

HB 528 w HA 1 was taken up for consideration on motion of Senator Kearns:

HB 528 w HA 1 - AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE CODE, RELATING TO DIVORCE AND ANNULMENT.

The privilege of the floor was extended to Thomas G. Hughes (Delaware Bar Association) and Duane Olsen (Controller General) to speak on the Bill after which the roll call vote was taken. The roll call was tabled before being announced on motion of Senator Kearns.

On motion of Senator Kearns, the roll call vote on HB 484 was lifted and announced:

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

NO: Senators Adams, Arnold, Cook, Cordrey, Knox, Spence, Weiss - 7.
Therefore, the Bill was declared passed by the Senate and returned to the House.

SS 1 for SB 552 was taken up for consideration on motion of Senator Kearns:

SS 1 for SB 552 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION 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.

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

SB 598 was taken up for consideration on motion of Senator Cook:

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.

SA 1 to the Bill was introduced by Senator Cook who moved for its adoption. The roll call vote on the Amendment was taken and revealed 17 Senators voting YES and 4 (Holloway, Martin, McCullough and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 598 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Martin, McCullough and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 636 was taken up for consideration on motion of Senator Murphy:

SB 636 - AN ACT TO AMEND §121, CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO SUPERVISION OVER BANKS AND OTHER FINANCIAL INSTITUTIONS.

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

SB 637 was taken up for consideration on motion of Senator Murphy:

SB 637 - AN ACT TO AMEND CHAPTER 7, TITLE 5, DELAWARE CODE, RELATING TO TAXATION OF BANKS AND TRUST COMPANIES.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, McCullough and Schlor) ABSENT; therefore,

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

SB 638 was taken up for consideration on motion of Senator Murphy:

SB 638 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RELATING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES.

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 17 Senators voting YES and 4 (Cicione, Cook, McCullough and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 641 was taken up for consideration on motion of Senator Murphy:

SB 641 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO THE POWERS OF THE STATE BANK COMMISSIONER.

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 18 Senators voting YES and 3 (Cicione, McCullough 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 654 - AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO POWERS OF THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Murphy. Assigned to Highways and Transportation Committee.

SB 655 - AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE ENTITLED "STERILIZATION OF MENTAL DEFECTIVES" BY SUBSTITUTING AN ENTIRELY NEW CHAPTER ENTITLED "VOLUNTARY AND INVOLUNTARY STERILIZATION" AND MAKING AN APPROPRIATION THEREFOR. Sponsors: Senators Holloway and Berndt. Assigned to Health and Social Services Committee.

SB 656 - AN ACT TO AMEND CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE SECURITIES ACT. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 657 - AN ACT TO AMEND CHAPTER 64, TITLE 29, DELAWARE CODE TO ADD THE DIVISION OF SOCIAL SERVICES TO THE LIST OF AGENCIES GOVERNED BY THE ADMINISTRATIVE PROCEDURE ACT. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 658 - AN ACT TO AMEND SUBCHAPTER IV AND V OF CHAPTER 40, TITLE 31, DELAWARE CODE RELATING TO ESTABLISHING A PROGRAM OF LOANS FOR THE INSTALLATION OF CERTAIN ENERGY SAVING DEVICES. Sponsor: Senator McDowell. Assigned to Energy Committee.

SB 659 - AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF PSYCHOLOGY. Sponsors: Senator Holloway and Representative Gilligan. Assigned to Health and Social Services Committee.

SB 660 - 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.

SA 2 to SB 305 sponsored by Senator Kearns. Placed with the Bill.

SA 1 to SB 645 sponsored by Senator Murphy. Placed with the Bill.

HS 1 for HB 725 w HA 1,4,7,8,9,12, 13, SA 2 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS. Sponsors: Representative Maxwell and Senator Weiss. Assigned to Executive Committee.

HB 752 w HA 1, 2, 3, 5 - AN ACT TO AMEND CHAPTER 27, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL LAND SURVEYORS. Sponsor: Representative Lynch. Assigned to Administrative Services Committee.

HCR 121 - RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF V.F.W. DISTRICT 11 COMMANDER, NORMAN G. PARKS. Sponsors: Representative Ambrosino and Senator Berndt.

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

HCR 122 - REQUESTING THE JUDICIARY COMMITTEES OF THE HOUSE AND SENATE TO CONDUCT AN IN-DEPTH INVESTIGATION OF FAMILY COURT AND THE BUREAU OF CHILD SUPPORT FOR ALLEGED WRONGDOING ON THE PART OF CERTAIN STATE OFFICIALS AND TO REPORT THEIR FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsor: Representative Plant. The Resolution was assigned to the Judiciary at the request of Senator Zimmerman.

HB 1004 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE TO PERMIT THE HOLDER OF TAPROOM OR RESTAURANT OFF AND ON LIQUOR LICENSES TO MOVE THE LOCATION OF ONE OF HIS LICENSES. Sponsor: Representative Byrd. Assigned to Administrative Services Committee.

The following Committee reports were announced:

From the Energy Committee: HB 475 w HA 1, 2 - 4 Merits.

From the Labor Committee: SB 560 - 6 Merits; SB 635 - 6 Merits.

From the Natural Resources and Environmental Control Committee:

SB 359 - 1 Favorable, 5 Merits; SB 358 - 1 Favorable, 5 Merits.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 13, 1978

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

On June 1, 1978 I received Senate Substitute 1 for Senate Bill 494 entitled:

"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."

I am returning Senate Substitute 1 for Senate Bill 494 without my signature for the following reasons:

Section 1 of Senate Substitute 1 for Senate Bill 494 permits school districts to retain a portion of fees collected for use of school property, facilities or equipment not presently used for educational purposes, in the same proportion as the school district contributed to its acquisition.

Section 2 of the bill relieves the school districts of the obligation

to turn over to the State funds which were previously collected for the use of school property and equipment. It is this Section which concerns me, for there is no indication of the amount of funds due the State which will be excused. There is no fiscal projection attached to the legislation describing the loss of revenue to the State, as required by Section 1903 of Title 29, Delaware Code. Further the State Auditor has advised me that, at this time, he is unable to determine either the amount of monies owed by local districts to the State, or the number of districts so obligated. Until the Auditor and the Controller General have had an opportunity to ascertain this information I am unwilling to sign legislation which grants a blanket excuse to all school districts of such obligations.

For these reasons, I am returning Senate Substitute 1 for Senate Bill 494 without my signature.

Respectfully submitted,
Pierre S. duPont, Governor

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On motion of Senator Kearns, the roll call on SB 305 w SA 1 was lifted and rescinded without objection.

At 6:30 p.m. on motion of Senator Martin, the Senate recessed until 2:00 p.m. June 14, 1978.

The Senate reconvened at 2:05 p.m. June 14, 1978, Lt. Governor McGinnis presiding.

The Senate immediately adjourned on motion of Senator Cordrey to convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY

The Senate convened at 2:05 p.m. June 14, 1978, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Knox.

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, Schlör, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator McCullough - 1.

The Journal of the 45th Legislative Day was approved as read.

HB 610 w HA 4 was taken up for consideration on motion of Senator Adams:

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.

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

YES: Senators Cook and Cordrey - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 16.

ABSENT: Senators Holloway, McCullough and McDowell - 3.

Therefore, the Amendment was declared lost.

The privilege of the floor was extended to Representative Gilligan after which the Bill was laid on the table on motion of Senator Adams. HB 841 was taken up for consideration on motion of Senator Holloway: HB 841 - AN ACT TO AMEND TITLE 16 AND TITLE 31 OF THE DELAWARE CODE RELATING TO THE RIGHTS OF PATIENTS IN SANITORIA, REST HOMES, NURSING HOMES, BOARDING HOMES AND RELATED STATE INSTITUTIONS.

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 18 Senators voting YES and 3 (Cicione, McCullough and Spence) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Kelly to speak on the Bill after which the roll call vote on HB 841 w SA 1 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 for consideration of the Senate Amendment.

HB 813 was taken up for consideration on motion of Senator Cicione:

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.

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 250 w HA 1 was taken up for consideration on motion of Senator Kearns:

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.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 16.

NO: Senators Knox and Weiss -2.

ABSENT: Senators Holloway, Littleton, McCullough - 3.

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

HB 610 w HA 4 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; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 935 was taken up for consideration on motion of Senator Martin:

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 DELMAR FIRE HOUSE ON BI-STATE BOULEVARD IN DELMAR, DELAWARE.

Senator Martin deferred to Senator Littleton to floor-manage the Bill.

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

The roll call vote on HB 935 w SA 1 was then 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 for consideration of the Senate Amendment.

HB 855 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 855 w HA 1 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO CHIROPODY AND/OR PODIATRY.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Spence, Weiss - 13.

NO: Senators Adams, Cordrey - 2.

NOT VOTING: Senators Hale, McDowell, Sharp - 3.

ABSENT: Senators Holloway, McCullough, Zimmerman - 3.

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

HB 473 w HA 1 was taken up for consideration on motion of Senator Cook:

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.

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

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

NO: Senator Littleton - 1.

ABSENT: Senator McCullough - 1.

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

HB 758 was taken up for consideration on motion of Senator Cicione:

HB 758 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE MARSHALLTON-MCKEAN SCHOOL DISTRICT FOR THE PURPOSE OF REIMBURSING THE DISTRICTS' CAFETERIA ACCOUNT FOR EXPENDITURES INCURRED TO PAY TWO CAFETERIA MANAGERS FOR SICK LEAVE DAYS ACCUMULATED WHILE UNDER STATE EMPLOYMENT.

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

At 3:50 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 4:47 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Executive Committee: HB 819 - 5 Merits; HB 607 w HA 1 - 4 Merits; HB 981 - 4 Merits; HB 1027 - 5 Merits; HB 1000 - 5 Merits.

From the Finance Committee: SB 660 - 1 Favorable, 4 Merits.

From the Community Affairs Committee: HB 865 - 4 Merits.

From the Health and Social Services Committee: SB 655 - 4 Merits; SB 659 - 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 627 - 1 Favorable, 5 Merits; HB 850 - 6 Merits.

From the Highways and Transportation Committee: SB 654 - 5 Merits.

From the Energy Committee: SB 658 - 1 Favorable, 2 Merits.

The following legislation was introduced:

SB 661 - AN ACT TO AMEND TITLE 29, DELAWARE CODE BY CREATING A NEW CHAPTER RELATING TO THE OFFICE OF FEDERAL-STATE RELATIONS. Sponsor: Senator McDowell. Assigned to Executive Committee.

SB 662 - AN ACT TO AMEND 7 DELAWARE CODE, SECTION 7003, ADD A NEW CHAPTER 72 TO TITLE 7 DELAWARE CODE, AMEND 26 DELAWARE CODE, SECTION 1301, AND CREATE AN EXCEPTION TO 29 DELAWARE CODE, SECTION 6901, BY AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DETERMINE THE ECONOMIC AND ENVIRONMENTAL FEASIBILITY OF A DELAWARE DEEPWATER PORT AND AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO BE A LICENSE APPLICANT UNDER THE DEEPWATER PORT ACT OF 1974, IF AN ECONOMIC AND ENVIRONMENTAL STUDY PROVES THE FEASIBILITY OF THE PROJECT, AUTHORIZING THE DEPARTMENT TO MAKE CONTRACTS IN CONNECTION THEREWITH, PERMITTING PIPELINES CONNECTED TO A DEEPWATER PORT TO PASS THROUGH THE COASTAL ZONE IN A PIPELINE CORRIDOR, AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO GRANT THE USE OF PIPELINE RIGHTS-OF-WAY, ABOLISHING THE RIGHT OF EMINENT DOMAIN HERETOFORE CONFERRED UPON OIL STORAGE AND TRANSPORTATION CORPORATIONS, EXCEPTING THE CONSTRUCTION OF THE DEEPWATER PORT AND RELATED FACILITIES FROM PUBLIC BIDDING REQUIREMENTS, ESTABLISHING A PREFERENCE FOR DELAWARE LABOR, ALLOCATING A PORTION OF REVENUES RECEIVED TO NATURAL AREAS PRESERVATION AND FARMLAND PRESERVATION AND PROHIBITING ANY FINANCIAL LIABILITY OF THE STATE OF DELAWARE. Sponsors: Senators Knox and Berndt. Assigned to Natural Resources and Environmental Control Committee.

SB 663 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO AUTHORIZE LEGAL EXPENSE INSURANCE. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SA 1 to HB 370 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to HB 993 sponsored by Senator Cordrey. Placed with the Bill.

SCR 105 - COMMENDING THE UNITED STATES DRUG ENFORCEMENT AGENCY, THE UNITED STATES CUSTOMS SERVICE, THE MARYLAND AND VIRGINIA STATE POLICE, AND THE MARYLAND MARINE POLICE FOR A SUCCESSFUL COORDINATED RAID ON EASTERN SHORE MARIJUANA SMUGGLING OPERATIONS. Sponsor: Senator Martin. The Resolution was laid on the table at the request of Senator Cordrey.

The Secretary announced that a message from the House informed the Senate that it had passed: SS 1 for SB 535 w SA 1, 2, HA 1; SB 387; SS 1 for SB 536 w SA 1, 2, HA 1.

On motion of Senator Cordrey, SS 1 for SB 535 w SA 1, 2 which had previously passed the Senate, was now taken up for reconsideration as further amended by HA 1. The roll call vote on SS 1 for SB 535 w SA 1, 2, HA 1 was therefore taken and revealed 18 Senators voting YES and 3 (McCullough, Spence and Zimmerman) ABSENT; therefore, the Bill was declared passed.

On motion of Senator Cordrey, SS 1 for SB 536 w SA 1, 2 which was returned from the House as further amended by HA 1 was laid on the table.

HB 938 w HA 1, 2 was taken up for consideration on motion of Senator Sharp:

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.

Senator Hughes was added as co-sponsor to the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Littleton, McDowell, Schlor, Sharp, Spence, Zimmerman - 14.

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

NOT VOTING: Senator Murphy - 1.

ABSENT: Senator McCullough - 1.

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

HB 880 w HA 1 was taken up for consideration on motion of Senator Cordrey:

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.

The privilege of the floor was extended to Representative Minner after which the roll call vote 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.

Consideration of HB 901 w HA 1 which was next on the Agenda was deferred at the request of Senator Kearns.

HB 993 w HA 1 was taken up for consideration on motion of Senator Cordrey:

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.

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 Adams, Cicione, Cook, Cordrey, Holloway, Littleton, McDowell, Murphy, Schlor, Zimmerman - 10.

NO: Senators Arnold, Hale, Knox, Martin, Sharp, Spence, Weiss - 7.

NOT VOTING: Senators Berndt, Hughes, Kearns - 3.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

Final consideration of the Bill was then deferred on further motion of Senator Cordrey.

HB 475 w HA 1, 2 was taken up for consideration on motion of Senator McDowell:

HB 475 w HA 1, 2 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAX CREDITS.

SA 1 to the Bill was introduced by Senator Spence who moved for its adoption. The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Holloway, Hughes, Knox, Littleton, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 16.

NO: Senators Hale and Martin - 2.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Kearns and McCullough - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 475 w HA 1, 2, SA 1 was then taken; however, before being announced, the roll call was tabled on motion of Senator McDowell.

HB 365 w HA 1, 4 was taken up for consideration on motion of Senator Cordrey:

HB 365 w HA 1, 4 - AN ACT TO AMEND TITLE 30, DELAWARE CODE, TO PROVIDE FOR A FINDER'S FEE FOR THOSE WHO PROVIDE THE DEPARTMENT OF FINANCE WITH CERTAIN INFORMATION ABOUT THOSE WHO VIOLATE TITLE 30.

The roll call vote on the Bill was taken and revealed 19 Senators voting NO and 2 (McCullough and Zimmerman) ABSENT; therefore, the Bill was declared lost.

On motion of Senator Martin, SCR 105 was lifted from the table for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the roll call vote on HB 528 w HA 1 was lifted and announced:

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

NO: Senators Adams, Arnold, Cicione, Cordrey, Hughes, Littleton, Sharp - 7.

ABSENT: Senators McCullough and Schlor - 2.

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

HB 948 was reported out of the Executive Committee: 4 Merits.

Senator Hale moved that the necessary rules be suspended for consideration of HB 77.

Before action was taken on the motion, however, Senator Cordrey moved that the Senate recess until 2:00 p.m. June 15, 1978. The motion carried without objection and the Senate recessed at 6:34 p.m.

The Senate reconvened at 2:09 p.m. June 15, 1978, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately recessed for Party Caucus and reconvened at 2:59 p.m., Lt. Governor McGinnis presiding.

Senator Hale's motion to suspend rules to consider HB 77 was still before the Senate and the roll call vote on the motion was taken and revealed:

YES: Senators Adams, Arnold, Hale, Hughes, Knox, Littleton, McDowell, Spence, Weiss - 9.

NO: Senators Cicione, Cook, Cordrey, Holloway, Kearns, Martin, Murphy, Sharp - 8.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Berndt, McCullough Schlor - 3.

Therefore, the motion was declared defeated.

At 3:13 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 47th Legislative Day.

47TH LEGISLATIVE DAY

The Senate convened at 3:13 p.m., June 15, 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 46th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 476; SB 477; SB 478; SB 480; SB 481 w HA 1; SB 430; SB 432 w SA 1; SB 337; SB 349; SB 395; SB 490; SB 534 w SA 1; SB 539; SB 541; SB 601 w SA 2; and adopted SJR 38.

HS 1 for HB 320 w HA 1 was taken up for consideration on motion of Senator Sharp:

HS 1 for HB 320 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION.

SA 1 to the Bill was introduced by Senator Sharp who moved for its adoption. The privilege of the floor was extended to Clifford B. Hearn (American Insurance Association) to speak on the Amendment after which the roll call vote was taken on motion of Senator Sharp. Before the roll call was announced, however, it was laid on the table on further motion of the Senator.

The Bill was then laid on the table on motion of Senator Sharp.

SB 606 was taken up for consideration on motion of Senator McDowell: SB 606 - AN ACT TO AMEND CHAPTER 9, PART II, TITLE 29 OF THE DELAWARE CODE RELATING TO ENACTMENT OR PASSAGE OF BILLS OR RESOLUTIONS.

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

SA 1 to the Bill was introduced by Senator Weiss who moved for its adoption.

The roll call vote was taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Hughes, Knox, Littleton, McCullough, Spence, Weiss - 10.

NO: Senators Adams, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Sharp, Zimmerman - 10.

ABSENT: Senator Schlor - 1.

Therefore, the Amendment was declared lost.

On motion of Senator Hale, the roll call on SA 1 to SB 606 was rescinded and a new roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Hughes, Knox, Littleton, McCullough, Spence, Weiss - 10.

NO: Senators Adams, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Sharp - 9.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Schlor - 1.

Therefore, the Amendment was declared lost.

The roll call vote on SB 606 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway,

Hughes, Kearns, Knox, Littleton, Martin, McDowell, Weiss - 13.

NO: Senators Cicione, Cordrey, McCullough, Sharp, Zimmerman - 5.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Murphy and Schlor - 2.

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

SB 607 was taken up for consideration on motion of Senator McDowell:

SB 607 - AN ACT TO AMEND CHAPTER 9, TITLE 29 OF THE DELAWARE CODE RELATING TO ANALYSIS OF BILL IN THE GENERAL ASSEMBLY.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Sharp, Spence, Weiss - 15.

NO: Senators Cicione, Murphy, Zimmerman - 3.

ABSENT: Senators Hughes, McCullough, Schlor - 3.

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

SB 608 was taken up for consideration on motion of Senator McDowell:

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.

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

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Kearns, Knox, Littleton, Martin, McDowell, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senators Cicione, Cordrey, Murphy - 3.

ABSENT: Senators Holloway, Hughes, McCullough, Schlor - 4.

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

SB 643 was taken up for consideration on motion of Senator Kearns:

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.

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

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

NO: Senator Cordrey - 1.

ABSENT: Senators Hughes, McCullough and Schlor - 3.

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

SB 399 was taken up for consideration on motion of Senator Kearns:

SB 399 - AN ACT TO AMEND CHAPTER 70, TITLE 29, DELAWARE CODE RELATING TO THE SALE OF STATE OWNED MATERIEL.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hughes, McCullough, 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 Kearns and the roll call vote taken which revealed:

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Hughes and Schlor - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 399 w SA 1, 2 was then taken and announced:

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

NO: Senator McCullough - 1.

ABSENT: Senators Holloway, Hughes and Schlor - 3.

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

SB 645 was taken up for consideration on motion of Senator Adams:

SB 645 - AN ACT TO AMEND TITLE 22 AND TITLE 26 OF THE DELAWARE CODE RELATING TO THE CREATION OF MUNICIPAL ELECTRIC COMPANIES.

At 5:23 p.m. Senator Martin presiding.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Murphy.

During the discussion of SB 645 and the Amendment offered to it, the privilege of the floor was extended to the following: Harry Terry (Senator Attorney), Peter S. Marshall (City of Newark), George Russell, Jr. (City of Milford)

At 5:45 p.m., Lt. Governor McGinnis presiding.

The roll call vote on SA 1 to the Bill was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy - 10

NO: Senators Adams, Cicione, Cordrey, Hale, Holloway, Littleton, Sharp, Spence, Weiss, Zimmerman - 10.

ABSENT: Senator Schlor - 1.

The Lt. Governor then exercised his privilege to cast a vote in case of a tie as above and the final roll call vote on SA 1 to SB 645 was announced:

YES: Senators Arnold, Berndt, Cook, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, McGinnis - 11.

NO: Senators Adams, Cicione, Cordrey, Hale, Holloway, Littleton, Sharp, Spence, Weiss, Zimmerman - 10.

ABSENT: Senator Schlor - 1.

Therefore, the Amendment was declared adopted.

Senator McDowell moved that the roll call vote on SA 1 to SB 645 be rescinded. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cordrey, Hale, Holloway, Littleton, Martin, McDowell, Spence, Weiss, Zimmerman - 11.

NO: Senators Arnold, Berndt, Cook, Hughes, Kearns, Knox, McCullough, Murphy, Sharp - 9.

ABSENT: Senator Schlor - 1.

Therefore, the motion prevailed and the roll call vote was rescinded.

On motion of Senator Murphy, a new roll call vote on SA 1 to SB 645 was taken and revealed:

YES: Senators Arnold, Berndt, Cook, Hughes, Kearns, Knox, McCullough, Murphy, Sharp - 9.

NO: Senators Adams, Cicione, Cordrey, Hale, Holloway, Littleton, Martin, McDowell, Spence, Weiss, Zimmerman - 11.

ABSENT: Senator Schlor - 1.

Therefore, the Amendment was declared lost.

The roll call vote on SB 645 was then taken and revealed:

YES: Senators Adams, Cícione, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senators Arnold, Hughes, Knox, McCullough, Murphy - 5.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator Schlor - 1.

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

SB 649 was taken up for consideration on motion of Senator Zimmerman:

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.

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 18 Senators voting YES; 1 (McCullough) voting NO; and 2 (Littleton and Schlor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 649 w SA 1 was then taken and revealed 19 Senators voting YES; 1 (McCullough) 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 Cordrey, SS 1 for SB 536 w SA 1, 2, HA 1 was lifted from the table for consideration.

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

SA 3 to the Bill was introduced by Senator Cordrey 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 roll call vote on SS 1 for SB 536 w SA 1, 2, 3, HA 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 of SA 3.

The Secretary announced that a message from the House informed the Senate that it had passed SB 426; SB 184 w HA 2; and adopted SCR 105.

On motion of Senator Murphy, the necessary rules were suspended for consideration of SB 481 w HA 1; however, the Bill was laid on the table before final consideration on motion of the Senator.

On motion of Senator Knox, the necessary rules were suspended for consideration of HB 1049:

HB 1049 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR DEBT SERVICE ON CERTAIN INDUSTRIAL

DEVELOPMENT BONDS.

The privilege of the floor was extended to Secretary of Finance, Weston E. Nellius, 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, McCullough, Murphy, Sharp, Spence, Weiss - 18.

NO: Senators McDowell and Zimmerman - 2.

ABSENT: Senator Schlor - 1.

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

On motion of Senator Knox, the necessary rules were suspended for consideration of HB 1036 w HA 1:

HB 1036 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTION TO TRANSFER FUNDS BETWEEN ALL LINES AND BUREAUS.

The privilege of the floor was extended to Ronald F. Mosher, Budget Office, to speak on the Bill.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, Murphy, Sharp, Zimmerman - 10.

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

ABSENT: Senator McDowell and Schlor - 2.

Therefore, the motion prevailed and the Bill was tabled.

SCR 106 (Sponsored by Senators Kearns and McCullough) was introduced and considered for adoption:

SCR 106 - CONGRATULATING THE WILLIAM PENN HIGH SCHOOL COLONIALS FOR WINNING THEIR SECOND SUCCESSIVE DELAWARE HIGH SCHOOL BASEBALL TOURNAMENT.

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

HCR 124 (Sponsored by Representatives Sincock, McKay, Boulden, Jonkiert, Gordy) was introduced and considered for adoption on motion of Senator Knox:

HCR 124 - EXPRESSING SUPPORT FOR THE BIG BROTHERS/BIG SISTERS OF DELAWARE FOR THEIR OUTSTANDING WORK WITH CHILDREN FROM SINGLE-PARENT HOMES.

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

HCR 125 (Sponsored by Representative Gilligan and Senator Holloway) was introduced and considered for adoption:

HCR 125 - REQUESTING THE GOVERNOR TO APPOINT A COMMITTEE TO STUDY THE DISEASE OF ALCOHOLISM.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES; 1 (Littleton) voting NO and 1 (Schlor) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 126 (Sponsored by Representatives Gilligan, Ferguson and Riddagh; Senators Sharp, Cicione and Hughes) was introduced and considered for adoption:

HCR 126 - EXPRESSING VEHEMENT OPPOSITION TO THE REDUCTION IN SENTENCE FOR MARLYNN DOBRYLINSKI, CONVICTED MURDERESS OF TWO DELAWARE STATE TROOPERS, RONALD L. CAREY, AGE 29 AND DAVID C. YARRINGTON, AGE 24.

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 by the Senate and returned to the House.

HCR 127 (Sponsored by Representatives Byrd, Gilligan, Kelly and Maxwell; Senator Cicione) was introduced and considered for adoption:

HCR 127 - REQUESTING THE NEW CASTLE COUNTY PLANNING BOARD OF EDUCATION TO GRANT A FIVE-YEAR LEASE TO THE TOWN OF ELSMERE, ALLOWING THE TOWN TO UTILIZE CERTAIN PREMISES KNOWN AS THE POPLAR AVENUE ELEMENTARY SCHOOL.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Hughes, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Zimmerman - 13.

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

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator Schlor - 1.

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

HCR 128 (Sponsored by Representative Clendaniel and Senator Adams) was introduced and considered for adoption:

HCR 128 - COMMENDING WILLIAM H. HENDERSON, COUNTY AGRICULTURE AGENT FOR SUSSEX COUNTY FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE AGRICULTURE INTEREST OF SUSSEX COUNTY AND THE STATE OF DELAWARE.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Murphy and Schlor) 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: HB 956 w HA 2,3 - 4 Merits.

From the Education Committee: HB 719 - 4 Merits.

From the Finance Committee: SB 553 - 5 Merits.

From the Judiciary Committee: HCR 122 - 3 Merits, 1 Unfavorable.

From the Executive Committee: HB 381 - 6 Merits.

The following legislation was introduced:

SB 664 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO REGULATORY PROVISIONS OF ALCOHOLIC LIQUORS. Sponsor: Senator Holloway. The Bill was laid on the table at the request of the sponsor.

SB 665 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO REGULATORY PROVISIONS OF ALCOHOLIC LIQUORS. Sponsor: Senator Holloway. The Bill was laid on the table at the request of the Sponsor:

SB 666 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT FOR SERVICES BY PATIENTS OF THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL. Sponsors: Senators Holloway and Berndt. Assigned to Health and Social Services Committee.

SB 667 - AN ACT TO AMEND AN ACT ENTITLED "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", FORMERLY KNOWN AS HOUSE BILL 1008 OF THE 129TH GENERAL ASSEMBLY. Sponsor: Senator Cordrey. Assigned to Health and Social Services Committee.

SB 668 - AN ACT TO AMEND TITLE 24, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A STATE BOARD OF OPTICIANS. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 669 - AN ACT TO AMEND CHAPTER 46, TITLE 6, DELAWARE CODE, RELATING TO THE TIME IN WHICH COMPLAINTS OF UNLAWFUL HOUSING PRACTICES MAY BE FILED. Sponsor: Senator Holloway (by request). Assigned to Judiciary Committee.

SB 670 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE A TRACT OF LAND WITHIN KILLENS POND STATE PARK, KENT COUNTY, DELAWARE. Sponsors: Senator Cook and Representative Darling. Assigned to Natural Resources and Environmental Control Committee.

SB 671 - AN ACT TO AMEND CHAPTER 120, VOLUME 35, LAWS OF DELAWARE, BEING "AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE," RELATING TO THE ANNEXATION OF ROADS. Sponsors: Senators McCullough and Representative Connor. Assigned to Community Affairs Committee.

SS 1 for SB 530 (Same Title as the Original) sponsored by Senator Martin. The Bill was placed on the Agenda at the request of the sponsor.

SA 3 to HB 77 sponsored by Senator Kearns. Placed with the Bill.

SA 2 to HB 77 sponsored by Senator Kearns. Placed with the Bill.

SB 184 which had passed the Senate and was now returned from the House further amended by HA 2 was laid on the table at the request of Senator Martin.

HB 992 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS. Sponsors: Representative Rispoli and Senator Schlor. Assigned to Administrative Services Committee.

HB 889 w HA 1 - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO EMERGENCY VEHICLES AND WARNING DEVICES USED ON SUCH VEHICLES. Sponsors: Representatives Minner, Morris and Darling. Assigned to Public Safety Committee.

HB 919 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF AN AERIAL TRUCK. Sponsors: Representatives Matusheske and Connor. Assigned to Administrative Services Committee.

HB 916 - AN ACT TO AMEND CHAPTER 9, TITLE 4 DELAWARE CODE, TO PERMIT THE EMPLOYMENT OF A PERSON WHO IS 18 OR 19 YEARS OF AGE BY A LICENSED IMPORTER OF ALCOHOLIC LIQUORS. Sponsors: Representatives

Matushefske and Boulden. Assigned to Administrative Services Committee.

HB 882 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING TO AID TO CHILDREN UNDER THE STATE PUBLIC ASSISTANCE CODE. Sponsor: Representative Johnson. Assigned to Health and Social Services Committee.

HB 824 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRAFFIC SIGNAL CONTROL EQUIPMENT. Sponsor: W. Brady. Assigned to Highways and Transportation Committee.

HB 425 w HA 1 w HA 3, HA 2 - AN ACT TO AMEND CHAPTER 68, OF TITLE 7, DELAWARE CODE RELATING TO CONSERVATION AND PRESERVATION EASEMENTS. Sponsor: Representative Vernon. Assigned to Natural Resources and Environmental Control Committee.

On motion of Senator Cordrey, the roll call vote on SS 1 for SB 536 was lifted and rescinded.

SA 4 to SS 1 for SB 536 was introduced by Senator Cordrey and considered for 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.

The roll call vote on SS 1 for SB 536 w SA 1,2,3,4, HA 1 was then taken and revealed 20 Senators voting YES and 1 (Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration of SA 3, 4.

At 8:00 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. Monday, June 19, 1978.

The Senate reconvened at 2:08 p.m. June 19, 1978, Lt. Governor McGinnis presiding.

HB 1051 w HA 1 - was introduced and assigned to the Finance Committee:

HB 1051 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS. Sponsor: Representative Sincok.

On motion of Senator Martin, SS 1 for SB 530 which had been placed on the Agenda with the Original was now adopted in lieu of the Original and all rules were suspended for its consideration:

SS 1 for 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.

SA 1 to the Bill was introduced by Senator Martin and laid on the table at his request.

The Bill and the Amendment were then laid on the table at the further request of the Senator.

At 2:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY

The Senate convened at 2:20 p.m. June 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, Schlör, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 47th Legislative Day was approved as read.

HB 823 was reported out of the Judiciary Committee: 3 Merits.

The following legislation was introduced:

SA 1 to SB 481 sponsored by Senator Arnold. Placed with the Bill.

SA 1 to SB 648 sponsored by Senator Adams. Placed with the Bill.

SB 648 was taken up for consideration on motion of Senator Adams:

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.

SA 1 to the Bill was introduced by Senator Adams who called for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Martin, McDowell, Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 648 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Martin, McCullough, McDowell, Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 462 was taken up for consideration on motion of Senator Adams:

SB 462 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

Before final consideration of the Bill, however, it was laid on the table at the request of the sponsor.

SB 508 was taken up for consideration on motion of Senator Cicione:

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.

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:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Zimmerman - 16.

NOT VOTING: Senators Arnold, Hale, Hughes, Sharp - 4.

ABSENT: Senator Weiss - 1.

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

At 2:57 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:23 p.m., Lt. Governor McGinnis presiding.

The following legislation was reported out of the Health and Social Services Committee: HB 882 w HA 1 - 4 Merits, 1 Unfavorable; SB 666 - 5 Merits; SB 667 - 5 Merits.

SS 1 for SB 530 was lifted from the table for consideration on motion of Senator Martin:

SS 1 for 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.

During the discussion of the Bill and the Amendments which were offered to it, the privilege of the floor was extended to the following: Alfred A. Antonelli, Sr. (Delaware P.V.A.); Carole A. Glasspool (Coalition of Wheelers, Delaware P.V.A.) and Harry Terry (Senate Attorney).

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

YES: Senators Adams, Arnold, Cicione, Cook, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence - 14.

NO: Senators Cordrey and Hale - 2.

NOT VOTING: Senators Berndt, Knox, McDowell, Zimmerman - 4.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment to the Amendment was declared adopted.

SA 1 w SA 1 to SS 1 for SB 530 was then considered for adoption on motion of Senator Martin and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Holloway, Hughes, Kearns, Littleton, Martin, McCullough, Schlor, Sharp, Spence - 13.

NO: Senators Cordrey, Hale, Knox, McDowell, Zimmerman - 5.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Murphy and Weiss - 2.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill was introduced by Senator Martin and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Holloway, Sharp and Weiss) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 530 w SA 1 w SA 1, SA 2 was then taken on motion of Senator Martin; however, the roll call vote was tabled before being announced on further motion of the Senator.

At 6:02 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 6:27 p.m., Lt. Governor McGinnis presiding.

SB 462 was lifted from the table for consideration on motion of Senator Adams:

SB 462 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

The roll call vote on the Bill was taken and laid on the table before being announced on motion of Senator Adams.

The following Committee reports were announced:

From the Administrative Services Committee: HB 992 w HA 1 - 4 Merits.

From the Judiciary Committee: SB 669 - 4 Merits; SB 656 - 4 Merits. SCR 107 was introduced and laid on the table on motion of Senator Hughes:

SCR 107 - CONGRATULATING JANICE ALBRO, OF CLAYMONT, ON HER SELECTION AS MISS DELAWARE OF 1978. Sponsors: Senator Hughes; Representatives Hebner and Loughney.

SCR 108 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 108 - DECLARING THAT RAILCARS CARRYING HAZARDOUS SUBSTANCES AND ALLOWED TO REMAIN FOR EXTENDED PERIODS NEAR RESIDENTIAL AREAS IN DOVER HAVE CREATED A PUBLIC NUISANCE AND URGING CONRAIL OR ANY OTHER RAILROAD TO END THE PRACTICE. Sponsors: Senators Zimmerman and Murphy; Representatives Miller and Bennett.

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

HCR 130 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 130 - EXPRESSING THE HOPES OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE 129TH GENERAL ASSEMBLY OF DELAWARE FOR THE QUICK RECOVERY OF OUR ESTEEMED SPEAKER OF THE HOUSE, KENNETH W. BOULDEN. Sponsors: Representative Gordy, Jonkiert, Sincock, McKay and all the House Members and all the Senate Members.

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

HB 824 w HA 1 was reported out of the Highways and Transportation Committee: 1 Favorable, 5 Merits.

The following legislation was introduced:

SA 1 to HB 381 sponsored by Senator Adams. Placed with the Bill.

SA 1 to SB 655 sponsored by Senators Berndt and Holloway. Placed with the Bill.

SA 1 to SB 627 sponsored by Senator Zimmerman. Placed with the Bill.

HB 881 w HA 2 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO VARIOUS AGENCIES FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS. Sponsors: Representatives Sincock and George. Assigned to Finance Committee.

HB 853 w HA 1, 2 - AN ACT TO AMEND CHAPTER 86, TITLE 9, AND CHAPTER 19, SUBCHAPTER 1, TITLE 14, DELAWARE CODE, RELATING TO COLLECTION OF TAXES. Sponsors: Representatives Ferguson, Billingsley, Gilligan, Smith, Maxwell, Powell, Byrd, McKay, Jonkiert, Rispoli, Matushefske, Oberle, Loughney, W. Brady, Roy, Kelly; Senators Martin, Hughes, Sharp and Berndt. The Bill was laid on the table at the request of Senator Sharp.

HB 751 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM SCHOOL TAXES GRANTED TO PERSONS WHO ARE 65 YEARS OF AGE OR OLDER. Sponsors: Representatives Anderson, W. Brady, Loughney, Temple, Johnson and Senator Martin; Co-sponsor: Representative Oberle. Assigned to Education Committee.

HB 755 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, RELATING TO THE STATE BANK COMMISSIONER. Sponsors: Representative Worthen and Senator Murphy. The Bill was laid on the table at the request of Senator Murphy.

HB 756 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, ESTABLISHING A REGULATORY REVOLVING FUND FOR THE REVENUES AND EXPENSES OF THE OFFICE OF THE STATE BANK COMMISSIONER. Sponsors: Representative Worthen and Senator Murphy. The Bill was laid on the table at the request of Senator Murphy.

HB 912 - AN ACT TO AMEND CHAPTER 70, TITLE 9, DELAWARE CODE, TO PERMIT THE SUSSEX COUNTY GOVERNMENT TO BORROW MONEY IN ANTICIPATION OF THE ISSUANCE OF BONDS. Sponsors: Representatives Gordy, Clendaniel, Lynch, Temple, Burris, Vernon. Assigned to Community Affairs Committee.

HB 914 - AN ACT TO AMEND CHAPTER 65, TITLE 9, DELAWARE CODE, RELATING TO THE TIME IN WHICH THE SUSSEX COUNTY GOVERNMENT MUST ACT FOLLOWING AN ELECTION FAVORING ESTABLISHMENT OF A SANITARY OR WATER DISTRICT. Sponsors: Representatives Gordy, Clendaniel, Temple, Lynch, Burris, Vernon. Assigned to Community Affairs Committee.

HB 729 w HA 1 - AN ACT TO AMEND CHAPTER 84, PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO THE MEMBERS AND ORGANIZATION OF THE DELAWARE POLICE TRAINING PROGRAM. Sponsor: Representative Oberle. Assigned to Public Safety Committee.

SB 672 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1978 TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSE OF A STUDY OF THE ECONOMIC FEASIBILITY OF AN OFFSHORE DEEPWATER PORT. Sponsor: Senator Zimmerman. Assigned to Finance Committee.

SB 673 - AN ACT PERMITTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ENTER INTO LEASES FOR THE USE OF CERTAIN LANDS UNDER ITS CONTROL. Sponsors: Senators Cordrey and Berndt; Representatives Sincock and W. Brady. Assigned to Natural Resources and Environmental Control Committee.

SB 674 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE, TO PROVIDE FOR THE LICENSURE OR ACCREDITATION OF EDUCATIONAL AND RESIDENTIAL VOCATIONAL REHABILITATION CENTERS. Sponsors: Senators Adams and Berndt; Representative Sincock. Assigned to Health and Social Services Committee.

SS 1 for SB 580 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, RELATING TO UNIT SUPPORT OF HANDICAPPED CHILDREN AND FURTHER MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Holloway. Adopted in lieu of the Original and laid on the table at the request of the sponsor.

SS 1 for SB 495 - AN ACT TO AMEND DELAWARE CODE, TITLE 14 RELATING TO UNITS FOR THE GIFTED AND TALENTED. Sponsor: Senator Holloway. Adopted in lieu of the Original and laid on the table at the request of the sponsor.

At 6:55 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 20, 1978.

The Senate reconvened at 2:04 p.m. June 20, 1978, Lt. Governor McGinnis presiding.

The Senate immediately recessed for Party Caucus and reconvened at 3:20 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 106 and SCR 108.

Senator Zimmerman introduced Miss Holly Little of Little Creek to the Senate.

The following legislation was reported out of the Community Affairs Committee: HB 914 - 1 Favorable, 3 Merits; HB 912 - 1 Favorable, 3 Merits.

The following letter of nomination from the Governor was read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 19, 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: Anna B. King, 189 Ryan Ave., New Castle, 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

* * * * *

HJR 53 w HA 1 was introduced and assigned to the Correction Committee:

HJR 53 w HA 1 - RESPECTFULLY REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO PROVIDE, IN THE DEPARTMENTAL RULES AND REGULATIONS RELATING TO FURLOUGHS, THAT NO FURLOUGHED INMATE MAY REQUEST OR RECEIVE DRIVING PRIVILEGES. Sponsors: Representatives Maxwell, Byrd, Riddagh, Vernon; Senator Sharp.

The following legislation was reported out of the Natural Resources and Environmental Control Committee: SB 670 - 1 Favorable, 3 Merits; SB 673 - 1 Favorable, 3 Merits; HCR 63 - 4 Merits, 2 Unfavorable.

The following legislation was introduced:

SB 675 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO STATUTORY CODIFICATION OF THE LAWS OF PRODUCTS LIABILITY LITIGATION. Sponsor: Senator Murphy (By request). Assigned to Banking, Insurance and Elections Committee.

SR 136 - DESIGNATING THE WEEK STARTING OCTOBER 29, 1978, AS LET-US-ALONE WEEK. Sponsor: Senator Hughes.

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

YES: Senators Adams, Arnold, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Sharp, Spence, Weiss - 14.

NO: Senators Cordrey, Murphy, Schlor, Zimmerman - 4.

NOT VOTING: Senators Berndt and McDowell - 2.

ABSENT: Senator McCullough - 1.

Therefore, the Resolution was declared adopted.

Senator Weiss was marked PRESENT for the 48th Legislative Day.

At 3:30 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 49th Legislative Day.

49TH LEGISLATIVE DAY

The Senate convened at 3:30 p.m. June 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 48th Legislative Day was approved as read.

The following Committee reports were announced:

From the Finance Committee: SB 672 - 5 Merits.

From the Health and Social Services Committee: SB 674 - 4 Merits.

On motion of Senator Holloway, the necessary rules were suspended for consideration of SB 660:

SB 660 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPERIOR COURT OF THE STATE OF DELAWARE FOR PAYMENT OF BACK SALARY OF AN EMPLOYEE.

The privilege of the floor was extended to John R. Fisher 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 Holloway.

SB 320 was taken up for consideration on motion of Senator Cordrey:

SB 320 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE USE OF PUBLIC SCHOOL DISTRICT PROPERTY TAX RECEIPTS.

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

YES: Senators Arnold, Cicione, Cordrey, Hale, Hughes, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Berndt, Holloway, Kearns - 4.

NOT VOTING: Senators Cook and Schlor - 2.

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

SB 469 was taken up for consideration on motion of Senator Cordrey:

SB 469 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REMOVE SHOALS AND SILTATION ON BLACKWATER CREEK.

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

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

NO: Senators Hale, McCullough, Sharp - 3.

ABSENT: Senators Holloway and Spence - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 469 w SA 1 was then taken and revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Kearns, Littleton, Martin, McDowell, Murphy, Schlör, Spence, Zimmerman - 13.

NO: Senators Arnold, Hale, Knox, McCullough, Sharp, Weiss - 6.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Holloway - 1.

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

SB 560 was taken up for consideration on motion of Senator Weiss:

SB 560 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 7 TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE.

SA 1 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 19 Senators voting YES, 1 (McCullough) voting NO, and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 560 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (McCullough) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 635 was taken up for consideration on motion of Senator Hughes:

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.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) 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 Hughes.

SB 604 was taken up for consideration on motion of Senator McDowell:

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.

The Bill was then laid on the table on further motion of the sponsor.

SCR 107 was lifted from the table for consideration on motion of Senator Hughes and all the Senators were added as co-sponsors. The roll call vote on the Resolution was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Hughes then introduced Miss Delaware of 1978 to the Senate.

SB 604 was lifted from the table for consideration on motion of Senator McDowell; however, the Bill was again tabled on further motion of the Senator.

HB 850 was taken up for consideration on motion of Senator Zimmerman:

HB 850 - AN ACT TO AMEND CHAPTER 47, TITLE 7, DELAWARE CODE RELATING TO PARK USER FEES FOR PERSONS 62 YEARS OF AGE OR OLDER.

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

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

NO: Senators Cordrey, Hale, Knox, Littleton - 4.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Cicione - 1.

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

SB 627 was taken up for consideration on motion of Senator Knox:

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.

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 17 Senators voting YES and 4 (Berndt, Cicione, Martin and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 627 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Cicione, Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 865 was taken up for consideration on motion of Senator Schlor:

HB 865 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," BEING CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, RELATING TO REGISTRATION OF VOTERS IN MUNICIPAL ELECTIONS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Cicione, McCullough and Spence) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 654 was taken up for consideration on motion of Senator Murphy:

SB 654 - AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO POWERS OF THE DEPARTMENT OF TRANSPORTATION.

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

YES: Senators Arnold, Berndt, Hughes, Knox, Martin, McDowell, Sharp, Spence, Weiss - 9.

NO: Senators Adams, Cook, Cordrey, Hale, Holloway, Kearns, Littleton, Murphy, Schlor, Zimmerman - 10.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

The roll call vote on SB 654 was then taken; however, before being announced, the roll call was laid on the table on motion of Senator Murphy.

SB 553 was taken up for consideration on motion of Senator Zimmerman:

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".

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

Senator Holloway moved that HB 819 be taken up for consideration and the roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicone, Cook, Cordrey, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Zimmerman - 13.

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

ABSENT: Senators Hughes and McCullough - 2.

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

HB 819 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF DELAWARE, RELATING TO JAI-ALAI.

The privilege of the floor was extended to George Herring (Jai-Alai Corporation of America) and Michael A. Poppiti (Customs House Square Association) to speak on the Bill after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

HJR 53 w HA 1 was reported out of the Correction Committee - 4 Merits.

The following legislation was introduced:

HB 657 w HA 1, 2 - AN ACT TO AUTHORIZE THE TRANSFER OF THE ROSS POINT SCHOOL BUILDING, IN THE LAUREL SCHOOL DISTRICT, TO THE ROSS POINT IMPROVEMENT CLUB. Sponsors: Representative Gordy and Senator Littleton. Assigned to Administrative Services Committee.

HB 764 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO EMERGENCY POWERS OF THE COMMISSIONER. Sponsors: Representative Worthen and Senator Murphy. The Bill was laid on the table at the request of Senator Murphy.

HB 771 w HA 3 - AN ACT TO AMEND CHAPTER 1, TITLE 5 DELAWARE CODE, RELATING TO FEES FOR EXAMINATION. Sponsors: Representative Worthen and Senator Murphy. The Bill was laid on the table at the request of Senator Murphy.

HB 828 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF INHERITANCE TAXES AND ESTATE TAXES UPON THE ESTATE OF ANY DECEDENT AFTER THE EXPIRATION OF 20 YEARS FROM THE DECEDENT'S DATE OF DEATH. Sponsor: Representative Minner. Assigned to Judiciary Committee.

HB 852 - AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO THE ENFORCEMENT OF CONTROLS ON OFF-HIGHWAY VEHICLES. Sponsor: Representative Worthen. Assigned to Public Safety Committee.

HCR 132 - REQUESTING THE GOVERNOR TO RETURN HOUSE BILL NO. 743 AND

HOUSE BILL NO. 812 TO THE HOUSE OF REPRESENTATIVES FOR RECONSIDERATION BY THE GENERAL ASSEMBLY. Sponsor: Representative Gordy.

On motion of Senator Cook, the Resolution was considered for adoption and the roll call vote taken which 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.

SB 676 - AN ACT TO AMEND CHAPTER 70, TITLE 7 OF THE DELAWARE CODE RELATING TO OIL AND GAS PIPELINES AND ANCILLARY SUPPORT FACILITIES WITHIN THE COASTAL ZONE. Sponsor: Senator Cicione. Assigned to Natural Resources and Environmental Control Committee.

SB 677 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF ATTORNEY GENERAL. Sponsors: Senator Cicione; Representatives George, Cain, Sincok. Assigned to Finance Committee.

SS 1 for SB 653 (Same Title as the Original) sponsored by Senator Cicione. Adopted in lieu of the Original and assigned to Public Safety Committee.

SS 1 for SB 651 (Same Title as the Original) sponsored by Senators Hale, Arnold, Berndt, Hughes, Knox, Littleton, Spence, Weiss, Holloway, Kearns and McDowell. Adopted in lieu of the Original. Assigned to Executive Committee.

SA 2 to HB 381 sponsored by Senator Adams. Placed with the Bill.

SA 1 to SB 634 sponsored by Senator Cordrey. Placed with the Bill.

SA 1 to SB 604 sponsored by Senator Sharp. Placed with the Bill.

SA 1 to HB 795 sponsored by Senator Knox. Placed with the Bill.

HB 1036 w HA 1 was taken up for consideration on motion of Senator Knox:

HB 1036 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTION TO TRANSFER FUNDS BETWEEN ALL LINES AND BUREAUS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, McCullough and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At 7:25 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 21, 1978.

The Senate reconvened at 2:25 p.m. June 21, 1978, Lt. Governor McGinnis presiding.

Legislative Advisories #54, 55, 56 and 57 received from the Office of Counsel to the Governor were read which informed the Senate that the Governor approved the following legislation:

SB 83 w HA 1; SB 406 w SA 1, HA 1 and SB 431 on June 13, 1978;

SB 628 on June 16, 1978; SB 472 and SB 502 on June 19, 1978;

SB 85 w HA 1 on June 20, 1978. The Governor vetoed SS 1 for SB 494 on June 13, 1978.

The following legislation was introduced:

SB 678 - AN ACT TO AMEND CHAPTERS 13, 16, 17 AND 18 OF TITLE 2; CHAPTER 1 OF TITLE 26; AND CHAPTER 84 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CLARIFYING CERTAIN RESPONSIBILITIES PERTAINING TO AERONAUTICS ADMINISTRATION, COUNCIL ON TRANSPORTATION; AND CREATING A NEW COUNCIL ON TRANSPORTATION TO REPLACE EXISTING COUNCIL STRUCTURE. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 679 - AN ACT PROVIDING FOR THE TRANSFER OF PACKAGED DISASTER HOSPITALS TO ORGANIZATIONS KNOWN AS AFRICARE AND PAN AMERICAN DEVELOPMENT FOUNDATION, FOR USE IN PROVIDING MEDICAL TREATMENT ON THE CONTINENTS OF AFRICA AND THE AMERICAS. Sponsors: Senators Holloway and Weiss; Representative Gilligan. Assigned to Health and Social Services Committee.

SB 680 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators Cook and Cordrey; Representatives Gordy, Temple and Kelly. Assigned to Finance Committee.

The Secretary announced that a message from the House informed the Senate that it had passed SB 542.

HB 941 was introduced and assigned to Public Safety Committee:

HB 941 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR PAYMENT OF AN ANNUAL INCREMENT THAT WAS NOT GIVEN TO JAMES H. DARE, AN EMPLOYEE OF THE DEPARTMENT. Sponsor: Representative Minner.

SA 2 to HB 584 sponsored by Senator Holloway. Placed with the Bill.

Senator Murphy introduced to the Senate the Lt. Governor of the Boy's State, Christopher Coyle from Caesar Rodney High School.

SCR 109 was introduced and considered for adoption on motion of Senator Cicione:

SCR 109 - RECOGNIZING THE SPECIAL IMPORTANCE OF BOYS' STATE, AND EXTENDING THE WARMEST THANKS OF THE GENERAL ASSEMBLY TO THOSE WHO MAKE IT POSSIBLE. Sponsors: Senator Cicione; Representatives Maxwell and Loughney.

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

SR 137 was introduced and considered for adoption on motion of Senator Adams:

SR 137 - EXPRESSING REMEMBRANCE OF THE LATE REVEREND RAY WAINWRIGHT KIRWAN WHO FAITHFULLY SERVED AS SENATE CHAPLAIN FROM 1947 TO 1962. Sponsors: Senators Adams, Zimmerman, Cook and Murphy.

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

SR 138 was introduced and considered for adoption on motion of Senator Holloway:

SR 138 - EXPRESSING "THANKS" AND BEST WISHES TO MR. FREDERICK J. FRANKLIN ON HIS RETIREMENT AS DIRECTOR OF ADMISSIONS AND RECORDS OF DELAWARE STATE COLLEGE AFTER TWENTY-FIVE YEARS OF SERVICE. Sponsor: Senator Holloway.

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

SB 681 (Sponsored by Senator Cicione) was introduced and assigned to Judiciary Committee:

SB 681 - AN ACT TO AMEND CHAPTER 25, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF JUSTICE; PROVIDING FOR THE RECOVERY OF ATTORNEY'S FEES IN LITIGATION, WHERE APPROPRIATE.

At 2:37 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 50th Legislative Day.

50TH LEGISLATIVE DAY

The Senate convened at 2:37 p.m., June 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, Schlor, Sharp, Spence, Weiss, Zimmerman - 21.

The Journal of the 49th Legislative Day was approved as read.

SB 642 was taken up for consideration on motion of Senator Holloway:

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.

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 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 795 was taken up for consideration on motion of Senator Kearns:

HB 795 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO LANDLORD OBLIGATIONS AND TENANT REMEDIES.

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

The roll call vote on HB 795 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator McDowell, the necessary rules were suspended for lifting from the table SB 604 for consideration.

At 3:27 p.m., Senator Martin presiding.

During the discussion of the Bill and the Amendment which was offered to it, the privilege of the floor was extended to Dave Press (Governor's Office).

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 20 Senators voting YES and 1 (Hale) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on SB 604 w SA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator McDowell.

On motion of Senator Hughes, the roll call vote on SB 635 was lifted; however, the roll call was again tabled before being announced on further motion of the Senator.

On motion of Senator Murphy, the roll call vote on SB 654 was lifted and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Littleton, Murphy, Schlör, Zimmerman - 11.

NO: Senators Arnold, Cicione, Knox, Martin, McDowell, Sharp, Spence, Weiss - 8

NOT VOTING: Senator Hale - 1.

ABSENT: Senator McCullough - 1.

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

On motion of Senator Hughes, the roll call vote on SB 635 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Knox, Littleton, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Cook, Cordrey, Kearns, McDowell, Schlör - 5.

ABSENT: Senator Martin - 1.

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

At 4:25 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 5:42 p.m., Senator Martin presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 562; SB 563 w SA 1; SS 1 for SB 223 w SA 2.

The following legislation was introduced:

SB 682 - AN ACT TO AMEND PART VII OF TITLE 16, CHAPTER 69 OF TITLE 29, AND CHAPTER 86 OF TITLE 29, DELAWARE CODE TO ESTABLISH A BOARD OF BARRIER FREE DESIGN TO PROMOTE ACCESSIBILITY TO AND USE OF BUILDINGS AND FACILITIES FOR THE PHYSICALLY HANDICAPPED; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Senators Martin, Berndt, McDowell, Holloway and Hale. The Bill was laid on the table on motion of Senator Holloway.

SB 683 - AN ACT TO AMEND TITLE 4 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND UTILIZING CERTAIN FUNDS COLLECTED THROUGH LICENSES AND TAXES TO FINANCE ALCOHOLISM REHABILITATION AND EDUCATION UNDER CERTAIN CIRCUMSTANCES. Sponsors: Senators Berndt, Knox, Weiss, Holloway. Assigned to Administrative Services Committee.

SCR 112 - EXPRESSING CONDOLENCES UPON HEARING OF THE DEATH OF FRANCIS C. LORE, ONE OF DOVER'S MOST BELOVED AND OUTSTANDING CITIZENS. Sponsors: Senators Zimmerman, Cook and Murphy; Representatives Bennett, Miller, Darling, Minner and Morris.

On motion of Senator Zimmerman, the Resolution was considered for adoption and the roll call vote taken which revealed 20 Senators voting YES and 1 (Schlör) 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 Natural Resources and Environmental Control Committee:

HB 425 w HA 1 w HA 3, HA 2 - 5 Merits.

From the Health and Social Services Committee: SB 679 - 4 Merits.

From the Finance Committee: SB 680 - 5 Merits.

The following legislation was introduced:

SB 684 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO REGULATORY PROVISIONS OF ALCOHOLIC LIQUORS. Sponsor: Senator

Holloway. The Bill was laid on the table at the request of the sponsor.

SB 685 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO TRUST FUNDS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 686 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SA 3 to SB 450 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to SA 1 to HB 948 sponsored by Senator Schlör. Placed with the Amendment.

SA 1 to HB 956 sponsored by Senator McDowell. Placed with the Bill.

SA 2 to HB 956 sponsored by Senator Holloway. Placed with the Bill.

SCR 110 - DIRECTING THE STATE BOARD OF EDUCATION AND THE LOCAL BOARDS OF EDUCATION TO ALLOCATE LOCAL FUNDS FOR THE INSTRUCTION OF THE TRAINABLE MENTALLY HANDICAPPED CHILDREN. Sponsors: Senator Holloway and Representative Maxwell.

On motion of Senator Holloway, the Resolution was considered for adoption and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 111 - EXPRESSING GRATITUDE TO MEMBERS OF THE SCHOOL BOARDS OF ALEXIS I. DUPONT, ALFRED I. DUPONT, CLAYMONT, CONRAD, DE LA WARR, MARSHALLTON-MCKEAN, MOUNT PLEASANT, NEW CASTLE-GUNNING BEDFORD, NEWARK, STANTON AND WILMINGTON SCHOOL DISTRICTS FOR THEIR UNSELFISH SERVICE DURING A PERIOD OF UNCERTAINTY. Sponsors: Senator McCullough and all the Senators.

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

HB 599 - AN ACT TO AMEND CHAPTER 144, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID" TO INCREASE THE APPROPRIATION TO THE GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE FOR AID TO LOCAL LAW ENFORCEMENT. Sponsors: Representative Minner and Senator Adams. Assigned to Finance Committee.

HB 740 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF CAVALIER APARTMENTS AND CHURCHMAN'S ROAD. Sponsor: Representative Ferguson. Assigned to Highways and Transportation Committee.

HB 940 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE NATIONAL GUARD, TO PAY A PRIOR YEAR'S OBLIGATION FOR A LIABILITY CLAIM PAYABLE TO AN INDIVIDUAL FOR PROPERTY DAMAGE OCCURRING IN 1977. Sponsor: Representative Riddagh. Assigned to Finance Committee.

HB 946 - AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE SEAFORD SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENT FUNDS ACCOUNT TO LOCAL FUNDS ACCOUNT. Sponsors: Representative Temple and Senator Littleton. Assigned to Education Committee.

HB 831 - 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 Darling and Senator Cook. Assigned to Highways and Transportation Committee.

SB 104 w SA 1 was stricken at the request of Senator Cicione.

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.

During the discussion of the Bill and the various Amendments which were offered to it, the privilege of the floor was extended to Linda Ann Long (Delaware Society of C.P.A.'s) and Richard L. Engle (Delaware Association of Public Accounts).

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

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 Adams, Cicione, Cook, Cordrey, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Zimmerman - 13.

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

NOT VOTING: Senators Arnold, Spence, Weiss - 3.

Therefore, the Amendment was declared adopted.

SB 450 w SA 1, 2 was then laid on the table on further motion of Senator Holloway.

HB 946 was reported out of the Education Committee: 1 Favorable, 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 70 and adopted SCR 109, SCR 112 and SJR 39.

The following legislation was introduced:

HB 238 w HA 2 - AN ACT TO AMEND CHAPTER 55, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO SECURITY DEPOSITS PAID BY TENANTS TO LANDLORDS. Sponsor: Representative Rispoli. Assigned to Judiciary Committee.

HB 968 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROVIDE FOR SALE OF BONDS AT PUBLIC OR PRIVATE SALE. Sponsors: Representative Temple and Senator Littleton. Assigned to Community Affairs Committee.

HCR 133 - MOURNING THE DEATH OF FORMER STATE SENATOR EDWIN R. POWELL, OF DAGSBORO. Sponsors: Representatives Lynch and Ferguson; Senators Cordrey and Adams.

The roll call vote on the Resolution was taken on motion of Senator Cordrey and revealed 19 Senators voting YES and 2 (Arnold and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 6:57 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 22, 1978.

The Senate reconvened at 2:03 p.m. June 22, 1978, Lt. Governor McGinnis presiding.

HB 566 was reported out of the Executive Committee - 5 Merits.

The following legislation was introduced:

SB 687 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 27, TITLE 21, DELAWARE CODE, TO ALLOW FOR A TEMPORARY SCHOOL BUS DRIVER'S PERMIT TO BE VALID FOR 60 DAYS. Sponsor: Senator Martin. Assigned to Public Safety Committee.

SB 688 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND RECYCLING OF NEWSPAPERS. Sponsor: Senator Cicione. Assigned to Natural Resources and Environmental Control Committee.

The following legislation was reported out of the Public Safety Committee: HB 941 - 6 Merits; HB 889 w HA 1 - 6 Merits; HB 852 - 6 Merits.

At 2:08 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 51st Legislative Day.

51ST LEGISLATIVE DAY

The Senate convened at 2:08 p.m. June 22, 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 50th Legislative Day was approved as read.

At 2:11 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 3:24 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that the House adopted SCR 110 and SCR 111.

The following Committee reports were announced:

From the Judiciary Committee: SB 681 - 4 Merits; HB 828 - 1 Favorable, 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 688 - 5 Merits.

The following legislation was introduced:

SB 689 - 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 Cordrey, Martin and Cook. The Bill was laid on the table at the request of Senator Cordrey.

SB 690 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, PROVIDING FOR PENALTIES FOR THE NEW CASTLE COUNTY BUILDING INSPECTOR FOR ISSUING A CERTIFICATE OF OCCUPANCY WITHOUT FIRST MAKING FINAL INSPECTION TO ASSURE THAT A NEW DWELLING IS BUILT TO SPECIFICATIONS. Sponsor: Senator Sharp. Assigned to Health and Social Services Committee.

SB 691 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO REPORTS BY THE BUILDING INSPECTOR OF NEW CASTLE COUNTY. Sponsor: Senator Sharp. Assigned to Health and Social Services Committee.

SB 692 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO PENALTIES FOR BUILDERS AND OTHERS WHO VIOLATE THE RULES AND REGULATIONS PROMULGATED BY THE NEW CASTLE COUNTY COUNCIL. Sponsor: Senator Sharp. The Bill was laid on the table at the request of the Sponsor.

HB 787 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE INTERSECTION OF GLENOAK ROAD WITH FAULKLAND ROAD, IN NEW CASTLE COUNTY, DELAWARE. Sponsor: Representative Maxwell. Assigned to Finance Committee.

HCR 134 - DIRECTING THE TRANSFER OF THE MARSHALLTON ELEMENTARY SCHOOL PROPERTY TO THE NEW CASTLE COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICT. Sponsor: Representative Maxwell. The Resolution was laid on the table at the request of Senator Cicione.

HB 968 was reported out of the Community Affairs Committee: 4 Merits.

SA 1 to SB 688 was introduced by Senator Cicione. Placed with the Bill.

Senator Cordrey moved that the necessary rules be suspended for consideration of HB 888. The roll call vote on the motion was taken and revealed:

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

NO: Senators Cicione, Hale, Martin, Sharp - 4.

ABSENT: Senator McCullough - 1.

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

HB 888 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Cicione.

The roll call vote on HB 888 was then taken and revealed:

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

NO: Senators Cicione, Hale, Martin, McCullough, Sharp - 5.

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

The Lt. Governor introduced to the Senate Jeane and Mathias Borer from Queensland, Australia, who were present in the Chamber.

The Lt. Governor introduced to the Senate Cheryl Caniford and wished her a Happy Birthday.

On motion of Senator Cordrey, the necessary rules were suspended for lifting from the table for consideration SB 689:

SB 689 - 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.

SA 1 to the Bill was introduced by Senator Cordrey and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Cicione) voting NO and 1 (McCullough) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on SB 689 w SA 1 was then taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Zimmerman - 12.

NO: Senators Cicione, Hale, McCullough, Sharp - 4.

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

ABSENT: Senator Spence - 1.

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

SB 358 was taken up for consideration on motion of Senator Zimmerman:

SB 358 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO A PROCESS FOR INTER-GOVERNMENTAL COORDINATION IN LAND USE PLANNING AND TO CHANGE THE NAME OF THE STATE PLANNING OFFICE.

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 18 Senators voting YES and 3 (Cicione, Holloway and Spence) ABSENT; therefore, the Amendment was declared adopted.

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

DELAWARE FARM BUREAU, INC.
CAMDEN-WYOMING, DELA.
June 2, 1978

The Honorable Jacob W. Zimmerman
Legislative Hall
Dover, Delaware

Dear Senator Zimmerman:

With reference to S.B. 358 and S.B. 359, please be advised that our organization supports these bills as amended by the enclosed amendments.

We have worked with our Farmland Preservation Committee and with the Delaware State Grange to coordinate the necessary changes to make what we feel is a bill compatible with the agricultural community and with the Office of Management, Budget and Planning requirements.

Thank you especially for allowing us the time necessary for a

volunteer organization to react to a bill of such importance as these.

Sincerely,
John F. Walton, President.

* * * * *

DELAWARE COUNCIL OF FARM ORGANIZATIONS
DOVER, DELAWARE
June 5, 1978

TO: Jacob W. Zimmerman, Senator
FROM: Claude Hoffman, President
Delaware Council of Farm Organizations
RE: DELAWARE COUNCIL OF FARM ORGANIZATIONS' SUPPORT OF SENATE
BILLS 358 and 359 WITH AMENDMENTS.

This is to inform you that the Delaware Council of Farm Organizations will support Senate Bills 358 and 359 when amended by the proposed amendments presented to the Council on May 25, 1978.

* * * * *

The privilege of the floor was extended to David S. Hugg, III, State Office of Management, Budget and Planning to speak on the Bill after which the roll call vote on SB 358 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 359 was taken up for consideration on motion of Senator Zimmerman:

SB 359 - AN ACT TO AMEND TITLE 7, DELAWARE CODE, TO PROVIDE FOR AN ACCELERATION AND EXTENSION OF THE PROGRAM FOR CONTROL OF SOIL EROSION AND SEDIMENT DAMAGE RESULTING FROM LAND DISTURBING ACTIVITIES WITHIN THE STATE; TO PROVIDE FOR ADOPTION OF A COMPREHENSIVE STATE-WIDE SOIL EROSION AND SEDIMENT CONTROL PROGRAM AND GUIDELINES AND FOR ADOPTION BY SOIL CONSERVATION DISTRICTS OF SOIL EROSION AND SEDIMENT CONTROL PROGRAMS CONSISTENT WITH SUCH STATEWIDE PROGRAM AND GUIDELINES; TO REQUIRE THE FILING AND APPROVAL OF PLANS FOR THE CONTROL OF SOIL EROSION AND SEDIMENT DAMAGE IN CONNECTION WITH LAND DISTURBING ACTIVITIES; TO PROVIDE FOR INSPECTIONS AND REPORTS; TO DECLARE CERTAIN ACTS TO BE UNLAWFUL; TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; TO PROVIDE FOR FINANCIAL AND OTHER ASSISTANCE TO DISTRICTS AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSES OF THIS ACT, AND MAKING AN APPROPRIATION FOR THOSE PURPOSES; AND FOR OTHER PURPOSES.

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 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to David Hugg, III, to

speak on the Bill after which the roll call vote on SB 359 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 719 was taken up for consideration on motion of Senator McCullough:

HB 719 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE INDIAN RIVER SCHOOL DISTRICT TO REIMBURSE AN EMPLOYEE WHO OVERPAID HEALTH INSURANCE COVERAGE UNDER BLUE-CROSS/BLUE-SHIELD.

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

At 4:33 p.m., Senator Adams presiding.

HB 956 w HA 2, 3 was taken up for consideration on motion of Senator Holloway:

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.

During the discussion of the Bill and the Amendment which was offered to it, the privilege of the floor was extended to Amos Burke (Statewide Health Coordinating Council) and Brian J. McKinney (Quality Care).

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, Cook, Cordrey, Hughes, Knox, McCullough, McDowell, Weiss - 8.

NO: Senators Arnold, Berndt, Cicione, Hale, Holloway, Kearns, Littleton, Martin, Murphy, Schlor, Spence, Zimmerman - 12.

ABSENT: Senator Sharp - 1.

Therefore, the Amendment was declared lost.

The roll call vote on HB 956 w HA 2, 3 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

At 5:00 p.m., Lt. Governor McGinnis presiding.

HCR 122 was taken up for consideration on motion of Senator Kearns:

HCR 122 - REQUESTING THE JUDICIARY COMMITTEES OF THE HOUSE AND SENATE TO CONDUCT AN IN-DEPTH INVESTIGATION OF FAMILY COURT AND THE BUREAU OF CHILD SUPPORT FOR ALLEGED WRONGDOING ON THE PART OF CERTAIN STATE OFFICIALS AND TO REPORT THEIR FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

The roll call vote on the Resolution was taken; however, the roll call was laid on the table before being announced on motion of Senator Kearns.

HB 381 was taken up for consideration on motion of Senator Adams:

HB 381 - AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29, OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the Sponsor, Senator Adams.

SA 2 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 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 381 w SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 585 was taken up for consideration on motion of Senator Cicione:
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.

Senator McDowell moved that the Bill be laid on the table.

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

YES: Senators Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Knox, Littleton, McDowell, Murphy, Weiss - 11.

NO: Senators Adams, Cicione, Hughes, Kearns, McCullough, Schlor, Sharp - 8.

NOT VOTING: Senator Spence - 1.

ABSENT: Senator Martin - 1.

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

SB 479, final consideration of which had been deferred, was taken up for consideration on motion 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 and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Cook, Cordrey, Kearns, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Zimmerman - 13.

NO: Senators Hale and Weiss - 2.

NOT VOTING: Senators Berndt, Hughes, Knox and Sharp - 4.

ABSENT: Senators Cicione and Holloway - 2.

Therefore, the Amendment was declared adopted.

At the request of Senator Hale, his name was removed as co-sponsor of the Bill, after which SB 479 w SA 2 was laid on the table on motion of Senator Murphy.

SB 481 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1.

SA 1 to the Bill was introduced by Senator Arnold and considered for adoption on his motion.

The privilege of the floor was extended to Tom Sandbach, Senate Attorney, to speak on the Amendment after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Holloway, Hughes and McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 481 w SA 1, HA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway and Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration of the Senate Amendment.

HB 823 was taken up for consideration on motion of Senator Kearns:
HB 823 - AN ACT TO AMEND CHAPTER 14, TITLE 25, DELAWARE CODE, RELATING TO TIMBER TRESPASS.

The roll call vote on the Bill was taken and revealed 18

Senators voting YES and 3 (Holloway, Hughes and Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 73 was taken up for consideration on motion of Senator Adams:

HB 73 - AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29, OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McDowell) voting NO and 1 (Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 179 was taken up for consideration on motion of Senator Adams:

HB 179 - AN ACT TO AMEND CHAPTER 23 AND CHAPTER 51, TITLE 29, DELAWARE CODE, TO PROVIDE THAT NO CHARGE SHALL BE MADE FOR PROVIDING CERTIFICATES OF APPOINTMENT TO VOLUNTEERS NAMED TO ADVISORY COUNCILS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McDowell) voting NO and 1 (Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 607 w HA 1 was taken up for consideration on motion of Senator Adams:

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.

The roll call vote on the Bill was taken; however, before being announced, Senator Adams moved that it be tabled. The roll call vote on the motion was taken and revealed:

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

NO: Senators Arnold, Berndt, Hale, Holloway, Hughes, Littleton, Murphy, Spence, Weiss - 9.

ABSENT: Senator Knox - 1.

Therefore, the motion prevailed and the roll call on HB 607 w HA 1 was laid on the table.

HB 992 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 992 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS.

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

HB 824 w HA 1 was taken up for consideration on motion of Senator Martin:

HB 824 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRAFFIC SIGNAL CONTROL EQUIPMENT.

Senator Spence's name was added as co-sponsor of the Bill after which the roll call vote 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 948 was taken up for consideration on motion of Senator Adams:
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.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cook.

SA 1 to SA 1 to the Bill was introduced by Senator Schlor; however, the Amendment to the Amendment was immediately stricken at the request of the sponsor.

The roll call vote on SA 1 to HB 948 was then taken and revealed:

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

NO: Senator Holloway - 1.

NOT VOTING: Senators Hughes and McCullough - 2.

ABSENT: Senator Hale - 1.

Therefore, the Amendment was declared adopted.

HB 948 w SA 1 was then laid on the table on further motion of Senator Adams.

HB 981 was taken up for consideration on motion of Senator Adams:
HB 981 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SALARIES AND EMOLUMENTS OF PUBLIC OFFICERS.

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

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

NO: Senators Holloway and Knox - 2.

NOT VOTING: Senators Berndt, Hale, Littleton, McDowell - 4.

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

HB 755 was taken up for consideration on motion of Senator Murphy:
HB 755 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, RELATING TO THE STATE BANK COMMISSIONERS.

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

HB 756 was taken up for consideration on motion of Senator Murphy:
HB 756 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, ESTABLISHING A REGULATORY REVOLVING FUND FOR THE REVENUES AND EXPENSES OF THE OFFICE OF THE STATE BANK COMMISSIONER.

The privilege of the floor was extended to John E. Malarkey, State Bank Commissioner, after which the Bill was laid on the table on further motion of Senator Murphy.

SB 666 was taken up for consideration on motion of Senator Holloway:
SB 666 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT FOR SERVICES BY PATIENTS OF THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL.

The Bill was laid on the table before final consideration was taken on further motion of Senator Holloway.

The following Bills were reported out of the Health and Social Services Committee: SB 690 - 5 Merits; SB 691 - 5 Merits.

The following legislation was introduced:

SB 693 - AN ACT TO AMEND CHAPTER 25, SUBCHAPTER 11, TITLE 24, DELAWARE CODE, RELATING TO PHARMACY. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 694 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 86, RELATING TO RATE OF COMPENSATION FOR MEMBERS OF THE CONSUMER AFFAIRS BOARD. Sponsor: Senator Berndt. Assigned to Executive Committee.

SB 695 - AN ACT TO AMEND CHAPTER 59, OF TITLE 18, OF THE DELAWARE CODE, RELATING TO REHABILITATION AND LIQUIDATION OF INSURERS AND PROVIDING FOR SUMMARY PROCEEDINGS. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 696 - AN ACT TO AMEND CHAPTER 21, PART 11, TITLE 21, OF THE DELAWARE CODE TO PROVIDE FOR SPECIAL LICENSE PLATES FOR MEMBERS OF THE DELAWARE NATIONAL GUARD. Sponsor: Senator Hughes. Assigned to Public Safety Committee.

SB 697 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIBEL AND SLANDER. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 698 - AN ACT TO AMEND CHAPTER 39, TITLE 10 OF THE DELAWARE CODE RELATING TO DEFENSES IN CIVIL LIBEL ACTIONS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 2 to SB 668 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to SB 679 sponsored by Senator Holloway. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 574 and SB 567 w SA 1, 4, HA 1.

The following legislation was introduced:

HB 960 w HA 1 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, TO PROVIDE A NURSE FOR EACH VOCATIONAL-TECHNICAL HIGH SCHOOL; AND MAKING AN APPROPRIATION THEREFOR. Sponsors: Representatives Morris, Minner, Bennett, Darling, Riddagh. Assigned to Education Committee.

HB 951 - AN ACT TO AMEND CHAPTERS 3, 21, AND 23, TITLE 21, DELAWARE CODE, TO DELETE CERTAIN OUTDATED REQUIREMENTS AND PROCEDURES PERTAINING TO THE DIVISION OF MOTOR VEHICLES. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 942 - AN ACT TO AMEND CHAPTER 41, TITLE 21, SECTION 4116, OF THE DELAWARE CODE, RELATING TO OVERTAKING A VEHICLE ON THE LEFT. Sponsor: Representative Burris. Assigned to Public Safety Committee.

HB 910 - AN ACT TO AMEND CHAPTER 29, TITLE 14, DELAWARE CODE, RELATING TO THE TRANSPORTATION OF PUPILS. Sponsors: Representatives Gordy and Jonkiert. Assigned to Education Committee.

Senator McDowell moved that the roll call on SB 604 w SA 1 be lifted. The roll call vote on the motion was taken and revealed 19 Senators voting YES; 1 (Sharp) voting NO and 1 (McCullough) ABSENT; therefore, the motion prevailed and the roll call vote on SB 604 w SA 1 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Holloway, Hughes, Knox,

Littleton, McDowell, Schlor, Spence, Weiss, Zimmerman - 13.

NO: Senators Cordrey, Hale, Kearns, Martin, McCullough, Murphy, Sharp - 7.

NOT VOTING: Senator Cicione - 1.

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

SB 567 w SA 1, 4 which had previously passed the Senate and as now further amended by HA 1 was laid on the table on motion of Senator Cordrey.

The following legislation was introduced:

HB 929 - AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO THE STATE TREASURER FOR THE PURPOSE OF PAYING A PRIOR YEARS OBLIGATION. Sponsors: Representatives George and Sincok; Senator Cicione. Assigned to Finance Committee.

HB 924 - AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO USE FUNDS TO ADJUST THE INSURANCE ALLOWANCE FOR CERTAIN SCHOOL BUS CONTRACTORS. Sponsor: Representative Lynch. Assigned to Education Committee.

HB 837 - AN ACT TO AMEND CHAPTER 41, PART 11, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURES; AND PROVIDING RESTITUTION FOR DAMAGES SUSTAINED BY VICTIMS OF CRIMES. Sponsors: Representatives Riddagh and Morris. Assigned to Judiciary Committee.

HB 798 w HA 1 - AN ACT TO AMEND CHAPTER 45, TITLE 21, DELAWARE CODE, RELATING TO POLICE OFFICERS' AUTHORITY TO WEIGH CERTAIN VEHICLES. Sponsors: Representative Gordy and Senator Martin. Assigned to Public Safety Committee.

HB 579 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY ADDING A NEW CHAPTER 40 THERETO PROVIDING FOR LIMITATIONS ON THE CIVIL LIABILITY OF THE STATE, ITS SUBDIVISIONS AND ITS PUBLIC OFFICERS AND EMPLOYEES, AND BY PROVIDING FOR THE INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES IN CERTAIN INSTANCES. Sponsors: Representatives Riddagh and Darling. Assigned to Judiciary Committee.

HB 526 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR EXCEEDING SPEED LIMITS. Sponsor: Representative Minner. Assigned to Public Safety Committee.

SB 687 was stricken at the request of Senator Martin.

At 7:15 p.m. on motion of Senator Cordrey, the Senate recessed until June 26 at 2:00 p.m.

The Senate reconvened at 2:12 p.m. June 26, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 388 w SA 1 and SB 461 w SA 1, HA 1, 4.

The following legislation was introduced:

HB 589 w HA 1 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 5, TITLE 9, DELAWARE CODE TO PERMIT FIRE COMPANIES TO INSPECT FIRE HYDRANTS AND WATER MAINS AND TO REPORT THEIR FINDINGS. Sponsor: Representative Darling. Assigned to Community Affairs Committee.

HB 849 - AN ACT TO PROVIDE FOR A REFERENDUM IN THE NOVEMBER 1978 GENERAL ELECTION ON TWO QUESTIONS, TO WIT: (1) SHALL THE NUMBER OF JUSTICES OF THE DELAWARE SUPREME COURT BE INCREASED FROM THREE TO FIVE, AND (2) SHALL THE JUSTICES OF THE SUPREME COURT BE ELECTED BY THE VOTERS OF THE STATE AS THEIR TERMS EXPIRE? Sponsors: Repre-

sentatives Riddagh, Jonkiert, Sincock, Loughney, Ridings, Gordy, Powell, Gilligan, Roy, Morris, Billingsley, Darling, Oberle, Connor, Ferguson, McKay, Clendaniel, Temple, Ambrosino, Vernon, Lynch, Rispoli. Assigned to Judiciary Committee.

HB 986 - AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" BY INCREASING THE AMOUNT OF MONEY THAT MAY BE RAISED ANNUALLY BY TAXATION FOR MUNICIPAL PURPOSES. Sponsors: Representative Gordy and Senator Littleton. Assigned to Community Affairs Committee.

HB 838 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO NON-DISCLOSURE OF INCOME TAX RETURN INFORMATION. Sponsors: Representatives Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 987 w HA 1 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS. Sponsors: Representatives Bennett, Billingsley, Gilligan, Worthen, Maxwell, Powell, Ambrosino; Senators Zimmerman, Knox, Hale. Assigned to Administrative Services Committee.

HB 989 - AN ACT TO AMEND CHAPTER 49, TITLE 10 OF THE DELAWARE CODE RELATING TO EXECUTIONS AND HEAD OF FAMILY EXEMPTION. Sponsor: Representatives Plant. Assigned to Judiciary Committee.

SB 461 w SA 1 and now returned from the House as further amended by HA 1, 4 was laid on the table at the request of Senator Murphy.

SB 567 w HA 1, 4 which had previously passed the Senate and as now returned from the House further amended by HA 1 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Kearns. Therefore, the roll call vote on SB 567 w SA 1, 4, HA 1 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Weiss, Zimmerman - 13.

NOT VOTING: Senators Arnold, Cicione, McDowell, Sharp, Spence - 5.

ABSENT: Senators Berndt, Holloway and McCullough - 3.

Therefore, the Bill was declared passed by the Senate.

On motion of Senator Murphy, the necessary rules were suspended for reconsideration of SB 461 w SA 1, HA 1 which had previously passed the Senate and as now further amended by HA 4. Therefore, the roll call vote on SB 461 w SA 1, HA 1, 4 was taken and revealed 18 Senators voting YES and 3 (Berndt, Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate.

SB 699 (Sponsored by Senator Hughes) was introduced:

SB 699 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRAFFIC SIGNAL CONTROL EQUIPMENT.

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

YES: Senators Arnold, Hale, Hughes, Knox, Littleton, Spence, Weiss - 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Zimmerman - 11.

ABSENT: Senators Berndt, Holloway and McCullough - 3.

Therefore, the motion failed and the Bill was assigned to Highways and Transportation Committee.

SA 1 to HB 756 sponsored by Senator Murphy. Placed with the Bill.
At 2:27 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 52nd Legislative Day.

52ND LEGISLATIVE DAY

The Senate convened at 2:27 p.m. June 26, 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 51st Legislative Day was approved as read.

Senator Arnold moved that the necessary rules be suspended for lifting HCR 134 from the table for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Cicione, Hale, Hughes, Knox, Littleton, Martin, Sharp, Spence, Weiss - 10.

NO: Senators Adams, Cook, Cordrey, Kearns, McDowell, Murphy, Schlor, Zimmerman - 8.

ABSENT: Senators Berndt, Holloway and McCullough - 3.

Therefore, the motion was defeated and the Resolution remained on the table.

At 2:35 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 698 - 4 Merits; SB 697 - 4 Merits.

From the Administrative Services Committee: HB 657 w HA 1, 2 - 5 Merits; HB 752 w HA 1, 2, 3, 5 - 5 Merits; HB 1004 w HA 1 - 5 Merits.

The following legislation was introduced:

SB 700 - AN ACT TO AMEND TITLE 5, DELAWARE CODE, BY ADDING A NEW CHAPTER ENTITLED MORTGAGE BANKING. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 701 - AN ACT TO AMEND CHAPTER 260, VOLUME 61, LAWS OF DELAWARE ENTITLED "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, Hughes, McCullough, Spence, Cicione; Representatives Maxwell, Oberle, Byrd, Hebner, Worthen, Ridings.

At the request of Senator Sharp the Bill was laid on the table.

HCR 137 - MOURNING THE DEATH OF ROBERT G. HACKETT, INSURANCE EXECUTIVE AND A LEADING CITIZEN OF DELAWARE FOR FORTY YEARS. Sponsors: Representatives Sincock and McKay; Senator Knox.

On motion of Senator Knox, the Bill was considered for adoption and the roll call vote taken which revealed 16 Senators voting YES and 5 (Adams, Berndt, Hughes, McCullough and Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 135 - COMMENDING THE CONTROLLER GENERAL AND HIS STAFF FOR THEIR SUPERIOR WORK IN PREPARING THE FISCAL 1979 BUDGET BILL. Sponsors: Representatives George, Bennett, Gilligan, Matushefske, Worthen, Ambrosino and Connor; Senators Cicione, McDowell, Kearns, Holloway, Cook, Hale and Littleton.

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

HCR 136 - DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION, THE STATE BOARD OF EDUCATION, AND THE NEW CASTLE COUNTY BOARD OF EDUCATION TO REQUIRE THAT CERTAIN FEDERALLY APPROVED DATA BE UTILIZED FOR APPLICATIONS FOR FEDERALLY FUNDED PROGRAMS BEING SUBMITTED FOR APPROVAL BY THE NEW CASTLE COUNTY SCHOOL DISTRICT. Sponsors: Representative Ferguson and Senator Kearns.

On motion of Senator Kearns, the Resolution was considered for adoption and the privilege of the floor extended to William B. Keene, Ed. D. (representing the Department of Public Instruction) after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Cicione and Hughes) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SA 1 to HB 882 sponsored by Senator Holloway. Placed with the Bill.

SB 53 was stricken at the request of the sponsor, Senator Adams.

On motion of Senator Murphy, the necessary rules were suspended for consideration of HB 756:

HB 756 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE, ESTABLISHING A REGULATORY REVOLVING FUND FOR THE REVENUES AND EXPENSES OF THE OFFICE OF THE STATE BANK COMMISSIONER.

SA 1 to the Bill was introduced by Senator Murphy who moved for its adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 756 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Cook) voting NO and 1 (Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 1000 was taken up for consideration on motion of Senator Adams:

HB 1000 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO THE STATE EMPLOYEE'S PENSION PLAN.

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 returned to the House.

HB 1027 was taken up for consideration on motion of Senator Adams:

HB 1027 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE CONTROLLER GENERAL FOR THE PAYMENT OF SERVICES TO STANDING COMMITTEES.

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 566 was taken up for consideration on motion of Senator Adams:

HB 566 - AN ACT TO AMEND CHAPTER 47, TITLE 29, DELAWARE CODE RELATING TO THE BURIAL OF BODY BY THE STATE.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Holloway.

The roll call vote on HB 566 was then taken and revealed 18 Senators voting YES and 3 (Cicione, Cook and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Holloway, the necessary rules were suspended for consideration of SS 1 for SB 580:

SS 1 for SB 580 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO UNIT SUPPORT OF HANDICAPPED CHILDREN AND FURTHER MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The privilege of the floor was extended to Carl Halton and Ed Powell 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 sent to the House for consideration.

At 5:52 p.m., Senator Adams presiding.

SS 1 for SB 495 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 495 - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO UNITS FOR THE GIFTED AND TALENTED.

The privilege of the floor was extended to Thomas Phedgie, Judith E. Watson (President, Sussex Association for Children with Learning Disabilities) and Melody G. Young (Gifted Child Association of Delaware) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 646 was stricken at the request of the sponsor, Senator Holloway.

HB 912 was taken up for consideration on motion of Senator Schlor:

HB 912 - AN ACT TO AMEND CHAPTER 70, TITLE 9, DELAWARE CODE, TO PERMIT THE SUSSEX COUNTY GOVERNMENT TO BORROW MONEY IN ANTICIPATION OF THE ISSUANCE OF BONDS.

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

HB 914 was taken up for consideration on motion of Senator Schlor:

HB 914 - AN ACT TO AMEND CHAPTER 65, TITLE 9, DELAWARE CODE, RELATING TO THE TIME WHICH THE SUSSEX COUNTY GOVERNMENT MUST ACT FOLLOWING AN ELECTION FAVORING ESTABLISHMENT OF A SANITARY OR WATER DISTRICT.

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

At 6:29 p.m. Lt. Governor McGinnis presiding.

SB 673 was taken up for consideration on motion of Senator Cordrey:

SB 673 - AN ACT PERMITTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ENTER INTO LEASES FOR THE USE OF CERTAIN LANDS UNDER ITS CONTROL.

The roll call vote was taken and revealed 18 Senators voting YES, 1 (Zimmerman) voting NO, and 2 (McCullough and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HJR 53 w HA 1 was taken up for consideration on motion of Senator Sharp:

HJR 53 w HA 1 - RESPECTFULLY REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO PROVIDE IN THE DEPARTMENTAL RULES AND REGULATIONS TO FURLOUGHS, THAT NO FURLOUGHED INMATE MAY REQUEST OR RECEIVE DRIVING PRIVILEGES.

Senator Cicione was added as co-sponsor of the Resolution at his request and the privilege of the floor was extended to Representative Maxwell after which the roll call vote on the Resolution was taken. The roll call was tabled, however, before being announced on motion of Senator Sharp.

HB 771 w HA 3 was taken up for consideration on motion of Senator Murphy:

HB 771 w HA 3 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FEES FOR EXAMINATION.

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 764 w HA 1 was taken up for consideration on motion of Senator Murphy:

HB 764 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO EMERGENCY POWERS OF THE COMMISSIONER.

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.

The following Committee reports were announced:

From the Energy Committee: SB 647 - 1 Favorable, 4 Merits.

From the Banking, Insurance and Elections Committee: SB 640 - 4 Merits.

From the Highways and Transportation Committee: SB 699 - 5 Merits.

From the Finance Committee: HB 599 - 6 Merits; HB 929 - 6 Merits; SB 677 - 4 Merits.

The following legislation was introduced:

SB 702 - AN ACT TO AMEND CHAPTER 120, VOLUME 35, LAWS OF DELAWARE, BEING "AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE," RELATING TO THE ANNEXATION OF ROADS. Sponsors: Senator McCullough and Representative Connor. Assigned to Community Affairs Committee.

SB 703 - AN ACT TO AMEND DELAWARE CODE, TITLE 14 RELATING TO THE FREE PUBLIC SCHOOLS BY PROVIDING FOR THE COMPOSITION OF CERTAIN LOCAL SCHOOL BOARDS AND THE CREATION OF ATTENDANCE AREA BOARDS IN CERTAIN LOCATIONS. Sponsors: Senators Arnold, Hughes, McCullough, Spence, Cicione; Representatives Maxwell, Byrd, Hebner, Worthen. The Bill was laid on the table at the request of Senator Cicione.

At 7:05 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 27, 1978.

The Senate reconvened at 2:17 p.m. June 27, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 481 w HA 1, SA 1.

The following legislation was introduced:

HB 57 - AN ACT TO AMEND CHAPTER 51, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING CERTAIN CITIZENSHIP AND RESIDENCE REQUIREMENTS. Sponsor: Representative Ferguson. Assigned to Executive Committee.

HB 876 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS DEALERS. Sponsor: Representative Cain. Assigned to Public Safety Committee.

HB 892 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF ELIGIBILITY LISTS. Sponsors: Representatives Gordy, Byrd, Hebner, Jonkiert, Riddagh; Senators Cicione, Holloway, Spence, Cook. Assigned to Executive Committee.

HB 895 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO EXEMPTION FROM THE CLASSIFIED SERVICE. Sponsors: Representatives Gordy, Byrd, Hebner, Jonkiert, Riddagh; Senators Cicione, Holloway and Spence. Assigned to Executive Committee.

HB 896 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE SELECTION OF EMPLOYEES FROM ELIGIBILITY LISTS. Sponsors: Representatives Gordy, Byrd, Hebner, Jonkiert, Riddagh, Senators Cicione, Holloway and Spence. Assigned to Executive Committee.

HB 913 - AN ACT TO AMEND CHAPTER 61, PART V, TITLE 30, DELAWARE CODE, PUBLIC ACCOMMODATION TAXES, TO PROVIDE PROCEDURES FOR OBTAINING AND ENFORCING JUDGMENTS AGAINST DELINQUENT TAXPAYERS. Sponsors: Representatives Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 955 - AN ACT TO AUTHORIZE THE CONVEYANCE OF THE MATTHEW LOWBER HOUSE AND LOT TO THE MAGNOLIA VOLUNTEER FIRE COMPANY; TO PERMIT THE MAGNOLIA VOLUNTEER FIRE COMPANY TO MOVE, RELOCATE, AND SELL SAID HOUSE AND RETAIN THE LAND FOR FUTURE EXPANSION OF ITS FACILITIES; TO PERMIT THE PURCHASER OF SAID HOUSE TO RENOVATE THE SAME UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS. Sponsors: Representative Minner and Senator Murphy. Assigned to Community Affairs Committee.

HB 877 w HA 2 - AN ACT TO AMEND SECTION 2301, CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO EXEMPTIONS FROM BUSINESS AND OCCUPATIONAL LICENSES AND TAXES. Sponsor: Representative Cain. Assigned to Revenue and Taxation Committee.

HB 1105 - 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. The Bill was laid on the table at the request of Senator Cook.

HB 1107 - AN ACT TO AMEND CHAPTER 191, VOLUME 61, LAWS OF DELAWARE BY AWARDING SPECIAL PENSION BENEFITS APPROPRIATING MONIES TO FUND SUCH PENSIONS AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF SUCH PENSIONS AS IF THE AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE, AWARDING SPECIAL PENSION BENEFITS AND INCREASING CERTAIN OTHER PENSION BENEFITS BY AMENDING CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representatives Gordy, Ferguson and Ambrosino; Senators Cook, Kearns and Hale. The Bill was laid on the table at the request of Senator Cook.

HB 973 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Powell and Byrd. Assigned to Labor Committee.

HB 980 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO THE MAXIMUM AMOUNT OF WORKMEN'S COMPENSATION. Sponsors: Representatives Powell and Byrd. Assigned to Labor Committee.

HB 1092 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTION TO ACQUIRE A CERTAIN PARCEL OF PROPERTY AND TO EXERCISE THE RIGHT OF EMINENT DOMAIN. Sponsors: Representatives Bennett, W. Brady, Boulden, Sincok, McKay, Riddagh, Ridings, Roy; Senators McCullough, Knox, Hughes, Arnold. Assigned to Corrections Committee.

HB 1009 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 86, RELATING TO RATE OF COMPENSATION FOR MEMBERS OF THE CONSUMER AFFAIRS BOARD. Sponsors: Representatives Rispoli, Hebner and Vernon. Assigned to Administrative Services Committee.

HB 1076 - AN ACT TO AMEND CHAPTERS 34, 36, AND 55, TITLE 14, DELAWARE CODE, RELATING TO HIGHER EDUCATION SCHOLARSHIPS AND THEIR ADMINISTRATION. Sponsors: Representatives Lynch and Burris; Senators McCullough and Hale. Assigned to Education Committee.

SA 1 to HB 1092 sponsored by Senators McCullough, Knox, Hughes and Arnold. Placed with the Bill.

At 2:28 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 53rd Legislative Day.

53RD LEGISLATIVE DAY

The Senate convened at 2:28 p.m. June 27, 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, Weiss, Zimmerman - 21.

The Journal of the 52nd Legislative Day was approved as read.

SB 558 was stricken at the request of the sponsor, Senator Holloway.

SB 618 was taken up for consideration on motion of Senator Cicione:

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.

Senator Hale moved that the Bill be laid on the table. 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, Schlör, Sharp, Zimmerman - 13.

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

The Bill was then laid on the table on motion of Senator Cicione.

SB 680 was taken up for consideration on motion of Senator Cook:
SB 680 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR.

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 679 was taken up for consideration on motion of Senator Holloway:
SB 679 - AN ACT PROVIDING FOR THE TRANSFER OF PACKAGED DISASTER HOSPITALS TO ORGANIZATIONS KNOWN AS AFRICARE AND PAN AMERICAN DEVELOPMENT FOUNDATION, FOR USE IN PROVIDING MEDICAL TREATMENT ON THE CONTINENTS OF AFRICA AND THE AMERICAS.

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 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Michael M. Walton (Pan American Development Foundation) to speak on the Bill after which the roll call vote on SB 679 w SA 1 was taken and revealed 19 Senators voting YES and 2 (Littleton and Schlor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 669 was taken up for consideration on motion of Senator Holloway:
SB 669 - AN ACT TO AMEND CHAPTER 46, TITLE 6, DELAWARE CODE, RELATING TO THE TIME IN WHICH COMPLAINTS OF UNLAWFUL HOUSING PRACTICES MAY BE FILED.

The privilege of the floor was extended to James Douglas Thomas (Human Relations Office) to speak on the Bill after which the Bill was laid on the table on motion of Senator Holloway.

SB 690 was taken up for consideration on motion of Senator Sharp:
SB 690 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, PROVIDING FOR PENALTIES FOR THE NEW CASTLE COUNTY BUILDING INSPECTOR FOR ISSUING A CERTIFICATE OF OCCUPANCY WITHOUT FIRST MAKING FINAL INSPECTION TO ASSURE THAT A NEW DWELLING IS BUILT TO SPECIFICATIONS.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) to speak on the Bill after which it was laid on the table of motion of Senator Sharp.

At 3:35 p.m. Senator Cordrey presiding.

SB 691 was taken up for consideration on motion of Senator Sharp:
SB 691 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO REPORTS BY THE BUILDING INSPECTOR OF NEW CASTLE COUNTY.

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 sent to the House for consideration.

At 3:45 p.m. Lt. Governor McGinnis presiding.

SB 692 was taken up for consideration on motion of Senator Sharp:
SB 692 - AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, RELATING TO PENALTIES FOR BUILDERS AND OTHERS WHO VIOLATE THE RULES AND REGULATIONS PROMULGATED BY THE NEW CASTLE COUNTY COUNCIL.

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 motion of Senator Sharp.

SB 658 which was next on the Agenda for the day was deferred on motion of Senator McDowell.

SB 672 was taken up for consideration on motion of Senator Zimmerman:

SB 672 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1978 TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR THE PURPOSE OF A STUDY OF THE ECONOMIC FEASIBILITY OF AN OFFSHORE DEEPWATER PORT.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Hale, Holloway, Kearns, Knox, McDowell, Murphy, Schlor, Weiss, Zimmerman - 13.

NO: Senators Adams, Cordrey, Hughes, Littleton, Sharp, Spence - 6.

ABSENT: Senators Martin and McCullough - 2.

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

SB 670 was taken up for consideration on motion of Senator Cook:

SB 670 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE A TRACT OF LAND WITHIN KILLENS POND STATE PARK, KENT COUNTY, DELAWARE.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Kearns, Knox, Littleton, Martin, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 14.

NO: Senators Adams, Cordrey, Hale, Hughes - 4.

ABSENT: Senators Holloway, McCullough and McDowell - 3.

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

SB 697 was taken up for consideration on motion of Senator Kearns:

SB 697 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIBEL AND SLANDER.

SA 1 to the Bill was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Holloway, McCullough, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on SB 697 w SA 1 was taken; however, before the roll call was announced, it was laid on the table on motion of Senator Kearns.

SB 677 was taken up for consideration on motion of Senator Cicione:

SB 677 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF ATTORNEY GENERAL.

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

SB 647 was taken up for consideration on motion of Senator McDowell:

SB 647 - AN ACT TO AMEND CHAPTER 92 OF TITLE 29, DELAWARE CODE RELATING TO SOLAR SHADE CONTROL.

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

YES: Senators Knox, Martin, McDowell, Zimmerman - 4.

NO: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, McCullough, Murphy, Schlor, Sharp, Spence, Weiss - 15.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senator Littleton - 1.

Therefore, the Bill was declared lost.

SB 690 was lifted from the table for consideration on motion of Senator Sharp.

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

SA 2 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 690 w SA 1, 2 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 640 was taken up for consideration on motion of Senator Sharp:

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.

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

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

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

ABSENT: Senator Murphy - 1.

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

The following Bills were reported out of the Highways and Transportation Committee: SB 685 - 5 Merits; SB 686 - 5 Merits.

SB 682 was taken up for consideration on motion of Senator Martin:

SB 682 - AN ACT TO AMEND PART VII OF TITLE 16, CHAPTER 69 OF TITLE 29, AND CHAPTER 86 OF TITLE 29, DELAWARE CODE TO ESTABLISH A BOARD FOR BARRIER FREE DESIGN TO PROMOTE ACCESSIBILITY TO AND USE OF BUILDINGS AND FACILITIES FOR THE PHYSICALLY HANDICAPPED; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

The privilege of the floor was extended to Jack Russell (Legislative Council) after which the roll call vote on the Bill was taken and revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Hughes and Murphy - 2.

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

SB 685 was taken up for consideration on motion of Senator Martin:

SB 685 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO TRUST FUNDS.

The privilege of the floor was extended to Willard J. Thomson, Jr. (Department of Transportation) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway and Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 686 was taken up for consideration on motion of Senator Martin:

SB 686 - AN ACT TO AMEND SUBCHAPTER 111, CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION.

The privilege of the floor was extended to Willard J. Thomson, Jr. (Department of Transportation) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway and Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Cook, the necessary rules were suspended for lifting from the table for consideration HB 1105:

HB 1105 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES PENSION PLAN.

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

On motion of Senator Cook, the necessary rules were suspended for lifting from the table for consideration HB 1107:

HB 1107 - 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, AWARDED SPECIAL PENSION BENEFITS AND INCREASING CERTAIN OTHER PENSION BENEFITS BY AMENDING CHAPTER 55, TITLE 29, DELAWARE CODE.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McDowell) NOT VOTING, and 1 (Hughes) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

Senator Weiss moved that the necessary rules be suspended for consideration of SB 324; however, there were objections to the motion and the Senator withdrew the motion.

SB 692 was lifted from the table for consideration on motion of Senator Sharp.

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

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

The roll call vote on SB 692 w SA 2 was then 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 324 was reported out of the Executive Committee: 5 Merits.
At 6:15 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 7:11 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Administrative Services Committee: HB 916 - 5 Merits; HB 327 - 4 Merits; SB 668 - 5 Merits; HB 659 - 5 Merits; HB 919 - 5 Merits; HB 987 - 5 Merits.

From the Health and Social Services Committee: HB 584 w HA 1 - 3 Merits, 2 Unfavorable.

From the Revenue and Taxation Committee: HB 913 - 5 Merits; HB 838 w HA 1 - 1 Favorable, 4 Merits; HB 877 w HA 2 - 1 Favorable, 4 Merits.

From the Public Safety Committee: HB 876 w HA 1 - 6 Merits.

From the Executive Committee: HB 57 - 4 Merits, 1 Unfavorable; HB 895 - 5 Merits; HB 892 - 5 Merits; HB 896 - 5 Merits.

From the Corrections Committee: HB 742 - 4 Merits.

From the Community Affairs Committee: HB 589 w HA 1 - 4 Merits.

The following legislation was introduced:

SB 704 - AN ACT TO PROVIDE AN APPROPRIATION TO THE NEW CASTLE CONSERVATION DISTRICT TO COMPLETE WORK AT THE BROAD DIKE PROJECT. Sponsor: Senator McCullough. Assigned to Natural Resources and Environmental Control Committee.

SB 705 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HIGHWAYS, DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PURCHASING A MINIMUM OF SIXTY (60) ADDITIONAL PITCH-IN BARRELS TO BE ALLOCATED EQUALLY AMONG THE THREE (3) COUNTIES. Sponsor: Senator Holloway. Assigned to Highways and Transportation Committee.

SB 706 - AN ACT CREATING A CONTAINER LEGISLATION COMMISSION AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senators Berndt, Cicione, Holloway, Hughes; Representatives Byrd, Gordy and Vernon.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, Schlor, Sharp, Zimmerman - 14.

NO: Senators Hale, Littleton and McDowell - 3.

NOT VOTING: Senators Spence and Weiss - 2.

ABSENT: Senators McCullough and Murphy - 2.

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

HB 1007 w HA 2 - AN ACT TO AMEND DELAWARE CODE, TITLE 14 BY PROVIDING A UNIT AND STAFF AUTHORIZATION FOR HANDICAPPED PUPILS WHO ARE DEAF-BLIND. Sponsor: Senator Maxwell. The Bill was laid on the table on motion of Senator Holloway.

SB 707 - AN ACT TO AMEND CHAPTER 709, VOLUME 60, LAWS OF DELAWARE AND SECTION 7422, TITLE 29, DELAWARE CODE, RELATING TO LIMITATIONS ON THE AUTHORIZATION OF GENERAL OBLIGATION BONDS OF THE STATE OF DELAWARE. Sponsors: Senators Cook, Hale, Littleton; Representatives Gordy, McKay, George, Burris.

On motion of the Senator Cook, the necessary rules were suspended for consideration of SB 707. The privilege of the floor was extended

to Nathan Hayward, III, after which the roll call vote was taken which 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.

At 7:28 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 28, 1978.

The Senate reconvened at 2:10 p.m., June 28, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 393 w SA 1, 2 and SB 368.

The following legislation was introduced:

HB 864 w HA 1, 2 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO REIMBURSE PERSONS WHO RENDERED ASSISTANCE TO VIRGINIA LEE BOSTIAN, A PATIENT AT THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL. Sponsor: Representative Riddagh. Assigned to Health and Social Services Committee.

HB 581 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 4, SECTIONS 2, 3 AND 12 OF THE CONSTITUTION OF THE STATE OF DELAWARE BY INCREASING THE SUPREME COURT TO FIVE JUSTICES AND PROVIDING FOR A QUORUM OF THE SUPREME COURT. Sponsor: Representative Matushefske. Senator Holloway moved that the Bill be laid on the table; however, there was an objection and the Senator withdrew his motion. The Bill was assigned to Judiciary Committee.

HB 915 - AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, TO INCREASE THE FEES PAID FOR THE EMERGENCY APPREHENSION OF THE DANGEROUSLY MENTALLY ILL. Sponsors: Representatives Gordy, Clendaniel, Temple, Lynch, Burris and Vernon. Assigned to Health and Social Services Committee.

HB 1125 - AN ACT TO AMEND TITLES 9, 10, AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF KENT COUNTY. Sponsors: Representatives Darling, Bennett, Morris, Minner, Miller; Senators Cook, Murphy and Zimmerman. The Bill was laid on the table at the request of Senator Murphy.

HCR 138 - REQUESTING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT HOUSE JOINT RESOLUTION 946 WHICH DESIGNATES OCTOBER 7, 1978, AS NATIONAL GUARD DAY. Sponsors: Representatives Gordy and Clendaniel. Assigned to Executive Committee.

The following message from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
June 27, 1978

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

Because I believe it violates two Federal statutes prohibiting disclosure of confidential information and creates an irreconcilable conflict of interest for members of the State's Council on Banking, I am returning without my signature Senate Bill No. 476 entitled:

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

This Act authorizes the Bank Commissioner to disclose confidential information regarding Delaware banks under his jurisdiction to the Council on Banking. However, the vast majority of these banks also come under Federal regulation through the Federal Deposit Insurance Corporation (FDIC) and are therefore subject to the provisions of 18 U.S.C.A. §§1905 and 1906. Section 1905 specifically forbids disclosure of confidential information and Section 1906 specifically forbids disclosure by bank examiners. In order to ensure the continued assistance of Federal bank examiners, it is imperative that the two aforementioned Federal statutes not be infringed upon. Since Senate Bill 476 clearly infringes on those Federal Statutes, I am returning this bill without my signature.

Moreover, the Council on Banking has traditionally been composed of officers and persons with standing and experience in the banking business in the State, 5 Del. C. §301 (1953). Should the Commissioner divulge information to Council members concerning problems with one of the State's banks, members who are officers, directors or employees of other banks would then be placed in the position of having to reconcile their responsibilities as members of the Council and their loyalties and duties to their own institutions. I fear that should a Council member's bank even appear to benefit from information disclosed by the Commissioner, the integrity of the Council member could be questioned and that, under certain circumstances, he might be subject to suit.

The Delaware Code of Ethics, 29 Del. C. Ch. 58A, which applies to persons appointed to State commissions and councils, specifically prohibits conflicts between an individual's financial and business interests and his duties in the public interest. This Code speaks to the importance of such officials avoiding even the impression of such conflicts. Because I believe Senate Bill No. 476 places not only the Commissioner, but also all members of the Council on Banking in a precarious position as far as avoiding even the appearance of any impropriety or conflicts, I am returning Senate Bill No. 476 without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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On motion of Senator Cordrey, HCR 138 which had just been introduced and assigned to the Executive Committee was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee:
SB 704 - 4 Merits.

From the Labor Committee: HB 446 - 4 Merits; HB 448 - 4 Merits;
HB 973 - 4 Merits; HB 980 - 4 Merits.

From the Judiciary Committee: HB 579 - 4 Merits; HB 837 - 4 Merits; HB 989 - 4 Merits.

From the Corrections Committee: HB 1092 - 3 Merits, 1 Unfavorable.

At 2:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 54th Legislative Day.

54TH LEGISLATIVE DAY

The Senate convened at 2:20 p.m. June 28, 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 53rd Legislative Day was approved as read.

SB 655 was taken up for consideration on motion of Senator Holloway:

SB 655 - AN ACT TO AMEND CHAPTER 57, TITLE 16, DELAWARE CODE ENTITLED "STERILIZATION OF MENTAL DEFECTIVES" BY SUBSTITUTING AN ENTIRELY NEW CHAPTER ENTITLED "VOLUNTARY AND INVOLUNTARY STERILIZATION" AND MAKING AN APPROPRIATION THEREFOR.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Berndt and the roll call vote taken which revealed 18 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 2 (Cook and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 655 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (McCullough, McDowell and Zimmerman) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Holloway, the necessary rules were suspended for lifting SB 684 from the table for consideration:

SB 684 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO REGULATORY PROVISIONS OF ALCOHOLIC LIQUORS.

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

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

NO: Senators Arnold, McCullough, Spence - 3.

NOT VOTING: Senator Zimmerman - 1.

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

Consideration of SB 665 which was next on the Agenda for the day was temporarily deferred on motion of Senator Holloway.

At 2:45 p.m. Senator Adams presiding.

SB 360 was taken up for consideration on motion of Senator Knox:

SB 360 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO EXEMPTING CERTAIN POSITIONS IN STATE EMPLOYMENT FROM THE CLASSIFIED SERVICE.

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

The privilege of the floor was extended to Fred vanSant, Personnel Director, after which the roll call vote on SB 360 w SA 1 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 324 was taken up for consideration on motion of Senator Weiss:
SB 324 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS AND EMPLOYEES.

Senator Cicione moved that consideration of the Bill be deferred and the roll call vote on the motion was taken which revealed 20 Senators voting NO, and 1 (McCullough) ABSENT; therefore, the motion was defeated and the Bill remained before the Senate.

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 (Cicione and McCullough) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:22 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 4:33 p.m., Senator Adams presiding.

On motion of Senator Holloway, the necessary rules were suspended for lifting HB 1007 w HA 2 from the table for consideration:

HB 1007 w HA 2 - AN ACT TO AMEND DELAWARE CODE, TITLE 14 BY PROVIDING A UNIT AND STAFF AUTHORIZATION FOR HANDICAPPED PUPILS WHO ARE DEAF-BLIND.

The privilege of the floor was extended to Susanna Lee after which the roll call vote on HB 1007 w HA 2 was taken and revealed 19 Senators voting YES and 2 (McCullough and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 708 (Sponsored by Senator Murphy) was introduced and laid on the table at the request of the sponsor:

SB 708 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES PENSION PLAN.

SB 709 was introduced:

SB 709 - A CAPITAL PROJECTS ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF OBLIGATIONS TO FINANCE COSTS OF VARIOUS PROJECTS, APPROPRIATING THE PROCEEDS THEREOF TO VARIOUS AGENCIES OF THE STATE AND TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS, APPROPRIATING AMOUNTS IN THE BOND REVERSION ACCOUNT TO FINANCE COSTS OF VARIOUS PROJECTS, AND DE-AUTHORIZING THE ISSUANCE BY THE STATE OF OBLIGATIONS FOR VARIOUS PROJECTS. Sponsors: Senators Cook, Hale, Littleton; Representatives Gordy, McKay, George, Burris, Anderson.

On motion of Senator Cook, the necessary rules were suspended for consideration of the Bill and the roll call vote on SB 709 was taken and revealed 19 Senators voting YES, 1 (Holloway) NOT VOTING, and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 710 was introduced:

SB 710 - 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: Senator Cook, Hale, Littleton; Representatives Gordy, McKay, George, Burris.

On motion of Senator Cook, the necessary rules were suspended for consideration of the Bill and the roll call vote taken on SB 710 which revealed 20 Senators voting YES and 1 (Holloway) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 711 - AN ACT TO AMEND CHAPTER 691, VOLUME 60, LAWS OF DELAWARE, BEING THE CAPITAL IMPROVEMENTS ACT OF 1977 RELATING TO SCHOOL CONSTRUCTION AND RENOVATIONS IN THE LAUREL SCHOOL DISTRICT AND TO VALIDATE THE SPECIAL ELECTION OR REFERENDUM HELD BY THE LAUREL SCHOOL DISTRICT ON OCTOBER 9, 1977. Sponsors: Senator Littleton and Representative Gordy. Assigned to Finance Committee.

SB 712 - AN ACT TO PERMIT FACSIMILE SIGNATURE BY THE SECRETARY OF STATE UNDER CERTAIN CONDITIONS. Sponsor: Senator Murphy, by request. Assigned to Executive Committee.

SB 713 - AN ACT PROVIDING A SUPPLEMENTARY APPROPRIATION TO THE STATE INSURANCE DEPARTMENT FOR THE PURPOSE OF EMPLOYING ADDITIONAL PERSONNEL. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 714 - AN ACT TO ESTABLISH A CONSTRUCTION OVERVIEW COMMITTEE FOR THE DEPARTMENT OF CORRECTION AND MAKE APPROPRIATION THEREFOR. Sponsors: Senators Sharp, Holloway, Cicione, Cook, Hughes, Kearns, Berndt, Arnold; Representatives Darling, W. Brady, Morris, T. Brady, Riddagh, Ferguson.

On motion of Senator Sharp, the necessary rules were suspended for consideration of the Bill and the roll call vote on SB 714 was taken and revealed 19 Senators voting YES and 2 (Holloway and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 715 - AN ACT TO AMEND CHAPTER 86, TITLE 29, SUBCHAPTER III, DELAWARE CODE RELATING TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, OFFICE OF THE PUBLIC ADVOCATE. Sponsors: Senator Kearns and Representative Miller. The Bill was laid on the table at the request of Senator Kearns.

SJR 43 - ESTABLISHING A LEGISLATIVE COMMITTEE TO INVESTIGATE ALL ASPECTS OF A VOUCHER SCHOOL SYSTEM, WHICH COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsors: Senators McCullough and Spence; Representatives Lynch and Riddagh.

On motion of Senator McCullough, the necessary rules were suspended for consideration of the Resolution and the roll call vote was taken on SJR 43 which revealed:

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

NO: Senator Hale - 1.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Holloway and Weiss - 2.

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

SJR 44 - ESTABLISHING A WORKMAN'S COMPENSATION COMMISSION TO STUDY THE STATUS OF WORKMAN'S COMPENSATION INSURANCE IN THE STATE OF DELAWARE AND ELSEWHERE AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AS TO A SUGGESTED TOTAL REVISION OF DELAWARE'S WORKMAN'S COMPENSATION LAW. Sponsors: Senators Murphy, Sharp and Hughes; Representatives Byrd and Powell.

On motion of Senator Murphy, the necessary rules were suspended for consideration of the Resolution and the roll call vote on SJR 44 was taken and revealed 19 Senators voting YES and 2 (Holloway and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 113 - URGING THE COMMISSION FOR THE PURCHASE OF PRODUCTS AND SERVICES AND THE WORKSHOP FOR THE BLIND TO COOPERATE WITH OTHER ACCREDITED SHELTERED WORKSHOPS IN PROCURING CONTRACTS FOR PRODUCTS AND SERVICES FROM STATE AGENCIES. Sponsor: Senator Holloway. The Resolution was laid on the table at the request of Senator Zimmerman.

The Secretary announced that a message from the House informed the Senate that the House passed: SB 292; SB 298; SB 3; SB 492; SB 634 w HA 1; SB 577; SB 572 w SA 1; SB 348 w HA 1; SB 512 w HA 1.

On motion of Senator Cordrey, the necessary rules were suspended for reconsideration of SB 348 which had previously passed the Senate and as now returned from the House further amended by HA 1.

The roll call vote on SB 348 w HA 1 was then taken and revealed 20 Senators voting YES and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate.

On motion of Senator Cordrey, the necessary rules were suspended for reconsideration of SB 512 which had previously passed the Senate and as now returned from the House further amended by HA 1.

The roll call vote on SB 512 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate.

On motion of Senator Cordrey, the necessary rules were suspended for reconsideration of SB 634 which had previously passed the Senate and as now returned from the House further amended by HA 1.

The roll call vote on SB 634 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate.

HCR 139 - CONCURRING IN THE GOVERNOR'S DECISION TO NAME THE STATE BUILDING AT 21 THE GREEN, DOVER, DELAWARE, THE ROBERT A. SHORT BUILDING IN HONOR OF THE LATE INSURANCE COMMISSIONER. Sponsors: Representatives Sincock and Gordy for all members of the 129th General Assembly.

On motion of Senator Cordrey, the Resolution was considered for adoption 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.

HB 578 - AN ACT TO PROVIDE PAYMENT FOR UNUSED VACATION DUE TO TERMINATION OF EMPLOYMENT. Sponsor: Representative Ambrosino. The Bill was laid on the table at the request of Senator Berndt.

HB 586 - AN ACT TO AMEND CHAPTER 21, PART III, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL BUSINESS TAXES TO PROVIDE PROCEDURES FOR OBTAINING AND ENFORCING JUDGMENTS AGAINST DELINQUENT TAXPAYERS. Sponsors: Representatives Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 997 w HA 1 - AN ACT TO AMEND TITLE 16 RELATING TO BLACK POWDER AND EXPLOSIVE MATERIALS. Sponsor: Representative Minner. The Bill was laid on the table at the request of Senator Schlor.

HB 1005 - AN ACT TO AMEND CHAPTERS 41 AND 45 OF TITLE 21, DELAWARE CODE, RELATING TO COMBINATION OF VEHICLES USED FOR TRANSPORTATION OF MOTOR VEHICLES. Sponsor: Representative Minner. Assigned to Public Safety Committee.

HB 1135 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE TO PROVIDE THAT A RETIRED STATE POLICEMAN MAY COLLECT A PENSION FOR HIS SERVICE AS AN ELECTED OFFICIAL AND CONTINUE TO RECEIVE HIS PENSION AS A RETIRED STATE POLICEMAN. Sponsors: Representative Gilligan and Senator McCullough. The Bill was laid on the table at the request of Senator McCullough.

The following Committee reports were announced:

From the Health and Social Services Committee: HB 864 w HA 1, 2 - 4 Merits; HB 915 - 4 Merits.

From the Finance Committee: SB 711 - 6 Merits; HB 494 - 6 Merits; HB 787 - 6 Merits; HB 940 - 7 Merits; HB 1051 w HA 1 - 7 Merits; HB 639 w HA 1 - 6 Merits; HB 881 w HA 2 - 7 Merits; HB 641 w HA 1, 2 - 7 Merits; HB 768 - 7 Merits.

From the Education Committee: SB 35 - 5 Merits; HJR 36 - 1 Favorable, 4 Merits; HB 960 w HA 1 - 1 Favorable, 4 Merits; HB 1076 - 1 Favorable, 3 Merits; HB 924 - 5 Merits; HB 910 - 5 Merits; HB 751 - 1 Favorable, 4 Merits.

From the Public Safety Committee: HB 228 w HA 1 - 6 Merits; HB 951 - 6 Merits.

From the Community Affairs Committee: HB 955 w HA 1 - 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 952 - 6 Merits.

The following nominations for appointment by the Governor were reported out of the Executive Committee: George W. Kershner, III - 3 Merits, 3 Favorable; Virginia W. Johnson - 2 Merits, 4 Favorable; Jay Paul James - 3 Merits, 3 Favorable; William L. Cummings, Jr. - 2 Merits, 4 Favorable.

The following nominations for appointment by the Governor were read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 28, 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: Ralph Douglas Cope, 702 Abbey Road, Wilmington, Delaware, to be appointed a member of the Board of Trustees, University of Delaware, for a one-year term, to expire June 30, 1979.

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
June 28, 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: Leonard Bardsley, 2414 Manet Road, Wilmington, Delaware, to be reappointed as a member of the Board of Pension Trustees for a term of four years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

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On motion of Senator Martin, the necessary rules were suspended for reconsideration of SB 184 which had previously passed the Senate and as now returned from the House further amended by HA 2. Before final consideration of the Bill however, it was laid on the table on further motion of the Senator.

On motion of Senator Cook, the necessary rules were suspended for lifting from the table for consideration HB 1125:

HB 1125 - AN ACT TO AMEND TITLES 9, 10, AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF KENT COUNTY.

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 425 w HA 1, HA 2, HA 3 to HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 425 w HA 1, HA 2, HA 3 to HA 1 - AN ACT TO AMEND CHAPTER 68 OF TITLE 7, DELAWARE CODE RELATING TO CONSERVATION AND PRESERVATION EASEMENTS.

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

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

NOT VOTING: Senators McDowell and Sharp - 2.

ABSENT: Senators Cicone and Martin - 2.

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

On motion of Senator McCullough, the necessary rules were suspended for lifting HB 1135 from the table for consideration:

HB 1135 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE TO PROVIDE THAT A RETIRED STATE POLICEMAN MAY COLLECT A PENSION FOR HIS SERVICE AS AN ELECTED OFFICIAL AND CONTINUE TO RECEIVE HIS PENSION AS A RETIRED STATE POLICEMAN.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Cordrey) voting NO and 1 (Hughes) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Murphy, the necessary rules were suspended for lifting SB 712 from the table for consideration:

SB 712 - 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 18 Senators voting YES and 3 (McDowell, Sharp and Spence) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Kearns, the necessary rules were suspended for lifting SB 715 from the table for consideration:

SB 715 - AN ACT TO AMEND CHAPTER 86, TITLE 29, SUBCHAPTER III, DELAWARE CODE RELATING TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, OFFICE OF THE PUBLIC ADVOCATE.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cordrey) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Martin, the necessary rules were suspended for lifting SB 184 from the table for reconsideration as further amended by HA 2. The roll call vote on SB 184 w HA 2 was then taken and revealed 19 Senators voting YES and 2 (Cordrey and McDowell) voting NO; therefore, the Bill was declared passed by the Senate.

On motion of Senator Holloway, the necessary rules were suspended for lifting SB 666 from the table for consideration:

SB 666 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT FOR SERVICES BY PATIENTS OF THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL.

The privilege of the floor was extended to Elizabeth Henry (Senior Citizens Legal Assistance Program) after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Martin) voting NO, 1 (McCullough) NOT VOTING and 1 (Hale) 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 697 w SA 1 was lifted but again laid on the table before being announced on further motion of the Senator.

SB 716 (sponsored by Senator Cicione) was introduced and assigned to Executive Committee:

SB 716 - AN ACT TO AMEND CHAPTER 25, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF JUSTICE; PROVIDING FOR THE RECOVERY OF ATTORNEY'S FEES AND COURT COSTS IN LITIGATION.

SA 1 to SB 696 sponsored by Senator Hughes. Placed with the Bill.

On motion of Senator McDowell, the roll call on SB 587 w SA 1,2,3 was lifted; however, the roll call was again laid on the table before being announced on further motion of the Senator.

On motion of Senator Hughes, the necessary rules were suspended for lifting SB 699 from the table for consideration:

SB 699 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRAFFIC SIGNAL CONTROL EQUIPMENT.

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

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

NO: Senator Adams - 1.

NOT VOTING; Senator Schlor - 1.

ABSENT: Senators McCullough and Zimmerman - 2.

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

SA 1 to SB 634 was stricken at the request of the sponsor, Senator Cordrey.

At 7:07 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. June 29, 1978

The Senate reconvened at 1:58 p.m. June 29, 1978, Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that the House passed: SB 471; SB 707; SB 709; SB 710; SB 714; SB 163 w SA 1, HA 3, 4, 6, 8; SB 455 w SA 1; SB 561; SB 564; SB 565; SB 576; SB 582; SB 610; SB 611; SB 614; SB 615; SB 617; SB 629; SB 636; SB 637; SB 638 and adopted SJR 41; SJR 42.

On motion of Senator Cordrey, and without objection, the numerous House Bills introduced and listed below were read by Bill number and sponsor only without the Title:

HB 534 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CIVIL PROCEEDINGS. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 536 - AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, RELATING TO THE FEES OF THE REGISTER OF WILLS IN NEW CASTLE COUNTY. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 535 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CRIMINAL PROCEEDINGS. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 537 - AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE SHERIFF OF NEW CASTLE COUNTY. Sponsor: Representative Jonkiert. Assigned to Judiciary Committee.

HB 585 - AN ACT TO AMEND CHAPTER 13, TITLE 30 OF THE DELAWARE CODE RELATING TO INHERITANCE TAX RETURNS. Sponsors: Representatives Cain and Powell. Assigned to Revenue and Taxation Committee.

HB 893 w HA 1 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE HIRING OF CERTAIN STATE EMPLOYEES. Sponsors: Representatives Gordy, Byrd, Hebner, Jonkiert, Riddagh; Senators Cicione, Holloway, Spence, Cook. The Bill was laid on the table at the request of Senator Cicione.

HB 923 - AN ACT TO CHANGE THE NAME OF THE HOSPITAL FOR THE MENTALLY RETARDED, A FACILITY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO THE STOCKLEY CENTER FOR THE MENTALLY RETARDED. Sponsors: Representative Clendaniel and all Sussex County Representatives and Senators. Assigned to Health and Social Services Committee.

HB 933 - AN ACT MAKING AN APPROPRIATION TO THE DIVISION OF HIGHWAYS FOR THE REPLACEMENT OF ONE BRIDGE AT MILFORD, DELAWARE. Sponsor: Representative Burris. Assigned to Highways and Transportation Committee.

HB 944 - AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO PENALTIES UNDER THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsors: Representative Hebner and Senator Holloway. Assigned to Health and Social Services Committee.

HB 963 - AN ACT TO AMEND CHAPTERS 41 AND 42, TITLE 21, DELAWARE CODE, RELATING TO PENALTIES FOR VIOLATIONS OF RULES OF THE ROAD. Sponsor: Representative Smith. Assigned to Public Safety Committee.

HB 982 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF PROVIDING BACK PAY TO CERTAIN TEACHERS WHO FAILED TO RECEIVE PROPER PAY BASED UPON DEGREES EARNED. Sponsor: Representative Bennett. Assigned to Finance Committee.

HB 988 - AN ACT TO AMEND CHAPTER 74, TITLE 29, DELAWARE CODE, RELATING TO DEBT STATEMENTS, AND TO AMEND CHAPTER 57, TITLE 29, DELAWARE CODE, RELATING TO SOCIAL SECURITY, AND TO AMEND CHAPTER 61, TITLE 29, DELAWARE CODE RELATING TO THE DEPOSITS AND REPORTING OF DEPOSITS TO THE GENERAL FUND, AND TO AMEND CHAPTER 27, TITLE 29, DELAWARE CODE RELATING TO THE STATE TREASURER, AND TO AMEND CHAPTER 31, TITLE 19, DELAWARE CODE RELATING TO THE UNEMPLOYMENT COMPENSATION FUND AND SPECIAL ADMINISTRATION FUND. Sponsors: Representatives Bennett, Gordy and Sincok; Senator Cook. Assigned to Executive Committee.

HB 1010 - AN ACT TO AMEND CHAPTER 54, TITLE 30, OF THE DELAWARE CODE RELATING TO REALTY TRANSFER TAX. Sponsors: Representatives Vernon, McKay, Miller and Smith. Assigned to Revenue and Taxation Committee.

HB 1015 - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE, RELATING TO DEFINITIONS UNDER THE LAW REGULATING REAL ESTATE BROKERS AND SALESMEN. Sponsor: Representative Lynch. Assigned to Administrative Services Committee.

HB 1018 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 23, TITLE 19, DELAWARE CODE RELATING TO THE REPLACEMENT OF PROSTHESIS FOR INJURED

PERSONS WITHOUT CONSTITUTING A NEW CLAIM PERIOD. Sponsor: Representative Gilligan. The Bill was laid on the table at the request of Senator Murphy.

HB 1022 - AN ACT TO AMEND SECTION 1451, TITLE 9, DELAWARE CODE, RELATING TO THE DEPARTMENT OF PERSONNEL FOR NEW CASTLE COUNTY. Sponsors: Representatives Sincock and Boulden. Assigned to Community Affairs Committee.

HB 1026 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION. Sponsors: Representatives Gordy and Clendaniel. The Bill was laid on the table at the request of Senator Cordrey.

HB 1042 - AN ACT TO AMEND PART V, TITLE 29, DELAWARE CODE TO PROVIDE FOR LEAVE FOR STATE EMPLOYEES TO PARTICIPATE IN OLYMPIC COMPETITION. Sponsors: Representatives Sincock and W. Brady. Assigned to Executive Committee.

HB 1062 - AN ACT TO AUTHORIZE AND APPROVE THE LEASING OF .6998 ACRES OF UNIMPROVED LAND ON U.S. ROUTE 113 IN DOVER TO THE DELAWARE STATE EMPLOYEES FEDERAL CREDIT UNION, A COOPERATIVE ASSOCIATION ORGANIZED UNDER THE LAWS OF THE UNITED STATES OF AMERICA. Sponsor: Representative Burris. The Bill was laid on the table at the request of Senator Cook.

HB 1065 - AN ACT TO AMEND CHAPTER 31, TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE EXERCISE OF PERSONAL JURISDICTION OVER NON-RESIDENTS IN ANY CAUSE OF ACTION ARISING FROM CONDUCT WITHIN THE STATE OR TORTIOUS INJURY OUTSIDE THE STATE. Representatives Gilligan, Gordy and Ambrosino; Senators Holloway and Kearns. Assigned to Judiciary Committee.

HB 1068 - AN ACT TO AMEND 61 DELAWARE LAWS, CHAPTER 116, FORMERLY HOUSE BILL 300 BY THE 129TH GENERAL ASSEMBLY RELATING TO THE RETIRED SENIOR VOLUNTEER PROGRAM. Sponsors: Representative Rispoli and Senator Schlor. Assigned to Finance Committee.

HB 1072 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR PAYMENT OF ACCUMULATED LEAVE OF AN EMPLOYEE. Sponsor: Representative Darling. Assigned to Finance Committee.

HB 1079 w HA 1, 2, 3, 4, 5 - AN ACT TO PROVIDE ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEARS' OBLIGATIONS BY MAKING SUPPLEMENTAL APPROPRIATIONS TO VARIOUS AGENCIES AND BY AMENDING 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. Sponsors: Representatives Sincock and George. The Bill was laid on the table at the request of Senator Cicione.

HB 1083 - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE RELATING TO CIVIL JURISDICTION OF THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE. Sponsor: Representative Matushefske. Assigned to Judiciary Committee.

HB 1086 - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE ADVISORY COUNCIL ON AGING. Sponsors: Representatives Kelly and Jonkiert; Senator Holloway. Assigned to Executive Committee.

HB 1116 - AN ACT TO REINCORPORATE THE TOWN OF HOUSTON. Sponsor: Representative Darling. The Bill was laid on the table at the request of Senator Cook.

HB 1139 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Representatives Jonkiert, Miller, Loughney, Billingsley and Smith. The Bill was laid on the table at the request of Senator Cicione.

HB 1140 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO FIRE COMPANIES AND TO OTHER ORGANIZATIONS WHICH OPERATE AMBULANCES. Sponsors: Representatives Jonkiert, Billingsley, Loughney, Miller and Smith. The Bill was laid on the table at the request of Senator Cicione.

SS 1 for SB 163 w SA 1 which had previously passed the Senate was returned from the House further amended by HA 3, 4, 6, 7, 8 and laid on the table at the request of Senator Martin.

HB 1128 - AN ACT TO AMEND CHAPTER 283, VOLUME 21, LAWS OF DELAWARE, AS AMENDED, ENTITLED 'AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK. Sponsors: Representative Minner and Senator Zimmerman. The Bill was laid on the table at the request of Senator Zimmerman.

SB 700 was reported out of the Banking, Insurance and Elections Committee: 5 Merits.

At 2:08 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 55th Legislative Day.

55TH LEGISLATIVE DAY

The Senate convened at 2:08 p.m. June 29, 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 54th Legislative Day was approved as read.

The members of the Girls State who were present in the Chamber were introduced to the Senate by Senator Cicione.

The following legislation was introduced:

SB 717 - AN ACT TO REINCORPORATE THE TOWN OF MILTON. Sponsor: Senator Adams. The Bill was laid on the table at the request of the sponsor.

SB 718 - AN ACT TO AMEND CHAPTER 691, VOLUME 60, LAWS OF DELAWARE, BEING THE CAPITAL IMPROVEMENTS ACT OF 1977 RELATING TO SCHOOL CONSTRUCTION AND RENOVATIONS IN THE LAUREL SCHOOL DISTRICT AND TO VALIDATE THE SPECIAL ELECTION OR REFERENDUM HELD BY THE LAUREL SCHOOL DISTRICT ON OCTOBER 9, 1976. Sponsors: Senator Littleton and Representative Gordy. Assigned to Education Committee.

SB 719 - AN ACT TO CREATE THE FENWICK ISLAND SANITARY SEWER DISTRICT AND THE FENWICK ISLAND WATER DISTRICT AND TO AUTHORIZE THE ISSUANCE OF BONDS PURSUANT TO AND FOR THE PURPOSES SET FORTH IN TITLE

9, CHAPTER 65, INCLUDING TO REFUND OBLIGATIONS OF SUSSEX COUNTY ISSUED TO FINANCE IMPROVEMENTS IN SUCH DISTRICT. Sponsors: Senators Cordrey, Adams, Littleton; Representative Vernon. The Bill was laid on the table at the request of Senator Cordrey.

SA 1 to SB 589 sponsored by Senator Martin. Placed with the Bill.

On motion of Senator Holloway, SCR 113 was lifted from the table for consideration:

SCR 113 - URGING THE COMMISSION FOR THE PURCHASE OF PRODUCTS AND SERVICES AND THE WORKSHOP FOR THE BLIND TO CO-OPERATE WITH OTHER ACCREDITED SHELTERED WORKSHOPS IN PROCURING CONTRACTS FOR PRODUCTS AND SERVICES FROM STATE AGENCIES.

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

On motion of Senator Kearns, the roll call vote on HB 681 w HA 1 was lifted and announced:

YES: Senators Adams, Berndt, Cordrey, Hale, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Weiss, Zimmerman - 13.

NO: Senators Arnold, Cook, Hughes, Littleton, McCullough, Sharp, Spence - 7.

ABSENT: Senator Schlor - 1.

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

HB 375 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 375 w HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE CORPORATION INCOME TAX.

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

HB 946 was taken up for consideration on motion of Senator McCullough:

HB 946 - AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE SEAFORD SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS MINOR CAPITAL IMPROVEMENT FUNDS ACCOUNT TO LOCAL FUNDS ACCOUNT.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Cook, Hale, Holloway and Littleton) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 941 was taken up for consideration on motion of Senator Cordrey:

HB 941 - AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR PAYMENT OF AN ANNUAL INCREMENT THAT WAS NOT GIVEN TO JAMES H. DARE, AN EMPLOYEE OF THE DEPARTMENT.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cordrey, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 16.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Cook, Hale, Holloway, Littleton - 4.

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

HB 889 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 889 w HA 1 - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO EMERGENCY VEHICLES AND WARNING DEVICES USED ON SUCH VEHICLES.

The privilege of the floor was extended to Representative Minner after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING, and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 852 was taken up for consideration on motion of Senator Cordrey:

HB 852 - AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO THE ENFORCEMENT OF CONTROLS ON OFF-HIGHWAY VEHICLES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Berndt) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

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

HB 828 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF INHERITANCE TAXES AND ESTATE TAXES UPON THE ESTATE OF ANY DECEDENT AFTER THE EXPIRATION OF 20 YEARS FROM THE DECEDENT'S DATE OF DEATH.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Murphy, Schlör, Sharp, Spence, Weiss, Zimmerman - 17.

NO: Senator McDowell - 1.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Littleton and Martin - 2.

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

HB 952 was taken up for consideration on motion of Senator Zimmerman:

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.

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

YES: Senators Arnold, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Berndt, Cicione, Cook, Cordrey, Sharp - 6.

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

HB 968 was taken up for consideration on motion of Senator Sharp:

HB 968 - AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROVIDE FOR SALE OF BONDS AT PUBLIC OR PRIVATE SALE.

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

HB 882 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 882 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING TO AID TO CHILDREN UNDER THE STATE PUBLIC ASSISTANCE CODE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway. The privilege of the floor was extended to Vivian Haughton (Community Legal Aid) after which the roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (McCullough, Schlor and Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 882 w HA 1, SA 1 was then taken and revealed:

YES: Senators Berndt, Cicione, Cook, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Weiss, Zimemerman - 13.

NO: Senators Adams, Arnold, Cordrey, Hughes, Sharp, Spence - 6.

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 Amendment.

HB 599 was taken up for consideration on motion of Senator Cicione:

HB 599 - AN ACT TO AMEND CHAPTER 144, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID" TO INCREASE THE APPROPRIATION TO THE GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE FOR AID TO LOCAL LAW ENFORCEMENT.

The privilege of the floor was extended to Representative Minner and Robert F. Stuart after which the roll call vote on HB 599 was taken; before, being announced, however, the roll call was tabled on motion of Senator Cicione.

HB 929 was taken up for consideration on motion of Senator Cicione:

HB 929 - AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO THE STATE TREASURER FOR THE PURPOSE OF PAYING A PRIOR YEARS OBLIGATION.

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 657 w HA 1, 2 was taken up for consideration on motion of Senator Littleton:

HB 657 w HA 1, 2 - AN ACT TO AUTHORIZE THE TRANSFER OF THE ROSS POINT SCHOOL BUILDING, IN THE LAUREL SCHOOL DISTRICT, TO THE ROSS POINT IMPROVEMENT CLUB.

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 742 was taken up for consideration on motion of Senator Sharp:

HB 742 - AN ACT TO REPEAL CHAPTER 200, VOLUME 61, LAWS OF DELAWARE, RELATING TO A SHORT-TERM CORRECTIONAL FACILITY.

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

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

NO: Senators Arnold, Berndt, Hale, Holloway, Knox, Littleton, McDowell, Murphy, Weiss, Zimmerman - 10.

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

HB 57 was laid on the table at the request of Senator Adams.

HB 896 was taken up for consideration on motion of Senator Adams:

HB 896 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE SELECTION OF EMPLOYEES FROM ELIGIBILITY LISTS.

The privilege of the floor was extended to Earl McGinnis (Director, Legislative Council) and Fred VanSant (Personnel Director) after which 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, McDowell, Murphy, Sharp, Spence - 16.

NO: Senator Hale - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators McCullough, Weiss, Zimmerman - 3.

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

HB 895 was taken up for consideration on motion of Senator Adams:

HB 895 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO EXEMPTION FROM THE CLASSIFIED SERVICE.

The privilege of the floor was extended to Earl McGinnis (Director, Legislative Council) and Fred VanSant (State Personnel Director) after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Cordrey, McCullough and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 892 was taken up for consideration on motion of Senator Adams:

HB 892 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF ELIGIBILITY LISTS.

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

On motion of Senator Adams, the necessary rules were suspended for lifting from the table HB 893 w HA 1 for consideration:

HB 893 w HA 1 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE HIRING OF CERTAIN STATE EMPLOYEES.

The privilege of the floor was extended to Fred VanSant and Earl McGinnis.

SA 1 to the Bill was introduced by Senator Cicione and laid on the table at his request.

The roll call vote on HB 893 w HA 1 was then taken and revealed:

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

NO: Senators Arnold, Berndt, Hughes, Knox - 4.

ABSENT: Senators McDowell, Weiss, Zimmerman - 3.

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

HB 913 was taken up for consideration on motion of Senator Cordrey:

HB 913 - AN ACT TO AMEND CHAPTER 61, PART V, TITLE 30, DELAWARE CODE, PUBLIC ACCOMMODATION TAXES, TO PROVIDE PROCEDURES FOR OBTAINING AND ENFORCING JUDGEMENTS AGAINST DELINQUENT TAXPAYERS.

The privilege of the floor was extended to John L. Sullivan (Division of Revenue) after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 838 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 838 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO NON-DISCLOSURE OF INCOME TAX RETURN INFORMATION.

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 877 w HA 2 was taken up for consideration on motion of Senator Cordrey:

HB 877 w HA 2 - AN ACT TO AMEND SECTION 2301, CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO EXEMPTIONS FROM BUSINESS AND OCCUPATIONAL LICENSES AND TAXES.

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 876 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 876 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS DEALERS.

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

HB 57 was lifted from the table for consideration on motion of Senator Adams:

HB 57 - AN ACT TO AMEND CHAPTER 51, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING CERTAIN CITIZENSHIP AND RESIDENCE REQUIREMENTS.

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

The privilege of the floor was extended to Tom Sandbach after which the roll call vote on HB 57 w SA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

Senator Martin moved that the necessary rules be suspended for reconsideration of SS 1 for SB 163 w SA 1 which had previously passed the Senate and as now returned from the House further amended by HA 3, 4, 6, 7, 8. The roll call vote on the motion was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Kearns, Knox, Martin, McDowell, Sharp, Spence, Weiss - 11.

NO: Senators Adams, Cicione, Cook, Cordrey, Littleton, McCullough, Murphy, Schlor - 8.

ABSENT: Senators Holloway and Zimmerman - 2.

Therefore, the motion prevailed and the Bill was taken up.

The roll call vote on SS 1 for SB 163 w SA 1, HA 3, 4, 6, 7, 8 was then taken and revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Hughes, Kearns, Knox, Martin, Sharp, Spence, Weiss - 11.

NO: Senators Adams, Cook, Cordrey, Holloway, Littleton, Murphy, Zimmerman - 7.

NOT VOTING: Senators McCullough and McDowell - 2.

ABSENT: Senator Schlor - 1.

Therefore, the Bill was declared passed by the Senate.

HB 752 w HA 2, 3, 5 was taken up for consideration on motion of Senator Cook:

HB 752 w HA 2, 3, 5 - AN ACT TO AMEND CHAPTER 27, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL LAND SURVEYORS.

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

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Holloway, Knox, Littleton, Martin, McCullough, Murphy, Schlor - 12.

NO: Senators Cordrey, Kearns, McDowell, Sharp, Spence - 5.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senators Hughes, Weiss, Zimmerman - 3.

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

HB 1004 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 1004 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE TO PERMIT THE HOLDER OF TAPROOM OR RESTAURANT OFF AND ON LIQUOR LICENSES TO MOVE THE LOCATION OF ONE OF HIS LICENSES.

The privilege of the floor was extended to Harry Terry (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:

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

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

ABSENT: Senators Hale and Martin - 2.

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

HB 659 was taken up for consideration on motion of Senator Cook:

HB 659 - AN ACT TO AID THE HOCKESSIN 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 Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 919 was taken up for consideration on motion of Senator Cook:

HB 919 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF AN AERIAL TRUCK.

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

HB 987 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 987 w HA 1 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS.

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

YES: Senators Adams, Arnold, Cicione, Cook, Hale, Holloway, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Weiss, Zimmerman - 15.

NO: Senators Cordrey, Kearns, McDowell, Sharp - 4.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Berndt - 1.

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

HB 916 was taken up for consideration on motion of Senator Cook:

HB 916 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, TO PERMIT THE EMPLOYMENT OF A PERSON WHO IS 18 OR 19 YEARS OF AGE BY A LICENSED IMPORTER OF ALCOHOLIC LIQUORS.

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

YES: Senators Adams, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss, Zimmerman - 17.

NO: Senators Arnold, Littleton, Spence - 3.

NOT VOTING: Senator Berndt - 1.

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

HB 327 was taken up for consideration on motion of Senator Cook:

HB 327 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO THE EMPLOYMENT OF 16-YEAR OLDS.

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

YES: Senators Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, McDowell, Schlör, Weiss - 10.

NO: Senators Adams, Martin, McCullough, Spence - 4.

NOT VOTING: Senators Arnold, Berndt, Kearns, Littleton, Murphy, Sharp, Zimmerman - 7.

Therefore, the Amendment was declared lost.

HB 327 was then laid on the table on further motion of Senator Cook.

HB 584 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 584 w HA 1 - AN ACT TO AMEND CHAPTER 74, TITLE 16, DELAWARE CODE, RELATING TO THE STORAGE OF RADIOACTIVE MATERIAL.

SA 2 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Holloway.

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 19 Senators voting YES and 2 (McDowell and Spence) voting NO; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Charles R. Gates (Delaware Power and Light Company) after which the roll call vote on HB 584 w HA 1, SA 1 was taken and revealed 18 Senators voting YES and 3 (Cicione, Holloway and McCullough) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator Adams, the necessary rules were suspended for consideration on SB 717:

SB 717 - AN ACT TO REINCORPORATE THE TOWN OF MILTON.

The roll call vote on the Bill was taken and revealed 19 Senators

voting YES and 2 (Berndt and Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator McDowell, the roll call vote on HB 475 w HA 1, 2, SA 1 was lifted and announced:

YES: Senators Arnold, Berndt, Cicione, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Schlor, Spence, Weiss - 12.

NO: Senators Adams, Cook, Cordrey, Hale, Holloway, Littleton, Murphy, Sharp, Zimmerman - 9.

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

On motion of Senator Berndt, the roll call vote on HB 584 w SA 1 which had passed the Senate but not yet returned to the House was rescinded.

On motion of Senator Holloway, the roll call vote on SA 1 to HB 584 was rescinded and the Amendment stricken.

SA 2 to HB 584 was introduced by Senator Holloway and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (McDowell and Spence) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HB 584 w HA 1, SA 2 was then taken and revealed 20 Senators voting YES and 1 (Cicione) NOT VOTING; therefore the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 446 was taken up for consideration on motion of Senator Sharp:

HB 446 - AN ACT TO AMEND CHAPTERS 31 AND 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION TO INCREASE THE PENALTY FOR FAILING TO FILE REPORTS AND THE INTEREST ON PAST-DUE ASSESSMENTS.

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

HB 448 was taken up for consideration on motion of Senator Sharp:

HB 448 - AN ACT TO AMEND SECTION 31, TITLE 19, DELAWARE CODE, TO MAKE THE STATE TREASURER THE TREASURER AND CUSTODIAN OF THE UNEMPLOYMENT COMPENSATION FUND AND SPECIAL ADMINISTRATION FUND.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Berndt, McCullough, Murphy and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 973 was taken up for consideration on motion of Senator Sharp:

HB 973 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

The privilege of the floor was extended to Frank P. Vavala (Department of Labor) after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Martin, Murphy and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 980 was taken up for consideration on motion of Senator Sharp:

HB 980 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO THE MAXIMUM AMOUNT OF WORKMAN'S COMPENSATION.

The privilege of the floor was extended to Donald P. Whitely, Secretary of Labor, after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Schlor and Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

Senator Holloway moved that the roll call vote on SB 609 be lifted; however, there was an objection and the Senator withdrew his motion.

The following Committee reports were announced:

From the Highways and Transportation Committee: SB 678 - 6 Merits; HB 831 - 6 Merits; HB 933 - 5 Merits.

From the Community Affairs Committee: SB 702 - 4 Merits.

From the Education Committee: SB 718 - 5 Merits.

From the Health and Social Services Committee: HB 994 - 4 Merits.

From the Finance Committee: HB 982 - 1 Favorable, 5 Merits; HB 10 - 3 Favorable, 6 Merits; HB 1068 - 3 Favorable, 3 Merits; HB 1072 - 6 Merits.

From the Judiciary Committee: HB 1065 - 5 Merits; HB 537 - 5 Merits; HB 536 - 5 Merits; HB 535 - 5 Merits; HB 534 - 5 Merits; HB 1083 - 5 Merits.

The following communications were read from the Governor:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 29, 1978

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

The nomination of Joseph S. C. Mach as a member of the Delaware River and Bay Authority, submitted to you on September 21, 1977, is hereby formally withdrawn at the request of Mr. Mach.

Sincerely,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 29, 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: Arthur Leo Donnelly, Cannon Middleford Road, Seaford, to be reappointed as a member of the Dela-

ware River and Bay Authority for a term of five years.
Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

The following legislation was introduced:

SB 720 - AN ACT TO AMEND SECTION 7305 (b) OF CHAPTER 73, TITLE 7, OF THE DELAWARE CODE TO SPECIFY A TERM OF OFFICE FOR THE DELAWARE NATURAL AREAS ADVISORY COUNCIL. Sponsor: Senator Zimmerman. The Bill was laid on the table at the request of the sponsor.

SB 721 - AN ACT TO AMEND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO THE PROCEDURE FOR DETERMINING PUNISHMENT AND METHOD OF PUNISHMENT FOR FIRST DEGREE MURDER. Sponsors: Senator Sharp and Representative Riddagh. The Bill was laid on the table at the request of Senator Sharp.

SA 4 to HB 77 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to SB 706 sponsored by Senator Cicione. Placed with the Bill.

SA 1 to HB 751 sponsored by Senator Martin. Placed with the Bill.

SA 2 to SB 706 sponsored by Senator Hughes. Placed with the Bill.

SA 1 To HB 1015 sponsored by Senator Holloway. Placed with the Bill.

SA 1 to HB 925 sponsored by Senator Adams. Placed with the Bill.

SA 2 to HB 925 sponsored by Senator Hughes. Placed with the Bill.

SA 1 to HB 1139 sponsored by Senator Hughes. Placed with the Bill.

SA 1 to HB 1116 sponsored by Senator Cook. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 113.

HB 925 was introduced and laid on the table on motion of Senator Adams:

HB 925 - AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF CERTAIN PROPERTY IN CEDAR CREEK HUNDRED. Sponsor: Representative Burris.

On motion of Senator Kearns, the roll call vote on

HB 84 w HA 3, 4, SA 1 w SA 2, SA 2 was lifted and announced:

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

NO: Senators Knox, Weiss, Zimmerman - 3.

NOT VOTING: Senators Hale, Holloway, Murphy, Schlor - 4.

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

On motion of Senator Holloway, the roll call vote on SB 609 w SA 2 was lifted and announced:

YES: Senators Berndt, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Martin, Murphy, Spence, Weiss, Zimmerman - 13.

NO: Senators Adams, Arnold, Cordrey, Littleton, McCullough, McDowell, Sharp - 7.

ABSENT: Senator Schlor - 1.

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

At 7:47 p.m. on motion of Senator Cordrey, the Senate recessed until 1:00 p.m. June 30, 1978.

The Senate reconvened at 1:05 p.m. June 30, 1978, President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 178.

SA 2 to SB 706 was stricken at the request of Senator Hughes.

At 1:10 p.m. Senator Martin presiding.

On motion of Senator Zimmerman, the necessary rules were suspended for lifting SB 720 from the table for consideration:

SB 720 - AN ACT TO AMEND SECTION 7305(b) OF CHAPTER 73, TITLE 7, OF THE DELAWARE CODE TO SPECIFY A TERM OF OFFICE FOR THE DELAWARE NATURAL AREAS ADVISORY COUNCIL.

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

On motion of Senator Cordrey, the necessary rules were suspended for lifting SB 719 from the table for consideration:

SB 719 - AN ACT TO CREATE THE FENWICK ISLAND SANITARY SEWER DISTRICT AND THE FENWICK ISLAND WATER DISTRICT AND TO AUTHORIZE THE ISSUANCE OF BONDS PURSUANT TO AND FOR THE PURPOSES SET FORTH IN TITLE 9, CHAPTER 65, INCLUDING TO REFUND OBLIGATIONS OF SUSSEX COUNTY ISSUED TO FINANCE IMPROVEMENTS IN SUCH DISTRICTS.

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

On motion of Senator Cicione, the necessary rules were suspended for consideration of SB 361:

SB 361 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO ENFORCEMENT OF THIS CHAPTER BY LEGAL ACTION.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cicione.

The privilege of the floor was extended to Fred vanSant (Personnel Director) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams and McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 361 w SA 1 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.

On motion of Senator Kearns, the necessary rules were suspended for consideration of SB 623:

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.

The roll call vote on the Bill was taken on motion of Senator Kearns; however, after the roll call was taken, it was immediately rescinded on motion of Senator Sharp.

The Bill was still before the Senate and the privilege of the floor was extended to Richard A. Haber and Tom Sandbach (Senator Attorney).

Further consideration of the Bill was then deferred on motion of Senator Kearns.

The following message from Lt. Governor McGinnis was read:

Lieutenant Governor
Dover, Delaware

ALL SENATE STAFF:

These flowers are just a token of the respect and admiration that I have for each of you.

Your willingness to "pitch in" and get the job done and your smiling faces make my job not only easier but a pleasure.

I thank you all for everything you have so cheerfully done and hope that each and every one of you are coming back next year.

You are the best Senate staff ever and I hope the flowers light up your day the way you have helped light up my life.

Jim.

* * * * *

A Prayer was offered by Senator Littleton for Lt. Governor McGinnis' mother, Evelyn Rollins, whose death had been recently announced.

SB 700 was taken up for consideration on motion of Senator Murphy:

SB 700 - AN ACT TO AMEND TITLE 5, DELAWARE CODE, BY ADDING A NEW CHAPTER ENTITLED MORTGAGE BANKING.

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 sent to the House for consideration.

SB 721 was stricken at the request of the sponsor, Senator Sharp.

SB 702 was taken up for consideration on motion of Senator McCullough:

SB 702 - AN ACT TO AMEND CHAPTER 120, VOLUME 35, LAWS OF DELAWARE, BEING "AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE," RELATING TO THE ANNEXATION OF ROADS.

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

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of SJR 45:

SJR 45 - EXPRESSING OUR DEEPEST SYMPATHIES TO OUR FRIEND AND COLLEAGUE, LIEUTENANT-GOVERNOR JAMES D. MCGINNIS, IN THIS TIME OF SORROW UPON THE DEATH OF HIS BELOVED MOTHER. Sponsors: Senator Cordrey and all the Senators; Representative Gordy and all the Representatives.

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

SR 139 (sponsored by Senator Cordrey) was introduced and considered for adoption:

SR 139 - AN ACT TO AMEND CHAPTER 68, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ENFORCEMENT OF CONTROLS ON OFF-HIGHWAY VEHICLES.

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

SB 669 was taken up for consideration on motion of Senator Holloway:

SB 669 - AN ACT TO AMEND CHAPTER 46, TITLE 6, DELAWARE CODE, RELATING TO THE TIME IN WHICH COMPLAINTS OF UNLAWFUL HOUSING PRACTICES MAY BE FILED.

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

The roll call vote on SB 669 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 704 was taken up for consideration on motion of Senator McCullough:

SB 704 - AN ACT TO PROVIDE AN APPROPRIATION TO THE NEW CASTLE CONSERVATION DISTRICT TO COMPLETE WORK AT THE BROAD DIKE PROJECT.

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 1116 was taken up for consideration on motion of Senator Cook:

HB 1116 - AN ACT TO REINCORPORATE THE TOWN OF HOUSTON.

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 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 1116 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

The following nomination for appointment by the Governor was read and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

June 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: Gene Derrickson, 406 Harvey Rd., Claymont, Delaware, to be a member of the Board of Trustees of the Delaware Technical and Community College until July 1, 1980, to

fill the unexpired term of P. Rodney Cunningham, resigned.
Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor,
* * * * *

SA 3 to SB 706 (sponsored by Senator Hughes) was introduced and placed with the Bill.

SA 5 to HB 77 (sponsored by Senator Hughes) was introduced and placed with the Bill.

HB 639 w HA 1 was taken up for consideration on motion of Senator Cicone:

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.

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

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlör, Spence, Weiss - 16.

NO: Senator McDowell - 1.

NOT VOTING: Senators Holloway, Sharp, Zimmerman - 3.

ABSENT: Senator Arnold - 1.

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

HB 641 w HA 1, 2 was taken up for consideration on motion of Senator Cicone:

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.

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 881 w HA 2 was taken up for consideration on motion of Senator Cicone:

HB 881 w HA 2 - AN ACT TO PROVIDE SUPPLEMENTAL APPROPRIATIONS TO VARIOUS AGENCIES FOR THE PURPOSE OF PROVIDING ADDITIONAL OPERATING FUNDS.

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 returned to the House.

HB 1051 w HA 1 was taken up for consideration on motion of Senator Cicone:

HB 1051 w HA 1 - AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO TRANSFER FUNDS BETWEEN ALL LINES AND DIVISIONS.

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 1079 w HA 1, 2, 3, 4, 5 was taken up for consideration on motion of Senator Cicone:

HB 1079 w HA 1, 2, 3, 4, 5 - AN ACT TO PROVIDE ADDITIONAL OPERATING FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 1978, AND PRIOR YEARS' OBLIGATIONS BY MAKING SUPPLEMENTAL APPROPRIATIONS TO VARIOUS AGENCIES AND BY AMENDING 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.

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 2:31 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., President Pro Tempore Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that the House passed SB 680; SB 556; SS 1 for SB 552; SB 717.

The following House Concurrent Resolutions were introduced and acted upon:

HCR 142 - PERTAINING TO THE MEMBERSHIP OF THE LEGISLATIVE COUNCIL OF DELAWARE. Sponsors: Representatives Jonkiert and Sincok.

On motion of Senator Knox, the roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, McCullough, McDowell, Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 143 - SALUTING THE PLAYERS, CHEERLEADERS, COACHES, THE DELAWARE 1978 ALL-STAR FOOTBALL GAME CHILD AND OTHERS ASSOCIATED WITH THIS OUTSTANDING ANNUAL EVENT BENEFITING THE DELAWARE ASSOCIATION FOR RETARDED CHILDREN, AND DESIGNATING SATURDAY, AUGUST 12, 1978, AS DELAWARE ALL-STAR FOOTBALL DAY IN DELAWARE. Sponsors: Representative Smith and Senator Weiss and all the members of the 129th General Assembly.

On motion of Senator Weiss, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Cicione and McCullough) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 144 - RELATING TO THE ASSIGNMENT OF CERTAIN HANDICAPPED CHILDREN IN SCHOOLS OF THE DESEGREGATION AREA OF NEW CASTLE COUNTY. Sponsors: Representatives Oberle and Roy; Senator Sharp.

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

HCR 141 - EXPRESSING CONGRATULATIONS AND BEST WISHES TO SENATOR AND MRS. CALVIN R. MCCULLOUGH ON THEIR FIFTIETH WEDDING ANNIVERSARY JULY 11, 1978. Sponsors: Representatives Ferguson and Matushefske; Senators Cook, Kearns and all the Senators.

The roll call vote on the Resolution was taken on motion of Senator Kearns and revealed 20 Senators voting YES and 1 (McCullough) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 986 was reported out of the Community Affairs Committee - 4 Merits. SA 2 to HB 948 was introduced by Senator Adams and placed with the Bill.

SA 1 to SB 623 was introduced by Senator Kearns and placed with the Bill.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Virginia Johnson - 2 Merits, 4 Favorable; Leonard Bardsley - 3 Merits, 2 Favorable; Arthur Donnelly - 4 Favorable, 1 Merits.

On motion of Senator Adams, the roll call vote on SB 462 was lifted and revealed 20 Senators voting YES and 1 (Arnold) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

On motion of Senator Adams, the Governor's nomination for appointment of Leonard Bardsley 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 Arthur Leo Donnelly was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the appointment was declared confirmed.

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

On motion of Senator Adams, the Governor's nomination for appointment of William L. Cummings, Jr. was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cicione) absent; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jay Paul James was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES, 1 (Sharp) NOT VOTING and 2 (Holloway and Schlor) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator McDowell, the necessary rules were suspended for lifting the roll call of HB 819 from the table; however, before the roll call was announced, the Senator withdrew his motion.

Senator McDowell moved that the necessary rules be suspended for consideration of HB 77 w HA 6 w HA 1, HA 7, 11, 12, 14 w HA 1, 15, 16, 21. The roll call vote on the motion was taken and revealed:

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

NO: Senators Cicione, Holloway, McCullough, Murphy, Sharp - 5.

NOT VOTING: Senator Zimmerman - 1.

Therefore, the motion prevailed and the Bill was ordered out of the Finance Committee for consideration:

HB 77 w HA 6 w HA 1, HA 7, 11, 12, 14 w HA 1, 15, 16, 21 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND

RECYCLING OF BEVERAGE CONTAINERS.

SA 6, SA 7 and SA 8 to the Bill were introduced by Senator Cicione and placed with the Bill.

Senator Hale moved that all 8 Amendments to the Bill which had been placed with the Bill be tabled; however, the Senator withdrew his motion before it was acted upon.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor: Senator Hughes.

SA 2 to the Bill which had been placed with the Bill was laid on the table at the request of the sponsor: Senator Kearns.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns.

At 5:28 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 5:29 p.m., Senator Cordrey presiding.

SA 3 to the Bill was still before the Senate.

The privilege of the floor was extended to Representative Smith after which the roll call vote on the Amendment was taken; however, Senator McDowell moved that the roll call be tabled. The roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Knox, Littleton, Martin, McDowell, Spence, Weiss - 10.

NO: Senators Cicione, Cook, Cordrey, Holloway, Hughes, Kearns, McCullough, Murphy, Schlor, Sharp, Zimmerman - 11.

Therefore, the motion was defeated and the roll call vote on SA 3 to the Bill was announced:

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

NO: Senators Adams, Arnold, Berndt, Knox, Littleton, Martin, McDowell, Spence, Weiss - 10.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill was stricken at the request of the sponsor, Senator Holloway.

SA 5 to the Bill was taken up for consideration on motion of Senator Hughes and the roll call vote taken which revealed:

YES: Senators Cicione, Holloway, Hughes, Kearns, McCullough, Schlor, Sharp - 7.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Knox, Littleton, Martin, McDowell, Murphy, Spence, Weiss - 13.

NOT VOTING: Senator Zimmerman - 1.

Therefore, the Amendment was declared lost.

SA 6 and SA 7 to the Bill which had been placed with the Bill were stricken at the request of the sponsor, Senator Cicione.

SA 8 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 Cicione, Cook, Cordrey, Holloway, Kearns, McCullough, Murphy, Schlor, Sharp - 9.

NO: Senators Adams, Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, McDowell, Spence, Weiss - 11.

NOT VOTING: Senator Zimmerman - 1.

Therefore, the Amendment was declared lost.

SA 9 to the Bill was introduced by Senator Weiss and immediately stricken at his request.

SA 10 to the Bill was introduced by Senator Weiss who moved for its adoption. The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on the Amendment was taken and announced:

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

NO: Senators Hale and Holloway - 2.

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared adopted.

On motion of Senator Adams, the roll call vote on SA 8 to the Bill which had been lost for adoption was rescinded and the Amendment restored.

Senator Cicione moved for a new roll call vote on SA 8 which was taken and revealed 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 77 w HA 6 w HA 1, HA 7, 11, 12, 14 w HA 1, 15 16, 21, SA 3, 8, 10 was then taken and revealed:

YES: Senators Adams, Arnold, Cook, Cordrey, Hale, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 15.

NO: Senators Cicione and Sharp - 2.

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

ABSENT: Senator McCullough - 1.

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

On motion of Senator Berndt, the necessary rules were suspended for consideration of SB 706:

SB 706 - AN ACT CREATING A CONTAINER LEGISLATION COMMISSION AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

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 (McDowell) voting NO, and 2 (McCullough and Zimmerman) 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 Hughes and the roll call vote taken which revealed 19 Senators voting YES and 2 (McCullough and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 706 w SA 1, 3 was then taken and revealed 18 Senators voting YES, 2 (McDowell and Weiss) voting NO, and 1 (McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

AT 7:01 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 9:32 p.m., President Pro Tempore Cordrey presiding.

HB 997 w HA 1 was taken up for consideration on motion of Senator Schlor:

HB 997 w HA 1 - AN ACT TO AMEND TITLE 16, RELATING TO BLACK POWDER AND EXPLOSIVE MATERIALS.

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

YES: Senators Adams, Arnold, Cicione, Cordrery, Holloway, Knox, Littleton, Martin, Murphy, Schlör, Sharp - 11.

NO: Senators Berndt, Cook, Hale, Hughes - 4.

NOT VOTING: Senators Spence, Weiss - 2.

ABSENT: Senators Kearns, McCullough, McDowell, Zimmerman - 4.

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

HB 955 w HA 1 was taken up for consideration on motion of Senator Murphy:

HB 955 w HA 1 - AN ACT TO AUTHORIZE THE CONVEYANCE OF THE MATTHEW LOWBER HOUSE AND LOT TO THE MAGNOLIA VOLUNTEER FIRE COMPANY; TO PERMIT THE MAGNOLIA VOLUNTEER FIRE COMPANY TO MOVE, RELOCATE AND SELL SAID HOUSE AND RETAIN THE LAND FOR FUTURE EXPANSION OF ITS FACILITIES; TO PERMIT THE PURCHASER OF SAID HOUSE TO RENOVATE THE SAME UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS.

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

SB 613 was taken up for consideration on motion of Senator Cicione:

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.

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

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlör, Weiss, Zimmerman - 15.

NO: Senators Adams, Cook, Cordrey, Sharp, Spence - 5.

NOT VOTING: Senator McCullough - 1.

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

On motion of Senator Zimmerman, the necessary rules were suspended for lifting HB 1128 from the table for consideration:

HB 1128 - AN ACT TO AMEND CHAPTER 283, VOLUME 21, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK".

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

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Zimmerman - 13.

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

Therefore, the Bill was declared lost since a 2/3 vote was required for its passage.

On motion of Senator Murphy, the roll call vote on HB 955 w HA 1 was lifted and announced:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, McDowell, Murphy, Schlör, Sharp, Zimmerman - 13.

NO: Senators Arnold, Hale, Hughes, Knox, Martin, Spence - 6.

ABSENT: Senators McCullough and Weiss - 2.

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

HB 925 was taken up for consideration on motion of Senator Adams:

HB 925 - AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF CERTAIN PROPERTY IN CEDAR CREEK HUNDRED.

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 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill, was stricken at the request of the sponsor, Senator Hughes.

At 10:13 p.m., Senator Adams presiding.

The roll call vote on HB 925 w SA 1 was taken and revealed 19 Senators voting YES and 2 (Cicione and Martin) 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 McCullough, the necessary rules were suspended for lifting SB 701 from the table for consideration:

SB 701 - AN ACT TO AMEND CHAPTER 260, VOLUME 61, LAWS OF DELAWARE ENTITLED '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 18 Senators voting YES, 2 (Cook and Cordrey) voting NO, and 1 (Murphy) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Sharp, the necessary rules were suspended for lifting HB 853 w HA 1, 2 from the table for consideration:

HB 853 w HA 1, 2 - AN ACT TO AMEND CHAPTER 86, TITLE 9 AND CHAPTER 19, SUBCHAPTER 1, TITLE 14, DELAWARE CODE RELATING TO COLLECTION OF TAXES.

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

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 579:

HB 579 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY ADDING A NEW CHAPTER 40 THERETO PROVIDING FOR LIMITATIONS ON THE CIVIL LIABILITY OF THE STATE, ITS SUBDIVISIONS AND ITS PUBLIC OFFICERS AND EMPLOYEES, AND BY PROVIDING FOR THE INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES IN CERTAIN INSTANCES.

The privilege of the floor was extended to Tom Sandbach (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Weiss - 15.
NO: Senators Cordrey, Holloway, McDowell, Sharp - 4.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Zimmerman - 1.

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

HB 1098 w HA 1 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 1098 w HA 1 w HA 1 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TEST AND RELATING TO THE OPERATION OF VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES; REVOCATION OF LICENSE.

The privilege of the floor was extended to Representative Minner after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Martin, McDowell, Murphy, Schlör, Weiss, Zimmerman - 15.

NO: Senators McCullough, Sharp, Spence - 3.

ABSENT: Senators Cicione, Hale and Littleton - 3.

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

Consideration of SB 678 which was next on the Agenda for the day was deferred on motion of Senator Martin.

On motion of Senator Cook, the necessary rules were suspended for consideration of HB 988:

HB 988 - AN ACT TO AMEND CHAPTER 74, TITLE 29, DELAWARE CODE, RELATING TO DEBT STATEMENTS, AND TO AMEND CHAPTER 57, TITLE 29, DELAWARE CODE, RELATING TO SOCIAL SECURITY, AND TO AMEND CHAPTER 61, TITLE 29, DELAWARE CODE, RELATING TO THE DEPOSITS AND REPORTING OF DEPOSITS TO THE GENERAL FUND, AND TO AMEND CHAPTER 27, TITLE 29, DELAWARE CODE, RELATING TO THE STATE TREASURER, AND TO AMEND CHAPTER 31, TITLE 19, DELAWARE CODE, RELATING TO THE UNEMPLOYMENT COMPENSATION FUND AND SPECIAL ADMINISTRATION FUND.

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

On motion of Senator McDowell, the necessary rules were suspended for consideration of HB 526 w HA 1:

HB 526 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR EXCEEDING SPEED LIMITS.

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

On motion of Senator Murphy, the necessary rules were suspended for consideration of HB 1018:

HB 1018 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 23, TITLE 19, DELAWARE CODE RELATING TO THE REPLACEMENT OF PROSTHESIS FOR INJURED PERSONS WITHOUT CONSTITUTING A NEW CLAIM PERIOD.

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.

On motion of Senator Holloway, the necessary rules were suspended for consideration of HB 944:

HB 944 - AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE, RELATING TO PENALTIES UNDER THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 1148:

HB 1148 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING ADJUSTMENTS TO THE PUPIL TRANSPORTATION REIMBURSEMENT FORMULA.

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

YES: Senators Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss, Zimmerman - 17.

NOT VOTING: Senator Adams - 1.

ABSENT: Senators Berndt, Schlor, Sharp - 3.

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

SB 1076 was taken up for consideration on motion of Senator McCullough:

HB 1076 - AN ACT TO AMEND CHAPTERS 34, 36, AND 55, TITLE 14, DELAWARE CODE RELATING TO HIGHER EDUCATION SCHOLARSHIPS AND THEIR ADMINISTRATION.

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

YES: Senators Adams, Arnold, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Spence, Weiss, Zimmerman - 16.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Berndt, Cicione, Hughes, Schlor - 4.

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

HB 1092 was taken up for consideration on motion of Senator Sharp:

HB 1092 - AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTION TO ACQUIRE A CERTAIN PARCEL OF PROPERTY AND TO EXERCISE THE RIGHT OF EMINENT DOMAIN.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Dave Swayze (Legal Counsel to the Governor) and Tom Sandbach (Senate Attorney).

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

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

NO: Senators Cordrey, McDowell, Schlor - 3.

NOT VOTING: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

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

YES: Senators Holloway, McDowell, Schlor - 3.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Spence, Weiss - 15.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senators Cicione and Sharp - 2.

Therefore, the Amendment was declared lost.

The roll call vote on HB 1092 w SA 1 was then taken; however, Senator Knox moved that the roll call be tabled before being announced. The roll call vote on the tabling motion was taken and revealed 18 Senators voting YES and 3 (Holloway, Schlor and Zimmerman) voting NO; therefore, the motion prevailed and the roll call vote on HB 1092 w SA 1 was laid on the table.

At 11:50 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 56th Legislative Day.

56TH LEGISLATIVE DAY

The Senate convened at 11:50 p.m. June 30, 1978, Senator Adams 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 55th Legislative Day was approved as read.

HB 589 w HA 1 was taken up for consideration on motion of Senator Schlor:

HB 589 w HA 1 - AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 5, TITLE 9, DELAWARE CODE TO PERMIT FIRE COMPANIES TO INSPECT FIRE HYDRANTS AND WATER MAINS AND TO REPORT THEIR FINDINGS.

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, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Zimmerman - 14.

NO: Senators Berndt, Cordrey, Kearns, McDowell, Schlor, Weiss - 6.

ABSENT: Senator Cicione - 1.

Therefore, the Amendment was declared adopted.

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

HOUSE OF REPRESENTATIVES

STATE OF DELAWARE

DOVER

June 30, 1978

T0: All Members of the House of Representatives and the Senate of the 129th General Assembly of the State of Delaware.

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, you are hereby notified that the House of Representatives and the Senate of the 129th General Assembly of the State of Delaware are recalled into session on July 1, 1978 at 12:01 a.m.

William J. Gordy
Speaker Pro Tempore of the House

Richard S. Cordrey
President Pro Tempore of the Senate.

* * * * *

Senator Cordrey moved that the above communication be amended to read Special Session. There was no objection.

The 56th Legislative Day of the 129th General Assembly was adjourned at 12:02 a.m. July 1, 1978.

SESSION

(Called by the President Pro Tem and the Speaker)
July 1, 1978

Pursuant to the letter from the President Pro Tempore and the Speaker of the House read at the closing minutes of the 56th Legislative Day of the 129th General Assembly, the Senate convened at 12:02 a.m. July 1, 1978, Senator Adams 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, Wiess, Zimmerman - 21.

On motion of Senator Cordrey, the Chair appointed Senators Holloway and Littleton to inform the House that the Senate was in Session.

HB 589 w HA 1, SA 1 which was before the Senate at the time of the adjournment of the 56th Legislative Day was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway and Littleton) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 1065 was taken up for consideration on motion of Senator Kearns:

HB 1065 - AN ACT TO AMEND CHAPTER 31, TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE EXERCISE OF PERSONAL JURISDICTION OVER NON-RESIDENTS IN ANY CAUSE OF ACTION ARISING FROM CONDUCT WITHIN THE STATE OR TORTIOUS INJURY OUTSIDE THE STATE.

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

Representatives Smith and Anderson were admitted. They informed the Senate that the House was in Session.

On motion of Senator Berndt, the roll call vote on HB 1128 which had been defeated for passage in the Senate was rescinded and the Bill restored. A new roll call vote on the Bill was taken on motion of Senator Zimmerman and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Martin, SB 682 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 682 w HA 1 was therefore taken

and revealed 19 Senators voting YES, 1 (Cordrey) voting NO, and 1 (Berndt) NOT VOTING; therefore, the Bill was declared passed by the Senate.

On motion of Senator Cordrey, the necessary rules were suspended for lifting HB 1026 from the table for consideration:

HB 1026 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE, RELATING TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Holloway, Littleton, Martin, McDowell, Schlör, Weiss - 12.

NO: Senator Hughes - 1.

NOT VOTING: Senators Berndt, Kearns, McCullough, Murphy, Spence, Zimmerman - 6.

ABSENT: Senators Knox and Sharp - 2.

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

On motion of Senator Martin, the necessary rules were suspended for lifting the roll call on SB 421 w SA 1, 2. On further motion of Senator Martin and without objection, the roll call was rescinded.

SA 3 to SB 421 w SA 1, 2 was then requested by Senator Hughes and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Kearns) NOT VOTING and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 421 w SA 1, 2, 3 was then taken; however, before, being announced the roll call was tabled on motion of Senator Martin.

On motion of Senator Cook, HB 327 was lifted from the table for consideration.

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, Kearns, Knox, Martin, McCullough, Murphy, Sharp, Spence, Weiss - 17.

NO: Senator Littleton - 1.

NOT VOTING: Senators Schlör and Zimmerman - 2.

ABSENT: Senator McDowell - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 327 w SA 2 was then taken and revealed:

YES: Senators Cicione, Cook, Hale, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Weiss - 11.

NO: Senators Adams, Arnold, Berndt, Cordrey, Holloway, Hughes, Knox, Littleton, Spence - 9.

NOT VOTING: Senator Zimmerman - 1.

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

On motion of Senator Holloway, the necessary rules were suspended for consideration of SB 668:

SB 668 - AN ACT TO AMEND TITLE 24, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A STATE BOARD OF OPTICIANS.

During the discussion of the Bill and the Amendment which was offered to it, the privilege of the floor was extended to B. Wilson Redfearn, representing Opticians.

SA 2 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, Cook, Hale, Holloway, Hughes, Knox, Littleton, McCullough, Murphy, Schlor, Weiss - 13.

NO: Senators Cordrey, McDowell, Sharp - 3.

NOT VOTING: Senator Spence - 1.

ABSENT: Senators Cicione, Kearns, Martin, Zimmerman - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 668 w SA 2 was then taken and revealed:

YES: Senators Cook, Hale, Holloway, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Weiss, Zimmerman - 12.

NO: Senators Adams, Cordrey, Hughes, McDowell, Sharp, Spence - 6.

NOT VOTING: Senators Arnold, Berndt - 2.

ABSENT: Senator Cicione - 1.

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 consideration of HB 1043:

HB 1043 - AN ACT TO PROVIDE THAT A REFERENDUM ON THE QUESTION OF A SALES TAX BE HELD IN THE NOVEMBER 1978 GENERAL ELECTION IN DELAWARE.

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:

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

NO: Senators Kearns, McDowell, Murphy, Schlor, Sharp, Zimmerman - 6.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 1043 w SA 1 was then taken and revealed:

YES: Senators McDowell and Sharp - 2.

NO: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Spence, Weiss, Zimmerman - 18.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared lost in the Senate and returned to the House.

On motion of Senator Weiss, the necessary rules were suspended for consideration of SB 109:

SB 109 - 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.

SA 1 and SA 2 to the Bill which had been placed with the Bill were

stricken at the request of the sponsor, Senator Spence.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Sharp, Spence - 4.

NO: Senators Berndt, Cook, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Weiss, Zimmerman - 14.

NOT VOTING: Senator Hughes - 1.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Amendment was declared lost.

Then, on motion of the sponsor, Senator Weiss, the Bill was stricken.

On motion of Senator Hale, the necessary rules were suspended for consideration of SS 1 for SB 651:

SS 1 for 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.

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

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

NO: Senator Cicione - 1.

NOT VOTING: Senators McCullough, Schlor, Zimmerman - 3.

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

Senator Littleton moved that the necessary rules be suspended for consideration of HB 1150. The roll call vote on the motion was taken and revealed 20 Senators voting YES and 1 (Zimmerman) NOT VOTING; therefore, the motion prevailed and the Bill was before the Senate:

HB 1150 - AN ACT TO AMEND CHAPTER 691, VOLUME 60, LAWS OF DELAWARE, BEING THE CAPITAL IMPROVEMENTS ACT OF 1977 RELATING TO SCHOOL CONSTRUCTION AND RENOVATIONS IN THE LAUREL SCHOOL DISTRICT AND TO VALIDATE THE SPECIAL ELECTION OR REFERENDUM HELD BY THE LAUREL SCHOOL DISTRICT ON OCTOBER 9, 1976.

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.

Senator Berndt moved that the necessary rules be suspended for consideration of HB 1097. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 10.

NO: Senators Cicione, Cook, Cordrey, Holloway, Martin, McDowell, Murphy, Schlor, Zimmerman - 9.

NOT VOTING: Senators Kearns and McCullough - 2.

Therefore, the motion was defeated.

On motion of Senator Berndt, the necessary rules were suspended for consideration of HB 578:

HB 578 - AN ACT TO PROVIDE PAYMENT FOR UNUSED VACATION DUE TO TERMINATION OF EMPLOYMENT.

The roll call vote on the Bill was taken and revealed 19 Senators

voting YES and 2 (Littleton and McCullough) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Arnold, the necessary rules were suspended for consideration of SB 703 :

SB 703 - AN ACT TO AMEND DELAWARE CODE, TITLE 14 RELATING TO THE FREE PUBLIC SCHOOLS BY PROVIDING FOR THE COMPOSITION OF CERTAIN LOCAL SCHOOL BOARDS AND THE CREATION OF ATTENDANCE AREA BOARDS IN CERTAIN LOCATIONS.

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

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

NO: Senator Sharp - 1.

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

ABSENT: Senator Schlor - 1.

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

On motion of Senator Cordrey, the necessary rules were suspended for the introduction and consideration of SJR 46:

SJR 46 - ESTABLISHING THE OFFICIAL ESTIMATES OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1979. Sponsors: Senators Cordrey, Knox and Berndt; Representative George.

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

On motion of Senator Cordrey, the necessary rules were suspended for reconsideration of SB 689 w SA 1 which had previously passed the Senate and as now further amended by HA 1. The roll call vote on SB 689 w SA 1, HA 1 was then taken and revealed 18 Senators voting YES, 1 (Hale) voting NO, and 2 (Schlor and Weiss) ABSENT; therefore, the Bill was declared passed by the Senate.

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 1139:

HB 1139 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Hughes.

SA 2 to the Bill was introduced by Senator Hughes who moved for its adoption. The roll call vote on the Amendment was taken; however, before it was announced, Senator Hughes moved that the roll call be tabled. The roll call vote on the tabling 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, McDowell, Murphy, Schlor, Zimmerman - 11.

ABSENT: Senators McCullough and Sharp - 2.

Therefore, the motion was defeated and the roll call vote on SA 2 to HB 1139 was announced:

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

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

Martin, McDowell, Murphy, Schlör, Zimmerman - 11.

ABSENT: Senators McCullough and Sharp - 2.

Therefore, the Amendment was declared lost.

The roll call vote on HB 1139 was then taken on motion of Senator Cicione and announced:

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlör, Spence, Weiss, Zimmerman - 16.

NO: Senators Hale and Hughes - 2.

NOT VOTING: Senators Arnold and Cicione - 2.

ABSENT: Senator Sharp - 1.

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 1140:

HB 1140 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO FIRE COMPANIES AND TO OTHER ORGANIZATIONS WHICH OPERATE AMBULANCES.

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.

On motion of Senator Cicione, the necessary rules were suspended for consideration of HB 1149 w HA 1:

HB 1149 w HA 1 - 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.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hale and Sharp) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HCR 140 which had been laid on the table was taken up for consideration on motion of Senator Cicione 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.

On motion of Senator Holloway, the necessary rules were suspended for consideration of HB 898 w HA 2:

HB 898 w HA 2 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO SPECIAL STAFF POSITIONS FOR HEARING IMPAIRED PUPILS.

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.

On motion of Senator Kearns, the roll call vote on HB 1065 was lifted and announced:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senators Arnold, Berndt, Hughes, Knox, McCullough, Sharp, Spence, Weiss - 8.

ABSENT: Senator Littleton - 1.

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

At 2:40 a.m., July 1, 1978, President Pro Tempore Cordrey presiding.

On motion of Senator Holloway, the roll call vote on HB 819 was lifted; however, the roll call was again tabled before being announced on further motion of the Senator.

On motion of Senator Adams, the necessary rules were suspended for consideration of HB 933:

HB 933 - AN ACT MAKING AN APPROPRIATION TO THE DIVISION OF HIGHWAYS FOR THE REPLACEMENT OF ONE BRIDGE AT MILFORD, 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 2:44 a.m., July 1, 1978, on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 3:24 a.m. Senator Cordrey presiding.

At 3:25 a.m. Senator Adams presiding.

HB 982 was taken up for consideration on motion of Senator Cicione

HB 982 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF PROVIDING BACK PAY TO CERTAIN TEACHERS WHO FAILED TO RECEIVE PROPER PAY BASED UPON DEGREES EARNED.

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 (Hale, Holloway, Hughes, Schlor, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 982 w SA 1 was then taken and revealed 17 Senators voting YES, 1 (Schlor) NOT VOTING, and 3 (Hale, Hughes and Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 831 was laid on the table at the request of Senator Cook.

HB 915 was taken up for consideration on motion of Senator Cordrey:

HB 915 - AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, TO INCREASE THE FEES PAID FOR THE EMERGENCY APPREHENSION OF THE DANGEROUSLY MENTALLY ILL.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, Holloway and Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

Senator Kearns moved that the necessary rules be suspended for lifting SB 623 from the table for consideration. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McCullough, Murphy, Schlor, Zimmerman - 12.

NO: Senators Arnold, Berndt, Knox, Spence - 4.

NOT VOTING: Senators McDowell and Weiss - 2.

ABSENT: Senators Hale, Hughes and Sharp - 3.

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

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.

SA 1 to the Bill was introduced by Senator Kearns who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES, 1 (Murphy) NOT VOTING, and 2 (Hale and Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 623 w SA 1 was then taken and revealed:
YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McCullough, McDowell, Schlor, Zimmerman - 12.
NO: Senators Arnold, Berndt, Hughes, Knox, Spence, Weiss - 6.
NOT VOTING: Senator Murphy - 1.

ABSENT: Senators Hale and Sharp - 2.

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

HB 831 was taken up for consideration on motion of Senator Cook:

HB 831 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN PRIOR FISCAL YEARS.

SA 1 to the Bill was introduced by Senator Cook who moved for its adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Hale, Sharp and Spence) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 831 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Hale and Sharp) 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 Holloway, the necessary rules were suspended for consideration of HB 1081:

HB 1081 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF REVENUE, DEPARTMENT OF FINANCE, FOR THE PURPOSE OF REIMBURSING AN EMPLOYEE FOR PRIOR YEAR WAGES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Hale and Sharp) 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 Martin:

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 roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Zimmerman - 13.
NO: Senators Arnold, Berndt, Hughes, Knox, Weiss - 5.

ABSENT: Senators Hale, McCullough, Sharp - 3.

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

HB 864 w HA 1, 2 was taken up for consideration on motion of Senator Zimmerman:

HB 864 w HA 1, 2 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO REIMBURSE PERSONS WHO RENDERED ASSISTANCE TO VIRGINIA LEE BOSTIAN, A PATIENT AT THE DELAWARE HOSPITAL FOR THE CHRONICALLY ILL.

Final consideration of the Bill was then deferred on further motion of Senator Zimmerman.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 1020 w HA 1:

HB 1020 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY FOR THE PURCHASE OF A POWERED FILING DEVICE FOR THE STORAGE OF PERMANENT VOTER REGISTRATION CARDS.

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

On motion of Senator Weiss, the necessary rules were suspended for consideration of HS 1 for HB 725 w HA 1, 4, 7, 8, 9, 12, 13:

HS 1 for HB 725 w HA 1, 4, 7, 8, 9, 12, 13 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, TO REQUIRE FINANCIAL DISCLOSURE FOR STATE OFFICIALS.

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

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

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

NO: Senator McCullough - 1.

ABSENT: Senators Berndt, Cicione, Hale, Hughes, Sharp - 5.

Therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 725 w HA 1, 4, 7, 8, 9, 12, 13, SA 2 was then taken and revealed:

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

NO: Senator McCullough - 1.

ABSENT: Senators Cicione, Hale, Hughes, Sharp - 4.

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

On motion of Senator Berndt, the necessary rules were suspended for consideration of HB 1062:

HB 1062 - AN ACT TO AUTHORIZE AND APPROVE THE LEASING OF .6998 ACRES OF UNIMPROVED LAND ON U.S. ROUTE 113 IN DOVER TO THE DELAWARE STATE EMPLOYEES FEDERAL CREDIT UNION A COOPERATIVE ASSOCIATION ORGANIZED UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Cicione, Hale, Hughes, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 864 w HA 1, 2 was lifted from the table for consideration on motion of Senator Zimmerman. The privilege of the floor was extended to Representative Riddagh after which the roll call vote on the Bill was taken and revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Hale, Hughes and Sharp - 3.

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

HB 986 was taken up for consideration on motion of Senator Littleton:
HB 986 - AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" BY INCREASING THE AMOUNT OF MONEY THAT MAY BE RAISED ANNUALLY BY TAXATION FOR MUNICIPAL PURPOSES.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Hale, Hughes, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 380 w HA 2, 4, 5 was taken up for consideration on motion of Senator Knox:

HB 380 w HA 2, 4, 5 - AN ACT TO AMEND CHAPTER 5, TITLE 29, CHAPTER 65, TITLE 29, CHAPTER 17, TITLE 2 AND CHAPTER 51, TITLE 14, DELAWARE CODE RELATING TO REIMBURSEMENT FOR COSTS OF GOODS AND SERVICES PROVIDED BY STATE AGENCIES AND DEPARTMENTS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES, 1 (McDowell) NOT VOTING and 3 (Hale, Hughes, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 751 was taken up for consideration on motion of Senator Murphy:
HB 751 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM SCHOOL TAXES GRANTED TO PERSONS WHO ARE 65 YEARS OF AGE OR OLDER.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Martin. The privilege of the floor was extended to Representative Anderson after which the Amendment was lifted and considered for adoption on motion of Senator Martin. The roll call vote on the Amendment was taken and revealed:

YES: Senators Arnold, Cicione, Knox, Martin, McCullough, McDowell, Schlor, Spence - 8.

NO: Senators Adams, Berndt, Cook, Cordrey, Holloway, Kearns, Littleton, Murphy, Weiss - 9.

ABSENT: Senators Hale, Hughes, Sharp, Zimmerman - 4.

Therefore, the Amendment was declared lost.

The roll call vote on HB 751 was then taken on motion of Senator Murphy; however, before being announced the roll call was laid on the table on further motion of the Senator.

HB 789 was taken up for consideration on motion of Senator McCullough:

HB 789 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN PRIOR FISCAL YEARS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Cicione, Hale, Hughes, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

The following Resolutions were introduced and considered for adoption:

SR 140 - EXPRESSING APPRECIATION TO THE SENATE STAFF, THE LEGISLATIVE COUNCIL STAFF AND THE STAFF OF THE CONTROLLER GENERAL FOR THEIR COOPERATION AND UNWAVERING EFFORTS IN SERVING THE MANY DEMANDS OF THE SENATE DURING THE 129TH GENERAL ASSEMBLY. Sponsors: Senators Cordrey, Martin, Cook, Knox, Hughes and all the Senators.

The roll call vote on the Resolution was taken and revealed

18 Senators voting YES and 3 (Hale, Hughes, Sharp) ABSENT; therefore the Resolution was declared adopted.

SR 141 - EXPRESSING THE APPRECIATION OF THE SENATE TO LIEUTENANT GOVERNOR JAMES D. MCGINNIS FOR HIS ABLE LEADERSHIP WHILE PRESIDING OVER THE SENATE DURING THE 129TH GENERAL ASSEMBLY. Sponsors: Senators Cordrey, Martin, Cook, Knox, Hughes and all the Senators.

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

SR 142 - EXPRESSING THE APPRECIATION OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY FOR THE UNWAVERING AND FORTHRIGHT LEADERSHIP MANIFESTED BY SENATOR RICHARD S. CORDREY AS PRESIDENT PRO TEMPORE. Sponsors: Senators Martin, Cook, Knox, Hughes and all the Senators.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES, 1 (Cordrey) NOT VOTING and 4 (Cicione, Hale, Hughes and Sharp) ABSENT; therefore, the Resolution was declared adopted.

The following legislation was introduced:

SB 722 - AN ACT LIMITING THE WILMINGTON HOUSING AUTHORITY TO CERTAIN POLICE POWERS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SCR 114 - REQUESTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO EVALUATE AND CO-ORDINATE STATE PROGRAMS FOR THE EDUCATION AND TRAINING OF HANDICAPPED STUDENTS. Sponsors: Senators Holloway and Berndt. The Resolution was laid on the table at the request of Senator Holloway.

At 5:07 a.m. July 1, 1978, the Senate recessed to the call of the President Pro Tempore on motion of Senator Cordrey.

The Senate reconvened at 4:09 p.m. August 8, 1978, President Pro Tempore Cordrey presiding.

The following PROCLAMATION by the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. duPONT, IV, Governor of the State of Delaware, pursuant to Article IV, Section 3 of the Constitution of the State of Delaware, do hereby convene the Senate of the 129th General Assembly into session on Tuesday, August 8, 1978 at 1:00 P.M. for the purpose of confirming the appointment of the Honorable Albert J. Stiftel to be President Judge of the Superior Court and for the transaction of such other executive business as may come before it.

IN WITNESS WHEREOF, I PIERRE S. duPONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 28th day of July, in the year of our Lord, one thousand nine hundred seventy-eight, and of the Independence of the United States of America, the two hundred and second.

Pierre S. duPont, IV, Governor
Glenn C. Kenton, Secretary of State
729.

SESSION

(Called by the Governor - August 8, 1978)

Pursuant to the PROCLAMATION of the Governor recorded above, the Senate convened at 4:11 p.m., August 8, 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, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Cicione - 1.

The following communication was read and made a part of this record at the request of Senator Holloway:

August 5, 1977

Senator Herman M. Holloway, Sr.
Legislative Hall
Dover, Delaware 19901

Dear Senator Holloway:

We, the undersigned independent business people of Wilmington, would like to convey our strong support for legislation to enable the establishment of a Jai Alai Fronton in Wilmington. We are dedicated to the continued economic development of Wilmington. All evidence indicates that a Jai Alai Fronton is not only totally compatible with this goal, but is also crucial to the future of our city and of vital importance to the State as well. We sincerely hope that the members of the 129th General Assembly will judge this proposition on its own merits and vote to bring Jai Alai to Delaware.

* * * * *

To the letter were attached the signatures of approximately 1,400 persons in favor of the proposal.

The following nomination for appointment by the Governor was read and laid on the table at the request of Senator Adams:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

August 8, 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: Albert J. Stiftel, 711 W. 19th Street, Wilmington, Delaware, to be appointed as President Judge of the Superior Court for a term of twelve (12) years.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, Governor

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The following nominations for appointment by the Governor were reported from the Executive Committee: Gene Derrickson - 3 Merits, 2 Favorable; Ralph Cope - 3 Merits, 2 Favorable.

On motion of Senator Adams, the necessary rules were suspended for lifting from the table for the consideration the Governor's nomination for appointment of Albert J. Stiftel.

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

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

NO: Senators Sharp and Spence - 2.

NOT VOTING: Senator Hale - 1.

ABSENT: Senator Cicione - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the following 5 nominations for appointment by the Governor: Ralph Douglas Cope; Gene Derrickson; Robert J. Nolan; Anna B. King and William A. Young, III.

The roll call vote on the nomination for appointment of Ralph Douglas Cope was therefore taken and revealed 19 Senators voting YES, 1 (McCullough) NOT VOTING and 1 (Cicione) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the nomination for appointment of Gene Derrickson was then taken and revealed 18 Senators voting YES, 2 (McCullough and Zimmerman) voting NO and 1 (Cicione) ABSENT; therefore, the appointment was declared confirmed.

The roll call vote on the nomination for appointment of Robert J. Nolan was then taken and revealed:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, Sharp, Spence, Weiss - 10.

NO: Senators Adams, Cordrey, Holloway, Kearns, McCullough, McDowell, Murphy, Schlor, Zimmerman - 9.

NOT VOTING: Senator Cook - 1.

ABSENT: Senator Cicione - 1.

Therefore, the appointment failed to receive the confirmation of the Senate.

The roll call vote on the nomination for appointment of Anna B. King was then taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Schlor, Weiss - 13.

NO: Senators Arnold, Berndt, Hale, Murphy, Sharp, Spence, Zimmerman - 7.

ABSENT: Senator Cicione - 1.

Therefore, the appointment was declared confirmed.

The roll call vote on the nomination for appointment of William A. Young, III, was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McCullough, McDowell, Murphy, Schlor, Spence, Weiss - 16.

NO: Senators Cook, Cordrey, Sharp, Zimmerman - 4.

ABSENT: Senator Cicione - 1.

Therefore, the appointment was declared confirmed.

At 4:42 p.m. August 8, 1978, on motion of Senator Martin, the Session called by the Governor was adjourned.

* * * * *

At 4:42 p.m. August 8, 1978, the Chair ruled that the Senate was back in the Session convened on July 1, 1978.

The following legislation was introduced:

SB 723 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR.

Sponsors: Senators Cook and Cordrey; Representatives Gordy, Temple and Kelly. The Bill was laid on the table at the request of Senator Cook.

SB 724 - AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES. Sponsor: Senator McDowell. Assigned to Community Affairs Committee.

SB 725 - AN ACT TO AMEND CHAPTER 412, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID", BEING HOUSE BILL NO. 1139 OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Finance Committee.

SR 143 - IN REFERENCE TO SENATE BILL 689 AND PAY RAISES TO STATE EMPLOYEES. Sponsor: Senator Murphy.

The privilege of the floor was extended to Duane Olsen (Controller General) and Fred VanSant (State Personnel Director) after which the roll call vote on SR 143 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Spence, Zimmerman - 12.

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

NOT VOTING: Senator Littleton - 1.

ABSENT: Senators Cicione and McCullough - 2.

Therefore, the Resolution was declared adopted.

SB 726 (Sponsored by Senator Hughes) was introduced and laid on the table at the request of the sponsor:

SB 726 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BUS MAINTENANCE OR STORAGE AREAS.

SB 725 which had just been introduced and assigned to the Finance Committee was laid on the table at the request of the sponsor: Senator Holloway.

SA 1 to HB 960 was introduced by Senator Cook and placed with the Bill.

Former Governor Carvel was introduced to the Senate by the President Pro Tempore.

SR 144 was introduced and considered for adoption on motion of Senator Arnold:

SR 144 - URGING ALL COUNSEL FOR THE STATE BOARD OF EDUCATION AND DEFENDANT SCHOOL DISTRICTS TO PETITION THE SUPREME COURT FOR REVIEW OF THE JULY, 1978 DECISION OF THE UNITED STATES COURT OF APPEALS IN EVANS V. BUCHANAN AFFIRMING CERTAIN ORDERS OF THE UNITED STATES DISTRICT COURT. Sponsors: Senators Arnold, Spence, Hughes, Sharp, McCullough.

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

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

NO: Senators Holloway and McDowell - 2.

NOT VOTING: Senators Schlor and Zimmerman - 2.

ABSENT: Senator Cicione - 1.

Therefore, the Resolution was declared adopted.

HB 937 was introduced and laid on the table at the request of Senator Zimmerman:

HB 937 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, IN ORDER TO PROVIDE A BASIC SKILLS INSTRUCTIONAL FUNDING UNIT AND AUTHORIZING STAFF OR SERVICES OR MATERIALS FOR SUCH UNITS IN PUBLIC SCHOOLS. Sponsors: Representatives Bennett and Worthen.

The following House legislation was introduced:

HB 1091 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR THE OPERATION OF A COMPREHENSIVE STATE ECONOMIC DEVELOPMENT PROGRAM. Sponsors: Representatives Sincock, McKay, Cain, George; Senators Knox, Hughes, Holloway. Assigned to Finance Committee.

HB 589 w HA 1, SA 1 which had previously passed the Senate was returned from the House further amended by HA 2. The Bill was assigned to the Administrative Services Committee.

The following veto messages from the Governor were read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 12, 1978

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

I am returning without my signature Senate Bill 682 as amended by House Amendment No. 1, entitled: "AN ACT TO AMEND PART VII OF TITLE 16, CHAPTER 69 OF TITLE 29, AND CHAPTER 86 OF TITLE 29, DELAWARE CODE, TO ESTABLISH A BOARD FOR BARRIER FREE DESIGN TO PROMOTE ACCESSIBILITY TO AND USE OF BUILDINGS AND FACILITIES FOR THE PHYSICALLY HANDICAPPED; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFORE."

This bill would create a new eleven member State Board to oversee implementation of barrier free architectural requirements of State law and of municipal and county building codes. The Board is also authorized to hire staff and the fiscal note indicates a probable cost of approximately \$65,000 per year to implement the provisions of the bill.

State law already provides detailed standards for construction of state facilities for the protection of the physically handicapped and establishes an Architectural Barriers Waiver Review Committee. The duties of the State Board proposed by Senate Bill 682 as amended, would be to some extent duplicative of the responsibilities of the existing review committee.

In addition, Senate Bill 682 proposes to have the State Board enforce construction standards throughout the State, to private as well as public construction projects. I have grave doubts whether the State has the authority either to enforce the building codes of local authorities or, in the absence of a specific amendment to state law, to impose its construction standards on private construction projects. Moreover, it is unlikely that the provisions of the bill could be effectively implemented through cease and desist orders of the Division of Consumer Affairs under Section 8612 of Title 29 in light of that Section's specific limitation to violations of consumer fraud and deceptive trade practices.

In short, while agreeing with the need for improved enforcement of barrier free design standards, in compliance with §6914 of Title 29, I believe this bill could be substantially improved. My staff is in touch with the sponsor to prepare a more effective and less costly method of strengthening state policy in this area.

Respectfully submitted,
Pierre S. duPont, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 12, 1978

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

I am returning without my signature Senate Bill No. 388 as amended by Senate Amendment No. 1 which is entitled: "AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL."

This bill purports to give to the State Personnel Commission exclusive jurisdiction over complaints of discrimination in the State classified service. At present, such jurisdiction is shared by the Commission, by the Department of Labor, and by the State Human Relations Commission pursuant to a memorandum of understanding with

the Department of Labor. Both the Department and the Commission have considerable expertise and experience in dealing with complaints of employment. And, in light of the substantial existing duties of the State Personnel Commission, I believe it would be unwise to suddenly thrust upon the Commission the additional task of handling all complaints of discrimination in state government.

In addition, the Affirmative Action Task Force, which I established pursuant to Executive Order Number Forty is charged with reviewing procedures for assuring non-discrimination in state employment and with making recommendations for necessary changes in existing practices. I believe that the State should have the benefit of this Task Force's study and recommendations before amending the established procedures for handling of complaints of discrimination.

I note the bill commendably adds discrimination on the basis of sex, age or physical or mental handicapped to the list of prohibited acts in state employment. This simply recognizes prohibitions already contained in my Executive Order Number Fifty-five. Although it is certainly desirable to have these prohibitions set out by statute in light of the Executive Order my failure to sign Senate Bill No. 388 as amended will not affect the State's policy of non-discrimination in state employment.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 12, 1978

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

On July 11, 1978, I received Senate Bill No. 481 as amended by Senate Amendment No. 1 and House Amendment No. 1, entitled: "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."

This bill is a companion bill to Senate Bill No. 476 (allowing the Bank Commissioner to divulge confidential information to the members of the Council on Banking) requiring that all present and future members of the Council on Banking take an oath not to divulge any such confidential information. Since I vetoed Senate Bill No. 476, this bill is unnecessary and I am therefore returning it without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 12, 1978

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

On July 5, 1978, I received Senate Bill No. 3, entitled:
"AN ACT TO AMEND SUBCHAPTER III, SUBPART A, CHAPTER 5, TITLE 11,
DELAWARE CODE RELATING TO BURGLARY."

I am today returning this Act without my signature.

Senate Bill No. 3 would require the imposition of minimum mandatory sentences, without benefit of probation and parole, for the commission of the offense of burglary in the first, second or third degree. The duration of the minimum sentence which must be imposed depends in rather complex fashion upon the degree of burglary involved and the previous felony record of the defendant.

I have consistently advocated the use of minimum mandatory sentences against the commission of serious crimes of violence, including murder, rape, kidnapping and robbery. Indeed, my Master Plan for Corrections, released in September, 1977, calls upon the General Assembly to retain current mandatory sentencing provisions for each of these heinous crimes. At the same time, I have questioned the efficacy of such sentencing practices for lesser crimes, particularly crimes against property, given the critical need in Delaware to guarantee sufficient room in our prisons for the violent criminal who truly belongs in prison.

Unfortunately, Senate Bill No. 3 sweeps into the orbit of mandatory sentencing a host of lesser crimes which involve neither violence nor the threat of violence. Burglary in the third degree, for example, may involve a trespass upon an unoccupied building, by a person who is totally unarmed, in broad daylight. While such conduct requires swift and certain punishment which might well include a period of incarceration, there is no foundation for requiring a lengthy, mandatory prison term in every such instance. As to persons previously convicted of any felony, Senate Bill No. 3 would do just that.

I call upon the judiciary to continue to impose sentences upon those who are convicted of burglary in whatever degree which are commensurate with the circumstances and seriousness of the offense. In the certain knowledge that the judiciary will fulfill its obligation to do so, I am returning Senate Bill No. 3 without my signature.

Respectfully submitted,
Pierre S. duPont, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 11, 1978

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

On July 5, 1978, I received Senate Bill No. 178 entitled: "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."

I am today returning Senate Bill No. 178 without my signature. Not only is the amendment to Section 516 of Title 4, Delaware Code provided for in this Act unrelated to the purpose of that section, which relates to the granting of off-premises liquor licenses, but the Act also, without foundation, alters in substantial measure both the standards set forth in Section 543 of Title 4 relating to the location of licensed establishments and the discretion of the Alcoholic Beverage Control Commission in that regard. This substantial restructuring of the effective and time tested statutory standards regarding relative locations of licensed premises by amendment to an unrelated section of Title 4 is without explanation or any apparent justification. Indeed, the effect would clearly be anti-competitive.

Accordingly, I return herewith Senate Bill No. 178 without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 11, 1978

To the Senate of the 129th
General Assembly:

I am returning herewith without my signature Senate Bill 393, as amended by Senate Amendments No. 1 and 2, entitled: "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."

This Act requires that every department and agency of the Executive submit their rules and regulations, excepting those effecting only the "internal" operations of those bodies, to the General Assembly. Thereafter, but within sixty days, either the House or the Senate, by majority vote, would have the authority to veto all or a portion of the rules and regulations so submitted.

I have elected to veto Senate Bill 393 for the following reasons:

1. This measure directly infringes upon Article 3, Section 1 of the Delaware Constitution, which vests in the Governor the supreme executive powers of the State, and Article 3, Section 17 of the Delaware Constitution, which requires the Governor "shall take care that the laws be faithfully executed." In this regard it is important to note that Executive Department rules and regulations, many of which are adopted by direct mandate of the General Assembly, are fundamental to the practical implementation and enforcement of the obligations and duties imposed upon the Executive by statute. The ability of either House to abrogate that authority lays waste to the ability of the Executive to carry out the law.

2. The authority granted to either House by Senate Bill 393 as amended to reject a duly adopted rule or regulation of the Executive without the concurrence of the other House has the effect of permitting legislation lacking the concurrence of a majority of all members elected to each House in violation of Article 2, Section 10 of the Delaware Constitution. Additionally, this legislation unconstitutionally eliminates the authority of the Governor in the legislative process by denying the power of veto provided for by Article 3, Section 18 of the Delaware Constitution.

3. Apart from the substantial, constitutional defects inherent in Senate Bill 393 as amended, this Act creates equally substantial practical problems. The prolonged uncertainty regarding the enforceability of rules and regulations threatens the effectiveness of legislative mandates, discourages the uniformity of enforcement and interpretation of regulatory powers and subjects complex regulatory systems to both political whim and the threat of insufficient analysis which is the product of overburdened legislative staffs. Rather than streamline the processes of government, this Act may well strip their gears.

In his message of June 21, 1978 advising the Congress that he would not comply, for various constitutional and practical reasons, with similar legislative veto provisions found in various federal laws, President Carter noted that such provisions represent "...a fundamental departure from the way the Government has been administered throughout American history." I agree. Accordingly, I return herewith Senate Bill 393 as amended by Senate Amendments No. 1 and 2 without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 11, 1978

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

On July 6, 1978, I received Senate Bill 680 entitled: "AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR."

Senate Bill 680 requires approximately one-million dollars per year for the next 14 years to give a pension increase to retired State employees.

Members of the General Assembly were clearly aware that the bottom line in the FY 1979 appropriation package (the budget, grants-in-aid, the additional pay plan the omnibus supplemental) was to be held to under \$529 million. This expenditure was considered by the membership as a part of the total budget package and rejected as a less important priority than the other items approved by the General Assembly.

As laudable as this legislation is, I believe we must live the limits we established for ourselves and agreed upon in June. In the past six months we have done a great deal in restoring Delaware's financial stability. We operated fiscal year 1978 with a small surplus; we passed a fiscal year 1979 budget that will be in balance assuming we keep very tight control of our expenditures; we provided State employees an \$18.6 million pay increase; we have set aside nearly \$9 million to pay for court-ordered desegregation costs and we have established a budgetary reserve to carry us through difficult times. We had hoped that the budgetary reserve would reach a level of about \$10-11 million. Presently, it appears that it will be more on the order of about \$5 million. Every additional dollar appropriated will reduce that number ever further.

Our revenues will not stretch forever. At this time, both fiscal year 1979 and fiscal year 1980 promise to be very tight years financially, especially having to live, as we do, within the law providing that appropriations may not exceed 98% of estimated revenues.

Given all that we have done this year -- and we have done a great deal -- I believe we should not make additional financial commitments of this magnitude for new programs for higher levels of spending. If, at the end of fiscal year 1979, our State's financial picture and the prospects for future fiscal years improves sufficiently, I would support these pension increases. Today, I cannot. In short, I believe we should wait a year to catch our breath. Accordingly, I am returning Senate Bill 680 without my signature.

Respectfully submitted,
Pierre S. duPont, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
July 11, 1978

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

On July 6, 1978, I received Senate Bill 564 entitled: "AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE COMPENSATION OF DEPUTIES AND CLERKS."

Senate Bill 564 amends Section 2302 (a) of Title 10, Delaware Code, by directing that the county governments shall fix the salaries of the chief deputy Prothonotaries in the three counties. However, the bill fails to strike the language in the same subsection that the compensation of these deputies shall be set by the resident Judges of the Superior Court in each county. As there would thus be an unreconcilable conflict in the statute, I am returning Senate Bill 564 without my signature. However, if this was corrected, I would be happy to sign the bill into law.

Respectfully submitted,
Pierre S. duPont, Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

July 11, 1978

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

I am returning herewith without my signature Senate Bill No. 616 entitled: "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."

Senate Bill No. 616 would prohibit New Castle County from enforcing payment of any tax in excess of the rate imposed for that tax pursuant to an act of the General Assembly. As such, this measure directly and palpably conflicts with the May 5 order of the United States District Court mandating that the Court-imposed school property tax rate of \$1.68 be imposed in the area governed by the New Castle County Board of Education as against the rate of \$1.585 devised in accordance with the provisions of Senate Bill 457. Absent necessary relief from an appellate court, Senate Bill 616 is therefore wholly illegal and unenforceable.

As my own actions reflect, I am deeply sensitive to the sense of outrage that motivated passage of this legislation in December of 1977, in anticipation of what might occur to the school property tax rate in New Castle County if the General Assembly did not act, I proposed passage of legislation which would have established a cap on the tax rate prior to the issuance of the order of

the Court establishing a higher rate. Unfortunately, the General Assembly did not see fit to act at that time of this legislation. After the Court had issued its order respecting the school property tax rate, I again urged action by the General Assembly in the hope that the court might accept the constitutional right of the State of Delaware to reasonably exercise its authority over local taxes at any time. And, when the Court arbitrarily rejected the fruits of that effort, Senate Bill 457, I conceived and participated in the filing of an extraordinary writ of mandamus against Judge Schwartz for the purpose of reversing his fundamental intrusion into the constitutional domain of the State of Delaware. That writ, and the appeal from the May 5 order taken by the State Board of Education and seeking like relief, are now pending before the Third Circuit Court of Appeals.

Under our federal form of government, there is only one appropriate channel for challenging the excesses of a lower federal tribunal, and that is the appellate system established by the United States Constitution. If the State of Delaware is to ultimately prevail -- as rightfully it should -- in its lengthy struggle to preserve and protect its constitutional powers against an over-reaching federal judiciary, the State must itself avoid the futile abuse of the system from which that relief must ultimately come.

For the foregoing reasons, I am returning herewith Senate Bill 616 without my signature.

Respectfully submitted,
Pierre S. duPont, IV, Governor

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SR 145 (Sponsored by Senators Holloway, Zimmerman, Littleton and all the Senators) was introduced and considered for adoption:

SR 145 - EXPRESSING THE SORROW OF THE DELAWARE STATE SENATE AT THE DEATH OF POPE PAUL VI.

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.

On motion of Senator Holloway, the roll call vote on HB 819 was lifted; however, the roll call was again tabled before being announced on further motion of the Senator.

On motion of Senator Knox, the roll call vote on HB 1092 w SA 1 was lifted and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Sharp, Spence, Weiss, Zimmerman - 15.

NO: Senators Cordrey, McDowell, Schlor - 3.

NOT VOTING: Senators Cicione, Holloway, Kearns - 3.

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

SA 1 to SB 726 was introduced by Senator Hughes and placed with the Bill.

At 5:43 p.m. on motion of Senator Martin, the Senate recessed for

Party Caucus and reconvened at 6:25 p.m. by President Pro Tempore Cordrey.

SB 727 was introduced and laid on the table at the request of Senator Berndt:

SB 727 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE PROVIDING FOR A PROHIBITION AGAINST THE USE OF A QUOTA SYSTEM FOR MOTOR VEHICLE OFFENSES. Sponsors: Senators Berndt, Kearns, Arnold, Spence, McDowell.

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 581:

HB 581 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 4, SECTIONS 2, 3 AND 12 OF THE CONSTITUTION OF THE STATE OF DELAWARE BY INCREASING THE SUPREME COURT TO FIVE JUSTICES AND PROVIDING FOR A QUORUM OF THE SUPREME COURT.

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

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

NO: Senators Adams, Sharp, Spence - 3.

ABSENT: Senators Cicione and McCullough - 2.

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

On motion of Senator Cook, the necessary rules were suspended for lifting SB 723 from the table for consideration:

SB 723 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1977 AND PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS THEREFOR.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES, 3 (Arnold, Berndt, Knox) 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 Holloway, the necessary rules were suspended for lifting HB 1127 from the table for consideration:

HB 1127 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE JIMMY JENKINS SENIOR CENTER IN WILMINGTON.

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

On motion of Senator Adams, the necessary rules were suspended for lifting HB 1020 w HA 1 from the table for consideration.

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

On motion of Senator Cook, the necessary rules were suspended for consideration of HB 960 w HA 1:

HB 960 w HA 1 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, TO PROVIDE A NURSE FOR EACH VOCATIONAL-TECHNICAL HIGH SCHOOL; AND MAKING AN APPROPRIATION THEREFOR.

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 20 Senators voting YES and 1 (Cicione)

ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 960 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cicione) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator Zimmerman, the necessary rules were suspended for consideration of HB 937:

HB 937 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, IN ORDER TO PROVIDE A BASIC SKILLS INSTRUCTIONAL FUNDING UNIT AND AUTHORIZING STAFF OR SERVICES OR MATERIALS FOR SUCH UNITS IN PUBLIC SCHOOLS.

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

On motion of Senator Kearns, the necessary rules were suspended for lifting HB 1102 from the table for consideration:

HB 1102 - AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, TO INCREASE THE NUMBER OF FAMILY COURT JUDGES TO 12.

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

The Family Court of the State of Delaware

June 20, 1978

Representative John Matushefske
Chairman, Judiciary Committee
Legislative Hall
Dover, Delaware

Dear John:

Enclosed is a draft of a new bill to create another Judgeship in Family Court for New Castle County along with a budget computation thereof to explain the supplemental appropriation therein. Please introduce, pass, and send to the Senate.

The need for another Judge in this Court is vital to the citizens of New Castle County if we are going to reduce juvenile delinquency and make the streets safe for your constituents. Do you know that within the State, of the total arrests for larcenies, 41 percent are juveniles; of the total arrests for burglaries, 57 percent are juveniles; of the total arrests for motor vehicle thefts, 54 percent are juveniles; of the total arrests for Part I Crimes (felonies), 46 percent are juveniles. Further, that 78 percent of all juvenile arrests are within the age grouping of 15-17 years, and these juveniles only make up 15 percent of the total male juvenile population within the State. These facts indicate that the problem can be controlled with sufficient and effective manpower.

If the Family Court had one additional Judge to concentrate on hearing serious juvenile delinquency cases within a 30-day period from receipt of the complaint, thus leaving other Judges in the Court hearing the 20,000 civil cases per year, I can guarantee you

a reduction in juvenile delinquency within the County. What better promise could you give your constituents! A vote of "No" on this bill would indicate you are against the safety of old ladies, against the security of homes, and in favor of young hoodlums taking over the streets and doing violence to decent living citizens in your district. A "Yes" vote is important to the community to those kids out there who are decent, and to your future as an interested, concerned representative of the people.

Yours very truly,
Robert D. Thompson
Chief Judge

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

On motion of Senator Cook, the necessary rules were suspended for lifting HB 994 from the table for consideration:

HB 994 - AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, RELATING TO PENSION BENEFITS OF CORRECTIONS OFFICERS.

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

On motion of Senator Zimmerman, the roll call vote on HB 937 was lifted; however, before being announced, the roll call was again laid on the table on further motion of the Senator.

At 7:20 p.m., August 8, 1978, the Senate recessed to the call of the President Pro Tempore on motion of Senator Martin.

EXTRAORDINARY SESSION

Pursuant to the following PROCLAMATION by the Governor, the Senate convened at 2:43 p.m. August 31, 1978, Lt. Governor McGinnis presiding:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. duPONT, IV, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the 129th General Assembly into Extraordinary Session on Thursday, August 31, 1978, at 1:00 p.m., for the purpose of considering and acting upon House Bill 1092 as amended by Senate Amendment 1, which authorizes the Department of Correction to acquire a certain parcel of property and to exercise the right of eminent domain, and legislation authorizing

construction of additional housing at the Delaware Correctional Center, and such other business as may lawfully come before it.

IN WITNESS WHEREOF, I PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be hereunto affixed at Dover, this 23rd day of August, in the year of our Lord one thousand nine hundred seventy-eight, and of the Independence of the United States of America, the two hundred and second.

Pierre S. duPont, IV, Governor

ATTEST: Glenn C. Kenton,
Secretary of State

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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.

SCR 115 (sponsored by Senator Kearns) was introduced and considered for adoption:

SCR 115 - EXTENDING DEVOUT BEST WISHES TO POPE JOHN PAUL I FOR A SUCCESSFUL PONTIFICATE AS THE 263RD SPIRITUAL LEADER OF THE ROMAN CATHOLIC CHURCH.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, McCullough, Murphy and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Representatives Billingsley and Johnson appeared to inform the Senate that the House was in Extraordinary Session.

The Chair appointed Senators Sharp and Hale as a Committee to inform the House that the Senate was in Extraordinary Session.

On motion of Senator Holloway, the roll call vote on HB 1127 was lifted and announced:

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

NO: Senator Arnold - 1.

NOT VOTING: Senators Hale, Sharp, Spence - 3.

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

On motion of Senator Holloway, the necessary rules were suspended for lifting SB 725 from the table for consideration:

SB 725 - AN ACT TO AMEND CHAPTER 412, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID", BEING HOUSE BILL NO. 1139 OF THE 129TH

GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

Senator Murphy marked PRESENT.

Senator Cicone was added as co-sponsor of SB 725 after which the roll call vote was 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.

On motion of Senator Kearns, the roll call vote on HB 1102 was lifted and announced:

YES: Senators Adams, Berndt, Cicone, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Weiss, Zimmerman - 13.

NO: Senators Cook, Cordrey, Hughes, McCullough, Schlor, Sharp, Spence - 7.

NOT VOTING: Senator Arnold - 1.

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

On motion of Senator Zimmerman, the roll call vote on HB 937 was lifted and announced:

YES: Senators Adams, Berndt, Cicone, Cook, Cordrey, Hale, Kearns, Littleton, McDowell, Murphy, Spence, Zimmerman - 12.

NO: Senators Arnold, Knox, McCullough, Weiss - 4.

NOT VOTING: Senators Holloway, Hughes, Martin, Schlor, Sharp - 5.

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

On motion of Senator Sharp, the necessary rules were suspended for the introduction and consideration of SB 729:

SB 729 - AN ACT TO AMEND VOLUME 61, CHAPTER 408, LAWS OF DELAWARE THE 1979 CAPITAL IMPROVEMENTS ACT, BY REPEALING A PORTION OF THE SUM AUTHORIZED FOR CONSTRUCTION OF A MULTI-PURPOSE CRIMINAL JUSTICE FACILITY AND BY AUTHORIZING FUNDS FOR THE CONSTRUCTION OF A FACILITY AT DELAWARE CORRECTIONAL CENTER, AND TO APPROPRIATE SUCH FUNDS TO THE DEPARTMENT OF CORRECTION. Sponsors: Senators Sharp, Holloway, Cook, Arnold, Hughes; Representatives Darling, W. Brady, Ferguson, T. Brady and Riddagh.

The privilege of the floor was extended to Commissioner James T. Vaughn (Department of Correction).

SA 1 to the Bill was introduced by Senator McDowell and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed:

YES: Senator McDowell - 1.

NO: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Zimmerman - 17.

ABSENT: Senators Cicone, Littleton, Weiss - 3.

Therefore, the Amendment was declared lost.

Senator McCullough marked PRESENT.

The roll call vote on SB 729 was then taken and revealed 19 Senators voting YES; 1 (Cicone) voting NO and 1 (Weiss) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SR 146 was introduced by Senator Holloway and considered for adoption on his motion:

SR 146 - URGING THE DIVISION OF HIGHWAYS, DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, TO DEDICATE THE THIRD STREET BRIDGE REPLACEMENT IN WILMINGTON IN HONOR OF THE LATE WILLIAM J. WINCHESTER.

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

SCR 116 (Sponsored by Senator Cook, Representative W. Brady and all the Senators) was introduced and considered for adoption:

SCR 116 - EXPRESSING THE SYMPATHY OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY OF DELAWARE TO THE FAMILY OF SENATOR HARRIS B. MCDOWELL, III, UPON THE DEATH OF HIS MOTHER, FLORENCE NEARY MCDOWELL, ON AUGUST 13.

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

SJR 47 (Sponsored by Senators Holloway and McDowell) was introduced and laid on the table at the request of Senator Holloway:

SJR 47 - RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WHICH PROVIDES REPRESENTATION FOR THE DISTRICT OF COLUMBIA IN THE UNITED STATES CONGRESS.

On motion of Senator Cicione, the necessary rules were suspended for the introduction and consideration of SB 728:

SB 728 - AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, BEING THE BUDGET APPROPRIATION ACT FOR FISCAL YEAR 1979; AND PROVIDING TRANSPORTATION FOR CERTAIN PUBLIC SCHOOL PUPILS.

Sponsors: Senator Cicione; Representatives Maxwell, Kelly and Byrd.

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

On motion of Senator Adams, the necessary rules were suspended for consideration of HB 1042:

HB 1042 - AN ACT TO AMEND PART V, TITLE 29, DELAWARE CODE, TO PROVIDE FOR LEAVE FOR STATE EMPLOYEES TO PARTICIPATE IN OLYMPIC COMPETITION.

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

On motion of Senator Cook, the necessary rules were suspended for consideration of HB 1072:

HB 1072 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR PAYMENT OF ACCUMULATED LEAVE OF AN EMPLOYEE.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, McDowell 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 975 from the table for consideration:

HB 975 - AN ACT TO AMEND CHAPTER 3, TITLE 18 AND CHAPTERS 27 AND 29, TITLE 29, OF THE DELAWARE CODE, RELATING TO THE SALARIES OF

CERTAIN STATE OFFICERS.

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

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, Schlor, Sharp - 15.

NO: Senator Zimmerman - 1.

NOT VOTING: Senators McCullough and Spence - 2.

ABSENT: Senators McDowell, Murphy, Weiss - 3.

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

On motion of Senator Martin, the necessary rules were suspended for lifting HB 1104 from the table for consideration:

HB 1104 - AN ACT TO AMEND CHAPTER 9, TITLE 31, OF THE DELAWARE CODE, RELATING TO JOB TRAINING AND PLACEMENT OF WELFARE RECIPIENTS AND MAKING AN APPROPRIATION THEREFOR.

Senator Martin yielded the floor to Senator Hale to floor-manage the Bill. The roll call vote on the Bill 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 returned to the House.

On motion of Senator Kearns, the necessary rules were suspended for consideration of HB 1151:

HB 1151 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY FOR THE OPERATION AND MAINTENANCE OF AN AERIAL TRUCK.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Murphy 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 819 was lifted; however, before, being announced the roll call was again laid on the table on further motion of the Senator.

At 4:06 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 6:07 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Cicione, SB 728 was lifted for consideration.

SA 1 to the Bill (Sponsored by Senators Cicione and Kearns; Representatives Maxwell, Kelly, Byrd and Gilligan) was introduced and considered for adoption on motion of Senator Cicione. The roll call vote on the Amendment was taken and revealed:

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

NO: Senator Adams - 1.

ABSENT: Senators Holloway, McCullough, Weiss - 3.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill (Sponsored by Senators Cicione and Kearns; Representatives Maxwell, Kelly, Byrd and Gilligan) was introduced and considered for adoption on motion of Senator Cicione. The roll call vote on the Amendment was taken and revealed:

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

NO: Senators Adams, Cook, Cordrey, Hale, Hughes, Knox, Littleton - 7.

NOT VOTING: Senators Arnold and Spence - 2.

ABSENT: Senator Weiss - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 728 w SA 1, 2 was then taken and revealed:

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

NO: Senators Adams, Hale, Hughes, Knox, Littleton, McCullough, Spence - 7.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators Cordrey and Weiss - 2.

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

On motion of Senator Sharp, the necessary rules were suspended for the introduction and consideration of HB 1152:

HB 1152 - AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE FISCAL YEAR ENDING JUNE 30, 1979, TO PROVIDE OPERATING FUNDS FOR A NEW FACILITY. (Sponsors: Representatives Darling, W. Brady, Ferguson, T. Brady, Riddagh; Senators Sharp, Holloway, Cook, Hughes, Arnold.)

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

The Secretary announced that a message from the House indicated that the House passed SB 729 and adopted SCR 115 and SCR 116.

HCR 145 was introduced and considered for adoption on motion of Senator Berndt:

HCR 145 - MOURNING THE DEATH OF WILLIAM BRADFORD, JR., OF WILMINGTON, A FORMER SECRETARY OF THE DEPARTMENT OF FINANCE. (Sponsors: Representative George; Senators Berndt, Cook, Arnold, Knox, Hughes, Cordrey and Holloway.)

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

HCR 146 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 146 - COMMENDING THE DELAWARE HARNESS RACING COMMISSION ON THE ACTION IT HAS TAKEN TO PRESERVE REVENUES TO THE STATE OF DELAWARE. (Sponsors: Representatives Sincock, Jonkiert, Byrd and Ambrosino.)

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (Holloway) voting NO, and 2 (Hale and Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 147 was introduced and considered for adoption on motion of Senator Murphy:

HCR 147 - EXPRESSING THE SUPPORT OF THE GENERAL ASSEMBLY FOR THE UPCOMING TESTIMONIAL FOR AL TRIBUANI, JOHNNY AIELLO AND LOU

BROOKS, EASTERN GOLDEN GLOVES CHAMPIONS IN 1940. (Sponsors: Representatives Jonkiert and Sincock; Senator Murphy.)

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

At 6:40 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 7:12 p.m., Lt. Governor McGinnis presiding.

At 7:13 p.m. August 31, 1978 on motion of Senator Cordrey, the Extraordinary Session called by the Governor was adjourned and the Chair appointed Senators Sharp and Hughes as a Committee to so advise the Governor.

* * * * *

Legislative Advisories which had been received by the office of the Secretary of the Senate (Nos. 50 through 70) indicated the following action taken by the Governor on Senate Bills which had passed both the Senate and the House:

The Governor signed the following legislation:

On May 30, 1978 - SB 487. On June 5 - SB 415; SB 367; SB 453 w SA 1. On June 8 - SB 578. On June 12 - SB 90; SB 137; SJR 26. On June 13 - SB 83 w HA 1; SB 406 w SA 1, HA 1; SB 431. On June 16 - SB 628. On June 19 - SB 472; SB 502. June 20 - SB 85 w HA 1. June 23 - SB 432 w SA 1. June 26 - SB 337; SB 349; SB 430; SB 490; SJR 38. June 27 - SB 387; SB 395; SB 477; SB 478; SB 480; SB 541; SB 539. June 22 - SB 601 w SA 2. June 28 - SB 534 w SA 1. June 29 - SB 611; SB 707; SB 709; SS 1 for SB 223 w SA 2; SB 574; SB 576; SB 271; SB 270; SJR 39; SB 582; SB 629; SJR 42; SB 562; SB 542. June 30 - SB 563 w SA 1; SB 512 w HA 1; SS 1 for SB 552; SJR 45. July 1 - SJR 46, SB 689 w SA 1, HA 1; SB 710; SS 1 for SB 535 w SA 1, 2, HA 1. July 8 - SB 298; SB 368; SB 455 w SA 1; SB 461 w SA 1, HA 1, 4; SB 567 w SA 1, 4, HA 1; SB 577; SB 606; SB 614; SB 617; SB 636; SB 714. July 11 - SB 184 w HA 2; SB 292; SB 308; SB 326; SB 348 w HA 1; SB 471; SB 492; SB 556; SB 561; SB 565; SB 593; SB 610; SB 615; SB 637; SB 638; SB 670; SB 684; SB 700; SJR 41; SJR 44. July 12 - SB 632 w SA 4,5,6,7,9,10; SB 645; SB 648 w SA 1; SB 669 w SA 1; SB 679 w SA 1; SB 706 w SA 1, 3; SB 717; SB 719; SB 358 w SA 1; SS 1 for SB 163 w SA 1, HA 3,4,6,7,8; SB 359 w SA 1; SB 361 w SA 1; SB 572 w SA 1; SB 604 w SA 1; SB 634 w HA 1; SB 643; SB 715. On September 7 - SB 729. On September 8 - SB 728 w SA 1,2. On September 15 - SB 641; SB 66.

The Governor vetoed the following legislation:

On June 13, 1978 - SS 1 for SB 494. On June 27 - SB 476. On July 1 - SB 70. SB 178; SB 393 w SA 1, 2; SB 564; SB 616; SB 680. SB 3; SB 388 w SA 1; SB 481 w SA 1, HA 1; SB 682 w HA 1.

SB 426 became law without the Governor's signature.

The following are Constitutional Amendments and do not require the Governor's signature: July 12, 1978 - SB 320; SS 1 for SB 536 w SA 1,2,3,4, HA 1; SB 649 w SA 1.

* * * * *

SESSION

Called by the Governor - October 30, 1978

Pursuant to the Governor's Proclamation recorded below, the Senate was called to order at 3:34 p.m. October 30, 1978, Lt. Governor McGinnis presiding.

The following Proclamation of the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, pursuant to Article IV, Section 3, of the Constitution of the State of Delaware, do hereby convene the Senate of the 129th General Assembly into session on Monday, October 30, 1978, at 1:00 P.M. for the purpose of confirming the appointments of the Honorable William T. Quillen and Henry R. Horsey, Esq. to be Justices of the Supreme Court and for the transaction of such other executive business as may come before it.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 18th day of October, in the year of our Lord, one thousand nine hundred seventy-eight, and of the Independence of the United States of America, the two hundred and second.

Pierre S. duPont, IV, Governor
ATTEST:
Glenn C. Kenton, Secretary of State

* * * * *

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, Schlor, Sharp, Spence, Zimmerman - 20.

ABSENT: Senator Weiss - 1.

The following letters of nomination for appointment by the Governor were read and laid on the table on motion of Senator Adams:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

October 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: Henry R. Horsey, 9 The Green, Dover, Delaware, to be a Justice of the Supreme Court of the State of Delaware for a twelve year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

October 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 T. Quillen, The Strand, New Castle, Delaware, to be a Justice of the Supreme Court of the State of Delaware for a twelve year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

October 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: Karl J. Parrish, 3211 Romilly Road, Wilmington, Delaware, to be a Judge of the Family Court of the State of Delaware, for a twelve-year term from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV, Governor

* * * * *

On motion of Senator Adams, the necessary rules were suspended for consideration of the nominations for appointment just read and laid on the table.

Therefore, under the above suspension of rules the Governor's nomination for appointment of Karl J. Parrish was considered and the roll call vote taken which revealed 19 Senators voting YES, 1 (Sharp) voting NO and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

The Governor's nomination for appointment of William T. Quillen was taken and revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the appointment was declared adopted.

The Governor's nomination for appointment of Henry R. Horsey was taken and revealed 19 Senators voting YES, 1 (Sharp) voting NO and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

At 4:48 p.m. on motion of Senator Cordrey, the Session called by the Governor adjourned and the Secretary was directed to so inform the Governor.

* * * * *

At 4:48 p.m. October 30, 1978, the Session called on July 1, 1978 by the President Pro Tempore and the Speaker of the House and recessed on August 8, 1978 to the call of the President pro Tempore was reconvened.

SR 147 was introduced by Senator Holloway and considered for adoption on his motion:

SR 147 - CONDEMNING A PROPOSED RESOLUTION CALLING FOR STATE CONTROL OF THE MASS MEDIA UNDER CONSIDERATION BY THE UNITED NATIONS EDUCATION, SCIENTIFIC, AND CULTURAL ORGANIZATION (UNESCO).

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

SR 148 was introduced by Senator Holloway and considered for adoption on his motion:

SR 148 - COMMENDING THE QUICK-THINKING, RESOURCEFULNESS, AND BRAVERY OF NINE-YEAR-OLD MARK SPENCER OF WILMINGTON.

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

SR 149 was introduced by Senator Hughes and considered for adoption on his motion:

SR 149 - OFFERING THE CONGRATULATIONS OF THE SENATE TO DEBBIE LOWE, OF CLAYMONT, WINNER OF THE MISS DELAWARE TEEN TITLE.

The roll call vote on the Resolution was taken and revealed 20 Sena-

tors voting YES and 1 (Weiss) ABSENT; therefore, the Resolution was declared adopted.

SR 150 (Sponsored by Senators Cicione, Sharp, Kearns, Martin, Hughes, Arnold, Berndt) was introduced and considered for adoption on motion of Senator Cicione:

SR 150 - DEPLORING THE REFUSAL OF THE NEW CASTLE COUNTY SCHOOL BOARD TO HOLD ITS MONTHLY PUBLIC MEETINGS, AND CALLING UPON THE SCHOOL BOARD TO HOLD A MEETING AT WHICH THE PUBLIC MAY ATTEND.

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

SJR 48 was introduced and assigned to the Education Committee:

SJR 48 - DIRECTING THE OFFICE OF STATE FIRE MARSHAL TO TEMPORARILY SUSPEND ACTIVITIES DIRECTED TOWARD CLOSING DOWN CERTAIN PRIVATE SCHOOLS IN NEW CASTLE COUNTY UNTIL THE 130TH GENERAL ASSEMBLY HAS HAD AMPLE TIME TO ESTABLISH GUIDELINES; AND PROVIDING FOR A SUSPENSION OF ORDERS AND DIRECTIVES FOR SCHOOLS ALREADY CLOSED. Sponsors: Senators Hughes, Sharp, Spence, Arnold, Knox, Hale; Representatives Ferguson, Hebner, Ridings, Oberle, Roy, Ambrosino, Connor.

SA 1 to SJR 48 was introduced by Senator Arnold and placed with the Resolution.

SB 730 (Sponsored by Senators Littleton, Cordrey and Adams) was introduced and laid on the table on motion of Senator Littleton:

SB 730 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, PERTAINING TO STATE HOLIDAYS, TO MAKE RETURNS DAY A HOLIDAY IN SUSSEX COUNTY.

On motion of Senator Holloway, the roll call on HB 819 was lifted; however, before being announced, the roll call was again tabled on further motion of the Senator.

Senator Littleton moved that the necessary rules be suspended for lifting HB 1120 from the table for consideration. Senator Cordrey objected to the suspension of rules; however, before any action on the motion was taken the Senate recessed for a few minutes and reconvened at 4:11 p.m., Lt. Governor McGinnis presiding.

Senator Cordrey withdrew his objection to the suspension of rules for consideration of HB 1120 and the motion for suspension carried without objection.

HB 1120 - AN ACT TO AMEND CHAPTER 41, PART 1, TITLE 14, OF THE DELAWARE CODE RELATING TO DAILY STUDENT ACTIVITIES.

Senator Spence was added as co-sponsor to 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 returned to the House.

Mrs. Cicione and Mrs. Schlör were introduced to the Senate by the President Pro Tempore.

At 4:25 p.m. on motion of Senator Cordrey the Senate recessed and reconvened at 4:57 p.m., Lt. Governor McGinnis presiding.

On motion of Senator Martin, the roll call vote on HB 751 was lifted and revealed:

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

NO: Senators Arnold, Knox, Littleton, Spence, Weiss - 5.

ABSENT: Senator Hale - 1.

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 819 was lifted; however, before being announced the roll call was again tabled.

On further motion of Senator Holloway, the roll call vote on HB 819 was again lifted and again retabled before being announced.

At 5:15 p.m. October 30, 1978, on motion of Senator Cordrey, the Senate recessed to the call of the President Pro Tempore.

* * * * *



Quick Reference

Index

QUICK REFERENCE

INDEX

<u>Subject</u>	<u>Sponsor</u>	<u>Bill No.</u>
ADMINISTRATIVE SERVICES, DEPARTMENT OF		
Supp. appro. - settle law suit	Cicione	137
Back pay to employee	Murphy	197
Deed property to "Church of God"	Cook	321
Overtime due employee	Murphy	376
Supp. appro. - New Office Building	Cordrey	396
Sale of State-owned material	Kearns	399
Back pay due employee	Zimmerman	415
ADOPTION		
Termination of parental rights	Kearns	305
ADULT BOOK STORES & ENTERTAINMENT		
Regulation of	Kearns	60
Amend Code in relation to	Sharp	188
Protect children under 12	Kearns	505
AGED AND AGING		
Fix transportation rates for elderly	Holloway	75
AGRICULTURE		
Supp. appro. - back pay due employee	Zimmerman	218
Duties and authority of Department	Adams	243
Purchase Butterfat Testing Equipment	Adams	648
ALCOHOL and ALCOHOLISM		
Amend Code on price-fixing	Holloway	15
Extend bar hours to 2 a.m.	Holloway	55
Regulating consumption of beverage	Holloway	66
Cash sales by Commission	Holloway	149
Off-premises consumption of	Cicione	178
Storage of alcoholic beverages	Holloway	408
Sale from manufacturer to retailer	Holloway	545
Define word "CASH"	Holloway	546
License fees	Holloway	547
Define word "IMPORTER"	Holloway	548
Sale from suppliers to importers	Holloway	554
Sunday hours for retail stores	Holloway	555
Sales to minors	Holloway	664
Sales on Sunday	Holloway	665
Funding of Rehabilitation Programs	Berndt	683
Sales to minors	Holloway	684
ALIENS		
Hiring of illegal aliens	Holloway	304

ANNUAL REPORTS		
Insure brevity and uniformity	Hughes	400
ARCHITECTURE		
Practice of	Holloway	467
Registration of Architects	Murphy	559
Increase number of Board members	Holloway	609
ARTISANS SAVINGS BANK		
Amend Charter	Murphy	100
ATTORNEY GENERAL		
Funds for special litigation	Cordrey	397
Computing the salary of the A.G.	Kearns	420
Litigation - Alfred I. duPont Estate	Cicione	677
Entitled to litigation fees	Cicione	681
BANKS		
Amend Code	Murphy	215
Amend Code	Murphy	216
Fee for establishment of	Murphy	311
Supp. appro. - Banking Commission	Murphy	367
Cashing of checks, drafts, etc. by banks	Cicione	401
Disclosure of information by Commission	Murphy	476
Qualification - Commissioner & employees	Murphy	477
Retention of records	Murphy	478
Examination of small loan companies	Murphy	480
Secrecy required of Bank Commissioner	Murphy	481
Indemnification of directors	Murphy	491
Loan limitation	Murphy	572
Deposits of securities by fiduciary	Murphy	615
Subpoena power of Commissioner	Murphy	636
Stock taxation	Murphy	637
Funds of an insolvent bank	Murphy	638
Powers of Commissioner	Murphy	641
Mortgage Banking	Murphy	700
BETHANY BEACH, TOWN OF		
Taxation of real estate	Cordrey	411
Borrowing power	Cordrey	412
Retain certain land for use	Cordrey	417
Transfer certain land	Cordrey	634
BETHEL, TOWN OF		
Road improvements	Littleton	395
BINGO		
Permitted amount of aggregate prizes	Cicione	116

BOND BILLS

Bond Bill - FY 78	Cook	59
Amend Bond Bill of 128th G.A.	Spence	66
Bond Bill	Knox	445
Bond Bill	Knox	446
Bond Bill	Knox	447
Watershed and Tax Ditches	Adams	462
Improve Concord Pond Dam	Littleton	487
Amend '76 Bond Bill	Zimmerman	553
Capital Improvements of '78	Hale	633
Capital Improvements of '79	Hale	639
Limits to authorization	Cook	707
Capital Projects Act	Cook	709
Capital Improvements Act of 1979	Cook	710

BOWERS BEACH MARITIME MUSEUM

Grant-In-Aid	Murphy	650
--------------	--------	-----

BRIARWOOD MANOR

Road improvements	Adams	599
-------------------	-------	-----

BRIDGEVILLE, TOWN OF

Power to raise revenue	Adams	423
Registration of voters	Adams	424

BROAD DIKE PROJECT

Funds for completion of	McCullough	704
-------------------------	------------	-----

BUDGET

Amend 1977 Budget	Cook	SS 1 / 4
Deadline date for introduction of	Sharp	22
Governor's staff	Knox	71
Supp. appro. - Office of Budget	Cicione	76
Withdrawal of funds	Cicione	81
Amend '77 Budget	Knox	92
Return certain balances to Gen. Fund	Cicione	135
Method of consideration by G.A.	Holloway	SS 1 / 191
Amend '78 Budget	Cook	195
Amend '78 Budget	Cook	196
Amend '78 Budget	Sharp	198
Amend '78 Budget	Cordrey	207
Amend '78 Budget	Cook	280
Limit appropriations	Cordrey	296
Limit to State spending	Knox	339
Limit to State spending	Knox	351
Amend '78 Budget	Cicione	373
Amend '78 Budget	Cicione	402
Amend '78 Budget (Librarian)	Cicione	419
Amend '78 Budget (Librarian)	Cicione	430
Limit on appropriations	Cordrey	535

Limit on appropriations	Cordrey	536
Amend '78 Budget	McDowell	582
Amend '79 Budget	Cicione	585
Amend '78 Budget	Cook	598
Amend '78 Budget	Cicione	613
Amend '79 Budget - Pupil transportation	Cicione	618
Amend '79 Budget - Pupil transportation	Cordrey	SS 1 / 689
Grants-In-Aid - Supplemental	Holloway	725
BUILDING AND LOAN ASSOCIATIONS		
Powers and conduct	Murphy	271
BUILDING CODE		
Regulation of building construction	McDowell	174
Unlawful housing practices	Holloway	669
Board for Barrier Free Design	Martin	682
Duties of Inspector - N.C.C.	Sharp	690
Reports by Inspector - N.C.C.	Sharp	691
Violations of Code - N.C.C.	Sharp	692
ASHRAE Standards	McDowell	724
BUREAU CHIEFS		
Criteria for employment	Sharp	27
BURGLARY		
Amend Chapter relating to	Sharp	3
BURIAL		
Remains of an indigent person	Holloway	584
Remains of an indigent person	Holloway	602
CAESAR RODNEY SCHOOL DISTRICT		
Enlargement of Charlton School	McCullough	254
Reimburse employee	Cordrey	288
Enlarge Charlton School	McCullough	315
Transfer funds	Murphy	614
CAMDEN, TOWN OF		
Extend limits	Murphy	73
CAPITAL PUNISHMENT		
1st degree murder	Sharp	28
Conditions for	Kearns	61
Sentencing and execution	Kearns	147
Sentencing and execution	Kearns	148
Method of death	Berndt	344
Review of punishment	Sharp	721

CAPITAL SCHOOL DISTRICT		
Transfer funds	Zimmerman	228
Transfer funds	Zimmerman	244
Transfer funds	Zimmerman	497
Transfer funds	Zimmerman	596
CAR WASH BUSINESS		
Prohibited practices	Cicione	74
CERTIFIED PUBLIC ACCOUNTANTS		
Establish a Board of Accountancy	Holloway	450
CHARTERS, CITY		
Amend Title 22 - repeal of Charters	Spence	133
CHILD SUPPORT ENFORCEMENT, BUREAU OF		
Relating to powers of	Kearns	381
Police powers for	Kearns	416
Visitation rights	Cordrey	451
CHIROPRACTIC PHYSICIANS		
Under Group Plans	Murphy	1
COASTAL ZONE ACT		
Amend	Cicione	540
Deepwater Port	Knox	662
Feasibility study - Deepwater Port	Zimmerman	672
Pipeline & on-shore facilities	Cicione	676
COMMERCE AND TRADE		
Establish Foreign Trade Zone	Berndt	120
COMMUNITY AFFAIRS & ECONOMIC DEVELOPMENT		
Supp. appro. - pay for Board members	Zimmerman	426
Duties of Public Advocate	Kearns	715
CONCEALED DEADLY WEAPONS		
Regulation of	Holloway	255
CONCURRENT AND CONSECUTIVE SENTENCES		
Prohibit	Schlor	185
CONSUMER AFFAIRS BOARD		
Compensation of members	Berndt	694
CONTAINER LEGISLATION COMMISSION		
Create Commission	Berndt	706
CONTROLLED SUBSTANCES		
Regulation	Kearns	46
Delivery of	Arnold	208

CORPORATIONS		
Corporate name	Zimmerman	387
CORRECTION, DEPARTMENT OF		
Additional officers at D.C.C.	Sharp	1
300-bed correctional facility	Sharp	2
Additional guards & renovation (S.A.)	Sharp	24
Prior obligations (S.A.)	Sharp	25
Employment of Bureau Chiefs	Sharp	27
Continue Staff Training Program (S.A.)	Sharp	47
Release time for prisoners	Sharp	72
Central Administration Office	Sharp	80
Back pay to employee	Holloway	83
Back pay to employee	Holloway	84
Back pay to employee	Holloway	85
Back pay to employee	Holloway	86
Psychiatric examination before parole	Kearns	96
Meet payroll obligations (S.A.)	Holloway	98
Segregate male & female inmates	Hughes	126
Segregate juvenile & adult inmates	Hughes	127
Minimum Security facility	Holloway	140
Classification Board members pay (S.A.)	Sharp	146
Central Administration Office	Sharp	151
Transfer funds for repairs, etc.	Cordrey	203
Discharge allowance (S.A.)	Sharp	SS 1 / 211
New facilities, positions & programs	Hughes	386
Transfer between Divisions	Hughes	389
New facilities	Hughes	390
Classification of inmates	Sharp	392
New facilities, positions & programs	Sharp	394
Reimburse Warden Anderson	Sharp	431
Salary underpayment (S.A.)	Sharp	432
Maximum Security Building	Sharp	476
Furloughs of inmates	Kearns	504
Medical care of inmates	Sharp	532
Overview Committee on Construction	Sharp	714
Security facility at D.C.C.	Sharp	729
COSMETOLOGISTS		
Regulation of	McCullough	165
Include masseurs in definition of	Kearns	166
Number of apprentices allowed	Holloway	428
COUNCIL ON TRANSPORTATION		
Establish new Council	Martin	678
COURT COSTS AND FEES		
Recoupment	Kearns	52
COURT COMMISSIONER		
Residency requirements	Holloway	295

CRIMINAL JUSTICE, DIVISION OF Supplemental appropriation	Knox	573
DAGSBORO, TOWN OF Amend Charter	Cordrey	238
DE LA WARR SCHOOL DISTRICT		
Tuition as result of vol. transfer plan	McCullough	269
Tuition as result of vol. transfer plan	McCullough	374
Change method of State support	McCullough	377
Supplemental appropriation	McCullough	482
State support of	McCullough	483
Transfer local funds	McCullough	485
State support	McCullough	486
DECEDENTS' ESTATES		
Uniform Disclaimer of Transfer	Murphy	212
DEEPWATER PORT		
Exception to Code	Zimmerman	449
Pipe lines	Knox	662
Feasibility study	Zimmerman	672
Pipeline and on-shore facilities	Cicione	676
DELAWARE CODE		
Additional copies (S.A.)	Cordrey	51
DELA. EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL		
Establishment of	Holloway	124
DELAWARE ENERGY OFFICE		
Establishment of	McDowell	604
DELAWARE HERITAGE COMMISSION		
Establishment of	Martin	578
DELAWARE HOSPITAL FOR CHRONICALLY ILL		
Payments by relatives of patients	Holloway	642
Amend admittance requirements	Holloway	666
DELAWARE HOSPITAL FOR MENTALLY RETARDED		
Change name to Stockley Center	Holloway	493
DELAWARE SECURITIES ACT		
Amend	McDowell	656
DELAWARE SOLID WASTE AUTHORITY		
Indemnification of members	Cordrey	251

DELAWARE STATE HOUSING AUTHORITY		
Increase Bond authority	Holloway	593
DELAWARE TECHNICAL AND COMMUNITY COLLEGE		
Services to foreign born	Holloway	235
Student newspapers (S.A.)	McDowell	570
Certain services (S.A.)	Holloway	597
DISPOSABLE BEVERAGE CONTAINERS		
Create new Chapter	Schlor	39
DIVERSION PROGRAM ACT		
Establishment of	Kearns	422
DOOR-TO-DOOR-SALES		
Identification of salesmen	Holloway	13
DOVER, CITY OF		
Amend Charter	Zimmerman	256
DREDGE, STATE		
Entrance channel to Cosy Cove	Cordrey	348
EDUCATION		
Athletics in public schools	Cicione	35
Reorganization of School Districts	Schlor	38
Units of pupils	Cook	57
Transportation of non-public students	Cicione	78
Certification of prof. school employees	Kearns	94
Establish Department of Education	Cicione	104
Dismissal of teachers for desegregation	Holloway	108
Voluntary transfer of students	Arnold	173
Formula adjustment - Bus contractors	Cicione	199
Expenditure from Edu. Contingency Fund	Arnold	200
Provide for autistic children	Holloway	227
Services to foreign born	Holloway	235
Reorganization of School Districts	McCullough	250
Termination of Teachers' services	Arnold	252
Classes for partially-sighted pupils	Cook	261
Voluntary Transfer Plan	Arnold	264
Psychiatric exam - exceptional pupils	Cook	273
Exceptional children	Holloway	279
Pupils transferring between Districts	McCullough	302
Pupils transferring between Districts	McCullough	303
Notification - termination of services	McCullough	332
Notification - termination of services	McCullough	333
Reimbursement of School Bus aides	Martin	334
Autistic children	Holloway	353
Textbooks for non-public schools	Kearns	354
School Bus aides	Martin	370

Vol. transfers of School Districts	McCullough	372
Tax rates for School Districts	McCullough	435
Federal funding	Sharp	443
Testing procedures - Public Schools	Sharp	444
Reorganize School Districts - N.C.C.	Hale	456
Tax rates - reorganized School Districts	Hale	457
Testing & evaluating Public Sch. pupils	Sharp	458
Adm. staff salaries - new School Dists.	Hale	459
Non-public School transportation	Cicione	484
Disposal of school property	Adams	494
Units for gifted and talented	Holloway	495
Salaries - School secretaries & clerks	Cook	496
Voluntary transfer of pupils	Arnold	527
Unit support - handicapped students	Holloway	580
Psychologists - Speech & Hearing Teachers	Holloway	581
Preschool Diagnostic Nursery - Kent Ct.	Zimmerman	589
Increase salaries - school employees	Murphy	595
Sale of St. School buses to contractors	Cicione	600
Enlarge Charlton School	McCullough	622
Statutory rights of pupils	Cicione	626
Pupil transportation cost	Martin	629
Temporary permits - Sch. Bus drivers	Martin	687
Voluntary student transfers	Arnold	701
School Boards for N.C.C.	Arnold	703
Storage of School Buses	Hughes	726
Transportation for certain pupils	Cicione	728
ELECTIONS		
Amend Title 15- Campaign contributions	Murphy	138
Fair Campaign Financing Act	Schlor	152
Amend Code	Murphy	326
General Election Laws	Murphy	338
Primary elections & nominations	Zimmerman	382
Date of Party primaries	Zimmerman	383
Determination of Party nominee	Zimmerman	384
Nomination, withdrawal & election date	Zimmerman	403
Candidate filing for Primary election	Kearns	556
Defs. & qualifications of candidates	Kearns	567
EMPLOYEES AND OFFICIALS, STATE		
Rescind salary supplement	Knox	136
Retirement age	Arnold	154
Collective bargaining	Sharp	220
Legal actions of	Holloway	278
Financial disclosure	Weiss	324
Failure to carry out mandated actions	Holloway	SS 1 / 330
Hazardous duty pay	Berndt	355
Exempt certain positions	Knox	360
Enforcement of Chapter 59	Cicione	361
Right to examine promotion test results	Holloway	454
Financial disclosure	Sharp	568
Define eligible employee	Murphy	708

EMPLOYMENT		
Of minors by caterers	Hughes	42
Discrimination because of age	Weiss	560
Discrimination in State employment	Holloway	569
ENERGY		
Provide for Lifeline Act	McDowell	202
Energy conservation improvements	Arnold	206
Energy conservation improvements	Holloway	239
Energy conservation in Public buildings	McDowell	575
Solar shade control	McDowell	647
Program of loans	McDowell	658
Energy efficiency items in new buildings	McDowell	724
ENVIRONMENTAL CONTROL - DIVISION OF		
Definition of "pollutant"	Zimmerman	90
EQUINE INFECTIOUS ANEMIA PROGRAM		
Testing expenses	Adams	171
EXECUTIVE DEPARTMENT		
Increase salaries of staff	Knox	62
EXTRADITION & DETAINERS		
Amend Code	Sharp	322
Extradition expenses	Sharp	323
Actual notice of disposition	Kearns	507
FALCONRY ADVISORY BOARD		
Creation of	Holloway	362
FARMERS BANK OF THE STATE OF DELAWARE		
Supp. appro. to Commission	Murphy	31
Indemnification of Directors	Murphy	32
Commission's expenses	Murphy	69
FAVORED AGENT OR INSURER		
Prohibit	McCullough	268
FENWICK ISLAND		
Lifeguards for beach	Cordrey	628
Create Sanitary Sewer District	Cordrey	719
FINANCE, DEPARTMENT OF		
Back pay of employee (S.A.)	Holloway	542
FINANCING		
Of motor vehicles	Murphy	418

FIRE PROTECTION		
In New Castle County	Cicione	70
In New Castle County	Cicione	82
Residential smoke detectors	Holloway	143
Building funds for Vol. Fire Companies	Murphy	479
Merger of Fire Companies & Fire Police	Cicione	524
Parking in fire lanes	Hughes	557
FIREARMS		
Prohibit discharge on highways	Zimmerman	534
FISCAL PROJECTIONS		
Required on Bills and Resolutions	Schlor	226
FISH AND GAME		
Size of allowable shot to take game	Kearns	155
Marking of commercial crab pots	Holloway	281
Fishing licenses	Kearns	284
Commercial crabbing in Roy's Creek	Cordrey	349
Extend Muskrat Trapping Season - 1978	Zimmerman	463
Penalties for violations	Zimmerman	490
Fishing licenses for tidal waters	Kearns	509
Commercial Eel fishing	Zimmerman	543
Mail-in fines	Adams	574
FOOD STAMPS		
Misuse of	Adams	114
Permit use in some restaurants	Holloway	520
FOREIGN TRADE ZONES		
Establish	Berndt	120
GAMES AND GAMBLING		
BINGO - aggregate amount of prize	Cicione	116
Treatment of compulsive gamblers	McDowell	587
GEOLOGISTS		
Registration of professional Geologists	Martin	184
GOVERNMENTS- COUNTY AND STATE		
Provide for appt. of certain officers	Hale	177
Approval of rules & regulations by G.A.	Murphy	393
Notice of Comm. meetings of G.A.	Holloway	429
Notice of Comm. meetings of G.A.	Holloway	433
Notice of Committee meetings	Holloway	438
Passage of Bills or Resolutions	McDowell	606
Analysis of Bills	McDowell	607
Overview responsibilities	McDowell	608
Office of Federal-State Relations	McDowell	661

GOVERNOR, OFFICE OF		
Staff salaries	Knox	71
Staff salaries	Knox	92
Secretary for Governor's wife	Cicione	363
GRAPHICS AND PRINTING		
Estab. Division of Graphics & Printing	Cicione	437
GUNS		
Prohibited hand guns	Weiss	204
HABEAS CORPUS		
Guarantee rights to	McDowell	274
HANDICAPPED		
Accessibility to polling places	Martin	50
Board of Barrier Free Design	Martin	682
HARNESS RACING		
Amend Code relating to	Murphy	16
State taxes on	Zimmerman	380
HEALTH AND SOCIAL SERVICES		
Terry Children's Center (S.A.)	Cicione	8
Divide into two Departments	Holloway	23
Streptoccal Program (S.A.)	Holloway	88
Sale of saccharin	Cicione	201
Multiple-handicapped (S.A.)	Cicione	247
Health Services Cost Commission	Murphy	329
Nursing services to non-public students	Cicione	391
Casual Labor Pool	Holloway	518
Sell van to Ecumenical Agency	Holloway	558
Certain revisions	Holloway	652
HIGHWAYS		
Dedication of new roads	Sharp	630
HUNTING AND TRAPPING		
Use of prohibited devices	Martin	102
Extend muskrat-season - 1978	Zimmerman	463
IDENTIFICATION		
Door-to-door salesmen	Holloway	13
False identification to a Peace Officer	Kearns	506
INDIGENT PERSONS		
Burial of remains by State	Holloway	584
Burial of remains by State	Holloway	602

INDUSTRIAL ACCIDENT BOARD

Hearings	Holloway	97
Add 2 members	Schlor	538

INSURANCE

Requirements for various licenses	Murphy	10
Subrogation under No-Fault Insurance	Murphy	99
Professional advice on rate filings	Murphy	128
Dept. of Ins. - transfer between lines	Murphy	175
Health Care for State employees	Murphy	225
Subrogation under No-Fault Insurance	Murphy	231
Liquidation of domestic insurers	Murphy	245
Prohibition against lending institutions	McCullough	262
Prohibition against lending institutions	McCullough	263
Prohibit favored agent or insurer	McCullough	268
Motor vehicle Self-insurance	Murphy	SS 1 / 297
Non-payment of premiums	Weiss	309
Insurance Company investments	Murphy	314
Taxes and charges	Murphy	316
Investments	Murphy	317
Casualty Insurance contracts	Murphy	365
Notice of termination of M.V. insurance	Sharp	434
Youthful motor vehicle drivers	Murphy	436
Unfair practices	Adams	579
Legal Expense Insurance	Murphy	663
Rehabilitation and liquidation	Murphy	695
Add'l personnel - Insurance Department	Murphy	713

JAI ALAI

Referendum on	Cicione	257
Regulations of	Holloway	356
Authorize	Holloway	379
Repeal authorization for	Cicione	523

JUDICIAL AND JUDICIARY

Increase Supreme Court to 5 Judges	Cook	5
Plea bargaining	Schlor	37
Fees and costs - recoupment	Kearns	52
Governor to fill judicial vacancies	Weiss	109
Filling of vacancies by Governor	Spence	131
Jurisdiction over welfare fraud cases	Kearns	153
Trial by jury - Court of Common Pleas	Sharp	157
Minimum mandatory sentences	Sharp	158
Appeals to Court of Common Pleas	Sharp	159
Appeals to Superior Court	Sharp	160
Appeal from Justice of Peace Courts	Sharp	161
Trial by Petit Jury - criminal cases	Sharp	162
Jurisdiction of fraudulent acts	Kearns	164
J.P. Court in Wilmington	Cicione	183
Residency requirement, Crt. Commission	Holloway	295

Criminal mischief	McDowell	328
Service of process	Kearns	341
New Facilities, Positions & Programs	Hughes	386
New Facilities, Positions & Programs	Sharp	394
Filling vacancies	Sharp	448
J.P. Court - back pay of employee (S.A.)	Murphy	455
Add 2 Chief Clerks - J. P. Courts	Murphy	460
Shoplifting	Weiss	471
Appeal from Family Ct. to Superior Ct.	Kearns	498
Criminal jurisdiction from Family Court	Kearns	499
Criminal jurisdiction from Family Court	Kearns	500
Re-define "CHILDREN" "ADULTS"	Kearns	501
Deputy Administrator - J. P. Courts	Cicione	502
Limited Police powers - certain officers	Kearns	503
Increase penalty - crime of robbery	Kearns	510
Right of Trial by Jury	Kearns	511
Violations of Title 21	Kearns	514
Drunken drivers	Kearns	515
Custody of juvenile offenders	Kearns	517
Uniform Disclaimer of Transfers	Zimmerman	525
Decedents' Estates	Zimmerman	526
Jurisdiction of drugs & marijuana	Holloway	529
Possession of deadly weapon	Schlor	551
Supplemental appropriation	Kearns	552
Salary - Chief Deputy in Chancery	Cordrey	561
Salaries - deputies and clerks	Cordrey	564
Salary - Chief Deputy Register of Wills	Cordrey	565
Back salary of employee (S.A.)	Holloway	586
Commission on Judicial Performance	Kearns	605
Judicial compensation	Kearns	621
Judicial compensation	Kearns	624
Referendum - retention of Judges	Sharp	640
Back pay - Superior Court employee (S.A.)	Holloway	660
Libel and slander as crimes	Kearns	697
Amend Code on libel	Kearns	698
Recovery of Attorney's fees	Cicione	716
 JUNKYARDS		
Regulation of	Martin	249
 JUVENILES		
Proceedings against	Kearns	223
 LANDLORD-TENANT RELATIONS		
Notification of rent increase	Holloway	194
Supply clothes lines	Cicione	289
 LAUREL SCHOOL DISTRICT		
Validate Referendum of 1977	Littleton	711
Validate Referendum of 1977	Littleton	718

LEGAL HOLIDAYS		
Martin Luther King's Birthday	Holloway	19
Memorial Day - May 29, 1978	Holloway	592
Returns Day - Holiday in Sussex County	Littleton	730
LEGISLATURE AND LEGISLATIVE		
Delaware Code (S.A.)	Cordrey	51
Code of Conduct	Hale SS 1 /	651
LEWES, CITY OF		
Amend Charter	Cordrey	9
Amend Charter	Cordrey	186
Amend Charter	Cordrey	541
LIBRARIAN, STATE		
Salary of	Cicione	419
Salary of	Cicione	430
LICENSED CLINICAL SOCIAL WORKERS		
	Holloway	118
LIEUTENANT GOVERNOR		
Administrative Assistant	Cordrey	89
LINE-OF-DUTY DEATH BENEFITS		
Extend benefits of	Kearns	413
LITTER CONTROL		
Enforcement of Law	Sharp	343
Enforcement of Law	Sharp	345
Recycling of newspapers	Cicione	688
Create Container Legislation Commission	Berndt	706
LIQUIFIED PETROLEUM GAS CONTAINERS		
	Cordrey	95
LOTTERY, STATE		
Amend Code	Holloway	282
Disposition of monies	Holloway	357
Distribution of funds	McDowell	439
MAINTENANCE, COMMUNICATIONS & CAPITAL SECURITY		
Create Division of	Zimmerman	58
MANDATORY RETIREMENT		
Repeal	Holloway	258
MARRIAGE		
Between minors	Littleton	213
Mental hospital patients	Hale	266
MARTIN LUTHER KING		
Birthday as Legal Holiday	Holloway	19

MARY CAMPBELL CENTER		
Appropriation to	Cicione	17
MESSAGE PARLORS AND MASSEURS		
Regulation of	Kearns	60
Include in definition of "Cosmologist"	Kearns	166
Registration of	Spence	260
MECHANICS LIENS		
Amend law - private residences	Kearns	623
MEDICAL CARE		
For indigent	Murphy	11
MEDICAL EXAMINER		
Supplemental appropriation	Holloway	299
MENTAL HEALTH		
Kent County Orthopedic School	Zimmerman	181
Care of multi-handicapped	Adams	293
Bill of Rights for patients	Berndt	566
Sterilization of defectives	Holloway	571
Sterilization of defectives	Holloway	655
MERIT SYSTEM		
Exempt State Lottery employees	Cicione	179
Forbid discrimination	Murphy	388
Increase salaries of employees	Murphy	594
MILFORD, CITY OF		
Reincorporate	Adams	269
Reincorporate	Adams	717
MILTON, TOWN OF		
Amend Charter	Adams	6
Amend Charter	Adams	286
MINIMUM WAGE RATE		
Set rate at \$2.65	Cicione	398
MINORS		
Employed by Caterers	Hughes	42
MISS DELAWARE		
Honorary hostess for State	Cordrey	189
MOBILE HOME SAFETY ACT		
Repeal	Murphy	368

MOTORBOATS		
Amend Code	Murphy	342
MOTOR VEHICLES		
Accidents involving property damage	Sharp	30
Amend Title 21 - driver's licenses	Arnold	121
Regulation of M.V. construction	Holloway	150
Permanent driver's licenses	Arnold	156
Regulate repair business	Holloway	168
Warranty for all used cars	Holloway	217
Fees for recording liens on	Cordrey	259
Regulation of mufflers	Holloway	292
For Department of Justice	Cicione	414
Financing the sale of	Murphy	418
Projections from periphery of tires	Martin	425
Notice of M.V. insurance termination	Sharp	434
Insurance for youthful drivers	Murphy	436
Tighten No-Fault Law	Murphy	461
Drunken driving	Kearns	515
Insurance for youthful drivers	Murphy	533
License plates - Dela. National Guard	Cicione	SS 1 / 653
License plates - Dela. National Guard	Hughes	696
Quota system for violations	Berndt	727
MUFFLERS		
Regulation on motor vehicles	Holloway	292
MUNICIPAL AND COUNTY GOVERNMENTS		
Certain restrictions	Cicione	63
Street Aid - responsibility for	Adams	298
Water companies	McCullough	310
MUNICIPAL ELECTRIC COMPANIES		
Allow creation of	Adams	645
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL		
Purchase land in White Clay Hundred	Martin	33
Conservation of natural resources	Zimmerman	222
Security lights - Slaughter's Beach	Adams	453
Remove shoals - Blackwater Creek	Cordrey	469
Amend Coastal Zone Act	Cicione	540
Dredge Lee Joseph Creek	Cordrey	610
Appeals from decisions of	Knox	621
Lifeguards - Dewey Beach & Fenwick Isl.	Cordrey	628
Add tract to Killen's Pond Park	Cook	670
Lease land - Lums Pond & Bellview Park	Cordrey	673
Term of Advisory Council members	Zimmerman	720
NEW CASTLE, CITY OF		
Continuation of Separation Day	McCullough	405
Annexation of roads	McCullough	671
Annexation of roads	McCullough	702

PERSONNEL, DIRECTOR OF		
Appointment by Governor	Knox	111
PHARMACY		
Regulation of	Holloway	612
Filing of Medicaid prescriptions	Holloway	693
PHYSICALLY HANDICAPPED		
Accessibility to buildings & facilities	Martin	530
PILOTAGE AND PILOTS		
Amend Charter	Cordrey	285
Amend Charter	Cordrey	294
Computation of rates	Cordrey	441
PLEA BARGAINING		
Ban	Schlor	37
POLICE		
Local police	Cicione	21
In New Castle County	Martin	49
Eliminate jurisdictional disputes	Martin	67
Amend Code	Martin	68
And Fire Protection - N.C.C.	Cicione	70
And Fire Protection - N.C.C.	Cicione	82
Planning Agency	Sharp	347
Duties of State and Local Police	Martin	350
Supplies for State Police (S.A.)	Cicione	591
Additional funds to State Police (S.A.)	Cicione	603
Separate Planning Agency	Adams	632
POLLING PLACES		
Accessibility - elderly and handicapped	Martin	50
POLYGRAPH		
Establish Board of Examiners	Martin	421
Regulation of	Sharp	550
Annual test for Judiciary & G.A. members	Spence	625
Pre-employment screening	Hughes	635
PRICE-FIXING		
On Alcohol beverages	Holloway	15
Sale price of cigarettes	Holloway	125
Curtail	Zimmerman	488
PRIVACY		
Recording of voices	Holloway	590
PRODUCTS LIABILITY		
Codification of laws	Murphy	325
Products Liability Act	Murphy	675

PROPERTY		
Damage by motor vehicles	Sharp	30
Lost or stolen	Zimmerman	182
Damage from oil spills	Zimmerman	287
Damage from oil spills	Zimmerman	300
Disposition of State-owned property	Cicione	404
Disposition of State-owned property	Cicione	407
Restitution for damages	Sharp	409
PSYCHOLOGY, BOARD OF		
	Holloway	659
PUBLIC ADVOCATE		
Establish Office of	Kearns	643
Define duties of	Kearns	715
PUBLIC ASSISTANCE		
Aid to children	Holloway	331
PUBLIC DEFENDER, OFFICE OF		
Past wages due employee (S.A.)	Cicione	93
Payment of telephone expenses	Cicione	644
PUBLIC HEALTH		
Restrooms available in commercial places	Cicione	221
Warning signs on alcoholic beverages	Holloway	468
Div. of - sell van to Ecumenical Agy.	Holloway	558
PUBLIC HOUSING		
Tenants under Landlord-Tenant Code	Holloway	180
PUBLIC LANDS AND PARKS		
Regulations of	Kearns	290
Exempt R.O.T.C. from user fee	McCullough	522
Sale or transfer of	Sharp	531
Disposition of	Sharp	631
PUBLIC OFFICIALS		
Continuity in office	Kearns	20
Diminution of salary	Sharp	410
PUBLIC SAFETY		
Employee's back salary (S.A.)	Cook	54
Flaps behind rear wheels of cars	Holloway	106
Prohibit certain changes in M.V.'s	Holloway	107
Parking regulations at supermarkets	Weiss	110
Parking regulations at supermarkets	Weiss	112
Motor vehicle inspection and fees	Cicione	113
Salaries of police (S.A.)	Cicione	134

Require residential smoke detectors	Holloway	143
Warranty for all used cars	Holloway	145
Permanent driver's license	Arnold	156
Parking regulations	Weiss	192
Fee in lieu of annual inspection	Hughes SS 1 /	209
Inspection of rental M.V.'s	Holloway	233
Jurisdiction of Vets. Adm. Property	Cicione	262
Blue lights - law enforcement vehicles	Zimmerman	275
Telephones for emergencies	Holloway	465
Security & maintenance of apartments	Holloway	466
Ban pilot lights on gas ranges	Holloway	470
Department of, overtime expenses	Cicione	537
New helicopter blades (S.A.)	Cicione	538
Delaware State Police (S.A.)	Cicione	544
Delaware State Police (S.A.)	Cicione	611
PUBLIC SERVICE COMMISSION		
Provide certain statutory restrictions	Cicione	34
Membership requirements & qualifications	Cook	41
Limit to rate increase	Sharp	87
Residential Utility Consumer Action Grp.	McDowell	210
Office of Public Advocate	Kearns	214
Funds for consultants	Martin	237
Regulate Cable Television	Martin	265
Determination of rate	Holloway	516
Qualifications of Board members	Murphy	577
Lifeline Concept	McDowell	588
Public representation at hearings	McDowell	601
Municipally-owned utilities	Murphy	619
Municipally-owned utilities	Murphy	620
PUBLIC UTILITIES		
Standards, measurements, etc.	Martin	79
Limit to rate increase	Sharp	87
Discounts to residential users of gas	Holloway	129
Amend Title 26 - rate changes	Murphy	142
Theft of services	McDowell	327
Unjust rates	Holloway	464
Effective date of rate change	Holloway	473
Effective date of rate change	Holloway	474
Limit to return on investment	Holloway	519
PUBLIC WORK CONTRACTS		
Amend Chapter on	Martin	29
PURCHASING, DIVISION OF		
Fire Companies to utilize services of	Zimmerman	276
REAL PROPERTY		
Transfer of	Schlor	123
Acquisition by State	Cicione	169

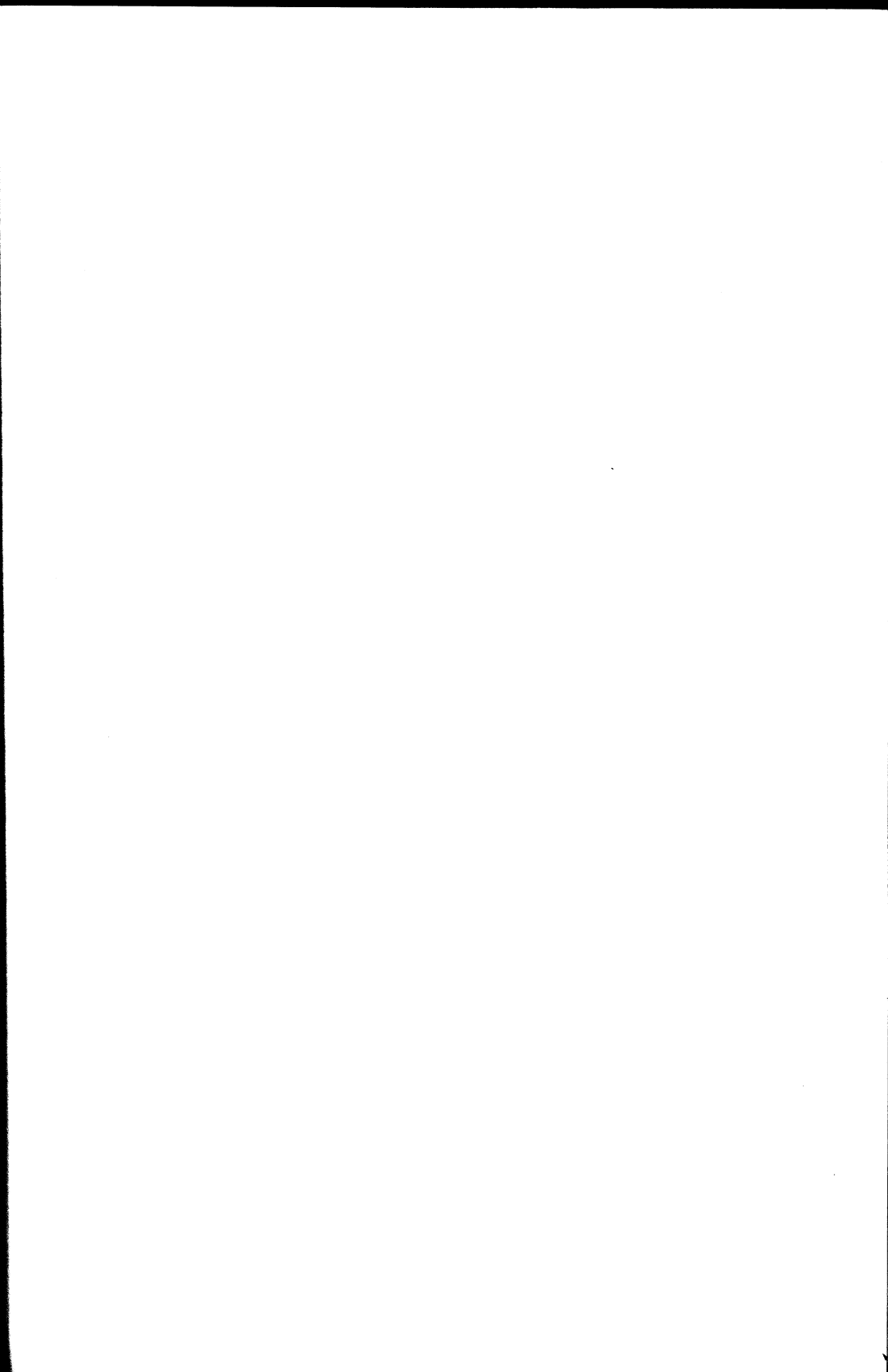
REHABILITATION FACILITIES		
Licensing of	Adams	674
REHOBOTH BEACH, CITY OF		
Amend Charter	Cordrey	14
Amend Charter	Cordrey	193
REVENUE, DIVISION OF		
Facilitate collection of Cigarette Tax	Holloway	130
REVENUE REFUNDS		
Supp. appro. to State Treasury	Cicione	172
SALARIES		
Rescind supplement for State employees	Knox	136
Merit system employees	Murphy	594
School employees	Murphy	595
SALES		
Prohibition to certain person	Murphy	141
SECRETARY OF STATE		
Use of facsimile signature	Murphy	319
Use of facsimile signature	Murphy	712
SECURITY GUARDS		
In certain public housing units	Holloway	144
SEWER SERVICE		
Regulation of charges	Sharp	43
Discount for elderly	Sharp	65
Penalties for failure to pay	Kearns	115
Computation of charges - N.C.C.	Sharp	119
Penalties for failure to pay	Kearns	283
In Sussex County	Adams	335
SIGNS AND SIGNALS		
At certain school locations (S.A.)	McCullough	301
Maple Avenue - Elsmere (S.A.)	Cicione	508
SLAUGHTER'S BEACH		
Install security lights (S.A.)	Adams	453
SMALL LOANS		
Interest on	Holloway	105
SMOKE DETECTION DEVICES		
Regulation of	Holloway	318
Requirement of	Holloway	452

SOIL EROSION		
Control of	Zimmerman	359
SPECIALIZED TRANSPORTATION AUTHORITY		
Amend Title 2	Martin	122
SMYRNA REORGANIZED SCHOOL DISTRICT		
Transfer funds	Cook	230
SOCIAL SERVICES, DIVISION OF	McDowell	657
STANTON REORGANIZED SCHOOL DISTRICT		
Transfer funds	Sharp	101
STATE GOVERNMENT AND AGENCIES		
Reorganization of	Adams	53
Annual reports	Hughes	366
Commission on Uniform State Laws	Zimmerman	492
Allow certain informal hearings	Kearns	583
STATE PARKS		
Exempt R.O.T.C. Units from fees	McCullough	522
STATE PLANNING OFFICE		
Change name - Office of Management Budget and Planning	Zimmerman	358
STOCKLEY CENTER		
Rename Dela. Hosp. for Mentally Retarded	Holloway	493
SUBSTANCE ABUSE, BUREAU OF		
Compensate legal expenses (S.A.)	Holloway	277
Compensate legal expenses (S.A.)	Holloway	427
SUPREME COURT OF DELAWARE		
Increase number of Judges to 5	Cook	5
Increase number of Judges to 5	Holloway	378
SUSSEX COUNTY		
Restoration of Courthouse	Adams	306
Purchase tract for park purposes	Cordrey	313
Borrowing power	Adams	336
Procurement of services or supplies	Adams	337
Borrowing power	Cordrey	563
TAXATION		
Exempt certain property from taxes	Adams	56
Penalty for late payment	Adams	91
Encourage energy saving measures	Arnold	190
Exempt Bridgeville Historical Society	Adams	229
Tax relief - Energy Conservation Improv.	McDowell	242

Penalty for failure to report or pay	Adams	246
School District Property Tax	Cordrey	320
School District Tax Rates	McCullough	435
Restrictions on School Boards	Sharp	442
Deduction for snow removal	Hughes	521
Monition method of land sale	Cordrey	562
Enforcement of School taxes	Sharp	616
Stock taxation	Murphy	637
Tax increases by General Assembly	Zimmerman	649
TERRY CHILDREN'S PSYCHIATRIC CENTER		
Continue Fed. Staffing Grant (S.A.)	Cicione	7
Continue Fed. Staffing Grant (S.A.)	Cicione	40
TRADE PRACTICES		
Prohibitions - Car Wash Businesses	Cicione	74
TRANSPORTATION		
Appointment of Directors	Cicione	18
Reimburse Ogletown Baptist Church (S.A.)	Martin	48
Fix rates for aged	Holloway	75
Non-public school students (S.A.)	Cicione	78
Transportation Priority Planning System	Martin	163
Coordination - Departments & Counties	Sharp	232
Replace Bridge #289	McCullough	240
Install traffic control equipment	Cordrey	512
Department of Transportation (S.A.)	Berndt	513
Abolish inspection of certain roads	Murphy	654
Establish new Council on Transportation	Martin	678
Powers and duties of the Department	Martin	686
Install traffic signal - Claymont	Hughes	699
Purchase "Pitch-In" barrels	Holloway	705
TRIAL BY JURY		
Amend constitution	Weiss	187
TRUSTS		
Power of trustees	Murphy	270
Amend Code concerning Trusts	Martin	685
TURNPIKE		
Construct	Zimmerman	236
UNIFORM ANATOMICAL GIFT ACT		
Amend Act	Berndt	352
UNIFORM CONTROLLED SUBSTANCES ACT		
Possession of marijuana	Kearns	291
Delivery of narcotics	Kearns	307

UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT	Zimmerman	205
UNIFORM SYSTEM OF JOB EVALUATION AND COMPENSATION	Arnold	248
UNIVERSITY OF DELAWARE		
Student member on Board	Cicione	312
Offset tuition increase (S.A.)	Cicione	385
VEHICLES		
Regulation of State-owned	Holloway	167
VENDING MACHINES		
In Roadside Rest Areas	Zimmerman	489
VETERANS		
Jurisdiction by State	Cicione	272
Veterans Military Pay	Cicione	406
VISUALLY IMPAIRED, DIVISION OF	Holloway	472
VOTING		
Single lever for Party voting	Schlor	36
Accessibility for elderly & handicapped	Martin	50
Notice of removal of name from rolls	Murphy	308
Employees right to vote	Holloway	440
WAGES		
Set minimum wage rate at \$2.65	Cicione	398
WHITE CLAY HUNDRED		
Purchase of land by State	Martin	33
WILMINGTON, CITY OF		
Repeal Charters & set up new government	Arnold	139
Housing Authority - add 2 members	Holloway	219
Housing Authority - police powers	Holloway	722
WILMINGTON SCHOOL DISTRICT		
Tuition a/c Volunteer Transfer Plan	Holloway	375
WOODBRIIDGE SCHOOL DISTRICT		
Transfer funds	Adams	576
WORKMEN'S COMPENSATION		
Add 2 members to Board of Compensation	Schlor	538

INDEX



INDEX

HOUSE BILLS

HB 1 - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO SUPPORT ORDERS AND ENFORCEMENT THEREOF. Pages 74; 156; 165-166.

HB 5 - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DIVISION OF MOTOR FUEL TAX WITHIN THE DEPARTMENT OF PUBLIC SAFETY. Pages 54; 57-58.

HB 6 - AN ACT TO AMEND CHAPTER 16, TITLE 2, DELAWARE CODE, RELATING TO THE POWERS OF A LOCAL TRANSPORTATION AUTHORITY TO FIX RATES FOR THE AGED. Pages 54; 58-59.

HB 10 w HA 1, SA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BICYCLES, MOPEDS AND SIMILAR VEHICLES. Pages 106; 174; 202; 204.

HB 11 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN. Pages 78; 141; 158.

HB 16 - AN ACT TO AMEND CHAPTER 381, VOLUME 59, LAWS OF DELAWARE, ENTITLED 'AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1975, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS, FORMERLY HOUSE BILL NO. 750. Pages 78; 110; 118; 204.

HB 18 w HA 1 - AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF THE PROPERTY FORMERLY USED BY THE DEPARTMENT OF TRANSPORTATION FOR STATE POLICE TROOP NUMBER TWO TO THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY. Pages 107; 176; 191; 193.

HB 22 w HA 1, SA 5 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO VOCATIONAL-TECHNICAL SCHOOL DISTRICTS. Pages 333; 336; 413; 420; 422.

HB 34 - AN ACT MAKING AN APPROPRIATION TO THE DIVISION OF REVENUE TO PAY A REFUND TO DISTRIBUTORS OF TOBACCO PRODUCTS WHO WERE EXEMPTED FROM TAXATION ON GROSS RECEIPTS. Page 58.

HB 35 - AN ACT TO AMEND CHAPTER 9, TITLE 22 OF THE DELAWARE CODE RELATING TO THE MUNICIPAL USER TAX. Pages 89; 89; 90; 109; 510.

HB 36 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO THE DEFINITION OF PUBLIC SERVANT. Page 336.

HB 37 w HA 1 - AN ACT TO AMEND CHAPTER 16, TITLE 2, DELAWARE CODE,

RELATING TO THE POWERS OF A LOCAL TRANSPORTATION AUTHORITY TO FIX RATES FOR THE AGED. Pages 69; 70; 73.

HB 38 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO CABLE TELEVISION SYSTEMS. Pages 89; 301; 319; 320.

HB 40 - AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING PENALTIES FOR THE PROMOTION OF PROSTITUTION. Pages 127; 156; 166.

HB 41 w HA 1 - AN ACT TO AMEND CHAPTER 41, PART 11, TITLE 11, OF THE DELAWARE CODE RELATING TO THE COLLECTION OF FINES AND COSTS. Pages 211; 278; 285; 287; 292.

HB 42 - AN ACT TO AMEND CHAPTER 2 AND CHAPTER 35, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. Page 202.

HB 43 w HA 1, 2 - 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". Pages 336; 351.

HB 44 - AN ACT TO AMEND CHAPTER 55, PART 111, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR A TERMINATION OF TENANCY UNDER CERTAIN CIRCUMSTANCES. Pages 91; 161; 169.

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. Pages 410; 474; 519.

HB 53 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CB LICENSE HOLDERS. Pages 111; 158; 204; 206.

HB 54 - AN ACT TO AMEND CHAPTER 39, TITLE 7 OF THE DELAWARE CODE RELATING TO AUTHORITY OF CONSERVATION DISTRICTS TO CARRY OUT AN INFORMATION AND EDUCATION PROGRAM IN THE FURTHERANCE OF THEIR DUTIES. Pages 78; 115; 118.

HB 57 w SA 1 - AN ACT TO AMEND CHAPTER 51, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING CERTAIN CITIZENSHIP AND RESIDENCE REQUIREMENTS. Pages 676; 682; 698; 700.

HB 60 w HA 3, 4, 5 - AN ACT TO AMEND CHAPTER 42 TITLE 11 OF THE DELAWARE CODE RELATING TO THE METHOD, PUNISHMENT AND REVIEW OF PUNISHMENT FOR FIRST DEGREE MURDER. Pages 110; 111; 127; 139-140.

HB 65 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUREAU OF ADULT CORRECTION FOR ADDITIONAL FOOD SERVICE EMPLOYEES IN THE NEWLY CONSTRUCTED KITCHEN AT THE SUSSEX CORRECTIONAL INSTITUTION. Pages 78; 79; 82.

HB 69 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE. Pages 164; 238.

HB 70 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO SHOPLIFTING. Pages 144; 156; 166.

HB 71 - AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES, AGENCIES AND DEPARTMENTS. Page 192.

HB 73 - AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29, OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES. Pages 326; 336; 667.

HB 74 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR EXTRADITION EXPENSES. Pages 89; 154; 167.

HB 75 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE TO PROVIDE AN EXEMPTION FOR CERTAIN OLDER PERSONS FROM THE PAYMENT OF MOTOR VEHICLE REGISTRATION FEES. Page 193.

HB 76 - AN ACT TO AMEND CHAPTER 29, TITLE 5, OF THE DELAWARE CODE RELATING TO THE FINANCING OF THE SALE OF MOTOR VEHICLES. Pages 144; 174; 175; 192; 244.

HB 77 w HA 6 w HA 1, HA 7, 11, 12, 14 w HA 1, HA 15, 16, 21, SA 3, 8, 10 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND RECYCLING OF BEVERAGE CONTAINERS. Pages 538; 595; 637; 644; 705; 709; 711-713.

HB 78 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE A TRACT OF LAND WITHIN LUMS POND STATE PARK, PENCADER HUNDRED, NEW CASTLE COUNTY, KIRKWOOD, DELAWARE. Pages 91; 130; 134; 139; 195.

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. Pages 482; 543.

HB 84 w HA 3, 4, SA 1 w SA 1, 2 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO INITIATIVE