO THE REORGANIZATION OF SCHOOL DISTRICTS. Sponsor: Senator McCullough. Assigned to Education Committee.

SB 251 - AN ACT TO PROVIDE FOR INDEMNIFICATION OF THE DIRECTORS OF THE DELAWARE SOLID WASTE AUTHORITY. Sponsors: Senators Cordrey and Berndt; Representative Jonkiert. Assigned to Natural Resources and Environmental Control Committee.

SB 252 - AN ACT TO AMEND CHAPTER 14, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO PROCEDURES FOR THE TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES. Sponsor: Senator Arnold. Assigned to Education Committee.

SB 253 - AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF OUTDOOR ADVERTISING. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SA 1 to SA 1 to SB 46 was introduced by Senator Kearns and placed with the Bill.

SA 3 to SB 59 was introduced by Senators Murphy, Cook and Zimmerman and placed with the Bill.

SB 218 was reported out of the Agriculture Committee: 5 Merits.

SR 63 - IN REFERENCE TO ELECTION OF STAFF MEMBERS. Sponsor: Senator Cordrey.

On motion of Senator Cordrey, the Resolution was considered for adoption and the roll call vote taken which revealed 18 Senators voting YES and 3 (McCullough, Murphy, and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

HCR 32 - RELATING TO PROCEEDS OF A NATIONAL GASOLINE TAX AND A REBATE TO THE STATES. Sponsors: Representatives Darling, Minner, Byrd, Gilligan, Clendaniel, T. Brady, Roy, Smith, Burris, Boulden, Anderson, Miller, Vernon, Temple; Senator Berndt.

On motion of Senator Berndt the Resolution was laid on the table.

At 2:12 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 36th Legislative Day.

### 36TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. May 31, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

Zimmerman - 21.

The Journal of the 35th Legislative Day was approved as read.

The Secretary announced that Legislative Advisory #11 received from Office of Counsel to the Governor informed the Senate that the Governor approved: SJR 22 on May 18, 1977; SB 200 on May 19; SB 186 on May 20; SB 128 on May 21; SB 73, SB 193 and SB 14 w SA 1 on May 24. The Governor vetoed SB 115 on May 24, 1977.

At the request of Senator Kearns the following communication was read and is made part of this Journal:

UNITED STATES SENATE  
Washington, D.C.  
May 23, 1977

The Honorable Francis Kearns  
Legislative Hall  
Dover, Dela.  
Dear Franny:

I am in receipt of the resolution you sponsored regarding the "Victims of Crime Compensation Bill" currently pending in the U.S. Senate. Thank you for calling this to my attention.

I want you to know that I have cosponsored the bill and will actively work to secure its passage.

Please continue to let me know your thoughts on legislation pending before the Congress that can benefit Delaware.

Sincerely,  
Joseph R. Biden, Jr.  
United States Senator

\* \* \* \* \*

HCR 32 was lifted from the table for consideration on motion of Senator Berndt and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 98 was taken up for consideration on motion of Senator Holloway:

SB 98 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS FOR THE PURPOSE OF MEETING CERTAIN PAYROLL OBLIGATIONS NECESSITATED BY AN ARBITRATION RULING.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 16.

NO: Senators McCullough and Spence - 2.

NOT VOTING: Senators Arnold, Hale and Hughes - 3.

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

HB 69 was taken up for consideration on motion of Senator Adams:

HB 69 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE

CONSTITUTION OF THE STATE OF DELAWARE.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Hughes and Martin - 2.

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

SB 229 which was next on the Agenda for the day was placed at the bottom of the Agenda at the request of Senator Adams.

SB 232 which was then next on the Agenda for the day was temporarily passed over in the absence of the sponsor, Senator Sharp.

At 3:02 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Senator Kearns presiding.

SB 238 was taken up for consideration on motion of Senator Cordrey:

SB 238 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, AS AMENDED, BY REDESIGNATING THE MEETING PLACE OF THE TOWN COUNCIL, INCREASING THE AMOUNT THE TOWN COUNCIL IS AUTHORIZED TO RAISE ANNUALLY BY TAXATION, AND FOR OTHER PURPOSES.

The roll call vote on the Bill was taken on motion of Senator Cordrey, but was laid on the table before being announced on further motion of the Senator.

SB 232 was placed at the bottom of the Agenda at the request of Senator Sharp.

HB 322 was taken up for consideration on motion of Senator Murphy:

HB 322 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING AND REPORTS TO THE BANKING COMMISSIONER AND TIME FOR ASSESSMENT AND PAYMENT OF BANK FRANCHISE TAXES.

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

HB 323 w HA 1 was taken up for consideration on motion of Senator Murphy:

HB 323 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO THE FARMERS BANK AND INDEMNIFICATION OF FARMERS BANK DIRECTORS BY THE STATE.

At 4:37 p.m. on motion of Senator Berndt, the Senate recessed for a short period and reconvened at 4:42 p.m., Senator Kearns still presiding.

HB 323 w HA 1 was still before the Senate and on motion of Senator Murphy the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Littleton - 1.

ABSENT: Senator McDowell - 1.

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

On motion of Senator Murphy the roll call vote on SB 197 w SA 1 was lifted and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 13.

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

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

SB 120 was taken up for consideration on motion of Senator Berndt:

SB 120 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; AND PROVIDING FOR THE ESTABLISHMENT OF FOREIGN TRADE ZONES.

The privilege of the floor was extended to Tom Sandbach and Harry Terry, Senate attorneys, to speak on the Bill after which it was deferred for final consideration on motion of Senator Berndt.

SB 244 was taken up for consideration on motion of Senator Zimmerman:

SB 244 - AN ACT AUTHORIZING THE CAPITAL SCHOOL DISTRICT TO TRANSFER FUNDS FROM THE LOCAL BALANCE OF MINOR CAPITAL IMPROVEMENTS PROGRAM TO THE CAPITAL SCHOOL DISTRICT OPERATING ACCOUNT.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 17.

NO: Senators McCullough and Sharp - 2.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senator Holloway - 1.

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

The following legislation was reported out of the Natural Resources and Environmental Control Committee: SB 251 - 6 Merits; HB 139 w HA 1 - 6 Merits; SB 222 - 6 Merits.

The following legislation was introduced:

HB 354 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1977, AND PRIOR YEAR'S EXPENSE. Sponsors: Representative George and Sincok. Assigned to Finance Committee.

HB 329 w HA 1, 2 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE, RELATING TO PARK AND RECREATION FEES FOR SCHOOL CHILDREN ON AN OFFICIAL SCHOOL OUTING. Sponsors: Representatives Minner and Bennett. Assigned to Education Committee.

SB 254 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE ENLARGEMENT OF THE CHARLTON SCHOOL



AND TO ISSUE BONDS AND NOTES THEREFORE AND APPROPRIATING THE MONEY BORROWED TO THE CAESAR RODNEY SCHOOL DISTRICT. Sponsors: Senators McCullough, Cook, Zimmerman and Murphy. Assigned to Finance Committee.

SB 255 - AN ACT TO AMEND CHAPTER 14, TITLE 11, DELAWARE CODE, RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 256 - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, BY CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION AND THE DATE WHEN THE MAYOR AND COUNCILMEN SHALL ASSUME OFFICE. Sponsors: Senator Zimmerman; Representatives Bennett and Miller. Assigned to Community Affairs Committee.

SB 257 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER, 1978 GENERAL ELECTION IN WHICH THE QUALIFIED VOTERS OF THE STATE OF DELAWARE SHALL DECIDE WHETHER OR NOT THEY PREFER THE LEGALIZATION OF THE GAME OF JAI ALAI WITHIN THE STATE OF DELAWARE. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 258 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO MANDATORY RETIREMENT. Sponsor: Senator Holloway. Assigned to Executive Committee.

SA 1 to HB 305 sponsored by Senator Holloway. Placed with the Bill.

SA 2 to SB 156 sponsored by Senator Arnold. Placed with the Bill.

At 5:51 p.m. on motion of Senator Cordrey, the Senate recessed until June 1, 1977 at 1:30 p.m.

The Senate reconvened at 2:05 p.m. June 1, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 259 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 23, TITLE 21, DELAWARE CODE, RELATING TO FEES FOR RECORDING LIENS ON MOTOR VEHICLES PAID TO THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF PUBLIC SAFETY. Sponsor: Senator Cordrey. Assigned to Public Safety Committee.

SA 1 to SB 120 sponsored by Senator Berndt. Placed with the Bill.

At 2:07 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 37th Legislative Day.

#### 37TH LEGISLATIVE DAY

The Senate convened at 2:07 p.m. June 1, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 36th Legislative Day was approved as read.

The Lt. Governor introduced Dr. Lovett to the Senate.

SB 260 (Sponsored by Senator Spence) was introduced and assigned to the Health and Social Services Committee:

SB 260 - AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A BOARD OF MASSAGE AND RELATING TO THE REGISTRATION OF MASSEURS AND MASSEUSES AND MASSAGE PARLORS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

HB 183 was taken up for consideration on motion of Senator Cook:

HB 183 - AN ACT TO AMEND CHAPTER 431, VOLUME 60, LAWS OF DELAWARE RELATING TO PUBLIC HEARINGS ON APPLICATIONS TO CHANGE THE FUEL ADJUSTMENT RATE.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Spence, Weiss - 14.

NO: Senators Cook, McDowell, Murphy, Sharp, Zimmerman - 5.

ABSENT: Senators McCullough and Schlor - 2.

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

SB 218 was taken up for consideration on motion of Senator Zimmerman:

SB 218 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF PAYING BACK PAY DUE AN EMPLOYEE WHOSE ANNUAL PAY INCREMENT WAS NOT PAID.

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

SB 237 was taken up for consideration on motion of Senator Martin:

SB 237 - 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 HEARING, ASSOCIATED RATE HEARING EXPENSES AND OTHER CONTRACTUAL SERVICES.

Before, final consideration of the Bill, it was laid on the table on further motion of Senator Martin.

SJR 24 was taken up for consideration on motion of Senator Martin:

SJR 24 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO REPORT TO THE GENERAL ASSEMBLY ON ITS EFFORTS TO BRING BUSINESS AND INDUSTRY TO DELAWARE.

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

SB 46 was taken up for consideration on motion of Senator Kearns:

SB 46 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING CERTAIN PENALTIES FOR CONSUMING, USING OR

POSSESSING CERTAIN PROHIBITED DRUGS.

At 2:49 p.m. Senator Cordrey presiding.

SA 2 to SB 46 was introduced by Senator Cicione and placed with the Bill.

At 3:02 p.m. Senator Holloway presiding.

SA 1 to SB 46 which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the privilege of the floor extended to Harry Terry, Senate Attorney, to speak on the Amendment.

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

SA 1 w SA 1 was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 20 Senators voting YES and 1 (McDowell) voting NO; therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione and the privilege of the floor extended to Harry Terry, Senate attorney, to speak on the Amendment. Before final consideration of the Amendment was taken however, the Bill and the Amendment were tabled on motion of Senator Kearns.

SB 237 which had been tabled was lifted for consideration on motion of Senator Martin.

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

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

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

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Hale - 1.

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

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

YES: Senator Martin - 1.

NO: Senators Adams, Cicione, Cook, Cordrey, Hughes, Knox, Littleton, McCullough, McDowell, Schlor, Sharp, Spence, Weiss, Zimmerman - 14.

NOT VOTING: Senators Arnold, Berndt, Holloway, Kearns, Murphy - 5.

ABSENT: Senator Hale - 1.

Therefore the Bill was declared defeated for passage.

At 3:47 p.m. on motion of Senator Martin, the Senate recessed for Party caucus.

The Senate reconvened at 4:53 p.m., Senator Adams presiding.

SB 251 was taken up for consideration on motion of Senator Cordrey:

SB 251 - AN ACT TO PROVIDE FOR INDEMNIFICATION OF THE DIRECTORS OF THE DELAWARE SOLID WASTE AUTHORITY.

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

HB 76 was taken up for consideration on motion of Senator Cordrey:

HB 76 - AN ACT TO AMEND CHAPTER 29, TITLE 5, OF THE DELAWARE CODE RELATING TO THE FINANCING OF THE SALE OF MOTOR VEHICLES.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Cicione.

The privilege of the floor was extended to Bernard V. Davis, Delaware School Bus Association, and Shirley Little, Dover Association of Commerce, to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Schlör, Weiss - 15.

NO: Senators Murphy, Spence and Zimmerman - 3.

NOT VOTING: Senators Cordrey, Hale and Sharp - 3.

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

The following legislation was introduced:

SB 261 - AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE RELATING TO CLASSES FOR PARTIALLY SIGHTED PUPILS. Sponsors: Senators Cook, Adams and Murphy; Representatives Minner and Burris. Assigned to Education Committee.

SB 262 - AN ACT TO AMEND CHAPTER 5, TITLE 18, DELAWARE CODE RELATING TO THE PROHIBITION AGAINST ISSUING CERTIFICATES OF AUTHORITY TO TRANSACT INSURANCE TO LENDING INSTITUTIONS. Sponsor: Senator McCullough. Assigned to Banking, Insurance and Elections Committee.

SB 263 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE RELATING TO PROHIBITION AGAINST LENDING INSTITUTIONS APPLYING FOR OR HOLDING CERTIFICATES OF AUTHORITY TO ISSUE INSURANCE. Sponsor: Senator McCullough. Assigned to Banking, Insurance and Election Committee.

SB 264 - AN ACT TO EXTEND TIME LIMITS REGARDING THE VOLUNTARY TRANSFER PLAN SET FORTH IN LAWS OF DELAWARE, VOLUME 61, CHAPTER 32. Sponsors: Senators Arnold, Sharp, Hughes, McCullough, Spence, Cicione, Martin, Kearns, Knox, Hale, Berndt, Weiss; Representatives Oberle, Byrd, Roy, Worthen, Ridings.

On motion of Senator Arnold, the necessary rules were suspended for consideration of SB 264 and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss - 18.

NOT VOTING: Senators Holloway, Schlör and Zimmerman - 3.

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

The following legislation was reported out of Committee:  
From the Executive Committee: SS 1 for SB 170 - 1 Favorable,  
5 Merits.

From the Agriculture Committee: SB 243 - 3 Favorable, 2  
Merits.

From the Community Affairs Committee: SB 256 - 4 Merits.

From the Public Safety Committee: SB 259 - 6 Merits.

On motion of Senator Cordrey and without objection, SB 237  
which had been defeated for passage was restored to the Calendar.  
SR 64 was introduced by Senator Zimmerman and considered  
for adoption on his motion:

SR 64 - SALUTING MATT AUEN OF DOVER HIGH SCHOOL AND HIS  
TEAMMATES FOR WINNING THE 1977 HENLOPEN CONFERENCE GOLF TOURNAMENT  
INDIVIDUAL AND TEAM CHAMPIONSHIPS.

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

At 6:10 p.m. on motion of Senator Cordrey, the Senate recessed  
until June 2, 1977 at 1:30 p.m.

The Senate reconvened at 2:00 p.m. June 2, 1977, Lt. Governor  
McGinnis presiding.

The following legislation was introduced:

SB 265 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE  
RELATING TO REGULATION BY THE PUBLIC SERVICE COMMISSION OF RATES  
CHARGED BY CABLE TELEVISION SYSTEMS AND SUBJECTING SUCH SYSTEMS  
TO LAND USE LAWS OR ORDINANCES. Sponsors: Senator Martin  
and Representative Worthen. Assigned to Administrative Services  
Committee.

HB 340 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE  
ALFRED T. DUPONT REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN  
FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING  
ACCOUNT. Sponsor: Representative Sincok. Assigned to Finance  
Committee.

HB 362 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE  
DEPARTMENT OF CORRECTIONS, OFFICE OF THE ADULT CORRECTION  
BUREAU CHIEF, FOR PROVIDING FUNDS TO STAFF AND OPERATE THE  
KENT CORRECTIONAL INSTITUTION. Sponsors: Representatives  
Darling, Riddagh, Ferguson, Morris, W. Brady. On motion of  
Senator Sharp, the Bill was laid on the table.

SB 266 - AN ACT TO AMEND §101, SUBCHAPTER 1, CHAPTER 1,  
TITLE 13, OF THE DELAWARE CODE, RELATING TO THE MARRIAGE OF  
MENTAL HOSPITAL PATIENTS. Sponsors: Senator Hale and Repre-  
sentative Worthen. Assigned to Judiciary Committee.

SB 267 - AN ACT TO RESUME PENSION PAYMENTS TO HOWARD M. TEAL,  
WHICH PAYMENTS WERE UNINTENTIONALLY TERMINATED; TO OBTAIN  
FOR THE SAID HOWARD M. TEAL THOSE BENEFITS WHICH HE SHOULD  
HAVE RECEIVED DURING THE TIME PENSION PAYMENTS WERE WITHHELD;  
AND PROVIDING AN APPROPRIATION THEREFOR. Sponsor: Senator  
McCullough. Assigned to Finance Committee.

SB 268 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE  
CODE RELATING TO THE FAVORED AGENT OR INSURER. Sponsor: Senator

McCullough. Assigned to Banking, Insurance and Election Committee.

At 2:10 p.m. Senator Cordrey presiding.

SA 1 to HB 342 was introduced by Senator Hale and placed with the Bill.

SCR 34 - RECOMMENDING THAT THE STATE OF DELAWARE NEGOTIATE WITH THE UNITED STATES POSTAL SERVICE FOR THE PURCHASE OF THE WILMINGTON DOWNTOWN POST OFFICE PROPERTY, AND THAT FUNDS FOR THIS PURPOSE BE PLACED IN THE FISCAL 1978 BOND BILL. Sponsor: Senator Kearns. Senator Kearns moved so much be considered the reading of the Resolution.

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

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

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

ABSENT: Senators Arnold and McCullough - 2.

Therefore, the motion was defeated and the Resolution remained before the Senate; however, Senator Kearns then moved for the tabling of the Resolution and the motion prevailed without objection.

HCR 33 - REQUESTING THE STATE BOARD OF PAROLE TO RECONSIDER ITS DECISION TO GRANT A CONDITIONAL PAROLE TO THOMAS H. WINSETT WHO WAS CONVICTED OF THE MURDER OF A STATE POLICE OFFICER IN 1963. Sponsors: Representatives Gilligan, Gordy, Morris, Darling, Ferguson, Minner, Lynch, Clendaniel, Temple, Riddagh; Senators Cicione and Spence.

On motion of Senator Cicione the roll call vote for adoption of the Resolution was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senators Hale, Holloway and McDowell - 3.

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

At 2:40 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 38th Legislative Day.

### 38TH LEGISLATIVE DAY

The Senate convened at 2:40 p.m., President Pro Tempore Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 37th Legislative Day was approved as read.

The following communications were read and made part of this Journal at the request of Senator Cordrey:

SENATE  
STATE OF DELAWARE  
DOVER

June 1, 1977

TO: All Senators - 129th General Assembly  
FROM: Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointment - Study Committee on Banking Code and Banking Industry

As per the authority invested me with the adoption and signature of Senate Joint Resolution No. 5, as amended by House Amendment No. 1, I hereby appoint Senator William M. Murphy, Jr. and Senator Everette Hale to serve on the study committee for the Banking Code and the Banking Industry in the State of Delaware.

\* \* \* \* \*

LEGISLATIVE COUNCIL MEETING  
JUNE 7, 1977 - 11:00 a.m.  
JOINT FINANCE ROOM  
TENTATIVE AGENDA

- 1 Controller General's Report
- 2 Div. of Maintenance, Communications & Capitol Security Report
- 3 Division of Research Report

\* \* \* \* \*

HB 305 w HA 2 was taken up for consideration on motion of Senator Holloway:

HB 305 w HA 2 - AN ACT TO AMEND PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO NATURAL FOOD SUBSTANCES; AND PERMITTING THE DISTRIBUTION OF LAETRILE UNDER CERTAIN CIRCUMSTANCES.

SA 1 to the Bill which had been placed with the Bill was deferred for consideration on motion of Senator Holloway.

At 3:15 p.m. Lt. Governor McGinnis presiding.

Senator Schlor introduced to the Senate members of the Senior Center of St. Hedwig's Church in Wilmington and the Lt. Governor welcomed them to the Chamber.

HB 305 w HA 2 was still before the Senate and the privilege of the floor was extended to the following for discussion of the Bill: Representative Ridings; William J. Evans, M.D., representing Bureau of Drugs - F.D.A.; Verne L. vanBreemen, Independent Research Scientist; Curtis C. Wallace, Jr., Howard T. Ennis, Jr.; Duken Teixido, M.D. representing the American Cancer Society; and Len Tew.

The following communications were read into the record at the request of Senator Holloway:

NED DAVIS ASSOCIATES

4 The Green  
Dover, Delaware  
June 2, 1977

The Honorable Herman M. Holloway  
Chairman, Health and Social Services Committee  
Dover  
Dear Senator Holloway,

Dr. C. Edward Graybeal, President of the Medical Society of Delaware, testified against HB 305 (Laetrile), setting forth the reasons its use is opposed by most of those engaged in professional health care.

As you are aware, Dr. Robert W. Frelick states similar objections to the proposed legislation at the public hearing held by the Senate Health and Social Services Committee at the Walnut Street Y.M.C.A. on Tuesday, May 24, 1977.

The Medical Society would also appreciate it if you would make a copy of the enclosed article, written by Dr. Frelick, a part of the Senate record.

The Medical Society believes it has given members of the Senate opportunity to understand why they oppose HB 305 and has asked me to inform you that they do not plan to have any spokesman or witnesses present today.

Sincerely,  
Ned Davis

\* \* \* \* \*

Enclosure to the above letter:

SHOCKED AT LAETRILE ACTION  
(Robert W. Frelick, Chief of the Oncology Section -  
Wilmington Medical Center)

After returning home to Delaware from the prestigious cancer meeting of the American Society of Clinical Oncologists and the American Association for Cancer Research held last month in Denver, I was shocked to find that the House of Representatives had passed a bill to legalize the sale and distribution of laetrile in Delaware. There is little need to my belaboring the uselessness of the product. This has been well done by many experts. There are several points, however, which may not be completely clear to the legislature and the public.

The Mexican government, which had given the manufacturers of laterile in Mexico a temporary license for the last two years, has now rescinded that permit on the basis that laetrile was of no benefit. Since the loss of licensure is now being fought in the Mexican courts, the final result is not known, but it is of interest that Mexico, which has been the chief source of this product, is now declaring laetrile worthless.

It is curious to know why and under what circumstances legislation to legalize laetrile is being pushed in so many states at the same time. Such coincidences just do not happen. It is bothersome to think that somebody must be making a profit by persuading patients to take a worthless product. A number of innocent people are pressuring their legislatures to have



this available, apparently as part of the "American right" to determine their future.

Why aren't these same individuals pushing for proven drugs we really need? I would use for an example Tamoxifen - a drug which has been under preparation for the American market by ICI United States for the last three years, at a cost I am sure of several hundred thousand dollars after it had been approved and used in Europe. This drug has almost no toxicity. It is of proven value for certain types of cancer, and it is still not approved by the FDA for other than investigative use in this county. Why is it that a product of proven worth does not get the same type of public support that a worthless one does? I do not think that I am being paranoid when I suggest that there seems to be a conspiracy afoot to pull the wool over the eyes of the American public and its responding legislatures.

The argument that "as long as it doesn't hurt, it might as well be used" is all right as far as it goes, except that it has been demonstrated that many times patients may turn to laetrile instead of therapy that would benefit them, often delaying the use of conventional treatments until it is too late.

I have seen patients who have had laetrile. In my personal experience in observing such patients, I have yet to see any beneficial effect. Those who claim worthwhile responses should remember that a Mayo Clinic study has shown that a 40 percent control of pain can be obtained with placebos (sugar pills), so it is not surprising that some might feel benefited.

Is the General Assembly going to appropriate the needed money to assure quality control for the manufacture and distribution of laetrile and insure its safety? Remember one of its basic ingredients is hydrocyanic acid. Will there be a way to insure that the laetrile distributed is more than sugar with a laetrile label? Remember the legislature refused to budget for more than one technician to monitor the radiation problems of the entire state, including possible fall-outs from the Salem reactor. Is this the legislature that feels qualified and justified to pass on a health matter for which no qualified medical support can be found? Are the legislators licensed to practice medicine? They have enough to do trying to keep the state solvent enough to provide basic services we all need.

Is the General Assembly aware of the fact that the Delaware Cancer Network and the program it has been building for improved cancer care in Delaware are making real headway and have received national recognition?

Let's not give Delaware a black name by enacting such retrogressive legislation.

\* \* \* \* \*

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 31, 1977

The Honorable C. Leslie Ridings, Jr.

House of Representatives

Dover, Delaware

RE: House Bill 305 (Laetrile)

Dear Les:

Thank you for your letter of May 11 regarding H.B. 305 which, if enacted and signed, will authorize the manufacture, delivery, possession and use of Laetrile in Delaware. Although I very much need additional education on this subject, my initial reaction is that Laetrile should be readily available for all who believe that this substance will provide them some relief, so long as it is properly labeled, and is not the subject of false or misleading advertising. This reaction is premised on the assumption that Laetrile is basically not harmful, but I would certainly welcome the opportunity to review any evidence supporting that assumption. I will therefore review Kittler's book which you have kindly provided for me, and any other information at hand.

Again, thank you for keeping me advised on the status of H.B. 305, and for giving me the facts necessary to make an educated judgment on the merits of that legislation.

Sincerely yours,  
Pierre duPont, IV, Governor

\* \* \* \* \*

SA 1 to HB 305 w HA 2 was stricken on motion of Senator Holloway.

SA 2 to the Bill (Sponsored by Senators Berndt and Holloway) was introduced and considered for adoption on motion of Senator Berndt. The roll call vote on the Amendment was then taken and revealed 19 Senators voting YES and 2 (Schlor and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (Sponsored by Senators Sharp and McDowell) was introduced.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Amendment after which the roll call vote for adoption was taken and revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Barbara B. Rose, M.D., Division of Public Health, to speak on the Bill as amended.

The roll call vote on HB 305 w HA 2, SA 2, 3 was then taken on motion of Senator Holloway and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

NO: Senators Hale and Knox - 2.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 264.

The following legislation was introduced:

HB 246 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN PRIOR FISCAL YEARS. Sponsor: Representative Ferguson. Assigned to Finance Committee.

HB 255 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO SATISFY A SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND CERTAIN INDIVIDUALS IN CONNECTION WITH THE CLAIMS OF CERTAIN INDIVIDUALS FOR UNPAID OVERTIME AND MINIMUM WAGE COMPENSATION UNDER THE FAIR LABOR STANDARDS ACT. Sponsor: Representative Cain. Assigned to Finance Committee.

HB 345 - AN ACT TO AMEND CHAPTER 1, TITLE 1 OF THE DELAWARE CODE RELATING TO THE DISTRIBUTION OF THE DELAWARE CODE AND ITS SUPPLEMENTS TO THE STATE POLICE. Sponsor: Representative Ambrosino. Assigned to Public Safety Committee.

HJR 20 - REQUESTING THE GOVERNOR OF THE STATE OF DELAWARE TO ANNUALLY PROCLAIM THE FIFTEENTH OF JANUARY AS A STATEWIDE HOLIDAY IN COMMEMORATION OF MARTIN LUTHER KING, JR'S. BIRTHDAY. Sponsors: Representatives Plant and Johnson. Assigned to Executive Committee.

The following legislation was reported out of Committee:

From the Education Committee: SB 250 - 6 Merits; SB 38 - 4 Merits, 1 Favorable; HB 329 w HA 1, 2 - 5 Merits; SB 252 - 6 Merits; SB 261 - 5 Merits; SB 108 - 4 Merits; SB 104 - 4 Merits.

From the Finance Committee: SB 228 - 6 Merits; SB 230 - 6 Merits.

The following legislation was introduced:

SB 269 - AN ACT TO REINCORPORATE THE CITY OF MILFORD. Sponsors: Senators Adams and Cook; Representatives Burris and Minner. Assigned to Community Affairs Committee.

SB 270 - AN ACT TO AMEND CHAPTER 19, TITLE 5 OF THE DELAWARE CODE RELATING TO POWERS AND CONDUCT OF BUSINESS OF BUILDING AND LOAN ASSOCIATIONS AND PROVIDING THAT SAID ASSOCIATIONS HAVE POWER TO ACT AS TRUSTEE UNDER THE UNITED STATES SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1962 AND AMENDMENTS THERETO. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 271 - AN ACT TO AMEND CHAPTER 19 OF TITLE 5 OF THE DELAWARE CODE RELATING TO POWERS AND CONDUCT OF BUSINESS OF BUILDING AND LOAN ASSOCIATIONS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 272 - PROVIDING FOR THE ACCEPTANCE BY THE STATE OF JURISDICTION RELINQUISHED BY THE UNITED STATES OVER THE VETERANS ADMINISTRATION CENTER IN WILMINGTON. Sponsors: Senators Cicione and Hughes; Representatives Byrd, Kelly, Gilligan and Maxwell. Assigned to Public Safety Committee.

SB 273 - AN ACT TO AMEND CHAPTER 31, TITLE 14 OF THE DELAWARE CODE, RELATING TO EXCEPTIONAL CHILDREN. Sponsors: Senators Cook and Adams; Representatives Minner and Burris. Assigned to Education Committee.

SB 274 - AN ACT TO AMEND CHAPTER 69, PART IV, TITLE 10 OF THE DELAWARE CODE RELATING TO APPLICATIONS FOR A WRIT OF HABEAS CORPUS. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SA 1 to SB 134 sponsored by Senators Cicione and Hughes. Placed with the Bill.

At 7:47 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 7, 1977.

The Senate reconvened at 2:05 p.m. June 7, 1977, Lt. Governor McGinnis presiding.

SA 1 to SB 263 was introduced by Senator McCullough and placed with the Bill.

SA 1 to SB 194 was introduced by Senator Cicione and placed with the Bill.

The Secretary announced that Legislative Advisory #12 received from the Office of Counsel to the Governor informed the Senate that the Governor approved: SB 10 on May 26, 1977; SB 231 and SB 264 on June 2, 1977.

At 2:08 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 39th Legislative Day, June 7, 1977.

#### 39th LEGISLATIVE DAY

The Senate convened at 2:08 p.m. June 7, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Schlor - 1.

The Journal of the 38th Legislative Day was approved as read.

At 2:12 p.m. on motion of Senator Martin the Senate recessed for Party Caucus and reconvened by 3:41 p.m., Lt. Governor McGinnis presiding.

SB 134 was reported out of the Finance Committee - 1 Favorable, 5 Merits.

The following legislation was introduced:

SB 275 - 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 THE USE OF BLUE LIGHTS ON VEHICLES USED BY LAW ENFORCEMENT AGENCIES AND PERSONNEL. Sponsor: Senator Zimmerman. Assigned to Public Safety Committee.

SB 276 - AN ACT TO AMEND CHAPTER 68, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PURCHASES AND SUPPLIES; AND PERMITTING DELAWARE VOLUNTEER FIRE COMPANIES TO UTILIZE THE SERVICES OF THE STATE DIVISION OF PURCHASING. Sponsor: Senator Zimmerman. Assigned to Executive Committee.

SB 277 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUREAU OF SUBSTANCE ABUSE FOR THE PURPOSE OF REIMBURSING MRS. MARY ROBERTA HARTSOCK FOR LEGAL EXPENSES INCURRED. Sponsors: Senator Holloway and Representative Ambrosino. Assigned to Health and Social Services Committee.

SB 278 - AN ACT TO AMEND CHAPTER 51, OF TITLE 29, DELAWARE CODE RELATING TO LIABILITY FOR LEGAL FEES AND EXPENSES INCURRED BY STATE EMPLOYEES AND FURTHER PROVIDING METHODS OF REPRIMAND AND DISMISSAL OF EMPLOYEES WHO INITIATE SUCH ACTIONS. Sponsors: Senator Holloway and Representative Ambrosino. Assigned to Executive Committee.

SCR 35 - RECOMMENDING THAT THE STATE OF DELAWARE NEGOTIATE WITH THE UNITED STATES POSTAL SERVICE FOR THE PURCHASE OF THE WILMINGTON DOWNTOWN POST OFFICE PROPERTY, AND THAT FUNDS FOR THIS PURPOSE BE PLACED IN THE FISCAL 1978 BOND BILL. Sponsor: Senator Kearns. The Resolution was laid on the table on motion of Senator Cicione.

SCR 34 was stricken on motion of Senator Kearns.

At 3:57 p.m. President Pro Tempore Cordrey presiding.

SCR 35 was lifted from the table for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Sharp, Weiss - 11.

NO: Senators Adams, Cook, Cordrey, Murphy, Spence, Zimmerman - 6.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Hale, Littleton and Schlor - 3.

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

SB 222 was taken up for consideration on motion of Senator Zimmerman:

SB 222 - AN ACT TO AMEND PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION OF THE STATE'S NATURAL RESOURCES; ESTABLISHING A STATE SYSTEM OF NATURE PRESERVES AND PROVIDING FOR THEIR ACQUISITION, CONTROL, USE, MANAGEMENT AND PROTECTION.

The privilege of the floor was extended to Norman G. Wilder to speak on the Bill after which it was laid on the table on further motion of Senator Zimmerman.

SB 237 which had been defeated for passage and restored to the Calendar was taken up for consideration on motion of Senator Martin:

SB 237 - 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 HEARING, ASSOCIATED RATE HEARING EXPENSES AND OTHER CONTRACTUAL SERVICES.

The privilege of the floor was extended to Lee M. Cassidy, representing the Public Service Commission, to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Kearns, Knox, Littleton, Martin, McDowell, Weiss - 11.

NO: Senators Sharp and Spence - 2.

NOT VOTING: Senators Hughes, McCullough, Murphy, Zimmerman - 4.

ABSENT: Senators Cicione, Hale, Holloway and Schlor - 4.

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

SB 46 w SA 1, SA 1 to SA 1 was lifted from the table for further consideration on motion of Senator Kearns.

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

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

ABSENT: Senators Arnold, Hale, Holloway, McDowell, Schlor - 5.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Bill after which the roll call vote on SB 46 w SA 1, SA 1 to SA 1, SA 2 was taken and revealed:

YES: Senators Hale and Kearns - 2.

NO: Senators Adams, Cook, Cordrey, Hughes, Martin, McCullough, Murphy, Sharp, Spence - 9.

NOT VOTING: Senators Arnold, Berndt, Cicione, Holloway, Knox, McDowell, Weiss, Zimmerman - 8.

ABSENT: Senators Littleton and Schlor - 2.

Therefore, the Bill was declared defeated for passage.

SB 222 was lifted from the table for further consideration on motion of Senator Zimmerman.

SA 1 to the Bill was introduced by Senator Zimmerman who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Kearns, Littleton and Schlor - 3.

Therefore, the Amendment was declared adopted.

On motion of Senator Zimmerman and without objection the Fiscal Note to the Bill was stricken.

The roll call vote on SB 222 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp the necessary rules were suspended for lifting HB 362 for consideration:

HB 362 - AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS, OFFICE OF THE ADULT CORRECTION BUREAU CHIEF, FOR PROVIDING FUNDS TO STAFF AND OPERATE THE KENT CORRECTIONAL INSTITUTION.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Sharp, Spence, Weiss - 18.

NO: Senators Murphy and Zimmerman - 2.

ABSENT: Senator Schlor - 1.

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

SB 120 was taken up for consideration on motion of Senator Berndt:

SB 120 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; AND PROVIDING FOR THE ESTABLISHMENT OF FOREIGN TRADE ZONES.

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

The roll call vote on SB 120 w SA 1 was then taken; however, before the roll call was announced it was laid on the table on further motion of Senator Berndt.

SB 156 was taken up for consideration on motion of Senator Arnold:

SB 156 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO PERMANENT MOTOR VEHICLE DRIVER'S LICENSES.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Arnold.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Arnold.

The privilege of the floor was extended to Harry Terry, Senate Attorney, at the request of Senator Zimmerman.

On motion of Senator Arnold, the Bill and the Amendment were then laid on the table.

At 5:27 p.m. Senator McDowell presiding.

SB 229 was stricken at the request of Senator Adams.

SB 259 was taken up for consideration on motion of Senator Cordrey:

SB 259 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 23, TITLE 21, DELAWARE CODE, RELATING TO FEES FOR RECORDING LIENS ON MOTOR VEHICLES PAID TO THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF PUBLIC SAFETY.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Holloway, Kearns and Schlor - 3.

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

SB 243 was taken up for consideration on motion of Senator Adams:

SB 243 - AN ACT TO AMEND CHAPTER 15, TITLE 3, DELAWARE CODE RELATING TO DUTIES AND AUTHORITY OF THE DEPARTMENT OF AGRICULTURE.

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

House for consideration.

At 5:37 p.m. President Pro Tempore Cordrey presiding.

SB 256 was taken up for consideration on motion of Senator Zimmerman:

SB 256 - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, BY CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION AND THE DATE WHEN THE MAYOR AND COUNCILMEN SHALL ASSUME OFFICE.

At the request of Senator Zimmerman, the following communication regarding the Bill was read and is made part of this Journal:

CITY OF DOVER

May 26, 1977

The following is an Official Excerpt from the Regular Council Meeting Minutes of May 9, 1977 and is hereby certified to be a true copy of same.

MUNICIPAL ELECTION DATE CHANGE

A public hearing was duly advertised for this time and place to consider changing the date of the Municipal Election from the third Monday in January. Vice-Mayor Muir declared the hearing open.

Mr. McDonough's opening statement pointed out the inclement weather and dangers to the elderly coming out to vote during this period of the year. Relating to a suggestion that the installation of Councilmen be correlated with Old Dover Days, Mr. McDonough stated that the prime objective is to change the date to a more seasonal month of the year.

Mr. Carson offered any date between the third Monday in January up to the third Monday in April, pointing out that school board elections are held in May. He especially favored the latter date which would be suitable for planning the installation of newly elected Councilmen to coincide with Old Dover Days.

Mr. Robert Parker was present to speak in favor of changing the date to a warmer season feeling that this is the wish of a majority of City residents.

Mrs. Bettie Fenimore was present to speak in favor of changing the date.

Mr. Jack Costello addressed himself to the question of newly elected Councilmen having to approve a budget for the coming fiscal year, lacking in both experience and knowledge. It was his opinion that changing the election date would contribute very little to voter participation.

The City Clerk read into the record a letter from Patricia A. Mosher, Legislative Chairman of the Dover Century Club, that stated an affirmative reaction to changing the election date, based on a vote of club members.

Mr. Bewick reminded Council of the question put to residents that revealed at least 70% who favored changing the date. Further, that a firm date should be established for installation of Councilmen and require the officials of Old Dover Days



to adhere to that date if they so choose.

Mr. Witt moved to change the Municipal Election date to the third Monday in April of each year and that the Annual Meeting be held the second Monday in May. At the Regular Municipal Election held in the year 1978 there shall be elected the Mayor and four Councilmen. Further, Section 5, paragraph 2, will be stricken from the Charter. The motion was seconded by Mr. Bewick and unanimously carried by a roll call vote and the following Charter Amendment was adopted:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER,  
IN COUNCIL MET:

That the General Assembly of the State of Delaware is hereby requested to amend the Charter of the City of Dover, 36 Laws of Delaware, Chapter 158 (1929) as follows:

1. Section 5 of the Charter, paragraph 3 is amended by striking said paragraph in it's entirety and by adding a new paragraph in it's entirety and by adding a new paragraph to read as follows:

"The term of the Mayor shall be for 2 years and the term of a Councilman shall be for 2 years from the 2nd Monday of May following his election or until his successor has been duly elected and qualified."

2. Section 6 of the Charter is stricken in it's entirety and a new Section 6 shall be inserted to read as follows:

"A municipal election at which members of the Council shall be elected shall be held on the third Monday of April of the year 1978, and of every year thereafter, which shall be known as the regular municipal election. All other municipal elections that may be held shall be known as special municipal elections.

At the regular municipal election held on the third Monday in April of 1978, there shall be elected 4 members of the Council.

At the regular municipal election in every year thereafter, there shall be elected 4 members of the Council.

At the regular municipal election held in the year 1978, and every two years thereafter, there shall be elected the Mayor.

The terms of the Mayor and of all Councilmen previously elected and installed in 1976 and 1977 shall automatically be extended until their successors are elected and qualified in accordance with the change in election date from the third Monday of January of each year to the third Monday of April of each year."

3. Section 7 of the Charter is amended by striking the first paragraph thereof and by inserting a new paragraph to read as follows:

"The mode of nomination of candidates for the Council and for Mayor shall be by petition signed by not less than 10 nor more than 25 electors of the City and filed with the Clerk of Council on or before 4:00 P.M. of the second Friday in February of 1978 and of the second Friday of February of each

year thereafter of the year preceding the next regular municipal election. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:00 P.M. on the next working day thereafter."

4. Section 8 of the Charter shall be amended by striking paragraph (a) in it's entirety and by inserting a new paragraph to read as follows:

"(a) The regular municipal election shall be held on the third Monday in April of each year. At such election the polls shall be opened at 11:00 a.m. and closed at 8:00 p.m. The Council shall designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of election, or the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud."

5. Section 9 of the Charter is amended by striking the first paragraph in it's entirety and by inserting the following paragraph to read as follows:

"At 7:30 p.m. on the second Monday in May, following a regular municipal election, the Mayor and Council shall meet at the usual place for holding Council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity."

ADOPTED: May 9, 1977

William H. Willis  
City Clerk

\* \* \* \* \*

The privilege of the floor was extended to Tom Sandbach and Harry Terry, Senate Attorneys, to speak on the Bill after which the roll call vote was taken. Before the roll call vote was announced however, it was laid on the table on further motion of Senator Zimmerman.

On motion of Senator Martin, the roll call vote on SB 184 was lifted and announced:

YES: Senators Adams, Arnold, Cicione, Cook, Holloway, Kearns, Martin, McCullough, Schlör, Weiss, Zimmerman - 11.

NO: Senators Cordrey, Hale, Hughes, Knox, Littleton, McDowell, Murphy, Spence - 8.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator Sharp - 1.

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

Senator Holloway moved that SB 46 which had been defeated for passage be restored to the Calendar.

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

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

NO: Senators Arnold, Hale, Hughes, Knox, Littleton, Spence - 6.

ABSENT: Senator Schlör - 1.

Therefore, the motion was adopted and the Bill was restored.

SB 279 (Sponsored by Senators Holloway, Martin, Hale and Berndt; Representatives Worthen, Connor, Powell and Anderson) was introduced and assigned to Finance Committee:

SB 279 - AN ACT TO AMEND CHAPTER 13, 17 AND 31, TITLE 14, DELAWARE CODE RELATING TO EXCEPTIONAL CHILDREN; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

SB 245 was reported out of the Banking, Insurance and Election Committee - 4 Merits.

HCR 34 (Sponsored by Representatives Minner and Clendaniel; Senator Adams) was introduced:

HCR 34 - CONGRATULATING VALERIE LYNN SPIES AS THE NEW DELMARVA POULTRY PRINCESS AND SHARON LYNN WYATT AS THE NEW LITTLE DELMARVA POULTRY PRINCESS.

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

Senator Hughes questioned Senator Holloway's earlier motion to restore SB 46 to the Calendar since he was recorded as voting NOT VOTING rather than voting NO which would be required for a restoring motion.

The Chair instructed the Secretary to strike all action on the Bill.

Senator Cook who had voted NO on SB 46 then moved for its restoration to the Calendar. The roll call vote on the motion was taken and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp, Weiss, Zimmerman - 13.

NO: Senators Arnold, Knox, Littleton and Spence - 4.

NOT VOTING: Senators Berndt and Hughes - 2.

ABSENT: Senators Hale and Schlor - 2.

Therefore, the motion prevailed and SB 46 was restored to the Calendar.

At 6:11 p.m. on motion of Senator Martin, the Senate recessed until June 8, 1977 at 1:30 p.m.

The Senate reconvened at 2:21 p.m. June 8, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 25.

The following legislation was introduced:

SS 1 for SB 230 sponsored by Senator Cook and adopted in lieu of the Original:

SS 1 for SB 230 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE SMYRNA REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT.

SA 1, SA 2, SA 3, SA 4 to SS 1 for SB 191 were introduced by Senator Cicione and placed with the Bill.

HB 341 - AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE, PERTAINING TO OCCUPATIONAL LICENSES AND FEES FOR PROFESSIONAL ENGINEERS. Sponsors: Representatives Cain, Byrd, Maxwell, McKay,

Billingsley, Sincok, Powell, Ridings. Assigned to Revenue and Taxation Committee.

HB 415 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TREASURER FOR REVENUE REFUNDS. Sponsors: Representatives Sincok and George. Assigned to Finance Committee.

HB 373 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS. Sponsors: Representatives Ferguson, Jonkiert, Powell, Billingsley, McKay, Bennett, Temple, Burris, Loughney. Assigned to Administrative Services Committee.

SJR 25 - REQUESTING THE GOVERNOR TO TERMINATE EXECUTIVE ORDER NUMBER SIXTY-FIVE. Sponsors: Senator Sharp and Representative Oberle. The Resolution was laid on the table at the request of Senator Sharp.

SR 65 - COMMENDING THE NEWS JOURNAL NEWSPAPERS FOR PUBLISHING FREE JOB ADVERTISEMENTS FOR YOUNG PEOPLE. Sponsor: Senator Holloway.

On motion of Senator Holloway, the roll call vote for adoption of the Resolution was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Resolution was declared adopted.

SCR 36 - RELATING TO RENTAL OF SPACE IN THE STATE OFFICE BUILDING IN WILMINGTON, DELAWARE. Sponsors: Senators Holloway and Kearns.

On motion of Senator Holloway the roll call vote for adoption of the Resolution was taken and revealed:

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

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

ABSENT: Senators McCullough and Schlor - 2.

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

Senator Zimmerman introduced Dr. Edward Dennis to the members of the Senate.

SB 280 - AN ACT AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS"; IT BEING FORMER HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY. Sponsor: Senator Cook. Assigned to Finance Committee.

At 2:53 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 40th Legislative Day.

#### 40TH LEGISLATIVE DAY

The Senate convened at 2:53 p.m. June 8, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Schlor - 1.

The Journal of the 39th Legislative Day was approved as read.

SB 228 was taken up for consideration on motion of Senator Zimmerman:

SB 228 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CAPITAL IMPROVEMENT ACCOUNT.

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

SB 252 was taken up for consideration on motion of Senator Arnold:

SB 252 - AN ACT TO AMEND CHAPTER 14, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO PROCEDURES FOR THE TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Holloway, Kearns and Schlor - 3.

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

SS 1 for SB 230 was taken up for consideration on motion of Senator Cook:

SS 1 for SB 230 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE SMYRNA REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT.

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

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

NO: Senator Hale - 1.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Holloway, Kearns, Schlor - 3.

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

At 3:30 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

The Senate reconvened at 5:10 p.m., Lt. Governor McGinnis presiding.

HB 127 was reported out of the Natural Resources and Environmental Control Committee: 6 Merits.

The following legislation was introduced:

SB 281 - AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE CODE RELATING TO THE MARKING OF COMMERCIAL CRAB POTS AND VESSELS. Sponsor: Senator Holloway. Assigned to Natural Resources and Environmental Control Committee.

SA 3 to SB 156. Sponsor: Senator Arnold. Placed with the Bill.

SA 2 to SB 174. Sponsor: Senator McDowell. Placed with the Bill.

HB 329 w HA 1, 2 was taken up for consideration on motion of Senator McCullough.

HB 329 w HA 1, 2 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE, RELATING TO PARK AND RECREATION FEES FOR SCHOOL CHILDREN ON AN OFFICIAL SCHOOL OUTING.

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

On motion of Senator Sharp, the necessary rules were suspended for lifting SJR 25 for consideration:

SJR 25 - REQUESTING THE GOVERNOR TO TERMINATE EXECUTIVE ORDER NUMBER SIXTY-FIVE.

The privilege of the floor was extended to Representative Maxwell to speak on the Resolution after which it was again laid on the table on further motion of Senator Sharp.

SB 134 was taken up for consideration on motion of Senator Cicione:

SB 134 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione; however, final action on the Amendment and the Bill was deferred on further motion of Senator Cicione.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of HB 139 w HA 1:

HB 139 w HA 1 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 7, PART 1, TITLE 7 OF THE DELAWARE CODE RELATING TO PROHIBITED HUNTING AND TRAPPING DEVICES AND METHODS.

At 5:26 p.m. Senator Holloway presiding.

Senator Zimmerman yielded the floor to Senator Martin to floor manage HB 139 w HA 1.

The privilege of the floor was extended to William Jones, Jr., representing the Delaware State Sportsmans Association and Sherman G. Stevenson representing the Delaware Farm Bureau to speak on the Bill.

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

YES: Senators Kearns and Martin - 2.

NO: Senators Adams, Cicione, Cook, Hale, Holloway, Knox, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 12.

NOT VOTING: Senators Arnold, Berndt, Hughes, Littleton - 4.

ABSENT: Senators Cordrey, McCullough and Schlor - 3.

Therefore, the Bill was declared defeated for passage in the Senate and returned to the House.

At 5:34 p.m. Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 282 - AN ACT TO AMEND CHAPTER 48, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 283 - AN ACT RELATING TO PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES DUE TO NEW CASTLE COUNTY. Sponsors: Senators Kearns and Sharp; Representatives Ferguson and Matushefske. The Bill was laid on the table on motion of Senator Kearns.

SB 284 - AN ACT TO AMEND CHAPTER 5, TITLE 7 OF THE DELAWARE CODE RELATING TO FISHING LICENSES. Sponsor: Senator Kearns (By request). Assigned to Natural Resources and Environmental Control Committee.

At 6:42 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. June 9, 1977.

The Senate reconvened at 2:18 p.m. June 9, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 285 - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO THE REQUIREMENTS FOR PILOTS' LICENSES. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SS 1 for SB 223 - AN ACT TO AMEND CHAPTER 9, TITLE 10, AND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO ALLOW THE FAMILY COURT TO COMMIT AN 18 YEAR OLD PERSON TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS EVEN THOUGH CHARGED WITH THE OFFENSE WHILE A JUVENILE. Sponsors: Senator Kearns and Representative Matushefske. The Bill was adopted in lieu of the Original on motion of Senator Kearns.

The Secretary announced that a message from the House informed the Senate that it had passed SB 215 and SB 216.

The following legislation was introduced:

HB 324 - AN ACT TO AMEND CHAPTER 9, TITLE 5, OF THE DELAWARE CODE RELATING TO BANKING AND RESERVE REQUIREMENTS. Sponsors: Representatives Worthen and Powell. Assigned to Banking, Insurance and Elections Committee.

HB 416 w HA 1 - AN ACT TO AMEND CHAPTER 63 AND CHAPTER 65, TITLE 29, DELAWARE CODE PROVIDING FOR A ZERO-BASED BUDGETING. Sponsors: Representative George and Senator McDowell. Assigned to Finance Committee.

HB 342 w HA 1 was reported out of the Finance Committee: 1 Favorable, 4 Merits.

HCR 35 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION FOR A NATIONAL LITTER-CONTROL LAW. Sponsor: Representative Lynch. The Resolution was laid on the table on motion of Senator Cordrey.

HCR 36 - REQUESTING THE GOVERNOR OF DELAWARE TO DIRECT CABINET SECRETARIES AND DIVISION DIRECTORS NOT TO HIRE PENSIONERS FROM THE ARMED FORCES SO LONG AS THERE ARE QUALIFIED PERSONS TO FILL VACANCIES. Sponsor: Representative Temple. The Resolution was laid on the table on motion of Senator Cordrey.

The following Committee reports were announced:  
From the Judiciary Committee: SB 3 - 2 Merits, 3 Unfavorable;  
SS 1 for SB 223 - 1 Favorable, 4 Merits.  
From the Finance Committee: SB 279 - 6 Merits.  
From the Public Safety Committee: SB 275 - 6 Merits.  
From the Executive Committee: SB 176 - 5 Merits.  
At 2:49 p.m. on motion of Senator Cordrey, the Senate  
adjourned to immediately convene for the 41st Legislative Day.

#### 41ST LEGISLATIVE DAY

The Senate convened at 2:49 p.m. June 9, 1977, Lt.  
Governor McGinnis presiding.

A Prayer was offered by Senator Berndt.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Schlor - 1.

The Journal of the 40th Legislative Day was approved as read.

On motion of Senator Kearns, the necessary rules were  
suspended for lifting from the table for consideration SB 283:

SB 283 - AN ACT RELATING TO PENALTIES FOR FAILURE TO PAY  
SEWER SERVICE CHARGES DUE TO NEW CASTLE COUNTY.

The privilege of the floor was extended to John A.  
Dillman, Jr. representing New Castle County to speak on the  
Bill after which it was again laid on the table on further  
motion of Senator Kearns.

On further motion of Senator Kearns, the Bill was again  
lifted and again tabled.

SB 134, final consideration of which had been deferred,  
was lifted for consideration on motion of Senator Cicione.

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

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

ABSENT: Senators Arnold, Hale, Littleton, McCullough,  
Schlor - 5.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Robert J.  
Van Vessen, representing the State Police, to speak on the  
Bill after which the roll call vote on SB 134 w SA 1 was  
taken and revealed:

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

NO: Senators Berndt, Hale and Knox - 3.



NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Schlor - 1.

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

At 4:00 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:24 p.m., President Pro Tempore Cordrey presiding.

SCR 37 (Sponsored by Senators Cordrey and Berndt) was introduced:

SCR 37 - REQUESTING THE CHAIRMAN OF THE SUBCOMMITTEE ON REVENUE ESTIMATES OF THE GOVERNOR'S ECONOMIC ADVISORY COUNCIL TO CALL A SPECIAL MEETING OF THE SUBCOMMITTEE BEFORE THE REGULAR MEETING OF THE COUNCIL ON MONDAY, JUNE 13, 1977, AT 3:30 P.M.

At the request of Senator Cordrey, Senator Knox acted as floor manager for the Resolution and called for a vote on its adoption. The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 283 which had been laid on the table, was again lifted for consideration on motion of Senator Kearns and the privilege of the floor extended to John A. Dillman, Jr. representing the County of New Castle to speak on the Bill.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 13.

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

ABSENT: Senator Schlor - 1.

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

SB 156 which had been deferred for final consideration was again taken up for consideration on motion of Senator Arnold.

SA 2 to the Bill which had been placed with the Bill was stricken on motion of Senator Arnold.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Arnold and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss - 18.

NO: Senator Cook - 1.

ABSENT: Senators Schlor and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Arnold, the roll call vote on SB 156 w SA 3 was then taken; however, before the roll call was announced it was laid on the table on further motion of Senator Arnold.

The following Committee reports were announced:

From the Highways and Transportation Committee: SB 249 - 1 Favorable, 5 Merits; SB 253 - 1 Favorable, 3 Merits.

From the Energy Committee: SB 239 - 5 Merits; SB 242 - 2 Favorable, 2 Merits.

From the Banking, Insurance and Elections Committee: HB 324 - 5 Merits.

From the Finance Committee: HB 415 - 1 Favorable, 4 Merits.

SB 287 was introduced and assigned to the Natural Resources and Environmental Control Committee:

SB 287 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO CONFER UPON THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL THE POWER TO DEAL WITH THE HAZARDS AND THREATS OF DANGER AND DAMAGE POSED BY SPILLS OF OIL AND PETROLEUM PRODUCTS UPON THE WATERS AND WITHIN THE BOUNDARIES OF THIS STATE; TO REQUIRE THE PROMPT CONTAINMENT AND REMOVAL OF POLLUTION OCCASIONED THEREBY; TO PROVIDE PROCEDURES WHEREBY PERSONS SUFFERING DAMAGES FROM SUCH OCCURRENCES MAY BE PROMPTLY MADE WHOLE; TO GUARANTEE THAT ALL PERSONS USING THE WATERS OF THE STATE FOR THE TRANSPORTATION OR TRANSFER OF OIL, PETROLEUM PRODUCTS AND THEIR BY-PRODUCTS MEET MINIMUM REQUIREMENTS OF FINANCIAL RESPONSIBILITY; TO PROVIDE PENALTIES FOR VIOLATING PROVISIONS THEREOF; AND TO PROVIDE FOR SERVICE OF PROCESS UPON NON-RESIDENT OWNERS OR OPERATORS. Sponsors: Senators Zimmerman, Knox, Murphy, McDowell, Cicione, Martin, Berndt, Weiss, Kearns, Holloway, Cook, Sharp, Arnold; Representatives Miller, Bennett, Minner and Ridings.

SB 174 was reported out of the Energy Committee: 1 Favorable, 4 Merits.

At 6:07 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. June 14, 1977.

The Senate reconvened at 2:28 p.m. June 14, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 283 and adopted SCR 37; SCR 36 and SJR 24.

SB 287 was reported out of the Natural Resources and Environmental Control Committee: 3 Favorable, 3 Merits.

The following legislation was introduced:

HB 388 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE, RELATING TO CERTAIN FEES RECEIVED BY THE COURT OF COMMON PLEAS. Sponsors: Representatives Morris, Darling, Bennett, Minner, Riddagh; Senator Cook. Assigned to Judiciary Committee.

HJR 22 - REQUESTING THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INSTITUTE A POLICY AND PROGRAM TO GRADUALLY PHASE-OUT RESIDENTIAL PRIVY HOUSES. Sponsor: Representative Plant. Assigned to Health and Social Services Committee.

HB 408 w HA 1 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE BY PROVIDING FOR A MINIMUM SENTENCE FOR A SECOND OBSCENITY OFFENSE. Sponsors: Representatives Gilligan,

Kelly, Ferguson, Minner, Oberle; Senators Cicione and Holloway. Assigned to Judiciary Committee.

SB 286 - AN ACT TO AMEND AN ACT BEING CHAPTER 194, VOLUME 45 OF THE LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILTON," TO ESTABLISH THE QUALIFICATIONS FOR MEMBERS OF COUNCIL, TO REMOVE ANY LIMITATION ON THE AMOUNT OF CAPITATION TAXES WHICH MAY BE COLLECTED, TO ESTABLISH A PLACE OF SAFE KEEPING FOR THE BOOKS AND RECORDS, TO ESTABLISH THE QUALIFICATIONS FOR THE ALDERMAN, AND TO PROVIDE A PENALTY AND COLLECTION FEE FOR THE COLLECTION OF DELINQUENT TAXES. Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SB 276 was reported out of the Executive Committee - 5 Merits.

SB 288 was introduced by Senator Cordrey and assigned to Education Committee:

SB 288 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE CAESAR RODNEY SCHOOL DISTRICT TO PAY AN EMPLOYEE WHO FAILED TO RECEIVE HER BLUE CROSS-BLUE SHIELD PAYMENTS.

Lt. Governor McGinnis welcomed Senator Cook's son, Tom, to the Chamber and invited him to a seat on the podium.

SCR 38 was introduced by Senator Cordrey who moved for its adoption:

SCR 38 - MARKING THE 200TH ANNIVERSARY OF THE STARS AND STRIPES AS THE FLAG OF THE UNITED STATES.

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

Senator Schlor was marked PRESENT for the 41st Legislative Day.

The Chair recognized and welcomed to the Chamber Senator Sharp's wife, Judy Sharp.

SA 2 to SB 122 was introduced by Senator Martin and placed with the Bill.

SA 1 to SS 1 for SB 223 was introduced by Senator Kearns and placed with the Bill.

SCR 39 (Sponsored by Senators Kearns, McCullough, Spence, Martin, Cook, Holloway and Knox; Representatives Matushefske, Boulden, Ferguson and Connor) was introduced and considered for adoption on motion of Senator Kearns:

SCR 39 - EXTENDING CONGRATULATIONS TO THE WILLIAM PENN HIGH SCHOOL BASEBALL TEAM FOR CAPTURING THE 1977 DELAWARE HIGH SCHOOL BASEBALL CHAMPIONSHIP.

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

The Secretary announced that Legislative Advisory #13 received from the Office of Counsel to the Governor informed the Senate that the Governor approved: SJR 18; SB 54; SB 93 w SA 1; SB 146; SB 88; SB 189 on June 7, 1977.

The following Committee reports were announced:

From the Finance Committee: SB 235 - 2 Favorable, 3 Merits; HB 289 - 5 Merits; HB 246 - 5 Merits; HB 255 - 5 Merits; HB 330 - 5 Merits; HB 332 - 5 Merits.

From the Community Affairs Committee: SB 286 - 4 Merits; SB 269 - 4 Merits.

From the Judiciary Committee: SB 183 - 1 Favorable, 3 Merits; SB 274 - 1 Favorable, 2 Merits, 1 Unfavorable.

From the Corrections Committee: HB 279 - 5 Merits.

At 2:59 p.m. on motion of Senator Cordrey, the Senate adjourned to convene at 3:00 p.m. for the 42nd Legislative Day.

#### 42ND LEGISLATIVE DAY

The Senate convened at 2:59 p.m. June 14, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 41st Legislative Day was approved as read.

SB 122 was taken up for consideration on motion of Senator Martin:

SB 122 - AN ACT TO AMEND CHAPTER 17, TITLE 2, DELAWARE CODE RELATING TO SPECIALIZED TRANSPORTATION AUTHORITY.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Martin.

SA 2 to the Bill was introduced by Senator Martin and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Holloway) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on SB 122 w SA 2 was then taken on motion of Senator Martin and revealed:

YES: Senators Adams, Arnold, Cook, Hale, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Cordrey and Littleton - 2.

NOT VOTING: Senators Berndt, Cicione and Hughes - 3.

ABSENT: Senator Holloway - 1.

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

HB 342 w HA 1 was taken up for consideration on motion of Senator Cicione:

HB 342 w HA 1 - AN ACT TO PROVIDE SUPPLEMENTARY APPROPRIATIONS TO THE SEVERAL AGENCIES FOR THE PURPOSE OF PAYING SALARIES AND OTHER EMPLOYMENT COSTS.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Hale.

The roll call vote on HB 342 w HA 1 was taken on motion of Senator Cicone and revealed:

YES: Senators Adams, Arnold, Berndt, Cicone, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 19.

NO: Senators McCullough and Zimmerman - 2.

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

SS 1 for SB 223 was taken up for consideration on motion of Senator Kearns:

SS 1 for SB 223 - AN ACT TO AMEND CHAPTER 9, TITLE 10, AND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO ALLOW THE FAMILY COURT TO COMMIT AN 18 YEAR OLD PERSON TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS EVEN THOUGH CHARGED WITH THE OFFENSE WHILE A JUVENILE.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Kearns.

On motion of Senator Kearns, the Bill was then temporarily tabled.

At 4:15 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus for about 45 minutes.

The Senate reconvened at 5:35 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Health and Social Services Committee: HJR 22 - 4 Merits.

From the Judiciary Committee: HB 388 - 4 Merits. .

The following legislation was introduced:

SB 289 - AN ACT TO AMEND CHAPTER 65, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING TENANTS WITH CLOTHES LINES OR ACCESS TO CLOTHES LINES. Sponsor: Senator Cicone. Assigned to Judiciary Committee.

SB 290 - AN ACT TO AMEND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO MISDEMEANORS AND LAWS GOVERNING PUBLIC PARKS. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 291 - AN ACT TO AMEND CHAPTER 47, PART IV TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR JURISDICTION OF POSSESSION OF MARIJUANA (AND ALLIED DRUGS) CASES TO BE IN THE COURT OF COMMON PLEAS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 1 to SB 3 sponsored by Senator Kearns. Placed with the Bill.

SA 2 to SS 1 for SB 223 sponsored by Senator Kearns. Placed with the Bill.

SB 292 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO MUFFLERS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

HB 354 was reported out of the Finance Committee: 5 Merits.

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 354:

HB 354 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1977, AND PRIOR YEAR'S EXPENSE.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlör, Spence, Weiss - 17.

NO: Senators Sharp and Zimmerman - 2.

ABSENT: Senators McCullough and McDowell - 2.

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

SB 3 was taken up for consideration on motion of Senator Sharp:

SB 3 - AN ACT TO AMEND SUBCHAPTER III, SUBPART A, CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO BURGLARY.

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

YES: Senators Kearns and Weiss - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, Murphy, Schlör, Sharp, Spence, Zimmerman - 17.

NOT VOTING: Senators McCullough and McDowell - 2.

Therefore, the Amendment was declared defeated for passage.

At their request, Senators Martin and Schlör were added as co-sponsors of SB 3 after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 19.

NO: Senators Kearns and Weiss - 2.

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

SB 275 was taken up for consideration on motion of Senator Zimmerman:

SB 275 - 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 THE USE OF BLUE LIGHTS ON VEHICLES USED BY LAW ENFORCEMENT AGENCIES AND PERSONNEL.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss, Zimmerman - 19.

ABSENT: Senators Kearns and Spence - 2.

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

On motion of Senator Zimmerman, the necessary rules were suspended for consideration on SB 276:

SB 276 - AN ACT TO AMEND CHAPTER 68, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PURCHASES AND SUPPLIES;

AND PERMITTING DELAWARE VOLUNTEER FIRE COMPANIES TO UTILIZE THE SERVICES OF THE STATE DIVISION OF PURCHASING.

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

The following Committee reports were announced:

From the Education Committee: SB 288 - 5 Merits.

From the Revenue and Taxation Committee: SB 246 - 5 Merits.

From the Health and Social Services Committee: SB 292 - 5 Merits; SB 277 - 5 Merits.

From the Natural Resources and Environmental Control Committee: SB 285 - 6 Merits.

SB 293 (Sponsored by Senators Adams and Berndt; Representative Minner) was introduced and assigned to Finance Committee:

SB 293 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF MENTAL RETARDATION.

SA 1 to SB 287 was introduced by Senator Zimmerman and placed with the Bill.

The following legislation was reported out of the Judiciary Committee: SB 291 - 1 Favorable, 4 Merits; SB 290 - 1 Favorable, 4 Merits; SB 289 - 4 Merits, 1 Unfavorable.

At 6:27 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 15, 1977.

The Senate reconvened at 1:48 p.m., June 15, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 182 w HA 1.

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of HB 463.

HB 463 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO MEET PAYMENTS OF PRINCIPAL OF AND INTEREST ON CERTAIN INDUSTRIAL REVENUE BONDS ISSUED TO ASSIST KEWA METAL SALTS, INC. AND GUARANTEED BY THE STATE OF DELAWARE. Sponsors: Representatives George and Sincok.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Sharp, Spence, Weiss - 18.

ABSENT: Senators McCullough, McDowell and Zimmerman - 3.

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

On motion of Senator Zimmerman, the necessary rules were suspended for reconsideration of SB 182 which had previously passed the Senate and as now further amended by HA 1.

The roll call vote on SB 182 w HA 1 was therefore taken and revealed 19 Senators voting YES and 2 (McCullough and McDowell) ABSENT; therefore, the Bill (as so amended) was declared passed by the Senate.

The following legislation was introduced:

HB 347 w HA 1, 2 - AN ACT TO AMEND CHAPTER 14, TITLE 2 OF THE DELAWARE CODE RELATING TO THE DELAWARE TURNPIKE AND NONANNEXATION. Sponsors: Representatives Worthen, Anderson, W. Brady, Billingsley and Oberle; Senators Hale and Martin. The Bill was assigned to Highways and Transportation Committee.

SB 294 - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO THE REQUIREMENTS FOR PILOTS' LICENSES AND THE LIMITATION ON NUMBER OF PILOTS. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 295 - AN ACT TO AMEND TITLE 10 CHAPTER 19, SECTION 1988, DELAWARE CODE, RELATING TO THE RESIDENCY REQUIREMENT FOR COURT COMMISSIONERS. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SCR 40 - EXPRESSING CONGRATULATIONS TO THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT OF THE AFL-CIO ON THE 40TH ANNIVERSARY OF THE NATIONAL APPRENTICESHIP ACT. Sponsor: Senator Sharp. On motion of Senator Adams, the Resolution was laid on the table.

At 2:01 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 43rd Legislative Day.

#### 43RD LEGISLATIVE DAY

The Senate convened at 2:01 p.m. June 15, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 42nd Legislative Day was approved as read.

SCR 40 was lifted from the table for consideration on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the necessary rules were suspended for lifting for consideration SS 1 for SB 223:

SS 1 for SB 223 - AN ACT TO AMEND CHAPTER 9, TITLE 10, AND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO ALLOW THE FAMILY COURT TO COMMIT AN 18 YEAR OLD PERSON TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS EVEN THOUGH CHARGED WITH THE OFFENSE WHILE A JUVENILE.

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

YES: Senators Adams, Arnold, Cicione, Cook, Hale, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence,



Weiss, Zimmerman - 16.

NOT VOTING: Senators Berndt and Hughes - 2.

ABSENT: Senators Cordrey, Holloway and McCullough - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 223 w SA 2 was then taken on motion of Senator Kearns; however, before the roll call was announced it was laid on the table on further motion of the Senator.

SB 245 was taken up for consideration on motion of Senator Murphy:

SB 245 - AN ACT TO AMEND CHAPTER 59, TITLE 18, DELAWARE CODE RELATING TO LIQUIDATION OF DOMESTIC INSURERS.

The privilege of the floor was extended to B. Wilson Redfearn, State Farm Insurance Company, to speak on the Bill after which the roll call vote was taken and revealed:

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

ABSENT: Senators Holloway, McCullough, Schlor, Zimmerman - 4.

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

HB 324 was taken up for consideration on motion of Senator Murphy:

HB 324 - AN ACT TO AMEND CHAPTER 9, TITLE 5, OF THE DELAWARE CODE RELATING TO BANKING AND RESERVE REQUIREMENTS.

The privilege of the floor was extended to State Bank Commissioner John Malarkey to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 18.

ABSENT: Senators Holloway, McCullough and Schlor - 3.

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

SB 296 (Sponsored by Senator Cordrey and all the Senators) was introduced and assigned to the Executive Committee:

SB 296 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8, SECTION 6, OF THE CONSTITUTION OF THE STATE OF DELAWARE BY LIMITING APPROPRIATIONS TO 98 PERCENT OF THE STATE REVENUE.

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

The Senate reconvened at 5:03 p.m., President Pro Tempore Cordrey presiding.

SB 249 was taken up for consideration on motion of Senator Martin:

SB 249 - AN ACT TO AMEND CHAPTER 12, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF JUNKYARDS.

The privilege of the floor was extended to Tom Sandbach and Harry Terry, Senate Attorneys, and Willard J. Thomson, Jr., representing the Department of Transportation to speak on the Bill after which it was laid on the table on further motion of Senator Martin.

SB 242 was taken up for consideration on motion of Senator McDowell:

SB 242 - AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL TAXES; AND PROVIDING RESTRICTIONS IN THE ASSESSMENT OF BUILDING IMPROVED BY THE INSTALLATION OF ENERGY CONSERVATION IMPROVEMENTS.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Kearns, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senators Cicione, Hale, Knox and McCullough - 4.

NOT VOTING: Senators Holloway, Hughes and Schlor - 3.

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

HB 415 was taken up for consideration on motion of Senator Cicione:

HB 415 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TREASURER FOR REVENUE REFUNDS.

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

SS 1 for SB 253 was introduced by Senator Martin and adopted in lieu of the Original and assigned to the Highways and Transportation Committee:

SS 1 FOR SB 253 - AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF OUTDOOR ADVERTISING.

On motion of Senator Sharp the necessary rules were suspended for consideration of HB 279:

HB 279 - AN ACT AUTHORIZING THE BUDGET OFFICE TO TRANSFER CERTAIN SPECIAL FUNDS TO THE WORK EDUCATION RELEASE PROGRAM, DEPARTMENT OF CORRECTION AND APPROPRIATING FUNDS TO THE WORK EDUCATION RELEASE PROGRAM.

The privilege of the floor was extended to Representative Worthen to speak on the Bill after which it was laid on the table on further motion of Senator Sharp.

SA 1 to SB 280 was introduced by Senator Cook and placed with the Bill.

SB 297 (Sponsored by Senators Murphy and Littleton; Representatives Worthen and Sincock) was introduced and assigned to Banking, Insurance and Elections Committee:

SB 297 - AN ACT TO AMEND CHAPTERS 21 AND 29, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES, FINANCIAL SECURITY AND PROVIDING FOR SELF-INSURANCE IN CERTAIN INSTANCES.

The following legislation was reported out of Committee:

From the Judiciary Committee: HB 408 w HA 1 - 4 Merits;  
SB 194 - 4 Merits; SB 266 - 1 Favorable, 3 Merits;  
HB 41 w HA 1 - 1 Favorable, 3 Merits.

From the Highways and Transportation Committee:  
HB 347 w HA 1, 2 - 6 Merits.

From the Natural Resources and Environmental Control

Committee: SB 294 - 6 Merits.

On motion of Senator Sharp HB 279 was lifted from the table for consideration and the privilege of the floor was extended to David S. Swayze, Office of the Governor; Representative Worthen and Duane Olsen, Controller General to speak on the Bill.

The roll call vote on the Bill was then taken and revealed:  
YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlor, Sharp, Weiss - 17.

NO: Senators McCullough and Zimmerman - 2.

ABSENT: Senators Murphy and Spence - 2.

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

SS 1 for SB 253 was reported out of the Highways and Transportation Committee: 1 Favorable, 3 Merits.

At 6:09 p.m. on motion of Senator Martin, the Senate recessed until June 16, 1977.

The Senate reconvened at 4:41 p.m. June 16, 1977,  
Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 122 w HA 1 - 5 Merits; SB 91 - 5 Merits; HB 341 - 5 Merits.

From the Public Safety Committee: HB 304 - 6 Merits;  
SB 272 - 1 Favorable, 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 38; SCR 39; SCR 40.

The following legislation was introduced:

SB 298 - AN ACT TO AMEND CHAPTER 51 OF TITLE 30, DELAWARE CODE RELATING TO MUNICIPAL STREET AID. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Revenue and Taxation Committee.

SB 299 - AN ACT MAKING AN APPROPRIATION TO THE OFFICE OF THE STATE MEDICAL EXAMINER. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 300 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO CONFER UPON THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL THE POWER TO DEAL WITH THE HAZARDS AND THREATS OF DANGER AND DAMAGE POSED BY SPILLS OF OIL AND PETROLEUM PRODUCTS UPON THE WATERS AND WITHIN THE BOUNDARIES OF THIS STATE; TO REQUIRE THE PROMPT CONTAINMENT AND REMOVAL OF POLLUTION OCCASIONED THEREBY; TO PROVIDE PROCEDURES WHEREBY PERSONS SUFFERING DAMAGES FROM SUCH OCCURRENCES MAY BE PROMPTLY MADE WHOLE; TO GUARANTEE THAT ALL PERSONS USING THE WATERS OF THE STATE FOR THE TRANSPORTATION OR TRANSFER OF OIL, PETROLEUM PRODUCTS AND THEIR BY-PRODUCTS MEET MINIMUM REQUIREMENTS OF FINANCIAL RESPONSIBILITY; TO PROVIDE PENALTIES FOR VIOLATING PROVISIONS THEREOF; TO PROVIDE FOR SERVICE OF PROCESS UPON NON-RESIDENT OWNERS OR OPERATORS; AND PROVIDING AN APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT. Sponsors: Senators Zimmerman, Knox, Murphy, McDowell, Cicione, Martin, Berndt, Kearns; Representatives

Miller, Bennett, Minner and Ridings. On motion of Senator Zimmerman, the Bill was laid on the table.

SB 301 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF SIGNS AND SIGNALS AT CERTAIN SCHOOL LOCATIONS. Sponsors: Senator McCullough and Representative Connor. Assigned to Highways and Transportation Committee.

HB 482 - AN ACT TO PERMIT MARRIAGE OF TWO FORMER DELAWARE CITIZENS PRIOR TO THE EXPIRATION OF NINETY-SIX (96) HOURS FROM THE ISSUANCE OF A MARRIAGE LICENSE. Sponsor: Representative Riddagh.

On motion of Senator Cook, the necessary rules were suspended for consideration of HB 482 and the roll call vote was taken which revealed 19 Senators voting YES and 2 (Arnold and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 302 - AN ACT TO AMEND CHAPTER 486, VOLUME 60, LAWS OF DELAWARE AND CHAPTER 32, VOLUME 61, LAWS OF DELAWARE RELATING TO STUDENTS TRANSFERRING FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER. Sponsor: Senator McCullough. Assigned to Education Committee.

SB 303 - AN ACT TO AMEND CHAPTER 6, TITLE 14, DELAWARE CODE RELATING TO THE TRANSFER OF STUDENTS FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER. Sponsor: Senator McCullough. Assigned to Education Committee.

SS 1 for SB 163 - AN ACT TO AMEND CHAPTER 91, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A HIGHWAY PRIORITY PLANNING SYSTEM AND BY AMENDING CHAPTER 84, TITLE 29 OF THE DELAWARE CODE TO MODIFY THE FUNCTIONS OF THE COUNCIL ON TRANSPORTATION AND BY AMENDING CHAPTER 74, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A PRIORITY SYSTEM FOR HIGHWAY CAPITAL IMPROVEMENTS PROGRAM. Sponsors: Senators Martin, Kearns, McCullough, Sharp, Weiss, McDowell, Hale, Berndt, Knox, Spence, Holloway, Arnold, Hughes; Representatives Worthen, Anderson, Cain, Matushefske, Maxwell, Byrd, Plant, Johnson, Ferguson, Gilligan, Connor, Sincock, McKay, Billingsley, Burris, Ridings, Hebner, Roy, Powell, Oberle. The Bill was adopted in lieu of the Original on motion of Senator Martin.

SA 1 to SB 256 was introduced by Senator Zimmerman and placed with the Bill.

On motion of Senator Zimmerman, the roll call vote on SB 256 was rescinded. Then, on further motion of Senator Zimmerman the Bill was laid on the table.

SA 1 to SS 1 for SB 253 introduced by Senator Martin. Placed with the Bill.

SA 1 to SB 249 introduced by Senator Martin. Placed with the Bill.

SCR 41 (Sponsored by Senators Hughes, Knox, Lt. Governor McGinnis and all the Senators) was introduced and considered for adoption on motion of Senator Hughes:

SCR 41 - WISHING A SPEEDY RECOVERY FOR SENATOR JOHN M. ARNOLD.

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

SCR 42 (Sponsored by Senators Holloway and Cook and all the Senators) was introduced and considered for adoption:

SCR 42 - COMMENDING ALL WOMEN IN THE STATE OF DELAWARE IN THIS INTERNATIONAL WOMEN'S WEEK.

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

SB 304 - AN ACT TO AMEND CHAPTER 7, PART 1, TITLE 19 OF THE DELAWARE CODE PROHIBITING THE HIRING OF ILLEGAL ALIENS. Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

SS 2 for SB 191 (Sponsored by Senators Holloway and Cicione; Representative Gilligan) was introduced and adopted in lieu of the Original on motion of Senator Holloway:

SS 2 for SB 191 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 63, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CONSIDERATION BY THE GENERAL ASSEMBLY OF THE BUDGET APPROPRIATIONS BILL.

At 5:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 44th Legislative Day.

#### 44TH LEGISLATIVE DAY

The Senate convened at 5:00 p.m. June 16, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Arnold - 1.

The Journal of the 43rd Day was approved as read.

On motion of Senator Murphy, the roll call vote on

SB 225 was lifted and announced:

YES: Senators Adams, Cicione, Cook, Kearns, Littleton, McCullough, Murphy, Schlor, Sharp, Spence, Zimmerman - 11.

NO: Senators Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Knox, Martin, McDowell, Weiss - 10.

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

HB 289 was taken up for consideration on motion of Senator Cicione:

HB 289 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE THE 1977 BUDGET APPROPRIATION ACT, ENACTED AS HOUSE BILL NO. 1274, AMENDED BY HOUSE AMENDMENT NO. 1.

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

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 18.

NO: Senator Sharp - 1.

ABSENT: Senators Arnold and McCullough - 2.

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

HB 246 was taken up for consideration on motion of Senator Cicione:

HB 246 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN PRIOR FISCAL YEARS.

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

YES: Senators Berndt, Hale, Hughes, Knox, Littleton, Weiss - 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 14.

ABSENT: Senator Arnold - 1.

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

The privilege of the floor was extended to Representative Ferguson to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 16.

NOT VOTING: Senators Hale, Hughes, Knox, Weiss - 4.

ABSENT: Senator Arnold - 1.

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

SB 287 was stricken from the Calendar on motion of Senator Zimmerman.

SA 1 to SB 300 was introduced by Senator Zimmerman and placed with the Bill.

SB 300 was lifted from the table for consideration on motion of Senator Zimmerman.

The privilege of the floor was extended to Austin P. Olney, Secretary of the Department of Natural Resources, to speak on the Bill.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of SB 300.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Arnold, Cicione and Schlor - 3.

Therefore, the Amendment was declared adopted.

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

The roll call vote on SB 300 w SA 1, 2 was then taken and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 18.

NO: Senator Spence - 1.

ABSENT: Senators Arnold and Cicione - 2.

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

HJR 24 was introduced:

HJR 24 - TO PROVIDE AN OPPORTUNITY FOR THE GENERAL ASSEMBLY TO REVIEW THE PLAN OF THE STATE BOARD OF EDUCATION WHICH IS TO BE SUBMITTED TO THE UNITED STATES DISTRICT COURT IN THE CASE OF EVANS v. BUCHANAN (Sponsors: Representatives Maxwell, Worthen, Byrd, Roy, Oberle, Ridings; Senators Cicione, Spence, Hughes, McCullough and Sharp).

On motion of Senator Sharp the necessary rules were suspended for consideration of HJR 24. The roll call vote on the Resolution was taken and announced:

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

NOT VOTING: Senators Holloway and Schlor - 2.

ABSENT: Senators Arnold and Cicione - 2.

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

The following Committee reports were announced:

From the Highways and Transportation Committee: SB 301 - 4 Merits; SS 1 for SB 163 - 1 Favorable, 3 Merits.

From the Administrative Services Committee: HB 373 - 5 Merits; SB 265 - 5 Merits.

The following legislation was introduced:

SB 305 - AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT WITH APPEAL TO THE SUPREME COURT. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 306 - AN ACT TO AMEND CHAPTER 525, VOLUME 59, LAWS OF DELAWARE, EXTENDING THE REVERSION DATE FOR MONIES FROM THE CAPITAL INVESTMENT FUND USED TO FINANCE RESTORATION OF THE OLD SUSSEX COUNTY COURTHOUSE. Sponsors: Senators Adams, Cordrey and Littleton; Representatives Clendaniel, Gordy, Temple, Vernon and Burris. Assigned to Executive Committee.

SA 1 to HB 408 - sponsored by Senators Kearns, Holloway, Cicione; Representative Gilligan. Placed with the Bill.

At 7:18 p.m. on motion of Senator Cordrey, the Senate recessed until June 21, 1977 at 1:30 p.m.

The Senate reconvened at 2:22 p.m. June 21, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 199 w SA 1 and adopted SCR 41 and SCR 42.

The following legislation was introduced:

HB 357 w HA 2 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO THE SALE OF ALCOHOLIC LIQUOR. Sponsors: Representative Matushefske and Senator Kearns. Assigned to Administrative Services Committee.

HB 385 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PAYMENT OF CURRENT FISCAL YEAR OBLIGATIONS. Sponsors: Representatives George and Sincock. The Bill was laid on the table on motion of Senator Sharp.

HB 407 w HA 1, 2, 3, 4 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE BY PROVIDING FOR THE LICENSING OF MASSAGE ESTABLISHMENTS AND ADULT BOOK STORES. Sponsors: Representatives Gilligan, Kelly, Ferguson, Minner, Oberle; Senators Cicione and Holloway. Assigned to Judiciary Committee.

HB 429 w HA 1 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC WORK CONTRACTS; PROCUREMENTS. Sponsor: Representative Matushefske. Assigned to Executive Committee.

HB 465 - AN ACT TO PERMIT THE DE LA WARR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL MINOR CAPITAL IMPROVEMENT AND LOCAL DEBT SERVICE ACCOUNTS TO ITS LOCAL CURRENT OPERATING ACCOUNT. Sponsors: Representatives Boulden and Matushefske; Senators McCullough and Kearns. The Bill was laid on the table on motion of Senator McCullough.

At 2:28 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 45th Legislative Day.

#### 45TH LEGISLATIVE DAY

The Senate convened at 2:28 p.m. June 21, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Cook - 1.

The Journal of the 44th Legislative Day was approved as read.

HB 494, sponsored by Representatives Temple and Plant, was introduced and assigned to Finance Committee:

HB 494 - AN ACT TO REPEAL CHAPTER 20, VOLUME 61, LAWS OF DELAWARE ENTITLED "AN ACT TO RESCIND THE SALARY SUPPLEMENT FOR STATE EMPLOYEES AUTHORIZED BY TITLE 29, DELAWARE CODE, SECTION



6532, AND SCHEDULED FOR APRIL 1, 1977", BEING HOUSE BILL NO. 172 OF THE 129TH GENERAL ASSEMBLY.

Senator Cordrey introduced to the Senate members of the Civil Air Patrol, Delaware Wing, who were present in the Chamber. The privilege of the floor was extended to Colonel Howard N. Pratt of the Air Patrol to address the Senate.

SB 286 was taken up for consideration on motion of Senator Adams:

SB 286 - AN ACT TO AMEND AN ACT BEING CHAPTER 194, VOLUME 45 OF THE LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON," TO ESTABLISH THE QUALIFICATIONS FOR MEMBERS OF COUNCIL, TO REMOVE ANY LIMITATION ON THE AMOUNT OF CAPITATION TAXES WHICH MAY BE COLLECTED, TO ESTABLISH A PLACE OF SAFE KEEPING FOR THE BOOKS AND RECORDS, TO ESTABLISH THE QUALIFICATIONS FOR THE ALDERMAN, AND TO PROVIDE A PENALTY AND COLLECTION FEE FOR THE COLLECTION OF DELINQUENT TAXES.

The roll call vote on the Bill was taken; however, before it was announced it was laid on the table on motion of Senator Adams.

SB 269 was taken up for consideration on motion of Senator Adams:

SB 269 - AN ACT TO REINCORPORATE THE CITY OF MILFORD.

The roll call vote on the Bill was taken; however, before it was announced it was laid on the table on motion of Senator Adams.

SB 246 was taken up for consideration on motion of Senator Adams:

SB 246 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO PENALTY FOR FAILURE TO REPORT OR PAY TAX.

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

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 17.

ABSENT: Senators Cicione, Cook, Kearns, McDowell - 4.

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

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SB 256 from the table for consideration.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlör, Sharp, Weiss, Zimmerman - 17.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cook, McDowell and Spence - 3.

Therefore, the Amendment was declared adopted.

On motion of Senator Zimmerman, the roll call vote on SB 256 w SA 1 was then taken; however, before the roll call was announced, it was laid on the table on further motion of Senator Zimmerman.

HB 255 was taken up for consideration on motion of Senator Cicione:

HB 255 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO SATISFY A SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND CERTAIN INDIVIDUALS IN CONNECTION WITH THE CLAIMS OF CERTAIN INDIVIDUALS FOR UNPAID OVERTIME AND MINIMUM WAGE COMPENSATION UNDER THE FAIR LABOR STANDARDS ACT.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cook, Holloway, Martin and Weiss - 4.

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

HB 330 was taken up for consideration on motion of Senator Cicione:

HB 330 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE INSURANCE DEPARTMENT FOR THE PURPOSE OF MEETING THE EXPENSE OF WORKMEN'S COMPENSATION THROUGH JUNE 30, 1977.

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

HB 388 was taken up for consideration on motion of Senator Kearns:

HB 388 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE, RELATING TO CERTAIN FEES RECEIVED BY THE COURT OF COMMON PLEAS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senator Hale - 1.

ABSENT: Senators Cook and McCullough - 2.

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

SB 290 was taken up for consideration on motion of Senator Kearns:

SB 290 - AN ACT TO AMEND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO MISDEMEANORS AND LAWS GOVERNING PUBLIC PARKS.

On motion of Senator Kearns, the Bill was laid on the table before final action was taken.

SB 291 was taken up for consideration on motion of Senator Kearns:

SB 291 - AN ACT TO AMEND CHAPTER 47, PART IV TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR JURISDICTION OF POSSESSION OF MARIJUANA (AND ALLIED DRUGS) CASES TO BE IN THE COURT OF COMMON PLEAS.

The roll call vote on the Bill was taken; however, before it was announced it was laid on the table on motion of Senator Kearns.

SB 292 was taken up for consideration on motion of Senator Holloway:

SB 292 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO MUFFLERS.

The roll call vote on the Bill was taken; however, before it was announced it was laid on the table on motion of Senator Holloway.

SB 288 was taken up for consideration on motion of Senator Cordrey:

SB 288 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE CAESAR RODNEY SCHOOL DISTRICT TO PAY AN EMPLOYEE WHO FAILED TO RECEIVE HER BLUE CROSS-BLUE SHIELD PAYMENTS.

The following letter in reference to the Bill was read and is made part of this Journal at the request of Senator Cordrey:

DELAWARE STATE EDUCATION ASSOCIATION  
335 Martin Street  
Dover, Delaware

1 June 1977

The Honorable Richard Cordrey  
Legislative Hall  
Dover, Delaware  
Dear Richard:

This letter concerns the matter I discussed briefly with you in the corridor a few days ago. The Wiedmanns, Fred and Roseanne, live in Rehoboth Beach. Roseanne teaches in the Caesar Rodney district and Fred teaches at Cape Henlopen. During the period covered in the attached bill, 1 June 1973 through 31 May 1976, the Wiedmanns were covered under Roseanne's Blue Cross/Blue Shield program in the Caesar Rodney district. They had applied for Fred's entitlement to be paid to the Caesar Rodney district for extended coverage or to be applied to the family coverage. This procedure is provided for in the regulations of the Delaware Health Committee. On or about May 1976, the Wiedmanns' coverage was transferred to the Cape Henlopen district because the locally negotiated contract in that district provided a local supplement to pay for the coverage. It was at this time that the Wiedmanns discovered that their request to have Fred's entitlement applied to the family coverage had never been honored by the State. I got the exact amounts owed from the Caesar Rodney Administrative offices and I have also been assured by Mr. Coleman in the Caesar Rodney offices that they are anxious to help resolve this problem on behalf of the Wiedmanns.

I would appreciate your sponsorship of this piece of legislation. If you need additional documentation or explanation I will be most happy to supply it.

Sincerely,  
James D. Stone  
Executive Director

\* \* \* \* \*

Senator Murphy was added as co-sponsor of the Bill.

The privilege of the floor was extended to James Stone, representing the Delaware State Education Association to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss, Zimmerman - 18.

ABSENT: Senators Cicione, Cook and Spence - 3.

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

SB 290 was lifted from the table for consideration on motion of Senator Kearns and the roll call vote taken; however, before the roll call was announced it was laid on the table on further motion of Senator Kearns.

SB 285 was stricken on motion of Senator Cordrey.

At 3:50 p.m. on motion of Senator Martin, the Senate recessed for forty-five minutes for Party Caucus.

The Senate reconvened at 5:44 p.m., Lt. Governor McGinnis presiding.

On motion of Senator McCullough, the necessary rules were suspended for consideration of HB 465:

HB 465 - AN ACT TO PERMIT THE DE LA WARR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL MINOR CAPITAL IMPROVEMENT AND LOCAL DEBT SERVICE ACCOUNTS TO ITS LOCAL CURRENT OPERATING ACCOUNT.

The privilege of the floor was extended to Raymond Townsend representing the De La Warr School District to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, Spence, Weiss - 11.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Adams, Martin, McDowell, Murphy, Schlor, Sharp, Zimmerman - 7.

ABSENT: Senators Cicione and Cook - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for consideration of HB 385 w HA 1:

HB 385 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PAYMENT OF CURRENT FISCAL YEAR OBLIGATIONS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

NO: Senator McCullough - 1.

ABSENT: Senator Cook - 1.

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

SB 279 was laid on the table on motion of Senator Holloway.

HB 347 w HA 1, 2 was taken up for consideration on motion of Senator Martin:

HB 347 w HA 1, 2 - AN ACT TO AMEND CHAPTER 14, TITLE 2 OF THE DELAWARE CODE RELATING TO THE DELAWARE TURNPIKE AND NONANNEXATION.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senator Cook - 1.

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

SB 183 was taken up for consideration on motion of Senator Cicione:

SB 183 - AN ACT TO AMEND CHAPTER 92, PART VII, TITLE 10 OF THE DELAWARE CODE RELATING TO THE ORGANIZATION AND OPERATION OF JUSTICE OF THE PEACE COURTS.

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

Final action on SB 183 w SA 1 was then deferred on motion of Senator Cicione.

HB 41 w HA 1 was taken up for consideration on motion of Senator Kearns:

HB 41 w HA 1 - AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11, OF THE DELAWARE CODE RELATING TO THE COLLECTION OF FINES AND COSTS.

The privilege of the floor was extended to Representative Riddagh to speak on the Bill after which it was laid on the table on further motion of Senator Kearns.

The following Committee reports were announced:

From the Executive Committee: SB 306 - 2 Favorable, 3 Merits; HB 429 w HA 1 - 4 Merits.

From the Judiciary Committee: SB 295 - 4 Merits; HB 407 w HA 1, 2, 3, 4 - 1 Favorable, 4 Merits.

From the Finance Committee: SB 293 - 5 Merits.

From the Revenue and Taxation Committee: SB 298 - 5 Merits.

From the Health and Social Services Committee: SB 143 - 5 Merits.

The following legislation was introduced:

SB 307 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES. Sponsors: Senators Kearns and Arnold; Representative Matushefske. Assigned to Health and Social Services Committee.

SB 308 - AN ACT TO AMEND CHAPTER 17, TITLE 15, OF THE DELAWARE CODE, RELATING TO NOTICE TO PERSONS TO BE REMOVED FROM THE VOTER ROLLS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 309 - AN ACT TO AMEND §2906, CHAPTER 29, TITLE 18, OF THE DELAWARE CODE, RELATING TO NOTICE REQUIRED UPON PAYMENT OF LIFE INSURANCE PREMIUMS. Sponsor: Senator Weiss. Assigned to Banking, Insurance and Elections Committee.

SB 310 - AN ACT TO AMEND CHAPTER 13, TITLE 26, OF THE DELAWARE CODE, RELATING TO MUNICIPALLY-OWNED WATER COMPANIES.

Sponsors: Senators McCullough, Berndt; Representatives Maxwell and Sincok. Assigned to Community Affairs Committee.

SB 311 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, PERTAINING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SS 1 for SB 297 (Sponsored by Senators Murphy and Littleton; Representatives Worthen and Sincok) with same title as the Original was introduced and adopted in lieu of the Original on motion of Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SA 1 to SB 265. Sponsors: Senator Martin and Representative Worthen. Placed with the Bill.

SA 1 to SS 1 for SB 297 was introduced by Senator Murphy and placed with the Bill.

HCR 37 - EXPRESSING THANKS TO THE PRESIDENT AND EDITOR OF THE DELAWARE STATE NEWS FOR THE GRATIS COPIES FURNISHED TO THE MEMBERS OF THE DELAWARE LEGISLATURE. Sponsor: Representative Jonkiert.

On motion of Senator Cordrey, the Resolution was considered for adoption and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cicione, Cook and Hale) ABSENT; therefore, the Resolution was declared passed by the Senate and returned to the House.

On motion of Senator Holloway, SB 191 and SS 1 for SB 191 were stricken.

At 7:07 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 22, 1977.

The Senate reconvened at 2:24 p.m. June 22, 1977, Lt. Governor McGinnis presiding.

Senator Cook was marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had passed SB 213.

The Secretary announced that Legislative Advisory #15 received from the Office of Counsel to the Governor informed the Senate that the Governor approved: SB 25 on June 17 and SB 215 and SB 216 on June 21, 1977.

HCR 38 (Sponsored by Representative Worthen and all of the members of the House; Senator Martin and all of the members of the Senate) was introduced and considered for adoption on motion of Senator Martin:

HCR 38 - SALUTING THE PLAYERS, CHEERLEADERS, COACHES, THE DELAWARE 1977 ALL-STAR FOOTBALL GAME CHILD AND OTHERS ASSOCIATED WITH THIS OUTSTANDING ANNUAL EVENT BENEFITTING THE DELAWARE ASSOCIATION FOR RETARDED CHILDREN, AND DESIGNATING AUGUST 13, 1977, AS DELAWARE ALL-STAR FOOTBALL DAY IN DELAWARE.

The privilege of the floor was extended to the Barrish family and to James W. Gavin, Chairman of the Football Game Committee.

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

The following legislation was introduced:

HB 349 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE TO INCREASE THE PENALTY FOR FAILURE TO PAY INCOME TAX. Sponsor: Representative Gilligan. Assigned to Revenue and Taxation Committee.

HB 350 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, TO INCREASE THE PENALTY FOR FAILURE TO FILE TAX RETURNS. Sponsor: Representative Gilligan. Assigned to Revenue and Taxation Committee.

HB 481 - AN ACT AMENDING CHAPTER 64, TITLE 7, AND CHAPTER 58, TITLE 29, DELAWARE CODE, RELATING TO THE DELAWARE SOLID WASTE AUTHORITY AUTHORIZING SAID AUTHORITY TO FINANCE SOLID WASTE DISPOSAL AND RESOURCES RECOVERY SYSTEMS WITHIN THE STATE ESTABLISHING SOURCES OF CREDIT FOR SUCH FINANCING PROVIDING FOR THE ISSUANCE OF BONDS AND NOTES FOR SUCH PURPOSE, AUTHORIZING THE APPOINTMENT OF A TRUSTEE FOR BOND HOLDERS, AND PROVIDE FOR SITUATIONS INVOLVING CONFLICTS OF INTEREST. Sponsors: Representatives Jonkiert and Sincock; Senators Cordrey, Berndt and Knox. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to HB 41 was introduced by Senator Hughes and placed with the Bill.

The following Committee reports were announced:

From the Finance Committee: SB 254 - 6 Merits; SB 247 - 7 Merits; SB 267 - 6 Merits; HB 416 w HA 1 - 1 Favorable, 4 Merits; HB 340 - 5 Merits; HB 314 - 1 Favorable, 5 Merits; SS 2 for SB 191 - 5 Merits, 1 Unfavorable.

From the Banking, Insurance and Elections Committee: SB 270 - 5 Merits; SB 271 - 4 Merits; SB 308 - 5 Merits; SB 311 - 5 Merits; SS 1 for SB 297 - 1 Favorable, 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 253 - 6 Merits; HB 98 w HA 1 - 6 Merits.

At 2:47 p.m., June 22, 1977, on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 46th Legislative Day.

#### 46TH LEGISLATIVE DAY

The Senate convened at 2:47 p.m. June 22, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 45th Legislative Day was approved as read.

SB 312 (Sponsored by Senator Cicione) was introduced and assigned to Education Committee:

SB 312 - AN ACT TO AMEND CHAPTER 51, TITLE 14 OF THE DELAWARE CODE RELATING TO APPOINTMENT OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF DELAWARE.

SB 294 was taken up for consideration on motion of Senator Cordrey:

SB 294 - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO THE REQUIREMENTS FOR PILOTS' LICENSES AND THE LIMITATION ON NUMBER OF PILOTS.

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

SB 249 was taken up for consideration on motion of Senator Martin:

SB 249 - AN ACT TO AMEND CHAPTER 12, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF JUNKYARDS.

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

The privilege of the floor was extended to Willard Thomson, Jr., Department of Transportation, to speak on the Bill.

The roll call vote on SB 249 w SA 1 was then taken; however, before being announced, the roll call was laid on the table on further motion of Senator Martin.

SS 1 for SB 253 was taken up for consideration on motion of Senator Martin:

SS 1 for SB 253 - AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE, PROVIDING FOR CHANGES TO BRING DELAWARE LAW INTO CONFORMANCE WITH FEDERAL GUIDELINES RELATIVE TO REGULATION OF OUTDOOR ADVERTISING.

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

The privilege of the floor was extended to Willard Thomson, Jr., Department of Transportation, to speak on the Bill.

The roll call vote on SS 1 for SB 253 w SA 1 was then taken; however, before it was announced it was laid on the table on further motion of Senator Martin.

SS 1 for SB 163 was taken up for consideration on motion of Senator Martin:

SS 1 for SB 163 - AN ACT TO AMEND CHAPTER 91, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A HIGHWAY PRIORITY PLANNING SYSTEM AND BY AMENDING CHAPTER 84, TITLE 29 OF THE DELAWARE CODE TO MODIFY THE FUNCTIONS OF THE COUNCIL ON TRANSPORTATION AND BY AMENDING



CHAPTER 74, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A PRIORITY SYSTEM FOR HIGHWAY CAPITAL IMPROVEMENTS PROGRAM.

SA 1 to the Bill was introduced by Senator Martin who moved for its adoption. The roll call vote on the Amendment was taken and revealed:

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

NOT VOTING: Senators Arnold, Cicione and Schlor - 3.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Secretary of Transportation, George Jarvis, to speak on the Bill.

The roll call vote on SS 1 for SB 163 w SA 1 was then taken and announced:

YES: Senators Arnold, Berndt, Hale, Hughes, Kearns, Knox, Martin, McDowell, Sharp, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, Littleton, Murphy, Zimmerman - 7.

NOT VOTING: Senators Holloway and Schlor - 2.

ABSENT: Senator McCullough - 1.

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

At 4:45 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 7:42 p.m., Lt. Governor McGinnis presiding.

SB 307 was reported out of the Health and Social Services Committee: 5 Merits.

The following legislation was introduced:

SB 313 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO PURCHASE A TRACT OF LAND SITUATED IN SUSSEX COUNTY FOR PARK PURPOSES AND TO ISSUE BONDS AND NOTES THEREFORE, AND APPROPRIATING THE MONEY BORROWED TO THE DIVISION OF PARKS AND RECREATION, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Senator Cordrey, by request. Assigned to Finance Committee.

SB 314 - AN ACT TO AMEND CHAPTER 13 OF TITLE 18, DELAWARE CODE, RELATING TO INSURANCE COMPANY INVESTMENTS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 315 - AN ACT AUTHORIZING THE CAESAR RODNEY SCHOOL DISTRICT TO USE FUNDS FROM THE SCHOOL CONSTRUCTION BOND REVERSION ACCOUNT FOR ENLARGING AND EQUIPPING THE CHARLTON SCHOOL. Sponsors: Senators McCullough, Murphy and Zimmerman. Assigned to Education Committee.

SB 316 - AN ACT TO AMEND SUBCHAPTER V, CHAPTER 23, PART II, TITLE 19, DELAWARE CODE RELATING TO TAXES AND CHARGES UPON INSURANCE CARRIERS AND SELF INSURERS; SECOND INJURY AND CONTINGENCY FUND. Sponsors: Senators Murphy and Hughes; Representatives Worthen and Sincok. Assigned to Banking, Insurance and Elections Committee.

SB 317 - AN ACT TO AMEND CHAPTER 13, PART I, TITLE 18, DELAWARE CODE, RELATING TO INVESTMENTS OF INSURANCE COMPANIES. Sponsors: Senators Murphy and Hughes; Representatives Worthen and Sincok. Assigned to Banking, Insurance and Elections Committee.

SB 318 - AN ACT TO AMEND CHAPTER 66 OF TITLE 16, DELAWARE CODE, RELATING TO THE CONTROL AND SALE OF SMOKE DETECTION DEVICES. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SS 1 for SB 143 (Same title as Original) was introduced by Senator Holloway and adopted in lieu of the Original.

SA 1 to SB 306 (Sponsored by Senators Adams, Cordrey, Littleton; Representatives Clendaniel, Gordy, Temple, Vernon, Burris) was introduced and placed with the Bill.

SA 1 to SB 290 (Sponsored by Senator Kearns and Representative Matushefske) was introduced and placed with the Bill.

SA 1 to SA 1 to SB 256 was introduced by Senator Zimmerman and placed with the Bill.

On motion of Senator Zimmerman and without objection, the roll call vote on SB 256 w SA 1 which had been laid on the table was stricken and the Bill laid on the table.

SCR 43 was introduced by Senator Hughes and considered for adoption on his motion:

SCR 43 - IN RECOGNITION OF THE PUBLIC SERVICE OF EDITH R. KENDALL OF CLAYMONT.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Arnold and Hale) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 7:53 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 23, 1977.

The Senate reconvened at 2:15 p.m. June 23, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 319 - AN ACT TO PERMIT FACSIMILE SIGNATURE BY THE SECRETARY OF STATE UNDER CERTAIN CONDITIONS. Sponsor: Senator Murphy. Assigned to Executive Committee.

SA 1 to HB 416, sponsored by Senator Cicione and Representative George. Placed with the Bill.

SA 1 to HB 407, sponsored by Senator Sharp. Placed with the Bill.

Senator Cordrey welcomed to the Chamber the members of the Girl's State and each Senator introduced the girl sitting next to him to the Senate.

At 2:25 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 47th Legislative Day.

#### 47TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. June 23, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence,

Weiss, Zimmerman - 21.

The Journal of the 46th Legislative Day was approved as read.

HB 407 w HA 1, 2, 3, 4 was taken up for consideration on motion of Senator Kearns:

HB 407 w HA 1, 2, 3, 4 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE BY PROVIDING FOR THE LICENSING OF MASSAGE ESTABLISHMENTS AND ADULT BOOK STORES.

SA 1 to the Bill was introduced by Senator Sharp; however, before consideration of the Amendment, it was stricken on motion of Senator Sharp.

SA 2 to the Bill was introduced by Senator McDowell and the privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Amendment after which it was laid on the table on further motion of Senator McDowell.

During discussion of the Bill and the various Amendments which were offered during the discussion, the following persons were extended the privilege of the floor to speak on the legislation:

Charles M. Oberly, III, of the Attorney General's Office; William J. Holt representing Delaware Association of Massage Parlors; Frances S. C. Quigley representing Concerned Citizens of Midvale; Gail and Norman Fetter representing S.O.S. Delaware; Rev. John R. Flinn, M.M. representing himself as a citizen; Sgt. James Nilan of the Delaware State police.

SA 3 to the Bill was introduced by Senator Kearns and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senator Arnold - 1.

Therefore, the Amendment was declared defeated.

At 3:45 p.m. the Senate recessed for a short period while the members of the Girl's State left the Chamber and reconvened at 3:48 p.m.

HB 407 w HA 1, 2, 3, 4 was still before the Senate.

SA 2 to the Bill which had been introduced by Senator McDowell was stricken at his request.

SA 4 to the Bill was introduced by Senator McDowell and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

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

NO: Senators Berndt, Hale, Holloway, Hughes, Littleton, Martin, Spence, Weiss - 8.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 407 w HA 1, 2, 3, 4, SA 4 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SR 67 was introduced by Senator Cicione and considered for adoption on his motion:

SR 67 - COMMENDING KAREN DENISE DIAMOND, RADIO NEWS CORRESPONDENT, FOR HER OUTSTANDING WORK IN COVERING THE FIRST SESSION OF THE 129TH GENERAL ASSEMBLY OF DELAWARE.

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

SR 66 was introduced by Senator Holloway and all the Senators were added as co-sponsors of the Resolution:

SR 66 - IN RECOGNITION OF THE CANONIZATION OF BISHOP JOHN NEPOMUCENE NEUMANN BY POPE PAUL VI.

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

At 4:27 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 6:30 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 218; SB 244; SB 251 and adopted SJR 20.

The following Bills were reported out of the Administrative Services Committee: SB 214 - 4 Merits, 2 Unfavorable; SB 210 - 6 Merits.

The following legislation was introduced:

SA 2 and SA 3 to HB 408 sponsored by Senator Kearns. Placed with the Bill.

SA 2 to HB 41 sponsored by Senator Kearns. Placed with the Bill.

HB 418 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF TRANSPORTATION FOR THE REMAINDER OF THE FISCAL YEAR ENDING JUNE 30, 1977. Sponsors: Representatives Sincok and George. Assigned to Finance Committee.

HB 348 w HA 1, 2 - AN ACT TO AMEND CHAPTER 12, TITLE 30, DELAWARE CODE, TO INCREASE THE FINE FOR TAX EVASION. Sponsor: Representative Gilligan. Assigned to Revenue and Taxation Committee.

HB 262 - AN ACT TO AMEND CHAPTER 83, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOARD OF PENSION TRUSTEES; AND PROVIDING EX OFFICIO MEMBERSHIP TO THE STATE TREASURER. Sponsor: Representative Ambrosino. Assigned to Executive Committee.

HB 375 w HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE CORPORATION INCOME TAX. Sponsor: Representative Gilligan. Assigned to Revenue and Taxation Committee.

HB 400 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR PAYMENT OF AN ANNUAL INCREMENT THAT WAS NOT GIVEN TO AN EMPLOYEE. Sponsor: Representative Gordy. Assigned to Agriculture Committee.

SCR 44 - COMMENDING THE AMERICAN LEGION AUXILIARY, DEPARTMENT

OF DELAWARE, AND THE PARTICIPANTS OF THE 1977 GIRLS STATE FOR THEIR PARTICIPATION IN A UNIQUELY EDUCATIONAL EXPERIENCE.

Sponsors: Senator Cicione and all the Senators.

On motion of Senator Cicione, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Arnold and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 408 w HA 1 was taken up for consideration on motion of Senator Kearns:

HB 408 w HA 1 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE BY PROVIDING FOR A MINIMUM SENTENCE FOR A SECOND OBSCENITY OFFENSE.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken on motion of Senator Kearns.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senator Arnold - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 408 w HA 1, SA 3 was then taken on motion of Senator Kearns and revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

The Chair recognized and welcomed to the Chamber former Lt. Governor Bookhammer.

SB 277 was taken up for consideration on motion of Senator Holloway:

SB 277 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUREAU OF SUBSTANCE ABUSE FOR THE PURPOSE OF REIMBURSING MRS. MARY ROBERTA HARTSOCK FOR LEGAL EXPENSES INCURRED.

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

HB 429 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 429 w HA 1 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC WORK CONTRACTS; PROCUREMENTS.

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

The following Bills were reported out of the Banking, Insurance and Elections Committee: SB 317 - 1 Favorable, 4 Merits; SB 316 - 1 Favorable, 4 Merits.

The following legislation was introduced:

HJR 23 - IN RECOGNITION OF THE FIFTIETH ANNIVERSARY OF THE MAGNOLIA VOLUNTEER FIRE COMPANY AND EXTENDING CONGRATULATIONS AND BEST WISHES TO THE MANY CITIZENS OF THE TOWN OF MAGNOLIA WHO HAVE HELPED TO MAKE THE FIFTY YEAR HISTORY OF THE MAGNOLIA VOLUNTEER FIRE COMPANY A TYPICAL SUCCESS STORY. Sponsor: Representative Minner. Assigned to Administrative Services Committee.

HB 316 - AN ACT TO AMEND CHAPTER 67, TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES. Sponsor: Representative Minner. Assigned to Agriculture Committee.

SB 320 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE USE OF PUBLIC SCHOOL DISTRICT PROPERTY TAX RECEIPTS. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 321 - AN ACT TO AMEND CHAPTER 693, VOLUME 60 OF THE LAWS OF DELAWARE RELATING TO REAL PROPERTY FORMERLY SOLD TO "THE CHURCH OF GOD IN CHRIST, INC." BY DEED OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES. Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SB 322 - AN ACT TO AMEND CHAPTER 25, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO EXTRADITION AND DETAINERS; AND PROVIDING THAT ACTUAL NOTICE BE GIVEN TO PROSECUTORS BY SENTENCED PRISONERS IN OTHER STATES WHO ARE REQUESTING DISPOSITION OF DETAINERS LODGED AGAINST THEM BY DELAWARE. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 323 - AN ACT TO AMEND CHAPTER 25, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO EXTRADITION AND DETAINERS; AND PROVIDING A SELF-EXECUTING APPROPRIATION FUND FOR THE PAYMENT OF EXTRADITION EXPENSES. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 324 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS AND EMPLOYEES. Sponsor: Senator Weiss. Assigned to Executive Committee.

SA 1 to SB 108 was introduced by Senator Holloway and placed with the Bill.

SCR 45 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT STRONG UNITED STATES TROOP DEPLOYMENT IN SOUTH KOREA. Sponsors: Senators Hughes and Cicione.

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

YES: Senators Adams, Cook, Kearns, Schlor, Sharp, Zimmerman - 6.

NO: Senators Cordrey, Hughes, Knox, Littleton, McCullough, Spence - 6.

NOT VOTING: Senators Berndt, Cicione, Hale, Holloway, Martin, McDowell, Murphy, Weiss - 8.

ABSENT: Senator Arnold - 1.

Therefore, the motion was defeated and the Resolution was before the Senate for consideration.

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

taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, McCullough, Sharp, Spence, Weiss - 13.

NO: Senators Kearns, Martin, McDowell, Murphy, Schlor, Zimmerman - 6.

ABSENT: Senators Arnold and Littleton - 2.

Therefore, the motion prevailed and the roll call on SCR 45 was tabled.

SCR 46 - REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE RUMORS OF OFFERS OF BRIBES TO MEMBERS OF THE GENERAL ASSEMBLY. Sponsors: Senators Hughes, Arnold, Berndt, Sharp and Spence; Representative Gilligan.

The roll call vote on the Resolution was taken on motion of Senator Hughes and revealed 19 Senators voting YES; 1 (Cicione) voting NO and 1 (Arnold) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 7:28 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 27, 1977.

The Senate reconvened at 3:08 p.m. June 27, 1977, Lt. Governor McGinnis presiding.

The following message from the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
June 24, 1977

To the Senate of the 129th General Assembly of the State of Delaware

On June 14, 1977 I received Senate Bill No. 283, entitled: "AN ACT RELATING TO PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES DUE TO NEW CASTLE COUNTY."

I am returning Senate Bill 283 to the Senate without my signature. As stated in my message to the Senate concerning S.B. 115, which also dealt with penalties for failure to pay sewer service charges in New Castle County, the maintenance, operation and financing of sewer service in the county is fundamentally the responsibility of that jurisdiction. I feel it is neither necessary nor appropriate for the State to intervene in what is essentially a local function and the responsibility of County officials.

Respect for the division of responsibilities within our system of government dictates that the State should not involve itself in purely local affairs. Just as I believe the federal government should refrain from undue involvement in State affairs, so too I believe the State should refrain from intervening in local matters.

Although Senate Bill 283 does attempt to rectify some of the inequities contained in the earlier legislation, nevertheless, approval of this legislation would set an undesirable precedent for future State involvement in local issues, and accordingly I return Senate Bill 283 without my

signature.

Respectfully submitted,  
Pierre S. duPont, IV  
Governor

\* \* \* \* \*

HB 84 w HA 3, 4 was reported out of the Judiciary Committee:  
4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 44.

The following legislation was introduced:

HB 300 w HA 27 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representatives George and Sincock; Senator Cicione. On motion of Senator Cordrey, the Bill was laid on the table.

HCR 39 - COMMENDING FABIA HARRIS FOR HER FINE WORK AS A REPORTER FOR THE PHILADELPHIA BULLETIN AS SHE LEAVES DELAWARE. Sponsors: Representatives Jonkiert and Cain.

On motion of Senator Cordrey, the Resolution was considered for adoption and the roll call vote was taken which revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 40 - COMMENDING HATTIE W. TARBURTON FOR THIRTY-ONE YEARS OF OUTSTANDING SERVICE TO THE STATE OF DELAWARE. Sponsors: Representative Darling; Senators Cook and Murphy.

On motion of Senator Murphy, the Resolution was considered for adoption and the roll call vote was taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 325 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO STATUTORY CODIFICATION OF THE LAWS OF PRODUCTS LIABILITY LITIGATION. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 326 - AN ACT TO AMEND CHAPTERS 1, 13, 31, 41, 43, 45, 49, 55, 57, 71, 73, AND 77 OF TITLE 15, DELAWARE CODE RELATING TO ELECTION LAWS OF THE STATE OF DELAWARE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 327 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO THE THEFT OF SERVICES FROM A PUBLIC UTILITY. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 328 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL MISCHIEF. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 329 - AN ACT TO AMEND CHAPTER 79, OF TITLE 29, DELAWARE CODE BY PROVIDING FOR THE ESTABLISHMENT OF A HEALTH SERVICES COST REVIEW COMMISSION WITHIN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE APPOINTED BY THE GOVERNOR. Sponsor: Senator Murphy. Assigned to Health and Social Services Committee.



SB 330 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE RELATING TO PUBLIC EMPLOYEES OF THIS STATE WILFULLY FAILING TO CARRY OUT MANDATED ACTIONS OF THE DELAWARE GENERAL ASSEMBLY; AND FURTHER PROVIDING A PENALTY THEREFOR. Sponsor: Senator Holloway. Assigned to Executive Committee.

SCR 47 - CALLING UPON THE GOVERNOR OF THE STATE OF DELAWARE TO PROMOTE THE FUNDING OF AN ENERGY EXTENSION PILOT PROGRAM IN THE STATE OF DELAWARE. Sponsors: Senators McDowell and Spence.

On motion of Senator McDowell, the Resolution was considered for adoption and the roll call vote was taken which revealed 19 Senators voting YES; 1 (McCullough) NOT VOTING; and 1 (Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 48 - COMMENDING COUNTRY AND WESTERN COMIC, JERRY CLOWER, FOR HIS DEVOTION TO AGRICULTURE AND FOR PROMOTING IT IN DELAWARE PRIOR TO AND DURING THE 1977 DELAWARE STATE FAIR.

Sponsors: Senators Adams, Cordrey, Cicione, Cook, Littleton, Spence; Representatives Clendaniel, W. Brady, Darling, Minner, Burris, Smith.

On motion of Senator Adams, the Resolution was considered for adoption and the roll call vote was taken which revealed 19 Senators voting YES; 1 (McCullough) NOT VOTING and 1 (Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SA 1 to HB 332 was introduced by Senator Cicione and placed with the Bill.

At 3:33 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 48th Legislative Day, June 27, 1977.

#### 48TH LEGISLATIVE DAY

The Senate convened at 3:33 p.m. June 27, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 47th Legislative Day was approved as read.

SB 316 was taken up for consideration on motion of Senator Murphy:

SB 316 - AN ACT TO AMEND SUBCHAPTER V, CHAPTER 23, PART II, TITLE 19, DELAWARE CODE RELATING TO TAXES AND CHARGES UPON INSURANCE CARRIERS AND SELF INSURERS; SECOND INJURY AND CONTINGENCY FUND.

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

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

NO: Senators Adams, Cook and Spence - 3.

NOT VOTING: Senators Holloway, Schlor and Sharp - 3.  
Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 317 was taken up for consideration on motion of Senator Murphy:

SB 317 - AN ACT TO AMEND CHAPTER 13, PART 1, TITLE 18, DELAWARE CODE, RELATING TO INVESTMENTS OF INSURANCE COMPANIES.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 19.

NO: Senator Cook - 1.

NOT VOTING: Senator Sharp - 1.

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

SB 266 was taken up for consideration on motion of Senator Hale:

SB 266 - AN ACT TO AMEND §101, SUBCHAPTER 1, CHAPTER 1, TITLE 13 OF THE DELAWARE CODE, RELATING TO THE MARRIAGE OF MENTAL HOSPITAL PATIENTS.

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

SB 261 was laid on the table on motion of Senator Cook.

HB 373 was taken up for consideration on motion of Senator Cook:

HB 373 - AN ACT TO AMEND CHAPTER 38, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Weiss - 19.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Zimmerman - 1.

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

SB 301 was laid on the table on motion of Senator McCullough.

At 3:55 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:38 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 318 - 4 Merits, 1 Unfavorable; SS 1 for SB 143 - 4 Merits, 1 Unfavorable.

From the Judiciary Committee: SB 328 - 6 Merits.

The following legislation was introduced:

SB 331 - AN ACT TO AMEND CHAPTER 5 AND CHAPTER 9, TITLE 31, DELAWARE CODE, RELATING TO PUBLIC ASSISTANCE, BY BROADENING THE AID AVAILABLE TO CHILDREN AND OTHERS; AND MAKING AN APPROPRIATION THEREFORE. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 332 - AN ACT TO AMEND CHAPTER 14, TITLE 14, DELAWARE CODE, TO FIX A NEW DATE FOR NOTICE OF INTENTION TO TERMINATE

SERVICES. Sponsor: Senator McCullough. Assigned to Education Committee.

SB 333 - AN ACT TO AMEND CHAPTER 14, TITLE 14 OF THE DELAWARE CODE RELATING TO NOTICE OF INTENTION TO TERMINATE PROFESSIONAL EMPLOYEES OF THE VARIOUS BOARDS OF EDUCATION. Sponsor: Senator McCullough. Assigned to Education Committee.

SA 1 to HB 84 sponsored by Senator Berndt. Placed with the Bill.

SA 1 to SB 301 sponsored by Senator McCullough. Placed with the Bill.

SA 1 to SB 261 sponsored by Senator Cook. Placed with the Bill.

HB 525 - AN ACT TO AMEND TITLES 9, 10, AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF KENT COUNTY. Sponsors: Representatives Darling, Miller, Minner, Morris; Senators Zimmerman, Murphy, Cook. The Bill was laid on the table on motion of Senator Cook.

SB 261 was lifted from the table for consideration on motion of Senator Cook:

SB 261 - AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE RELATING TO CLASSES FOR PARTIALLY SIGHTED PUPILS.

SA 1 to the Bill was introduced by Senator Cook and considered for adoption on her motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Holloway and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

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

SB 301 was lifted from the table for consideration on motion of Senator McCullough:

SB 301 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF SIGNS AND SIGNALS AT CERTAIN SCHOOL LOCATIONS.

SA 1 to the Bill which had been placed with the Bill was withdrawn on motion of Senator McCullough.

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

SB 183 w SA 1, final consideration of which had been deferred, was again taken up for consideration on motion of Senator Cicione.

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

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

NO: Senator Spence - 1.

NOT VOTING: Senators Arnold, Holloway, Hughes, Schlor - 4.

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

HB 127 was taken up for consideration on motion of Senator Zimmerman:

HB 127 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO WATER ALLOCATION BY THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

At the request of Senator Zimmerman, Senator Knox floor managed the Bill. The roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 265 was taken up for consideration on motion of Senator Martin:

SB 265 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO REGULATION BY THE PUBLIC SERVICE COMMISSION OF RATES CHARGED BY CABLE TELEVISION SYSTEMS AND SUBJECTING SUCH SYSTEMS TO LAND USE LAWS OR ORDINANCES.

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

At the request of Senator Holloway, the privilege of the floor was extended to Leon de Valinger, Jr., representing the Delaware League of Local Governments, to speak on the Bill after which the roll call vote on SB 265 w SA 1 was taken and announced:

YES: Senators Arnold, Hughes, Knox, Martin, McCullough, Murphy, Spence, Weiss - 8.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Kearns, Littleton, McDowell, Schlor, Sharp - 12  
ABSENT; Senator Zimmerman - 1.

Therefore, the Bill was declared defeated for passage.

At 6:45 p.m. Senator Cordrey presiding.

SB 298 was taken up for consideration on motion of Senator Adams:

SB 298 - AN ACT TO AMEND CHAPTER 51 OF TITLE 30, DELAWARE CODE RELATING TO MUNICIPAL STREET AID.

At the request of Senator Adams, the following letter was read and is made part of this Journal:

STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
June 20, 1977

The Honorable Thurman G. Adams, Jr.  
Legislative Hall  
Dover, Delaware

RE: SENATE BILL NO. 298 (MUNICIPAL STREET AID)  
Dear Senator Adams:

The Division of Highways has reviewed the above legislation and endorses this proposal since it corrects errors in duty responsibilities outlined in Delaware Code which have existed since the establishment of the Cabinet form of government by placing them with the proper agency. We have worked with the Department of Public Safety and Legislative Council on this change.

Any assistance we can give, feel free to contact us.

Sincerely,

Willard J. Thomson, Jr., P.E.

Administrative Engineer

Approved: R.D. Bewick, Jr.

\* \* \* \* \*

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

SB 306 was taken up for consideration on motion of Senator Adams:

SB 306 - AN ACT TO AMEND CHAPTER 525, VOLUME 59, LAWS OF DELAWARE, EXTENDING THE REVERSION DATE FOR MONIES FROM THE CAPITAL INVESTMENT FUND USED TO FINANCE RESTORATION OF THE OLD SUSSEX COUNTY COURTHOUSE.

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

The roll call vote on SB 306 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 7:00 p.m. Lt. Governor McGinnis presiding.

SS 2 for SB 191 was taken up for consideration on motion of Senator Holloway:

SS'2 for SB 191 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 63, TITLE 29, DELAWARE CODE RELATING TO THE CONSIDERATION BY THE GENERAL ASSEMBLY OF THE BUDGET APPROPRIATION BILL.

The privilege of the floor was extended to Representative George and Duane Olsen, Controller General, to speak on the Bill. Before final consideration of the Bill however, it was laid on the table on further motion of Senator Holloway.

The following Committee reports were announced:

From the Energy Committee: SB 202 - 1 Favorable, 2 Merits, 2 Unfavorable.

From the Education Committee: SB 333 - 5 Merits.

From the Administrative Services Committee: HB 38 w HA 1 - 6 Merits.

From the Health and Social Services Committee: SB 331 - 5 Merits.

From the Natural Resources and Environmental Control Committee: HB 481 - 6 Merits.

The following legislation was introduced:

HB 302 w HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE INSURANCE; AND PROVIDING FOR A DEFINITION OF INJURED PERSON. Sponsor: Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 334 - AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO MAINTAIN THE LEVEL OF REIMBURSEMENT FOR SCHOOL BUS AIDES. Sponsor: Senator Martin. Assigned to Education Committee.

SB 335 - AN ACT TO AMEND CHAPTER 67, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE POWERS OF SUSSEX COUNTY AS TO SANITARY SEWER AND WATER DISTRICTS. Sponsors: Senators Adams, Cordrey and Littleton. The Bill was placed on the table on motion of Senator Adams.

SB 336 - AN ACT TO AMEND CHAPTER 61, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE BORROWING POWER OF THE GOVERNMENT OF SUSSEX COUNTY. Sponsors: Senators Adams, Cordrey and Littleton. The Bill was laid on the table on motion of Senator Adams.

SB 337 - AN ACT TO AMEND CHAPTER 70, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF SERVICES OR SUPPLIES BY THE DEPARTMENT OF FINANCE OF SUSSEX COUNTY. Sponsors: Senators Adams, Cordrey and Littleton. The Bill was laid on the table on motion of Senator Adams.

SA 2 to SS 1 for SB 297 sponsored by Senator Littleton. Placed with the Bill.

SA 1 to SA 1 to HB 84 sponsored by Senator Berndt. Placed with the Bill.

The roll call vote on SB 269 which had been tabled was lifted on motion of Senator Adams; however, before it was announced, it was again laid on the table on further motion of the Senator.

On motion of Senator Kearns, the roll call vote on SB 290 which had been tabled was lifted and rescinded.

SB 290 w SA 1 was then laid on the table on further motion of Senator Kearns.

At 8:24 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 28, 1977.

The Senate reconvened at 2:07 p.m. June 28, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 338 - AN ACT TO AMEND TITLE 15, OF THE DELAWARE CODE, RELATING TO THE GENERAL ELECTION LAWS OF THIS STATE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 339 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO LIMIT STATE SPENDING. Sponsors: Senators Knox and Hughes; Representatives Sincock and McKay. Assigned to Executive Committee.

SB 340 - AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE RELATING TO UNPROFESSIONAL PRACTICES OF OPTOMETRISTS. Sponsors: Senators Schlor, Zimmerman and Murphy. Assigned to Administrative Services Committee.

SA 1 to HB 430 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 295 sponsored by Senator Berndt. Placed with the Bill.

Senator Cordrey introduced and requested the privilege of the floor for Sandra Aiken, Miss Delaware of 1977.

The Secretary announced that a message from the House informed the Senate that it had passed SB 300 w SA 1, 2, HA 1.

On motion of Senator Zimmerman the necessary rules were suspended for reconsideration of SB 300 w SA 1, 2 as now further amended by HA 1.

The roll call vote on SB 300 w SA 1, 2, HA 1 was therefore taken and revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the Bill was declared passed by the Senate.

On motion of Senator Berndt, SB 265 w SA 1 which had been defeated for passage was restored to the Calendar.

The following Committee reports were announced:

From the Banking, Insurance and Election Committee: HB 302 - 4 Merits.

From the Revenue and Taxation Committee: HB 375 w HA 1 - 5 Merits; HB 350 - 5 Merits; HB 349 - 5 Merits; HB 348 w HA 1, 2, 3 - 5 Merits.

The following legislation was introduced:

HB 548 w HA 1 - AN ACT TO AMEND CHAPTER 29, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM CERTAIN RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENTS AND TAXES. Sponsors: Representative Cain and Sincock. Assigned to Revenue and Taxation Committee.

HB 452 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE RELATING TO PIPELINES IN THE COASTAL ZONE. Sponsors: Representatives McKay and Gordy. Assigned to Natural Resources and Environmental Control Committee.

HB 403 w HA 1 - AN ACT TO AMEND CHAPTER 55, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR A TERMINATION OF TENANCY UNDER CERTAIN CIRCUMSTANCES. Sponsor: Representative Rispoli.

On motion of Senator Schlor HB 403 w HA 1 was laid on the table.

HB 430 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO STATE EMPLOYEES PENSION PLAN. Sponsors: Representatives Ferguson and Ridings. Assigned to Administrative Services Committee.

HCR 41 - REQUESTING THE ATTORNEY GENERAL OF THE STATE OF DELAWARE TO ASSIGN A DEPUTY ATTORNEY GENERAL FOR THE PURPOSE OF FULFILLING THE DUTIES AND RESPONSIBILITIES OF THE PROVISIONS OF HOUSE BILLS 407 AND 408. Sponsors: Representatives Gilligan, Kelly, Ferguson, Minner and Oberle; Senators Cicione and Holloway.

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

At 2:28 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 49th Legislative Day, June 28, 1977.

#### 49TH LEGISLATIVE DAY

The Senate convened at 2:28 p.m. June 28, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 48th Legislative Day was approved as read.

SA 1 to SS 2 for SB 191 was introduced by Senator Holloway and placed with the Bill.

SB 83 was taken up for consideration on motion of Senator Holloway:

SB 83 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR BACK PAY FOR AN EMPLOYEE WHO WAS DENIED, IN ERROR, APPOINTMENT ABOVE THE FIRST STEP OF HIS PAY GRADE.

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

SS 1 for SB 143 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 143 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS.

Before final consideration of the Bill, it was laid on the table on further motion of Senator Holloway.

SB 293 was taken up for consideration on motion of Senator Adams:

SB 293 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF MENTAL RETARDATION.

Before final consideration of the Bill, it was laid on the table on further motion of Senator Adams.

SB 174 which had been defeated for passage and restored to the Calendar was taken up for consideration on motion of Senator McDowell:

SB 174 - AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 18.

NOT VOTING: Senators Berndt and Hale - 2.

ABSENT: Senator Zimmerman - 1.



Therefore, the Amendment was declared adopted.

The roll call vote on SB 174 w SA 2 was then taken; however, before the roll call was announced it was laid on the table on further motion of Senator McDowell.

At 3:02 p.m. President Pro Tempore Cordrey presiding.

SB 232 was taken up for consideration on motion of Senator Sharp:

SB 232 - AN ACT TO AMEND CHAPTER 5 OF TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND ROADS GENERALLY, AND PROVIDING FOR COORDINATION BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE SEVERAL COUNTIES IN FUTURE PLANNING.

At 3:17 p.m. Lt. Governor McGinnis presiding.

The privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Bill.

Senator Hughes moved that SB 232 be tabled. The roll call vote on the tabling motion was taken and revealed:

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Hale - 1.

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

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

YES: Senators Hale, Holloway, Kearns, Knox, Martin, McCullough, McDowell, Schlör, Sharp, Spence, Weiss - 11.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hughes, Littleton, Murphy, Zimmerman - 9.

NOT VOTING: Senator Cicione - 1.

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

At 3:32 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:37 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Kearns, the necessary rules were suspended for consideration of SB 341:

SB 341 - AN ACT TO AMEND CHAPTER 31, TITLE 10, DELAWARE CODE RELATING TO SERVICE OF PROCESS ON NON-RESIDENT DIRECTORS, TRUSTEES OR MEMBERS OF THE GOVERNING BODY OF DELAWARE CORPORATIONS. Sponsors: Senator Kearns and Representative Matushefske.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Arnold, Holloway and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 332 was taken up for consideration on motion of Senator Cicione:

HB 332 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE STATE JUDICIARY AGENCIES.

SA 1 to the Bill which had been placed with the Bill was

taken up for consideration on motion of Senator Cicione and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Arnold and Holloway - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 332 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Sharp - 1.

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

HB 314 was taken up for consideration on motion of Senator Cicione:

HB 314 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE NATIONAL GUARD, TO PAY A PRIOR YEAR'S OBLIGATION FOR A LIABILITY CLAIM PAYABLE TO THE UNITED STATES GOVERNMENT FOR THE BALANCE OF EXPENSES INCURRED IN MARCH 1967, MOTOR VEHICLE ACCIDENT.

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

HB 340 was taken up for consideration on motion of Senator Cicione:

HB 340 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE ALFRED I. DUPONT REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT.

Senator Cicione yielded the floor to Senator Weiss to floor manage the Bill. The roll call vote on the Bill was taken on motion of Senator Weiss; however, before being announced it was laid on the table on further motion of the Senator.

HB 98 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 98 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO FEES FOR HUNTING AND TRAPPING LICENSES FOR NONRESIDENTS.

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

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Zimmerman - 15.

NO: Senators Cordrey and Littleton - 2.

ABSENT: Senators Cicione, Knox, Spence, Weiss - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 98 w HA 1, SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 16.

NO: Senators Cordrey and Littleton - 2.

ABSENT: Senators Knox, Spence, Weiss - 3.

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

At 5:05 p.m. on motion of Senator Martin, the Senate recessed for dinner and reconvened at 10:10 p.m., Lt. Governor McGinnis presiding.

At 10:10 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m., June 29, 1977.

The Senate reconvened at 3:37 p.m. June 29, 1977, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 277; SB 228; SB 245; SB 114 w SA 1, 3; SB 155; SB 288 and SB 259.

The following legislation was reported out of the Administrative Services Committee: SB 321 - 1 Favorable, 5 Merits; HJR 23 - 1 Favorable, 5 Merits.

The following nominations for appointment by the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
June 16, 1977

To the Senate of the 129th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Elwood Franklin Melson, Jr., Sharpless Road, Hockessin, Delaware, to be a Judge of the Family Court of the State of Delaware, in and for New Castle County, for a twelve-year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor  
Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
June 16, 1977

To the Senate of the 129th General Assembly  
of the State of Delaware

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

and confirmation of the Senate the following: William Swain Lee, 12 Park Avenue, Rehoboth Beach, Delaware, to be a Judge of the Family Court of the State of Delaware, in and for Sussex County, for a twelve-year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 16, 1977

To the Senate of the 129th General Assembly of  
the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: Jay Paul James, 1403 Shallcross Avenue, Wilmington, Delaware, to be a Judge of the Family Court of the State of Delaware, in and for New Castle County, for a twelve-year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 14, 1977

To the Senate of the 129th General Assembly of  
the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: P. Rodney Cunningham, 1110 Blackshire, Road, Wilmington, Delaware, to be a member of the Board of Trustees of the Dela. Technical & Community College for a term of 3 years, to fill the expired term of Mrs. Barbara Ahearn Wilhide.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 27, 1977

To the Senate of the 129th General Assembly of  
the State of Delaware

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