

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
March 14, 1978

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

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: Sally H. Higgins, 115 North Hall St., Seaford, Delaware, to be reappointed as a member of the Board of Trustees, University of Delaware, for a six-year term to expire December 4, 1983.

The above name is not a gubernatorial appointment.  
Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
March 14, 1978

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

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: George P. Edmonds, 920 Westover Road, Wilmington, Delaware, to be reappointed as a member of the Board of Trustees, University of Delaware, for a six-year term to expire December 4, 1983.

The above name is not a gubernatorial appointment.  
Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 14, 1978

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: Kent S. Price, 71 Sussex Drive, Lewes, Delaware, to be reappointed as a member of the Atlantic States Marine Fisheries Commission for a term of three years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 14, 1978

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: Muriel E. Gilman, 17 Woodbrook Circle, Wilmington, Delaware, to be reappointed as a member of the Consumer Affairs Board for a term of four years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 14, 1978

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,

223 North State Street, Dover, Delaware, to be reappointed as a member of the Delaware Solid Waste Authority for a term of three years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 14, 1978

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: Robert C. O'Hara, 20 Ravine Road, Wilmington, Delaware, to be reappointed as a Judge of the Superior Court for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Pierre S. duPont, Governor

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The following letter withdrawing the nomination of Margaret R. Manning by the Governor was read:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 14, 1978

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

The nomination of Margaret R. Manning for State Elections Commissioner, submitted to you on August 9, 1978, is hereby formally withdrawn.

Sincerely,  
Pierre S. duPont, Governor

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The Secretary announced that a message from the House informed the Senate that it had passed SB 457 w SA 1, SB 456 w SA 1 and adopted SCR 74 and SCR 84.

HCR 72 (Sponsored by Representative Plant) was introduced and considered for adoption on motion of Senator Holloway:

HCR 72 - CONGRATULATING THE WILMINGTON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE DELAWARE HIGH SCHOOL BOYS BASKETBALL TOURNAMENT CHAMPIONSHIP FOR THE THIRD TIME.

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

SJR 35 (Sponsored by Senator Hughes) was introduced and laid on the table at the request of the sponsor:

SJR 35 - RECOGNIZING THE IMPORTANCE OF TODAY'S SECRETARY IN INDUSTRY, THE PROFESSIONS, AND GOVERNMENT; AND PROCLAIMING THE WEEK OF APRIL 24 THROUGH APRIL 30, 1978, AS SECRETARIES' WEEK.

At 2:45 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 12th Legislative Day.

#### 12TH LEGISLATIVE DAY

The Senate convened at 2:45 p.m. March 14, 1978, 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 11th Legislative Day was approved as read.

At 2:48 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:25 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SB 463 for consideration:

SB 463 - AN ACT AUTHORIZING THE MUSKRAT TRAPPING SEASON TO BE EXTENDED DURING CALENDAR YEAR 1978.

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

On motion of Senator Holloway, the roll call vote on HB 624 was lifted; however, before being announced the roll call was again tabled on further motion of the Senator.

The following legislation was introduced:

SB 471 - AN ACT TO AMEND SECTION 840, SUBPART D, SUBCHAPTER III, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO SHOPLIFTING.

Sponsors: Senator Weiss and Representative Smith. Assigned to Judiciary Committee.

SB 472 - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DIVISION FOR THE VISUALLY IMPAIRED UNDER THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.



SB 473 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE EFFECTIVE DATE OF A UTILITY RATE CHANGE. Sponsors: Senators Holloway and Kearns; Representatives Gilligan, George and Ambrosino. Assigned to Administrative Services Committee.

SB 474 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE EFFECTIVE DATE OF A UTILITY RATE CHANGE. Sponsors: Senators Holloway and Kearns; Representatives Gilligan, George and Ambrosino. Assigned to Administrative Services Committee.

SB 475 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF CORRECTION FOR A MAXIMUM SECURITY BUILDING. Sponsors: Senator Sharp; Representatives Darling, Morris and Bennett. The Bill was laid on the table at the request of Senator Sharp.

Senator Murphy moved that the necessary rules be suspended for consideration of SB 142. The roll call vote on the motion was taken and revealed:

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

NO: Senators Arnold, Berndt, Cordrey, Hale, Hughes, Knox, Littleton, Spence, Weiss - 9.

ABSENT: Senator McCullough - 1.

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

SB 142 - AN ACT TO AMEND CHAPTER 1, SUBCHAPTER III, TITLE 26, DELAWARE CODE RELATING TO RATE CHANGES OF PUBLIC UTILITIES.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Bill after which final consideration of the Bill was deferred on motion of Senator Murphy.

Senator Sharp moved that the necessary rules be suspended for lifting SB 475 for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 17.

NO: Senators Knox and Weiss - 2.

NOT VOTING: Senators Arnold and Berndt - 2.

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

SB 475 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF CORRECTION FOR A MAXIMUM SECURITY BUILDING.

The following Senators were added as co-sponsors of the Bill: Senators Cook, Cicione, Hughes, Spence, Littleton, Martin and Arnold.

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

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

NO: Senators Berndt and Knox - 2.

NOT VOTING: Senators Arnold and Weiss - 2.

ABSENT: Senator Hale - 1.

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

On motion of Senator Holloway, the roll call vote on HB 624 was lifted; however, before being announced the roll call was again tabled on further motion of the Senator.

SB 142, final consideration of which had been deferred, was lifted for consideration on motion of Senator Murphy.

SA 1 to the Bill was introduced by Senator Cordrey and immediately stricken at his request.

SA 2 to the Bill was introduced by Senator Cordrey who moved for its adoption. The roll call vote on SA 2 to SB 142 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Weiss, Zimmerman - 16.

NO: Senators McDowell, Murphy, Schlor, Sharp, Spence - 5.

Therefore, the Amendment was adopted.

At 5:50 p.m., Senator Cordrey presiding.

The privilege of the floor was extended to Earl D. Krapf, Delmarva Power and Light Company, to speak on the Bill after which the roll call vote on SB 142 w SA 2 was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the roll call vote on SB 214 was lifted; however, before being announced the roll call was again tabled on further motion of the Senator.

SCR 85 (Sponsored by Senator McDowell and all the Senators) was introduced and considered for adoption:

SCR 85 - EXPRESSING THE HOPE OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY FOR A QUICK AND COMPLETE RECOVERY FROM ACCIDENT INJURIES SUFFERED BY OUR COLLEAGUE, REPRESENTATIVE THOMAS E. BRADY.

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

The following Committee Reports were announced:

From the Health and Social Services Committee: SB 472 - 4 Merits, 1 Unfavorable.

From the Finance Committee: HB 680 w HA 1 w HA 1 - 1 Favorable, 5 Merits; HB 45 - 7 Merits.

From the Natural Resources and Environmental Control Committee: SB 453 - 1 Favorable, 4 Merits.

From the Public Safety Committee: HB 460 - 4 Merits.

From the Administrative Services Committee: SB 441 - 5 Merits.

At 6:44 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. March 15, 1978.

The Senate reconvened at 2:10 p.m. March 15, 1978, Lt. Governor McGinnis presiding.

SB 476 (Sponsored by Senator Murphy and Representative Worthen) was introduced and assigned to Banking, Insurance and Elections Committee:

SB 476 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, BY PERMITTING DISCLOSURE OF INFORMATION TO COUNCIL OF BANKING.

The Secretary announced that a message from the House informed the Senate that it had passed SB 463.

Legislative Advisories #31, 32, 33 and 34 from Office of the Counsel to the Governor were read which informed the Senate that the Governor vetoed SB 157 w SA 1 on January 31, 1978; the Governor approved the following legislation: SB 336 w HA 1 on February 6; SJR 30 on February 7; SJR 32 on February 3; SJR 33; SB 456 w SA 1 and SB 457 w SA 1 on February 9; SB 222 w SA 1, HA 1, 2, 3; SB 402 and SB 414 on February 10; SB 327 w SA 1, HA 1 on February 24.

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The following legislation was introduced:

SB 477 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO QUALIFICATION OF COMMISSIONER AND EMPLOYEES. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 478 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FINANCIAL INSTITUTION RECORDS RETENTION. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

HB 449 - AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY. Sponsor: Representative Cain. Assigned to Community Affairs Committee.

HB 687 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO CHANGE THE VOTING PROCEDURE IN ANNEXATION ELECTIONS, TO CHANGE THE TIME WHEN TAX APPEALS ARE HEARD, AND TO CHANGE THE VOTING PROCEDURE IN ELECTIONS AUTHORIZING THE ISSUING OF BONDS. Sponsors: Representatives Temple and Littleton. Assigned to Community Affairs Committee.

Senator Cordrey introduced to the Senate Donna J. Lewis, the present Miss Delaware and Cheryl Fetkewher, Miss Delaware of 1974. The ladies were welcomed to the Chamber by the Lt. Governor.

HCR 74 (Sponsored by Representatives Roy, Powell, McKay, Ferguson, Gilligan, Worthen; Senators Arnold, Martin and Sharp) was introduced and considered for adoption on motion of Senator Arnold:

HCR 74 - CONGRATULATING THE DICKINSON HIGH SCHOOL GIRLS' BASKETBALL TEAM UPON WINNING THE DELAWARE HIGH SCHOOL GIRL'S BASKETBALL CHAMPIONSHIP.

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

HCR 75 (Sponsored by Representatives Billingsley, McKay and Oberle; Senator Martin) was introduced and considered for adoption on motion of Senator Hale:

HCR 75 - CONGRATULATING JAMES J. E. BOYLE UPON HIS SELECTION BY THE DELAWARE SOCIETY OF PROFESSIONAL ENGINEERS AS DELAWARE'S OUTSTANDING ENGINEER FOR 1978.

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

HCR 76 (Sponsored by Representative Clendaniel and Senator Adams) was introduced and considered for adoption on motion of Senator Adams:

HCR 76 - EXPRESSING THE APPRECIATION OF THE 129TH GENERAL ASSEMBLY FOR THE CONTRIBUTION OF DELAWARE'S AGRICULTURE INDUSTRY TO THE STATE'S COMMERCE AND THANKING THE SPONSORS OF THE EIGHTH ANNUAL AGRI-DINNER.

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

The following legislation was introduced:

SB 479 - AN ACT TO AMEND TITLE 16, DELAWARE CODE BY AUTHORIZING THE STATE OF DELAWARE TO LOAN MONEYS TO VOLUNTEER FIRE COMPANIES FOR CONSTRUCTION, EXPANSION, IMPROVEMENTS OR MODERNIZATION OF FACILITIES AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED THEREFOR AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE VOLUNTEER FIRE COMPANY CONSTRUCTION FUND TO BE ADMINISTERED BY THE STATE FIRE PREVENTION COMMISSION. Sponsors: Senators Murphy, Hughes, Cook and Zimmerman. Assigned to Finance Committee.

SB 480 - AN ACT TO AMEND CHAPTER 21, TITLE 5 OF THE DELAWARE CODE, RELATING TO THE EXAMINATION OF SMALL LOAN COMPANIES. Sponsors Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 481 - AN ACT TO AMEND CHAPTER 38, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE STATE BANK COMMISSIONER'S OFFICE AND THE COUNCIL ON BANKING. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 482 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DE LA WARR SCHOOL DISTRICT. Sponsors: Senators McCullough and Kearns; Representatives Matushefske and Boulden. The Bill was laid on the table at the request of Senator McCullough.

SB 483 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING THE METHOD FOR REDUCING STATE SUPPORT TO DE LA WARR SCHOOL DISTRICT BECAUSE OF VOLUNTARY TRANSFERS. Sponsors: Senators McCullough, Kearns; Representatives Boulden and Matushefske. The Bill was laid on the table at the request of Senator McCullough.

SB 484 - AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO ADJUST THE ALLOCATION PROVIDED IN THE BUDGET ACT (HOUSE BILL 300 OF THE 129TH GENERAL ASSEMBLY) FOR NONPUBLIC SCHOOL TRANSPORTATION FOR FISCAL YEAR 1978 USING EXISTING FUNDS FROM THE PUBLIC SCHOOL TRANSPORTATION CONTINGENCY. Sponsors: Senators Cicione and Kearns;

Representatives Gilligan, Byrd, Maxwell and Kelly. Assigned to Finance Committee.

SB 485 - AN ACT TRANSFERRING CERTAIN LOCAL FUND MONIES IN THE DE LA WARR SCHOOL DISTRICT. Sponsors: Senators McCullough and Kearns; Representatives Boulden and Matushefske. The Bill was laid on the table at the request of Senator McCullough.

SB 486 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING THE METHOD FOR REDUCING STATE SUPPORT TO DE LA WARR SCHOOL DISTRICT BECAUSE OF VOLUNTARY TRANSFERS. Sponsors: Senators McCullough and Kearns; Representatives Boulden and Matushefske. The Bill was laid on the table at the request of Senator McCullough.

SB 487 - AN ACT TO AMEND VOLUME 60, CHAPTER 691, LAWS OF DELAWARE, KNOWN AS THE CAPITAL IMPROVEMENTS ACT OF 1977. Sponsors: Senator Littleton; Representative Temple. Assigned to Finance Committee.

SB 488 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; PROHIBITING RESTRAINTS OF TRADE AND MONOPOLISTIC PRACTICES; PROVIDING REMEDIES AND PENALTIES THEREFOR; AND IMPOSING POWERS AND DUTIES OF THE ATTORNEY GENERAL. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 489 - AN ACT TO AMEND SUBCHAPTER III, OF CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO THE AUTHORIZING OF THE DEPARTMENT OF TRANSPORTATION TO ALLOW VENDING MACHINES IN SAFETY ROADSIDE REST AREAS ON AN EXPERIMENTAL BASIS; AND TO FURTHER PROVIDE FOR A SPECIAL FUND WITHIN THE STATE TREASURY TO WHICH SUCH PROFITS SHALL BE EARMARKED. Sponsor: Senator Zimmerman. Assigned to Highways and Transportation Committee.

SB 490 - AN ACT TO AMEND CHAPTER 1, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES OF A VIOLATION OF FISH AND GAME REGULATIONS. Sponsor: Senator Zimmerman. The Bill was laid on the table at the request of Senator Zimmerman.

SR 100 (Sponsored by Senators Berndt and Hughes; Representatives Sincok and McKay) was introduced and immediately stricken at the request of Senator Berndt:

SR 100 - EXPRESSING THE SYMPATHY OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY TO THE FAMILY OF THE LATE JOHN C. KINAHAN, A FORMER MEMBER OF THE SENATE.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 747:

HB 747 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF AXLE-LOAD WEIGHERS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Martin and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 747 w SA 1 was then taken on motion of Senator Cordrey 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.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 460:

HB 460 - AN ACT TO AMEND CHAPTER 45, OF TITLE 21, DELAWARE CODE RELATING TO LAW ENFORCEMENT WEIGHING PROCEDURES AND EQUIPMENT.

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

At 3:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 13th Legislative Day.

#### 13TH LEGISLATIVE DAY

The Senate convened at 3:10 p.m. March 15, 1978, 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 12th Day was approved as read.

SB 489 was reported out of the Highways and Transportation Committee: 6 Merits.

The following legislation was introduced:

SB 491 - AN ACT TO AMEND CHAPTER 9, OF TITLE 5, DELAWARE CODE RELATING TO INDEMNIFICATION OF FARMERS BANK DIRECTORS. Sponsor: Senator Murphy. The Bill was laid on the table at the request of the sponsor.

SB 492 - AN ACT TO AMEND CHAPTER 15, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COMMISSION ON MODERNIZATION OF STATE LAWS BY RENAMING THE COMMISSION "THE COMMISSION ON UNIFORM STATE LAWS" AND BY REVISING THE STATUTE RELATING THERETO. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 270 was taken up for consideration on motion of Senator Murphy:

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.

The privilege of the floor was extended to Jack Malarkey, State Bank Commissioner, to speak on the Bill after which the roll call vote 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 271 was taken up for consideration on motion of Senator Murphy:

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.

The privilege of the floor was extended to Alexander A. Petrillo, Delaware Savings and Loan Association, and Jack Malarkey to speak on the Bill after which the roll call vote was

taken and revealed 15 Senators voting YES and 6 (Holloway, Littleton, McCullough, Spence, Weiss, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 311 was taken up for consideration on motion of Senator Murphy:

SB 311 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, PERTAINING TO REGULATIONS GOVERNING BUSINESS OF BANKS, AND TRUST COMPANIES.

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

At 3:43 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., Lt. Governor McGinnis presiding.

On motion of Senator McCullough, the necessary rules were suspended for lifting SB 483 for consideration:

SB 483 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, KNOWN AS THE BUDGET ACT FOR FISCAL 1978, BY CHANGING THE METHOD FOR REDUCING STATE SUPPORT TO DE LA WARR SCHOOL DISTRICT BECAUSE OF VOLUNTARY TRANSFERS.

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

On motion of Senator McCullough, the necessary rules were suspended for lifting SB 482 for consideration:

SB 482 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DE LA WARR SCHOOL DISTRICT.

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

On motion of Senator McCullough, the necessary rules were suspended for lifting SB 485 for consideration:

SB 485 - AN ACT TRANSFERRING CERTAIN LOCAL FUND MONIES IN THE DE LA WARR SCHOOL DISTRICT.

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

Senator Zimmerman moved that the necessary rules be suspended for lifting SB 490 for consideration; however, there was an objection and the Senator withdrew the motion.

SR 101 (Sponsored by Senators Hughes and Cordrey and all the Senators) was introduced and considered for adoption:

SR 101 - MOURNING THE DEATH OF HARRY C. MCSHERRY, OF DOVER, DEAN OF DELAWARE NEWS REPORTERS AND COLUMNISTS.

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

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SB 490 for consideration:

SB 490 - AN ACT TO AMEND CHAPTER 1, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES OF A VIOLATION OF FISH AND GAME REGULATIONS.

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

On motion of Senator Kearns, the roll call vote on SB 214 was lifted and announced:

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

NO: Senators Adams, Arnold, Berndt, Cordrey, Hale, Hughes, Littleton, Spence, Weiss - 9.

ABSENT: Senator Knox - 1.

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

At 5:32 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. March 16, 1978.

The Senate reconvened at 3:45 p.m. March 16, 1978, Lt. Governor McGinnis presiding.

SA 1 to SB 72 was introduced by Senator Sharp and placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 475.

The Chair introduced HB 774 (Sponsored by Representatives Loughney, Hebner and Ambrosino; Senator Hughes):

HB 774 - AN ACT AUTHORIZING THE CLAYMONT SCHOOL DISTRICT TO TRANSFER FUNDS FROM THE LOCAL BALANCE OF MINOR CAPITAL IMPROVEMENTS PROGRAM AND FROM ITS DEBT SERVICE ACCOUNT TO THE CLAYMONT SCHOOL DISTRICT OPERATING ACCOUNT.

HB 774 was laid on the table at the request of Senator Hughes.

At 3:47 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 14th Legislative Day.

#### 14TH LEGISLATIVE DAY

The Senate convened at 3:47 p.m. March 16, 1978, 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, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Cicione - 1.

The Journal of the 13th Day was approved as read.

SB 413 was taken up for consideration on motion of Senator Kearns:

SB 413 - AN ACT TO AMEND CHAPTER 66, TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.



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

SB 328 was stricken at the request of Senator McDowell.

SJR 36 (Sponsored by Senators Sharp, Hughes and Martin; Representatives Ferguson and Oberle) was introduced:

SJR 36 - DIRECTING THAT DESEGREGATION ORIENTATION NOT BE A MANDATORY REQUIREMENT.

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

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

NO: Senators Hale, Holloway and Knox - 3.

ABSENT: Senators Cicione, McDowell and Zimmerman - 3.

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

On motion of Senator Hughes, the necessary rules were suspended for lifting SJR 35 for consideration and the names of all the Senators were added as co-sponsors to the Resolution:

SJR 35 - RECOGNIZING THE IMPORTANCE OF TODAY'S SECRETARY IN INDUSTRY, THE PROFESSIONS, AND GOVERNMENT; AND PROCLAIMING THE WEEK OF APRIL 24 THROUGH APRIL 30, 1978, AS SECRETARIES' WEEK.

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

On motion of Senator Littleton, the necessary rules were suspended for lifting HJR 48 from the table for consideration:

HJR 48 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO WORK FOR RELOCATION OF THE DOVER CLASSIFICATION YARD OF CONRAIL TO DELMAR.

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

SB 349 was taken up for consideration on motion of Senator Cordrey:

SB 349 - AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE CODE, RELATING TO COMMERCIAL CRABBING.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES; 1 (McCullough) NOT VOTING and 1 (Cicione) ABSENT: 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 lifting SB 491 for consideration:

SB 491 - AN ACT TO AMEND CHAPTER 9, OF TITLE 5, DELAWARE CODE RELATING TO INDEMNIFICATION OF FARMERS BANK DIRECTORS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES; 1 (McCullough) NO; and 2 (Cicione and Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and

sent to the House for consideration.

SB 72 was taken up for consideration on motion of Senator Sharp:  
SB 72 - AN ACT TO AMEND CHAPTER 65, TITLE 11, OF THE DELAWARE CODE RELATING TO TEMPORARY RELEASE OF PRISONERS.

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 17 Senators voting YES and 4 (Cicione, Holloway, McDowell and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 72 w SA 1 was then taken and revealed:  
YES: Senators Adams, Arnold, Cook, Cordrey, Hughes, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Zimmerman - 13.  
NO: Senators Hale, Holloway, Kearns, Knox, McDowell, Weiss - 6.  
NOT VOTING: Senator Berndt - 1.  
ABSENT: Senator Cicione - 1.

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

HB 82 w HA 1 was introduced by the Chair:  
HB 82 w HA 1 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO CARRYING A CONCEALED DEADLY WEAPON; AND PROVIDING A MANDATORY SENTENCE THEREFOR. Sponsors: Representatives Darling and Riddagh. Assigned to Community Affairs Committee.

Senator Kearns moved that HB 82 w HA 1 be placed in the Judiciary Committee instead of the Community Affairs Committee. The roll call vote on the motion was taken and revealed:

YES: Senators Berndt, Cook, Cordrey, Holloway, Kearns, Knox, McDowell, Weiss - 8.  
NO: Senators Adams, Arnold, Hughes, Schlor, Sharp, Spence - 6.  
NOT VOTING: Senators Littleton, Martin, McCullough, Murphy, Zimmerman - 5.

ABSENT: Senators Cicione and Hale - 2.

Therefore, the motion was defeated and the Bill remained in the Community Affairs Committee.

The following legislation was introduced:

SB 493 - AN ACT TO CHANGE THE NAME OF THE DELAWARE HOSPITAL FOR THE MENTALLY RETARDED, A FACILITY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO THE STOCKLEY CENTER. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 494 - AN ACT TO AMEND SECTION 1056, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF FEES FOR THE USE OF SCHOOL PROPERTY, FACILITIES AND EQUIPMENT NOT IN USE FOR EDUCATIONAL PURPOSES. Sponsors: Senators Adams and Hale; Representative Clendaniel. Assigned to Education Committee.

SCR 86 - EXPRESSING THE SYMPATHY OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY TO THE FAMILY OF THE LATE JOHN C. KINAHAN, A FORMER MEMBER OF THE SENATE. Sponsors: Senators Berndt, Hughes, Holloway and all the Senators; Representatives Sincock and McKay.

On motion of Senator Berndt, the roll call vote on the Resolution was taken and revealed 17 Senators voting YES; and 4 (Arnold, Cicione, Spence and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 87 - RELATING TO THE NATIONAL CONFERENCE OF STATE LEGISLATURE'S GEOTHERMAL POLICY PROJECT. Sponsors: Senator McDowell and Representative Darling.

On motion of Senator McDowell, the roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Arnold, Cicione, Kearns, McCullough, Spence, Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 102 - HONORING DR. RUTH M. LAWS OF DOVER, DELAWARE ON LEAVING SERVICE WITH THE STATE OF DELAWARE. Sponsors: Senators Holloway and Zimmerman.

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

SR 103 - IN REFERENCE TO ELECTION OF STAFF MEMBERS. Sponsors: Senators Cordrey and Adams.

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

At 5:46 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. March 21, 1978.

The Senate reconvened at 2:16 p.m. March 21, 1978, Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 460 - 3 Merits; SB 455 - 3 Merits.

From the Community Affairs Committee: SB 368 - 4 Merits.

The following legislation was introduced:

SB 495 - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO UNITS FOR THE GIFTED AND TALENTED. Sponsor: Senator Holloway. Assigned to Education Committee.

SA 1 to HB 327 sponsored by Senator Cordrey. Placed with the Bill.

Senator Cordrey recognized and welcomed to the Senate Chamber students from Sussex Central High School.

At 2:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 15th Legislative Day.

#### 15TH LEGISLATIVE DAY

The Senate convened at 2:20 p.m. March 21, 1978, 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, Zimmerman - 20.

ABSENT: Senator Weiss - 1.

The Journal of the 14th Legislative Day was approved as read.

SB 484 was reported out of the Finance Committee: 2 Favorable, 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 36 and SCR 86.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
March 21, 1978

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: Burton D. Willis, R.D. #2, Box 352, Milford, Delaware, to be State Election Commissioner for a term of four (4) years, to fill the expired term of Lewis Wrightson.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
March 21, 1978

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: Ruffin N. Noisette, 507 West 19th Street, Wilmington, Delaware, to be a member of the State Personnel Commission for a term of three (3) years, to fill the expired term of Madison H. Evans.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
March 21, 1978

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

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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SB 493 was reported out of the Health and Social Services Committee - 4 Merits.

SB 453 was taken up for consideration on motion of Senator Adams:

SB 453 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSE OF INSTALLING THREE SECURITY LIGHTS AT THE CEDAR CREEK PUBLIC BOAT RAMP LOCATED ON THE EAST SIDE OF COUNTY ROAD 203 BETWEEN SLAUGHTER'S BEACH AND THE MISPELLION LIGHT HOUSE.

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 (McCullough and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 453 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (McCullough and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 441 was taken up for consideration on motion of Senator Cordrey:

SB 441 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES, BY CHANGING THE METHOD OF COMPUTATION AND BY INCREASING THE RATES FOR THE PILOTAGE OF CERTAIN VESSELS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Joseph W. Guilday, Pilots Association for the Bay and River Delaware, to speak on the Bill after which the roll call vote on SB 441 w SA 1 was taken and revealed 18 Senators voting YES, 1 (Hale) NO and 2 (McCullough and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:09 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:12 p.m., President Pro Tempore Cordrey presiding.

HB 316 was taken up for consideration on motion of Senator Adams:

HB 316 - AN ACT TO AMEND CHAPTER 67, TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES.

SA 1 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 15 Senators voting YES and 6 (Arnold, Kearns, McCullough, McDowell, Weiss and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 316 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Kearns and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 370 was taken up for consideration on motion of Senator Martin:

SB 370 - AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO INCREASE THE REIMBURSEMENT FOR SCHOOL BUS AIDES FOR FY 77 FOR CONTRACTORS REIMBURSED UNDER THE STATE BOARD OF EDUCATION SCHOOL BUS CONTRACTOR FORMULA.

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

SB 150 was taken up for consideration on motion of Senator Holloway:

SB 150 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER IV, TITLE 21, DELAWARE CODE RELATING TO CONSTRUCTION OF VEHICLES TO PREVENT ESCAPE OF CONTENTS.

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 14.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Adams, Cicione, Cook, Littleton - 4.

ABSENT: Senators Kearns and Weiss - 2.

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

SB 107 was taken up for consideration on motion of Senator Holloway:

SB 107 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE PROHIBITING CERTAIN MECHANICAL ALTERATION OF MOTOR VEHICLES AND SETTING PENALTIES THEREFORE.

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 revealed:

YES: Senators Arnold, Berndt, Cook, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 16.

NO: Senators Adams and Cordrey - 2.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Kearns and Weiss - 2.

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 494 - 2 Favorable, 4 Merits.  
From the Banking, Insurance and Elections Committee: SB 383 - 1 Favorable, 4 Merits.

From the Labor Committee: HB 443 - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 496 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO SALARY SCHEDULES OF SCHOOL SECRETARIES AND CLERKS. Sponsors: Senator Cook and Representative Worthen. Assigned to Education Committee.

SB 497 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENTS ACCOUNT TO ITS OPERATING ACCOUNT. Sponsors: Senator Zimmerman; Representatives Bennett, Miller and Darling. The Bill was laid on the table at the request of Senator Zimmerman.

SR 104 - EXPRESSING CONDOLENCES OF THE SENATE TO OUR COLLEAGUE, SENATOR DANIEL E. WEISS, UPON THE DEATH OF MEMBERS OF HIS FAMILY. Sponsors: Senator Knox and all the Senators.

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

SA 1 to SB 383 sponsored by Senator Zimmerman. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 243 w HA 1; SB 482; SB 483; SB 485.

SB 243 w HA 1 was assigned to Agriculture Committee.

The following House legislation was introduced:

HB 473 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO BINGO, BY QUALIFYING THOSE WHO ARE ELIGIBLE FOR THE GRAND PRIZE. Sponsors: Representatives Morris and Minner. Assigned to Administrative Services Committee.

HB 605 - AN ACT TO AMEND CHAPTER 31, TITLE 14, DELAWARE CODE, RELATING TO THE TRANSPORTATION OF HANDICAPPED PERSONS RECEIVING PRIVATE PLACEMENT TUITION ASSISTANCE. Sponsor: Representative Ferguson. Assigned to Education Committee.

HB 749 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 11, TITLE 24, DELAWARE CODE, RELATING TO A PEER REVIEW IMMUNITY PROVISION FOR PERSONS REVIEWING DENTAL RECORDS, DENTAL CARE AND DENTISTS' WORK. Sponsors: Representative Gilligan and Senator Holloway. Assigned to Health and Social Services Committee.

HB 750 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 79, TITLE 29, DELAWARE CODE RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH. Sponsors: Representative Gilligan and Senator Holloway. Assigned to Health and Social Services Committee.

SB 243 w HA 1 which had been assigned to the Agriculture Committee was laid on the table at the request of Senator Adams.

SB 486 was stricken at the request of Senator McCullough.

On motion of Senator Hughes, the necessary rules were suspended for consideration of HB 774;

HB 774 - AN ACT AUTHORIZING THE CLAYMONT SCHOOL DISTRICT TO TRANSFER FUNDS FROM THE LOCAL BALANCE OF MINOR CAPITAL IMPROVEMENTS PROGRAM AND FROM ITS DEBT SERVICE ACCOUNT TO THE CLAYMONT SCHOOL

DISTRICT ACCOUNT.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Hale, Kearns, Murphy and Weiss) ABSENT; 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 684:

HB 684 - AN ACT AUTHORIZING THE BOARD OF EDUCATION OF THE MARSHALLTON-MCKEAN REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MAJOR AND MINOR CAPITAL DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT FOR MAINTENANCE.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Hale, Holloway, Kearns, Murphy and Weiss) ABSENT; 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 lifting SB 497 for consideration:

SB 497 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENTS ACCOUNT TO ITS OPERATING ACCOUNT.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, Kearns and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 6:17 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. March 22, 1978.

The Senate reconvened at 2:02 p.m. March 22, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 491.

The following legislation was introduced:

SB 498 - AN ACT TO AMEND PART D, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE BY ADDING A PROVISION GIVING AN ADULT TRIED IN FAMILY COURT A RIGHT TO AN APPEAL DE NOVO TO THE SUPERIOR COURT. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 499 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE BY REMOVING EXCLUSIVE CRIMINAL JURISDICTION FROM THE FAMILY COURT TO COMPLY WITH CONSTITUTIONAL LAW. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SR 105 - WELCOMING THE CONRAD SENIOR HIGH SCHOOL POLITICAL SCIENCE CLASS TO LEGISLATIVE HALL. Sponsor: Senator Sharp.

Senator Sharp introduced the students from Conrad Senior High School to the Senate after which the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Berndt, McCullough and Weiss) ABSENT; therefore, the Resolution was declared adopted.

SB 500 - AN ACT TO AMEND CHAPTER 9, OF TITLE 10, OF THE DELAWARE CODE TO REMOVE JURISDICTION FROM FAMILY COURT IN CASES OF SEXUAL MISCONDUCT UNDER 11 DEL. C. SECTION 762 AND PROMOTING PROSTITUTION IN THE FIRST DEGREE UNDER 11 DEL. C. SECTION 1353.



Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 501 - AN ACT TO AMEND PART A, SUBCHAPTER III, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE BY REDEFINING THOSE CHILDREN WHO SHALL BE PROCEEDED AGAINST AS ADULTS. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 502 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE DEPUTY ADMINISTRATOR, JUSTICE OF THE PEACE COURTS. Sponsors: Senators Cicione, Kearns, McDowell; Representatives Temple and Matushefske. Assigned to Finance Committee.

The Lt. Governor recognized and welcomed back to the Senate Chamber, J. Donald Isaacs, former State Senator.

SB 503 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE CONFERRING LIMITED POLICE POWERS ON THE ENFORCEMENT OFFICERS OF THE BUREAU OF CHILD SUPPORT ENFORCEMENT. Sponsors: Senators Kearns and Holloway. Assigned to Judiciary Committee.

SCR 88 - EXTENDING THE DATE ON WHICH THE ADVISORY COMMITTEE TO STUDY ALTERNATIVES FOR REGULATING THE USE OF MARIJUANA SHALL REPORT ITS FINDINGS AND MAKE ITS RECOMMENDATIONS. Sponsors: Senator Holloway and Representative Hebner.

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

At this point, the members of the Future Farmers of America who were present in the Senate Chamber presented each Senator with an Easter Lily and were warmly thanked by Senator Cordrey.

HB 648 - AN ACT TO AMEND CHAPTER 418, VOLUME 60, LAWS OF DELAWARE, ENTITLED, "AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE DELMAR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM THE DEBT SERVICE ACCOUNT TO THE CURRENT EXPENSE ACCOUNT." Sponsors: Representative Gordy and Senator Littleton. The Bill was laid on the table at the request of Senator Cordrey.

HB 656 - AN ACT TO AMEND CHAPTER 55, TITLE 15, DELAWARE CODE TO PERMIT PERSONS ON VACATION TO VOTE ABSENTEE. Sponsors: Representatives Gordy and T. Brady. Assigned to Banking, Insurance and Elections Committee.

HB 763 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO PRINTING OF SESSION LAWS. Sponsors: Representatives Jonkiert and Sincock. Assigned to Executive Committee.

HB 742 - AN ACT TO REPEAL CHAPTER 200, VOLUME 61, LAWS OF DELAWARE, RELATING TO A SHORT-TERM CORRECTIONAL FACILITY. Sponsor: Representative Jonkiert. Assigned to Corrections Committee.

HJR 44 - REQUESTING THE STATE INSURANCE COMMISSIONER TO INVESTIGATE THE POSSIBILITY OF REDUCING INSURANCE RATES ON PERSONS WHOSE DRIVING RECORD IS NOT BLEMISHED BY ACCIDENTS OR OTHER MOTOR VEHICLE VIOLATIONS AND REPORTING HIS FINDINGS AND RECOMMENDATIONS TO THE MEMBERS OF THE 129TH GENERAL ASSEMBLY. Sponsor: Representative Plant. Assigned to Banking, Insurance and Elections Committee.

On motion of Senator Adams, the necessary rules were suspended to lift for consideration SB 243 which had previously passed the

Senate and as now further amended by HA 1.

The roll call vote on SB 243 w HA 1 was therefore taken and revealed:

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

NO: Senator McCullough - 1.

ABSENT: Senator Weiss - 1.

Therefore, the Bill was declared passed as so amended.

At 2:25 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 16th Legislative Day.

#### 16TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. March 22, 1978, 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 15th Legislative Day was approved as read.

At 2:40 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 3:47 p.m., President Pro Tempore Cordrey presiding.

On motion of Senator Littleton, the necessary rules were suspended for consideration of HB 648:

HB 648 - AN ACT TO AMEND CHAPTER 418, VOLUME 60, LAWS OF DELAWARE, ENTITLED, "AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE DELMAR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM THE DEBT SERVICE ACCOUNT TO THE CURRENT EXPENSE ACCOUNT."

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cook, Hale, Holloway, McCullough, Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HCR 79 was introduced and considered for adoption on motion of Senator Adams.

HCR 79 - EXPRESSING THE SORROW OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY ON THE UNFORTUNATE ACCIDENT THAT BEFELL RODDER PURNELL WHILE PARTICIPATING IN A WRESTLING TOURNAMENT, AND EXTENDING TO HIM A SPEEDY RECOVERY. Sponsors: Representative Clendaniel; Senators Adams, Knox, Hughes, Littleton, Berndt, Kearns, Arnold, Sharp, Spence, McDowell, Zimmerman, Murphy, Cordrey.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cook, McCullough and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee Reports were announced:

From the Finance Committee: SB 405 - 2 Favorable, 4 Merits;  
SB 430 - 1 Favorable, 6 Merits; SB 406 - 3 Favorable, 4 Merits;  
SB 479 - 5 Favorable, 2 Merits.

From the Corrections Committee: SB 432 - 4 Favorable, 1 Merits;  
SB 431 - 5 Favorable.

From the Judiciary Committee: SB 503 - 3 Merits, 1 Unfavorable.

From the Community Affairs Committee: HB 449 - 5 Merits.

The following legislation was introduced:

SB 504 - AN ACT TO AMEND CHAPTER 65, PART VI, TITLE 11 OF THE DELAWARE CODE, RELATING TO FURLOUGHS OF INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, AND IMPOSING CRIMINAL PENALTIES ON HOSTS OF SUCH INMATES. Sponsor: Senator Kearns. Assigned to Corrections Committee.

SB 505 - AN ACT TO AMEND SUBPART C, SUBCHAPTER VII, CHAPTER 5, TITLE 11 OF THE DELAWARE CODE BY PROHIBITING RECKLESS CONDUCT AND TO FURTHER PROTECT CHILDREN UNDER TWELVE FROM ACCESS TO MATERIALS HARMFUL TO MINORS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 506 - AN ACT TO AMEND CHAPTER 12, OF TITLE 11, OF THE DELAWARE CODE TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE FALSE IDENTIFICATION INFORMATION TO A PEACE OFFICER. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 507 - AN ACT TO AMEND SECTION 2542, TITLE 11 OF THE DELAWARE CODE REQUIRING ACTUAL NOTICE TO BE GIVEN TO PROSECUTORS BY SENTENCED PRISONERS IN OTHER STATES WHO ARE REQUESTING DISPOSITION OF DETAINERS LODGED AGAINST THEM BY DELAWARE. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 508 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT MAPLE AVENUE AND ROUTE NO. 2 IN ELSMERE. Sponsors: Senator Cicione and Representative Byrd. Assigned to Finance Committee.

SB 194 was taken up for consideration on motion of Senator Holloway:

SB 194 - AN ACT TO AMEND CHAPTER 55, TITLE 25, DELAWARE CODE, RELATING TO RENT INCREASES.

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

YES: Senators Berndt, Cicione, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 14.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale - 5.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Weiss - 1.

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

SB 219 was stricken at the request of Senator Holloway.

SB 304 was laid on the table at the request of Senator Holloway.

SB 362 was laid on the table at the request of Senator Holloway.

SB 383 was taken up for consideration on motion of Senator Zimmerman:

SB 383 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS.

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, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Murphy, Sharp, Spence, Zimmerman - 15.

NO: Senator Schlor - 1.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Holloway, Martin, McDowell and Weiss - 4.

Therefore, the Amendment was declared adopted.

SB 383 w SA 1 was then laid on the table on further motion of Senator Zimmerman.

SB 342 was taken up for consideration on motion of Senator Murphy:

SB 342 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 21, TITLE 23, DELAWARE CODE, RELATING TO MOTORBOATS.

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

SB 387 was reported out of the Executive Committee: 6 Merits.

SR 106 was introduced and considered for adoption on motion of Senator Holloway.

SR 106 - URGING THE GOVERNOR TO CLARIFY THE ADMINISTRATION POSITION ON THE STATUS OF STATE EMPLOYEES WHO FOLLOWED THE GOVERNOR'S SNOW EMERGENCY ORDER. Sponsors: Senators Holloway, Zimmerman, Cicione, McDowell.

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

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

NO: Senators Arnold, Berndt, Hale, Knox, Littleton - 5.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Weiss - 1.

Therefore, the Resolution was declared adopted.

SB 509 was introduced and assigned to the Natural Resources and Environmental Control Committee:

SB 509 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO ESTABLISH A FISHING LICENSE FOR ALL TIDAL WATERS WITHIN THE STATE OF DELAWARE. Sponsors: Senators Kearns and Knox; Representatives Rispoli and Sincok.

SB 492 was reported out of the Judiciary Committee - 3 Merits.

HCR 78 was introduced and considered for adoption on motion of Senator Murphy:

HCR 78 - REQUESTING A MEETING OF STATE AND COUNTY AGENCIES TO DEVELOP THE CONCEPT OF A "ONE-STOP" SHOPPING CENTER FOR STATE AND COUNTY PERMITS. Sponsor: Representative Minner.

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

At 5:33 p.m. on motion of Senator Martin, the Senate recessed until March 23, 1978 at 1:30 p.m.

The Senate reconvened at 2:09 p.m. March 23, 1978, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 510 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF ROBBERY; AND PROVIDING INCREASED PENALTIES WHEN SUCH CRIME IS PERPETRATED UPON THE ELDERLY. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 511 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT OF TRIAL BY JURY IN CERTAIN COURTS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 3 to SB 403 sponsored by Senator Zimmerman. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 345; SB 376 and adopted SCR 85; SJR 52.

The following House legislation was introduced:

HB 551 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE, RELATING TO MECHANICS' LIENS. Sponsor: Representative Rispoli. Assigned to Judiciary Committee.

HB 660 w HA 1, 2 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE, RELATING TO CERTAIN FEES RECEIVED BY THE COURT OF COMMON PLEAS. Sponsor: Representative Morris. Assigned to Judiciary Committee.

HB 783 - AN ACT TO AMEND CHAPTER 578, VOLUME 58, AS AMENDED BY VOLUME 59, CHAPTER 76, LAWS OF DELAWARE, TO EXTEND THE TIME DURING WHICH THE STATE MAY BORROW MONEY UNDER SUCH ACT AS AMENDED FOR PROJECTS OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsors: Representatives Jonkiert and Sincok; Senators Cordrey, Knox, Berndt. Assigned to Natural Resources and Environmental Control Committee.

HB 791 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS FOR THE REMAINDER OF THE FISCAL YEAR ENDING JUNE 30, 1978. Sponsors: Representatives Sincok, Boulden, Ambrosino, Anderson, Bennett, W. Brady, Burris, Byrd, Connor, Ferguson, Gilligan, Gordy, Hebner, Johnson, Lynch, McKay, Miller, Morris, Oberle, Powell, Riddagh, Ridings, Roy, Smith, Temple, Vernon, Worthen; Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Spence, Weiss. The Bill was temporarily tabled at the request of Senator Cordrey.

HB 792 w HA 1 - AN ACT TO AMEND CHAPTER 69, TITLE 21, DELAWARE CODE RELATING TO REMOVAL OF MOTOR VEHICLES, TRAILERS AND MOPEDS FROM PUBLIC HIGHWAYS BY POLICE; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Representatives Minner and Rispoli. The Bill was temporarily tabled at the request of Senator Cordrey.

HJR 52 - RESPECTFULLY REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO INSTITUTE A PROCEDURE WHEREBY NO FURLOUGH IS GRANTED EXCEPT AFTER A HEARING IN WHICH THE VICTIM OR MEMBERS OF HIS IMMEDIATE FAMILY MAY BE HEARD. Sponsors: Representatives Maxwell, Byrd, Riddagh, Vernon; Senator Sharp. Assigned to Corrections Committee.

HJR 55 - REQUESTING PRESIDENT JIMMY CARTER AND THE DELAWARE

CONGRESSIONAL DELEGATION TO ACT TO REVISE THE FEDERAL BUDGET FOR FISCAL 1979 TO PREVENT REDUCTIONS IN FUNDS REQUIRED FOR THE RESEARCH AND COOPERATIVE EXTENSION PROGRAMS AT THE UNIVERSITY OF DELAWARE. Sponsors: Representatives Gordy and Clendaniel. Assigned to Executive Committee.

HCR 80 - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO INTRODUCE OR SUPPORT LEGISLATION WHICH WILL PERMIT THE CONTINUATION AND ESTABLISHMENT OF DEFERRED COMPENSATION PROGRAMS. Sponsor: Representative Bennett. The Bill was laid on the table at the request of Senator Zimmerman.

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

#### 17TH LEGISLATIVE DAY

The Senate convened at 2:17 p.m. March 23, 1978, 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 16th Legislative Day was approved as read.

Senator Holloway introduced a Senior Citizens Group from Wilmington and requested the privilege of the floor for Margaret D. Tyson, President of Electra Arms, who spoke for the group.

The following Committee Reports were announced:

From the Banking, Insurance and Elections Committee: HJR 44 - 5 Merits; HB 656 - 5 Merits; SB 436 - 5 Merits; SB 461 - 5 Merits; SB 418 - 5 Merits; SB 434 - 5 Merits.

From the Finance Committee: HB 646 - 1 Favorable, 5 Merits.

SR 107 was introduced and considered for adoption on motion of Senator Cordrey:

SR 107 - EXPRESSING APPRECIATION TO THE VOCATIONAL YOUTH ORGANIZATIONS OF DELAWARE. Sponsors: Senator Cordrey and all the Senators.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Cook, Holloway, McCullough, Schlor and Weiss) ABSENT; therefore, the Resolution was declared adopted.

HB 529 was taken up for consideration on motion of Senator Cicione:

HB 529 - AN ACT MAKING AN APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE FOR A NUCLEAR MEDICINE PROGRAM.

The privilege of the floor was extended to Representative Ferguson to speak on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 484 was taken up for consideration on motion of Senator Cicione:

SB 484 - AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO ADJUST THE ALLOCATION PROVIDED IN THE BUDGET ACT (HOUSE BILL NO. 300 OF THE 129TH GENERAL ASSEMBLY) FOR NON-PUBLIC SCHOOL TRANSPORTATION FOR FISCAL YEAR 1978 USING EXISTING FUNDS FROM THE PUBLIC SCHOOL TRANSPORTATION CONTINGENCY.

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

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Holloway, Schlor and Weiss - 3.

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

At 3:03 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., Lt. Governor McGinnis presiding.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Robert C. O'Hara - 2 Unfavorable, 3 Favorable, 1 Merits; Sally H. Higgins - 6 Favorable; Edmond duPont - 6 Favorable; Charles A. Legates - 6 Favorable; George P. Edmonds - 5 Favorable, 1 Merits; Kent S. Price - 6 Favorable; Muriel E. Gilman - 1 Merits, 5 Favorable.

On motion of Senator Adams, the necessary rules were suspended for consideration on the Governor's nomination for appointment of Sally H. Higgins. The roll call vote on the nomination was taken and revealed 18 Senators voting YES and 3 (Cicione, Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the following 6 nominations for appointment by the Governor: Kent S. Price, Edmond duPont, Robert C. O'Hara, George P. Edmonds, Muriel E. Gilman and Charles A. Legates.

The nomination of Kent S. Price was then taken up and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The nomination of Edmond duPont was then taken up and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The nomination of Robert C. O'Hara was then taken up for consideration and a letter from Mr. O'Hara was read after which Senator Adams moved that the nomination be laid on the table. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Arnold, Hale, Littleton, McCullough, Sharp, Zimmerman - 7.

NO: Senators Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Spence - 12.

ABSENT: Senators Schlor and Weiss - 2.

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

The roll call vote on the nomination for appointment of Robert C. O'Hara was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy - 13.

NO: Senator Adams - 1.

NOT VOTING: Senators Hale, McCullough, Sharp, Spence, Zimmerman - 5.

ABSENT: Senators Schlor and Weiss - 2.

Therefore, the appointment was declared confirmed.

The nomination of George P. Edmonds was then taken up and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The nomination of Muriel E. Gilman was then considered and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

The nomination of Charles A. Legates was then taken up and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Cicione, the necessary rules were suspended for lifting HB 791 from the table for consideration:

HB 791 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS FOR THE REMAINDER OF THE FISCAL YEAR ENDING JUNE 30, 1978.

The names of all the Senators were added as co-sponsors of the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 792 w HA 1 from the table for consideration:

HB 792 w HA 1 - AN ACT TO AMEND CHAPTER 69, TITLE 21, DELAWARE CODE RELATING TO THE REMOVAL OF MOTOR VEHICLES, TRAILERS AND MOPEDS FROM PUBLIC HIGHWAYS BY THE POLICE; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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 17 Senators voting YES and 4 (Knox, Schlor, Spence, and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Holloway, the roll call vote on HB 624 was lifted; however, before being announced, the roll call vote was again tabled on further motion of the Senator.

On motion of Senator Holloway, the roll call vote on HB 624 was again lifted and announced:

YES: Senators Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, McCullough, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 16.

NO: Senators Adams, Cook, Littleton, Martin, Sharp - 5.

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



The Secretary announced that a message from the House informed the Senate that the House passed SB 497 and adopted SCR 87 and SCR 88.

The House also returned to the Senate SS 2 for SB 143 w SA 1, 2 as requested by SR 92. The Bill was assigned to the Health and Social Services Committee.

The following House legislation was introduced:

HB 807 - AN ACT TO AMEND CHAPTER 271, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS". Sponsors: Representatives Ferguson and Sincok. Assigned to the Finance Committee.

HCR 81 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT S. 2761 WHICH GIVES THE STATES AUTHORITY OVER THE DUMPING OF NUCLEAR WASTE. Sponsors: Representative W. Brady and Senator McDowell. The Resolution was laid on the table at the request of Senator McDowell.

HCR 82 - CONGRATULATING MABEL WILKINS LAMBDEN, OF GEORGETOWN, ON HER SELECTION AS DELAWARE MOTHER OF THE YEAR. Sponsors: Representative Clendaniel and Senators Adams and Cordrey.

The Resolution was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 (Schlor and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 52 was reported out of the Corrections Committee - 3 Favorable, 1 Merits.

The following legislation was introduced:

SB 512 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT. Sponsor: Senator Cordrey. Assigned to Highways and Transportation Committee.

SB 513 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS. Sponsors: Senators Berndt and Hughes. Assigned to Finance Committee.

SA 1 to SB 455 sponsored by Senator Murphy. Placed with the Bill.

SA 6 to SB 447 sponsored by Senators Holloway, McDowell, Schlor; Representatives George, Jonkiert, Johnson, Plant, Rispoli. Placed with the Bill.

SA 4 to SB 446 sponsored by Senators Holloway, McDowell, Schlor; Representatives George, Plant, Johnson, Jonkiert, Rispoli. Placed with the Bill.

SCR 89 - REQUESTING PRESIDENT JIMMY CARTER TO RECONSIDER HIS DECISION TO APPROVE INTRODUCTION OF FURTHER RESTRICTIVE FEDERAL FIREARMS CONTROL LEGISLATION. Sponsor: Senator Cordrey. Laid on the table at the request of the sponsor.

SR 108 - REQUESTING THE GOVERNOR AND HIS EXECUTIVE DEPARTMENT TO INVESTIGATE THE FEASIBILITY OF THE STATE OF DELAWARE ACQUIRING THE VACANT FEDERAL BUILDING LOCATED AT 11TH AND KING STREET IN WILMING-

TON, DELAWARE FOR USE AS A PRE-TRIAL AND MINIMUM SECURITY DETENTION CENTER, AND TO REPORT THE FINDINGS TO THE SENATE AT THE EARLIEST POSSIBLE DATE. Sponsors: Senators Hughes and Sharp.

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

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

NO: Senators Holloway, Kearns and McDowell - 3.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Murphy, Schlor and Weiss - 3.

Therefore, the Resolution was declared adopted.

SB 512 was reported out of the Highways and Transportation Committee - 6 Merits.

At 5:40 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 11, 1978.

The Senate reconvened at 2:13 p.m. April 11, 1978, Lt. Governor McGinnis presiding.

SB 488 was reported out of the Judiciary Committee: 4 Merits.

The following message was read from the Governor:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

March 29, 1978

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

On March 21, 1978, I received Senate Joint Resolution No. 36, entitled:

"DIRECTING THAT DESEGREGATION ORIENTATION NOT BE A MANDATORY REQUIREMENT."

I am returning SJR 36 without my signature for the following reasons:

First, SJR 36 provides that the superintendents and the school boards of the various districts shall not require the mandatory attendance of students at desegregation orientation programs. However, since the orientation programs which prompted the adoption of SJR 36 have, for the most part, been completed, the Resolution would be of little practical effect.

Second, in prescribing the orientation programs, local school districts are acting pursuant to an order of the federal district court which authorizes the New Castle County Planning Board of Education to schedule orientation programs during the current school year "to aid the desegregation process", and specifically directs that the various districts "shall cooperate" with the Board in conducting these programs. School officials are obligated by this decree to implement fairly and reasonably any programs established by the Planning Board. At present, virtually every district has undertaken orientation programs. Since this resolution would have the effect of excusing certain districts from implementing

programs in the same manner as they have been implemented in the majority of districts, it seems unfair.

Finally, the orientation programs which are the concern of SJR 36 are but the first step in the lengthy process of desegregation. Even though this Resolution deals with a step that may itself be without great consequence, because it is a first step, it will establish the spirit in which further tasks will be undertaken and accomplished. As I said in my State of the State message in January:

"...all of us have a responsibility to do what is constitutionally required, without rancor, without antagonism, and without violence. I will exercise my responsibility, and I will be counting on every Delaware citizen to do the same."

Respectfully submitted,  
Pierre S. duPont, Governor

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The following legislation was introduced:

SB 514 - AN ACT TO AMEND CHAPTER 7, OF TITLE 21, OF THE DELAWARE CODE TO LIMIT THE SCOPE OF A DEFENSE TO CRIMINAL PROSECUTION FOR VIOLATIONS OF TITLE 21 OF THE DELAWARE CODE. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Public Safety Committee.

SB 515 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21 OF THE DELAWARE CODE BY INCLUDING THOSE DRIVERS WHO OPERATED OR HAD ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WITHIN THE PROVISIONS OF THE IMPLIED CONSENT LAW AND BY INCLUDING THOSE PERSONS WHO THE POLICE ARREST FOR DRIVING, OPERATING OR HAVING ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS WITHIN THE PROVISIONS OF THE IMPLIED CONSENT LAW. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Public Safety Committee.

SB 516 - AN ACT TO AMEND SUBCHAPTER III, TITLE 26, DELAWARE CODE, RELATING TO DETERMINATION OF RATE BY THE PUBLIC SERVICE COMMISSION. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 517 - AN ACT TO AMEND CHAPTER 51, OF TITLE 31, OF THE DELAWARE CODE TO GRANT TO THE FAMILY COURT OF THE STATE THE POWER TO COMMIT TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION, BUREAU OF JUVENILE CORRECTION ANY PERSON WHO IS EIGHTEEN YEARS OF AGE WHO BECAME SUBJECT TO THE JURISDICTION OF SUCH COURT AS THE RESULT OF AN ARREST BEFORE REACHING THE AGE OF EIGHTEEN. Sponsors: Senator Kearns and Representative Matushefske. Assigned to Judiciary Committee.

SB 518 - AN ACT AMENDING CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A CASUAL LABOR POOL IN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 519 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO PUBLIC UTILITIES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 520 - AN ACT TO AMEND CHAPTER 6, TITLE 31, DELAWARE CODE,

TO PERMIT USE OF FOOD STAMPS IN CERTAIN RESTAURANTS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SJR 37 - DIRECTING THE DEPARTMENT OF CORRECTION TO PROVIDE THE GENERAL ASSEMBLY WITH CERTAIN INFORMATION PERTINENT TO THE EXECUTION OF A PRISONER. Sponsor: Senator Holloway. The Resolution was laid on the table at the request of the sponsor.

SA 2 to SB 393 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 406 sponsored by Senator Cordrey. Placed with the Bill.

SA 4 to SB 403 sponsored by Senator Zimmerman. Placed with the Bill.

HB 808 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1978, TO CONSTRUCT AND STAFF INMATE HOUSING AT SUSSEX CORRECTIONAL INSTITUTION. Sponsor: Representative Darling. Assigned to Correction Committee.

On motion of Senator Cordrey, SCR 89 was lifted from the table for consideration:

SCR 89 - REQUESTING PRESIDENT JIMMY CARTER TO RECONSIDER HIS DECISION TO APPROVE INTRODUCTION OF FURTHER RESTRICTIVE FEDERAL FIREARMS CONTROL LEGISLATION.

Senators Weiss and Schlör were marked PRESENT for the 17th Day.

The roll call vote on SCR 89 was taken and revealed:

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

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

NOT VOTING: Senator Hale - 1.

ABSENT: Senator McCullough - 1.

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

HB 808 was reassigned to the Finance Committee at the request of Senator Cicione and without objection.

The following Committee reports were announced:

From the Executive Committee: HB 763 w HA 1 - 5 Favorable.

From the Community Affairs Committee: HB 687 - 4 Merits.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

April 11, 1978

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: Courtney P. Houston, Jr. 59 N. McKee Road, Dover, Delaware to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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: Tyson Cohee, R.D. #2, Box 88, Felton, Delaware to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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: Thomas J. Orr, 2502 Bayview Avenue, Lewes, Delaware, to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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 A. Booth, 323 N. Bedford Street, Georgetown, Delaware, to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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: Emory B. Brittingham, R.D. #2, Box 161A, Lewes, Delaware, to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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: Almetia Murray, Washington Street, Millsboro, Delaware, to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted.  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
April 11, 1978

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: Harry M. Thompson, 529 Clayton Road, Smyrna, Delaware, to be reappointed a Justice of the Peace for a term of four (4) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

April 11, 1978

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: Virginia W. Johnson, 2204 N. Harrison Street, Wilmington, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to replace Francis Flynn, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

April 11, 1978

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: George W. Kershner, III, Holly Springs Road, Felton, Delaware, to be appointed a Justice of the Peace for a term of four (4) years, to replace Barbara L. Miller, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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At 2:55 p.m. April 11, 1978, on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 18th Legislative Day.

#### 18TH LEGISLATIVE DAY

The Senate convened at 2:55 p.m. April 11, 1978, 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 17th Legislative Day was approved as read.

The following Statement of Senator Holloway was read and is made part of this Journal at his request:

#### DELAWARE'S ECONOMIC SURVIVAL

(Statement by the Honorable Herman M. Holloway, 2nd Senatorial District, Wilmington)

April 11, 1978

Mr. President and My Colleagues in the Delaware Senate:

I have served in Delaware's General Assembly as a member of both Houses for the past 14 years. During that period of legislative service, I have been honored to serve under five administrations.

At no time during my legislative tenure has the business climate in Delaware been so low. We need not recount our current high level of unemployment (7.8% in February). Within the last year we have read in the press of businesses having a long Delaware tradition either leaving our state or Wilmington. To my knowledge the First State has been last in recent years in attracting new industry and business and regrettably equally poor in sustaining a viable business climate for those industries already located here. I am personally unaware that any new business has come to Delaware within the last five years employing in excess of 300 people without some form of state support or subsidy. Simply put, our society is predicated upon all of us contributing in one form or another. That contribution is in the form of jobs but jobs don't exist where the competition, factors under which we have control, will not or do not permit it. We must face reality. These comments may be construed as negative in content. I may have contributed in part to that climate in joining the passage of certain legislation which I then thought was beneficial but has regret-



fully become a handicap. We support that which we believe is in the best interest of our fellow man and state. If some of my past judgments have been proved wrong, I am ready to change if that will bring about a better state for all of us.

I ask you, Mr. President and my fellow Senators, to begin today in positive ways to assess the concerns, evaluate the alternatives and move forward in a direction that will turn us around.

I wish to personally commend our Governor, Governor duPont, in his recent efforts throughout our nation to bring new business and industry and hence jobs to our state. We must have somebody like Governor duPont to be a spokesman in this effort.

I would also like to publicly commend Mr. Irving Shapiro, President and Chief Executive Officer of the DuPont Company, and Mr. Giacco, President and Chief Executive Officer of Hercules, Inc. for their recent candid evaluations of the Delaware business climate as perceived by them in their business and industrial circles. They are calling it as they see it.

We can and we now must pull together if we wish to change our stagnant ways. There is much that can be done. There is more that must be done. We need the collective effort of the public sector combined with the private component to turn us around. We need the input and know-how of big business, the banking community, the industrial complex of Delaware, the farming business, and the labor organizations if we are to work toward a unified effective goal in turning Delaware into a positive business industrial, agricultural, labor climate that can only improve our state and community.

I ask for your help. I seek your suggestions. Splintered we continue without success; joined together we can truly make Delaware a lead in the Middle Atlantic business complex.

\* \* \* \* \*

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

Mrs. Robert S. Moore, Sr.  
46 Manor Drive  
Dover, Delaware  
March 27, 1978

Dear Friends,

We would like to thank you all for the wonderful things you have done for my father, Mr. Mac.

Your kindness, thoughtfulness and sincerity through the years will always be remembered.

Thank you,  
Sherry M. Moore  
(Mr. Mac's daughter)

\* \* \* \* \*

The following legislation was introduced:

SB 521 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, TO PERMIT A DEDUCTION FOR SNOW REMOVAL BY RESIDENTS OF SUBURBAN COMMUNITIES. Sponsors: Senators Hughes and Sharp. Assigned to Revenue and Taxation Committee.

SB 522 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE, TO EXEMPT THE R.O.T.C. UNIT AT THE UNIVERSITY OF DELAWARE FROM PAYMENT OF FEES FOR USING STATE PARKS AND RECREATION AREAS. Sponsor: Senator McCullough. Assigned to Natural Resources and Environmental Control Committee.

SB 523 - AN ACT TO AMEND CHAPTER 48, PART IV, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SPANISH GAME OF JAI-ALAI. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 524 - AN ACT TO AMEND CHAPTER 67, PART VI, TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE COMPANIES AND FIRE POLICE. Sponsors: Senators Cicione and Kearns; Representatives Gilligan, Matushefske and Maxwell. Assigned to Administrative Services Committee.

SCR 90 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO USE THE INFLUENCES OF THEIR OFFICES IN FAVORABLY SPEEDING UP THE RATIFICATION OF THE INTERNATIONAL CONVENTION ON OIL TANKER SAFETY STANDARDS PROPOSED BY THE MARITIME CONSULTATIVE ORGANIZATION. Sponsor: Senator Zimmerman. The Resolution was laid on the table at the request of the sponsor.

At 3:12 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

The Senate reconvened at 4:25 p.m. Lt. Governor McGinnis presiding.

The following Bills were reported out of the Education Committee: SB 404 - 1 Favorable, 3 Merits; HB 605 - 6 Favorable.

The following legislation was introduced:

SB 525 - 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. Sponsors: Senators Zimmerman and Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 526 - AN ACT TO AMEND PART IV, TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM DISCLAIMER OF TRANSFERS BY WILL, INTESTACY OR APPOINTMENT ACT. Sponsor: Senator Zimmerman. Assigned to Banking, Insurance and Elections Committee.

SR 109 - REQUESTING THE HOUSE OF REPRESENTATIVES TO RETURN SENATE BILL NO. 334 TO THE SENATE. Sponsor: Senator Martin.

The roll call vote on SR 109 was taken at the request of Senator Martin and revealed 14 Senators voting YES and 7 (Cicione, Hale, Hughes, Knox, McCullough, Schlor and Weiss) ABSENT; therefore, the Resolution was declared adopted.

SCR 91 - EXPRESSING CONGRATULATIONS TO LAURIE RUBIN OF MT. PLEASANT HIGH SCHOOL ON BEING CHOSEN JUNIOR MISS TO REPRESENT DELAWARE AND EXTENDING BEST WISHES TO HER IN THE NATIONAL JUNIOR MISS COMPETITION TO BE HELD IN MOBILE, ALABAMA ON MAY 8TH. Sponsors: Senator Berndt and Representative Ambrosino. The

Resolution was laid on the table at the request of Senator Berndt.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 807:

HB 807 - AN ACT TO AMEND CHAPTER 271, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS".

The privilege of the floor was extended to Secretary of Transportation, George Jarvis, to speak on the Bill.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES; 1 (Sharp) voting NO; and 1 (Berndt) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 513 was stricken at the request of Senator Berndt.

SB 527 was introduced and laid on the table at the request of Senator McCullough:

SB 527 - AN ACT TO AMEND THE LAWS OF DELAWARE AS THEY RELATE TO STUDENTS VOLUNTARILY TRANSFERRING FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER. Sponsors: Senators Arnold, Sharp, McCullough, Hughes, Spence, Cicione; Representatives Maxwell, Worthen, Byrd, Hebner, Oberle, Ridings.

SB 368 was taken up for consideration on motion of Senator Murphy:

SB 368 - AN ACT TO AMEND CHAPTER 46, TITLE 31, DELAWARE CODE, RELATING TO REPEAL OF THE MOBILE HOME SAFETY ACT.

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

SB 455 was taken up for consideration on motion of Senator Murphy:

SB 455 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE JUSTICE OF THE PEACE COURTS FOR THE PURPOSE OF CORRECTING A SALARY UNDERPAYMENT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 455 w 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 sent to the House for consideration.

SB 460 was taken up for consideration on motion of Senator Murphy:

SB 460 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE JUSTICE OF THE PEACE COURTS FOR THE PURPOSE OF CREATING TWO NEW CHIEF CLERK POSITIONS.

The roll call vote on the Bill was taken and revealed :  
YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Hale, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss - 17.

NO: Senators Cordrey and Zimmerman - 2.

ABSENT: Senators Holloway and Martin - 2.

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

SS 1 for SB 494 was introduced by Senator Adams:

SS 1 for SB 494 - AN ACT TO AMEND SECTION 1056, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF FEES FOR THE USE OF SCHOOL PROPERTY, FACILITIES AND EQUIPMENT NOT IN USE FOR EDUCATIONAL PURPOSES. Sponsors: Senators Adams and Hale; Representative Clendaniel.

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

On motion of Senator Adams, the Substitute was adopted in lieu of the Original and the necessary rules were suspended for consideration of the Bill.

Therefore, the roll call vote on SS 1 for SB 494 was taken and revealed :

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Schlör, Spence, Zimmerman - 17.

NO: Senator Martin - 1.

ABSENT: Senators Cicione, Sharp and Weiss - 3.

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

SB 472 was taken up for consideration on motion of Senator Holloway:

SB 472 - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DIVISION FOR THE VISUALLY IMPAIRED UNDER THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

The roll call vote on the Bill was 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.

At 6:00 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 12, 1978.

The Senate reconvened at 2:03 p.m. April 12, 1978, President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SB 528 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO NUCLEAR POWER PLANTS; AND PROVIDING FOR A MORATORIUM ON ANY FURTHER CONSTRUCTION UNTIL CERTAIN CONDITIONS ARE MET. Sponsor: Senator McDowell. Assigned to Energy Committee.

SB 529 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR JURISDICTION OF POSSESSION OF MARIJUANA (AND ALLIED DRUGS) CASES TO BE IN THE JUSTICE OF THE PEACE COURTS AND MUNICIPAL COURT OF THE CITY OF WILMINGTON. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

Senator Holloway requested that SJR 37 which had been laid on the table be assigned to Committee and the Chair assigned the Resolution to the Correction Committee.

SB 530 - AN ACT TO AMEND PART VII OF TITLE 16, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A BOARD FOR BARRIER FREE DESIGN SO AS TO PROMOTE ACCESSIBILITY TO AND USE OF BUILDINGS AND FACILITIES BY THE PHYSICALLY HANDICAPPED; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Martin. Assigned to Health and Social Services Committee.

HB 264 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO EXTENSION OF TIME FOR FILING A STATE PERSONAL INCOME TAX RETURN OR OTHER REQUIRED DOCUMENT. Sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

HB 681 w HA 1 - AN ACT TO AMEND CHAPTER 46, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC DEFENDERS AND PRIVATE CLIENTS. Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HB 708 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE SEAFORD SCHOOL SYSTEM TO COMPENSATE CERTAIN TEACHERS FOR PREVIOUS UNDERPAYMENTS. Sponsors: Representative Temple and Senator Littleton. Assigned to Finance Committee.

HB 809 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE, RELATING TO NONSTATE AGENCY LOCATIONS FOR THE REGISTRATION OF MOTORBOATS. Sponsors: Representatives Gordy and Temple; Senator Littleton. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to HB 333 sponsored by Senator Schlor. Placed with the Bill.

HJR 55 was reported out of the Executive Committee: 2 Favorable, 2 Merits.

Legislative Advisories #36, 37, 38 and 39 were read which advised the Senate that the Governor approved the following legislation: SB 463 on March 14, 1978; SB 475 on March 27; SB 482, SB 497, SB 483, SB 485, SB 491, SB 376, SB 345 and SB 243 w HA 1 on March 29, 1978.

The Governor vetoed SJR 36 on March 29, 1978.

At 2:12 p.m. on motion of Senator Cicione, the Senate adjourned to immediately convene for the 19th Legislative Day.

#### 19TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. April 12, 1978, 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, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

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

SB 355 was stricken at the request of Senator Berndt.

SB 502 was reported out of the Finance Committee: 3 Favorable, 4 Merits.

HB 646 was taken up for consideration on motion of Senator Cicone:

HB 646 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

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

HB 397 was taken up for consideration on motion of Senator Schlor:

HB 397 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROHIBITING ANY DEMAND BY LANDLORDS FOR EXTRA MONEY PAYMENTS.

The Bill was laid on the table on further motion of Senator Schlor.

At 2:21 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 4:00 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SB 531 - AN ACT TO AMEND CHAPTER 45, PART V, TITLE 7 OF THE DELAWARE CODE RELATING TO THE SALE OR OTHER TRANSFERRAL OF CERTAIN PUBLIC LANDS. Sponsor: Senator Sharp. Assigned to Natural Resources and Environmental Control Committee.

SB 532 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO MEDICAL CARE FOR PRISON INMATES. Sponsor: Senator Sharp. Assigned to Correction Committee.

SA 7 to HB 35 sponsored by Senator Arnold. Placed with the Bill.

SA 1 to SB 347 sponsored by Senator Sharp. Placed with the Bill.

SA 1 to HB 397 sponsored by Senator Schlor. Placed with the Bill.

SA 8 to HB 35 sponsored by Senator Knox. Placed with the Bill.

HB 397 was taken up for consideration on motion of Senator Schlor:

HB 397 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROHIBITING ANY DEMAND BY LANDLORDS FOR EXTRA MONEY PAYMENTS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Schlor; however, final consideration of the Bill and the Amendment were deferred on further motion of the Senator.

Senator Sharp moved that SJR 36 which had been adopted by the Senate and the House but vetoed by the Governor be taken up for reconsideration.

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

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

NO: Senators Arnold, Hale, Holloway, Knox, Weiss - 5.

NOT VOTING: Senators Berndt, Hughes, Littleton, Schlor, Spence - 5.

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

The roll call vote to override the Governor's veto of SJR 36 was then taken; however, before it was announced, Senator Sharp moved that the roll call be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Cicone, Cook, Cordrey, Kearns, Martin, McCullough, Murphy, Sharp, Spence - 10.

NO: Senators Berndt, Hale, Holloway, Knox, Littleton, McDowell, Weiss - 7.

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

ABSENT: Senator Zimmerman - 1.

Therefore, the motion was defeated and the roll call vote to override the Governor's veto of SJR 36 was announced:

YES: Senators Adams, Arnold, Cicone, Cook, Cordrey, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Spence - 12.

NO: Senators Hale, Holloway, Knox, Littleton, McDowell, Schlor, Weiss - 7.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator Zimmerman - 1.

Therefore, the vote to override the Governor's veto failed since a 3/5 affirmative vote was required.

SB 503 was taken up for consideration on motion of Senator Kearns:

SB 503 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE CONFERRING LIMITED POLICE POWERS ON THE ENFORCEMENT OFFICERS OF THE BUREAU OF CHILD SUPPORT ENFORCEMENT.

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

SB 432 was taken up for consideration on motion of Senator Sharp:

SB 432 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PURPOSES OF CORRECTING A SALARY UNDERPAYMENT.

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

SB 431 was taken up for consideration on motion of Senator Sharp:

SB 431 - AN ACT TO REIMBURSE RAYMOND W. ANDERSON, FORMER SUPERINTENDENT OF THE DELAWARE CORRECTIONAL CENTER, CERTAIN AMOUNTS PAID BY HIM TO CERTAIN PERSONS KNOWN AS THE "SMYRNA FIVE".

The roll call 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 479 was taken up for consideration on motion of Senator Murphy:

SB 479 - AN ACT TO AMEND TITLE 16, DELAWARE CODE BY AUTHORIZING THE STATE OF DELAWARE TO LOAN MONEYS TO VOLUNTEER FIRE COMPANIES FOR CONSTRUCTION, EXPANSION, IMPROVEMENTS OR MODERNIZATION OF FACILITIES AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED THEREFOR AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE VOLUNTEER FIRE COMPANY CONSTRUCTION FUND TO BE ADMINISTERED BY THE STATE FIRE PREVENTION COMMISSION.

Final consideration of the Bill was deferred on further motion of Senator Murphy since the Chair ruled that the Bill required a Debt Statement.

Senator Sharp moved that the necessary rules be suspended to reconsider SJR 36 which had been vetoed by the Governor and failed to receive the necessary votes to override the veto by the Senate.

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

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

NO: Senators Hale, Holloway, Knox, McDowell, Schlor, Weiss - 6.

NOT VOTING: Senators Arnold, Berndt, Hughes, Littleton - 4.

Therefore, the motion prevailed and SJR 36 was again before the Senate for reconsideration.

Senator Hale moved that the previous vote to override the Governor's veto of the Resolution be rescinded and the motion prevailed without objection.

On motion of Senator Sharp a new roll call vote to override the Governor's veto was taken; however, before it was announced, Senator Sharp moved that it be tabled.

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

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

NO: Senators Berndt, Hale, Holloway, Knox, Littleton, McDowell, Schlor, Weiss - 8.

NOT VOTING: Senators Arnold and Hughes - 2.

Therefore, the motion prevailed and the roll call vote to override the Governor's veto of SJR 36 was tabled.

SB 406 was taken up for consideration on motion of Senator Cicione:

SB 406 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR PAYMENT OF CLAIMS RELATING TO "VETERANS' MILITARY PAY" FOR CERTAIN PERSONS.

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 19 Senators voting YES and 2 (Holloway and Murphy) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 406 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 405 was taken up for consideration on motion of Senator McCullough:

SB 405 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE CITY OF NEW CASTLE.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, Murphy and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 533 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION AGAINST YOUTHFUL DRIVERS BECAUSE OF



SEX. Sponsor: Senator Murphy. Assigned to Public Safety Committee.

SA 2 to SB 347 sponsored by Senator Weiss. Placed with the Bill.

SR 110 - CONGRATULATING SHAWN M. HOWELL AND DAVID A. SNOW ON THEIR SELECTION AS 1978 TEENAGERS OF THE YEAR BY THE WILMINGTON LIONS CLUB. Sponsor: Senator Holloway.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, Littleton, Murphy and Sharp) ABSENT; therefore, the Resolution was declared adopted.

At 5:55 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. April 13, 1978.

The Senate reconvened at 2:05 p.m. April 13, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 142 w SA 2, HA 1.

SB 334 was also returned from the House as requested by SR 109.

Senator Martin moved that the roll call vote on SB 334 which had passed the Senate and now returned from the House be rescinded; the motion prevailed without objection. On further motion of Senator Martin, SB 334 was stricken without objection.

Senator Cordrey introduced to the Senate Tom Jensen, Minority Leader from Tennessee, who was welcomed by the Lt. Governor and invited to address the Senate which he did.

SCR 91 was lifted from the table for consideration on motion of Senator Berndt. All of the members of the Senate were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for adoption.

Senator Berndt then introduced the Junior Miss Delaware, Laurie Rubin, to the Senate.

On motion of Senator Murphy, the necessary rules were suspended for reconsideration of SB 142 w SA 2 which had passed the Senate and as now further amended by HA 1.

The roll call vote on SB 142 w SA 2, HA 1 was then taken and announced:

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

NO: Senators Arnold and Hughes - 2.

ABSENT: Senators Berndt and Holloway - 2.

Therefore, the Bill (as so amended) was declared passed.

HCR 84 was introduced and considered for adoption on motion of Senator Adams:

HCR 84 - REQUESTING THE SECRETARY OF PUBLIC SAFETY AND THE DIRECTOR OF THE DIVISION OF BOILER SAFETY, TO REVIEW THE ACT, RULES, AND REGULATIONS FOR BOILERS, PRESSURE VESSELS, AND NUCLEAR INSTALLATIONS MANUAL, DATED JULY 1, 1977, TENTH EDITION. Sponsors: Representatives Darling and Minner; Senators Adams and Murphy.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Berndt and Holloway) ABSENT; there-

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

HCR 85 was introduced and considered for adoption on motion of Senator Hughes:

HCR 85 - CONGRATULATING THE DELAWARE WINNERS OF THE 1978 "ABILITY COUNTS" SURVEY CONTEST; AND DIRECTING THE GOVERNOR TO ARRANGE AN APPROPRIATE CEREMONY RECOGNIZING THE DELAWARE WINNERS. Sponsors: Representative Ambrosino; Senators Berndt and Hughes.

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

HCR 86 was introduced and considered for adoption on motion of Senator Zimmerman:

HCR 86 - COMMENDING RICHARD A. HABER FOR 27 YEARS OF OUTSTANDING SERVICE TO THE STATE OF DELAWARE. Sponsors: Representatives Miller, Bennett, Minner, Morris, Darling, Riddagh, Burris; Senators Cook, Zimmerman, Murphy, Adams, Kearns.

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

HCR 83 was introduced and laid on the table on motion of Senator Cordrey:

HCR 83 - COMMENDING MADISON H. EVANS, JR., A DEDICATED PUBLIC SERVANT, AND URGING THE GOVERNOR TO REAPPOINT HIM TO THE STATE PERSONNEL COMMISSION. Sponsors: Representatives Plant, Johnson, Temple and Rispoli; Senators Holloway, Cicione, McDowell and Schlor.

SCR 92 was introduced and considered for adoption on motion of Senator Martin:

SCR 92 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT H.R. 2960 AUTHORIZING THE SECRETARY OF THE INTERIOR TO ERECT A MONUMENT IN CONSTITUTION GARDENS TO THE SIGNERS OF THE DECLARATION OF INDEPENDENCE. Sponsor: Senator Martin.

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

HCR 81 was lifted from the table for consideration on motion of Senator McDowell and the roll call vote taken; however, before being announced, the roll call was tabled on further motion of the Senator.

SB 440 was reported out of the Banking, Insurance and Elections Committee - 6 Merits.

SB 534 (Sponsored by Senator Zimmerman) was introduced and assigned to Natural Resources and Environmental Control Committee:

SB 534 - AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE PROHIBITING THE DISCHARGE OF FIREARMS FROM THE HIGHWAY AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

SJR 38 (Sponsored by Senators Zimmerman, Kearns, Murphy and Spence) was introduced:

SJR 38 - EXPRESSING THE APPRECIATION AND THANKS OF THE DELAWARE GENERAL ASSEMBLY TO THE VOLUNTEER INSTRUCTORS OF THE DIVISION OF FISH AND WILDLIFE'S HUNTER TRAINING PROGRAM.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of SJR 38 and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 535 - AN ACT TO AMEND CHAPTER 65, OF TITLE 29, DELAWARE CODE, TO PROVIDE A LIMITATION ON APPROPRIATIONS BY THE GENERAL ASSEMBLY. Sponsors: Senator Cordrey and all the Senators. Assigned to Executive Committee.

SB 536 - 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. Sponsors: Senator Cordrey and all the Senators. Assigned to Executive Committee.

The following Bills were reported out of the Banking, Insurance and Elections Committee: SB 525 - 1 Favorable, 3 Merits; SB 526 - 1 Favorable, 3 Merits.

On motion of Senator Kearns, the roll call vote on SB 503 was lifted; however, before being announced the roll call was again tabled on further motion of the Senator.

SB 479 was lifted from the table for consideration on motion of Senator Murphy and the name of Senator Hale added as co-sponsor. The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill after which it was again tabled on further motion of Senator Murphy.

The Governor's nomination for appointment of Thomas E. Hickman was reported out of the Executive Committee - 5 Favorable.

At 3:45 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 20th Legislative Day.

#### 20TH LEGISLATIVE DAY

The Senate convened at 3:45 p.m. April 13, 1978, 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, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 20.

ABSENT: Senator Holloway - 1.

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

On motion of Senator Adams, the Governor's nomination for appointment of Thomas E. Hickman was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Kearns, the roll call vote on SB 503 was lifted and announced:

YES: Senators Berndt, Cook, Hale, Holloway, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlör, Zimmerman - 12.

NO: Senators Adams, Arnold, Cicione, Cordrey, Hughes, Littleton, Sharp, Spence, Weiss - 9.

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

SB 348 was taken up for consideration on motion of Senator Cordrey:

SB 348 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, FOR THE PURPOSE OF DREDGING THE ENTRANCE CHANNEL TO COSY COVE.

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

SB 387 was taken up for consideration on motion of Senator Zimmerman:

SB 387 - AN ACT TO AMEND §617, CHAPTER 6, TITLE 8 OF THE DELAWARE CODE RELATING TO THE NAMING OF PROFESSIONAL SERVICE CORPORATIONS.

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

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

NOT VOTING: Senator Hale - 1.

ABSENT: Senators Cicione, Holloway and Littleton - 3.

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

HB 449 was taken up for consideration on motion of Senator Schlör:

HB 449 - AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY.

The privilege of the floor was extended to Representative Cain to speak on the Bill after which the roll call vote on the Bill was taken; however, the roll call was tabled before being announced on motion of Senator Schlör.

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

HJR 44 - REQUESTING THE STATE INSURANCE COMMISSIONER TO INVESTIGATE THE POSSIBILITY OF REDUCING INSURANCE RATES ON PERSONS WHOSE DRIVING RECORD IS NOT BLEMISHED BY ACCIDENTS OR OTHER MOTOR VEHICLE VIOLATIONS AND REPORTING HIS FINDINGS AND RECOMMENDATIONS TO THE MEMBERS OF THE 129TH GENERAL ASSEMBLY.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Holloway and Zimmerman - 2.

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

HB 656 was taken up for consideration on motion of Senator Murphy:

HB 656 - AN ACT TO AMEND CHAPTER 55, TITLE 15, DELAWARE CODE TO PERMIT PERSONS ON VACATION TO VOTE ABSENTEE.

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.

SB 436 was stricken at the request of Senator Murphy.

SB 461 was taken up for consideration on motion of Senator Murphy:

SB 461 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES IN THE STATE.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Bill after which it was temporarily tabled on further motion of Senator Murphy.

HCR 90 was introduced and considered for adoption on motion of Senator Zimmerman:

HCR 90 - MOURNING THE DEATH OF EDMUND H. (TED) HARVEY, AN OUTSTANDING CITIZEN AND CONSERVATIONIST. Sponsors: Representatives Smith, Billingsley, Sincok, Miller, Bennett; Senators Arnold, Weiss, Spence, Hughes, Littleton, Hale, Zimmerman, Knox, Berndt, Murphy, Kearns.

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

The following legislation was introduced:

SB 537 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR OVERTIME EXPENSES OF THE DIVISION OF STATE POLICE. Sponsor: Senator Cicione. Assigned to Finance Committee.

SA 1 to SB 534 sponsored by Senator Zimmerman. Placed with the Bill.

SA 1 to SB 404 sponsored by Senator Cicione. Placed with the Bill.

SA 3 to SB 347 sponsored by Senator Weiss. Placed with the Bill.

At 5:04 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. April 18, 1978.

The Senate reconvened at 2:08 p.m. April 18, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 91 and passed SB 405.

The Secretary announced that Legislative Advisory #40 received from Office of Counsel to the Governor informed the Senate that the Governor approved SB 405 on April 13, 1978.

The following legislation was introduced:

SB 538 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION; ADDING TWO ADDITIONAL MEMBERS TO THE INDUSTRIAL ACCIDENT BOARD; AND PROVIDING AN APPROPRIATION THEREFOR. Sponsors: Senators Schlor and Sharp. Assigned to Labor Committee.

SB 539 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURCHASE OF NEW

HELICOPTER BLADES. Sponsor: Senator Cicione. Assigned to Finance Committee.

SA 1 to SB 461 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 537 sponsored by Senator Cicione. Placed with the Bill.

SCR 93 - CONGRATULATING D. EUGENE WILGUS, OF SELBYVILLE, ON HIS SELECTION AS SMALL BUSINESSMAN OF THE YEAR FOR DELAWARE. Sponsors: Senator Cordrey and Representative Lynch.

On motion of Senator Cordrey, the roll call vote on SCR 93 was taken and revealed 16 Senators voting YES and 5 (Adams, Holloway, Hughes, McCullough and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HCR 87 - PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO STUDY THE FEASIBILITY OF CONVERTING THE WILMINGTON GENERAL DIVISION FACILITY INTO A RESIDENTIAL BUILDING FOR SENIOR CITIZENS.

Sponsors: Representatives Ferguson, Gilligan and Kelly. The Resolution was laid on the table.

HCR 88 - COMMENDING PROFESSIONAL SECRETARIES FOR THEIR CONTRIBUTIONS TO OUR SOCIETY AND DESIGNATING THE WEEK OF APRIL 24-30 AS SECRETARIES' WEEK. Sponsors: Representatives Jonkiert, Boulden, Gordy, McKay, Sincok. The Resolution was laid on the table.

HCR 89 - COMMENDING MADISON H. EVANS, JR., FOR OUTSTANDING SERVICE TO HIS COMMUNITY AND THE STATE OF DELAWARE. Sponsors: Representatives Temple, Rispoli, Plant and Johnson; Senators Holloway, Cicione, McDowell and Schlor. The Resolution was laid on the table on motion of Senator McDowell.

HJR 45 - REQUESTING THE SECRETARY OF HEALTH AND SOCIAL SERVICES AND THE SECRETARY OF LABOR TO EXERT STRENUOUS AND ZEALOUS EFFORTS TOWARD THE GOAL OF FINDING EMPLOYMENT FOR RECIPIENTS OF WELFARE. Sponsor: Representative Plant. Assigned to Health and Social Services Committee.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 21st Legislative Day.

#### 21ST LEGISLATIVE DAY

The Senate convened at 2:15 p.m. April 18, 1978, 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 20th Legislative Day was approved as read.

Senator Kearns moved that SB 416 and SCR 17 be stricken and there was no objection.

On motion of Senator Cicione, the necessary rules were suspended for consideration of SJR 26:

SJR 26 - ESTABLISHING A DELAWARE VETERANS' ADVISORY COUNCIL.

The names of Senators Hughes, Kearns and Arnold were added as co-sponsors of the Resolution and the roll call vote was taken which revealed 18 Senators voting YES and 3 (Holloway, McCullough and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 45 was taken up for consideration on motion of Senator Cicione:

HB 45 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ACCEPT THE APPLICATION FOR A SURVIVOR'S PENSION FROM MRS. EVELYN WIDZGOWSKI, WIDOW OF THE LATE JOSEPH WIDZGOWSKI, A FORMER EMPLOYEE OF THE STATE BOARD OF EDUCATION; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Holloway, Hughes, Kearns, Littleton, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 15.

NO: Senators Cordrey, Hale, Knox, Martin, Weiss - 5.

ABSENT: Senator McCullough - 1.

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

On motion of Senator Schlor the roll call vote on HB 449 was lifted and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senator McCullough - 1.

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton - 6.

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

On motion of Senator Kearns, SJR 17 was stricken and the Senator withdrew his motion earlier in the day to strike SCR 17 which was in error.

HJR 52 was taken up for consideration on motion of Senator Sharp:

HJR 52 - RESPECTFULLY REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO INSTITUTE A PROCEDURE WHEREBY NO FURLOUGH IS GRANTED EXCEPT AFTER A HEARING IN WHICH THE VICTIM OR MEMBERS OF HIS IMMEDIATE FAMILY MAY BE HEARD.

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

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

NO: Senatore Hale, Holloway and McDowell - 3.

ABSENT: Senator Cicione - 1.

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

Senator Spence introduced to the Senate the ladies of the Farm Bureau of Kent and Sussex County who were present in the Chamber.

SB 512 was taken up for consideration on motion of Senator Cordrey:

SB 512 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT.

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.

HJR 55 was taken up for consideration on motion of Senator Adams:

HJR 55 - REQUESTING PRESIDENT JIMMY CARTER AND THE DELAWARE CONGRESSIONAL DELEGATION TO ACT TO REVISE THE FEDERAL BUDGET FOR FISCAL 1979 TO PREVENT REDUCTIONS IN FUNDS REQUIRED FOR THE RESEARCH AND COOPERATIVE EXTENSION PROGRAMS AT THE UNIVERSITY OF DELAWARE.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Hale and Knox) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 3:10 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Community Affairs Committee: HB 690 w HA 1 - 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 534 - 6 Merits; HB 462 - 6 Merits; HB 86 w HA 1 - 5 Merits.

At the request of Senator McCullough, SB 527 which had been tabled was lifted and assigned to the Education Committee.

The following legislation was introduced:

SB 540 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE, RELATING TO THE COASTAL ZONE. Sponsor: Senator Cicione. Assigned to Natural Resources and Environmental Control Committee.

SB 541 - AN ACT TO AMEND AN ACT, BEING CHAPTER 170, VOLUME 57 OF THE LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO PROVIDE A PROCEDURE FOR REFERENDUM.

Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SA 4 to SB 347 sponsored by Senator Sharp. Placed with the Bill.

SA 1 to SB 479 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 432 sponsored by Senator Sharp. Placed with the Bill.

SR 111 - CALLING FOR PEACEFUL COMPLIANCE WITH THE MANDATED REORGANIZATION OF NEW CASTLE COUNTY PUBLIC SCHOOLS. Sponsor: Senator Weiss. The Resolution was laid on the table on motion of the Sponsor.

HB 763 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 763 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE



CODE RELATING TO PRINTING OF SESSION LAWS.

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

SB 403 was taken up for consideration on motion of Senator Zimmerman:

SB 403 - AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE, RELATING TO PRIMARY ELECTIONS.

SA 1, SA 2 and SA 3 to the Bill which had been placed with the Bill were stricken at the request of Senator Zimmerman.

SA 4 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, Cicione, Cordrey, Holloway, Kearns, Martin, McDowell, Schlor, Zimmerman - 9.

NO: Senators Arnold, Berndt, Hale, Knox, Spence, Weiss - 6.

NOT VOTING: Senators Cook, Hughes, Littleton, Murphy, Sharp - 5.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

Senator Zimmerman then moved that SB 403 be placed back in the Banking, Insurance and Elections Committee and the motion prevailed without objection.

SB 404 was taken up for consideration on motion of Senator Cicione:

SB 404 - AN ACT TO AMEND CHAPTER 70, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STATE-OWNED PROPERTY.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione; however, before final action was taken, the Bill and the Amendment were laid on the table on further motion of the Senator.

HB 443 was taken up for consideration on motion of Senator Sharp:

HB 443 - AN ACT TO AMEND SECTION 3125 (a), TITLE 19, DELAWARE CODE, RELATING TO OBTAINING INFORMATION FROM THE DEPARTMENT OF LABOR.

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 returned to the House.

HB 687 was taken up for consideration on motion of Senator Schlor:

HB 687 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO CHANGE THE VOTING PROCEDURE IN ANNEXATION ELECTIONS, TO CHANGE THE TIME WHEN TAX APPEALS ARE HEARD, AND TO CHANGE THE VOTING PROCEDURE IN ELECTIONS AUTHORIZING THE ISSUING OF BONDS.

The roll call 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 452 was taken up for consideration on motion of Senator Holloway:

SB 452 - AN ACT TO AMEND CHAPTER 66, TITLE 16 OF THE DELAWARE

CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS.  
Before final action was taken on the Bill, it was laid on the table on further motion of Senator Holloway.

The following Committee reports were announced:

From the Finance Committee: SB 426 - 6 Merits; SB 539 - 1 Favorable, 5 Merits; HB 708 - 2 Favorable, 5 Merits; SB 487 - 1 Favorable, 5 Merits.

From the Health and Social Services Committee: HB 749 - 4 Merits; HB 750 - 4 Merits; SB 520 - 3 Merits, 2 Unfavorable; SB 530 - 5 Merits; SB 529 4 Merits, 1 Unfavorable; HJR 45 - 4 Merits.

From the Education Committee: SB 495 - 3 Favorable, 3 Merits.

From the Banking, Insurance and Elections Committee: SB 478 - 1 Favorable, 4 Merits; SB 477 - 2 Favorable, 3 Merits; SB 476 - 2 Favorable, 3 Merits; SB 481 - 2 Favorable, 3 Merits; SB 480 - 2 Favorable, 3 Merits.

From the Public Safety Committee: SB 533 - 1 Favorable, 4 Merits.

The following legislation was introduced:

SB 542 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR THE PURPOSE OF COMPENSATING FRANK C. MAYER FOR BACK PAY DUE. Sponsors: Senators Holloway, Hale and Martin. Assigned to Finance Committee.

SB 543 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL EEL FISHING. Sponsors: Senators Zimmerman and Spence; Representatives Miller, Minner, W. Brady and Riddagh. The Bill was laid on the table at the request of Senator Zimmerman.

At 5:55 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 19, 1978.

The Senate reconvened at 2:00 p.m. April 19, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 370 and adopted SCR 93.

The following legislation was introduced:

HB 701 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 47 TITLE 7, DELAWARE CODE, RELATING TO THE USE OF SNOWMOBILES. Sponsor: Representative W. Brady. Assigned to Natural Resources and Environmental Control Committee.

HB 484 - AN ACT TO AMEND CHAPTER 53 AND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO PRELIMINARY HEARINGS. Sponsors: Representative Matushefske and Senator Kearns. Assigned to Judiciary Committee.

SR 112 - REQUESTING A MORATORIUM ON SENATE CONSIDERATION OF RESOLUTIONS MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE CERTAIN ACTIONS, PENDING ENACTMENT OF THE BUDGET ACT FOR THE SUCCEEDING FISCAL YEAR. Sponsor: Senator Hale.

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

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

NO: Senators Arnold, Hughes and Weiss - 3.

NOT VOTING: Senators Berndt, Hale, Holloway, Spence - 4.

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

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SB 543 for consideration:

SB 543 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL EEL FISHING.

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.

On motion of Senator Sharp, the necessary rules were suspended for lifting SB 432 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 19 Senators voting YES and 2 (Holloway and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 432 w SA 1 was then 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.

Senator Weiss requested that SR 111 be lifted for consideration; however, Senator Martin moved that the Resolution be tabled until after the Party Caucus and the motion prevailed without objection.

The following Committee reports were announced:

From the Judiciary Committee: SB 505 - 6 Merits; SB 501 - 6 Merits; SB 500 - 6 Merits; HB 660 w HA 1, 2 - 6 Merits; SB 499 - 6 Merits; SB 466 - 4 Merits, 1 Unfavorable.

The following legislation was introduced:

SB 544 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE CONTRACTUAL SERVICES, SUPPLIES AND MATERIALS, AND SALARIES FOR THE DELAWARE STATE POLICE. Sponsor: Senator Cicione. Assigned to Finance Committee.

SA 1 to SB 342 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 325 sponsored by Senator Murphy. Placed with the Bill.

At 2:32 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 2:32 p.m. April 19, 1978, 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 21st Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 89; SCR 92 and SCR 82.

SB 347 was taken up for consideration on motion of Senator Sharp:

SB 347 - AN ACT TO AMEND PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO STATE LAW ENFORCEMENT AGENCIES; AND PROVIDING FOR A SEPARATE PLANNING AGENCY.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration and the roll call vote taken which revealed 17 Senators voting YES and 4 (McDowell, Murphy, Schlor, Zimmerman) ABSENT; 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 Weiss.

The privilege of the floor was extended to Christine M. Harker, Governor's Commission on Criminal Justice; Tom Sandbach and Harry Terry, Senate Attorneys, to speak on the Amendment after which Senator Sharp moved that SB 347 w SA 1 be tabled and placed first on the Agenda for consideration on the following day. There was no objection to the motion.

SB 502 was taken up for consideration on motion of Senator Cicione:

SB 502 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE DEPUTY ADMINISTRATOR, JUSTICE OF THE PEACE COURTS.

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 3:17 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:43 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 545 - AN ACT TO AMEND §702, TITLE 4 OF THE DELAWARE CODE PERTAINING TO THE SALE OF ALCOHOLIC LIQUOR FROM A MANUFACTURER TO A HOLDER OF A RETAIL LICENSE. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 546 - AN ACT TO AMEND §705, TITLE 4 OF THE DELAWARE CODE PERTAINING TO THE DEFINITION OF THE WORD CASH. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 547 - AN ACT TO AMEND SECTION 501, TITLE 4, DELAWARE CODE, PERTAINING TO LICENSE FEES PAID TO THE STATE OF DELAWARE BY MANUFACTURERS OF ALCOHOLIC BEVERAGES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 548 - AN ACT TO AMEND §101, TITLE 4 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF THE WORD IMPORTER. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 549 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO GRANT STANLEY ANKIEWICZ SURVIVOR'S BENEFITS. Sponsor: Senator Sharp. Assigned to Executive Committee.

SB 550 - AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 7, TITLE 19, DELAWARE CODE RELATING TO THE PERMISSIBLE USE OF THE POLYGRAPH BY LAW ENFORCEMENT AND CORRECTIONAL AGENCIES. Sponsors: Senators Sharp and Adams. Assigned to Labor Committee.

SA 1 to SR 112 sponsored by Senator McDowell. Placed with the Resolution.

SCR 94 - REQUESTING THE DELMARVA POWER COMPANY TO REVIEW ITS RECENT RATE INCREASE REQUESTS IN THE LIGHT OF THE IMPROVEMENT OF 53 PERCENT IN FIRST-QUARTER PROFITS. Sponsors: Senators Martin, Murphy and Kearns.

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

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

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

ABSENT: Senator Arnold - 1.

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

The following Committee reports were announced:

From the Education Committee: SB 527 - 4 Merits.

From the Executive Committee: SB 393 - 5 Merits, 1 Unfavorable.

At 5:07 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 20, 1978.

The Senate reconvened at 1:50 p.m. April 20, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 543.

The following House legislation was introduced:

HB 137 w HA 1 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Representative Jonkiert. Assigned to Executive Committee.

HB 659 - AN ACT TO AID THE HOCKESSIN FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF ITS NEW RESCUE TRUCK. Sponsor: Representative Worthen. Assigned to Administrative Services Committee.

HB 688 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF HIGHWAY SAFETY FOR THE PURPOSE OF REIMBURSING AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE CROSS-BLUE SHIELD. Sponsor: Representative Minner. Assigned to Finance Committee.

HB 780 - AN ACT TO AMEND THE CHARTER OF SEAFORD, CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, TO PERMIT ABSENTEE VOTING IN ANNUAL ELECTIONS. Sponsors: Representative Temple and Senator Littleton. Assigned to Banking, Insurance and Elections Committee.

HB 834 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR RENTAL PAYMENTS FOR CERTAIN AGENCIES OF THE DEPARTMENT. Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

HB 848 w HA 1 - AN ACT TO AMEND CHAPTER 86, TITLE 29, DELAWARE CODE RELATING TO ALLOWANCE OF AN ABATEMENT OF OR DISCOUNT UPON COUNTY TAXES AND PENALTIES FOR LATE PAYMENT. Sponsor: Representative Anderson. Assigned to Revenue and Taxation Committee.

HB 856 - AN ACT TO AMEND CHAPTER 271, VOLUME 60, LAWS OF DELAWARE, ENTITLED, "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS". Sponsors: Representatives Ferguson,

George, Gilligan, Ambrosino; Senators Cicione and Berndt. The Bill was laid on the table on motion of Senator Cordrey.

HB 783 was reported out of the Natural Resources and Environmental Control Committee - 4 Merits.

HCR 92 - COMMENDING LULA MAE NIX ON BEING APPOINTED COORDINATOR OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE ADOLESCENT PREGNANCY INITIATIVE PROGRAM. Sponsors: Representatives Anderson, Plant, Johnson, Worthen, Sincok; Senator Holloway.

The Resolution was laid on the table at the request of Senator Cordrey.

At 1:58 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 1:58 p.m. April 20, 1978, 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 22nd Legislative Day was approved as read.

HCR 92 was lifted for consideration on motion of Senator Holloway and the roll call vote taken which revealed 13 Senators voting YES and 8 (Arnold, Cicione, Cook, Hale, Littleton, McCullough, Schlor and Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 347 w SA 1 was taken up for consideration on motion of Senator Sharp.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Weiss and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Weiss - 7.

NO: Senators Adams, Cordrey, Kearns, Martin, McDowell, Murphy, Sharp, Zimmerman - 8.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Cicione, Cook, Littleton, McCullough, Spence - 5.

Therefore, the Amendment was declared lost.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Weiss and the privilege of the floor extended to Christine M. Harker (Governor's Commission on Criminal Justice) to speak on the Amendment.

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

At 2:25 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 3:41 p.m., Lt. Governor McGinnis presiding.

Senator Hughes introduced to the Senate and requested the

privilege of the floor for Chief Howard C. Shook, representing the International Association of Chiefs of Police.

The following legislation was introduced:

SB 551 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME OF VIOLENCE. Sponsor: Senator Schlor. Assigned to Judiciary Committee.

SB 552 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO THE JUDICIAL BRANCH FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEAR'S EXPENSE. Sponsor: Senator Kearns. Assigned to Finance Committee.

SR 113 - CALLING FOR THE PERSONAL SAFETY OF ALL CHILDREN WHILE IN, COMING FROM, OR GOING TO SCHOOL. Sponsors: Senators Weiss, Martin, Knox, Holloway.

The Resolution was considered for adoption on motion of Senator Weiss and the roll call vote taken which revealed 20 Senators voting YES and 1 (Kearns) ABSENT; therefore, the Resolution was declared adopted.

On motion of Senator Cicione, the necessary rules were suspended for lifting HB 856 for consideration:

HB 856 - AN ACT TO AMEND CHAPTER 271, VOLUME 60, LAWS OF DELAWARE, ENTITLED, 'AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS.

On motion of Senator Knox, the Bill was again tabled before final consideration.

HJR 39 was taken up for consideration on motion of Senator Murphy:

HJR 39 - REQUESTING CERTAIN INFORMATION FROM THE STATE INSURANCE DEPARTMENT AND OTHER STATE AGENCIES RELATING TO YOUNG DRIVERS IN THE STATE OF DELAWARE, AND INSURANCE RATES PAID BY YOUNG DRIVERS IN DELAWARE.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Berndt, Cicione, Holloway, Knox, Martin and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 605 was taken up for consideration on motion of Senator McCullough:

HB 605 - AN ACT TO AMEND CHAPTER 31, TITLE 14, DELAWARE CODE RELATING TO THE TRANSPORTATION OF HANDICAPPED PERSONS RECEIVING PRIVATE PLACEMENT TUITION ASSISTANCE.

The privilege of the floor was extended to Harry Terry, Senate Attorney, to speak on the Bill after which it was tabled on further motion of Senator McCullough.

HB 856 was lifted for consideration on motion of Senator Cicione and the privilege of the floor extended to Robert C. McDowell, Delaware Department of Transportation, 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, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Weiss - 17.

NO: Senators McCullough, Spence, Zimmerman - 3.

ABSENT: Senator Holloway - 1.

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

HB 333 was taken up for consideration on motion of Senator Schlor:

HB 333 - AN ACT TO AMEND CHAPTER 29, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO THE PUBLIC HEALTH AND WELFARE; AND PROVIDING FOR THE PHYSICALLY HANDICAPPED ACCESS TO COMMERCIAL AREAS UNDER CERTAIN CIRCUMSTANCES.

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

The roll call vote on HB 333 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Arnold) NOT VOTING, and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 493 was taken up for consideration on motion of Senator Holloway:

SB 493 - AN ACT TO CHANGE THE NAME OF THE DELAWARE HOSPITAL FOR THE MENTALLY RETARDED, A FACILITY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO THE STOCKLEY CENTER.

The roll call 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. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 25, 1978.

The Senate reconvened at 2:05 p.m., April 25, 1978, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that the House passed SS 1 for SB 253 w SA 1; SB 291 w SA 1.

The following legislation was introduced:

HB 228 w HA 1 - AN ACT TO AMEND PART II, SUBCHAPTER IV, TITLE 21, DELAWARE CODE, TO ESTABLISH A FEE FOR PROCESSING LATE RENEWALS OF MOTOR VEHICLE REGISTRATION. Sponsor: Representative Sincock. Assigned to Public Safety Committee.

HS 1 for HB 320 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representatives Anderson and Gordy. Assigned to Labor Committee.

HB 775 - AN ACT MAKING AN APPROPRIATION TO THE DELAWARE SPORTS HALL OF FAME ASSOCIATION, INC. Sponsors: Representatives George, Ambrosino, Anderson, Bennett, William Brady, Byrd, Cain, Connor, Gilligan, Gordy, Johnson, Kelly, Matushefske, Maxwell, Miller, Plant, Powell, Rispoli, Roy, Sincock and Worthen. Assigned to Finance Committee.



HB 776 - AN ACT AUTHORIZING THE PUBLIC SERVICE COMMISSION TO EXPEND FUNDS FROM THE PUBLIC SERVICE COMMISSION REGULATORY REVOLVING FUND TO EMPLOY CONSULTANTS TO PERFORM A MANAGEMENT AUDIT. Sponsor: Representative George. Assigned to Finance Committee.

HB 818 - AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS. Sponsors: Representatives George, Gilligan and Sincock; Senators Cicione and Holloway. Assigned to Finance Committee.

SB 555 - AN ACT TO AMEND §714 OF TITLE 4 OF THE DELAWARE CODE BY PERMITTING THE SALE OF ALCOHOLIC LIQUORS BY RETAIL STORES TO THE PUBLIC ON SUNDAYS FROM 12:00 NOON TO 5:00 P.M. AND ALSO PROVIDING FOR A SPECIAL LICENSE TO MAKE SAID SALE. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 554 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE SALE OF ALCOHOLIC LIQUORS FROM SUPPLIERS TO CERTAIN IMPORTERS. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 553 - AN ACT TO AMEND CHAPTER 271, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO VARIOUS AGENCIES OF THE STATE AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS". Sponsor: Senator Zimmerman Assigned to Finance Committee.

SA 1 to HB 605 sponsored by Senator McCullough. Placed with the Bill.

HCR 93 - COMMENDING THE JOHN DICKINSON HIGH SCHOOL COLOR GUARD AND TWIRLERS ON BEING CHOSEN AS THE 1978 CHAMPIONS OF THE CAVALCADE INDOOR DRILL ASSOCIATION ON SATURDAY, APRIL 15, 1978, AT NORTH PENN HIGH SCHOOL IN LANSDALE, PENNSYLVANIA. Sponsors: Representatives Powell, Roy, Gilligan, Ferguson, Worthen; Senators Arnold, Sharp, Martin and Knox.

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

SCR 95 - MEMORIALIZING THE MARYLAND STATE HIGHWAYS ADMINISTRATION AND THE UNITED STATES COAST GUARD REGARDING THE FIXED SPAN BRIDGE OVER THE NANTICOKE RIVER. Sponsors: Senators Littleton, Adams, Cordrey; Representatives Gordy and Temple.

The roll call vote on the Resolution was taken on motion of Senator Littleton and revealed 19 Senators voting YES and 2 (McCullough and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 96 - URGING THE ESTABLISHMENT OF A MORTGAGE OVERSIGHT COMMITTEE TO ASSURE THAT NO CITIZEN LOSES HIS HOME AS A RESULT OF ADDITIONAL DESEGREGATION TAXATION ON PROPERTY. Sponsor: Senator Martin.

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

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

NOT VOTING: Senators Cicione and Schlor - 2.

ABSENT: Senators Hale, Holloway and McCullough - 3.

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

SA 5 to SB 347 sponsored by Senator Sharp. Placed with the Bill.

The following Committee reports were announced:

From the Judiciary Committee: HB 551 - 6 Merits; HB 484 - 5 Merits; HB 506 - 6 Merits.

From the Health and Social Services Committee: HB 565 w HA 2 - 1 Favorable, 4 Merits.

From the Executive Committee: SB 535 - 5 Favorable; SB 536 - 2 Favorable, 3 Merits.

At 2:27 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 24th Legislative Day.

#### 24TH LEGISLATIVE DAY

The Senate convened at 2:27 p.m. April 25, 1978, 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, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

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

At 2:35 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:45 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SA 1 to HA 1 to HB 137 sponsored by Senator Zimmerman. Placed with the Bill.

SA 7 to SB 447 sponsored by Senator Zimmerman. Placed with the Bill.

The following Committee reports were announced:

From the Finance Committee: SB 537 - 1 Favorable, 5 Merits.

From the Public Safety Committee: HB 271 - 1 Favorable, 3 Merits; HB 395 w HA 2 - 1 Favorable, 3 Merits; HB 424 - 1 Favorable, 3 Merits; SB 514 - 1 Favorable, 4 Merits; HB 412 - 5 Merits; HB 345 - 1 Favorable, 4 Merits; SB 515 - 1 Favorable, 3 Merits.

From the Administrative Services Committee: HB 440 - 1 Favorable, 3 Merits.

SB 527 was taken up for consideration on motion of Senator Arnold:

SB 527 - AN ACT TO AMEND THE LAWS OF DELAWARE AS THEY RELATE TO STUDENTS VOLUNTARILY TRANSFERRING FROM ONE PUBLIC SCHOOL DISTRICT TO ANOTHER.

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

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

NOT VOTING: Senators McDowell and Schlor - 2.

ABSENT: Senators Holloway and McCullough - 2.

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

SB 534 was taken up for consideration on motion of Senator Zimmerman:

SB 534 - AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE PROHIBITING THE DISCHARGE OF FIREARMS FROM THE HIGHWAY AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

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 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 534 w SA 1 was then taken and revealed:

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

NO: Senator Hughes - 1.

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

ABSENT: Senators Hale and McCullough - 2.

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

HB 462 was taken up for consideration on motion of Senator Zimmerman:

HB 462 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REQUIRE CERTIFICATION AND INSURANCE FOR CONDUCTING PERCOLATION TESTS FOR SEPTIC TANK SYSTEMS.

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

YES: Senators Arnold, Berndt, Cicone, Hale, Holloway, Kearns, Knox, Martin, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senators Adams, Cook, Cordrey and Hughes - 4.

NOT VOTING: Senators Littleton and McDowell - 2.

ABSENT: Senator McCullough - 1.

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

HB 394 was taken up for consideration on motion of Senator Murphy:

HB 394 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO UNINSURED VEHICLE COVERAGE.

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

At 4:35 p.m., Lt. Governor McGinnis presiding.

HB 461 was taken up for consideration on motion of Senator Murphy:

HB 461 - AN ACT TO AMEND CHAPTER 75, TITLE 15, OF THE DELAWARE CODE RELATING TO MUNICIPAL ELECTIONS.

The privilege of the floor was extended to Betty M. Pond (Dept.

of Elections for New Castle County) and Harry Terry (Senate Attorney) to speak on the Bill after which it was laid on the table on further motion of Senator Murphy.

HB 302 w HA 1 was taken up for consideration on motion of Senator Murphy:

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.

The privilege of the floor was extended to B. Wilson Redfearn (State Farm) to speak on the Bill after which the roll call vote was taken; however, before being announced, the roll call was laid on the table on motion of Senator Murphy.

SB 539 was taken up for consideration on motion of Senator Cicione:

SB 539 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY TO BE USED FOR THE PURCHASE OF NEW HELICOPTER BLADES.

The Chair ruled that the records showed that the Fiscal Note attached to the Bill had an error of \$45,000.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hale and Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 480 was taken up for consideration on motion of Senator Murphy:

SB 480 - AN ACT TO AMEND CHAPTER 21, TITLE 5 OF THE DELAWARE CODE, RELATING TO THE EXAMINATION OF SMALL LOAN COMPANIES.

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

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

NO: Senators Cordrey and McCullough - 2.

ABSENT: Senators Hughes and Schlor - 2.

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

SB 481 was taken up for consideration on motion of Senator Murphy:

SB 481 - AN ACT TO AMEND CHAPTER 88, TITLE 29, OF THE DELAWARE CODE, RELATING TO THE STATE BANK COMMISSIONER'S OFFICE AND THE COUNCIL ON BANKING.

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

At 5:25 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. April 26, 1978.

The Senate reconvened at 2:13 p.m. April 26, 1978, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 556 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO FILING OF CANDIDACY FOR NOMINATION AT A PRIMARY

ELECTION. Sponsor: Senator Kearns. Assigned to Banking, Insurance and Election Committee.

SB 557 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, BY ADDING A NEW CHAPTER 70 RELATING TO STOPPING STANDING OR PARKING IN DESIGNATED FIRE LANES AND AREAS ESSENTIAL TO FIRE SAFETY AND PROVIDING PENALTIES THEREFOR. Sponsor: Senator Hughes. Assigned to Public Safety Committee.

SA 1 to SB 467 sponsored by Senator Hughes. Placed with the Bill.

SA 8 to SB 447 sponsored by Senator Berndt. Placed with the Bill.

SA 1 to SB 529 sponsored by Senator Holloway. Placed with the Bill.

SR 114 - IN REFERENCE TO ELECTION OF STAFF MEMBERS. Sponsors: Senators Cordrey and Adams.

On motion of Senator Cordrey, the roll call vote on the Resolution was taken and revealed:

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

NO: Senator Weiss - 1.

ABSENT: Senators Arnold, Berndt, Hale, Hughes, McCullough, Zimmerman - 6.

Therefore, the Resolution was declared adopted.

SCR 97 - ADVISING THE FINANCIAL COMMITTEES OF THE 129TH GENERAL ASSEMBLY RELATIVE TO A BUDGET RESERVE FUND. Sponsors: Senators Cordrey and Cicione; Representatives George, Bennett, Cain, Gilligan, Maxwell. All the Senators were then added as co-sponsors of the Resolution and the roll call vote taken on motion of Senator Cordrey. The roll call vote revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Cordrey introduced to the Senate the students from Sussex Central Middle School who were welcomed by the Lt. Governor.

The following Committee reports were announced:

From the Community Affairs Committee: HB 834 - 1 Favorable, 3 Merits.

From the Labor Committee: SB 538 - 1 Favorable, 3 Merits; SB 550 - 3 Merits.

From the Finance Committee: SB 542 - 6 Merits.

HB 860 w HA 1 was introduced and laid on the table on motion of Senator Adams:

HB 860 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE AND AN AD HOC COMMITTEE HEREIN ESTABLISHED TO CONDUCT A THREE-MONTH PILOT PROJECT ON THE CONCEPTS OF DYNAMIC SEEDING (WEATHER MODIFICATION); AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Representatives Clendaniel, W. Brady, Darling, Minner, Burris and Smith; Senators Adams, Cicione, Cordrey, Cook, Littleton and Spence.

HJR 60 was introduced:

HJR 60 - RECOGNIZING THE IMPORTANCE OF GIRLS CLUBS OF DELAWARE AND PROCLAIMING THE WEEK OF MAY 15 THROUGH MAY 21, 1978 AS GIRLS CLUB WEEK. Sponsors: Representatives Jonkiert and Cain; Senator Holloway.

On motion of Senator Holloway, the necessary rules were suspended

for consideration of HJR 60 and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 558 was introduced and assigned to Health and Social Services Committee:

SB 558 - AN ACT AUTHORIZING THE DIVISION OF PUBLIC HEALTH TO TRANSFER TITLE OF A SURPLUS HEALTH VAN TO THE DELMARVA ECUMENICAL AGENCY FOR THE SUM OF ONE DOLLAR. Sponsor: Senator Holloway.

On motion of Senator McCullough, HB 605 was lifted from the table for consideration; however, on further motion of the Senator consideration of the Bill was deferred.

At the request of Senator Hughes, SB 209 and SS 1 for SB 209 were stricken.

HB 780 was reported out of the Banking, Insurance and Elections Committee: 1 Favorable, 4 Merits.

At 2:45 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 2:45 p.m. April 26, 1978, 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 24th Legislative Day was approved as read.

On motion of Senator Adams, the necessary rules were suspended for lifting from the table HB 860 w HA 1 for consideration:

HB 860 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE AND AN AD HOC COMMITTEE HEREIN ESTABLISHED TO CONDUCT A THREE-MONTH PILOT PROJECT ON THE CONCEPTS OF DYNAMIC SEEDING (WEATHER MODIFICATION); AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The privilege of the floor was extended to William E. McDaniel (Secretary of the Department of Agriculture) to speak on the Bill after which the roll call vote was taken and announced:

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

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators Schlor and Zimmerman - 2.

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

On motion of Senator McCullough, HB 605 which had been deferred for consideration, was now taken up.

SA 1 to the Bill was considered for adoption on motion of Senator McCullough 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 HB 605 w 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 on the Senate Amendment.

SCR 75 was lifted from the table for consideration on motion of Senator Arnold. On further motion of the Senator the Resolution was then stricken without objection.

SB 476 was taken up for consideration on motion of Senator Murphy:  
SB 476 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, BY PERMITTING DISCLOSURE OF INFORMATION TO THE COUNCIL OF BANKING.

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 477 was taken up for consideration on motion of Senator Murphy:  
SB 477 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO QUALIFICATION OF COMMISSIONER AND EMPLOYEES.

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

SB 478 was taken up for consideration on motion of Senator Murphy:  
SB 478 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FINANCIAL INSTITUTION RECORDS RETENTION.

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

HB 690 w HA 1 was taken up for consideration on motion of Senator Schlör.

HB 690 w HA 1 - AN ACT TO REINCORPORATE THE TOWN OF BETHEL.

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

At 4:03 p.m. Lt. Governor McGinnis presiding.

The privilege of the floor was extended to Harry Terry (Senate Attorney) to speak on the Bill after which Senator Littleton moved that it be tabled. The roll call vote on the motion was taken and revealed:

YES: Senator Knox - 1.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 19.

NOT VOTING: Senator Holloway - 1.

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

On motion of Senator Schlör, the roll call vote on HB 690 w HA 1, SA 1 was taken and revealed 19 Senators voting YES, 1 (Hughes) NOT VOTING and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 4:13 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:47 p.m. President Pro Tempore Cordrey presiding.

SB 426 was taken up for consideration on motion of Senator Zimmerman:

SB 426 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF CONSUMER AFFAIRS OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURPOSE OF PAYING THE SALARY OF THE BOARD MEMBERS.

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

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

NO: Senators Adams, Arnold, Berndt, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 10.

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

SB 487 was taken up for consideration on motion of Senator Littleton:

SB 487 - AN ACT TO AMEND VOLUME 60, CHAPTER 691, LAWS OF DELAWARE, KNOWN AS THE CAPITAL IMPROVEMENTS ACT OF 1977.

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.

HB 708 was taken up for consideration on motion of Senator Cicione:

HB 708 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE SEAFORD SCHOOL SYSTEM TO COMPENSATE CERTAIN TEACHERS FOR PREVIOUS UNDERPAYMENTS.

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

HB 660 w HA 1, 2 was taken up for consideration on motion of Senator Kearns:

HB 660 w HA 1, 2 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE, RELATING TO CERTAIN FEES RECEIVED BY THE COURT OF COMMON PLEAS.

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

YES: Senators Adams, Arnold, Cook, Cordrey, Hale, Kearns, Littleton, Martin, McCullough, Murphy, Weiss, Zimmerman - 12.

NO: Senators Berndt, Cicione, Holloway, Hughes, Knox, McDowell, Sharp, Spence - 8.

NOT VOTING: Senator Schlör - 1.

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

HB 749 was taken up for consideration on motion of Senator Holloway:

HB 749 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 11, TITLE 24, DELAWARE CODE, RELATING TO A PEER REVIEW IMMUNITY PROVISION FOR PERSONS REVIEWING DENTAL RECORDS, DENTAL CARE AND DENTISTS' WORK.

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 20 Senators voting YES and 1 (Sharp) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

The following legislation was introduced:

SB 559 - AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE BY SUBSTITUTING A NEW CHAPTER 3 RELATING TO ARCHITECTS, THE BOARD OF EXAMINERS, REGISTRATION OF ARCHITECTS, AND PENALTIES FOR VIOLATIONS



OF SAID CHAPTER. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SA 6 to SB 347 sponsored by Senators Holloway and Berndt. Placed with the Bill.

SA 2 to SB 445 sponsored by Senator Kearns; Representatives Kelly and Byrd. Placed with the Bill.

SA 5 to SB 446 sponsored by Senator Knox and Representative Sincok. Placed with the Bill.

SA 9 to SB 447 sponsored by Senator Knox and Representative Sincok. Placed with the Bill.

SA 10 to SB 447 sponsored by Senator Kearns; Representatives Kelly and Byrd. Placed with the Bill.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 558 - 5 Merits.

From the Community Affairs Committee: SB 541 - 4 Merits.

At 5:50 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. April 27, 1978.

The Senate reconvened at 2:00 p.m. April 27, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 95, SCR 96 and SCR 97.

HCR 95 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 95 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 218 OF THE SOCIAL SECURITY ACT TO ENSURE THAT STATE AND LOCAL GOVERNMENTAL BODIES BE GUARANTEED BY LAW THE RIGHT TO CONTINUE TO DEPOSIT SOCIAL SECURITY CONTRIBUTIONS IN THE FEDERAL TREASURY ON A QUARTERLY, INSTEAD OF MONTHLY, BASIS. Sponsor: Representative Cain.

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

HCR 96 was introduced and considered for adoption on motion of Senator Sharp:

HCR 96 - COMMENDING SHARON EMERSON AND MARK SHUKAITIS ON BEING NAMED DELAWARE'S PRESIDENTIAL SCHOLARS FOR 1978. Sponsors: Representatives Roy, Powell, Gilligan, Ferguson, McKay, Worthen; Senators Arnold, Sharp and Martin.

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.

HJR 62 was introduced and laid on the table on motion of Senator Berndt:

HJR 62 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO STUDY AND INVESTIGATE THE MANNER IN WHICH FACTORY OUTLETS ARE CONCENTRATED IN READING AND SMALLER TOWNS IN PENNSYLVANIA AND MARYLAND, TO DETERMINE AND ASSESS THE MANNER IN WHICH SUCH FACTORY OUTLETS ARE ATTRACTED TO THESE LOCATIONS, AND TO PREPARE A FEASIBILITY REPORT AS TO WHETHER OR NOT ATTRACTING FACTORY OUTLETS TO THE WILMINGTON MERCHANDISE MART WOULD BE DESIRABLE. Sponsors: Representative Ambrosino and Senator Berndt.

At 2:09 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 2:09 p.m. April 27, 1978, 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 25th Legislative Day was approved as read.

At 2:18 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:47 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 560 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE. Sponsors: Senators Weiss and Holloway. Assigned to Labor Committee.

SA 3 to SB 445 sponsored by Senator Hughes and Representative Loughney. Placed with the Bill.

SA 6 to SB 446 sponsored by Senator Hughes and Representative Loughney. Placed with the Bill.

SA 11 to SB 447 sponsored by Senator Hughes and Representative Loughney. Placed with the Bill.

HB 77 w HA 6 w HA 1; HA 7, 11, 12, 14 w HA 1; HA 15, 16, 21 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND RECYCLING OF BEVERAGE CONTAINERS. Sponsored Jointly by Representatives Smith, Gordy, Ambrosino, Anderson, Billingsley, T. Brady, W. Brady, Burris, Clendaniel, Connor, Darling, George, Gilligan, Hebner, Miller, Minner, Morris, Oberle, Riddagh, Ridings, Rispoli, Temple, Sincock, Senators McDowell, Cicione, Hale, Knox, Spence, Weiss; co-sponsored by Representative Worthen.

The Chair assigned the Bill to the Natural Resources and Environmental Control Committee; however, at the request of Senator Cicione and without objection, the Bill was reassigned to the Finance Committee.

SB 561 - AN ACT TO AMEND CHAPTER 25, TITLE 10, DELAWARE CODE, AS IT RELATES TO THE COMPENSATION OF THE CHIEF DEPUTY REGISTER IN CHANCERY. Sponsors: Senators Cordrey, Adams, Littleton. Assigned to Judiciary Committee.

SB 562 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 87, TITLE 9, DELAWARE CODE, RELATING TO THE MONITION METHOD OF SALE OF LANDS FOR DELINQUENT TAXES. Sponsors: Senators Cordrey, Adams and Littleton. Assigned to Community Affairs Committee.

SB 563 - AN ACT TO AMEND CHAPTER 51, TITLE 9, DELAWARE CODE, AS THE SAME SHALL RELATE TO THE BORROWING POWER OF THE GOVERNMENT OF SUSSEX COUNTY. Sponsors: Senators Cordrey, Adams, Littleton. Assigned to Community Affairs Committee.

SB 564 - AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE COMPENSATION OF DEPUTIES AND CLERKS. Sponsors: Senators Cordrey, Adams, Littleton. Assigned to Judiciary Committee.

SB 565 - AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, AS THE SAME RELATES TO THE COMPENSATION OF THE CHIEF DEPUTY REGISTER OF WILLS. Sponsors: Senators Cordrey, Adams, Littleton. Assigned to Judiciary Committee.

SB 566 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 16 OF THE DELAWARE CODE RELATING TO THE MENTALLY RETARDED; AND PROVIDING FOR A BILL OF RIGHTS. Sponsors: Senators Berndt, Adams, Cicione, Holloway, Hughes, Martin and Weiss; Representatives Gilligan, Bennett, Burris, Maxwell, Minner, Powell, Temple. Assigned to Health and Social Services Committee.

The following Bills were reported out the the Finance Committee:

HB 818 - 1 Favorable, 6 Merits; HB 688 - 1 Favorable, 6 Merits;

HB 776 - 7 Merits.

HB 750 was taken up for consideration on motion of Senator Holloway:

HB 750 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 79, TITLE 29, DELAWARE CODE RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH.

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

SB 393 was taken up for consideration on motion of Senator Murphy:

SB 393 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT, BY REQUIRING THAT RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE SUBMITTED TO THE GENERAL ASSEMBLY.

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

YES: Senators Adams, Cook, Cordrey, Hale, Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Zimmerman - 13.

NO: Senators Arnold, Berndt, Knox, Spence Weiss - 5.

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

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 Murphy and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cicione, Holloway, Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the Bill after which the roll call vote on SB 393 w SA 1, 2 was taken and revealed:

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

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

NOT VOTING: Senator Holloway - 1.

ABSENT: Senator Berndt - 1.

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

HB 397 was taken up for consideration on motion of Senator Schlor:  
HB 397 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROHIBITING ANY DEMAND BY LANDLORDS FOR EXTRA MONEY PAYMENTS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Schlor and the privilege of the floor extended to Representative Rispoli and Harry Terry (Senate Attorney) to speak on the Amendment. The roll call vote on the Amendment was then taken and revealed 19 Senators voting YES and 2 (Arnold and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 397 w SA 1 was then taken and revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Zimmerman - 1.

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

SB 430 was taken up for consideration on motion of Senator Cicione:

SB 430 - AN ACT TO AMEND CHAPTER 116 OF VOLUME 61, LAWS OF DELAWARE, ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS", ALSO KNOWN AS HOUSE BILL NO. 300, AS AMENDED, RELATING TO THE SALARY OF THE STATE LIBRARIAN.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Zimmerman) voting NO and 2 (McDowell and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 106 was stricken at the request of Senator Holloway.

At 5:30 p.m. Senator Martin presiding.

HB 783 was taken up for consideration on motion of Senator Zimmerman:

HB 783 - AN ACT TO AMEND CHAPTER 578, VOLUME 58, AS AMENDED BY VOLUME 59, CHAPTER 76, LAWS OF DELAWARE, TO EXTEND THE TIME DURING WHICH THE STATE MAY BORROW MONEY UNDER SUCH ACT AS AMENDED FOR PROJECTS OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

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

At 5:45 p.m., Lt. Governor McGinnis presiding.

SB 440 was taken up for consideration on motion of Senator Holloway:

SB 440 - AN ACT TO AMEND CHAPTER 51, TITLE 15 OF THE DELAWARE CODE RELATING TO EMPLOYEES RIGHTS TO VOTE.

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

SB 566 was reported out of the Health and Social Services Committee: 5 Merits.

SA 1 to SB 551 (Sponsored by Senator Schlor) was introduced and placed with the Bill.

SA 7 to SB 347 (Sponsored by Senator McDowell) was introduced and placed with the Bill.

The following communications were read from the Governor:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

April 27, 1978

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

The nomination of Ruffin N. Noisette as a member of the Personnel Commission, submitted to you on March 21, 1978, is hereby formally withdrawn at the request of Mr. Noisette.

Sincerely,  
Pierre S. duPont, Governor

\* \* \* \* \*

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

April 27, 1978

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 A. Young, III, 512 Barrett Street, Wilmington, Delaware, to be a member of the State Personnel Commission for a term of three (3) years, to fill the expired term of Madison H. Evans.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

\* \* \* \* \*

The letter of nomination was assigned to the Executive Committee. At 5:55 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 2, 1978.

The Senate reconvened at 2:18 p.m., May 2, 1978, Lt. Governor McGinnis presiding.

The following nominations for appointment by the Governor were

reported out of the Executive Committee: Tyson Cohee - 6 Merits; William A. Booth - 1 Favorable, 5 Merits; Thomas J. Orr - 1 Favorable, 5 Merits; Emory B. Brittingham - 1 Favorable, 5 Merits; Courtney P. Houston, Jr. - 6 Merits; Almetia Murray - 6 Merits; Harry M. Thompson - 5 Merits; Joshua Wesley Martin, III - 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 441 w SA 1 and defeated SB 187.

The students from Selbyville Middle School who were present in the Chamber were introduced to the Senate by Senator Cordrey.

HCR 98 was introduced and considered for adoption on motion of Senator Holloway:

HCR 98 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT FUNDS FOR A 1981 WHITE HOUSE CONFERENCE ON AGING. Sponsors: Representative Kelly and Senator Holloway.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cook, Hale and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 97 was introduced and laid on the table at the request of Senator Cordrey:

HCR 97 - CONGRATULATING MR. WALTER MESSICK OF HARRINGTON FOR BECOMING THE FIRST RECIPIENT OF THE OUTSTANDING CITIZEN AWARD BY THE HARRINGTON CHAMBER OF COMMERCE. Sponsors: Representatives Darling and Minner; Senators Cook and Adams.

The following legislation was introduced:

SB 567 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PURPOSE AND MEANING OF ELECTION LAWS, DEFINITIONS OF "POLITICAL PARTY", "PRIMARY ELECTION" AND "UNAFFILIATED CANDIDATE", "DEADLINE FOR CHANGE OF PARTY DESIGNATION, BALLOT QUALIFICATIONS, NOTIFICATION AND WITHDRAWAL OF CANDIDACY, REQUIREMENT FOR DIRECT PRIMARY ELECTIONS IN MAJOR POLITICAL PARTIES, NOTIFICATION OF FILING FEES, NOMINATING CONVENTIONS AND FORM OF BALLOTS. Sponsor: Senator Kearns. Assigned to Banking, Insurance and Elections Committee.

SB 568 - AN ACT TO AMEND TITLE 29, DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE FOR STATE OFFICIALS AND EMPLOYEES. Sponsor: Senator Sharp. The Bill was laid on the table at the request of the sponsor.

SB 569 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO DISCRIMINATION IN STATE EMPLOYMENT. Sponsors: Senators Holloway and Berndt. Assigned to Executive Committee.

SB 570 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE FOR THE PURPOSE OF PROVIDING A STUDENT NEWSPAPER ON EACH CAMPUS. Sponsor: Senator McDowell. Assigned to Finance Committee.

SB 571 - AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE ENTITLED "STERILIZATION OF MENTAL DEFECTIVES" BY SUBSTITUTING AN ENTIRELY NEW CHAPTER. Sponsors: Senators Holloway and Berndt. Assigned to Health and Social Services Committee.

SB 572 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO LOAN LIMITATIONS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SS 1 for SB 536 (Same title as the Original) was introduced by Senator Cordrey and assigned to Executive Committee.

SS 1 for SB 535 (Same title as the Original) was introduced by Senator Cordrey and assigned to Executive Committee.

SA 1 to HB 82 sponsored by Senator Kearns. Placed with the Bill.

The following Committee reports were announced:

From the Judiciary Committee: SB 561 - 6 Merits; SB 564 - 6 Merits; SB 565 - 6 Merits.

From the Community Affairs Committee: SB 562 - 4 Merits; SB 563 - 4 Merits.

At 2:32 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 2:32 p.m. May 2, 1978, 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 26th Legislative Day was approved as read.

SB 500 was taken up for consideration on motion of Senator Kearns: SB 500 - AN ACT TO AMEND CHAPTER 9, OF TITLE 10, OF THE DELAWARE CODE TO REMOVE JURISDICTION FROM FAMILY COURT IN CASES OF SEXUAL MISCONDUCT UNDER 11 DEL. C. SECTION 762 AND PROMOTING PROSTITUTION IN THE FIRST DEGREE UNDER 11 DEL. C. SECTION 1353.

The privilege of the floor was extended to Norman A. Barron, Delaware Department of Justice, to speak on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Hale and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The Lt. Governor introduced to the Senate the following members of the Women's Committee of the United Auto Workers: Oleda Vinson, Jean Paolinelli, Emma Duther, Ila Stephens, Dot Johnson.

SB 499 was taken up for consideration on motion of Senator Kearns:

SB 499 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE BY REMOVING EXCLUSIVE CRIMINAL JURISDICTION FROM THE FAMILY COURT TO COMPLY WITH CONSTITUTIONAL LAW.

The privilege of the floor was extended to the Attorney General, Richard Weir, to speak on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway introduced the following ladies to the Senate: Louise Spaulding, Carolyn Peakes and Mae Cardwell.

SB 501 was taken up for consideration on motion of Senator Kearns:

SB 501 - AN ACT TO AMEND PART A, SUBCHAPTER III, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE REDEFINING THOSE CHILDREN WHO SHALL BE PROCEEDED AGAINST AS ADULTS.

The privilege of the floor was extended to Norman Barron, Delaware

Department of Justice, to speak on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 505 was taken up for consideration on motion of Senator Kearns: SB 505 - AN ACT TO AMEND SUBPART C, SUBCHAPTER VII, CHAPTER 5, TITLE 11 OF THE DELAWARE CODE BY PROHIBITING RECKLESS CONDUCT AND TO FURTHER PROTECT CHILDREN UNDER TWELVE FROM ACCESS TO MATERIALS HARMFUL TO MINORS.

The privilege of the floor was extended to the Attorney General, Richard Weir, 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 sent to the House for consideration.

At 3:43 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:55 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 571 - 5 Merits.

From the Executive Committee: SS 1 for SB 535 - 3 Favorable, 1 Merits; SS 1 for SB 536 - 3 Favorable, 1 Merits.

The following legislation was introduced:

SB 573 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE FOR THE STANDARDS AND GOALS PROJECT. Sponsors: Senators Knox, Weiss and Kearns. Assigned to the Finance Committee.

SA 2 to SB 537 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to SA 9 to SB 447 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to SB 544 sponsored by Senator Cicione. Placed with the Bill.

SCR 98 - URGING LAW ENFORCEMENT AGENCIES TO COOPERATE TO PUT AN END TO DRAG RACING ON ELKTON ROAD. Sponsors: Senators Martin and Hale.

On motion of Senator Martin the Resolution was considered for adoption and the roll call vote taken which revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Holloway, Hughes and McCullough - 3.

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

The Lt. Governor introduced to the Senate Judy Barker and Cub Pack 29 from Wilmington.

On motion of Senator Cicione, SB 573 which had just been introduced and assigned to the Finance Committee was reassigned to the Corrections Committee.

HCR 97 was lifted from the table for consideration on motion of Senator Adams and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT; there-



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

On motion of Senator Adams, the Governor's nomination for appointment of Tyson Cohee was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William A. Booth was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas J. Orr was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Emory B. Brittingham was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Courtney P. Houston, Jr., was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

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

On motion of Senator Adams, the Governor's nomination for appointment of Harry M. Thompson was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joshua Wesley Martin, III, was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Hale, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Schlör, Weiss - 11.

NOT VOTING: Senators Arnold, Cicione, Cook, Cordrey, Martin, Murphy, Sharp, Spence, Zimmerman - 9.

ABSENT: Senator Holloway - 1.

Therefore, the appointment was declared confirmed.

At 5:52 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 3, 1978.

The Senate reconvened at 1:57 p.m. May 3, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SS 1 for SB 297 w SA 1, 2.

The following legislation was introduced:

HB 584 w HA 1 - AN ACT TO AMEND CHAPTER 74, TITLE 16, DELAWARE

CODE, RELATING TO THE STORAGE OF RADIOACTIVE MATERIAL. Sponsor: Representative W. Brady. Assigned to Health and Social Services Committee.

HB 361 w HA 1, 3 - AN ACT TO AMEND CHAPTER 7, PART 1, TITLE 19 OF THE DELAWARE CODE PROHIBITING THE HIRING OF ILLEGAL ALIENS.

Sponsor: Representative Ferguson. Assigned to Labor Committee.

HB 840 - AN ACT TO AMEND SECTION 1106, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO MODIFICATIONS TO FEDERAL ADJUSTED GROSS INCOME. Sponsors: Representative Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 237 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, TO INCREASE FEES FOR RETURN OF SUSPENDED OR REVOKED DRIVERS' LICENSES. Sponsor: Representative Sincock. Assigned to Public Safety Committee.

HB 839 - AN ACT TO AMEND SECTION 1903, CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO THE COMPUTATION OF TAXABLE INCOME FOR PURPOSES OF THE CORPORATION INCOME TAX. Sponsors: Representatives Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 804 - AN ACT TO AMEND CHAPTER 23, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DEPOSIT OF SUMS OF MONEY BY THE PROTHONOTARIES OF THE RESPECTIVE COUNTIES. Sponsor: Representative Darling. Assigned to Judiciary Committee.

SB 574 - AN ACT TO AMEND CHAPTER 13, TITLE 7 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF MAIL-IN FINES FOR A VIOLATION OF CERTAIN GAME AND FISH LAWS AND SMALL BOAT SAFETY LAWS AND MOTOR-BOAT LAWS. Sponsors: Senator Adams and Representative Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 575 - AN ACT TO AMEND CHAPTER 88, OF TITLE 29, DELAWARE CODE RELATING TO ENERGY CONSERVATION AND STATE BUILDING CONSTRUCTION AND DIRECTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO PROMULGATE RULES FOR CONDUCTING LIFE-COST ANALYSES OF ALTERNATIVE ARCHITECTURAL AND ENGINEERING DESIGNS ON ALL STATE BUILDINGS. Sponsor: Senator McDowell. Assigned to Energy Committee.

SA 1 to SB 552 sponsored by Senator Kearns. Placed with the Bill.

Legislative Advisory #42 received from the Office of Counsel to the Governor was read and advised the Senate that the Governor approved SB 370 on April 26; SB 142 w SA 2, HA 1 on April 28; and SB 543 on May 1, 1978.

At 2:06 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 2:06 p.m. May 3, 1978, 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, Wiess, Zimmerman - 21.

The Journal of the 27th Legislative Day was approved as read.

HB 506 was taken up for consideration on motion of Senator Kearns:  
HB 506 - AN ACT TO AMEND CHAPTER 59, TITLE 29, SECTION 5949,  
DELAWARE CODE RELATING TO APPEALS.

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

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

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

NOT VOTING: Senators McCullough and Spence - 2.

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

HB 551 was taken up for consideration on motion of Senator Kearns:

HB 551 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE, RELATING TO MECHANICS' LIENS.

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 178 was taken up for consideration on motion of Senator Cicione:

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.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence - 16.

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

NOT VOTING: Senator Zimmerman - 1.

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

SB 537 was taken up for consideration on motion of Senator Cicione:

SB 537 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR OVERTIME EXPENSES OF THE 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 and the roll call vote taken which revealed 21 Senators voting YES; 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; however, before a vote was taken, the Bill and the Amendment were temporarily tabled on further motion of the sponsor.

HB 424 was taken up for consideration on motion of Senator Cordrey:

HB 424 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO ESTABLISHING A LATE FEE FOR DRIVER LICENSE RENEWALS.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Spence) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 412 was taken up for consideration on motion of Senator Cordrey:

HB 412 - AN ACT TO AMEND CHAPTER 28, TITLE 21, DELAWARE CODE, RELATING TO HABITUAL OFFENDER DRIVERS.

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 345 was taken up for consideration on motion of Senator Cordrey:  
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.

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

HB 395 w HA 2 was taken up for consideration on motion of Senator Cordrey:

HB 395 w HA 2 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OVERTAKING AND PASSING OF A STOPPED SCHOOL BUS; AND PROVIDING FOR CERTAIN CIRCUMSTANCES UNDER WHICH AN APPROACHING DRIVER SHALL STOP.

The Bill was then laid on the table on further motion of the Senator.

HB 271 was taken up for consideration on motion of Senator Cordrey:  
HB 271 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO OPERATING OR RIDING ON MOTORCYCLES.

Senator Sharp then moved that the Bill be deferred until the following day. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Cordrey, Hughes, Littleton, Martin, Sharp, Spence - 7.

NO: Senators Adams, Berndt, Cook, Hale, Holloway, Kearns, Knox, McDowell, Murphy, Schlor, Weiss, Zimmerman - 12.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator McCullough - 1.

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

The privilege of the floor was extended to Austin C. Chidester (Delaware Safety Council) to speak on the Bill after which the roll call vote was taken. The roll call was tabled before being announced on further motion of Senator Cordrey.

SB 537 w SA 1 was lifted for consideration on motion of Senator Cicione.

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 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 537 w SA 1, 2 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:12 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., President Pro Tem Cordrey presiding.

SR 115 sponsored by Senator Weiss was introduced and assigned to the Community Affairs Committee.

SR 115 - CALLING UPON THE ATTORNEY GENERAL TO INVESTIGATE ALLEGATIONS OF IMPROPRIETY BY OFFICIALS OF THE CITY OF WILMINGTON.

SB 388 was reported out of the Executive Committee - 5 Merits. The following legislation was introduced:

SB 576 - AN ACT TO PERMIT THE WOODBRIDGE SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENTS ACCOUNT TO ITS CURRENT OPERATING EXPENSE ACCOUNT. Sponsors: Senator Adams and Representative Clendaniel. Assigned to Education Committee.

SB 577 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND DISQUALIFICATIONS FOR SERVING AS A MEMBER OR EMPLOYEE OF THE COMMISSION. Sponsors: Senator Murphy and Representative Gilligan. Assigned to Administrative Services Committee.

SA 1 to SR 115 sponsored by Senator Weiss. Placed with the Resolution.

SB 578 - AN ACT TO AMEND CHAPTER 32, TITLE 29 OF THE DELAWARE CODE DISSOLVING THE DELAWARE AMERICAN REVOLUTION BICENTENNIAL COMMISSION AND CREATING A NEW DELAWARE HERITAGE COMMISSION. Sponsors: Senators Martin, Cordrey, Cook, Knox, Hughes; Representatives Boulden, Jonkiert, Gordy, Sincok and McKay. Assigned to Executive Committee.

SA 1 to HB 452 sponsored by Senator Knox. Placed with the Bill.

SA 1 to SB 567 sponsored by Senator Kearns. Placed with the Bill.

SA 1 to HB 584 sponsored by Senator Holloway. Placed with the Bill.

SJR 39 - DIRECTING THE DIVISION OF HIGHWAYS TO CONDUCT A FEASIBILITY STUDY FOR A RAILROAD OVERPASS AT DIVISION OR FORREST STREET IN DOVER. Sponsor: Senator Zimmerman. The Resolution was laid on the table at the request of the sponsor.

SCR 99 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION FOR A NATIONAL OFFICE OF THE HANDICAPPED. Sponsor: Senator Holloway. The Resolution was laid on the table at the request of the sponsor.

SS 1 for SB 566 (same title as the Original) sponsored by Senators Berndt, Adams, Cicione, Holloway, Hughes, Martin, Weiss and Kearns; Representatives Gilligan, Bennett, Burris, Maxwell, Minner, Powell, Temple. The Substitute was adopted in lieu of the original on motion of Senator Berndt.

SA 1 to HB 361 sponsored by Senators McDowell and Holloway. Placed with the Bill.

SA 2 to SB 467 sponsored by Senator Spence. Placed with the Bill.

SB 538 was taken up for consideration on motion of Senator Schlor:

SB 538 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION, ADDING TWO ADDITIONAL MEMBERS TO THE INDUSTRIAL ACCIDENT BOARD; AND PROVIDING AN APPROPRIATION THEREFOR.

Final consideration of the Bill was then deferred on further motion of the sponsor.

SB 542 was taken up for consideration on motion of Senator Holloway:

SB 542 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR THE PURPOSE OF COMPENSATING FRANK C. MAYER FOR BACK PAY DUE.

The roll call vote on the Bill was 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.

HB 350 was taken up for consideration on motion of Senator Cordrey:  
HB 350 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, TO INCREASE THE PENALTY FOR FAILURE TO FILE TAX RETURNS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Zimmerman) NOT VOTING and 1 (Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 834 was taken up for consideration on motion of Senator Schlor:  
HB 834 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR RENTAL PAYMENTS FOR CERTAIN AGENCIES OF THE DEPARTMENT.

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

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

NO: Senators Sharp and Zimmerman - 2.

ABSENT: Senator Hughes - 1.

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

SB 558 was taken up for consideration on motion of Senator Holloway:  
SB 558 - AN ACT AUTHORIZING THE DIVISION OF PUBLIC HEALTH TO TRANSFER TITLE OF A SURPLUS HEALTH VAN TO THE DELMARVA ECUMENICAL AGENCY FOR THE SUM OF ONE DOLLAR.

Before a vote on the Bill was taken however, Senator Cordrey moved that the Senate go off the Agenda and there was no objection.

The following Bills were reported out of the Executive Committee:  
SB 569 - 6 Merits; SB 319 - 1 Favorable, 5 Merits.

The following legislation was introduced:

SA 1 to SB 434 sponsored by Senator Sharp. Placed with the Bill.

SA 1 to SB 538 sponsored by Senator Schlor. Placed with the Bill.

At 5:45 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 4, 1978.

The Senate reconvened at 2:00 p.m. May 4, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 423, SB 424 and adopted SCR 98.

SB 538 was lifted for consideration on motion of Senator Schlor.

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:

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

NO: Senator Hale - 1.

ABSENT: Senators Holloway, Hughes, Knox, McCullough, Zimmerman - 5.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 538 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey,

Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senators Hale and Littleton - 2.

ABSENT: Senators Hughes and McCullough - 2.

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

On motion of Senator Cordrey and without objection, the roll call vote on HB 271 was lifted and rescinded.

SCR 99 was lifted for consideration on motion of Senator Holloway:

SCR 99 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION FOR A NATIONAL OFFICE OF THE HANDICAPPED.

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

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SJR 39 for consideration:

SJR 39 - DIRECTING THE DIVISION OF HIGHWAYS TO CONDUCT A FEASIBILITY STUDY FOR A RAILROAD OVERPASS AT DIVISION OR FORREST STREET IN DOVER.

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

SB 541 was taken up for consideration on motion of Senator Cordrey:

SB 541 - AN ACT TO AMEND AN ACT, BEING CHAPTER 170, VOLUME 57 OF THE LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO PROVIDE A PROCEDURE FOR REFERENDUM.

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 818 was taken up for consideration on motion of Senator Cicione:

HB 818 - AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS.

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

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

NO: Senators Sharp and Zimmerman - 2.

NOT VOTING: Senators McCullough and Murphy - 2.

ABSENT: Senator Weiss - 1.

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

At 2:54 p.m. President Pro Tempore Cordrey presiding.

On motion of Senator Berndt, the necessary rules were suspended for consideration of SS 1 for SB 566:

SS 1 for SB 566 - AN ACT TO AMEND CHAPTER 55, PART V, TITLE 16 OF THE DELAWARE CODE RELATING TO THE MENTALLY RETARDED; AND PROVIDING FOR A BILL OF RIGHTS.

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

At 3:00 p.m. on motion of Senator Adams, the Senate recessed for Party Caucus and reconvened at 4:03 p.m., Senator Sharp presiding.

SB 561 was taken up for consideration on motion of Senator Cordrey:

SB 561 - AN ACT TO AMEND CHAPTER 25, TITLE 10, DELAWARE CODE, AS IT RELATES TO THE COMPENSATION OF THE CHIEF DEPUTY REGISTER IN CHANCERY.

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

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

ABSENT: Senators Hale, Littleton, McCullough, Schlör, Zimmerman - 5.

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

SB 562 was taken up for consideration on motion of Senator Cordrey:

SB 562 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 87, TITLE 9, DELAWARE CODE RELATING TO THE MONITION METHOD OF SALE OF LANDS FOR DELINQUENT TAXES.

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

SB 563 was taken up for consideration on motion of Senator Cordrey:

SB 563 - AN ACT TO AMEND CHAPTER 51, TITLE 9, DELAWARE CODE, AS THE SAME SHALL RELATE TO THE BORROWING POWER OF THE GOVERNMENT OF SUSSEX COUNTY.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) and Earl McGinnis (Director of Legislative Council) to speak on the Bill after which it was laid on the table on motion of Senator Cordrey.

SB 564 was taken up for consideration on motion of Senator Cordrey:

SB 564 - AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE COMPENSATION OF DEPUTIES AND CLERKS.

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 565 was taken up for consideration on motion of Senator Cordrey:

SB 565 - AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, AS THE SAME RELATES TO THE COMPENSATION OF THE CHIEF DUPTY REGISTER OF WILLS.

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 4:20 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 4:20 p.m. May 4, 1978, Senator Sharp 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 28th Legislative Day was approved as read.

Senator Weiss moved that the necessary rules be suspended for considering for adoption, SR 115 which had been assigned to the Executive Committee.

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

YES: Senators Arnold, Berndt, Hale, Knox, Littleton, Spence, Weiss - 7.

NO: Senators Cook, Cordrey, Kearns, Martin, McCullough, Schlor - 6.

NOT VOTING: Senators Adams, Cicione, Murphy, Sharp, Zimmerman - 5.

ABSENT: Senators Holloway, Hughes, McDowell - 3.

The Chair ruled that the motion was thereby defeated; however, Senator Hale pointed out that for the adoption of such a motion it was merely necessary for a majority of those present and voting to vote YES.

Senator Cordrey, then moved that the roll call be rescinded and the roll call vote on the rescinding motion was taken and revealed:

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

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

ABSENT: Senators Holloway and Hughes - 2.

Therefore, the motion carried and the first roll call on suspending the rules was rescinded.

Senator Weiss again moved that the necessary rules be suspended for consideration of SR 115. The roll call vote on the motion was taken and revealed:

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

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

Therefore, the motion was declared defeated.

At 4:32 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 4:35 p.m., Senator Cordrey presiding.

HB 440 was taken up for consideration on motion of Senator Cook:

HB 440 - AN ACT DIRECTING THE TRANSFER OF OAK GROVE SCHOOL SITE OF EAST DOVER HUNDRED, KENT COUNTY, DELAWARE, TO J. WARD HURLEY AND MILDRED J. HURLEY.

At the request of Senator Cook, Senator Zimmerman floor-managed the Bill. 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 and revealed:

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

NO: Senator Weiss - 1.

NOT VOTING: Senators Arnold and Knox - 2.

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

SB 533 was taken up for consideration on motion of Senator Murphy:

SB 533 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION AGAINST YOUTHFUL DRIVERS BECAUSE OF SEX.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 15.

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

ABSENT: Senators Kearns and McCullough - 2.

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

SB 563 was lifted from the table for consideration on motion of Senator Adams:

SB 563 - AN ACT TO AMEND CHAPTER 51, TITLE 9, DELAWARE CODE, AS THE SAME SHALL RELATE TO THE BORROWING POWER OF THE GOVERNMENT OF SUSSEX COUNTY.

Senator Adams floor-managed the Bill at the request of Senator Cordrey.

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

The roll call vote on SB 563 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Kearns) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 579 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO UNFAIR PRACTICES IN THE INSURANCE BUSINESS. Sponsors: Senator Adams and Representative Gordy. Assigned to Banking, Insurance and Elections Committee.

SA 1 to SS 1 for SB 535 sponsored by Senator Berndt. Placed with the Bill.

SA 1 to SS 1 for SB 536 sponsored by Senator Berndt. Placed with the Bill.

SA 1 to SB 510 sponsored by Senator Kearns. Placed with the Bill.

SCR 100 - PROCLAIMING THE WEEK OF MAY 7TH THROUGH MAY 14TH AS NEW CASTLE COUNTY CRUSADE FOR CHRIST WEEK. Sponsor: Senator Martin. The Resolution was immediately stricken at the request of the sponsor.

SA 1 to HB 271 sponsored by Senator Sharp. Placed with the Bill.

SA 2 to HB 271 sponsored by Senator Holloway. Placed with the Bill.

SR 116 - SALUTING FORMER HOWARD HIGH SCHOOL COACH AND ATHLETIC DIRECTOR, MILLARD A. (STEAMY) NAYLOR, FOR LONG YEARS OF SERVICE TO HIS COMMUNITY. Sponsors: Senators Holloway, Zimmerman, Hughes and Arnold.

The roll call vote on the Resolution was taken at the request of Senator Holloway and revealed 17 Senators voting YES and 4 (Hale, Kearns, McDowell and Weiss) ABSENT; therefore, the Resolution was declared adopted.

SB 576 was reported out of the Education Committee: 1 Favorable, 5 Merits.

The following legislation was introduced:

HB 754 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF THE COMMISSIONERS OF WYOMING TO THE TOWN OF WYOMING AND ESTABLISHING A CHARTER THEREFOR," BEING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE USED EACH YEAR IN TAXES. Sponsors: Representative Morris and Senator Murphy. Assigned to Community Affairs Committee.

HB 845 w HA 4, 5 - AN ACT TO AMEND CHAPTER 1, TITLE 14, DELAWARE CODE, BY PROVIDING FOR A STATEWIDE EDUCATIONAL TESTING PROGRAM IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Representatives Worthen, Lynch, Oberle, Roy, Powell, Hebner. Assigned to Education Committee.

HCR 100 - THANKING THE LAUREL HISTORICAL SOCIETY, INC. FOR INVITING THE GENERAL ASSEMBLY TO SERVICES HONORING JOSHUA HOPKINS MARVIL, GOVERNOR OF DELAWARE IN 1895. Sponsors: Representative Gordy; Senators Littleton and Martin.

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

Senator Sharp moved that the roll call on HCR 100 was out of order since Senator Hale was in the gallery when he voted and was not in his seat in the Chamber.

On motion of Senator Cicione, the roll call vote on HCR 100 was rescinded and a new roll call vote taken which revealed 19 Senators voting YES and 2 (Kearns and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 101 - REQUESTING THE PUBLIC SERVICE COMMISSION TO FURNISH MEMBERS OF THE DELAWARE GENERAL ASSEMBLY WITH BRIEF AND CONCRETE FACTS UPON WHICH THE PUBLIC SERVICE COMMISSION BASED ITS RECENT DECISION TO GRANT A RATE INCREASE TO ROLLINS CABLEVISION, INC. Sponsor: Representative Plant.

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

HCR 102 - DIRECTING THE ATTORNEY GENERAL OF DELAWARE TO CONFER WITH THE UNITED STATES ATTORNEY FOR DELAWARE ON THE INCREASED AMOUNTS OF ANGEL DUST AND HARD DRUGS COMING INTO THIS STATE. Sponsor: Representative Plant.

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

HCR 103 - SUPPORTING SOLAR ENERGY AND MAY 3, 1978 AS "SUN DAY" IN

THE STATE OF DELAWARE. Sponsors: Representatives Smith and Darling. The Resolution was assigned to the Energy Committee.

At 5:40 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. May 9, 1978.

The Senate reconvened at 2:10 p.m. May 9, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 527 and adopted SCR 99.

Legislative Advisory #43 received from the Office of Counsel to the Governor was read which indicated that the Governor approved the following Senate legislation on May 5, 1978: SB 527; SB 291 w SA 1; SS 1 for SB 253 w SA 1.

The following legislation was introduced:

SB 580 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO UNIT SUPPORT OF HANDICAPPED CHILDREN AND FURTHER MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 581 - AN ACT TO AMEND CHAPTER 13 OF TITLE 14, DELAWARE CODE RELATING TO PSYCHOLOGISTS AND SPEECH AND HEARING TEACHERS IN PUBLIC SCHOOLS; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 582 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, BEING THE 1978 BUDGET APPROPRIATION ACT, ORIGINALLY DESIGNATED HOUSE BILL NO. 300, AMENDED BY HOUSE AMENDMENT NO. 27 AND SENATE AMENDMENT NO. 1, RELATING TO THE OFFICE OF THE COMMISSIONER OF SECURITIES. Sponsor: Senator McDowell. Assigned to Finance Committee.

HB 778 w HA 2 - AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENTS OF ELECTION FOR NEW CASTLE COUNTY AND KENT COUNTY TO BE USED FOR THE PURCHASE OF VOTING MACHINES. Sponsor: Representative Bennett. Assigned to Finance Committee.

HCR 105 - REQUESTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INCREASE THE FEES PAID UNDER THE DELAWARE MEDICAID PRESCRIPTION DRUG PROGRAM. Sponsors: Representative Matushefske; Senators Kearns and Berndt. The Resolution was laid on the table at the request of Senator Cicione.

At 2:14 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 30th Legislative Day.

### 30TH LEGISLATIVE DAY

The Senate convened at 2:14 p.m. May 9, 1978, 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 29th Legislative Day was approved as read.

The following legislation was introduced:

SB 583 - AN ACT TO AMEND TITLE 29, CHAPTER 64 OF THE DELAWARE CODE PERMITTING APPROPRIATE STATE AGENCIES TO HOLD INFORMAL PRO-

CEEDINGS ON RATE AND PRICE FIXING MATTERS THAT ARE NOT A MATTER OF GENERAL PUBLIC INTEREST. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 3 to HB 271 sponsored by Senator Sharp. Placed with the Bill.

SB 461 was taken up for consideration on motion of Senator Murphy:

SB 461 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES IN THE STATE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 461 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 780 was taken up for consideration on motion of Senator Murphy:

HB 780 - AN ACT TO AMEND THE CHARTER OF SEAFORD, CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, TO PERMIT ABSENTEE VOTING IN ANNUAL ELECTIONS.

At the request of Senator Murphy, Senator Littleton floor-managed the Bill and called for a vote which revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 434 was taken up for consideration on motion of Senator Sharp:

SB 434 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THIS STATE; AND PROVIDING NOTICE TO THE DIVISION OF MOTOR VEHICLES OF INSURANCE TERMINATIONS.

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

The roll call vote on SB 434 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.

SB 569 was taken up for consideration on motion of Senator Holloway:

SB 569 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO DISCRIMINATION IN STATE EMPLOYMENT.

The privilege of the floor was extended to David T. Smith, representing Developmental Disabilities, to speak on the Bill.

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

The roll call vote on SB 569 w SA 1 was then taken and revealed:

YES: Senators Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams and Hughes - 2.

NOT VOTING: Senators Arnold, Cicione and Sharp - 3.

ABSENT: Senator McDowell - 1.

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

SB 571 was taken up for consideration on motion of Senator Holloway:

SB 571 - AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE ENTITLED, "STERILIZATION OF MENTAL DEFECTIVES" BY SUBSTITUTING AN ENTIRELY NEW CHAPTER.

The privilege of the floor was extended to David T. Smith, representing Developmental Disabilities, to speak on the Bill after which the Bill was laid on the table on further motion of Senator Holloway.

At 3:48 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:29 p.m., President Pro Tempore Cordrey presiding.

HB 484 was taken up for consideration on motion of Senator Kearns:

HB 484 - AN ACT TO AMEND CHAPTER 53 AND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO PRELIMINARY HEARINGS.

The privilege of the floor was extended to Tom Sandbach and Harry Terry (Senator Attorneys) to speak on the Bill after which the roll call vote was taken; however, before being announced, the roll call was tabled on motion of Senator Kearns.

SR 117 was introduced by Senator Zimmerman and considered for adoption on his motion:

SR 117 - COMMENDING MEMBERS OF THE SENATE WHO PARTICIPATE IN CAR POOLS AND AUTHORIZING THE SECRETARY OF THE SENATE TO REDUCE MILEAGE FOR SUCH MEMBERS.

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

HCR 105 was lifted for consideration on motion of Senator Kearns:  
HCR 105 - REQUESTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INCREASE THE FEES PAID UNDER THE DELAWARE MEDICAID PRESCRIPTION DRUG PROGRAM.

Senators Kearns and Berndt were added as co-sponsors of the Resolution and the roll call vote taken on motion of Senator Berndt. The roll call vote revealed:

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

NO: Senator Hale - 1.

ABSENT: Senator Hughes - 1.

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

The following legislation was introduced:

SB 584 - AN ACT TO AMEND CHAPTER 1, TITLE 31, DELAWARE CODE, RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 585 - AN ACT TO AMEND AN ACT ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 888 OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senators Cicione, McDowell, Zimmerman, Hughes, Knox, Weiss; Representatives Byrd, Maxwell, Riddagh, Sincok. Assigned to Finance Committee.

SA 1 to SB 578 sponsored by Senator Martin. Placed with the Bill.

SA 1 to HB 566 sponsored by Senator Holloway. Placed with the Bill.

The following Committee reports were announced:

From the Administrative Services Committee: SB 450 - 4 Merits.

From the Finance Committee: SB 313 - 7 Merits; SB 552 - 7 Merits; SB 570 - 1 Favorable, 6 Merits.

From the Judiciary Committee: SB 583 - 4 Merits, 1 Unfavorable.

From the Banking, Insurance and Elections Committee: SB 567 - 4 Merits.

On motion of Senator Spence, the roll call vote on SB 66 was lifted 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.

At 5:50 p.m. on motion of Senator Martin, the Senate recessed until 2:30 p.m. May 10, 1978.

The Senate reconvened at 3:06 p.m. May 10, 1978, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 412 and SB 411. SB 156 w SA 3 was defeated in the House.

The following legislation was introduced:

SB 586 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPERIOR COURT OF THE STATE OF DELAWARE FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 587 - AN ACT TO AMEND TITLE 28, OF THE DELAWARE CODE, RELATING TO SPORTS AND AMUSEMENTS BY DIRECTING THAT A PORTION OF THE MONEYS FOR UNCLAIMED PARI-MUTUEL TICKETS BE USED IN THE TREATMENT OF COMPULSIVE GAMBLERS. Sponsor: Senator McDowell. Assigned to Administrative Services Committee.

SB 588 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND APPLYING THE LIFELINE CONCEPT TO THE RATES, CHARGES AND CLASSIFICATIONS UTILIZED IN DETERMINING RATES FOR RESIDENTIAL CONSUMERS OF ENERGY. Sponsor: Senator McDowell. Assigned to Administrative Services Committee.

SB 589 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, FOR THE PURPOSE OF CONTINUING THE OPERATION OF THE PRESCHOOL DIAGNOSTIC AND DEVELOPMENTAL NURSERY IN KENT COUNTY. Sponsors: Senators Zimmerman, Berndt, Murphy and Weiss; Representatives Miller and Minner. Assigned to Finance Committee.

HB 670 - AN ACT TO AMEND SECTION 29, CHAPTER 237, VOLUME 51,

LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BETHEL" RELATING TO THE POWER TO BORROW MONEY. Sponsors: Representative Gordy and Senator Littleton. Assigned to Community Affairs Committee.

HB 737 - AN ACT TO AMEND CHAPTER 69, TITLE 16, DELAWARE CODE RELATING TO PUBLIC DISPLAY OF FIREWORKS. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HJR 58 - DIRECTING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DIRECT THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO ADMINISTER THE STATE CERTIFICATION RULES CONCERNING GUIDANCE PERSONNEL WITHOUT ANY LOWERING OF STANDARDS. Sponsor: Representative Worthen. The Resolution was laid on the table at the request of Senator Sharp.

HJR 64 - REQUESTING THE HONORABLE MURRAY M. SCHWARTZ, UNITED STATES JUDGE FOR THE DISTRICT OF DELAWARE TO REQUIRE THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO GIVE THE MEMBERS OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE SUFFICIENT AND ADVANCE NOTICE ON ALL MATTERS RELATING TO THE DESEGREGATION OF NEW CASTLE COUNTY SCHOOLS THAT HAVE A STATEWIDE IMPACT, ESPECIALLY THE APPROPRIATION OF PUBLIC FUNDS. Sponsors: Representatives Gordy, Sincok, Bennett, Lynch, Anderson, T. Brady, Ambrosino, Hebner, Smith, Ridings, McKay, Connor, Roy, Powell, Billingsley, Riddagh, Burris and Vernon. The Resolution was laid on the table at the request of Senator Sharp.

HJR 65 - REQUESTING THE FEDERAL COMMUNICATIONS COMMISSION TO CHANGE CHANNEL 38 FROM AN EDUCATIONAL STATION TO A COMMERCIAL STATION. Sponsors: Representatives Vernon, Burris, Clendaniel, Gordy, Lynch and Temple; Senators Adams, Cordrey and Littleton. Assigned to Public Safety Committee.

HCR 107 - CONGRATULATING THE FIVE LIVING INDUCTEES OF THE DELAWARE SPORTS HALL OF FAME AND THE FAMILIES OF THE TWO DECEASED INDUCTEES. Sponsor: Representative Gordy.

On motion of Senator Berndt, the Resolution was considered for adoption and the roll call vote taken which revealed 14 Senators voting YES and 7 (Arnold, Cicione, Hale, Hughes, Littleton, McCullough and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 108 - COMMENDING THE DUPONT COMPANY AND THE GETTY REFINING AND MARKETING COMPANY FOR PARTICIPATING IN THE COOPERATIVE TO CONTAIN MAJOR OIL SPILLS ON THE DELAWARE RIVER. Sponsor: Representative Loughney.

On motion of Senator Sharp, the Resolution was considered for adoption and the roll call vote taken which revealed 16 Senators voting YES and 5 (Arnold, Cicione, Hughes, Littleton and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Health and Social Services Committee: SB 584 - 3 Merits.

From the Natural Resources and Environmental Control Committee:

SB 574 - 6 Merits.

At 3:16 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 31st Legislative Day.



### 31ST LEGISLATIVE DAY

The Senate convened at 3:16 p.m. May 10, 1978, 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: 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 579 was reported out of the Banking, Insurance and Elections Committee: 5 Merits.

HB 688 was taken up for consideration on motion of Senator Cicione:

HB 688 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF HIGHWAY SAFETY FOR THE PURPOSE OF REIMBURSING AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE CROSS-BLUE SHIELD.

The roll call 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 returned to the House.

SB 576 was taken up for consideration on motion of Senator Adams:

SB 576 - AN ACT TO PERMIT THE WOODBRIDGE SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENTS ACCOUNT TO ITS CURRENT OPERATING EXPENSE ACCOUNT.

The 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.

On motion of Senator Berndt, the necessary rules were suspended for lifting HJR 62 for consideration:

HJR 62 - DIRECTING THE DIVISION OF ECONOMIC DEVELOPMENT TO STUDY AND INVESTIGATE THE MANNER IN WHICH FACTORY OUTLETS ARE CONCENTRATED IN READING AND SMALLER TOWNS IN PENNSYLVANIA AND MARYLAND, TO DETERMINE AND ASSESS THE MANNER IN WHICH SUCH FACTORY OUTLETS ARE ATTRACTED TO THESE LOCATIONS, AND TO PREPARE A FEASIBILITY REPORT AS TO WHETHER OR NOT ATTRACTING FACTORY OUTLETS TO THE WILMINGTON MERCHANDISE MART WOULD BE DESIRABLE.

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

At 3:50 p.m. Senator McDowell presiding.

SB 319 was taken up for consideration on motion of Senator Murphy:

SB 319 - AN ACT TO PERMIT FACSIMILE SIGNATURE BY THE SECRETARY OF STATE UNDER CERTAIN CONDITIONS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES; 3 (Sharp, Spence and Zimmerman) voting NO and 1 (Schlor) 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 342 was lifted and rescinded.

SA 1 to SB 342 which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote

taken which revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 342 w SA 1 was then taken on motion of Senator Murphy and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 365 was taken up for consideration on motion of Senator Murphy:  
SB 365 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES; 1 (Hale) NOT VOTING and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:22 p.m. Senator Cordrey presiding.

SB 388 was taken up for consideration on motion of Senator Murphy:  
SB 388 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the Bill. Final consideration of the Bill was then deferred on further motion of the Senator.

SB 570 was taken up for consideration on motion of Senator McDowell:  
SB 570 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE FOR THE PURPOSE OF PROVIDING A STUDENT NEWSPAPER ON EACH CAMPUS.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Arnold and Berndt) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Cordrey introduced and welcomed to the Senate Chamber former State Senator Tom Hickman from Sussex County.

SS 1 for SB 488 (sponsored by Senator Zimmerman and Representative Miller) was introduced and adopted in lieu of the Original on motion Of Senator Zimmerman. (Same title as the Original)

On motion of Senator Sharp, the necessary rules were suspended for lifting HJR 58 for consideration:

HJR 58 - DIRECTING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DIRECT THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO ADMINISTER THE STATE CERTIFICATION RULES CONCERNING GUIDANCE PERSONNEL WITHOUT ANY LOWERING OF STANDARDS.

The privilege of the floor was extended to Representative Worthen after which the roll call vote on the Resolution was taken and revealed:

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

NOT VOTING: Senators Holloway, Schlor and Zimmerman - 3.

ABSENT: Senator Murphy - 1.

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

The following Committee reports were announced:

From the Health and Social Services Committee: SB 352 - 5 Merits.

From the Community Affairs Committee: SB 70 - 4 Merits; HB 754 - 4 Merits.

From the Public Safety Committee: HJR 65 - 6 Merits.

From the Judiciary Committee: SB 448 - 3 Merits, 1 Unfavorable.

SA 2 to SB 567 sponsored by Senators Berndt and Knox. Placed with the Bill.

SR 118 was introduced by Senator Weiss who moved for its adoption:

SR 118 - AMEND SENATE RESOLUTION NO. 4 BY ADDING A NEW SENTENCE AT THE END OF RULE 16 TO READ AS FOLLOWS:

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

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Littleton, Spence, Weiss - 9.

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

NOT VOTING: Senator McDowell - 1.

Therefore, the Resolution was declared lost.

At 5:57 p.m. on motion of Senator Martin, the Senate recessed until 1:30 May 11, 1978.

The Senate reconvened at 2:00 p.m. May 11, 1978, Lt. Governor McGinnis presiding.

Legislative Advisory #44 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SS 1 for SB 566 and SCR 89 on May 9, 1978.

The following legislation was introduced:

SA 1 to SS 1 for SB 488 sponsored by Senator Berndt. Placed with the Bill.

SA 1 to SB 388 sponsored by Senators Murphy, Holloway and Berndt. Placed with the Bill.

HB 610 w HA 4 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN; AND PROVIDING FOR THE OPTIONAL AND MANDATORY RETIREMENT OF STATE EMPLOYEES. Sponsor: Representative Gilligan. Assigned to Executive Committee.

HB 736 w HA 2 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE RELATING TO THE DEFINITION OF MOTOR VEHICLE. Sponsor: Representative Minner. Assigned to Revenue and Taxation Committee.

HB 870 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE BLADES VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF ITS NEW RESCUE TRUCK. Sponsors: Representative Temple and Senator Littleton. Assigned to Finance Committee.

HJR 59 - DIRECTING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DIRECT THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO ADMINISTER THE STATE CERTIFICATION RULES CONCERNING READING PERSONNEL WITHOUT ANY LOWERING OF STANDARDS. Sponsor: Representative Worthen. The Resolution was laid on the table at the request of Senator Sharp.

HB 737 was reported out of the Public Safety Committee - 6 Merits.

Senator Cordrey extended to Senator Cook Birthday Congratulations.

At 2:07 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 32nd Legislative Day.

## 32ND LEGISLATIVE DAY

The Senate convened at 2:07 p.m. May 11, 1978, 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 31st Legislative Day was approved as read.

SS 1 for SB 488 was taken up for consideration on motion of Senator Zimmerman:

SS 1 for SB 488 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; PROHIBITING RESTRAINTS OF TRADE AND MONOPOLISTIC PRACTICES; PROVIDING REMEDIES AND PENALTIES THEREFOR; AND IMPOSING POWERS AND DUTIES ON THE ATTORNEY GENERAL.

SA 1 to the Bill was introduced by Senator Berndt and laid on the table at his request.

The privilege of the floor was extended to George T. Coulson (representing the Attorney General) to speak on the Bill.

On motion of Senator Berndt, SA 1 was lifted from the table for consideration and the roll call vote taken which revealed:

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

NO: Senators Kearns, Schlör and Zimmerman - 3.

NOT VOTING: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Knox and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

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

NO: Senators Kearns and Schlör - 2.

NOT VOTING: Senators Holloway and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Zimmerman, the roll call vote on SB 488 w SA 1, 2 was taken; however, before it was announced, the roll call was laid on the table on further motion of the Senator.

The Lt. Governor introduced to the Senate three distinguished guests who were present in the Chamber: Surinder Singh from India, Henry Folsom and Jack Kirk.

At 3:45 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., President Pro Tempore Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 586 - 1 Favorable, 6 Merits.

From the Revenue and Taxation Committee: HB 736 w HA 2 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SS 1 for SB 566.

HCR 110 was introduced and considered for adoption on motion of Senator Adams:

HCR 110 - COMMENDING THE MILFORD HIGH SCHOOL BAND AND FLAG CORPS FOR OUTSTANDING PERFORMANCES AT THE ANNUAL APPLE BLOSSOM FESTIVAL IN WINCHESTER, VIRGINIA, ON MAY 5, 6, 1978. Sponsors: Representatives Minner and Burris; Senator Adams.

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

On motion of Senator Cicione, the necessary rules were suspended for consideration of SB 591:

SB 591 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SUPPLIES AND MATERIALS FOR THE DELAWARE STATE POLICE. Sponsors: Senators Cicione, Sharp and Adams; Representative Minner.

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

At 4:59 p.m. Senator Holloway presiding.

HJR 65 was taken up for consideration on motion of Senator Cordrey:

HJR 65 - REQUESTING THE FEDERAL COMMUNICATIONS COMMISSION TO CHANGE CHANNEL 38 FROM AN EDUCATIONAL STATION TO A COMMERCIAL STATION.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES; 1 (Zimmerman) voting NO and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 5:03 p.m. Senator Cordrey presiding.

HB 754 was taken up for consideration on motion of Senator Cicione:

HB 754 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF THE COMMISSIONERS OF WYOMING TO THE TOWN OF WYOMING AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE USED EACH YEAR IN TAXES.

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

SB 574 was taken up for consideration on motion of Senator Adams:

SB 574 - AN ACT TO AMEND CHAPTER 13, TITLE 7 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF MAIL-IN FINES FOR A VIOLATION OF CERTAIN GAME AND FISH LAWS AND SMALL BOAT SAFETY LAWS AND MOTORBOAT LAWS.

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

SB 70 was taken up for consideration on motion of Senator Cicione:

SB 70 - AN ACT TO AMEND CHAPTER 19, PART 11, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY.

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

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

NO: Senators Hale and Knox - 2.

ABSENT: Senator McDowell - 1.

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

At 5:23 p.m. Senator Weiss presiding.

HB 271 was taken up for consideration on motion of Senator Cordrey:

HB 271 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO OPERATING OR RIDING ON MOTORCYCLES.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Sharp.

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

SA 3 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 taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Amendment was declared adopted.

SA 4 to the Bill was introduced by Senator Holloway and laid on the table at his request.

HB 271 w SA 3 was then laid on the table on motion of Senator Cordrey.

At 5:35 p.m. Senator Cordrey presiding.

The following legislation was introduced:

SB 590 - AN ACT AMENDING SUBCHAPTER VII OF CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO THE RECORDING OF VOICES WITHOUT PRIOR CONSENT. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 592 - AN ACT DECLARING THE LAST MONDAY IN MAY AS MEMORIAL DAY FOR THE YEAR 1978. Sponsors: Senators Holloway, Hale, Martin, Littleton, Berndt, Knox, Kearns. Assigned to Executive Committee.

SB 593 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, SECTION 4053 (18) BY INCREASING THE AUTHORITY TO ISSUE BONDS AND NOTES TO \$100,000,000. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 594 - AN ACT TO RETROACTIVELY INCREASE THE SALARIES OF EMPLOYEES CLASSIFIED UNDER THE MERIT SYSTEM AND THE SALARIES OF CERTAIN NON-CLASSIFIED EMPLOYEES AND TO PROVIDE A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Murphy, Zimmerman, Holloway, Kearns, Sharp, Adams, McDowell, Littleton. Assigned to Finance Committee.

SB 595 - AN ACT TO AMEND CHAPTER 13, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RETROACTIVE INCREASE IN SALARIES OF SCHOOL EMPLOYEES; AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators Murphy, Zimmerman, Holloway, Kearns, Sharp, Adams, McDowell, Littleton.

Senator Murphy moved that SB 595 be placed in the Finance Committee; however, Senator Cook objected and moved that the Bill be placed in the Education Committee. The roll call vote on the motion to place the Bill in the Education Committee was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Martin - 5.

NO: Senators Cicione, Kearns, Murphy, Zimmerman - 4.  
NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox,  
Littleton, McCullough, McDowell, Schlor, Sharp, Spence, Weiss - 12.  
Therefore, the motion was defeated and the Chair assigned the  
Bill to the Finance Committee.

SS 1 for SB 552 (Same Title as the Original) was introduced by  
Senator Kearns and adopted in lieu of the Original.

SA 3, SA 4, SA 5 and SA 6 to SB 567 were introduced by Senator  
Kearns and placed with the Bill.

SR 119 (Sponsored by Senators Holloway, Spence and Hale) was  
introduced and considered for adoption on motion of Senator Holloway:  
SR 119 - COMMENDING THE APPOQUINIMINK SCHOOL BOARD ON ITS SELECTION  
OF DR. HENRY C. HARPER AS SUPERINTENDENT.

The roll call vote on the Resolution was taken and revealed 19  
Senators voting YES, 1 (McCullough) NOT VOTING and 1 (Murphy)  
ABSENT; therefore, the Resolution was declared adopted.

The Chair introduced HJR 66:

HJR 66 - DESIGNATING MONDAY, MAY 29, 1978, AS MEMORIAL DAY AND  
DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE. Sponsors:  
Representatives Jonkiert, Gordy, Worthen, Miller.

Senator Holloway moved that the necessary rules be suspended for  
consideration of HJR 66. The roll call vote on the motion was taken  
and revealed:

YES: Senators Arnold, Berndt, Cordrey, Hale, Holloway, Kearns,  
Knox, Littleton, Martin, McDowell, Schlor, Weiss - 12.

NO: Senators Adams, Cicione, Cook, Hughes, McCullough, Sharp,  
Spence, Zimmerman - 8.

NOT VOTING: Senator Murphy - 1.

Therefore, the motion prevailed and the Resolution was before  
the Senate for consideration.

Senator Holloway then moved that consideration of the Resolution  
be deferred until Tuesday, May 16, 1978. The roll call vote on the  
motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Hughes, Martin, McCullough,  
McDowell, Murphy, Sharp, Zimmerman - 10.

NO: Senators Arnold, Berndt, Cordrey, Hale, Holloway, Knox,  
Littleton, Weiss - 8.

NOT VOTING: Senators Kearns and Schlor - 2.

ABSENT: Senator Spence - 1.

Therefore, the Chair ruled that the motion prevailed since a  
majority of those present and voting voted YES.

At 6:03 p.m. on motion of Senator Martin, the Senate recessed  
until May 16, 1978 at 1:30 p.m.

The Senate reconvened at 2:05 p.m. May 16, 1978, Lt. Governor  
McGinnis presiding.

The Secretary announced that a message from the House informed  
the Senate that it had passed SB 484 and SB 591.

Legislative Advisory #44 received from the Office of Counsel to  
the Governor was read which advised that the Governor signed the  
following legislation on May 9, 1978: SS 1 for SB 566 and SCR 89.

The following legislation was introduced:

SB 596 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS OPERATING ACCOUNT. Sponsors: Senator Zimmerman; Representatives Bennett, Miller and Darling. The Bill was laid on the table at the request of Senator Zimmerman.

SA 2 to SS 1 for SB 536 introduced by Senator Cordrey. Placed with the Bill.

SA 2 to SS 1 for SB 535 introduced by Senator Cordrey. Placed with the Bill.

HB 607 w HA 1 - AN ACT TO AMEND CHAPTER 91, TITLE 29, DELAWARE CODE, TO REQUIRE LEGISLATIVE APPROVAL OF WITHDRAWALS FROM THE ADVANCED LAND ACQUISITION FUND. Sponsor: Representative Jonkiert. Assigned to Executive Committee.

HB 474 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE ROXANA VOLUNTEER FIRE COMPANY, ROXANA, DELAWARE. Sponsor: Representative Lynch. Assigned to Finance Committee.

HB 574 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO ISSUANCE OF WARRANT. Sponsors: Representatives T. Brady and Worthen. Assigned to Revenue and Taxation Committee.

HB 743 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO STATE EMPLOYEES PENSION PLAN. Sponsors: Representatives Gordy, Ferguson, Ambrosino; Senators Cook, Kearns and Hale. Assigned to Executive Committee.

HB 744 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE TO REQUIRE FULL ACTUARIAL FUNDING FOR ANY LAW ESTABLISHING SPECIAL PENSION BENEFITS. Sponsors: Representatives Gordy, Ferguson, Ambrosino; Senators Cook, Kearns and Hale. Assigned to Executive Committee.

HB 781 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE LAUREL SCHOOL DISTRICT TO REIMBURSE THE DISTRICT FOR FUNDS PAID THE DIVISION OF HIGHWAYS FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE ON STATE ROUTE 28 AT THE LAUREL ELEMENTARY SCHOOL. Sponsors: Representative Gordy and Senator Littleton. Assigned to Finance Committee.

HB 816 - AN ACT TO AMEND CHAPTER 21, DELAWARE CODE, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES FOR HANDICAPPED PERSONS. Sponsor: Representative Lynch. Assigned to Public Safety Committee.

HB 948 - AN ACT TO AMEND CHAPTER 95, TITLE 29, DELAWARE CODE, TO REQUIRE LEGISLATIVE APPROVAL BEFORE ANY AGENCY OF THE STATE EXCEPT THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR PARKS AND RECREATION AREAS AND WILDLIFE MANAGEMENT AREAS MAY ACQUIRE REAL PROPERTY COSTING IN EXCESS OF \$5,000. Sponsor: Representative Jonkiert. Assigned to Executive Committee.

HCR 109 w HA 1 - DIRECTING THE COMMISSIONER OF CORRECTIONS TO APPEAR BEFORE THE GENERAL ASSEMBLY TO ANSWER CERTAIN QUESTIONS RELATED TO AUBREY MCKAY. Sponsor: Representative Plant. The Resolution was laid on the table at the request of Senator Sharp.

At 2:13 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 33rd Legislative Day.



### 33RD LEGISLATIVE DAY

The Senate reconvened at 2:13 p.m. May 16, 1978, 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 32nd Legislative Day was approved as read.

SB 597 (Sponsored by Senators Holloway and Schlor) was introduced and assigned to Finance Committee:

SB 597 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO DELAWARE TECHNICAL AND COMMUNITY COLLEGE, WILMINGTON BRANCH FOR CERTAIN SERVICES TO FINISH FISCAL YEAR 1978.

SS 1 for SB 535 was taken up for consideration on motion of Senator Cordrey:

SS 1 for SB 535 - AN ACT TO AMEND CHAPTER 65, OF TITLE 29, DELAWARE CODE, TO PROVIDE A LIMITATION ON APPROPRIATIONS BY THE GENERAL ASSEMBLY.

Consideration of SA 1 to the Bill which had been placed with the Bill was deferred on motion of Senator Berndt, sponsor of the Amendment.

SA 2 to the Bill was introduced by Senator Cordrey who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (McCullough, McDowell and Weiss) ABSENT; therefore, the Amendment was declared adopted.

SA 1 to the Bill was then taken up for consideration on motion of Senator Berndt and the privilege of the floor extended to John Malarkey (State Banking Commissioner) to speak on the Amendment. The roll call vote on the Amendment was then taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 535 w SA 1, 2 was then taken and revealed:

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

NO: Senators McCullough and Zimmerman - 2.

ABSENT: Senator Weiss - 1.

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

SS 1 for SB 536 was taken up for consideration on motion of Senator Cordrey:

SS 1 for SB 536 - 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.

Consideration of SA 1 to the Bill which had been placed with the Bill was deferred on motion of the sponsor, Senator Berndt.

SA 2 to the Bill was introduced by Senator Cordrey who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Cicione, Weiss and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 1 to the Bill was then taken up for consideration on motion of Senator Berndt and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 536 w SA 1, 2 was then taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:10 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:00 p.m., Lt. Governor McGinnis presiding.

HJR 66 was taken up for consideration on motion of Senator Holloway:

HJR 66 - DESIGNATING MONDAY, MAY 29, 1978, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Resolution after which it was laid on the table on further motion of Senator Holloway.

Senator Holloway moved that the necessary rules be suspended for consideration of SB 592; however, there was an objection and the Senator withdrew his motion.

SB 567 was taken up for consideration on motion of Senator Kearns:

SB 567 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PURPOSE AND MEANING OF ELECTION LAWS, DEFINITIONS OF "POLITICAL PARTY;" "PRIMARY ELECTION" AND "UNAFFILIATED CANDIDATE," DEADLINE FOR CHANGE OF PARTY DESIGNATION, BALLOT QUALIFICATIONS, NOTIFICATION AND WITHDRAWAL OF CANDIDACY, REQUIREMENT FOR DIRECT PRIMARY ELECTIONS IN MAJOR POLITICAL PARTIES, NOTIFICATION OF FILING FEES, NOMINATING CONVENTIONS AND FORM OF BALLOTS.

SA 1 to the Bill 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 Lewis C. Wrightson, State Election Commissioner, to speak on the Amendment after which the roll call vote was taken and revealed 18 Senators voting YES, 1 (McCullough) NOT VOTING and 2 (McDowell and Weiss) ABSENT; therefore, the Amendment was declared adopted.

During the discussion of SB 567 and the Amendments which were offered for adoption, the privilege of the floor was extended to the following persons: Lewis Wrightson (State Elections Commissioner), Everett Wilson (N.C.C. Department of Elections), Frances Beer (League of Women Voters of Delaware), Mr. Hollan, Sr. (Socialist Labor Party).

SA 2 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; however, the roll call was laid on the table before being announced on further motion of the Senator.

SA 3 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:

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

NOT VOTING: Senators Holloway and McCullough - 2.

ABSENT: Senators Cook, McDowell, Spence, Weiss - 4.

Therefore, the Amendment was declared lost.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 16 Senators voting YES, 1 (McCullough) NOT VOTING and 4 (Cook, McDowell, Spence, Weiss) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed:

YES: Senators Berndt and Hale - 2.

NO: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlör, Sharp, Spence, Zimmerman - 16.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators McDowell and Weiss - 2.

Therefore, the Amendment was declared lost.

SA 6 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: Senator Holloway - 1.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared lost.

The roll call vote on SB 567 w SA 1, 4 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.

SR 122 (Sponsored by Senator Hughes and all the Senators) was introduced and considered for adoption on motion of Senator Hughes:

SR 122 - EXPRESSING THE SORROW OF THE SENATE UPON THE DEATH OF MRS. NATALIE LEVOST.

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

At 6:30 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 17, 1978.

The Senate reconvened at 2:22 p.m. May 17, 1978, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 598 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, BEING THE 1978 BUDGET APPROPRIATION ACT, ORIGINALLY DESIGNATED AS HOUSE BILL NO. 300, AS AMENDED, RELATING TO THE STATE FIRE PREVENTION COMMISSION. Sponsor: Senator Cook. Assigned to Finance Committee.

SB 599 - AN ACT DIRECTING THE STATE TREASURER TO PAY OUT OF THE GENERAL FUND THE SUM OF \$6,208 TO THE SUSSEX COUNTY COUNCIL FOR USE IN PARTIALLY DEFRAYING THE COST OF SUBURBAN ROAD IMPROVEMENTS IN BRIARWOOD MANOR. Sponsors: Senator Adams and Representative Burris. Assigned to Finance Committee.

SB 598 which had just been introduced and assigned to Finance Committee was reassigned to Administrative Services Committee.

SB 600 - AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PERMIT SCHOOL BUS CONTRACTORS TO PURCHASE AND OPERATE SCHOOL BUSES PURCHASED BY THE STATE FOR USE IN THE SCHOOL DISTRICTS AFFECTED BY THE CASE OF EVANS V. BUCHANAN. Sponsor: Senator Cicione. The Chair assigned the Bill to the Education Committee; however, at the request of the sponsor, the Bill was reassigned to the Finance Committee.

SB 601 - AN ACT TO OBTAIN REPRESENTATION FOR DELAWARE RATEPAYERS IN A FORTHCOMING PUBLIC SERVICE COMMISSION HEARING AND DECISION ON A RATE INCREASE REQUEST BY DELMARVA POWER AND LIGHT COMPANY; AND PROVIDING AN APPROPRIATION THEREFOR. Sponsors: Senator McDowell; Representatives Ambrosino and Ferguson. The Bill was laid on the table at the request of Senator McDowell.

SA 1 to SB 550 sponsored by Senators Sharp and Adams. Placed with the Bill.

SA 5 to HB 271 sponsored by Senator Holloway. Placed with the Bill.

SR 120- REQUESTING UNITED STATES DISTRICT COURT JUDGE MURRAY M. SCHWARTZ AND THE STATE BOARD OF EDUCATION TO REMOVE WENDELL HOWELL AS A MEMBER OF THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION. Sponsors: Senators Sharp and Arnold.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, McDowell, Murphy, Schlor, Zimmerman - 10.

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Martin and Weiss - 2.

Therefore, the Chair ruled that the motion prevailed since a majority of those present and voting voted YES.

Senator Hale moved that the ruling by the Chair be overruled and the Resolution be considered for adoption. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Martin, Sharp, Spence - 8.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, McCullough, McDowell, Murphy, Schlor, Zimmerman - 11.

NOT VOTING: Senator Littleton - 1.

ABSENT: Senator Weiss - 1.

Therefore, the motion was declared defeated and the Chair assigned SR 120 to the Executive Committee.

SR 121 - REQUESTING MAYOR WILLIAM T. McLAUGHLIN OF WILMINGTON TO REMOVE WENDELL HOWELL AS EXECUTIVE DIRECTOR OF THE WILMINGTON HOUSING AUTHORITY. Sponsors: Senators Sharp and Arnold.

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

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

NO: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Sharp, Spence - 9.

ABSENT: Senator Weiss - 1.

Therefore, the motion prevailed and the Chair assigned the Resolution to the Executive Committee.

SJR 40 (Sponsored by Senators Hughes, Sharp, Arnold, Spence) was introduced:

SJR 40 - DIRECTING THE STATE AUDITOR TO CONDUCT AN AUDIT OF THE FUNDS OF THE BOARD OF PUBLIC EDUCATION IN WILMINGTON.

Senator Hughes moved that the necessary rules be suspended for consideration of the Resolution. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Sharp, Spence - 9.

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

ABSENT: Senator Weiss - 1.

Therefore, the motion was defeated and the Chair assigned SJR 40 to the Executive Committee.

SCR 101 (Sponsored by Senators Arnold, Sharp and Martin; Representatives Roy, Powell, Gilligan, Worthen) was introduced and considered for adoption on motion of Senator Arnold:

SCR 101 - COMMENDING THE JOHN DICKINSON HIGH SCHOOL GIRLS' TRACK TEAM ON THEIR PERFORMANCE IN THE UNIVERSITY OF PENNSYLVANIA CARNIVAL RELAYS.

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

The following committee reports were announced:

From the Education Committee: HB 845 w HA 4,5 - 3 Favorable, 3 Merits.

From the Executive Committee: SB 518 - 6 Merits; SB 549 - 1 Favorable, 5 Merits; SB 578 - 4 Favorable, 2 Merits; SB 592 - 5 Merits, 1 Unfavorable.

From the Finance Committee: SB 589 - 5 Merits; HB 474 - 5 Merits; HB 614 - 4 Merits; HB 781 - 5 Merits; HB 775 - 5 Merits; HB 870 - 5 Merits.

From the Natural Resources and Environmental Control Committee: HB 701 w HA 1, 2 - 5 Merits; HB 809 - 5 Merits.

The following legislation was introduced:

SA 1 to SB 448 sponsored by Senators Sharp, Spence, Arnold; Representatives Morris and Riddagh. Placed with the Bill.

SA 2 to SB 263 sponsored by Senator McCullough. Placed with the Bill.

SA 1 to SB 262 sponsored by Senator McCullough. Placed with the Bill.

HB 528 w HA 1 - AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE CODE, RELATING TO DIVORCE AND ANNULMENT. Sponsor: Representative Miller. Assigned to Judiciary Committee.

HB 819 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF DELAWARE, RELATING TO JAI-ALAI. Sponsors: Representatives Matushefske, Jonkiert, Rispoli, Plant, Ambrosino, Powell; Senators Holloway, Knox, Schlör.

Senator Schlor moved that HB 819 be laid on the table and the roll call vote on the motion was taken which revealed 20 Senators voting NO and 1 (Weiss) ABSENT; therefore, the motion was defeated and the Bill was assigned to the Executive Committee.

HB 757 - AN ACT TO AMEND CHAPTER 85, TITLE 11, DELAWARE CODE, RELATING TO INFORMATION SUPPLIED BY PEACE OFFICERS TO THE STATE BUREAU OF IDENTIFICATION. Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HB 811 - AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO RETAIL AND WHOLESALE MERCHANTS' LICENSE FEES. Sponsor: Representative Kelly. Assigned to Revenue and Taxation Committee.

HB 795 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO LANDLORD OBLIGATIONS AND TENANT REMEDIES. Sponsor: Representative Ambrosino. Assigned to Judiciary Committee.

SR 123 - IN REFERENCE TO ELECTION OF STAFF. Sponsors: Senators Knox, Hughes, Arnold, Berndt, Hale, Littleton, Spence.

On motion of Senator Knox, SR 123 was laid on the table.

At 3:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 34th Legislative Day.

#### 34TH LEGISLATIVE DAY

The Senate convened at 3:15 p.m. May 17, 1978, 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 33rd Legislative Day was approved as read.

SB 262 was taken up for consideration on motion of Senator McCullough:

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.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McCullough. The privilege of the floor was extended to Joseph N. Moran and Karl Gebhart to speak on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Adams, Littleton, McCullough, Zimmerman - 4.

NO: Senators Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Spence - 15.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Amendment was declared lost.

On motion of Senator McCullough, further consideration of SB 262 was deferred.

Consideration of SB 263 and SB 268 was deferred on motion of Senator McCullough.

Consideration of SB 579 was deferred on motion of Senator Adams.

Senator Zimmerman moved that SB 596 be lifted from the table. The roll call vote on the motion was taken and revealed:

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

NO: Senators Arnold, Berndt, Hale, Hughes, Knox, McCullough, Spence - 7.

ABSENT: Senators Sharp and Weiss - 2.

Therefore, the motion prevailed and the Bill was lifted:

SB 596 - AN ACT TO PERMIT THE CAPITAL SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS OPERATING ACCOUNT.

Senator Zimmerman then moved that the necessary rules be suspended for consideration of the Bill. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McDowell, Murphy, Schlör, Sharp, Zimmerman - 13.

NO: Senators Arnold, Berndt, Hale, Hughes, Knox - 5.

NOT VOTING: Senators McCullough and Spence - 2.

ABSENT: Senator Weiss - 1.

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

The privilege of the floor was extended to Dr. Ed Powell, Capital School District, to speak on the Bill after which the roll call vote was 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.

SB 602 (Sponsored by Senator Holloway) was introduced and assigned to Health and Social Services Committee:

SB 602 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE.

At 4:12 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:58 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SA 1 to SB 599 sponsored by Senator Adams. Placed with the Bill.

SA 2 to SB 448 sponsored by Senators Sharp, Spence and Arnold. Placed with the Bill.

SB 603 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978. Sponsors: Senators Cicione and Cordrey; Representative Minner. Assigned to Finance Committee.

SB 592 was taken up for consideration on motion of Senator Holloway:

SB 592 - AN ACT DECLARING THE LAST MONDAY IN MAY AS MEMORIAL DAY FOR THE YEAR 1978.

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

YES: Senators Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Spence - 15.

NO: Senators Adams, Hughes, McCullough, Sharp - 4.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Weiss - 1.

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

SB 450 was taken up for consideration on motion of Senator Holloway:

SB 450 - AN ACT TO AMEND CHAPTER 1, TITLE 24 OF THE DELAWARE CODE RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

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

The privilege of the floor was extended to Gerard A. Zulli, Delaware Society of C.P.A.'s, to speak on the Bill after which the Bill was laid on the table on motion of Senator Holloway.

SA 4 to SB 448 sponsored by Senator Spence was introduced and placed with the Bill.

SA 1 to SB 601 sponsored by Senator McDowell was introduced and placed with the Bill.

SB 602 was reported out of the Health and Social Services Committee: 4 Merits.

At 6:07 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. May 18, 1978.

The Senate reconvened at 2:00 p.m. May 18, 1978, President Pro Tempore Cordrey presiding.

SB 421 was reported out of the Administrative Services Committee: 4 Merits.

The following legislation was introduced:

HB 753 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE EFFECTIVE DATE OF A UTILITY RATE CHANGE. Sponsors: Representatives Gilligan, Ambrosino, George; Senator Holloway. Assigned to Banking, Insurance and Elections Committee.

At 2:03 p.m. the Senate recessed for lack of a quorum and reconvened at 2:32 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

HB 713 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER VI, SUBPART B OF TITLE 11, DELAWARE CODE RELATING TO DISCRIMINATION BY PUBLIC SERVANTS OF THIS STATE AND ANY POLITICAL SUBDIVISION THEREOF.

Sponsor: Representative Plant. Assigned to Judiciary Committee.

HB 855 w HA 1 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO CHIROPODY AND/OR PODIATRY. Sponsors: Representative Gilligan and Senator Holloway. Assigned to Administrative Services Committee.

HB 734 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE, RELATING TO VANITY PLATES. Sponsors: Representatives Billingsley, Minner and Oberle. Assigned to Public Safety Committee.

HB 769 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVING WITHOUT A LICENSE. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 773 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REIMBURSE AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE CROSS-BLUE SHIELD. Sponsor: Representative William Brady. Assigned to Finance Committee.

HB 782 w HA 1 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO EXEMPT VEHICLES. Sponsors: Representatives Minner, Bennett, Darling, Gordy and Morris. Assigned to Public Safety Committee.



SA 1 to SB 572 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 602 sponsored by Senator Holloway. Placed with the Bill.

HC2 112 - EXPRESSING CONCERN THAT THE DELAWARE-BASED FIRM OF W.L. GORE AND ASSOCIATES, INC. ARE CONTEMPLATING THE BUILDING OF PLANTS OUTSIDE OF DELAWARE IN 1978 AND 1979 RATHER THAN IN DELAWARE BECAUSE OF DELAWARE'S TAX STRUCTURE. Sponsors: Representatives Billingsley, Jonkiert, Bennett, Riddagh; Senators Martin, Spence, McDowell and Hale.

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

At 2:42 p.m. Lt. Governor McGinnis presiding.

At 2:42 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 35th Legislative Day.

### 35TH LEGISLATIVE DAY

The Senate convened at 2:42 p.m. May 18, 1978, 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 34th Legislative Day was approved as read.

SJR 40 was stricken at the request of Senator Hughes.

HB 737 was taken up for consideration on motion of Senator Cordrey:

HB 737 - AN ACT TO AMEND CHAPTER 69, TITLE 16, OF THE DELAWARE CODE RELATING TO PUBLIC DISPLAY OF FIREWORKS.

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

HB 736 w HA 2 was taken up for consideration on motion of Senator Cordrey:

HB 736 w HA 2 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF MOTOR VEHICLE.

Senator Adams was added as co-sponsor of the Bill and Senator Cordrey yielded the floor to Senator Adams to floor-manage the Bill.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Bill since the Bill lacked a Synopsis.

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

HB 776 was taken up for consideration on motion of Senator Cicione:

HB 776 - AN ACT AUTHORIZING THE PUBLIC SERVICE COMMISSION TO EXPEND FUNDS FROM THE PUBLIC SERVICE COMMISSION REGULATORY REVOLVING FUND TO EMPLOY CONSULTANTS TO PERFORM A MANAGEMENT AUDIT.

The roll call 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 returned to the House.

SB 586 was stricken at the request of Senator Holloway.

At 3:07 p.m. on motion of Senator Martin the Senate recessed and reconvened at 3:55 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SB 604 - AN ACT TO AMEND PART IX, TITLE 29 DELAWARE CODE AND CHAPTER 31, TITLE 20, DELAWARE CODE ESTABLISHING THE DELAWARE ENERGY OFFICE IN THE EXECUTIVE DEPARTMENT, ACHIEVING EFFECTIVE MANAGEMENT OF ENERGY FUNCTIONS OF THE STATE GOVERNMENT, PROVIDING FOR DEVELOPMENT OF A COMPREHENSIVE STATE ENERGY PLAN AND POLICY, PROVIDING FOR DEVELOPMENT OF A STATE EMERGENCY ENERGY SHORTAGE CONTINGENCY PLAN, ENSURING FULL AND EFFECTIVE PUBLIC PARTICIPATION IN THE FORMULATION AND IMPLEMENTATION OF A DELAWARE ENERGY POLICY, PROVIDING FOR EMERGENCY POWERS TO MITIGATE SHORTAGES IN USABLE ENERGY RESOURCES AND ESTABLISHING AN ENERGY FACILITY SITING COMMITTEE. Sponsors: Senators McDowell and Knox; Representatives Smith, Darling, T. Brady, Miller. Assigned to Executive Committee.

SA 1 to SB 600 sponsored by Senator Cicione. Placed with the Bill.

SA 2 to SB 602 sponsored by Senator Cicione. Placed with the Bill.

SB 492 was taken up for consideration on motion of Senator Zimmerman:

SB 492 - AN ACT TO AMEND CHAPTER 15, TITLE 29, OF THE DELAWARE CODE RELATING TO THE COMMISSION ON MODERNIZATION OF STATE LAWS BY RENAMING THE COMMISSION "THE COMMISSION ON UNIFORM STATE LAWS" AND BY REVISING THE STATUTE RELATING THERETO.

The privilege of the floor was extended to Tom Shiels (Legislative Council) to speak on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 525 was taken up for consideration on motion of Senator Zimmerman:

SB 525 - 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 privilege of the floor was extended to Tom Shiels (Legislative Council) to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, Murphy, Schlör, Spence, Weiss, Zimmerman - 18.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Martin and McDowell - 2.

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

SB 526 was taken up for consideration on motion of Senator Zimmerman:

SB 526 - AN ACT TO AMEND PART IV, TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PRO-

VIDING FOR A UNIFORM DISCLAIMER OF TRANSFERS BY WILL, INTESTACY OR APPOINTMENT ACT.

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

On motion of Senator McDowell, the necessary rules were suspended for lifting SB 601 from the table for consideration:

SB 601 - AN ACT TO OBTAIN REPRESENTATION FOR DELAWARE RATEPAYERS IN A FORTHCOMING PUBLIC SERVICE COMMISSION HEARING AND DECISION ON A RATE INCREASE REQUEST BY DELMARVA POWER AND LIGHT COMPANY; AND PROVIDING AN APPROPRIATION THEREFOR.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) and Tom Shiels (Legislative Council) to speak on the Bill after which it was again laid on the table on further motion of Senator McDowell.

SB 388 was taken up for consideration on motion of Senator Murphy:

SB 388 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 388 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 701 w HA 1 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 701 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE, RELATING TO THE USE OF SNOWMOBILES.

The Bill was then laid on the table on further motion of Senator Zimmerman.

HB 809 was taken up for consideration on motion of Senator Zimmerman:

HB 809 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO NONSTATE AGENCY LOCATIONS FOR THE REGISTRATION OF MOTOR-BOATS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING and 1 (McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 701 w HA 1 w HA 1 was lifted from the table for consideration on motion of Senator Zimmerman and the privilege of the floor extended to Representative W. Brady to speak on the Bill. The roll call vote on the Bill was then taken and revealed:

YES: Senators Arnold, Berndt, Hale, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 13.

NO: Senators Adams, Cook, Cordrey, Hughes, McCullough, Sharp - 6.

ABSENT: Senators Cicione and Holloway - 2.

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

SB 589 was taken up for consideration on motion of Senator Zimmerman:

SB 589 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, FOR THE PURPOSE OF CONTINUING THE OPERATION OF THE PRESCHOOL DIAGNOSTIC AND DEVELOPMENTAL NURSERY IN KENT COUNTY.

The names of the following were added as co-sponsors to the Bill: Senators Holloway and Hale; Representatives Morris, Gilligan, Bennett and Darling. The roll call vote on the Bill 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.

SR 124 was introduced by Senator Zimmerman and laid on the table at his request:

SR 124 - COMMENDING MEMBERS OF THE SENATE WHO PARTICIPATE IN CAR POOLS AND AUTHORIZING THE SECRETARY OF THE SENATE TO MONITOR MILEAGE FOR SUCH MEMBERS.

SB 518 was taken up for consideration on motion of Senator Holloway:  
SB 518 - AN ACT AMENDING CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A CASUAL LABOR POOL IN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

Senator Kearns was added as co-sponsor of 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 sent to the House for consideration.

The following legislation was introduced:

SB 605 - AN ACT TO AMEND SECTION 37, ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY; AND PROVIDING FOR A COMMISSION ON JUDICIAL PERFORMANCE. Sponsors: Senators Kearns and Berndt. Assigned to Judiciary Committee.

SA 1 to HB 845 sponsored by Senator Adams. Placed with the Bill.

SB 601 was lifted for consideration on motion of Senator McDowell.

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 Adams, Arnold, Cicione, Cook, Cordrey, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 15.

NOT VOTING: Senators Berndt, Kearns, McCullough - 3.

ABSENT: Senators Hale, Holloway, Hughes - 3.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator McDowell.

The roll call vote on SA 1 to SB 601 was then rescinded on motion of Senator McDowell and the Amendment stricken.

The roll call vote on SA 2 to the Bill was then taken on motion of Senator McDowell and revealed:

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

NOT VOTING: Senators Arnold, Berndt, Knox, McCullough - 4.

ABSENT: Senators Hale and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 601 w SA 2 was then taken and revealed:

YES: Senators Adams, Cicione, Cook, Holloway, Hughes, Kearns,

Littleton, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 14.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Arnold, Berndt, Knox - 3.

ABSENT: Senators Hale, McCullough, Zimmerman - 3.

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

At 6:20 p.m. on motion of Senator Martin, the Senate recessed until 2:00 p.m. May 23, 1978.

The Senate reconvened at 1:57 p.m., May 23, 1978, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 487 and SB 592.

The following legislation was introduced:

HB 475 w HA 1, 2 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAX CREDITS. Sponsors: Representatives T. Brady, Loughney, Smith. Assigned to Revenue and Taxation Committee.

HB 835 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO PASSENGERS RIDING IN TOWED VEHICLES. Sponsors: Representatives Vernon and Minner; Senator Cordrey. Assigned to Public Safety Committee.

HB 768 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, BEING HOUSE BILL NO. 300, RELATING TO CERTAIN CHANGES IN THE BUDGET OF THE OFFICE OF MINORITY BUSINESS ENTERPRISE. Sponsor: Representative Bennett. Assigned to Finance Committee.

HCR 113 - CONGRATULATING THE CHRISTIANA HIGH SCHOOL JAZZ AND ROCK ENSEMBLE WHO, REPRESENTING THE STATE OF DELAWARE, WON THE COVETED GROUP 11 HONORS AGAINST OUTSTANDING COMPETITION IN THE TENTH ANNUAL HIGH SCHOOL JAZZ FESTIVAL. Sponsors: Representatives Oberle, Cain, Ferguson, Worthen, Billingsley, Anderson; Senators Sharp, Martin and Hale.

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

Senator Kearns moved that the roll call vote on HCR 9 be lifted. Senator Knox objected to the motion.

At 2:04 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 2:08 p.m., Senator Cordrey presiding.

Senator Knox withdrew his objection to lifting the roll call on HCR 9 and the roll call was lifted.

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

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

NO: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Littleton, Martin, McDowell, Schlor, Spence, Zimmerman - 12.

NOT VOTING: Senators Hughes, McCullough, Murphy, Sharp - 4.

Therefore, the motion was defeated.

On further motion of Senator Kearns, the roll call vote on HCR 9 was again tabled.

On motion of Senator Knox, SR 123 was lifted for consideration and the roll call vote taken. Before the roll call vote was announced, however, Senator Knox moved that it be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, McCullough, Spence, Weiss - 9.

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

NOT VOTING: Senator Holloway - 1.

Therefore, the motion was defeated and the roll call vote on SR 123 was announced:

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

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

NOT VOTING: Senator Holloway - 1.

Therefore, the Resolution was declared lost.

At 2:27 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 36th Legislative Day.

#### 36TH LEGISLATIVE DAY

The Senate convened at 2:27 p.m. May 23, 1978, President Pro Tempore Cordrey presiding.

A Prayer was offered by Senator Kearns.

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.

At 2:32 p.m., Lt. Governor McGinnis presiding.

HB 775 was taken up for consideration on motion of Senator Cicione:

HB 775 - AN ACT MAKING AN APPROPRIATION TO THE DELAWARE SPORTS HALL OF FAME ASSOCIATION, INC.

The Bill was then laid on the table on further motion of Senator Cicione.

SB 602 was taken up for consideration on motion of Senator Holloway:

SB 602 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE.

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 20 Senators voting YES and 1 (Littleton) ABSENT; 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 roll call vote taken which revealed 20 Senators voting YES and 1 (Littleton) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to George E. Bryson, representing the Delaware State Funeral Association, to speak on the

Bill after which SB 602 w SA 1, 2 was laid on the table on further motion of Senator Holloway.

HB 474 was taken up for consideration on motion of Senator Cicione:

HB 474 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE ROXANA VOLUNTEER FIRE COMPANY, ROXANA, DELAWARE.

The roll call 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.

At 3:00 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:03 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 264 - 5 Merits; HB 811 - 5 Merits; HB 839 - 5 Merits; HB 840 - 5 Merits; HB 848 w HA 1 - 5 Merits.

HB 475 w HA 1, 2 which had been introduced earlier in the day and assigned to the Revenue and Taxation Committee was re-assigned to the Energy Committee.

The following legislation was introduced:

SB 606 - AN ACT TO AMEND CHAPTER 9, PART II, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENACTMENT OR PASSAGE OF BILLS OR RESOLUTIONS. Sponsors: Senators McDowell, Cook, Weiss; Representatives Minner, Ferguson and Roy. Assigned to Executive Committee.

SB 607 - AN ACT TO AMEND CHAPTER 9, TITLE 29 OF THE DELAWARE CODE RELATING TO ANALYSIS OF BILLS IN THE GENERAL ASSEMBLY. Sponsors: Senators McDowell, Cook, Weiss; Representatives Minner, Ferguson and Roy. Assigned to Executive Committee.

SB 608 - AN ACT TO AMEND CHAPTER 7, PART II, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ACTIVITIES OF THE GENERAL ASSEMBLY; AND PROVIDING FOR CERTAIN OVERVIEW RESPONSIBILITIES. Sponsors: Senators McDowell, Cook, Weiss; Representatives Minner, Ferguson and Roy. Assigned to Executive Committee.

SB 609 - AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE, REGULATING THE PRACTICE OF ARCHITECTURE. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

HB 775 was lifted from the table for consideration on motion of Senator Cicione and the privilege of the floor extended to Representative George to speak on the Bill. The roll call vote on the Bill was taken; however, before being announced, the roll call was tabled on further motion of Senator Cicione.

The following legislation was introduced:

SB 610 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, FOR THE PURPOSE OF DREDGING LEE JOSEPH CREEK. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SA 2 to HB 845 sponsored by Senator Kearns. Placed with the Bill.

SR 125 - AMENDING THE TEMPORARY RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators McDowell, Cook and Weiss. The Resolution was laid on the table at the request of Senator McDowell.

SCR 103 - URGING FULL PUBLIC HEARINGS BEFORE SELECTION OF A SITE FOR A PROPOSED MULTI-PURPOSE CORRECTIONAL FACILITY IN NORTHERN DELA-

WARE. Sponsor: Senator Kearns.

On motion of Senator Kearns, SCR 103 was considered for adoption and the roll call vote taken; however, the roll call was tabled before being announced on further motion of the Senator.

SCR 102 - ADVISING THE FINANCIAL COMMITTEES OF THE 129TH GENERAL ASSEMBLY RELATIVE TO A BUDGET RESERVE FUND. Sponsors: Senators Cordrey, Cicione, Knox; Representatives Bennett, Cain, Gilligan, Maxwell and George.

On motion of Senator Cordrey, the Resolution was considered for adoption and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Weiss - 12.

NOT VOTING: Senators McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 6.

ABSENT: Senators Holloway, Martin and McCullough - 3.

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

Senator Kearns moved that the roll call on HCR 9 be lifted. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Kearns, Littleton, Martin, Murphy, Schlor, Spence, Zimmerman - 12.

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

NOT VOTING: Senators Hughes and Sharp - 2.

ABSENT: Senators Holloway, McCullough and McDowell - 3.

Therefore, the motion prevailed and the roll call vote on HCR 9 was lifted and announced:

YES: Senators Adams, Arnold, Cicione, Cook, Kearns, Littleton, McCullough, McDowell, Schlor, Spence, Zimmerman - 11.

NO: Senators Berndt, Cordrey, Hale, Holloway, Knox, Martin, Murphy, Weiss - 8.

NOT VOTING: Senators Hughes and Sharp - 2.

Therefore, the Resolution was declared adopted.

Senator Knox moved that the roll call vote on HCR 9 be rescinded. The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the motion.

Senator Hale then moved that HCR 9 be reconsidered. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Knox, McCullough, Murphy, Weiss - 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, Littleton, Martin, McDowell, Schlor, Spence, Zimmerman - 11.

NOT VOTING: Senators Hughes and Sharp - 2.

ABSENT: Senator Holloway - 1.

Therefore, the motion was declared defeated and HCR 9 was returned to the House.

SA 3 to SB 602 was introduced by Senator Holloway and placed with the Bill.

SB 602 w SA 1, 2 was lifted from the table for consideration on motion of Senator Holloway.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway and the roll call vote taken which revealed:



YES: Senators Adams, Arnold, Berndt, Holloway, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Schlor, Spence, Weiss - 13.

NO: Senators Cook, Cordrey, Hale, Zimmerman - 4.

NOT VOTING: Senators Kearns and Murphy - 2.

ABSENT: Senators Cicione and Sharp - 2.

Therefore, the Amendment was declared adopted.

Final consideration of SB 602 w SA 1, 2, 3 was then deferred on further motion of Senator Holloway.

HB 845 w HA 4, 5 was taken up for consideration on motion of Senator McCullough:

HB 845 w HA 4, 5 - AN ACT TO AMEND CHAPTER 1, TITLE 14, DELAWARE CODE BY PROVIDING FOR A STATEWIDE EDUCATIONAL TESTING PROGRAM IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFORE.

Senator McCullough yielded the floor to Senator Holloway to floor-manage the Bill.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Adams.

SA 2 to the Bill was introduced by Senator Kearns and laid on the table at his request.

The privilege of the floor was extended to Representatives Worthen and Lynch to speak on the Bill after which the roll call vote on HB 845 w HA 4, 5 was taken and announced:

YES: Senators Berndt, Hale, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 13.

NO: Senators Adams, Cook, Cordrey, Littleton - 4.

ABSENT: Senators Arnold, Cicione, McCullough, Schlor - 4.

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

At 5:36 p.m., Senator Cordrey presiding.

SB 578 was taken up for consideration on motion of Senator Martin:

SB 578 - AN ACT TO AMEND CHAPTER 32, TITLE 29 OF THE DELAWARE CODE DISSOLVING THE DELAWARE AMERICAN REVOLUTION BICENTENNIAL COMMISSION AND CREATING A NEW DELAWARE HERITAGE COMMISSION.

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:

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

NO: Senator Berndt - 1.

ABSENT: Senators Arnold, Holloway, McCullough, Schlor - 4.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Harry Terry (Senate Attorney) to speak on the Bill.

Senator Hale moved that the Bill be tabled.

The roll call vote was taken on the motion; however, before it was announced, Senator Martin moved that the Senate recess. The roll call vote on the motion to recess was then taken and revealed:

YES: Senators Adams, Berndt, Cook, Hale, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senator Cordrey - 1.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Arnold, Cicione, McCullough, Schlor - 4.

Therefore, the motion prevailed and the Chair declared the Senate in recess until 1:30 p.m. on May 24, 1978. Time: 6:12 p.m.

The Senate reconvened at 1:59 p.m. May 24, 1978, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate recessed at 2:00 p.m. and reconvened at 2:17 p.m., Lt. Governor McGinnis presiding.

The roll call vote on the motion to table SB 578 which was taken before the previous recess was announced:

YES: Senators Berndt, Hale, Holloway, Hughes, Knox, Littleton, Murphy, Spence - 8.

NO: Senators Adams, Cook, Cordrey, Kearns, Martin, McDowell, Sharp, Weiss, Zimmerman - 9.

ABSENT: Senators Arnold, Cicione, McCullough, Schlor - 4.

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

The privilege of the floor was extended to James T. McKinstort, Delaware Bicentennial Commission, to speak on the Bill.

Senator Hale moved that the roll call vote on SA 1 to SB 578 be rescinded. The roll call vote on the motion was taken and announced:

YES: Senators Arnold, Berndt, Hale, Holloway, Hughes, Knox, Littleton, McDowell, Spence, Weiss, Zimmerman - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, Martin, Murphy, Schlor - 8.

ABSENT: Senators McCullough and Sharp - 2.

Therefore, the motion prevailed and the roll call on SA 1 to SB 578 was rescinded.

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

On motion of Senator Cicione, the roll call vote on HB 775 was lifted and announced:

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

NO: Senators Adams, Cordrey, Hale, Sharp - 4.

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

The following Committee reports were announced:

From the Administrative Services Committee: SB 609 - 4 Merits.

From the Judiciary Committee: HB 757 - 4 Merits.

The following legislation was introduced:

SB 611 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE, FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEARS' EXPENSE. Sponsors: Senators Cicione, Cordrey; Representative Minner. Assigned to Finance Committee.

SA 2 to SB 550 sponsored by Senators Sharp and Adams. Placed with the Bill.

SA 1 to SB 609 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 421 sponsored by Senator Martin. Placed with the Bill.

SS 1 for SB 448 (Same Title as the Original) sponsored by Senators Sharp, Spence and Arnold; Representatives Morris and Riddagh.

Adopted in lieu of the Original.

SR 126 - COMMENDING JONATHAN STEWART, AN ELECTRONICS STUDENT AT THE TERRY CAMPUS OF DELTECH, ON HIS SELECTION AS A COLLEGE BOARD TALENT ROSTER STUDENT. Sponsor: Senator Zimmerman.

On motion of Senator Zimmerman, the Resolution was considered for adoption and the roll call vote taken which revealed 17 Senators voting YES and 4 (Holloway, Martin, McCullough and Schlor) ABSENT; therefore, the Resolution was declared adopted.

The Secretary announced that a message from the House informed the Senate that it had passed SB 367; SB 415; SB 453 w SA 1 and adopted SCR 101.

The following legislation was introduced:

HB 766 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE LAUREL SCHOOL DISTRICT FOR THE PURPOSE OF REIMBURSING MR. DONALD E. ATKINSON, PRINCIPAL OF LAUREL ELEMENTARY SCHOOL FOR OVER-PAYMENTS FOR HIS WIFE'S BLUE CROSS-BLUE SHIELD COVERAGE. Sponsors: Representatives Burris and Gordy. Assigned to Finance Committee.

HB 303 w HA 1 - AN ACT TO AMEND TITLE 10, TITLE 11 AND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE CUSTODY, CARE AND TREATMENT OF DELINQUENT, NEGLECTED AND DEPENDENT CHILDREN. Sponsors: Representatives Worthen and Hebner. Assigned to Health and Social Services Committee.

HB 641 w HA 1, 2 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO VARIOUS AGENCIES FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEAR'S EXPENSE. Sponsor: Representative Sincok. Assigned to Finance Committee.

HB 639 w HA 1 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, THE 1978 BUDGET APPROPRIATION ACT, ENACTED AS HOUSE BILL NO. 300, AMENDED BY HOUSE AMENDMENT NO. 27 AND SENATE AMENDMENT NO. 1. Sponsor: Representative Sincok. Assigned to Finance Committee.

HB 901 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 10, DELAWARE CODE RELATING TO THE MUNICIPAL COURT OF THE CITY OF WILMINGTON. Sponsors: Representatives Matushefske and Plant. Assigned to Judiciary Committee.

HB 758 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE MARSHALLTON-MCKEAN SCHOOL DISTRICT FOR THE PURPOSE OF REIMBURSING THE DISTRICTS' CAFETERIA ACCOUNT FOR EXPENDITURES INCURRED TO PAY TWO CAFETERIA MANAGERS FOR SICK LEAVE DAYS ACCUMULATED WHILE UNDER STATE EMPLOYMENT. Sponsors: Representatives Roy, Gilligan, McKay, Worthen, Maxwell; Senators Arnold, Cicione and Knox. Assigned to Finance Committee.

HB 812 w HA 2 - AN ACT TO AMEND CHAPTER 191, VOLUME 61, LAWS OF DELAWARE BY 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 THE AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE; INCREASING CERTAIN OTHER PENSION BENEFITS BY AMENDING CHAPTER 55, TITLE 29, SECTION 5532, DELAWARE CODE. Sponsors: Representatives Gordy, Ferguson and Ambrosino; Senators Cook, Kearns and Hale. Assigned to Executive Committee.

HB 938 w HA 1, 2 - AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF CORRECTION; AND LIMITING THE FURLOUGH AND WORK RELEASE PRIVILEGES OF CERTAIN PRISONERS. Sponsors: Representatives Loughney and Maxwell. Assigned to Corrections Committee.

SB 612 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF PHARMACY. Sponsors: Senators Holloway, Schlor and Littleton; Representatives Gilligan and Ambrosino. Assigned to Health and Social Services Committee.

Legislative Advisory #47 received from the Office of Counsel to the Governor was read which advised the Senate that the Governor approved SB 592 on May 18, 1978; SB 411; SB 412 and SS 1 for SB 297 w SA 1, 2 on May 19.

Legislative Advisory #48 received from the Office of Counsel to the Governor was read which advised the Senate that the Governor approved SB 484 on May 23, 1978.

At 3:08 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 3:08 p.m. May 24, 1978, 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 36th Legislative Day was approved as read.

At 3:12 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:31 p.m., Lt. Governor McGinnis presiding.

HB 808 was reported out of the Finance Committee: 1 Favorable, 5 Merits.

The following legislation was introduced:

SB 613 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, THE 1978 BUDGET APPROPRIATION ACT, ORIGINALLY DESIGNATED HOUSE BILL NO. 300, AMENDED BY HOUSE AMENDMENT NO. 27 AND SENATE AMENDMENT NO. 1. Sponsors: Senator Cicione; Representatives George, Cain and Sincok. Assigned to Finance Committee.

SB 614 - 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 Murphy and Zimmerman. Assigned to Finance Committee.

SB 615 - AN ACT TO AMEND CHAPTER 33, OF TITLE 12, DELAWARE CODE RELATING TO DEPOSITS OF SECURITIES BY FIDUCIARIES IN CLEARING CORPORATIONS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SA 2 to SB 421 sponsored by Senator Martin. Placed with the Bill.

SA 1 to HB 610 sponsored by Senators Cook and Cordrey. Placed with the Bill.

SB 471 was reported out of the Judiciary Committee: 1 Favorable, 3 Merits.

SB 578 was lifted from the table for consideration on motion of Senator Martin.

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:

YES: Senators Adams, Arnold, Cook, Cordrey, Holloway, Kearns, Martin, Murphy, Schlor, Sharp - 10.

NO: Senators Berndt, Cicione, Hale, Hughes, Knox, Littleton, McDowell, Spence, Weiss - 9.

ABSENT: Senators McCullough and Zimmerman - 2.

Therefore, the Amendment was declared lost.

The roll call vote on SB 578 was then taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 421 was taken up for consideration on motion of Senator Martin:

SB 421 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE STATE BOARD OF POLYGRAPH EXAMINERS.

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

During discussion of the Bill and the Amendments which were offered to it, the privilege of the floor was extended to Robert C. Shannon, representing himself, to speak on the measure.

The roll call vote on SA 1 to SB 421 was taken and revealed 18 Senators voting YES and 3 (Cook, McCullough and Murphy) ABSENT; therefore, the Amendment was declared adopted.

SA 2 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, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McDowell, Schlor, Sharp, Spence, Weiss - 17.

NO: Senators Kearns, Murphy and Zimmerman - 3.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 421 w SA 1, 2 was then taken; however, the roll call was tabled before being announced on motion of Senator Martin.

SB 549 was taken up for consideration on motion of Senator Sharp:

SB 549 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO GRANT STANLEY ANTKIEWICZ SURVIVOR'S BENEFITS.

The privilege of the floor was extended to Don Coker, Legislative Counsel, to speak on the Bill. Final consideration of the Bill was then deferred on further motion of Senator Sharp.

SB 489 was taken up for consideration on motion of Senator Zimmerman:

SB 489 - AN ACT TO AMEND SUBCHAPTER III, OF CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO THE AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO ALLOW VENDING MACHINES IN SAFETY ROADSIDE REST

AREAS ON AN EXPERIMENTAL BASIS; AND TO FURTHER PROVIDE FOR A SPECIAL FUND WITHIN THE STATE TREASURY TO WHICH SUCH PROFITS SHALL BE EARMARKED.

The privilege of the floor was extended to Willard J. Thomson, Jr., Department of Transportation, to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Murphy, Schlor, Spence, Weiss, Zimmerman - 15.

NO: Senators Arnold and Martin - 2.

ABSENT: Senators Kearns, McCullough, McDowell, Sharp - 4.

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

The following Committee reports were announced:

From the Public Safety Committee: HB 835 w HA 1 - 5 Merits.

From the Finance Committee: HB 778 w HA 2 - 7 Merits; SB 593 - 1 Favorable, 4 Merits.

From the Banking, Insurance and Elections Committee: SB 556 - 5 Merits.

From the Natural Resources and Environmental Control Committee: SB 610 - 5 Merits, 1 Unfavorable.

The following legislation was introduced:

SB 616 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES; AND PROVIDING LIMITATIONS UPON THE ENFORCEMENT OF CERTAIN SCHOOL TAXES AS WELL AS THE SANCTIONS FOR NON-PAYMENT OF THOSE TAXES. Sponsor: Senator Sharp. Assigned to Education Committee.

SA 1 to HB 812 sponsored by Senator Cook and Representative Gilligan. Placed with the Bill.

At 6:12 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. May 25, 1978.

The Senate reconvened at 2:09 p.m. May 25, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 596 and adopted SCR 102; SB 232 was defeated in the House.

The following legislation was introduced:

HB 719 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE INDIAN RIVER SCHOOL DISTRICT TO REIMBURSE AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE-CROSS-BLUE-SHIELD. Sponsor: Representative Clendaniel. Assigned to Education Committee.

HB 620 - AN ACT TO AMEND SUBCHAPTER VII, PART IV, SECTION 6538, TITLE II, DELAWARE CODE, TO AUTHORIZE THE FURLOUGH OF INMATES FROM STATE CORRECTIONAL INSTITUTIONS IN ORDER TO REDUCE OVERCROWDING. Sponsors: Representatives Miller, T. Brady and Riddagh; Senator Holloway. Assigned to Corrections Committee.

SB 617 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO GRANT STANLEY ANTKIEWICZ SURVIVOR'S BENEFITS; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Sharp.

On motion of Senator Sharp, and without objection, the necessary

rules were suspended to place SB 617 on the Agenda in place of SB 549 which was stricken at the Senator's request.

HCR 80 was lifted from the table for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cook, Kearns and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SA 1 to HA 1 to HB 137 was stricken at the request of Senator Zimmerman.

The following legislation was introduced:

SB 618 - AN ACT TO AMEND AN ACT ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 888 OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senator Cicione; Representatives Gordy and Lynch. Assigned to Finance Committee.

SB 619 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING FOR JURISDICTION OF THE COMMISSION OVER RELATIONSHIPS BETWEEN MUNICIPALLY-OWNED ELECTRIC UTILITIES AND CONSUMERS LOCATED BEYOND THE BOUNDARIES OF THE MUNICIPALITY WHEREIN SUCH UTILITY IS LOCATED. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 620 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PLACING MUNICIPALLY-OWNED ELECTRIC UTILITIES UNDER THE JURISDICTION OF SAID COMMISSION. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SA 1 to HB 743 sponsored by Senator Cook. Placed with the Bill.

SJR 41 - CONTINUING THE COMMITTEE CREATED BY SENATE JOINT RESOLUTION NO. 5 OF THE 129TH GENERAL ASSEMBLY AND REQUESTING SAID COMMITTEE STUDY THE SUBJECT OF ELECTRONIC FUNDS TRANSFER SYSTEMS. Sponsor: Senator Murphy. Assigned to Executive Committee.

SR 127 - COMMENDING THE CAPE HENLOPEN HIGH SCHOOL VIKINGS FOR WINNING THE STATE DIVISION II TRACK CHAMPIONSHIP. Sponsors: Senators Cordrey and Adams.

At 2:15 p.m. Senator Cordrey presiding.

On motion of Senator Adams, SR 127 was considered for adoption and the roll call vote taken which revealed 16 Senators voting YES and 5 (Cook, Kearns, McCullough, McDowell and Murphy) ABSENT; therefore, the Resolution was declared adopted.

At 2:21 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 2:21 p.m. May 25, 1978, 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, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

At 2:26 p.m. Senator Martin presiding.

The Journal of the 37th Legislative Day was approved as read.

HB 808 was taken up for consideration on motion of Senator Cicione:  
HB 808 - AN ACT AUTHORIZING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1978 TO CONSTRUCT AND STAFF INMATE HOUSING AT SUSSEX CORRECTIONAL INSTITUTION.

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

YES: Senators Arnold, Cicione, Hale, Holloway, Hughes, Knox, Martin, McDowell, Schlor, Sharp, Spence, Zimmerman - 12.

NO: Senators Adams, Berndt, Cook, Cordrey, Littleton, Murphy - 6.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Kearns and Weiss - 2.

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

SS 1 for SB 448 was taken up for consideration on motion of Senator Sharp:

SS 1 for SB 448 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY AND PROVIDING FOR THE FILLING OF JUDICIAL VACANCIES BY A SYSTEM OF APPOINTMENT BY THE GOVERNOR AND SUBSEQUENT RETENTION BY THE ELECTORATE.

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

YES: Senators Arnold, Cicione, Cordrey, Hale, Hughes, Littleton, Martin, McCullough, Schlor, Spence, Weiss, Zimmerman - 12.

NO: Senators Adams, Berndt, Cook, Holloway, Knox, McDowell, Murphy, Sharp - 8.

ABSENT: Senator Kearns - 1.

Therefore, the Amendment was declared adopted.

At 2:45 p.m., Lt. Governor McGinnis presiding.

SA 2 to SS 1 for SB 448 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, Cook, Cordrey, Hughes, Littleton, Martin, McCullough, Schlor, Sharp, Spence - 12.

NO: Senators Hale, Knox, McDowell, Murphy, Weiss, Zimmerman - 6.

ABSENT: Senators Cicione, Holloway and Kearns - 3.

Therefore, the Amendment was declared adopted.

Lt. Governor McGinnis welcomed and introduced to the Senate former Lt. Governor Bookhammer.

The roll call vote on SS 1 for SB 448 w SA 1, 2 was taken and revealed:

YES: Senators Adams, Arnold, Hughes, Littleton, Martin, McCullough, Schlor, Sharp, Spence - 9.

NO: Senators Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, McDowell, Murphy, Weiss, Zimmerman - 11.

NOT VOTING: Senator Cicione - 1.



Therefore, the Bill was declared lost.

HB 264 was taken up for consideration on motion of Senator Cordrey:

HB 264 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO EXTENSION OF TIME FOR FILING A STATE PERSONAL INCOME TAX RETURN OR OTHER REQUIRED DOCUMENT.

The privilege of the floor was extended to Secretary of Finance, Weston Nellius, to speak on the Bill after which 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 returned to the House.

HB 839 was taken up for consideration on motion of Senator Cordrey:

HB 839 - AN ACT TO AMEND SECTION 1903, CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO THE COMPUTATION OF TAXABLE INCOME FOR PURPOSES OF THE CORPORATION INCOME TAX.

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

HB 840 was taken up for consideration on motion of Senator Cordrey:

HB 840 - AN ACT TO AMEND SECTION 1106, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO MODIFICATIONS TO FEDERAL ADJUSTED GROSS INCOME.

The privilege of the floor was extended to the Secretary of Finance, Weston E. Nellius, to speak on the Bill after which the roll call vote 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 811 was taken up for consideration on motion of Senator Cordrey:

HB 811 - AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE RELATING TO RETAIL AND WHOLESALE MERCHANT'S LICENSE FEES.

The privilege of the floor was extended to the Secretary of Finance, Weston E. Nellius, to speak on the Bill after which the roll call vote 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 848 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 848 w HA 1 - AN ACT TO AMEND CHAPTER 86, TITLE 29, DELAWARE CODE RELATING TO ALLOWANCE OF AN ABATEMENT OF OR DISCOUNT UPON COUNTY TAXES AND PENALTIES FOR LATE PAYMENT.

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

HB 271 w SA 3 was lifted from the table for consideration on motion of Senator Cordrey.

SA 4 to the Bill was stricken at the request of Senator Holloway.

SA 5 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 17 Senators voting YES and 4 (Cicione, McCullough, Schlör and Spence) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 271 w SA 3, 5 was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Martin, McDowell, Schlör, Sharp, Spence, Weiss - 12.

NO: Senators Adams, Cook, Cordrey, Kearns, Knox, Littleton, Murphy, Zimmerman - 8.

ABSENT: Senator McCullough - 1.

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

At 5:30 p.m. Senator Cordrey presiding.

HB 870 was taken up for consideration on motion of Senator Cicione:

HB 870 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE BLADES VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF ITS NEW RESCUE TRUCK.

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

SB 550 was taken up for consideration on motion of Senator Sharp:

SB 550 - AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 7, TITLE 19 DELAWARE CODE RELATING TO THE PERMISSIBLE USE OF THE POLYGRAPH BY LAW ENFORCEMENT AND CORRECTIONAL AGENCIES.

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

SA 2 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 Charles R. Burris, Jr. and Thomas J. Roman, both of the Delaware State Police, to speak on the Amendment.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Knox, Littleton, Martin, McCullough, McDowell, Sharp, Spence, Zimmerman - 15.

NO: Senators Kearns and Weiss - 2.

NOT VOTING: Senators Holloway and Hughes - 2.

ABSENT: Senators Murphy and Schlör - 2.

Therefore, the Amendment was declared adopted.

SA 3 was introduced by Senator Weiss and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Kearns, Knox, McDowell, Murphy, Spence, Weiss - 11.

NO: Senators Cicione, Hale, Littleton, Martin, McCullough, Sharp - 6.

NOT VOTING: Senators Holloway and Hughes - 2.

ABSENT: Senators Schlör and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

SA 4 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:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 13.

NO: Senators Cicione, Cordrey, Kearns, Sharp - 4.

NOT VOTING: Senators Holloway and Hughes - 2.

ABSENT: Senators Schlör and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

SA 5 to the Bill was introduced by Senator Spence. The privilege of the floor was extended to Harry Terry, Senate Attorney, after which the Amendment was stricken at the request of Senator Weiss and without objection.

The privilege of the floor was extended to Linda Ann Long, State Police F.O.P. after which Senator Hughes moved that the Bill be deferred. The roll call vote on the motion for deferral was then taken; however, Senator Hughes moved that the roll call be tabled before being announced. The roll call vote on the motion to table the roll call was then taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Weiss - 6.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 13.

ABSENT: Senators Kearns and Schlor - 2.

Therefore, the motion was defeated and the roll call vote to defer consideration of SB 550 w SA 2, 3, 4 was announced:

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

NO: Senators Adams, Cicione, Cook, Cordrey, Hale, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 13.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Kearns and Schlor - 2.

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

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

The following Committee reports were announced:

From the Judiciary Committee: HB 804 - 5 Merits; HB 713 - 5 Merits; HB 795 - 5 Merits; HB 681 w HA 1 - 5 Merits; HB 901 w HA 1 - 5 Merits.

From the Health and Social Services Committee: HB 303 w HA 1 - 4 Merits; SB 612 - 4 Merits.

From the Banking, Insurance and Elections Committee: SB 615 - 4 Merits; SB 572 - 4 Merits; SB 326 - 4 Merits.

From the Administrative Services Committee: SB 587 - 4 Merits.

From the Judiciary Committee: SB 605 - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 621 - AN ACT TO AMEND TITLE 10 AND TITLE 29 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION, INCLUDING PENSION BENEFITS, AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Kearns, McDowell, Holloway; Representatives Matushefske, T. Brady. Assigned to Finance Committee.

SB 622 - AN ACT TO AMEND CHAPTER 153, VOLUME 61, LAWS OF DELAWARE, RELATING TO ENLARGING AND EQUIPPING THE CHARLTON SCHOOL. Sponsor: Senator McCullough. Assigned to Education Committee.

SB 623 - AN ACT TO AMEND CHAPTER 27, TITLE 25 OF THE DELAWARE CODE RELATING TO MECHANICS' LIENS AGAINST STRUCTURES USED SOLELY AS A RESIDENCE; PAYMENT OF CONTRACTOR BY OWNER OF RESIDENCE AS A DEFENSE; PAYMENT FOR LABOR AND MATERIALS AND RELEASE OF LIEN BY CONTRACTOR. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 1 to HB 77 sponsored by Senator Hughes. Placed with the Bill.

SA 3 to SB 421 sponsored by Senators Hughes, Berndt, Martin. Placed with the Bill.

SA 1 to HB 461 sponsored by Senator Murphy. Placed with the Bill.  
At 6:24 p.m. on motion of Senator Martin, the Senate recessed until Tuesday, May 30, at 2:00 p.m.

The Senate reconvened at 2:08 p.m. May 30, 1978, Lt. Governor McGinnis presiding.

Legislative Advisory #49 received from the Office of Counsel to the Governor was read informing the Senate that the Governor signed SB 596 on May 26, 1978.

The following legislation was introduced:

HB 823 - AN ACT TO AMEND CHAPTER 14, TITLE 25, DELAWARE CODE, RELATING TO TIMBER TRESPASS. Sponsor: Representative W. Brady. Assigned to Judiciary Committee.

HB 880 w HA 1 - AN ACT TO AMEND TITLES 25, 21 AND 10 OF THE DELAWARE CODE RELATING TO LIENS OF GARAGEMEN, LIVERY AND STABLE KEEPERS; SALE OF ABANDONED VEHICLES; REMOVAL AND SALE OF MOTOR VEHICLES FROM PUBLIC HIGHWAYS BY POLICE AND FEES THEREFOR. Sponsors: Representatives Rispoli and Minner. Assigned to Public Safety Committee.

HB 993 w HA 1 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO MOTOR FUEL TAXES, BY ESTABLISHING A DEPARTMENT OF TRANSPORTATION IMPROVEMENTS FUND TO BE FUNDED BY A PORTION OF THE MOTOR VEHICLE FUEL TAX. Sponsors: Representatives Cain, Bennett, Burris, Powell, Roy. Assigned to Revenue and Taxation Committee.

HCR 114 - COMMENDING WILMINGTON MUNICIPAL COURT JUDGE LEONARD L. WILLIAMS FOR OUTSTANDING SERVICE AS HE LEAVES THE BENCH JUNE 4, 1978. Sponsors: Representatives T. Brady, George, Jonkiert, Johnson, Plant, Rispoli; Senators McDowell, Holloway, Schlor.

On motion of Senator Holloway, the Resolution was considered for adoption and the roll call vote taken which revealed 16 Senators voting YES and 5 (Hughes, McCullough, Schlor, Sharp and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 115 - CONGRATULATING THE NEWARK HIGH SCHOOL BANDS ON THEIR ACHIEVEMENTS AT THE NATIONAL INTERNATIONAL MUSIC FESTIVAL IN TORONTO, CANADA. Sponsors: Representatives Worthen, Anderson, Cain, Rispoli, Billingsley, Oberle, Powell, Roy; Senators Martin, Sharp, Hale.

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

On motion of Senator Zimmerman, HB 253 was lifted from the table and placed on the Agenda for the following day.

At 2:18 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 3:57 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were read:

From the Finance Committee: SB 600 - 1 Favorable, 5 Merits; SB 611 - 1 Favorable, 5 Merits; SB 613 - 6 Merits; SB 582 - 1 Favorable, 5 Merits; SB 614 - 6 Merits; SB 618 - 5 Merits; HB 773 - 1 Favorable, 4 Merits; HB 766 - 1 Favorable, 5 Merits; HB 758 - 1 Favorable, 4 Merits.

SB 624 (Sponsored by Senators Kearns and Knox) was introduced and laid on the table on motion of Senator Kearns:

SB 624 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR.

SA 1 to SB 605 sponsored by Senators Kearns and Berndt. Placed with the Bill.

SA 4 to SB 602 sponsored by Senator Holloway. Placed with the Bill.

SR 128 - CONGRATULATING THE LIONS CLUB OF CLAYMONT ON REACHING ITS FORTIETH ANNIVERSARY. Sponsors: Senators Hughes and Cordrey.

The Resolution was considered for adoption on motion of Senator Hughes and the roll call vote taken which revealed 17 Senators voting YES and 4 (McDowell, Schlor, Weiss, Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

At 4:03 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 39th Legislative Day.

### 39TH LEGISLATIVE DAY

The Senate convened at 4:03 p.m. May 30, 1978, 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, Murphy, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Schlor - 1.

The Journal of the 38th Legislative Day was approved as read.

SB 602 w SA 1, 2, 3 was lifted from the table for consideration on motion of Senator Holloway.

On motion of Senator Holloway, and without objection, SA 3 to the Bill was stricken.

SA 4 to the Bill, which had been placed with the Bill, was taken up for adoption on motion of Senator Holloway. The roll call vote on the Amendment was taken and revealed:

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

NO: Senator Hale - 1.

ABSENT: Senators Schlor and Weiss - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 602 w SA 1, 2, 4 was then taken and revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence - 15.

NO: Senators Hale and Zimmerman - 2.

NOT VOTING: Senators Arnold and Cicione - 2.

ABSENT: Senators Schlor and Weiss - 2.

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

HB 757 was taken up for consideration on motion of Senator Kearns:  
HB 757 - AN ACT TO AMEND CHAPTER 85, TITLE 11, DELAWARE CODE, RELATING TO INFORMATION SUPPLIED BY PEACE OFFICERS TO THE STATE BUREAU OF IDENTIFICATION.

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

HB 778 w HA 2 was taken up for consideration on motion of Senator Cicione:

HB 778 w HA 2 - AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS TO THE DEPARTMENTS OF ELECTION FOR NEW CASTLE COUNTY AND KENT COUNTY TO BE USED FOR THE PURCHASE OF VOTING MACHINES.

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

HB 835 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 835 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO PASSENGERS RIDING IN TOWED VEHICLES.

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

SB 610 was taken up for consideration on motion of Senator Cordrey:

SB 610 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, FOR THE PURPOSE OF DREDGING LEE JOSEPH CREEK.

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

SB 609 was taken up for consideration on motion of Senator Holloway:

SB 609 - AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE, REGULATING THE PRACTICE OF ARCHITECTURE.

During the discussion of the Bill and the Amendments which were offered to it, the privilege of the floor was extended to James R. Nelson, Delaware Society of Architects.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy; however, before final action was taken on the Amendment, it was laid on the table on further motion of the Senator.

SA 2 to the Bill was introduced by Senator Cook who moved for its 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, McCullough, McDowell, Murphy, Sharp, Spence, Zimmerman - 17.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Cicione, Schlor and Weiss - 3.

Therefore, the Amendment was declared adopted.

At 5:23 p.m. Senator Cicione presiding.

The roll call vote on SB 609 w SA 2 was taken on motion of Senator Holloway; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

At 5:35 p.m., Lt. Governor McGinnis presiding.

SB 616 was reported out of the Education Committee: 1 Favorable, 4 Merits.

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

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 30, 1978

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 S. Szczechowski, 1002 Sycamore Street, Wilmington, Delaware, to be a member of the Violent Crimes Compensation Board for a term of three (3) years, to fill the expired term of Stephen L. Manista.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 30, 1978

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 L. Cummings, Jr. 6 Lynford Street, Newark, Delaware, to be a member of the Bingo Control Commission for a term of five (5) years, to fill the expired term of Carol S. Wright.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

May 30, 1978

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: Brantley H. Donovan, R.D. #1, Box 116, Lincoln, Delaware, to be a member of the Violent Crimes Compensation Board for a term of three (3) years, to fill the expired term of Leah Betts.

Your consideration of this nomination will be appreciated.

Respectfully submitted,  
Pierre S. duPont, Governor

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The following legislation was introduced:

SB 625 - AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 7, TITLE 19, DELAWARE CODE RELATING TO THE PERMISSIBLE USE OF THE POLYGRAPH BY LAW ENFORCEMENT AND CORRECTIONAL AGENCIES. Sponsor: Senator Spence. Assigned to Labor Committee.

SB 626 - AN ACT TO AMEND CHAPTER 41, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE FREE PUBLIC SCHOOLS; AND PROVIDING CERTAIN STATUTORY RIGHTS FOR PUBLIC SCHOOL PUPILS, THE PARENTS OF SUCH PUPILS, AND FOR PUBLIC SCHOOL EMPLOYEES. Sponsors: Senators Cicione, Sharp, Martin, McCullough, Hughes; Representatives Oberle, Powell, Roy, Ridings, Ferguson, Hebner, Anderson, Riddagh, Loughney, Cain, Byrd. Assigned to Education Committee.

SA 6 to SB 550 sponsored by Senator Hughes. Placed with the Bill.

SA 1 to SB 594 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 595 sponsored by Senator Murphy. Placed with the Bill.

SS 1 for SB 448 w SA 1, 2 which had been defeated for passage in the Senate was restored to the Calendar on motion of Senator Cook.

At 6:47 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. May 31, 1978.

The Senate reconvened at 1:59 p.m. May 31, 1978, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had Passed SB 406 w SA 1, HA 1; SB 90; SB 83 w HA 1; SB 137; SB 578; SB 431 and adopted SJR 26.

The following legislation was introduced:

HB 789 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN PRIOR FISCAL YEARS. Sponsors: Representative Connor and Senator McCullough. Assigned to Finance Committee.

HB 841 - AN ACT TO AMEND TITLE 16 AND TITLE 31 OF THE DELAWARE CODE RELATING TO THE RIGHTS OF PATIENTS IN SANATORIA, REST HOMES, NURSING



HOMES, BOARDING HOMES AND RELATED STATE INSTITUTIONS. Sponsors: Representatives Kelly, Jonkiert, Byrd, Cain, Maxwell, Loughney, Rispoli, Ferguson, Morris, Ambrosino; Senators Cicione and Sharp. Assigned to Health and Social Services Committee.

HB 850 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE RELATING TO PARK USER FEES FOR PERSONS 62 YEARS OF AGE OR OLDER.

Sponsors: Representatives Kelly, Jonkiert and Gilligan. Assigned to Natural Resources and Environmental Control Committee.

HB 865 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," BEING CHAPTER 192 OF VOLUME 36, LAWS OF DELAWARE, RELATING TO REGISTRATION OF VOTERS IN MUNICIPAL ELECTIONS. Sponsor: Representative Riddagh. Assigned to Community Affairs Committee.

HB 911 - AN ACT TO AMEND CHAPTER 31, TITLE 14, DELAWARE CODE, RELATING TO PRIVATE PLACEMENT WITH FINANCIAL AID FOR HANDICAPPED PERSONS. Sponsors: Representatives Cain, Anderson, Worthen, Loughney, Oberle and Connor; Senators Holloway, Hale, Berndt, Cicione, Weiss and Sharp. The Bill was laid on the table at the request of Senator Holloway.

HB 952 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE SEVEN TRACTS OF LAND IN KENT AND SUSSEX COUNTIES, DELAWARE. Sponsors: Representatives Bennett, Sincok, McKay, Ridings, Smith, Lynch and Worthen. Assigned to Natural Resources and Environmental Control Committee.

On motion of Senator Holloway, the necessary rules were suspended for reconsidering SB 83 which had passed the Senate and now returned from the House further amended by HA 1. Therefore, the roll call vote on SB 83 w HA 1 was taken and revealed 17 Senators voting YES and 4 (McCullough, McDowell, Murphy and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate.

On motion of Senator Cicione, the necessary rules were suspended for reconsideration of SB 406 w SA 1 which had passed the Senate and now returned from the House further amended by HA 1. Therefore, the roll call vote on SB 406 w SA 1, HA 1 was taken and revealed 19 Senators voting YES and 2 (McCullough and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate.

On motion of Senator Martin, the Senate adjourned at 2:11 p.m. to immediately convene for the 40th Legislative Day.

#### 40TH LEGISLATIVE DAY

The Senate convened at 2:11 p.m. May 31, 1978, 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, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Schlor - 1.

The Journal of the 39th Legislative Day was approved as read.

At 2:40 p.m. Senator Adams presiding.

SB 593 was taken up for consideration on motion of Senator Holloway:

SB 593 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, SECTION 4053 (18) BY INCREASING THE AUTHORITY TO ISSUE BONDS AND NOTES TO \$100,000,000.

The privilege of the floor was extended to Leon N. Weiner and Robert S. Moyer (Delaware State Housing Authority) to speak on the Bill after which the roll call vote was taken and revealed:

YES: Senators Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss - 14.

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

NOT VOTING: Senators Arnold and Zimmerman - 2.

ABSENT: Senator Schlor - 1.

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 HB 302 w HA 1 was lifted and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Weiss - 12

NO: Senators Cook, Hale, Littleton, Murphy, Schlor, Sharp, Spence - 7.

NOT VOTING: Senators Holloway and Zimmerman - 2.

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

HB 461 was taken up for consideration on motion of Senator Murphy: HB 461 - AN ACT TO AMEND CHAPTER 75, TITLE 15, OF THE DELAWARE CODE RELATING TO MUNICIPAL ELECTIONS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cicione, Schlor and Spence) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 461 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Cicione, Schlor and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator Kearns, the roll call vote on HB 757 was lifted and announced:

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

NO: Senators Arnold, Littleton, McCullough, Sharp, Spence - 5.

ABSENT: Senators Murphy and Schlor - 2.

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

SB 471 was taken up for consideration on motion of Senator Weiss: SB 471 - AN ACT TO AMEND SECTION 840, SUBPART D, SUBCHAPTER III, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO SHOPLIFTING.

The privilege of the floor was extended to Tom Sandbach to speak on the Bill after which the roll call vote 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 3:55 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:53 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SB 627 - AN ACT TO AMEND CHAPTER 68, TITLE 7, DELAWARE CODE, RELATING TO APPEALS FROM DECISIONS OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

SB 628 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PROVIDE FOR LIFEGUARDS AT DEWEY BEACH AND FENWICK ISLAND FOR THE 1978 SUMMER SEASON. Sponsors: Senator Cordrey and Representative Vernon. Assigned to Finance Committee.

SB 629 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF REIMBURSING MR. AND MRS. ROBERT J. STARR FOR PUPIL TRANSPORTATION COST. Sponsor: Senator Martin. Assigned to Finance Committee.

SB 630 - AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS. Sponsor: Senator Sharp. Assigned to Highways and Transportation Committee.

SB 631 - AN ACT TO AMEND CHAPTER 45, PART V, TITLE 7 OF THE DELAWARE CODE RELATING TO THE LEASE OF CERTAIN PUBLIC LANDS. Sponsor: Senator Sharp. Assigned to Natural Resources and Environmental Control Committee.

SB 632 - AN ACT TO AMEND PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO STATE LAW ENFORCEMENT AGENCIES; AND PROVIDING FOR A SEPARATE PLANNING AGENCY. Sponsors: Senator Adams and Representative Minner. Assigned to Judiciary Committee.

SA 1 to SB 583 sponsored by Senator Kearns. Placed with the Bill.

The following Bills were reported out of the Finance Committee:

SB 594 - 2 Favorable, 3 Merits; SB 595 - 2 Favorable, 3 Merits.

On motion of Senator Kearns, the necessary rules were suspended for lifting SB 624 from the table for consideration:

SB 624 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR.

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

On motion of Senator Martin, the necessary rules were suspended for lifting from the table for consideration HJR 59:

HJR 59 - DIRECTING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DIRECT THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO ADMINISTER THE STATE CERTIFICATION RULES CONCERNING READING PERSONNEL WITHOUT ANY LOWERING OF STANDARDS.

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

On motion of Senator Sharp, the necessary rules were suspended for consideration of SB 617:

SB 617 - AN ACT AUTHORIZING AND DIRECTING THE BOARD OF PENSION TRUSTEES TO GRANT STANLEY ANTKIEWICZ SURVIVOR'S BENEFITS; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

YES: Senators Adams, Arnold, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Murphy, Sharp, Weiss, Zimmerman - 14.

NO: Senators Berndt, Cordrey, Martin, McCullough - 4.

ABSENT: Senators McDowell, Schlor, Spence - 3.

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

HB 781 was taken up for consideration on motion of Senator Cicione:

HB 781 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE LAUREL SCHOOL DISTRICT TO REIMBURSE THE DISTRICT FOR FUNDS PAID THE DIVISION OF HIGHWAYS FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE ON STATE ROUTE 28 AT THE LAUREL ELEMENTARY SCHOOL.

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

SB 572 was taken up for consideration on motion of Senator Murphy:

SB 572 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO LOAN LIMITATIONS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy and the roll call vote taken which revealed 16 Senators voting YES and 5 (Hale, Holloway, McCullough, McDowell and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to James B. Jackson, Delaware Bankers Association, to speak on the Bill after which the roll call vote on SB 572 w SA 1 was taken and revealed 18 Senators voting YES and 3 (McCullough, McDowell and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 615 was taken up for consideration on motion of Senator Murphy:

SB 615 - AN ACT TO AMEND CHAPTER 33, OF TITLE 12, DELAWARE CODE RELATING TO DEPOSITS OF SECURITIES BY FIDUCIARIES IN CLEARING CORPORATIONS.

The privilege of the floor was extended to James B. Jackson, Delaware Bankers Association, to speak on the Bill after which the roll call vote on SB 615 was taken and revealed:

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

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Hale, Martin, Schlor, Sharp - 4.

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

HS 1 for HB 320 w HA 1 was reported out of the Labor Committee: 4 Merits.

SA 1 and SA 2 to SB 587 sponsored by Senator Hughes. Placed with the Bill.

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

SENATE  
STATE OF DELAWARE  
DOVER  
May 31, 1978

TO: All Senators  
FROM: Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointments

Under the authority invested in me by House Concurrent Resolution No. 112, I hereby appoint the following: Senator Harris B. McDowell, III; Senator Everette Hale; Senator Roger A. Martin.

\* \* \* \* \*

On motion of Senator Kearns, the roll call vote on SB 624 was lifted and announced:

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

NO: Senators Adams, Arnold, Martin, McCullough, Sharp, Spence - 6.

ABSENT: Senator Schlor - 1.

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

At 5:48 p.m. on motion of Senator Cicione, the Senate recessed until 2:00 p.m. June 1, 1978.

The Senate reconvened at 1:59 p.m. June 1, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 85 w HA 1 and SS 1 for SB 494.

The following Committee reports were read:

From the Executive Committee: SB 604 - 1 Favorable, 4 Merits;  
SJR 41 - 1 Favorable, 4 Merits.

From the Public Safety Committee: HB 880 w HA 1 - 6 Merits.

SB 85 w HA 1 was laid on the table on motion of Senator Holloway.

HJR 67 was introduced:

HJR 67 - DIRECTING THE BINGO CONTROL COMMISSION TO GRANT A LICENSE TO THE REHOBOTH BEACH VOLUNTEER FIRE COMPANY FOR A BINGO GAME ON JUNE 3, 1978. Sponsor: Representative Vernon.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 15 Senators voting YES and 6 (Cook, Hale, Littleton, McCullough, McDowell, Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 68 was introduced:

HJR 68 - ESTABLISHING A JUDICIAL PENSION REFORM COMMITTEE. Sponsors: Representatives Boulden, Jonkiert, Gordy, Sincok, McKay; Senators Cordrey, Cook, Martin, Knox, Hughes.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 15 Senators voting YES and 6 (Cook, Hale, Hughes, McCullough, McDowell and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 116 was introduced:

HCR 116 - EXTENDING CONGRATULATIONS AND BEST WISHES TO THE THOMAS MCKEAN HIGH SCHOOL BAND ON THEIR UPCOMING TOUR OF SCOTLAND AND ENGLAND DURING JUNE 26 THROUGH JULY 21. Sponsors: Representatives Gilligan, Maxwell, Worthen, McKay and Roy; Senators Cicione, Knox and Arnold.

On motion of Senator Cicione, the Resolution was considered for adoption and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cordrey, Hale, McCullough and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 626 was reported out of the Education Committee: 1 Favorable, 2 Merits, 1 Unfavorable.

SA 1 to SB 450 sponsored by Senators Berndt and Holloway was introduced and placed with the Bill.

At 2:11 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 41st Legislative Day.

#### 41ST LEGISLATIVE DAY

The Senate convened at 2:11 p.m. June 1, 1978, 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 40th Legislative Day was approved as read.

HB 804 was taken up for consideration on motion of Senator Kearns:

HB 804 - AN ACT TO AMEND CHAPTER 23, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DEPOSIT OF SUMS OF MONEY BY THE PROTHONOTARIES OF THE RESPECTIVE COUNTIES.

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

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

NO: Senator Zimmerman - 1.

ABSENT: Senators Hale and Schlor - 2.

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

HB 713 was taken up for consideration on motion of Senator Kearns:

HB 713 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER VI, SUBPART B OF TITLE 11, DELAWARE CODE RELATING TO DISCRIMINATION BY PUBLIC SERVANTS OF THIS STATE AND ANY POLITICAL SUBDIVISION THEREOF.

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

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

NO: Senators Arnold, Hughes, Knox, McCullough, Sharp, Spence - 6.

ABSENT: Senators Hale and Schlor - 2.

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

HB 681 w HA 1 was taken up for consideration on motion of Senator Kearns:

HB 681 w HA 1 - AN ACT TO AMEND CHAPTER 46, TITLE 29, DELAWARE CODE RELATING TO PUBLIC DEFENDERS AND PRIVATE CLIENTS.

The privilege of the floor was extended to George Coulson, Attorney General's Office, to speak on the Bill after which the roll call vote was taken; however, the roll call was tabled before being announced on motion of Senator Kearns.

SB 614 was taken up for consideration on motion of Senator Murphy and Senator McCullough was named as co-sponsor of the Bill:

SB 614 - 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.

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

HB 303 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 303 w HA 1 - AN ACT TO AMEND TITLE 10, TITLE 11 AND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE CUSTODY, CARE AND TREATMENT OF DELINQUENT, NEGLECTED AND DEPENDENT CHILDREN.

During the discussion of the Bill and the several Amendments which were offered to it, the privilege of the floor was extended to: Joseph J. Duffy (Governor's Commission on Criminal Justice), Representative Worthen, Tom Sandbach (Senate Attorney) and Duane Olsen (Controller General).

At 4:05 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Senator Cordrey presiding.

HB 303 w HA 1 was still before the Senate.

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 16 Senators voting YES and 5 (McDowell, Murphy, Schlor, Spence and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Cicione and laid on the table at his request.

SA 3 to the Bill was introduced by Senator Cicione who moved for its adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill was stricken on motion of Senator Cicione.

The following letter was read and is made part of this record at the request of Senator Knox:

FAMILY SERVICE OF NORTHERN DELAWARE  
WILMINGTON, DELAWARE  
May 5, 1978

Senator Andrew G. Knox  
107 Quintynnes Avenue  
Wilmington, Delaware

Dear Andy:

As President of Family Service of Northern Delaware, I am writing to express our concern about the passage of H.B. 303. I understand that it will be reported out in the next week or so. We, here at Family Service, are in support of the bill, and I hope you agree with us.

During the last two years we have provided family counseling services for the Deinstitutionalization of the Status Offender Project, a federally-funded project, designed to treat the status offender separate from the delinquent youngster. The primary thrust was to help these youngsters reunite with their families or live in a group residential home. We believe this project has been very successful and should be continued beyond the June 30th deadline date. H.B. 303 provides the beginning step towards establishing a state system that will make the federally-funded project a permanent reality.

We urge you to support H.B. 303.

Sincerely,  
June Jenkins, President

\* \* \* \* \*

The Bill was then laid on the table on motion of Senator Holloway. The roll call vote on SS 1 for SB 488 was lifted on motion of Senator Zimmerman and announced:

YES: Senators Berndt, Cicone, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Zimmerman - 14.

NO: Senators Adams, Arnold, Cook, Cordrey, McCullough, Sharp, Weiss - 7.

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

SB 583 was taken up for consideration on motion of Senator Kearns: SB 583 - AN ACT TO AMEND TITLE 29, CHAPTER 64 OF THE DELAWARE CODE PERMITTING APPROPRIATE STATE AGENCIES TO HOLD INFORMAL PROCEEDINGS ON RATE AND PRICE FIXING MATTERS THAT ARE NOT A MATTER OF GENERAL PUBLIC INTEREST.

The Bill was then laid on the table on further motion of the Senator.

HB 303 w HA 1, SA 1, 3 was lifted from the table for consideration on motion of Senator Holloway:

SA 4 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (McCullough, McDowell and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 303 w HA 1, SA 1, 3, 4 was then taken and revealed:



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

NO: Senators Adams, Cordrey, Sharp - 3.

ABSENT: Senators McCullough and Schlor - 2.

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

HB 253 was taken up for consideration on motion of Senator Zimmerman:

HB 253 - AN ACT TO AMEND CHAPTER 23, OF TITLE 9, DELAWARE CODE TO ALLOW THE CREATION OF CONSOLIDATED SANITARY SEWER DISTRICTS.

The privilege of the floor was extended to William E. Zimmerman (New Castle County) to speak on the Bill. Final consideration of the Bill was then deferred on further motion of Senator Zimmerman.

SB 556 was taken up for consideration on motion of Senator Kearns:

SB 556 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO FILING OF CANDIDACY FOR NOMINATION AT A PRIMARY ELECTION.

The roll call vote on the Bill was 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.

SB 600 was taken up for consideration on motion of Senator Cicione:

SB 600 - AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PERMIT SCHOOL BUS CONTRACTORS TO PURCHASE AND OPERATE SCHOOL BUSES PURCHASED BY THE STATE FOR USE IN THE SCHOOL DISTRICTS AFFECTED BY THE CASE OF EVANS V. BUCHANAN.

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 18 Senators voting YES, 1 (Zimmerman) NOT VOTING and 2 (Holloway and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Frieda K. Edley (Delaware School Bus Contractors Association) to speak on the Bill after which the Bill was laid on the table on further motion of Senator Cicione.

The following legislation was introduced:

SB 633 - 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 APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS. Sponsors: Senators Hale and Littleton. Assigned to Finance Committee.

SA 2 to SB 450 sponsored by Senator Sharp. Placed with the Bill.

The following Committee reports were announced:

From the Executive Committee: HB 610 w HA 4 - 6 Merits;

HB 743 - 6 Merits; HB 744 - 6 Merits; HB 812 w HA 2 - 6 Merits.

From the Finance Committee: SB 628 - 4 Favorable, 2 Merits;

SB 629 - 2 Favorable, 4 Merits; HB 789 - 2 Favorable, 4 Merits.

From the Highways and Transportation Committee: SB 630 - 6 Merits.

From the Public Safety Committee: SB 557 - 4 Merits.

The following communication was read from the President Pro Tempore:

SENATE  
LEGISLATIVE HALL  
DOVER

June 1, 1978

TO: All members of the General Assembly  
FROM: Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointments

Under the authority invested in me by House Concurrent Resolution No. 68, I hereby appoint the following to the Judicial Reform Pension Committee: Senator Thurman Adams, Senator Everette Hale.

\* \* \* \* \*

The following Bills were stricken at the request of Senator Knox: SB 445, SB 446 and SB 447.

At 6:00 p.m. on motion of Senator Martin, the Senate recessed until 2:00 p.m. June 6, 1978.

The Senate reconvened at 2:05 p.m. June 6, 1978, Lt. Governor McGinnis presiding.

Legislative Advisory #51 received from the Office of the Counsel to the Governor was read which indicated that the Governor approved the following legislation on June 5, 1978: SB 415; SB 367; SB 453 w SA 1.

SB 577 was reported out of the Administrative Services Committee: 4 Merits.

The following legislation was introduced:

SB 634 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO CONVEY TO THE TOWN OF BETHANY BEACH PROPERTY TO BE USED FOR WATER STORAGE FACILITIES AND EQUIPMENT. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

HB 888 - AN ACT MAKING APPROPRIATION FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representative George and Senator Cicione. Assigned to Finance Committee.

SB 635 - AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 7, TITLE 19, DELAWARE CODE RELATING TO THE PERMISSIBLE USE OF THE POLYGRAPH BY LAW ENFORCEMENT AND CORRECTIONAL AGENCIES. Sponsor: Senator Hughes. Assigned to Labor Committee.

SB 636 - AN ACT TO AMEND §121, CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO SUPERVISION OVER BANKS AND OTHER FINANCIAL INSTITUTIONS. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 637 - AN ACT TO AMEND CHAPTER 7, TITLE 5, DELAWARE CODE, RELATING TO TAXATION OF BANKS AND TRUST COMPANIES. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 638 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RE-

LATING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 639 - 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 APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS. Sponsors: Senators Hale and Littleton. Assigned to Finance Committee.

SA 1, SA 2 and SA 3 to SB 632 sponsored by Senator Sharp. Placed with the Bill.

SA 2 to HB 253 sponsored by Senator Cicione. Placed with the Bill.

SR 129 sponsored by Senator Holloway and all the Senators:

SR 129 - WISHING OUR COLLEAGUE, SENATOR GEORGE F. SCHLOR, THIRD SENATORIAL DISTRICT, A SPEEDY AND FULL RECOVERY FROM HIS RECENT ILLNESS.

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

SR 130 (Sponsored by Senator Zimmerman) was introduced and considered for adoption on motion of the Senator:

SR 130 - COMMENDING THE GREATER DOVER CHAMBER OF COMMERCE FOR SPONSORING A SUCCESSFUL THIRTY-FIRST ANNUAL DELMARVA CHICKEN FESTIVAL.

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

The following Committee reports were announced:

From the Health and Social Services Committee: HB 841 - 4 Merits.

From the Judiciary Committee: SB 632 - 5 Merits.

SB 587 was taken up for consideration on motion of Senator McDowell.

SB 587 - AN ACT TO AMEND TITLE 28, OF THE DELAWARE CODE, RELATING TO SPORTS AND AMUSEMENTS BY DIRECTING THAT A PORTION OF THE MONEYS FOR UNCLAIMED PARI-MUTUEL TICKETS BE USED IN THE TREATMENT OF COMPULSIVE GAMBLERS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, McCullough and Schlor) ABSENT; 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 Hughes and the privilege of the floor extended to Tom Sandbach (Senate Attorney) after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Weiss, Zimmerman - 14.

NOT VOTING: Senators Cicione, McCullough, McDowell, Spence - 4.

ABSENT: Senators Cordrey, Schlor, Sharp - 3.  
Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to James D. Tate to speak on the Bill and the Amendments after which the Bill was laid on the table at the request of Senator McDowell.

HCR 118 (Sponsored by Representative Gordy) was introduced:  
HCR 118 - EXPRESSING THE APPRECIATION OF THE PEOPLE OF DELAWARE TO W. SPENCER THOMPSON, RETIRING AS CHAIRMAN OF THE STATE BOARD OF PENSION TRUSTEES, FOR HIS INVALUABLE CONTRIBUTIONS TO THE DEVELOPMENT OF A SOUND PENSION SYSTEM.

All the Senators were added as co-sponsors of the Resolution and the roll call vote for its adoption taken on motion of Senator Cordrey. The roll call vote revealed 19 Senators voting YES and 2 (Schlor and Spence) ABSENT; therefore, the Resolution was declared adopted.

SB 587 w SA 1, 2 was lifted from the table for consideration on motion of Senator McDowell.

SA 3 to the Bill was introduced by Senator Hughes 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, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Sharp, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Holloway, Murphy and Schlor - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 587 w SA 1, 2, 3 was then taken on motion of Senator McDowell; however, before being announced, the roll call was tabled on further motion of the Senator.

At 4:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 42nd Legislative Day.

#### 42ND LEGISLATIVE DAY

The Senate convened at 4:00 p.m. June 6, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

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 41st Legislative Day was approved as read.

Former Senator Dean Steele was welcomed to the Chamber by the Lt. Governor.

SR 132 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 132 - EXTENDING SYMPATHY TO THE FAMILY OF ROBERT F. KENNEDY ON THE TENTH ANNIVERSARY OF HIS ASSASSINATION. Sponsors: Senators Zimmerman, Murphy, McDowell, Cicione and Kearns.

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

HB 253 was taken up for consideration on motion of Senator Zimmerman:

HB 253 - AN ACT TO AMEND CHAPTER 23, OF TITLE 9, DELAWARE CODE TO ALLOW THE CREATION OF CONSOLIDATED SANITARY SEWER DISTRICTS.

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

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

The privilege of the floor was extended to Albert W. Madora, Director of Public Works for New Castle County, to speak on the Bill after which the roll call vote on HB 253 w SA 2 was taken and revealed:

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

NO: Senators Adams and Sharp - 2.

ABSENT: Senators Arnold, Holloway and Schlor - 3.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 502 and SB 472.

The following legislation was introduced:

HB 1008 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE TO EXEMPT MEDICAL PERSONNEL WORKING UNDER THE SUPERVISION OF A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHY, OR OPTOMETRIST FROM THE PROVISIONS OF SUCH CHAPTER. Sponsors: Representatives Matushefske, Ferguson, Smith, Hebner, Billingsley, Sincok, Connor & Ambrosino. Assigned to Health and Social Services Committee.

HB 813 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR PURPOSES OF PROVIDING FINANCIAL SUPPORT TO THE RETIRED SENIOR VOLUNTEER PROGRAM. Sponsor: Representative Bennett. Assigned to Finance Committee.

SB 640 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1978 GENERAL ELECTION ON THE QUESTION OF PUBLIC APPROVAL FOR THE RETENTION OF STATE JUDGES. Sponsors: Senators Sharp and Martin; Representative Oberle. Assigned to Banking, Insurance and Elections Committee.

SB 641 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO THE POWERS OF THE STATE BANK COMMISSIONER. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 642 - AN ACT TO AMEND CHAPTER 28, TITLE 31 OF THE DELAWARE CODE RELATING TO LIABILITY OF RELATIVES FOR EXPENSES OF CARE AND SUPPORT OF PATIENTS OF THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL. Sponsors: Senators Holloway and Berndt. Assigned to Health and Social Services Committee.

SB 643 - AN ACT TO AMEND CHAPTER 86, TITLE 29, DELAWARE CODE RELATING TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, TO CREATE THE OFFICE OF THE PUBLIC ADVOCATE. Sponsors: Senators Kearns and McDowell; Representatives Ambrosino, Miller, Anderson and

Byrd. Assigned to Executive Committee.

SB 644 - AN ACT TO AUTHORIZE THE OFFICE OF THE PUBLIC DEFENDER TO PAY FOR TELEPHONE EXPENSES INCURRED DURING FISCAL YEARS 1976 AND 1977. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 645 - AN ACT TO AMEND TITLE 22 AND TITLE 26 OF THE DELAWARE CODE RELATING TO THE CREATION OF MUNICIPAL ELECTRIC COMPANIES. Sponsors: Senator Adams and Representative Minner. Assigned to Administrative Services Committee.

SA 2 to SB 479 sponsored by Senator Murphy. Placed with the Bill.

SA 1 to SB 560 sponsored by Senator Weiss. Placed with the Bill.

SA 1 to SB 633 sponsored by Senators Cook, Adams and Cordrey. Placed with the Bill.

SA 1 to SB 639 sponsored by Senators Cook, Adams and Cordrey. Placed with the Bill.

SA 1 to HB 948 sponsored by Senator Cook. Placed with the Bill.

SA 2 to SB 600 sponsored by Senator Cicione. Placed with the Bill.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 574 - 1 Favorable, 4 Merits; HB 993 w HA 1 - 1 Favorable, 4 Merits; HB 365 - 5 Merits; SB 634 - 4 Merits.

From the Public Safety Committee: HB 782 - 6 Merits; HB 769 - 6 Merits; HB 816 - 6 Merits; HB 734 - 6 Merits; SB 350 - 5 Merits.

From the Natural Resources and Environmental Control Committee: SB 469 - 6 Merits.

HCR 119 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 119 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE HOUSE JOINT RESOLUTION WHICH AUTHORIZES PRESIDENT JIMMY CARTER TO PROCLAIM THE WEEK OF SEPTEMBER 17-23, 1978, AS NATIONAL PORT WEEK. Sponsor: Representative Jonkiert.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Hale, Holloway, Schlor, Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SJR 42 (Sponsored by Senators Hughes, Kearns, Holloway and McCullough) was introduced:

SJR 42 - COMMENDING HARVEY C. SMITH AS HE RETIRES AS MANAGER OF RADIO STATION WDEL FOR MANY YEARS OF COMMUNITY SERVICE.

On motion of Senator Hughes, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 18 Senators voting YES and 3 (Arnold, Schlor, Spence) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 131 (Sponsored by Senator Holloway) was introduced and considered for adoption on motion of the Senator:

SR 131 - EXPRESSING THE APPRECIATION OF THE SENATE FOR THE HELP EXTENDED BY THE NEWS JOURNAL NEWSPAPERS OF WILMINGTON IN MAKING FREE EMPLOYMENT ADVERTISEMENTS AVAILABLE TO STUDENTS.

The roll call vote on the Resolution was taken and revealed

16 Senators voting YES and 5 (Cicione, Schlor, Sharp, Spence, Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

At 5:10 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 7, 1978.

The Senate reconvened at 2:03 p.m. June 7, 1978, Lt. Governor McGinnis presiding.

HB 528 w HA 1 was reported out of the Judiciary Committee:  
4 Merits.

The following legislation was introduced:

HB 250 w HA 1 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO PLEAS AND PLEA BARGAINING. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 935 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT IN FRONT OF THE DELMAR FIRE HOUSE ON BI-STATE BOULEVARD IN DELMAR, DELAWARE. Sponsors: Representative Gordy and Senator Littleton. Assigned to Highways and Transportation Committee.

HCR 117 - CONGRATULATING GLADYS E. DAVIS, OF GREEN ACRES, A SENIOR AT MT. PLEASANT HIGH SCHOOL, UPON WINNING THE DELAWARE SOCIETY OF PROFESSIONAL ENGINEERS' SCHOLARSHIP TO THE UNIVERSITY OF DELAWARE. Sponsors: Representatives Smith, Hebner, Sincok, Ambrosino, Loughney, George; Senators Berndt and Hughes.

On motion of Senator Berndt, the Resolution was considered for adoption and the roll call vote taken which revealed 16 Senators voting YES and 5 (Cook, Hale, Hughes, McCullough and Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Legislative Advisory #50 received from Office of the Counsel to the Governor was read which informed the Senate that the Governor signed SB 487 on May 30, 1978.

At 2:08 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 2:08 p.m. June 7, 1978, 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 42nd Legislative Day was approved as read.

SB 611 was taken up for consideration on motion of Senator Cicione:

SB 611 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE, FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEARS EXPENSE.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, McCullough and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 773 was taken up for consideration on motion of Senator Cicione:  
HB 773 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REIMBURSE AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE CROSS-BLUE SHIELD.

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

HB 766 was taken up for consideration on motion of Senator Cicione:  
HB 766 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE LAUREL SCHOOL DISTRICT FOR THE PURPOSE OF REIMBURSING MR. DONALD E. ATKINSON, PRINCIPAL OF LAUREL ELEMENTARY SCHOOL, FOR OVER PAYMENTS FOR HIS WIFE'S BLUE CROSS-BLUE SHIELD COVERAGE.

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

SB 616 was taken up for consideration on motion of Senator Sharp:  
SB 616 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES; AND PROVIDING LIMITATIONS UPON THE ENFORCEMENT OF CERTAIN SCHOOL TAXES AS WELL AS THE SANCTIONS FOR NON-PAYMENT OF THOSE TAXES.

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 revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Hughes, Kearns, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 13.

NO: Senators Cordrey, Knox, Littleton, McDowell, Zimmerman - 5.

ABSENT: Senators Hale, Holloway and Schlor - 3.

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

SB 600 w SA 1 was taken up for consideration on motion of Senator Cicione.

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 18 Senators voting YES and 3 (Holloway, Schlor and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Duane Olsen, Controller General, to speak on the Bill after which the roll call vote on SB 600 w SA 1, 2 was taken and revealed:

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

NO: Senators Arnold, Berndt, Hale, Kearns, Knox, Weiss - 6.

NOT VOTING: Senators Holloway and McDowell - 2.

ABSENT: Senator Schlor - 1.

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

At 3:15 p.m. on motion of Senator Martin, the Senate recessed



for Party Caucus and reconvened at 4:10 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Judiciary Committee: HB 250 w HA 1 - 5 Merits.

From the Finance Committee: SB 580 - 5 Merits; SB 581 - 6 Merits; SB 644 - 1 Favorable, 5 Merits; HB 813 - 1 Favorable, 5 Merits.

From the Health and Social Services Committee: HB 1008 w HA 1 - 2 Favorable, 2 Merits; SB 642 - 4 Merits.

The following legislation was introduced:

SB 646 - AN ACT PROVIDING FOR THE TRANSFER OF PACKAGED DISASTER HOSPITALS TO AN ORGANIZATION KNOWN AS AFRICARE FOR USE IN PROVIDING MEDICAL TREATMENT ON THE CONTINENT OF AFRICA. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 647 - AN ACT TO AMEND CHAPTER 92 OF TITLE 29, DELAWARE CODE RELATING TO SOLAR SHADE CONTROL. Sponsor: Senator McDowell. Assigned to Energy Committee.

SA 1 to HB 935 sponsored by Senator Littleton. Placed with the Bill.

SA 1 to HB 841 sponsored by Senator Holloway and Representative Kelly. Placed with the Bill.

SA 2 to SB 633 sponsored by Senator Kearns; Representatives Kelly and Byrd. Placed with the Bill.

SA 2 to SB 639 sponsored by Senator Kearns; Representatives Kelly and Byrd. Placed with the Bill.

SB 582 was taken up for consideration on motion of Senator McDowell.

SB 582 - AN ACT TO AMEND CHAPTER 116, VOLUME 61, LAWS OF DELAWARE, BEING THE 1978 BUDGET APPROPRIATION ACT, ORIGINALLY DESIGNATED HOUSE BILL NO. 300, AMENDED BY HOUSE AMENDMENT NO. 27 AND SENATE AMENDMENT NO. 1, RELATING TO THE OFFICE OF THE COMMISSIONER OF SECURITIES.

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 the request of Senator Zimmerman, HB 86 was reassigned to the Natural Resources and Environmental Control Committee.

SB 104 was taken up for consideration on motion of Senator Cicione:

SB 104 - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CONTINUITY OF GOVERNMENT; AND PROVIDING FOR A DEPARTMENT OF EDUCATION, WHICH SHALL ASSUME RESPONSIBILITIES AND FUNCTIONS OF THE PRESENT DEPARTMENT OF PUBLIC INSTRUCTION AND STATE BOARD OF EDUCATION.

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, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss - 17.

NOT VOTING: Senators Hale and Zimmerman - 2.

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Amendment was declared adopted.

Senator Murphy requested that his name be removed as co-sponsor of the Bill. Final consideration of the Bill was then deferred on further motion of Senator Cicione.

At 4:35 p.m., Senator Adams presiding.

On motion of Senator Holloway, the necessary rules were suspended for consideration of HB 911:

HB 911 - AN ACT TO AMEND CHAPTER 31, TITLE 14, DELAWARE CODE, RELATING TO PRIVATE PLACEMENT WITH FINANCIAL AID FOR HANDICAPPED PERSONS.

Senator Martin was added as a co-sponsor of the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Schlor and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 628 was taken up for consideration on motion of Senator Cordrey:

SB 628 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PROVIDE FOR LIFEGUARDS AT DEWEY BEACH AND FENWICK ISLAND FOR THE 1978 SUMMER SEASON.

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.

SJR 41 was taken up for consideration on motion of Senator Murphy:

SJR 41 - CONTINUING THE COMMITTEE CREATED BY SENATE JOINT RESOLUTION NO. 5 OF THE 129TH GENERAL ASSEMBLY AND REQUESTING SAID COMMITTEE STUDY THE SUBJECT OF ELECTRONIC FUNDS TRANSFER SYSTEMS.

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

SB 626 was taken up for consideration on motion of Senator Cicione:

SB 626 - AN ACT TO AMEND CHAPTER 41, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE FREE PUBLIC SCHOOLS; AND PROVIDING CERTAIN STATUTORY RIGHTS FOR PUBLIC SCHOOL PUPILS, THE PARENTS OF SUCH PUPILS, AND FOR PUBLIC SCHOOL EMPLOYEES.

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, Sharp, Weiss, Zimmerman - 16.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Hale, Holloway, Schlor, Spence - 4.

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

SB 479 was taken up for consideration on motion of Senator Murphy:

SB 479 - AN ACT TO AMEND TITLE 16, DELAWARE CODE BY AUTHORIZING THE STATE OF DELAWARE TO LOAN MONEYS TO VOLUNTEER FIRE COMPANIES FOR CONSTRUCTION, EXPANSION, IMPROVEMENTS OR MODERNIZATION OF FACILITIES AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED THEREFOR AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE VOLUNTEER FIRE COMPANY CONSTRUCTION FUND TO BE ADMINISTERED BY THE STATE FIRE PREVENTION COMMISSION.

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 which had been placed with the Bill was taken up for consideration on motion of Senator Murphy; however, final consideration of the Bill and the Amendment was deferred on further motion of the Senator.

SB 326 was taken up for consideration on motion of Senator Murphy:

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.

The privilege of the floor was extended to Betty Pond and Everett Wilson of New Castle County Department of Elections to speak on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Arnold and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 577 was taken up for consideration on motion of Senator Murphy:

SB 577 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND DISQUALIFICATIONS FOR SERVING AS A MEMBER OR EMPLOYEE OF THE COMMISSION.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Schlor and Sharp) 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 HB 426 was lifted and announced:

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss - 15.

NO: Senators Adams, Cook, Cordrey, Littleton, Zimmerman - 5.

ABSENT: Senator McCullough - 1.

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

On motion of Senator Holloway, SB 85 which had passed the Senate was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 85 w HA 1 was then taken and revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Bill was declared passed by the Senate.

SB 557 was taken up for consideration on motion of Senator Hughes:

SB 557 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, BY ADDING A NEW CHAPTER 70 RELATING TO STOPPING, STANDING OR PARKING IN DESIGNATED FIRE LANES AND AREAS ESSENTIAL TO FIRE SAFETY AND PROVIDING PENALTIES THEREFOR.

The privilege of the floor was extended to Harry Terry (Senate Attorney) to speak on the Bill after which it was laid on the table on further motion of Senator Hughes.

The following Committee reports were announced:

From the Administrative Services Committee: HB 473 w HA 1 - 4 Merits; HB 855 w HA 1 - 3 Merits, 1 Unfavorable; SB 598 - 3 Favorable.  
From the Executive Committee: SB 399 - 5 Merits; SB 606 - 5 Merits; SB 607 - 5 Merits; SB 608 - 5 Merits; SB 643 - 5 Merits; HB 179 - 5 Merits.

From the Banking, Insurance and Election Committee: SB 636 - 2

Favorable, 3 Merits; SB 637 - 2 Favorable, 3 Merits; SB 638 - 2 Favorable, 3 Merits; SB 641 - 2 Favorable, 3 Merits.

From the Correction Committee: HB 938 w HA 1, 2 - 4 Merits.

From the Highways and Transportation Committee: HB 935 - 6 Merits.

The following legislation was introduced:

SB 648 - AN ACT SUPPLYING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR THE PURCHASE OF BUTTERFAT TESTING EQUIPMENT TO BE USED IN TESTING ADDITIONAL MILK SAMPLES. Sponsors: Senators Adams and Cook; Representative Clendaniel. Assigned to Agriculture Committee.

SB 649 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8 OF THE DELAWARE CONSTITUTION TO PROVIDE FOR A THREE-FIFTHS VOTE OF THE GENERAL ASSEMBLY TO ENACT LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES; TO PROVIDE AN EXCEPTION THERETO FOR LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES TO SATISFY THE STATE'S PLEDGE OF ITS FAITH AND CREDIT FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT AFTER PROVISION HAS BEEN MADE ANNUALLY FOR SUCH PAYMENT; AND TO PROVIDE FOR THE ALLOCATION OF PUBLIC MONEYS TO MAKE SUCH PAYMENTS. Sponsors: Senators Zimmerman, Knox, Arnold, Berndt, Cicione, Holloway, Hughes, Littleton, McDowell, Murphy, Weiss; Representatives Sincok, Ambrosino, Billingsley, T. Brady, W. Brady, Byrd, Cain, Connor, George, Gilligan, Hebner, Lynch, Matuschefske, Roy, Smith, Vernon, Maxwell, McKay, Miller, Oberle, Powell, Riddagh, Ridings. Assigned to Executive Committee.

SR 133 (Sponsored by Senators Holloway and Zimmerman) was introduced and considered for adoption on motion of Senator Holloway:

SR 133 - EXPRESSING BEST WISHES TO MRS. REBECCA TWILLEY GATES ON HER NEW JOB IN WASHINGTON, D.C.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Hughes, Schlor, Sharp, Spence) ABSENT; therefore, the Resolution was declared adopted.

SA 2 to HB 743 sponsored by Senator Cook. Placed with the Bill.

SA 3 to HB 743 sponsored by Senator Cicione. Placed with the Bill.

SB 650 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE BOWERS BEACH MARITIME MUSEUM, INC. Sponsor: Senator Murphy. Assigned to Finance Committee.

SB 325 was stricken at the request of Senator Murphy.

The roll call vote on HB 484 was lifted on motion of Senator Kearns; however, it was again tabled before being announced on further motion of the Senator.

At 6:03 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. June 8, 1978.

The Senate reconvened at 1:54 p.m. June 8, 1978, Lt. Governor McGinnis presiding.

The following legislation was introduced:

HB 956 w HA 2, 3 - AN ACT TO AMEND PART VIII, TITLE 16 OF THE DELAWARE CODE RELATING TO HOSPITALS AND OTHER HEALTH FACILITIES; AND PROVIDING A SYSTEM OF HEALTH PLANNING AND REVIEW. Sponsor: Representative Gilligan. Assigned to Health and Social Services Committee.

HB 981 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SALARIES AND EMOLUMENTS OF PUBLIC

OFFICERS. Sponsors: Representatives Jonkiert and Riddagh; Senator Sharp. Assigned to Executive Committee.

HB 1000 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Representative Gordy. Assigned to Executive Committee.

HB 1027 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE CONTROLLER GENERAL FOR THE PAYMENT OF SERVICES TO STANDING COMMITTEES. Sponsor: Representative Jonkiert. Assigned to Executive Committee.

SA 4, SA 5, SA 6 to SB 632 sponsored by Senator Sharp. Placed with the Bill.

SB 646 was reported out of the Health and Social Services Committee- 4 Merits.

SR 134 ( Sponsored by Senators Zimmerman, Kearns, Murphy, Cook and Representative Miller) was introduced and considered for adoption on motion of Senator Zimmerman:

SR 134 - COMMENDING FORMER JUDGE ERNEST V. KEITH OF DOVER FOR HIS CONTRIBUTIONS TO THE CRIMINAL JUSTICE SYSTEM.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Berndt, Cicione, Schlor, Sharp, Spence) ABSENT; therefore, the Resolution was declared adopted.

At 2:00 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 2:00 p.m. June 8, 1978, 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 43rd Legislative Day was approved as read.

SR 124 was lifted from the table for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 17 Senators voting YES and 4 (Berndt, McCullough, Schlor, Spence) ABSENT; therefore, the Resolution was declared adopted.

The following Committee reports were announced:

From the Agriculture Committee: SB 648 - 4 Merits.

From the Executive Committee: SB 649 - 1 Favorable, 4 Merits.

HB 743 was taken up for consideration on motion of Senator Adams:

HB 743 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO STATE EMPLOYEES PENSION PLAN.

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

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 17 Senators voting YES and 4 (Berndt, McCullough, Schlor, Spence) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione and the privilege of the floor extended to Donald McArdle (Pension Office). The roll call vote on the Amendment was then taken and revealed:

YES: Senator Cicione - 1.

NO: Senators Adams, Arnold, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Weiss, Zimmerman - 16.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Berndt, Schlor, Spence - 3.

Therefore, the Amendment was declared lost.

The roll call vote on HB 743 w SA 2 was then taken and revealed 19 Senators voting YES and 2 (Schlor and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 744 was taken up for consideration on motion of Senator Adams:

HB 744 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE TO REQUIRE FULL ACTUARIAL FUNDING FOR ANY LAW ESTABLISHING SPECIAL PENSION BENEFITS.

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

HB 812 w HA 2 was taken up for consideration on motion of Senator Adams:

HB 812 w HA 2 - AN ACT TO AMEND CHAPTER 191, VOLUME 61, LAWS OF DELAWARE BY 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 THE AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE; INCREASING CERTAIN OTHER PENSION BENEFITS BY AMENDING CHAPTER 55, TITLE 29, SECTION 5532, DELAWARE CODE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, Schlor and Spence) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Donald McArdle (Pension Office) to speak on the Bill after which the roll call vote on HB 812 w HA 2, SA 1 was taken and revealed 19 Senators voting YES and 2 (Schlor and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 634 was taken up for consideration on motion of Senator Cordrey:

SB 634 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO CONVEY TO THE TOWN OF BETHANY BEACH PROPERTY TO BE USED FOR WATER STORAGE FACILITIES AND EQUIPMENT.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cicione, Holloway, Martin, Schlor and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HCR 120 was introduced and considered for adoption on motion of Senator Cook:

HCR 120 - EXTENDING CONGRATULATIONS TO FORMER REPRESENTATIVE J. LESLIE FORD FOR HIS LONGEVITY AND LONG YEARS OF SERVICE TO THE STATE

OF DELAWARE. Sponsors: Representative Ferguson and Senator Cook.

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

At 3:04 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., President Pro Tempore Cordrey presiding.

The following legislation was introduced:

SB 651 - AN ACT AMENDING TITLE 29, DELAWARE CODE, ACKNOWLEDGING THE RIGHTS AND DEFINING THE LIMITATIONS OF LEGISLATIVE OFFICE, ESTABLISHING A CODE OF LEGISLATIVE CONDUCT, AND ESTABLISHING A JOINT COMMITTEE ON LEGISLATIVE CONDUCT IN THE GENERAL ASSEMBLY. Sponsors: Senators Hale and McDowell. Assigned to Executive Committee.

SA 1 to SB 469 sponsored by Senator Cordrey. Placed with the Bill.

SA 2 to SB 399 sponsored by Senator Kearns. Placed with the Bill.

SA 1 to SB 530 sponsored by Senator Martin. Placed with the Bill.

SA 1 to SB 649 sponsored by Senator Zimmerman. Placed with the Bill.

SA 1 to SB 557 sponsored by Senator Hughes. Placed with the Bill.

SB 650 was reported out of the Finance Committee: 6 Merits.

SB 629 was taken up for consideration on motion of Senator Martin:

SB 629 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF REIMBURSING MR. AND MRS. ROBERT J. STARR FOR PUPIL TRANSPORTATION COST.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cicione, Hale, McDowell, Schlor, Spence) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 557 was lifted from the table for consideration on motion of Senator Hughes.

During the discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Sgt. Clyde W. Leonard (Delaware State Police).

SA 1 to the Bill was introduced by Senator Hughes and considered for adoption. The roll call vote on the Amendment was taken and revealed:

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

NO: Senator Zimmerman - 1.

ABSENT: Senators Schlor and Spence - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 557 w SA 1 was then taken and revealed:

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

NO: Senator Zimmerman - 1.

ABSENT: Senators Martin, Schlor, Spence - 3.

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

SB 305 was taken up for consideration on motion of Senator Kearns:

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.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Kearns and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cicione, Holloway, Schlör, Spence) ABSENT; therefore, the Amendment was declared adopted.

At 4:40 p.m., Senator Murphy presiding.

The roll call vote on SB 305 w SA 1 was then taken; however, before being announced, the roll call was tabled on motion of Senator Kearns. HB 574 was taken up for consideration on motion of Senator Cordrey: HB 574 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO ISSUANCE OF WARRANT.

The privilege of the floor was extended to J. L. Sullivan (Division of Revenue) 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, McCullough, McDowell, Murphy, Weiss, Zimmerman - 18.

NO: Senator Sharp - 1.

ABSENT: Senators Schlör and Spence - 2.

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

On motion of Senator Kearns, the roll call on HB 484 was lifted; however, the roll call was again tabled before being announced on further motion of the Senator.

HB 782 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 782 w HA 1 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO EXEMPT VEHICLES.

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

HB 769 was taken up for consideration on motion of Senator Cordrey: HB 769 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVING WITHOUT A LICENSE.

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, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Weiss, Zimmerman - 17.

NOT VOTING: Senators Arnold and Berndt - 2.

ABSENT: Senators Schlör and Spence - 2.

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

HB 816 was taken up for consideration on motion of Senator Cordrey: HB 816 - AN ACT TO AMEND CHAPTER 21, DELAWARE CODE, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES FOR HANDICAPPED PERSONS.

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



HB 734 was taken up for consideration on motion of Senator Cordrey:  
HB 734 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE,  
RELATING TO VANITY PLATES.

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, Weiss, Zimmerman - 16.

NO: Senators Cook and Sharp - 2.

ABSENT: Senators McCullough, Schlör, Spence - 3.

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

SCR 104 was introduced and considered for adoption on motion of Senator Martin:

SCR 104 - CONGRATULATING THE GRADUATES OF THE MARGARET S. STERCK SCHOOL FOR THE HEARING IMPAIRED. Sponsors: Senator Martin and Representative Oberle and all the Senators.

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

SB 632 was taken up for consideration on motion of Senator Adams:

SB 632 - AN ACT TO AMEND PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO STATE LAW ENFORCEMENT AGENCIES; AND PROVIDING FOR A SEPARATE PLANNING AGENCY.

During the discussion of the Bill and the several Amendments which were offered to it, the privilege of the floor was extended to Christine M. Harker (Governor's Commission on Criminal Justice).

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 Cook, Holloway, Hughes, Martin, McCullough, Sharp - 6.

NO: Senators Adams, Arnold, Berndt, Cordrey, Kearns, Knox, Littleton, Murphy, Weiss, Zimmerman - 10.

ABSENT: Senators Cicione, Hale, McDowell, Schlör, Spence - 5.

Therefore, the Amendment was declared lost.

SA 2 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 Cicione, Cook, Hughes, McCullough, Sharp - 5.

NO: Senators Adams, Arnold, Berndt, Cordrey, Kearns, Knox, Littleton, Murphy, Weiss, Zimmerman - 10.

ABSENT: Senators Hale, Holloway, Martin, McDowell, Schlör, Spence - 6.

Therefore, the Amendment was declared lost.

SA 3 to the Bill which had been placed with the Bill was stricken at the request of Senator Sharp, the sponsor.

Further consideration of the Bill was deferred on motion of Senator Cordrey.

At 6:11 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 13, 1978.

The Senate reconvened at 2:05 p.m. June 13, 1978, President Pro Tempore Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 599 - 6 Merits; SB 508 - 6 Merits; SB 585 - 5 Merits; SB 462 - 6 Merits.

From the Administrative Services Committee: SB 645 - 5 Merits.

The following legislation was introduced:

SB 652 - AN ACT TO AMEND TITLES 31, 29, 16, 22 AND 9 OF THE DELAWARE CODE RELATING TO HEALTH AND SOCIAL SERVICES. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 653 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES, AND PROVIDING SPECIAL LICENSE PLATES FOR MEMBERS OF THE DELAWARE NATIONAL GUARD. Sponsor: Senator Cicione. Assigned to Public Safety Committee.

SA 1 to HB 1008 sponsored by Senator Cordrey. Placed with the Bill.

SA 1 to HB 888 sponsored by Senator Cicione. Placed with the Bill.

SA 3 to SB 633 sponsored by Senator Cicione. Placed with the Bill.

SA 3 to SB 639 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to SB 359 sponsored by Senator Zimmerman. Placed with the Bill.

SA 1 to SB 358 sponsored by Senator Zimmerman. Placed with the Bill.

SR 135 - EXPRESSING OUR DEEP RESPECT FOR THE UNITED STATES FLAG ON FLAG DAY, JUNE 14, 1978. Sponsors: Senator Hughes and all the Senators.

On motion of Senator Hughes, the roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cook, Hale, McCullough and Schlor) ABSENT; therefore, the Resolution was declared adopted.

At 2:12 p.m. on motion of Senator Martin, the Senate adjourned to immediately convene for the 45th Legislative Day.

#### 45TH LEGISLATIVE DAY

The Senate convened at 2:12 p.m. June 13, 1978, President Pro Tempore Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senators McCullough and Schlor - 2.

The Journal of the 44th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed SB 628 and adopted SCR 104.

At 2:20 p.m., Senator Martin presiding.

HB 1008 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 1008 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE TO EXEMPT MEDICAL PERSONNEL WORKING UNDER THE SUPERVISION OF A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHY, OR OPTOMETRIST FROM THE PROVISIONS OF SUCH CHAPTER.

During the discussion of the Bill and the Amendment which was offered to it, the privilege of the floor was extended to the following persons: Tom Sandbach (Senate Attorney), Jeffrey S. Marlin, Esq. (representing Edwin P. J. Kuhwald), Emily W. Nicoll (Delaware Optometric Association) and Alvin Weiner, M.D. (representing Ophthalmology).

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

YES: Senators Cordrey, Holloway, Murphy, Zimmerman - 4.

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

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Amendment was declared lost.

The roll call vote on HB 1008 w HA 1 was taken and revealed:

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

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators McCullough and Schlor - 2.

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

HCR 123 was introduced and considered for adoption on motion of Senator Cicione:

HCR 123 - COMMENDING THE CONRAD AREA SCHOOL BOARD FOR RENAMING THE OAK GROVE JUNIOR HIGH SCHOOL AND THE SPRUCE AVENUE ELEMENTARY SCHOOL THE AUSTIN D. BALTZ SCHOOL IN HONOR OF THE FORMER ASSISTANT SUPERINTENDENT OF DISTRICT SCHOOLS. Sponsors: Representatives Kelly, Byrd, Maxwell; Senator Cicione.

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

SB 632 which had been deferred for final consideration was again taken up on motion of Senator Adams.

During the discussion of the Bill and the various Amendments to it which were offered, the privilege of the floor was extended to Christine M. Harker (Governor's Commission on Criminal Justice).

SA 4 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 15 Senators voting YES and 6 (Berndt, Cook, Holloway, McCullough, Murphy, Schlor) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Cicione, Cook, Cordrey, Hale, Hughes, Kearns Knox, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Arnold - 2.

ABSENT: Senators Berndt, Holloway, McCullough, Schlor - 4.

Therefore, the Amendment was declared adopted.

SA 6 to the Bill which had been placed with the Bill was taken

up for consideration on motion of Senator Sharp and the roll call vote taken which revealed:

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

NO: Senators Arnold, Hale, Knox, Spence, Weiss - 5.

ABSENT: Senators Berndt, Holloway, McCullough, Schlor - 4.

Therefore, the Amendment was declared adopted.

SA 7 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 16 Senators voting YES and 5 (Berndt, Holloway, McCullough, McDowell, Schlor) ABSENT; therefore, the Amendment was declared adopted.

SA 8 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 Cicione, Cordrey, Hughes, Martin, McDowell, Murphy, Sharp, Zimmerman - 8.

NO: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Kearns, Knox, Littleton, Spence, Weiss - 11.

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Amendment was declared lost.

SA 9 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 Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Hale, Holloway and Knox - 4.

ABSENT: Senators McCullough and Schlor - 2.

Therefore, the Amendment was declared adopted.

SA 10 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Holloway, McCullough and Schlor) ABSENT; therefore, the Amendment was declared adopted.

SA 11 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 Cicione, Cook, Hughes, Martin, Murphy, Sharp, Zimmerman - 7.

NO: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Knox, Littleton, McDowell, Spence, Weiss - 11.

ABSENT: Senators Kearns, McCullough and Schlor - 3.

Therefore, the Amendment was declared lost.

At 4:56 p.m., the Senate recessed for a short period for lack of a quorum and reconvened at 5:02 p.m. Senator Cordrey presiding.

The roll call vote on SB 632 w SA 4, 5, 6, 7, 9, 10 was then taken and revealed:

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

NO: Senators Murphy, Sharp, Spence, Zimmerman - 4.

NOT VOTING: Senators Cicione and Hughes - 2.

ABSENT: Senators McCullough and Schlor - 2.

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