

STATE OF DELAWARE



JOURNAL OF THE STATE SENATE

SESSION
of the
129TH GENERAL ASSEMBLY

Convened
Tuesday, January 11, 1977
Dover, Delaware

MEMBERS OF THE 129th GENERAL ASSEMBLY

District Senator

NEW CASTLE COUNTY

1. HARRIS B. McDOWELL, III, 922 Lovering Avenue,
 Wilmington, Delaware 19806
2. HERMAN M. HOLLOWAY, Sr.- 2008 Washington Street,
 Wilmington, Delaware 19802
3. GEORGE F. SCHLOR - 709 North Broom Street, Apt. 3
 Wilmington, Delaware 19805
4. ROBERT J. BERNDT - 312 Beverly Place, Wilmington,
 Delaware 19809
5. CHARLES E. HUGHES - 1406 Lincoln Avenue, Wilmington,
 Delaware 19809
6. DANIEL E. WEISS - 2202 Elmfield Road, Wilmington,
 Delaware 19810
7. ANDREW G. KNOX - 107 Quintynnes Avenue, Wilmington,
 Delaware 19807
8. JOHN H. ARNOLD - 2223 Downing Lane, Wilmington,
 Delaware 19894
9. THOMAS B. SHARP - 2226 E. Huntington Drive,
 Wilmington, Delaware 19808
10. EVERETTE HALE - 109 Meriden Drive, Newark,
 Delaware 19711
11. ANTHONY J. CICIONE, Sr. - P.O. Box 2656, Wilmington,
 Delaware 19805
12. CALVIN R. McCULLOUGH - 605 Central Avenue, New
 Castle, Delaware 19720
13. FRANCIS J. KEARNS - 23 E. Edinburgh Drive, New
 Castle, Delaware 19720
14. ROGER A. MARTIN - 13 Pinedale Road, Newark,
 Delaware 19711
15. WINIFRED M. SPENCE - Box 187, Odessa, Delaware
 19730

KENT COUNTY

16. NANCY W. COOK - Kenton, Delaware 19955
17. JACOB W. ZIMMERMAN - South Little Creek Road, Dover,
Delaware 19901
18. WILLIAM M. MURPHY, Jr. - 1437 Nathaniel Mitchell
Road, Dover, Delaware 19901

SUSSEX COUNTY

19. THURMAN ADAMS, Jr. - Box 218, Bridgeville,
Delaware 19933
20. RICHARD S. CORDREY - River Drive - Box 486,
Millsboro, Delaware 19966
21. WILLIAM LEE LITTLETON - 135 Sharptown Road, Laurel,
Delaware 19956

SENATE STAFF

Stanley R. Habiger, Secretary
Betty Jean Caniford, Assistant Secretary

Shirley A. Agnor
Margaret Anstine
Christine Bove
Vincent Bove
Regina F. Brainard
Evelyn M. Bramble
Nancy J. Burbage
Donald C. Byrd
Doris M. Carello
Juanita G. Carter
Robert H. Carter
Barbara A. Chaffinch
June L. Clogg
Nanette Crist
Carol L. Duda
Edgar A. Dugan
John E. Eoppolo
Rita H. Fioritte
Karen M. Forsythe
Patricia A. Hagarty
Toni Lee Harris
Loretta F. Heffron
Nancy L. Hill
W. Jewell Iorizzo
Irene Larkin
Margaret F. Lazartic
Catherine Lenoir
J. Edwin Lewis
Doris T. Lightcap
Mildred C. Link

John A. Mancus
Carol A. Manuel
Mary Alice McKone
Rita L. McWorter
Richard L. Norwood
Valerie W. Parsons
Edom Rodriquez
Robert G. Rogers, Jr.
Junius P. Reynolds
Jack K. Russell
G. Thomas Sandbach
Jacqueline Selby
Joyce Singer
Carol A. Spillane
Charles P. Staats
Phyllis D. Stevenson
Harry K. F. Terry
John E. Tobin
Helen C. Truitt
Joe Ullrich
Marcia R. Wheeler
David E. Wilkins
Verna A. Wilkins
Susan Wilkinson
Harry M. Williams
Trafinna Wilson
Gail B. Womble
Helen A. Wortz
Kirk A. Young

LEGISLATIVE DAYS
1ST SESSION -- 1977

<u>LEGISLATIVE DAY</u>	<u>DATE</u>	<u>PAGE NO.</u>
Special Session	January 4	1
1st	January 11	27
2nd	January 12	39
Joint Session	January 13	42
3rd	January 13	57
Joint Session	January 18	59
4th	January 18	60
5th	January 19	65
6th	January 25	71
7th	January 26	76
8th	January 27	80
Extraordinary Session	February 7	83
9th	March 1	85
10th	March 2	92
11th	March 3	93
Joint Session	March 3	93
12th	March 8	107
13th	March 9	109
14th	March 10	116
Extraordinary Session	March 15	125
15th	April 5	127
16th	April 6	136
17th	April 7	142
18th	April 19	146
19th	April 20	156
20th	April 21	159
21st	April 26	163
22nd	April 27	169
23rd	April 28	175
24th	May 3	180
25th	May 4	187
26th	May 5	194
27th	May 10	198
28th	May 11	202
29th	May 12	206
30th	May 17	212
31st	May 18	216
32nd	May 19	219
33rd	May 24	225
34th	May 25	230
35th	May 26	232
36th	May 31	237
37th	June 1	241
38th	June 2	246

Legislative Days - 1st Session (continued)

39th	June 7	252
40th	June 8	260
41st	June 9	264
42nd	June 14	268
43rd	June 15	272
44th	June 16	277
45th	June 21	280
46th	June 22	287
47th	June 23	290
48th	June 27	297
49th	June 28	304
50th	June 29	313
51st	June 30	329
Special Session	July 1	332
Extraordinary Session	July 5	340
Special Session	August 9	353
Extraordinary Session	October 13	369
Extraordinary Session	November 14	386
Extraordinary Session	December 16	396

SECOND SESSION -- 1978

1st	January 10	404
2nd	January 11	410
3rd	January 12	415
4th	January 17	417
5th	January 18	420
6th	January 19	424
7th	January 24	426
8th	January 25	429
Joint Session	January 25	429
9th	January 26	443
10th	January 31	456
11th	February 2	461
12th	March 14	472
13th	March 15	478
14th	March 16	480
15th	March 21	483
16th	March 22	490
17th	March 23	494
18th	April 11	504
19th	April 12	509
20th	April 13	515
21st	April 18	518
22nd	April 19	523
23rd	April 20	526
24th	April 25	530

Legislative Days - 2nd Session (continued)

25th	April 26	534
26th	April 27	538
27th	May 2	543
28th	May 3	546
29th	May 4	553
30th	May 9	556
31st	May 10	561
32nd	May 11	564
33rd	May 16	569
34th	May 17	574
35th	May 18	577
36th	May 23	582
37th	May 24	588
38th	May 25	591
39th	May 30	597
40th	May 31	601
41st	June 1	606
42nd	June 6	612
43rd	June 7	615
44th	June 8	621
45th	June 13	626
46th	June 14	632
47th	June 15	638
48th	June 19	645
49th	June 20	651
50th	June 21	657
51st	June 22	661
52nd	June 26	672
53rd	June 27	677
54th	June 28	685
55th	June 29	695
56th	June 30	718
Special Session	July 1	719
Session (called by Governor)	August 8	730
Extraordinary	August 31	744
Session (called by Governor)	October 30	751

1ST SPECIAL SESSION
129TH GENERAL ASSEMBLY

Pursuant to the following Proclamation of the Governor,
the Senate convened at 1:24 p.m. January 4, 1977, Lt. Governor
Bookhammer presiding:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
PROCLAMATION

I, Sherman W. Tribbitt, Governor of the State of Delaware,
pursuant to Article III, Section 16, of the Constitution of
the State of Delaware, do hereby convene the House of
Representatives and Senate of the 129th General Assembly of
the State of Delaware into Special Session on Tuesday,
January 4, 1977, at 1:00 p.m.

IN WITNESS WHEREOF, I, Sherman W. Tribbitt, 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 23rd day of December in the year of our Lord
one thousand nine hundred and seventy-six and of the Independence
of the United States of America, the two hundred and first.

Sherman W. Tribbitt, Governor
Robert W. Reed, Secretary of State

* * * * *

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

The Chair appointed Stanley R. Habiger as Acting Secretary
of the Senate, Patricia A. Hagarty as Acting Reading Clerk
and Charles Staats as Acting Bill Clerk of the Senate.

The roll call of the hold-over Senators was taken and
revealed:

PRESENT: Senators Adams, Berndt, Hughes, Knox, Martin,
Murphy, Schlor, Sharp, Zimmerman - 9.

ABSENT: Senator Holloway - 1.

Certificates of Election for the newly elected Senators
were read:

From New Castle County: Harris B. McDowell, III; Daniel
E. Weiss; John H. Arnold; Everette Hale; Anthony J. Cicione;
Calvin R. McCullough; Francis J. Kearns; Winifred M. Spence.

From Kent County: Winifred M. Spence and Nancy W. Cook.

From Sussex County: Nancy W. Cook; Richard S. Cordrey and
Lee Littleton.

ILLUSTRATION OF NEW CASTLE COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and seventy-six, for New Castle County, according to the Constitution and Laws of the State of Delaware,

HARRIS B. MCDOWELL, III
was duly elected Senator for Senatorial District Number One in said County in the General Assembly;
which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Albert J. Stiftel and Andrew D. Christie, the Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 5th day of November, A.D. 1976.

Albert J. Stiftel, Pres. Judge.
Andrew D. Christie,
Resident Assoc. Judge.

* * * * *

ILLUSTRATION OF KENT COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
KENT COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and seventy-six for Kent County, according to the Constitution and Laws of the State of Delaware,

Nancy W. Cook

was duly elected Senator for the 16th Senatorial District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William Marvel and George R. Wright constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4th day of November, A.D. 1976

William Marvel, Chancellor
George R. Wright,
Resident Associate Judge

* * * * *

ILLUSTRATION OF SUSSEX COUNTY
CERTIFICATE OF ELECTIONS
THE STATE OF DELAWARE
SUSSEX COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and seventy-six, for Sussex County, according to the Constitution and Laws of the State of Delaware,

LEE LITTLETON

was duly elected Senator for Senatorial District Number twenty-one (21) in said County in General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, Claud L. Tease and Bernard Balick, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 4th day of November, A.D. 1976

Bernard Balick, Associate Judge
Claud L. Tease,
Resident Associate Judge

* * * * *

The Oath of Office was administered to the Senators-elect by the Lt. Governor who then greeted them and their families to the Senate.

ILLUSTRATION OF OATH OF OFFICE
OF MEMBER OF THE
GENERAL ASSEMBLY

The State of Delaware
County of NEW CASTLE

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of SENATOR in the General Assembly of the State of Delaware according to the best of my ability. And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

Calvin R. McCullough

Sworn to and subscribed before me this 4th day of
January A.D. 1976

Eugene Bookhammer, Lt. Governor

* * * * *

SR 1 was introduced by Senator Cordrey who moved for its adoption:

SR 1 - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE.

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

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

ABSENT: Senator Holloway - 1.

Therefore, the Resolution was declared adopted.

At the request of Senator Cordrey, the Secretary called the permanent roll of the 129th General Assembly as follows:

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

At 2:00 p.m. on motion of Senator Martin, the Senate took a short recess and reconvened at 2:53 p.m.

Senator Martin introduced SR 2 and moved for its adoption:

SR 2 - IN REFERENCE TO ELECTION OF PRESIDENT PRO TEMPORE.

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.

Pursuant to the above Resolution, Senator Cordrey was administered the Oath of Office as President pro Tempore by the Lt. Governor.

Senator Cordrey announced that Senator Martin was selected to be the Majority Leader and Senator Cook was selected to be the Majority Whip.

Senator Hale announced that Senator Knox was selected to be the Minority Leader and Senator Hughes was selected to be Minority Whip.

Senator Martin introduced SR 3 and moved for its adoption:
SR 3 - IN REFERENCE TO ELECTION OF OFFICERS

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Schlor and Zimmerman) ABSENT; therefore, the Resolution was declared adopted and in accordance with the provision thereof the Oath of Office was administered to Stanley Habiger as Secretary of the Senate.

ILLUSTRATION OF STAFF MEMBER'S OATH OF OFFICE

I, Stanley R. Habiger, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Secretary of the Senate according to the best of my ability.

(Signed) Stanley R. Habiger

* * * * *

Senator Adams introduced SR 4:

SR 4 - IN REFERENCE TO TEMPORARY RULES OF THE DELAWARE STATE SENATE

SA 1 to SR 4 was introduced by Senator Knox who moved for its adoption.

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

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

NO: Senators Cordrey and Schlor - 2.

NOT VOTING: Senators McCullough and Sharp - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Adams, the roll call vote on SR 4 w SA 1 was taken and revealed:

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

NO: Senator Schlor - 1.

NOT VOTING: Senator McCullough - 1.

Therefore, the Resolution was declared adopted.

SJR 1 was introduced by Senator Martin:

SJR 1 - IN REFERENCE TO ELECTION OF OFFICERS

On motion of Senator Martin, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 20 Senators voting YES and 1 (Spence) voting NO. Therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 5 was introduced by Senator Cordrey who moved for its adoption:

SR 5 - APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS ORGANIZED

The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted and the Chair appointed Senators Cook and Hughes to inform the Governor that the Senate was organized.

SR 6 was introduced by Senator Cordrey and considered for adoption:

SR 6 - APPOINTING A COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES THAT THE SENATE IS ORGANIZED

The roll call vote was taken and revealed 19 Senators voting YES and 2 (Cook and Hughes) ABSENT; therefore, the Resolution was declared adopted and the Chair appointed Senators Adams and Berndt to inform the House that the Senate was organized.

SR 7 was introduced by Senator Martin and considered for adoption:

SR 7 - AUTHORIZING THE LEGISLATIVE COUNCIL TO FURNISH POSTAGE FOR THE FIRST SESSION OF THE 129TH GENERAL ASSEMBLY

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

SR 8 was introduced by Senator Martin and considered for adoption:

SR 8 - IN REFERENCE TO ELECTION OF STAFF

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

At 3:20 p.m. on motion of Senator Cordrey, the Senate recessed for a short time and reconvened at 5:05 p.m., Lt. Governor Bookhammer still presiding.

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

SENATE
STATE OF DELAWARE
January 4, 1977

TO: Senators of the 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
RE: Committee Assignments

Attached you will find the Committee Chairmanship and members who will be serving for the 129th General Assembly.

* * * * *

129TH GENERAL ASSEMBLY
STAND COMMITTEES OF THE DELAWARE STATE SENATE

ADMINISTRATIVES SERVICES: Nancy Cook, Chairman; Bill Murphy, Roger A. Martin, George F. Schlor, Everette Hale, Charles E. Hughes.

ADULT AND JUVENILE CORRECTIONS: Thomas B. Sharp, Chairman; Herman M. Holloway, Sr., Tony Cicione, Nancy Cook, Charles E. Hughes, John H. Arnold.

AGRICULTURE: Thurman Adams, Jr., Chairman; Tony Cicione, Richard S. Cordrey, Nancy Cook, Lee Littleton, Winifred M. Spence.

BANKING, INSURANCE AND ELECTIONS: Bill Murphy, Chairman; Calvin R. McCullough, Francis J. Kearns, Jake Zimmerman, John H. Arnold, Lee Littleton.

COMMUNITY AFFAIRS: George F. Schlor, Chairman; Roger A. Martin, Harris B. McDowell, III, Thurman Adams, Jr., Winifred M. Spence, Daniel E. Weiss.

EDUCATION: Calvin R. McCullough, Chairman; Herman M. Holloway, Sr., George F. Schlor, Jake Zimmerman, John H. Arnold, Everette Hale.

ENERGY: Harris B. McDowell, III, Chairman; Roger A. Martin, Calvin R. McCullough, Winifred M. Spence, Andrew G. Knox.

EXECUTIVE: Thurman Adams, Jr., Chairman; Calvin R. McCullough, Roger A. Martin, Richard S. Cordrey, Charles E. Hughes, Andrew G. Knox.

FEDERAL AND STATE RELATIONS: Herman M. Holloway, Sr., Chairman; Bill Murphy, Francis J. Kearns, Everette Hale, Daniel E. Weiss.

FINANCE: Tony Cicione, Chairman; Harris B. McDowell, III, Francis J. Kearns, Herman M. Holloway, Sr., Nancy Cook, Everette Hale, Lee Littleton.

HEALTH AND SOCIAL SERVICES: Herman M. Holloway, Sr., Chairman; George F. Schlor, Francis J. Kearns, Robert J. Berndt, John H. Arnold.

HIGHWAYS AND TRANSPORTATION: Roger A. Martin, Chairman; Thomas B. Sharp, Nancy Cook, Jake Zimmerman, Robert J. Berndt, Charles E. Hughes.

JUDICIARY: Francis J. Kearns, Chairman; Harris B. McDowell, III, George F. Schlor, Jake Zimmerman, Winifred M. Spence, Daniel E. Weiss.

LABOR AND INDUSTRIAL RELATIONS: Thomas B. Sharp, Chairman; Calvin R. McCullough, Tony Cicione, Harris B. McDowell, III, Everette Hale, Lee Littleton.

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL: Jake Zimmerman, Chairman; Thurman Adams, Jr., Richard S. Cordrey, Bill Murphy, Robert J. Berndt, Andrew G. Knox.

PUBLIC SAFETY: Richard S. Cordrey, Chairman; Thurman Adams, Jr., Bill Murphy, Thomas B. Sharp, Charles E. Hughes, Robert J. Berndt.

REVENUE AND TAXATION: Richard S. Cordrey, Chairman; Calvin R. McCullough, Francis J. Kearns, Robert J. Berndt, Daniel E. Weiss.

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President Pro Tempore's appointment to Legislative Council - Bill Murphy.

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Senator Knox announced that Senators Knox and Hughes would be the Minority Party's appointments to the Legislative Council. The following legislation was introduced and assigned to Committee:

SB 1 - AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE BUREAU OF ADULT CORRECTION, DEPARTMENT OF CORRECTION, FOR THE PURPOSE OF PROVIDING ADDITIONAL CORRECTIONAL OFFICERS AT THE DELAWARE CORRECTIONAL CENTER, SMYRNA, DELAWARE.

Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 2 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE CONSTRUCTION OF A THREE HUNDRED BED CORRECTIONAL FACILITY AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE BUREAU OF ADULT CORRECTION, DEPARTMENT OF CORRECTION. Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 3 - AN ACT TO AMEND SUBCHAPTER III, SUBPART A, CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO BURGLARY.

Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SB 4 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE, ALSO KNOWN AS THE 1977 BUDGET APPROPRIATION ACT, AND ORIGINALLY DESIGNATED AS HOUSE BILL NO. 1274. Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SB 5 - 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: Senator Cook. Assigned to Judiciary Committee.

SB 6 - AN ACT TO AMEND AN ACT BEING CHAPTER 194, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILTON, RELATING TO THE QUALIFICATIONS FOR MEMBERS OF COUNCIL AND FOR ALDERMAN. Sponsor: Senator Adams. Assigned to Community Affairs Committee.

SB 7 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE TERRY CHILDREN'S PSYCHIATRIC CENTER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONTINUING THE FEDERAL STAFFING GRANT. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 8 - AN ACT TO AMEND CHAPTER 29, PART 1, TITLE 14, DELAWARE CODE, RELATING TO TRANSPORTATION OF STUDENTS OF NONPUBLIC, NONPROFIT ELEMENTARY AND HIGH SCHOOLS; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Cicione. Assigned to Education Committee.

SB 9 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", BY PROVIDING FOR TITLE TO UNSOLD REAL ESTATE WITHIN THE CORPORATE LIMITS OF THE CITY OF LEWES, AND BY CONFERRING UPON THE CITY COUNCIL OF THE CITY OF LEWES CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF LEWES. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 10 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE RELATING TO REQUIREMENTS FOR VARIOUS INSURANCE LICENSES TO TRANSACT INSURANCE IN DELAWARE. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 11 - AN ACT TO AMEND TITLES 24 AND 31, DELAWARE CODE, RELATING TO THE ELIGIBILITY OF CHIROPRACTIC PHYSICIANS FOR COMPENSATION FROM INSURANCE, GROUP HOSPITAL SERVICES AND RELATED PLANS; AND FURTHER PROVIDING MEDICAL CARE TO THE INDIGENT AND MEDICALLY INDIGENT. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 12 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING TO METHOD OF PAYMENT OF PUBLIC ASSISTANCE. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 13 - AN ACT TO AMEND CHAPTER 44, TITLE 6, DELAWARE CODE, RELATING TO USE OF IDENTIFICATION FOR THOSE ENGAGED IN DOOR-TO-DOOR SALES. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 14 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH; BY PROVIDING FOR AN ENLARGEMENT OF TIME FOR FILING PETITIONS FOR A REFERENDUM AND TO PRESCRIBE THE QUALIFICATIONS OF VOTERS IN A REFERENDUM ELECTION. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 15 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PRICE-FIXING ON ALCOHOLIC BEVERAGES SOLD WITHIN THIS STATE. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 16 - AN ACT TO AMEND CHAPTER 5, TITLE 28, OF THE DELAWARE CODE RELATING TO HARNESS RACING. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 17 - AN ACT TO AID THE MARY CAMPBELL CENTER (LTC, INC.) BY MAKING AN APPROPRIATION THEREFOR. Sponsors: Senators Cicione and Berndt. Assigned to Finance Committee.

SB 18 - AN ACT TO AMEND CHAPTER 84, TITLE 29, DELAWARE CODE RELATING TO APPOINTMENT OF DIRECTORS OF THE TRANSPORTATION AUTHORITY AND THE DIVISION OF HIGHWAYS, AND THE ADMINISTRATORS OF THE OFFICE OF PLANNING RESEARCH AND EVALUATION AND THE OFFICE OF ADMINISTRATION OF THE STATE DEPARTMENT OF TRANSPORTATION. Sponsors: Senators Cicione and Kearns. The Bill was immediately stricken on motion of Senator Cicione.

SB 19 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, RELATING TO LEGAL HOLIDAYS AND ESTABLISHING MARTIN LUTHER KING'S BIRTHDAY AS A LEGAL HOLIDAY. Sponsors: Senators Holloway and Zimmerman. Assigned to Judiciary Committee.

SR 9 - was introduced by Senator Littleton and considered for adoption:

SR 9 - COMMENDING THE DELMAR HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE DIVISION TWO CHAMPIONSHIP.

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

At 5:20 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 5:26 p.m., Lt. Governor Bookhammer still presiding.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: J. Edwin James, 103 Elliott Drive, Bridgeville, Delaware, to be a Commissioner of the Delaware Alcoholic Beverage Control Commission, for a three-year term from date of confirmation, succeeding Leonard Rayne.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jospeh B. Melson, Sea Breeze Development, Rehoboth Beach, Delaware, to be a member of the Environmental Appeals Board, for a three-year term effective September 18, 1976 to expire September 18, 1979. (Reappt.)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Russell D. F. Dineen, 1804 North Monroe, Wilmington, Delaware, to be a member of the Board of Pension Trustees, for a four-year term effective September 29, 1976 to expire September 29, 1980. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mrs. Elise Grossman, 2302 Riddle Ave., Wilmington, Delaware, to be a member of the State Board of Education, for a six-year term effective July 1, 1976 to expire July 1, 1982. (Reappointment)
Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edward S. Stansky, 420 Delaware Street, New Castle, Delaware, to be a member of the Violent Crimes Compensation Board, for a two-year term from date of confirmation. (New)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry B. Roberts, Jr., Taylors Bridge Road, Odessa, Delaware, to be a member of the Tax Appeal Board, for a three year term from date of confirmation, succeeding Rhett McGriff.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

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: Roland G. Hastings, Sharptown Road, Laurel, Delaware, to be a member of the Public Service Commission, for a five-year term beginning May 1, 1976 to expire May 1, 1981, succeeding Curtis W. Steen.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Kenneth Hilton, 201 Marabou Drive, Newark, Delaware, to be a member of the State Board of Education, for a six-year term effective July 1, 1976 to expire July 1, 1982, succeeding Mrs. Lula Cooper, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mrs. Donna R. Kramer, 361 Kesselring Avenue, Dover, Delaware, to be a Justice of the Peace for Kent County, for a four year term from date of confirmation, succeeding Noel H. Von Urff, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 4, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees of the University of Delaware to be a member of that Board:

Werner C. Brown, Old Kennett Road, Greenville, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term from December 5, 1976 to expire December 5, 1982. (Reappointment)

Werner C. Brown, Old Kennett Road, Greenville, Delaware, to be a member of the Board of Trustees, University of Delaware, for a six-year term from December 6, 1976 to expire December 6, 1982. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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SCR 1 was introduced by Senator Hughes and the names of Senators Cicione, Hale, Littleton, Arnold and Spence were added as co-sponsors at their request:

SCR 1 - REQUESTING PRESIDENT-ELECT JIMMY CARTER TO RECONSIDER HIS DECISION TO GRANT A BLANKET PARDON TO DRAFT EVADERS DURING THE VIETNAM WAR.

Senator Hughes requested that the names of the following be included in this Record as favoring the Resolution: Frank Lucia, J. J. Morris, James E. Head, Albert McMullin, William W. Craig, Oliver F. Clendaniel, Clarence R. Jackson, Roy Ash, John W. Rayan, Arthur C. King, James P. Lafland, John Taylor, Charles Mitchell, Elmer D. Saxton, Sr., Morrison Stewart, William A. Jorpe, Walter Kucyzndi, John C. Begue, E. L. Cuckley, R. S. Lyly, Bill Russell, Richard L. Drummond, William Melville.

At the request of Senator Hughes, the following letters concerning SCR 1 are included in this Journal:

THE AMERICAN LEGION
DEPARTMENT OF DELAWARE
WILMINGTON, DELAWARE
December 22, 1976

Honorable Charles E. Hughes
1406 Lincoln Avenue
Wilmington, Del.
Dear Senator Hughes:

On behalf of all the officers and members of the American Legion and our Auxiliary I want to thank you for your interest and your initiative in sponsoring Senate Concurrent Resolution which relates to requesting President Carter to reconsider his decision to grant a blanket pardon to draft evaders during the Vietnam War.

We heartily concur with the subject matter as set forth in the Resolution and we want you to know that we support your action vigorously and we applaud you for having the courage and the foresight to pursue this action promptly and forthright.

We are firm in our convictions that those who want to live in these United States should be ready to bear arms in its defense when called upon to do so. Those of us who are Americans by birth are expected to defend our country at all times and those of our populace that are naturalized citizens have sworn to bear arms whenever called upon to do so.

The American Legion, nearly three million strong, is solid in its stand on blanket pardon and we can assure you that at all levels, National, State, County, and Posts, express their support of your Resolution and others of like nature and we look forward to being in Legislative Hall in Dover when your resolution comes before the General Assembly.

We trust that this Concurrent Resolution will receive unanimous support and we thank you and all of the sponsors for your display of courage and patriotism.

Sincerely,
Frank A. Lucia
Department Commander

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DEPARTMENT OF DELAWARE
VETERANS OF FOREIGN WARS
OF THE UNITED STATES
WILMINGTON, DELAWARE
4 January 1977

SUBJECT: Delaware State Senate Concurrent Resolution No. 1,
129th General Assembly

TO: Senator Charles E. Hughes
1406 Lincoln Avenue
Wilmington, Delaware

Subject resolution, "REQUESTING PRESIDENT JIMMY CARTER TO RECONSIDER HIS DECISION TO GRANT A BLANKET PARDON TO DRAFT EVADERS DURING THE VIETNAM WAR", has been carefully studied and is fully understood by the undersigned. Personal awareness of said resolution was made while sitting as a member of the group of representatives of veterans organizations to whom you, the sponsor, presented and explained it on 21 December 1976.

The commander of this organization of five thousand four hundred overseas wartime veterans is proud to be a member of such an institution which wholeheartedly supports your resolution, and strongly urges that such support be entered into the record when the resolution is proposed. Our attitude on this issue is in compliance with a mandate of our national organization of one million eight hundred four thousand members.

Our Legislative Officer will be in our nations capitol on the date which the resolution is scheduled for presentation. His duties there are in concern with another issue vital to our organization. The retention of the United States Senate Committee on Veterans Affairs.

Therefore, please feel free to call on the undersigned, who will be present, for any assistance felt necessary for the resolution's unanimous adoption.

It is respectfully requested that a copy of the resolution signed by our Governor, be forwarded: Commander-in-Chief, Veterans of Foreign Wars of the United States, Broadway at 34th Street, Kansas City, Missouri 64111.

Albert L. McMullin
Commander.

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DISABLED AMERICAN VETERANS
DEPARTMENT OF DELAWARE
WILMINGTON, DELAWARE
December 22, 1976

The Honorable Charles E. Hughes
1406 Lincoln Avenue
Wilmington, Delaware
Dear Senator:

We, the members of the Department of Delaware, Inc. Disabled American Veterans are in full accord with you on your bill against Presidential Pardon, "Senate Concurrent Resolution No. 1."

You can be assured that we the members, not only of the Department, but the entire membership will back your bill when it is presented to both Houses in Dover.

How many people we will be able to muster to be in Dover when the bill is presented I do not know, though you can be assured some of us will be there.

If there is anything further we can do please feel free to call upon us.

Sincerely yours,
William A. Joyce
Legislative Chairman
Department of Delaware, Inc.
Disabled American Veterans

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At the request of Senator Hughes, the privilege of the floor was extended to Fred van Sant to speak on the Resolution, after which the roll call was taken and revealed:

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

NO: Senators Holloway, Knox, McDowell, Weiss - 4.

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

At 6:35 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m. January 5, 1977.

The Senate reconvened at 2:34 p.m. January 5, 1977, Lt. Governor Bookhammer presiding.

The following Committee Reports from the Executive Committee were read: The Governor's nomination for appointments of Edward Stansky - 6 Favorable; J. E. James - 6 Favorable; Donna Kramer - 6 Favorable; Werner Brown - 5 Favorable, 1 Merits; Irving Shapiro - 3 Favorable, 1 Merits; Joseph Melson - 6 Favorable; Russell Dineen - 5 Favorable, 1 Merits.

SB 20, sponsored by Senators Kearns and Cicione, was introduced and placed on the table at the request of Senator Kearns:

SB 20 - AN ACT TO AMEND CHAPTER 51, TITLE 29 RELATING TO CONTINUITY OF OFFICE FOR CERTAIN PUBLIC OFFICIALS AND OFFICE HOLDERS.

SB 21 was introduced by Senator Cicione:

SB 21 - AN ACT TO AMEND PART VI, TITLE 9 OF THE DELAWARE CODE RELATING TO PROVISIONS AFFECTING LOCAL POLICE IN ALL COUNTIES. Assigned to Community Affairs Committee.

SR 10 was introduced by Senator Cordrey:

SR 10 - AMEND SENATE RESOLUTION NO. 4 BY ADDING THERETO A NEW RULE TO BE DESIGNATED AS RULE NO. 27 WHICH NEW RULE SHALL READ AS FOLLOWS:

The Resolution was stricken at the request of Senator Cordrey.

SR 11, sponsored by Senators Hughes, Knox, Berndt; Representative Maxwell and all the Senators was introduced and unanimously adopted by call of the roll:

SR 11 - EXPRESSING THE SYMPATHY OF THE SENATE TO THE FAMILY OF THE LATE ROBERT N. DOWNS, III, A FORMER MEMBER OF THE HOUSE.

SR 12, sponsored by Senators Holloway, Zimmerman and Murphy was introduced and adopted unanimously by call of the roll:

SR 12 - EXTENDING CONGRATULATIONS TO CHARLES B. JIGGETTS, FORMERLY STATIONED AT DOVER AIR FORCE BASE, DOVER ON HIS RECENT PROMOTION TO BRIGADIER GENERAL IN THE UNITED STATES AIR FORCE.

SCR 2, sponsored by Senators Cicione, Berndt and Representative Gilligan, was introduced and placed on the table on motion of Senator Cicione:

SCR 2 - COMMENDING DANIEL V. TAYLOR, OF FAULKLAND HEIGHTS, FOR WINNING A PRESIDENTIAL SPORTS AWARD THROUGH HIS EXPLOITS AS A WALKER.

SCR 3 was introduced by Senator Kearns and placed on the table on his motion:

SCR 3 - REQUESTING THE CHIEF JUSTICE OF THE DELAWARE SUPREME COURT TO INITIATE AN AMENDMENT TO SUPERIOR COURT RULE 35 RELATING TO SENTENCE REVIEW.

SJR 2 was introduced by Senator Holloway and assigned to Executive Committee:

SJR 2 - PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY AND RECOMMEND TO THE GOVERNOR AND MEMBERS OF THE GENERAL ASSEMBLY VARIOUS GOVERNMENTAL ALTERNATIVES AVAILABLE TO ATTRACTING INDUSTRY TO THE STATE OF DELAWARE.

At 3:20 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 4:20 p.m., President Pro Tempore Cordrey presiding.

SR 13 was introduced by Senator Cordrey:

SR 13 - AMEND SENATE RESOLUTION NO. 4 BY ADDING THERETO A NEW RULE TO BE DESIGNATED AS RULE NO. 27 WHICH NEW RULE SHALL READ AS FOLLOWS:

At the request of Senator Cordrey, Senator Martin floor-managed the Resolution for him; the roll call vote on adoption of the Resolution was taken and revealed:

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

ABSENT: Senators Hughes, Murphy, Schlor and Weiss - 4.

Therefore, the Resolution was declared adopted.

SB 22 was introduced by Senator Sharp and assigned to Finance Committee:

SB 22 - AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A DEADLINE IN WHICH THE JOINT FINANCE COMMITTEE SHALL SUBMIT THE BUDGET APPROPRIATION BILL TO THE GENERAL ASSEMBLY FOR FORMAL INTRODUCTION.

Senator Adams moved that the necessary rules be suspended for consideration of the several Governor's nominations for appointment which had been reported out of the Executive Committee. There was no objection.

The roll call vote on the Governor's nomination for appointment of J. Edwin James was then taken and revealed:

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

ABSENT: Senator Zimmerman - 1.

Therefore, the appointment was declared confirmed.

The roll call vote on the Governor's nomination for appointment of Donna R. Kramer was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The roll call vote on the Governor's appointment of Edward S. Stansky was taken and revealed:

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

Therefore, the appointment was declared confirmed.

The roll call vote on the Governor's appointment of Joseph B. Melson was taken and revealed:

YES: 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.

Therefore, the appointment was declared confirmed.

The roll call vote on the Governor's nomination for appointment of Werner C. Brown was then taken and revealed:

YES: 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.

Therefore, the appointment was declared confirmed.

The roll call vote on the Governor's nomination for appointment of Irving S. Shapiro was taken and revealed:

YES: 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.

Therefore, the appointment was declared confirmed.

SB 23 was introduced by Senator Holloway and assigned to Health and Social Services Committee:

SB 23 - AN ACT TO AMEND PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT, AND PROVIDING FOR THE DIVISION OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES INTO TWO SEPARATE DEPARTMENTS.

At 4:38 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. January 6, 1977.

The Senate reconvened at 2:03 p.m. January 6, 1977, President Pro Tempore Cordrey presiding.

The following legislation was introduced and assigned to Committee:

SB 24 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUREAU OF ADULT CORRECTION FOR ADDITIONAL SECURITY GUARD FORCE COVERAGE AND BUILDING RENOVATION FOR INMATE HOUSING AT THE DELAWARE CORRECTIONAL CENTER. Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 25 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PAYMENT OF PRIOR YEAR OBLIGATIONS. Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 26 - AN ACT TO AMEND CHAPTER 63, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BUDGET APPROPRIATION BILL; AND PROVIDING A DATE BY WHICH THE ANNUAL BUDGET APPROPRIATION BILL MUST BE READY FOR REVIEW BY STANDING COMMITTEES. Sponsors: Senators Cicione, Cordrey, Knox. Assigned to Executive Committee.

SB 27 - AN ACT TO AMEND CHAPTER 89, TITLE 29, OF THE DELAWARE CODE, RELATING TO THE CRITERIA FOR THE EMPLOYMENT OF BUREAU CHIEFS IN THE DEPARTMENT OF CORRECTION. Sponsor: Senator Sharp. Assigned to Corrections Committee.

SB 28 - AN ACT TO AMEND CHAPTER 42 OF TITLE 11, DELAWARE CODE, RELATING TO THE METHOD, PUNISHMENT, AND REVIEW OF PUNISHMENT FOR FIRST DEGREE MURDER. Sponsors: Senators Cook, Cicione, Hughes, Arnold, Adams, Littleton, Spence. Assigned to Judiciary Committee.

SB 29 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORK CONTRACTS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SA 1 to SB 20 was introduced by Senator Kearns and placed with the Bill.

SCR 4 (Sponsored by Senator Martin and all the Senators) was introduced and considered for adoption:

SCR 4 - CONGRATULATING THE ATHLETIC DEPARTMENT OF THE UNIVERSITY OF DELAWARE, THE BLUE HENS OUTSTANDING FOOTBALL TEAM OF 1976, AND FOOTBALL COACH HAROLD "TUBBY" RAYMOND FOR A HIGHLY SUCCESSFUL SEASON.

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

SCR 5 (Sponsored by Senators Martin and Hale) was introduced and considered for adoption:

SCR 5 - EXTENDING CONGRATULATIONS TO THE NEWARK HIGH SCHOOL FOOTBALL TEAM AND ITS COACH, WILLIAM "ROCKY" REES, ON BECOMING THE DIVISION I DELAWARE INTERSCHOLASTIC CHAMPION OF 1976.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Zimmerman) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 30 (Sponsored by Senators Sharp and Cicione) was introduced and assigned to Public Safety Committee:

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

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 6, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mrs. Ruth P. Malm, 1112 Highgate Road, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation. (Reappt.)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 6, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: W. H. McFadden, 39 South Bradford Street, Dover, Delaware, to be a Commissioner of the State Personnel Commission, filling the unexpired term ending August 11, 1977, of Peter Nechay, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 6, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Morris Bronstein, 2217 North Harrison Street, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, succeeding Mrs. Phyllis D. Laffey.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 6, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: J. Joseph Tansey, P.O. Box 337, Bethany Beach, Delaware, to be a Commissioner of the State Personnel Commission, for a three-year term effective August 11, 1976 to expire August 11, 1979, succeeding Mrs. Myrtha V. Calhoun.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 6, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joseph Whitmore Maybee, Esq., 10 South Bradford Street, Dover, Delaware, to be a revisor of the Delaware Code Revisors, for a four-year term from date of confirmation, succeeding George C. Hering, III.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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At 2:20 p.m. on motion of Senator Martin, the Senate recessed for a short period and reconvened at 3:40 p.m., President Pro Tempore Cordrey presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Russell D. F. Dineen was taken up for consideration and the roll call vote taken which revealed:

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

NO: Senators Arnold and Hale - 2.

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

ABSENT: Senator Sharp - 1.

Therefore, the appointment was declared confirmed.

At 3:50 p.m. on motion of Senator Adams, the Senate recessed for a short period and reconvened at 3:55 p.m., President Pro Tempore Cordrey still presiding.

On motion of Senator Kearns, SB 20 which had been laid on the table was assigned to the Executive Committee.

SB 23 was reported out of the Health and Social Services Committee: 5 Merits.

SB 8 was reported out of the Education Committee: 1 Favorable, 3 Merits.

On motion of Senator Adams, the necessary rules were suspended for the reconsideration of the appointment of Russell D. F. Dineen and a new roll call taken since the previous roll call was taken without suspension of the rules. Therefore, a new roll call vote on the appointment of Russell D. F. Dineen was taken and announced:

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

NO: Senators Arnold and Hale - 2.

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

Therefore, the appointment was declared again confirmed.

On motion of Senator Adams, the necessary rules were suspended for the consideration of the Governor's nomination for appointment of Harry B. Roberts, Jr. The roll call vote on the appointment was taken and revealed:

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

NO: Senator Weiss - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Kenneth Hilton. The roll call vote on the appointment was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Elise Grossman. The roll call vote was then taken and revealed:

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

NO: Senator Spence - 1.

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

Therefore, the appointment was declared confirmed.

SB 29 was reported out of the Highways and Transportation Committee: 1 Favorable, 5 Merits.

SB 16 was reported out of the Administrative Services Committee: 1 Favorable, 3 Merits, 1 Unfavorable.

SB 20 was reported out of Executive Committee: 1 Favorable, 3 Merits.

At 4:12 p.m. on motion of Senator Martin, the Senate recessed for a short time and reconvened at 4:19 p.m., President Pro Tempore Cordrey still presiding.

The following Committee Reports were announced:

From the Finance Committee: SB 24 - 2 Favorable, 4 Merits; SB 25 - 2 Favorable, 4 Merits.

From the Judiciary Committee: SB 13 - 6 Merits; SB 19 - 6 Merits.

From the Correction Committee: SB 27 - 3 Favorable, 3 Merits.

SR 14 (Sponsored by Senators Cordrey and Martin) was introduced and considered for adoption on motion of Senator Martin:

SR 14 - AUTHORIZING PAYMENTS FOR SERVICES RENDERED BY THE STAFF OF THE SENATE FOR THE 129TH GENERAL ASSEMBLY

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

At 4:25 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. January 11, 1977.

The Senate reconvened at 2:00 p.m. January 11, 1977, Lt. Governor Bookhammer presiding.

The following nominations for appointment by the Governor were reported back to the Senate from the Executive Committee: Roland G. Hastings - 6 Favorable; J. Joseph Tansey - 4 Favorable; Joseph Whitmore Maybee - 2 Favorable, 1 Unfavorable, 1 Merits; Morris Bronstein - 3 Merits, 2 Unfavorable; W. H. McFadden - 5 Favorable.

At the request of Senator Zimmerman, the complete Committee Report on the nomination for appointment of Joseph Whitmore Maybee was read and revealed the following Committee vote:

FAVORABLE: Senator Adams, Chairman; Senator Cordrey.

MERITS: Senator Hughes. UNFAVORABLE: Senator Knox.

SB 31 was introduced by Senator Murphy and assigned to Banking, Insurance and Elections Committee:

SB 31 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE FARMERS BANK COMMISSION FOR THE PURPOSE OF MEETING THE COMMISSION'S EXPENSES THROUGH JUNE 30, 1977.

At 2:05 p.m. on motion of Senator Cordrey, the First Special Session of the 129th General Assembly was adjourned.

129TH GENERAL ASSEMBLY
1ST LEGISLATIVE DAY
DOVER, DELAWARE
JANUARY 11, 1977

Pursuant to Section 4, Article 2, of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware, at 2:05 p.m., Lt. Governor Eugene D. Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. E. Luis Strickland:

"Lord God Almighty, Who from Thy throne behold all the dwellers upon the earth, we most humbly beseech Thee for Thy servants, the Governor and this august body here assembled, that they may always incline to Thy will and walk in Thy way, and that Thou wilt likewise bless all who are entrusted the responsibility for the day to day operation of our government at all levels. We pray that they may be dedicated to the advancement of all humanity; to the good of Thy State and the safety, honor and welfare of Thy nation.

Help us, O Father, to guard our tongues from expressing in haste and malice those words which should never be uttered. Help us to create within ourselves a spirit of understanding and good will which will render impossible even uncharitable and unkind thoughts. May we remember that charity begets charity and that the world gives us back the attitude which we ourselves show.

We, finally, call upon Thee in the words of an old spiritual: 'Guide our feet, our hands, our heart and our minds while we run this race, for we don't want to run this race in vain.'

Guide our very beings we pray Thee, while we work at guiding our government in order that what we do today, tomorrow and always may not be done in vain. Amen."

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Pledge of Allegiance to the Flag.

The Secretary called the roll which revealed:

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

SR 15 was introduced by Senator Martin who moved for its adoption:

SR 15 - IN REFERENCE TO OFFICERS OF THE SENATE

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

On motion of Senator Martin, the Chair instructed the Sergeant-at-Arms to inform the House the Senate was now out of Special Session and in Regular Session.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 6, 1977

Lieutenant Governor Eugene D. Bookhammer
President of the Senate
Senator Richard S. Cordrey
President Pro Tem, Senate
Representative John P. Ferguson
Acting Speaker of the House
Gentlemen:

I respectfully request that I be given the opportunity to deliver the State of the State and Fiscal Message to the 129th General Assembly on Thursday, January 13, at 1:30 p.m.

I further request that I be given the opportunity to deliver this message in the House Chamber, where I started my political career in 1957, and where I of course served as Speaker of the House for six years.

I make the latter request for purely sentimental reasons.

Sincerely,
Sherman W. Tribbitt
Governor

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SR 16 was introduced by Senator Holloway who moved for its adoption:

SR 16 - COMMENDING FORMER WILMINGTON POLICE CHIEF JOHN T. MCCOOL FOR OUTSTANDING SERVICE.

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

SCR 6 (Sponsored by Senators Kearns, Martin, Cook, Schlor, Zimmerman, Holloway and Murphy) was introduced and considered for adoption on motion of Senator Kearns:

SCR 6 - COMMENDING PRESIDENT-ELECT JIMMY CARTER FOR HIS ECONOMIC STIMULUS PROGRAM AND MEMORIALIZING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT QUICK ENACTMENT OF THAT PROGRAM.

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

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

NO: Senators Arnold, Cordrey, Hughes, Knox, Littleton, Weiss - 6.

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

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

SCR 7 (Sponsored by Senators Cicione, Sharp, Kearns and Berndt; Representatives Byrd, Gilligan, Kelly and Maxwell) was introduced:

SCR 7 - EXPRESSING THE CONCERN OF THE GENERAL ASSEMBLY OVER THE REPORT BY THE UNIQUE HAZARDS COMMITTEE OF THE DEPARTMENT OF PUBLIC INSTRUCTION, RELATING TO CONSTRUCTION PROJECTS TO ELIMINATE HAZARDS AND REDUCE BUSING; AND DIRECTING THAT THE PRESENT MORATORIUM BE EXTENDED FOR ONE YEAR.

At the request of Senator Cicione, the Resolution was assigned to the Education Committee.

The following legislation was introduced:

SB 32 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO THE FARMERS BANK. Sponsors: Senator Murphy and Representative Gordy. Assigned to Banking, Insurance and Elections Committee.

SB 33 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE A TRACT OF LAND WITHIN WALTER S. CARPENTER, JR. STATE PARK, WHITE CLAY CREEK HUNDRED, NEW CASTLE COUNTY, NEWARK, DELAWARE. Sponsor: Senator Martin. Assigned to Natural Resources and Environmental Control Committee.

SB 34 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION; AND PROVIDING STATUTORY RESTRICTIONS ON CERTAIN UTILITY EXPENDITURES. Sponsor: Senator Cicione. Assigned to Administrative Services Committee.

SB 35 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ATHLETICS IN STATE-SUPPORTED EDUCATIONAL FACILITIES. Sponsor: Senator Cicione. Assigned to Education Committee.

SB 36 - AN ACT TO AMEND CHAPTER 50, TITLE 15, DELAWARE CODE, RELATING TO VOTING MACHINES. Sponsor: Senator Schlör. Assigned to Banking, Insurance and Elections Committee.

SB 37 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO PLEAS AND PLEA BARGAINING. Sponsor: Senator Schlör. Assigned to Judiciary Committee.

SB 38 - AN ACT TO AMEND PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO THE REORGANIZATION OF PRESENT SCHOOL DISTRICTS. Sponsor: Senator Schlör. Assigned to Education Committee.

SB 39 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE BY CREATING A NEW CHAPTER RELATING TO THE SALE OF CERTAIN BEVERAGES IN NON-RETURNABLE OR DISPOSABLE BEVERAGE CONTAINERS WITHIN THE STATE OF DELAWARE. Sponsor: Senator Schlör. Assigned to Community Affairs Committee.

SB 40 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE TERRY CHILDREN'S PSYCHIATRIC CENTER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, FOR THE PURPOSE OF CONTINUING THE FEDERAL STAFFING GRANT. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 41 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION. Sponsor: Senator Cook. Assigned to Administrative Services Committee.

SS 1 for SB 4 was introduced by Senator Cook and adopted in lieu of the Original on motion of Senator Cook. The Bill was assigned to the Administrative Services Committee.

SCR 8 (Sponsored by Senator Zimmerman) was introduced:

SCR 8 - EXPRESSING THE SINCERE GOOD WISHES OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY TO HARRY C. MCSHERRY, OF DOVER, DEAN OF DELAWARE'S ACTIVE JOURNALISTS, ON HAVING REACHED AND PASSED HIS 83RD BIRTHDAY AND HAVING CONTINUED INTO THE 63RD YEAR OF HIS SUCCESSFUL CAREER.

In the absence of the Sponsor of the Resolution, Senator Zimmerman, the Resolution was laid on the table on motion of Senator Cook.

Senator Adams, requested that the Governor's nomination for appointment of Roland G. Hastings be considered for confirmation.

Before the nomination was taken up for consideration, however, the Senate recessed at 2:50 p.m. for a short period on motion of Senator Martin.

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

On motion of Senator Adams, the Governor's nomination for appointment of Roland G. Hastings was considered for confirmation and the roll call vote taken which revealed:

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

ABSENT: Senator Holloway - 1.

Therefore, the appointment was declared confirmed.

SCR 8 was lifted for consideration on motion of Senator Zimmerman and all the Senators were added as co-sponsors. The roll call vote on the Resolution was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and ordered to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 1, SCR 4, SCR 5, and SJR 1.

On motion of Senator Adams, the Governor's nomination for appointment of Ruth P. Malm was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Holloway - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of W. H. McFadden was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senators Holloway and Kearns - 2.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph Whitmore Maybee, Esq., was taken up for consideration and the roll call vote taken which revealed:

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

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

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

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of J. Joseph Tansey was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Kearns - 1.

Therefore, the appointment was declared confirmed.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Remsen C. Barnard, III, P.O. Box 257, Milford, Delaware, to be a Commissioner of the Delaware River and Bay Authority, for a five year term effective July 1, 1976 to expire July 1, 1981. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James Julian, 2301 Baynard Boulevard, Wilmington, Delaware, to be a Commissioner of the Delaware River and Bay Authority, for a five year term effective July 1975 to expire July 1, 1980. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Raymond E. Tomasetti, 203 New York Avenue, Claymont, Delaware, to be a member of the State Board of Education, for a term expiring July 1, 1978, succeeding Robert H. McBride.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John H. McQuay, P.O. Box 75, Rehoboth Beach, Delaware, to be a Justice of the Peace for Sussex County, for a four-year term from date of confirmation, succeeding Carroll B. Farlow.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John Edward Malarkey, 203 Haven Lake Avenue, Milford, Delaware, to be State Bank Commissioner for a four-year term from date of confirmation, succeeding John W. Green.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James C. Eberly, Sr., Esq., 204 Bridgham Avenue, Milford, Delaware, to be a member of the Tax Appeal Board, filling the unexpired term ending October 30, 1978, of Maurice A. Hartnett, III, Esq., resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 11, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William C. Pfeifer, 17 Garrison Circle E, Smyrna, Delaware, to be a member of the Board of Parole, for a four-year term from September 29, 1976 to expire September 29, 1980. (Reappt.)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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SB 41 was reported out of the Administrative Services Committee: 5 Favorable.

SR 17 was introduced by Senator Martin and considered for adoption on his motion:

SR 17 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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

HJR 1 was presented by the Chair:

HJR 1 - IN REFERENCE TO ELECTION OF OFFICERS.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Resolution 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.

The following legislation was introduced:

SB 42 - AN ACT TO AMEND CHAPTER 9, OF TITLE 4, DELAWARE CODE RELATING TO THE EMPLOYMENT OF MINORS IN THE BUSINESS OF CATERING. Sponsors: Senators Hughes and Cicione. Assigned to Administrative Services Committee.

SB 43 - AN ACT TO AMEND TITLE 9 AND TITLE 16 OF THE DELAWARE CODE, RELATING TO SEWER SERVICE CHARGES BY FORBIDDING THE USE OF WATER CONSUMPTION AS A COMPONENT IN COMPUTING THE CHARGE. Sponsors: Senators Sharp and Cicione. Assigned to Community Affairs Committee.

SB 44 - AN ACT AWARDED SPECIAL PENSION BENEFITS, APPROPRIATING MONIES TO FUND SUCH PENSIONS, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF SUCH PENSIONS AS IF AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 45 - AN ACT AWARDED SPECIAL PENSION BENEFITS, APPROPRIATING MONIES TO FUND SUCH PENSIONS, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF SUCH PENSIONS AS IF AWARDS WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 46 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING CERTAIN PENALTIES FOR CONSUMING, USING OR POSSESSING CERTAIN PROHIBITED DRUGS. Sponsor: Senator Kearns. Assigned to Health and Social Services Committee.

SB 47 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO OFFICE OF THE COMMISSIONER, DEPARTMENT OF CORRECTION, FOR CONTINUATION OF THE STAFF TRAINING PROGRAM FOR CORRECTIONAL OFFICERS. Sponsor: Senator Sharp. Assigned to Finance Committee.

SB 48 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF REIMBURSING THE OGLETOWN BAPTIST CHURCH LOCATED AT 316 RED MILL ROAD, NEWARK, DELAWARE. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SA 2 to SB 20 was introduced by Senator Kearns and placed with the Bill.

Consideration of SB 8 which was first on the Agenda for the day was deferred on motion of Senator Cicione.

SB 16 was taken up for consideration on motion of Senator Murphy and given its final reading by title only:

SB 16 - AN ACT TO AMEND CHAPTER 5, TITLE 28, OF THE DELAWARE CODE RELATING TO HARNESS RACING.

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

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

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

NOT VOTING: Senators Adams and Berndt - 2.

ABSENT: Senator Kearns - 1.

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

SB 29 was taken up for consideration on motion of Senator Martin and read by title only:

SB 29 - AN ACT TO AMEND CHAPTER 69, TITLE 29, OF THE DELAWARE CODE RELATING TO PUBLIC WORK CONTRACTS.

At the request of Senator Martin, the privilege of the floor was extended to Willard J. Thomson, Jr., Division of Highways, to speak on the Bill. The roll call vote on the Bill was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and ordered to the House for consideration.

SB 20 was taken up for consideration on motion of Senator Kearns and read by title only:

SB 20 - AN ACT TO AMEND CHAPTER 51, TITLE 29 RELATING TO CONTINUITY OF OFFICE FOR CERTAIN PUBLIC OFFICIALS AND OFFICE HOLDERS.

SA 1 to the Bill was stricken on motion of Senator Kearns.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

Senator Hale moved that final consideration of SB 20 w SA 2 be deferred.

Senator Kearns moved that the motion of Senator Hale be tabled and a roll call vote was taken on the tabling motion which revealed:

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

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

NOT VOTING: Senator Hughes - 1.

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

Senator Berndt moved that the roll call vote on SA 2 to SB 20 be rescinded.

Senator Kearns moved that Senator Berndt's motion be tabled and a roll call vote was taken on the tabling motion which revealed:

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

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

Therefore, the motion prevailed and the motion was tabled.

The privilege of the floor was extended to Tom Sandback, Senate Attorney, to speak on SB 20 w SA 2 after which the roll call vote on the Bill was taken on motion of Senator Kearns and revealed:

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

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

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

At 6:45 p.m. on motion of Senator Cordrey, the Senate recessed until January 12 at 1:30 p.m.

The Senate reconvened at 2:17 p.m. January 12, 1977, Lt. Governor Bookhammer presiding.

The following Governor's nominations for appointment were reported out of the Executive Committee: John H. McQuay - 5 Favorable, 1 Merits; Remsen C. Barnard, III - 3 Favorable, 3 Merits; Raymond E. Tomasetti - 6 Favorable; John Edward Malarkey - 3 Favorable, 2 Merits, 1 Unfavorable; James C. Eberly, Sr., Esq. - 5 Favorable, 1 Merits; James Julian - 5 Favorable, 1 Merits; William C. Pfeifer - 6 Favorable.

SB 26 was reported out of Executive Committee - 5 Favorable, 1 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 8.

The following legislation was introduced:

SB 49 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE RELATING TO POWERS OF LOCAL POLICE IN NEW CASTLE COUNTY AND FURTHER PROVIDING A MEANS OF ELIMINATING JURISDICTIONAL DISPUTES AMONG POLICE IN NEW CASTLE COUNTY AND ENCOURAGING IMPROVEMENTS IN POLICE ORGANIZATIONAL EFFICIENCY AND ECONOMY. Sponsors: Senators Martin and Berndt. Assigned to Judiciary Committee.

SB 50 - AN ACT TO AMEND CHAPTER 45, OF TITLE 15, DELAWARE CODE RELATING TO ACCESSIBILITY OF POLLING PLACES FOR THE ELDERLY AND THE PHYSICALLY HANDICAPPED. Sponsor: Senator Martin. Assigned to Banking, Insurance and Elections Committee.

SJR 3 - RELATING TO CONTRACTS AND PURCHASES MADE BY AGENCIES OF THIS STATE. Sponsor: Senator Sharp. Assigned to Correction Committee.

SA 1 to SB 13 was introduced by Senator Holloway and placed with the Bill on motion of Senator Cordrey in Senator Holloway's absence.

The Chair introduced HCR 2:

HCR 2 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED TO HEAR THE GOVERNOR'S ANNUAL STATE OF THE STATE ADDRESS AND BUDGET MESSAGE.

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

Senator Sharp requested that SB 24 be brought before the Senate for consideration; however, before the Bill was taken up, the Senate recessed for an hour on motion of Senator Martin at 2:25 p.m.

The Senate reconvened at 3:55 p.m., Lt. Governor Bookhammer still presiding.

SB 24 was taken up for consideration on motion of Senator Sharp and read by title only:

SB 24 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BUREAU OF ADULT CORRECTION FOR ADDITIONAL SECURITY GUARD FORCE COVERAGE AND BUILDING RENOVATION FOR INMATE HOUSING AT THE DELAWARE CORRECTIONAL CENTER.

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, Spence, Weiss, Zimmerman - 19.

ABSENT: Senators Arnold and McCullough - 2.

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

SB 25 was taken up for consideration on motion of Senator Sharp and read by title only:

SB 25 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR PAYMENT OF PRIOR YEAR OBLIGATIONS.

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, Spence, Weiss - 18.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Arnold and Zimmerman - 2.

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

SB 27 was taken up for consideration on motion of Senator Sharp:

SB 27 - AN ACT TO AMEND CHAPTER 89, TITLE 29, OF THE DELAWARE CODE RELATING TO THE CRITERIA FOR THE EMPLOYMENT OF BUREAU CHIEFS IN THE DEPARTMENT OF CORRECTION.

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

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

NO: Senators Berndt and Knox - 2.

NOT VOTING: Senator Hale - 1.

ABSENT: Senators Arnold and McCullough - 2.

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

SB 13 was taken up for consideration on motion of Senator Holloway and read by title only:

SB 13 - AN ACT TO AMEND CHAPTER 44, TITLE 6, DELAWARE CODE RELATING TO USE OF IDENTIFICATION FOR THOSE ENGAGED IN DOOR-TO-DOOR SALES.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway; however, before action was taken on the Amendment, Senator Holloway moved that the Bill and the Amendment be deferred for final consideration and the motion prevailed without objection.

SB 41 was taken up for consideration on motion of Sencor Cook:

SB 41 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Hale) NOT VOTING, and 1 (Arnold) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:50 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY

The Senate convened at 4:50 p.m. January 12, 1977,
Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll, revealed the following attendance:

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

ABSENT: Senator Arnold - 1.

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

SJR 3 was reported out of the Correction Committee: 1 Favorable, 4 Merits.

SCR 9 (Sponsored by Senators Zimmerman and Murphy; Representatives Bennett, Morris, Minner and Darling) was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 9 - COMMENDING THE CAESAR RODNEY "RIDERS" FOOTBALL TEAM ON THEIR OUTSTANDING RECORD ON THE GRIDIRON DURING THE LAST TWO SEASONS.

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

SCR 10 was introduced by Senator Kearns and laid on the table at his request:

SCR 10 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT EFFORTS TO ACCELERATE THE ALLOCATION OF FEDERAL FUNDS FOR THE REPAIR AND REPLACEMENT OF UNSAFE BRIDGES.

The following legislation was introduced:

SB 51 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO LEGISLATIVE COUNCIL FOR THE PURPOSE OF PURCHASING ADDITIONAL SETS OF THE DELAWARE CODE ANNOTATED, 1974. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 52 - AN ACT TO AMEND PART VI, TITLE 10 OF THE DELAWARE CODE RELATING TO FEES AND COSTS; AND PROVIDING FOR THE RECOUPMENT OF DEFENSE COSTS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SA 2 to SB 13 was introduced by Senator Holloway and placed with the Bill.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 12, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ms. Barbara C. Hughes, 902 Blackshire Road, Wilmington, Delaware, to be a Justice of the Peace for New Castle County, for a four-year term from date of confirmation, succeeding Mrs. Phyllis D. Laffey.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 12, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: R. Wayne Ashbee, 1001 Wagoner Drive, Wilmington, Delaware, to be a director of the Delaware Solid Waste Authority, for a three-year term from date of confirmation, succeeding Hart Tiller Mankin.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

On motion of Senator Adams, the Governor's nomination for appointment of James C. Eberly, Sr., Esq., was taken up for consideration and the roll call vote taken which revealed:

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared as confirmed by the Senate.

On motion of Senator Adams, the Governor's nomination for appointment of William C. Pfeifer, was taken up for consideration and the roll call vote taken which revealed:

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Arnold and Kearns - 2.

Therefore, the appointment was declared as confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John Edward Malarkey was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 18.

NO: Senator Knox - 1.

NOT VOTING: Senator Littleton - 1.

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Remsen C. Barnard, III, was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John H. McQuay was taken up for consideration and the roll call vote taken which revealed:

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

NOT VOTING: Senator Hughes - 1.

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of James Julian was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Raymond E. Tomasetti was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

SB 48 was reported out of the Highways and Transportation Committee - 1 Favorable, 5 Merits.

At 5:15 p.m. on motion of Senator Cordrey, the Senate recessed until 1:00 p.m. January 13, 1977.

The Senate reconvened at 1:30 p.m. January 13, 1977, Lt. Governor Bookhammer Presiding.

The Senate immediately recessed on motion of Senator Cordrey in order to go into Joint Session with the House of Representatives.

JOINT SESSION

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

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

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

The Speaker appointed the following committee to escort the Governor to the House Chamber: Representatives Temple and Riddagh; Senators Martin and Kearns.

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

Mr. Speaker, Mr. President, Mr. President Pro Tem, Ladies and Gentlemen of the 129th General Assembly, Governor-Elect duPont, Mr. Chief Justice, other members of the Judiciary, Elected Constitutional Officers, members of the Cabinet, distinguished guests, fellow Delawareans:

Today, it is my honor to appear on this platform before this the First Joint Session of our new 129th General Assembly to present a Budget for the coming year and to share with you some of my thoughts as to the direction our State should take in future years.

But first let me take this opportunity to extend my best wishes to Governor-elect duPont, Lieutenant Governor-Elect McGinnis, and the members, both old and new, of the 129th General Assembly.

During my four years as your Governor, Delaware has been buffeted by an unprecedented series of economic storms. Together, we have faced inflation, recession, and high unemployment.

These storms have, at least in part, dictated the actions taken by your government during the past four years.

To help the poor -- faced with a losing fight against raging inflation -- we have three times increased welfare benefits.

To help the unemployed, we have over the four years of my administration virtually doubled the maximum unemployment benefit.

To help those on fixed income, we repealed the Residential Utility Tax.

To help those living on retirement pensions, we adjusted the Personal Income Tax Law to reduce their tax liability.

And we have worked hard to make Delaware a more attractive site for new industry. Our steps in this direction have been aided mightily by the excellent work done by the Delaware Tomorrow Commission.

At the present time, the Delaware Tomorrow Commission is hard at work preparing enabling legislation to be submitted to this General Assembly to direct the development of a meaningful Statewide Land Use Plan.

And action has already been taken by the General Assembly to rectify what the business community has described as the greatest roadblock to the attraction of new industry in Delaware. A reduction in the taxation of capital gains from 100% to 50% represents a direct and costly effort on our part to show our good faith to the business community.

It is now estimated that this change in the Tax Law alone will cost Delaware up to \$10 million in revenue in Fiscal 1978. This accommodation to the business community contributes greatly to the size of the 1978 deficit. And I firmly believe that if this tax reduction fails to help us attract significant new opportunities for our citizens, then it is quite likely that the old rate of taxation on capital gains will be reimposed.

Throughout the past four years, I did everything in my power to protect our citizens from the impact of a whole series of new taxes in a time of inflation, recession, and high unemployment. Rather than impose many new taxes, we took another route, and we implemented a series of changes in our Tax Laws to improve our State's cash flow, while at the same time generating additional revenues for the State.

These cash flow measures and the funds generated by their implementation have helped us immeasurably to provide the necessary level of services for our citizens, without the

need to implement a massive series of revenue measures comparable to those implemented by many of our sister States in the northeast.

But beyond these steps, we have implemented an important series of measures to reduce the cost of government.

We restructured the Pension Law which resulted in significant plan improvements, while at the same time significantly decreasing the cost of funding our system, by tying new employee benefits to Social Security.

We restructured our Department of Transportation and eliminated the need for mass transit subsidies from the General Fund.

We changed the payment of Franchise Taxes from annually to quarterly, thus reducing short-term borrowing which, in turn, has resulted in a reduction in short-term interest costs.

We also implemented a long-range program to limit capital expenditures. It was evident that Delaware, with one of the highest levels of public debt on a per capita basis, was spending more than it could afford on capital projects. The Delaware Tomorrow Commission and the Delaware State Planning Office both estimated that if nothing was done to alter capital investment program policy, Debt Service would reach \$150 million a year by the mid 80's.

Further, I believe that over the long term, this legislation will demonstrate to the New York money market that Delaware is serious about controlling its Capital Debt and as a result, over time, Delaware bond ratings should improve.

But the overriding fact is that the cost-saving programs that have been put into effect will -- over the period of fiscal years 1976 through 1978 -- have saved the taxpayers \$25 million. And these savings have been achieved without any reduction in the quality or quantity of the services offered to our people. Beginning in Fiscal Year 1979, Debt Service cost savings as a result of our program to limit new capital authorizations will be evident.

By 1985, savings from all of these programs together are estimated to be \$340 million on a cumulative basis.

This is a first step in bringing under control the cost of government in the State of Delaware. It is a first step in keeping the cost of our State's government within our taxpayers' grasp.

But I want to emphasize that it is just that -- a first step. There is more, much more, that must be done.

Delaware is part of that region of our country stretching from Virginia to Maine. All of the States in this area are suffering from the common problems of a low rate of economic growth, a high demand for service and erosion or stagnation of the tax base.

The problem we face was brought sharply into focus by Newhouse News Service writer Phillip W. Smith who wrote, "Drawn by a warmer climate, lower taxes, and cheaper energy, Americans are moving South in search of a better life just as they moved North in search of jobs."

He continues: "For the North, it is adding to the steady erosion of economic base that Governors and Mayors of that region are trying desperately to reverse." - End quote.

And I tell you people today that the trend must be reversed.

This means that government in Delaware in the years ahead will have to be lean and efficient, rendering services on a "least-cost" basis. We must constantly review our service mix. We must constantly weed out unnecessary services to free funds to finance new demands.

And we cannot constantly expect to go back to the citizen taxpayer for more and more dollars to support a bigger, bulkier, and more unresponsive government. To do so will only worsen our problems -- and erode public confidence in the ability of government to serve its people.

Let us take a few moments to look squarely at the financial problems we face today in Delaware.

In the last few months, we have seen revenue estimates -- as prepared by the Governor's Economic Advisors -- drop rapidly. And though the total of the drop has been large, it has been limited to two revenue sources -- Personal Income Tax and the Lottery. The Lottery estimate has been reduced by \$6 million as a result of the lower-than-expected consumer acceptance of the Sports Betting Program, which did not meet the originally anticipated sales volume.

The Personal Income Tax estimate has been reduced to reflect the slowdown in the national economy, the higher-than-anticipated level of unemployment in Delaware, and the now-expected continuation of severely restricted year-end employee bonuses, the passage of the New Jersey Income Tax, and the changes made in Delaware's taxation of capital gains.

Turning to the other side of the ledger, our latest estimate reveals that total supplemental appropriations for this year, including the \$7.2 million already signed into law, will total \$20.7 million.

Thus, with the latest estimate of both expenditures and revenue in hand, we anticipate a deficit by June 30, 1977, of \$42.7 million. This deficit is equal to approximately 10% of the total General Fund Revenue.

Resolution of this problem -- a problem shared by many of our sister States from Virginia to Maine -- requires action to further reduce the cost of government and, on the other hand, action in the form of levying new as well as increasing existing taxes.

Today, I will lay out before you a plan to accomplish both of these aims.

First, I am suggesting a modest spending program for FY '78 -- which includes a small number of increases necessary to continue to provide adequate levels of service to our citizens, as well as a series of cuts designed to control the cost of government.

As you will be able to see by consulting the appendix attached to this speech, we anticipate total disbursements for FY '77 to be \$451 million. For FY '78, we anticipate disbursements of \$468.7 million, an increase of just 3.9% in total disbursements.

In addition, legislation will be introduced, which if adopted on a timely basis, would further reduce disbursements for FY '78 by an additional \$7.7 million, reducing net total disbursements to \$461 million. Adoption of the spending cuts incorporated in the FY '78 Budget, and those submitted in the form of special legislation, would limit the growth in total expenditures on a year-to-year basis to just 2.3%.

Now let us look in detail at the FY '78 Budget.

New and expanded programs in the Budget include the staff for the Banton Building at Emily P. Bissell Hospital; additional staff for the Delaware Home and Hospital (For the Chronically Ill) at Smyrna; additional staff for the Hospital for the Mentally Retarded at Stockley; additional staff, training funds and work-release funds for the Correctional System; additional funds to assume the full cost for the operation of the Terry Children's Psychiatric Center; additional funds for highway maintenance; funds to open the Wilmington State Office Building; as well as funds necessary to finance the next phase of the Revenue Management System to continue the process of increasing the ability of our Division of Revenue to collect the taxes already on the books.

The total allocated to new and expanded programs outlined is approximately \$4.5 million. Thus, our priorities for FY '78 are improved services at our institutions, our Correctional System, and Our Revenue Collection Agency.

In order to contain the cost of government in FY '78, two major provisions to reduce costs in the coming Fiscal Year are included in the Budget -- and two others are submitted in the form of special legislation.

First, I propose returning to the School Districts the responsibility of paying fringe benefit costs of salaries paid in whole, or in part, with local supplements.

I have long felt that it was wholly improper for a School District, by local action to increase an employee's salary supplement and expect the State to pick up the fringe benefit costs associated with that increase. In effect, all our taxpayers are underwriting part of the cost of a decision made by a limited number of taxpayers. Returning this burden to its proper place reduced our appropriations by some \$6 million a year.

While the Budget for FY '78 includes funding for so-called merit increases for State employees, it freezes cost-of-living benefits at the current level through June 30, 1978. The cost-of-living freeze for 1978 will reduce expenditures by approximately \$12.4 million.

Further, I believe that the Governor-elect and the 129th General Assembly will have to take action to suspend either the so-called merit increase or the cost-of-living. I do not believe that, going forward, we will be able to support both of these programs as presently enacted.

In addition, separate legislation is submitted to switch the computation of Public Education Units from the current method to one based on average daily attendance. It is anticipated that the adoption of this legislation, on a timely basis, will further reduce expenditures for FY '78 by approximately \$7.2 million.

And finally, I am resubmitting to the General Assembly my proposal to reorganize State government to eliminate needless bureaucrats which will, I believe, result in a government organized along more progressive lines -- and one which can be administered more effectively and more efficiently. The initial savings from this legislation will be approximately one-half million dollars but, long term, there is a potential to save many millions.

I believe it is necessary, from time to time, to reorganize and restructure government. But it is very difficult to weed out unnecessary bureaucrats unless, periodically, that overall structure is dramatically altered so Governors, General Assemblies, Administrators, and the public can look at that bureaucracy from a different point of view.

It becomes the responsibility of the Governor, the General Assembly, the Administrators and the public to insure that the duplication of effort and the waste exposed by the Act of Reorganization is eliminated.

If we -- the elected representatives of the Delaware citizenry -- fail to see that waste, and fail to correct it, then we are negligent in our trust to those who have elected us.

Simply put, the largest single cost of government is employees' salaries. The most effective means of controlling the cost of that government lies in controlling the number of employees. This weeding out process is never easy, but is of utmost importance.

If all the budget cuts that I have proposed, both in the Budget, and separately, are adopted, total expenditures for FY '78 will be limited to \$461 million. If none of them are adopted, expenditures are likely to rise to \$486.8 million -- that is, nearly \$26 million more! (And, of course, that means nearly \$26 million more in new taxes, also -- to have a balanced budget!)

While I am sure the public recognizes that it will be necessary to increase some taxes, or in some cases levy new taxes, I am also sure that that same public will be extremely reluctant to see taxes increase, or new taxes levied, if significant budget cuts are not made at the same time.

Therefore, the Revenue Program that I will outline today is predicated on budget cuts in the amounts I have outlined or, alternatively, other budget cuts of like amounts.

With the adoption of the budget cuts contained in the Budget Bill submitted today, and the additional budget cuts submitted separately, we can look for a deficit this Fiscal Year of \$42.2 million -- and for FY '78 a deficit of \$19.6 million.

Therefore, we face a cumulative deficit on June 30, 1978, of \$61.8 million.

Again, let me emphasize that this assumes the adoption of all budget cuts already outlined.

To resolve this problem, in addition to the aforementioned budget cuts, I am proposing a Revenue Program designed to yield \$12.4 million during this Fiscal Year and \$53.5 million for FY '78.

In order for this Tax Program to yield \$12.4 million during this Fiscal Year, it is assumed that both proposals will be effective March 1, 1977.

The key measure in the tax package I am proposing today is an employer-paid payroll tax. I propose that this Payroll Tax be implemented by March 1st, at the rate of 2%, and that the rate be continued at 2% on an emergency basis through June 30, 1978. On July 1, 1978, this Tax would be reduced from 2% to a permanent rate of 1%. This Tax will yield \$12 million during FY '77, approximately \$52 million during FY '78 -- and, subsequently, at the reduced rate of 1%, approximately \$28 million.

Finally, I am proposing increases in commercial motor vehicle registration fees, exclusive of basic registration. Again, effective March 1st, this increase should generate approximately \$.4 million and approximately \$1.5 million during FY '78 and beyond.

Once the dimension of the tax increases necessary to solve our financial problem became apparent, considerable effort was invested to develop a Tax Program which would generate the funds necessary, and at the same time properly adjust the balance of taxation between the individual and commerce and industry.

It became clear as a result of the study by the Delaware Tomorrow Commission, as well as from independent comments from many other groups and individuals, that the former rate of taxation on capital gains could well have been a powerful force in preventing decision makers from siting new plants in our State. The change in our Capital Gains Tax Laws has, I believe, alleviated that problem. At the same time, that change will result in a loss of approximately \$10 million in revenue during FY '78. This is equal to 50% of our anticipated deficit for FY '78 operations on a 12-month basis (not considering the carry-forward deficit from FY '77).

One means of recouping this lost revenue would have been to increase the Personal Income Tax, but I do not believe that it would be appropriate for the many to subsidize the tax relief given to the few. Consequently, I have proposed no changes in the Personal Income Tax.

However, studies conducted over the past few years by various groups, including one by the Pennsylvania Economy League and a 1974 study by the New Jersey Manufacturers Association, clearly show that the taxes paid by a business firm operating in Delaware are substantially below the regional average. In fact, the New Jersey Study ranks Delaware with South Carolina and calls both "Low-burden States." Therefore, I have proposed the Employer-paid Payroll Tax which will, I believe, increase taxes on business and industry in our State to the point where such taxes could be described as "of a moderate burden."

Studies also show that Delaware's commercial motor vehicle fees, in general, are well below the average of the other 49 States. It is also worth noting that most of these fees have not been adjusted for the last decade. Consequently, I feel that an upward adjustment of these fees is both reasonable and timely.

I think it would not be appropriate to leave the subject of taxation without mentioning the Sales Tax.

Due to the numerous one-item sales taxes already in place in our State -- such as the Hotel-Motel Tax; the Utility Tax on commerce and industry; the Lease Tax; the Motor Vehicle Document Fee; and the Mercantile Tax -- the imposition of a general Sales and Use Tax, exempting food and prescription drugs, would require the establishment of a rate of 3% simply to yield revenue equal to the taxes already imposed. They would, of course, have to be repealed upon the imposition of a general Sales and Use Tax.

Each additional 1% of tax imposed would yield approximately \$12 million of new revenue.

Therefore, the implementation of at least a 4% Sales Tax would be necessary to generate a minimal \$12 or \$13 million in new revenue. Significant increases in income from a general Sales and Use Tax would require a rate higher than 4%.

One of the most vigorous areas of Delaware's economy is the retail industry -- an industry that provides 42,200 jobs for our citizens and represents 19% of employment in our State. I believe that the imposition of such a Sales Tax at this time could lead to a serious disturbance in that industry.

But, I think even more powerful reasons for my not proposing a Sales Tax today are (1) that I am personally opposed to it; (2) it is my understanding that the Governor-elect is opposed to it; (3) and the vast majority of citizens of Delaware are opposed to it.

Next, I want to turn to our Capital Improvement Program for FY '78.

Today, I am submitting my second Bond Bill in conformance with the new Law which I proposed last January and which was passed by the 128th General Assembly. This Law limits new authorizations to a maximum of 75% of the prior Fiscal Year's principal payment. We are now entering an era of

stable Debt Service. And we are entering an era wherein we will build that which we must have, and can afford -- and not build that which we can do without, and can't afford.

Most important, future Governors and future General Assemblies will not see money that should go into useful programs eaten up by an ever-mushrooming Debt Service as happened this year. In preparing the FY '78 Budget, it was necessary to increase the Debt Service appropriation by \$9 million. This will not happen again.

My 1978 Capital Investment Program totals \$27.2 million, \$4 million less than the 1978 ceiling under our new legislation.

In addition, I am proposing that we establish a new category of capital improvements, by refining our method of funding capital improvements.

Of the total \$27.2 million proposed today, \$20.2 million consists of long-life projects. These I propose to fund with 20-year Bonds. The remaining \$7 million consists of shorter-life improvements to be funded with 5-year Bonds.

Over the long term there will be considerable savings to the taxpayer by financing short-term improvements with short-term Bonds.

In other words, we will cease the long-established practice of amortizing a short-life improvement over a longer period than the useful life of the project itself.

For example, if blacktopping a highway has an expected life of five years, it makes much greater sense to pay for the upgrading of that highway over a five-year span than it does to stretch it out over 20 years. Under the current system of amortizing the cost of short-life projects over a 20-year period, the benefit derived from the project and the amortization of the cost of the project are completely out of phase.

Thus, in many cases, we have reauthorized the same project time and time again, and by doing so, this has contributed to the continual growth in our high per capita debt, as well as putting an excessive burden on the General Fund to cover amortization costs.

Key projects contained in the \$20.2 million worth of long-term projects are \$7 million for the Highway Department; \$.5 million for the Delaware State Police; \$3.5 million for the University of Delaware to begin the new Agricultural Science Building; \$3.8 million for our Department of Corrections (with a major portion of those funds to be used to increase the capacity of Delaware Correctional Center to over 700); and \$1.8 million for the Department of Health & Social Services to be used to repair and improve the whole series of facilities providing in-patient care to thousands of our less fortunate Delawareans.

Two and a half million is provided to the Department of Natural Resources and Environmental Control. One million dollars is provided for a total rehabilitation of the Environmental Control Lab here in Dover, and \$13. million is also provided to the Department for Park Development.

In addition, sums are appropriated for Public Education, the Delaware Technical & Community College, Delaware State College, and the Department of State.

This modest but affordable and needed program of \$27.2 million will be augmented by over \$31 million in Federal Matching Funds. Thus, the total Capital Improvement Program, as proposed, will generate almost \$60 million in projects.

As I come to the close of this, my final address as Governor to the citizens of our State, let me put forth three significant challenges for Delaware's future.

First -- as I stressed repeatedly during my campaign, I am convinced our State is in dire need of a comprehensive Land Use Planning Act.

As Delawareans, themselves, have expressed over and over in public opinion polls and in personal letters to me, they expect better planning in the creation of new communities, and expansion of existing ones to avoid the problems of "Urban Sprawl." Our people reject the helter-skelter planning that led to the construction of a Kirkwood Highway -- or the choked and crowded communities that are ever-expanding and creating ever-greater demands on water, sewer, and other similar services.

Land-use planning would not hinder Delaware's ability to attract industry as the Coastal Zone Act did. On the contrary, it would spur Delaware's economic growth, thereby bolstering the entire financial well-being of our State.

The Delaware Tomorrow Commission strongly recommended a Land Use Planning Act. And to that end, I am -- today, by Executive Order -- extending the life of the "Delaware Tomorrow Commission" beyond my term in Office, until June 1st, 1977, to permit them time to complete the drafting of appropriate land use planning legislation, to be submitted to this General Assembly on or before June 1st.

For the second challenge, I strongly urge all of you legislators to reconsider my 1976 proposal for a complete reorganization of State government.

As I said earlier, I am absolutely convinced that the way to cut out waste in government is to cut out unnecessary bureaucrats. By resubmitting my State government reorganization proposal to you members of the General Assembly, I am not only suggesting that it bears looking at a second time, but I am urging you -- in the strongest way available to a Chief Executive -- to study this proposal, and perhaps introduce alternate proposals, but to ultimately streamline State government and cut out duplication.

Along those same lines, I issue a third challenge.

While the possibility of cutting down the size of State government is studied, so, too, should we consider the duplication of services rendered on a State, County, and Municipal basis.

This is not a new problem.

We are all familiar with the over-lapping jurisdictions and the conflicting laws and plans in the area of police, housing, parks, and other areas.

We are a small State. In fact, in terms of population, our entire State is the size of Columbus, Ohio -- or Phoenix, Arizona!

A State with such moderate population should not require layers and layers of identical government.

We may well be the most over-governed State in the nation, when you consider all governmental units of all sizes which impinge upon, and influence, the life of the average Delaware citizen.

And these conflicting and duplicative layers of government also contribute in vast measure to our State's weakened economic status.

Therefore, I suggest that you take a hard and critical look at all governmental structures of all sizes -- on a State, County, and Local level -- to determine what services are rendered, by whom, and at what cost.

Thereafter, you should proceed to insure that all services are rendered on a "least-cost" basis.

If that means eliminating some jobs, then do so -- to cut down the tax burden on our citizens.

If that means altering or modifying existing governmental structures, then do so -- to cut down the tax burden on our citizens.

And if that means a sharp break with tradition -- in terms of governing our State and delivering services to its citizens -- then do so.

These goals may not be reached over the next hundred days, or indeed, among the next 1,000 days -- but reach them we must, if Delaware is to recover its economic vitality.

Failure to act on this critical issue confronting us may well result in long-term economic stagnation for our State.

The ideas, concepts and suggestions I have mentioned this afternoon are not put forth lightly. They represent my considered judgment on the future of this State, based on my 10 years' experience as a legislator, four years as Lieutenant Governor, and four years as Governor.

The express idea of having a Governor deliver the "State of the State" address before ending his term of office is that he is best able to make an appraisal of the State's condition at the close of his four years of governing.

A State of the State Address should assess the condition of our State as of this date, project what may well happen in the future, and recommend the best possible course of action. I have done just that.

And with these thoughts and suggestions, I close out my four years as Chief Executive of Delaware, and wish you well as you members of the 129th General Assembly continue to lead our State into its third century.

Thank you.

* * * * *

The previously named Committee escorted the Governor from the Chamber.

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

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

Representative Jonkiert moved that the two Houses now separate to re-convene in their respective Chambers and the motion prevailed.

* * * * *

The Senate reconvened at 3:21 p.m., Lt. Governor Bookhammer still presiding.

The Governor's nomination for appointment of the following were reported back from the Executive Committee: Barbara C. Hughes - 4 Favorable, 2 Merits; R. Wayne Ashbee - 5 Favorable, 1 Merits.

SB 49 was reported back from the Judiciary Committee - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 41 and SCR 9.

The following legislation was introduced:

SB 53 - AN ACT AMENDING TITLES 1, 4, 5, 7, 11, 16, 17, 19, 21, 23, 24, 26, 27, 28, 29, 30 AND 31 OF THE DELAWARE CODE PROVIDING FOR REORGANIZATION OF STATE GOVERNMENT. Sponsor: Senator Adams. Assigned to Executive Committee.

SB 54 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF PAYING AN EMPLOYEE WHO FAILED TO RECEIVE HER ANNUAL INCREMENT. Sponsor: Senator Cook. Assigned to Public Safety Committee.

SB 55 - AN ACT TO AMEND CHAPTER 7, OF TITLE 4, DELAWARE CODE RELATING TO THE SALE OF ALCOHOLIC LIQUOR. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 56 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO TAXATION AND THE POWER OF COUNTIES AND INCORPORATED MUNICIPALITIES TO EXEMPT PROPERTY WITHIN THEIR RESPECTIVE BOUNDARIES FROM PROPERTY TAXATION. Sponsors: Senators Adams and Cook. Assigned to Executive Committee.

SB 57 - AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO UNITS OF PUPILS. Sponsor: Senator Cook (by request.) Assigned to Education Committee.

SB 58 - AN ACT TO AMEND CHAPTER 11, TITLE 29 OF THE DELAWARE CODE BY CREATING A DIVISION OF MAINTENANCE, COMMUNICATIONS AND CAPITAL SECURITY. Sponsor: Senator Zimmerman. Assigned to Executive Committee.

SA 1 to SB 42 was introduced by Senator Hughes and placed with the Bill.

SR 18 (Sponsored by Senators Holloway, Weiss, Kearns and McDowell) was introduced and considered for adoption on motion of Senator Holloway:

SR 18 - REQUESTING THE FEDERAL COMMUNICATION COMMISSION TO MAKE WHATEVER RULES ARE REQUIRED TO ASSURE THAT THE DEAF PERSON CAN ENJOY TELEVISION.

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

HB 5 was introduced by the Chair:

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. Sponsor: Representative Minner.

On motion of Senator Cordrey, and without objection, the Bill was laid on the table.

HB 6 was introduced by the Chair:

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. Sponsors: Representatives Matushefske and Kelly.

On motion of Senator Cordrey, and without objection, the Bill was laid on the table.

HCR 3 was introduced by the Chair and considered for adoption on motion of Senator Murphy:

HCR 3 - EXPRESSING DISAPPROVAL OF THE SUBSTANTIAL RATE INCREASE REQUESTED BY THE BLUE CROSS AND ASKING THE INSURANCE COMMISSIONER TO HOLD A PUBLIC HEARING ON THE REQUEST. Sponsors: Representatives George and Worthen; Senator Murphy.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Arnold - 1.

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

Senator Cicione requested SB 26 be taken up for consideration; however, before the Bill was presented to the Senate, Senator Martin moved for a short recess and the motion carried. The Senate recessed at 3:35 p.m. and reconvened at 4:32 p.m., Lt. Governor Bookhammer still presiding.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 13, 1977

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

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

and confirmation of the Senate, the following: Earle J. Lester, Linden Hillcrest, St. Georges, Delaware, to be a member of the Public Service Commission, for a term expiring May 1, 1982. (Reappointment)

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Sherman W. Tribbitt
Governor

* * * * *

On motion of Senator Adams, the nomination was laid on the table.

SB 26 was now taken up for consideration on motion of Senator Cicone and read by title only:

SB 26 - AN ACT TO AMEND CHAPTER 63, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BUDGET APPROPRIATION BILL; AND PROVIDING A DATE BY WHICH THE ANNUAL BUDGET APPROPRIATION BILL MUST BE READY FOR REVIEW BY STANDING COMMITTEES.

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

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

NO: Senator McCullough - 1.

ABSENT: Senator Arnold - 1.

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

SJR 3 was taken up for consideration on motion of Senator Sharp and read by title only:

SJR 3 - RELATING TO CONTRACTS AND PURCHASES MADE BY AGENCIES OF THIS STATE.

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

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

ABSENT: Senator Arnold - 1.

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

SB 48 was reassigned to the Highways and Transportation Committee at the request of Senator Martin.

SB 19 was taken up for consideration on motion of Senator Holloway:

SB 19 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, RELATING TO LEGAL HOLIDAYS AND ESTABLISHING MARTIN LUTHER KING'S BIRTHDAY AS A LEGAL HOLIDAY.

The privilege of the floor was extended to Fred vanSant, Tom Sandback and Harold L. Janvier of the Delaware Public Employees Council 81 to speak on the Bill after which the roll call vote was taken. Before the roll call vote was announced however, it was laid on the table on motion of Senator Holloway.

Senator Zimmerman moved that the necessary rules be

suspended for consideration of SB 58. The roll call vote on the motion was taken and revealed:

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

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

ABSENT: Senators Arnold and McCullough - 2.

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

SB 58 - AN ACT TO AMEND CHAPTER 11, TITLE 29 OF THE DELAWARE CODE BY CREATING A DIVISION OF MAINTENANCE, COMMUNICATIONS AND CAPITAL SECURITY.

SA 1 to the Bill was introduced by Senator Zimmerman. The privilege of the floor was extended to Harry Terry, Senate Attorney after which the roll call vote on the Amendment was taken and revealed:

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

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

ABSENT: Senator Arnold - 1.

Therefore, the Amendment was declared adopted by the Senate.

Senator Weiss moved that final consideration of SB 58 w SA 1 be deferred. Senator Zimmerman moved that the motion be tabled. The roll call vote was taken on the tabling motion and revealed:

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Arnold - 1.

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

On motion of Senator Zimmerman, the roll call vote on SB 58 w SA 1 was taken and revealed:

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

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

ABSENT: Senator Arnold - 1.

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

Senator Cordrey introduced ex-Senator Isaacs to the Senate.

At 6:03 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY

The Senate convened at 6:03 p.m. January 13, 1977, Lt. Governor Bookhammer presiding.

A Prayer was offered by the Chaplain, Rev. Luis Strickland.
Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Arnold - 1.

The minutes of the 2nd Legislative Day were approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed SB 16 and SB 29.

The following Committee reports were announced:

From the Community Affairs Committee: SB 6 - 1 Favorable, 3 Merits; SB 43 - 4 Merits.

From the Finance Committee: SB 22 - 1 Favorable, 6 Merits.

From the Banking, Insurance and Elections Committee:

SB 31 - 5 Favorable; SB 32 - 5 Favorable.

On motion of Senator Adams, the Governor's nomination for appointment of Barbara C. Hughes was taken up for consideration and the roll call vote taken which revealed:

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

NO: Senator Berndt - 1.

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of R. Wayne Ashbee was taken up for consideration and the roll call vote taken which revealed:

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

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

Senator Adams, moved that the necessary rules be suspended for lifting for consideration the Governor's nomination for appointment of Earle J. Lester. The motion prevailed without objection and the roll call vote on the appointment taken which revealed:

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

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of HB 5:

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.

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

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

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

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Zimmerman - 13.

ABSENT: Senator Arnold - 1.

Therefore, the Amendment was declared lost.

The privilege of the floor was extended to Representative Minner to speak on the Bill after which the Secretary was requested to read the roll call vote on SA 1 as above for the second time.

The roll call vote on HB 5 was then taken and revealed:

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

NO: Senators Knox and McCullough - 2.

ABSENT: Senator Arnold - 1.

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

HB 34 was read by title only on motion of Senator Murphy:

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.

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

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

NO: Senators Berndt, Hale, Hughes, Knox, Weiss - 5.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Arnold and Sharp - 2.

Therefore, the motion prevailed and the Bill was before the Senate for consideration. The privilege of the floor was extended to Fred vanSant of the Controller General's Office to speak on the Bill. On motion of Senator Murphy, the roll call vote on the Bill was then taken and revealed:

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

NO: Senators Adams, Berndt, Hale, Hughes, Knox, McDowell, Spence, Weiss - 8.

ABSENT: Senator Arnold - 1.

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

HB 6 was lifted for consideration on motion of Senator Cordrey:

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.

SA 1 to the Bill was introduced by Senator Martin; however, before action was taken on the Amendment, the Bill and the Amendment were laid on the table on motion of Senator Cordrey.

SR 20 (Sponsored by Senator Weiss and all the Senators) was introduced:

SR 20 - EXPRESSING THE DEEP APPRECIATION OF THE MEMBERS OF THE DELAWARE SENATE FOR THE OUTSTANDING SERVICE RENDERED BY LIEUTENANT GOVERNOR EUGENE D. BOOKHAMMER FOR EIGHT YEARS AS HE LEAVES OFFICE.

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

At 7:04 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 18, 1977.

The Senate reconvened at 10:55 a.m. January 18, 1977, Lt. Governor Bookhammer presiding.

A Prayer was offered by Senator Littleton.

SCR 11 (Sponsored by Senators Cordrey, Cook and Martin) was introduced and considered for adoption on motion of Senator Cordrey:

SCR 11 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO RECEIVE THE ELECTION RETURNS FOR THE OFFICE OF GOVERNOR OF THE STATE OF DELAWARE.

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

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, McCullough, Murphy, Schlor, Spence, Zimmerman - 15.

ABSENT: Senators Cicione, Holloway, Martin, McDowell, Sharp, Weiss - 6.

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

Senator Cordrey moved that all the necessary rules be suspended for the attendance and reading of the minutes, since this was not another Legislative Day but the continuation of the 3rd Legislative Day.

Senator Arnold was marked PRESENT.

At 11:00 a.m. on motion of Senator Cordrey, the Senate recessed in order to meet with the House in Joint Session.

JOINT SESSION

At 11:06 a.m. the Sergeant-at-Arms announced the Speaker and members of the House. They were admitted and seated. The President invited Speaker Boulden to a seat on the rostrum.

Senator Cordrey moved that the Senate and House convene in Joint Session. The motion prevailed without objection.

Senator Cordrey moved that the President of the Senate preside over the Joint Session. The motion prevailed without objection.

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

The President of the Senate directed the Assistant Secretary of the Senate to read the Certificates of Election for Governor and Lieutenant Governor and the results of the Referenda.

The Assistant Secretary of the Senate read the Certificates of Election from the Judges of the Superior Court of the three Counties which revealed Pierre S. duPont, IV was elected Governor and James D. McGinnis was elected Lieutenant Governor.

Certificates from the Superior Court of the Counties revealed that "CONSTRUCTING OR ESTABLISHING A COUNTY AIRPORT IN KENT COUNTY" was defeated and "STATE REGULATED AND CONTROLLED SLOT MACHINES IN DELAWARE" was defeated.

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

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

Senator Cordrey moved that the two Houses now separate to re-convene in their respective Chambers. The motion prevailed and the Joint Session was adjourned.

* * * * *

The Senate reconvened at 11:18 a.m. and on motion of Senator Cordrey immediately recessed in order that the members could attend the inaugural ceremonies of Governor-elect duPont and Lt. Governor-elect McGinnis.

The Senate reconvened at 2:30 p.m. January 18, 1977, Lt. Governor McGinnis presiding.

The Majority Leader and the Minority Leader each welcomed the new Lt. Governor to the Senate on behalf of their Party.

On motion of Senator Cordrey, the Senate then adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY

The Senate convened at 2:30 p.m. January 18, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by the Chaplain, Rev. Luis Strickland. 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 was approved as read.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Glenn C. Kenton, 4 Crawford Circle, Wilmington, Delaware, to be Secretary of State for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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On motion of Senator Adams, the letter of nomination was laid on the table.

The following communication was read and made part of the record at the request of Senator Cordrey:

STATE OF DELAWARE
DEPARTMENT OF INSURANCE
DOVER
January 17, 1977

The Honorable Richard S. Cordrey
President Pro Tempore Senate
Legislative Hall
Dover, Delaware
RE: House Concurrent Resolution No. 3

Dear Senator Cordrey:

You may rest assured that I share your expressed concern regarding the recent premium increases which were filed with this Office by Blue Cross and Blue Shield of Delaware, Incorporated.

Also, you must know that the impact of the effects of this increase on all people of the State of Delaware rests heavily on my shoulders. With this in mind, I can guarantee that the requested premium increase is being scrutinized to the highest degree by this Office.

No increases will be granted by this Office unless they are fully justified within the scope and authority of the Insurance Laws of the State of Delaware (Title 18). Be aware, however, that these laws do not extend to the cost of providing health care.

Since this Office has already called for Public Hearings concerning the premium increases under its regulatory powers, your request for same will just be noted. I might advise you that the first of such hearings will be held Wednesday,

January 19, 1977, at 10:30 a.m. in the Supreme Court Conference Room, the Green, Dover, Delaware. Additional hearings will be scheduled if needed.

You and your colleagues in the General Assembly are invited to attend and present material input.

Very truly yours,
David H. Elliott
Insurance Commissioner

* * * * *

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

SENATE
STATE OF DELAWARE
DOVER

TO MEMBERS OF THE SENATE OF THE 129th GENERAL ASSEMBLY:

Pursuant to Chapter 39, Title 29, Delaware Code, I hereby appoint the following Senators to serve on the Senate Committee on Interstate Cooperation: Senator Thurman Adams, Senator Calvin McCullough and Senator Robert Berndt.

Richard S. Cordrey
President Pro Tempore

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The Secretary informed the Senate that Legislative Advisories 1 and 2 received from the Office of Counsel to the Governor informed the Senate that the Governor approved the following legislation: On January 13, 1977: SB 41 and SCR 9; on January 15, 1977: SB 16; SB 29; SB 58 w SA 1; SJR 1; SCR 1; SCR 4; SCR 5; SCR 8.

* * * * *

At 2:42 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

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

SB 59 was introduced by Senator Cook and placed in the Finance Committee:

SB 59 - 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 following letters of nomination for appointment by the Governor were read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James H. Gilliam, Jr., 900 Wawaset Street, Wilmington, Delaware, to be Secretary of Community Affairs and Economic Development for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV 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
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William E. McDaniel, 404 Country Club Drive, Newark, Delaware, to be Secretary of the Department of Agriculture for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV 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
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Lydia R. Boyer, 5701 Kennett Pike, Centerville, Delaware, to be Secretary of the Department of Administrative Services for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

* * * * *

The following legislation was introduced:

SB 60 - AN ACT TO AMEND CHAPTER 3 OF TITLE 9, DELAWARE CODE RELATING TO MASSAGE PARLORS AND ADULT BOOK STORES. Sponsor: Senator Kearns. Assigned to Community Affairs Committee.

SB 61 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING CERTAIN PROCEDURES FOR THE IMPOSITION OF THE DEATH PENALTY. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 63 - AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POWERS OF MUNICIPAL AND COUNTY GOVERNMENTS; AND PROVIDING RESTRICTIONS ON AGREEMENTS AND INFORMAL JOINT VENTURES BETWEEN CERTAIN GOVERNMENTAL BODIES. Sponsors: Senators Cicione, Holloway and Sharp. Assigned to Community Affairs Committee.

SB 64 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 62 - AN ACT AMENDING CHAPTER 511, VOLUME 60, LAWS OF DELAWARE TO AUTHORIZE THE GOVERNOR TO INCREASE THE ANNUAL COMPENSATION PAYABLE TO MEMBERS OF THE EXECUTIVE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1977, WITHOUT INCREASING THE APPROPRIATION THEREFORE. Sponsor: Senator Knox. Assigned to the Finance Committee.

Senator Knox requested that SB 62 be placed in the Executive Committee; however, the Chair ruled that the Bill belonged in the Finance Committee and it remained there.

SJR 4 - REQUESTING THE STATE BANKING COMMISSIONER AND THE COUNCIL ON BANKING TO STUDY THE STATE OF DELAWARE'S BANKING CODE AND GENERAL BANKING CONDITIONS AND REPORT TO THE SENATE-HOUSE JOINT BANKING COMMITTEE AND THE GOVERNOR. Sponsor: Senator

Murphy and Representative Worthen. Assigned to Banking, Insurance and Election Committee.

SA 1 to SB 59 (Sponsored by Senators Cook and Adams) was introduced and placed with the Bill.

SA 1 to SB 32 was introduced by Senator Murphy and placed with the Bill.

SR 19 (Sponsored by Senators Weiss, Sharp, Berndt, Hughes, Holloway, Cicione and Kearns) was introduced and laid on the table on motion of Senator Weiss:

SR 19 - IN REFERENCE TO TEMPORARY RULES OF THE DELAWARE STATE SENATE.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Glenn C. Kenton as Secretary of State. The roll call vote was taken on the appointment and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SR 19 was lifted for consideration on motion of Senator Weiss and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Resolution was declared adopted.

SJR 5 (Sponsored by Senator Murphy and Representative Worthen) was introduced and assigned to Banking, Insurance and Elections Committee:

SJR 5 - REQUESTING THE STATE BANKING COMMISSIONER AND THE COUNCIL ON BANKING TO STUDY THE STATE OF DELAWARE'S BANKING CODE AND GENERAL BANKING CONDITIONS AND REPORT TO THE SENATE-HOUSE JOINT BANKING COMMITTEE AND THE GOVERNOR.

SJR 4 was stricken at the request of Senator Murphy.

The Secretary announced that a message from the House informed the Senate that it had passed SCR 11 and SB 58 w SA 1.

At 4:49 p.m. on motion of Senator Cordrey, the Senate recessed until 1:30 p.m., January 19, 1977.

The Senate reconvened at 2:07 p.m. January 19, 1977, Lt. Governor McGinnis presiding.

SB 42 was reported out of the Administrative Services Committee - 1 Favorable, 3 Merits.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY

The Senate convened at 2:10 p.m. January 19, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by the Chaplain, Rev. Luis Strickland. 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 was approved as read.

The following legislation was introduced:

SB 65 - AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE, TO PROVIDE FOR A DISCOUNT IN THE SEWER SERVICE CHARGE FOR THE ELDERLY. Sponsor: Senator Sharp. Assigned to Community Affairs Committee.

SJR 6 - REQUESTING NEW CASTLE COUNTY TO SUSPEND THE IMPLEMENTATION OF SEWER SERVICE CHARGES. Sponsors: Senators Hughes, Knox, Arnold, Hale, Spence, Weiss, Littleton, Berndt. Assigned to Community Affairs Committee.

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

SB 31 which was first on the Agenda for the day was deferred on motion of Senator Murphy.

SB 32 was taken up for consideration on motion of Senator Murphy:

SB 32 - AN ACT TO AMEND CHAPTER 9, TITLE 5 OF THE DELAWARE CODE RELATING TO THE FARMERS BANK.

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

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

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Amendment was declared adopted.

At the request of Senator Murphy, the privilege of the floor was extended to Harry Terry to speak on SB 32 w SA 1 after which the roll call vote was taken and announced:

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

NO: Senator Spence - 1.

NOT VOTING: Senator Schlor - 1.

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

SB 49 which was next on the Agenda for the day was removed from the Agenda at the request of Senator Martin.

SB 43 which was next on the Agenda for the day was deferred at the request of Senator Sharp.

SB 22 was taken up for consideration on motion of Senator Sharp and Senator Cordrey was added as co-sponsor:

SB 22 - AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A DEADLINE IN WHICH THE JOINT FINANCE COMMITTEE SHALL SUBMIT THE BUDGET APPROPRIATION BILL TO THE GENERAL ASSEMBLY FOR FORMAL INTRODUCTION.

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, McDowell, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 20.

ABSENT: Senator Holloway - 1.

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

At 3:25 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

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

SB 42 was taken up for consideration on motion of Senator Hughes:

SB 42 - AN ACT TO AMEND CHAPTER 9, OF TITLE 4, DELAWARE CODE RELATING TO THE EMPLOYMENT OF MINORS IN THE BUSINESS OF CATERING.

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

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

ABSENT: Senator Spence - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 42 w SA 1 was then taken on motion of Senator Hughes and revealed:

YES: Senators Berndt, Cicione, Cook, Hale, Holloway, Hughes, Kearns, Knox, Martin, McCullough, McDowell, Murphy, Schlor, Sharp, Weiss - 15.

NO: Senators Adams, Arnold, Cordrey, Littleton, Spence - 5.

ABSENT: Senator Zimmerman - 1.

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

At 5:23 p.m. President Pro Tempore Cordrey presiding.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 19, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William J. O'Rourke, 402 Hawthorne Drive, Wilmington, Delaware, to be Secretary of the Department of Public Safety for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 19, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Donald P. Whiteley, 4 Berrywood Court, Wilmington, Delaware, to be Secretary of the Department of Labor for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ronald F. Mosher, 131 Baltusrol Road, Dover, Delaware, to be Budget Director of the State of Delaware at the pleasure of Governor Pierre S. duPont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 18, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Weston E. Nellius, 133 Nottingham Road, Springfield, Illinois, to be Secretary of the Department of Finance for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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The Governor's nomination for appointment of William E. McDaniel was reported out of the Executive Committee:
5 Favorable, 1 Merits.

SB 14 was reported back from the Community Affairs Committee: 5 Merits.

HB 37 w HA 1 was introduced by the Chair:

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. Sponsors: Representatives Matushefske, Kelly, Billingsley and others. Assigned to Highways and Transportation Committee.

The following legislation was introduced:

SB 67 - AN ACT TO AMEND CHAPTER 19, PART 11, TITLE 9 OF THE DELAWARE CODE RELATING TO POWERS OF LOCAL POLICE IN NEW CASTLE COUNTY, AND FURTHER PROVIDING A MEANS OF ELIMINATING

JURISDICTIONAL DISPUTES AMONG POLICE IN NEW CASTLE COUNTY AND ENCOURAGING IMPROVEMENTS IN POLICE ORGANIZATION EFFICIENCY AND ECONOMY. Sponsor: Senator Martin. The Bill was laid on the table at the request of Senator Martin.

SB 68 - AN ACT TO AMEND CHAPTER 83, PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO POWERS AND DUTIES OF STATE POLICE AND LOCAL POLICE OFFICERS ASSISTING STATE POLICE. Sponsor: Senator Martin. The Bill was laid on the table at the request of Senator Martin.

SB 31 was stricken at the request of Senator Murphy.

SB 69 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE STATE TREASURER FOR THE PURPOSE OF MEETING THE FARMERS BANK COMMISSION'S EXPENSES THROUGH JUNE 30, 1977. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SCR 12 - REQUESTING PENAMCO TO RECONSIDER A PROPOSED LOAN OF \$349,000 TO ENCLOSE THE UNCOMPLETED AND CONTROVERSIAL HIGH-RISE APARTMENT BUILDING AT 25TH AND BROOM STREETS IN WILMINGTON. Sponsors: Senator McDowell and Representative George.

On motion of Senator McDowell, the roll call vote on the Resolution was taken; however, before it was announced, Senator McDowell moved that it be tabled. The roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Berndt, Hale, Hughes, Knox, Littleton, Spence - 6.

Therefore, the motion prevailed and the roll call vote on SCR 12 was tabled.

On motion of Senator Kearns, SCR 10 was lifted for consideration:

SCR 10 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT EFFORTS TO ACCELERATE THE ALLOCATION OF FEDERAL FUNDS FOR THE REPAIR AND REPLACEMENT OF UNSAFE BRIDGES.

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.

HB 37 w HA 1 was reported back from the Highways and Transportation Committee: 1 Favorable, 5 Merits.

SB 49 was stricken at the request of Senator Martin.

At 5:50 p.m. on motion of Senator Cordrey, the Senate recessed until Tuesday, January 25, 1977 at 1:30 p.m.

The Senate reconvened at 2:10 p.m. January 25, 1977, Lt. Governor McGinnis presiding.

SB 69 was reported out of the Banking, Insurance and Elections Committee: 2 Favorable, 3 Merits.

The following Bills were introduced:

SB 70 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY. Sponsors: Senators Cicione and Sharp. Assigned to Community Affairs Committee.

SB 71 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE, ALSO KNOWN AS THE 1977 BUDGET APPROPRIATION ACT, AND ORIGINALLY DESIGNATED AS HOUSE BILL NO. 1274, TO AUTHORIZE THE GOVERNOR TO INCREASE OR DECREASE THE ANNUAL COMPENSATION PAYABLE TO CERTAIN OFFICERS OF THE EXECUTIVE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1977, WITHOUT INCREASING THE TOTAL AMOUNT APPROPRIATED FOR COMPENSATION OF SUCH OFFICERS. Sponsor: Senator Knox. Assigned to Finance Committee.

SB 62 was stricken at the request of Senator Knox.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 25, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: George Jarvis, 211 Ellsworth Drive, Newark, Delaware, to be Secretary of the Department of Transportation for the State of Delaware at the pleasure of the Governor, Pierre S. duPont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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The letter was assigned to the Executive Committee.

The following legislation was introduced:

SB 72: AN ACT TO AMEND CHAPTER 65, TITLE 11, OF THE DELAWARE CODE RELATING TO TEMPORARY RELEASE OF PRISONERS. Sponsors: Senators Sharp, Spence, Hughes; Representatives Riddagh and W. Brady. Assigned to Corrections Committee.

SB 73 - AN ACT TO AMEND AN ACT, BEING CHAPTER 198 OF VOLUME 47, LAWS OF DELAWARE, ENTITLED: "AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN: BY ADDING NEW AREAS THERETO. Sponsors: Senator Murphy; Representatives Morris and Bennett. Assigned to Community Affairs Committee.

At 2:15 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. January 25, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by the Chaplain, Rev. William M. Tasco.
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 was approved as read.

SB 63 was stricken at the request of Senator Cicione.

SB 67 was lifted for consideration on motion of Senator Martin:

SB 67 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO POWERS OF LOCAL POLICE IN NEW CASTLE COUNTY, AND FURTHER PROVIDING A MEANS OF ELIMINATING JURISDICTIONAL DISPUTES AMONG POLICE IN NEW CASTLE COUNTY AND ENCOURAGING IMPROVEMENTS IN POLICE ORGANIZATIONAL EFFICIENCY AND ECONOMY.

During the discussion of the Bill, the privilege of the floor was extended to Irvin B. Smith, Jr. of the Delaware State Police; John T. McCool of the New Castle County Police; Sgt. Thomas J. Shannon of the Delaware Troopers F.O.P. Lodge #6 to speak on the Bill.

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

YES: Senators Cicione, Hale, McCullough - 3.

NO: Senators Adams, Berndt, Cook, Cordrey, Hughes, Kearns, Martin, McDowell, Schlör, Sharp, Spence, Weiss - 12.

NOT VOTING: Senators Arnold, Knox, Littleton - 3.

ABSENT: Senators Holloway, Murphy and Zimmerman - 3.

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

At 3:18 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 4:38 p.m., Lt. Governor McGinnis still presiding.

SB 67 was still before the Senate.

SA 1 to SB 67 was introduced by Senator Martin and on the Senator's motion both the Bill and the Amendment were laid on the table.

SB 68 was lifted from the table for consideration on motion of Senator Martin:

SB 68 - AN ACT TO AMEND CHAPTER 83, PART V, TITLE II OF THE DELAWARE CODE RELATING TO POWERS AND DUTIES OF STATE POLICE AND LOCAL POLICE OFFICERS ASSISTING STATE POLICE.

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

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

ABSENT: Senators McCullough and Zimmerman - 2.

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 William E. McDaniel was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Schlor, Spence, Weiss, Zimmerman - 19
ABSENT: Senators McCullough and Sharp - 2.

Therefore, the appointment was declared confirmed.

SB 8 was taken up for consideration on motion of Senator Cicione:

SB 8 - AN ACT TO AMEND CHAPTER 29, PART 1, TITLE 14, DELAWARE CODE, RELATING TO TRANSPORTATION OF STUDENTS OF NONPUBLIC, NONPROFIT ELEMENTARY AND HIGH SCHOOLS; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

HB 37 w HA 1 was lifted for consideration on motion of Senator Martin:

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.

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 the request of Senator Martin, the privilege of the floor was extended to James E. Brown, Jr., representing the Old Age Coalition, in regards to HB 37 w HA 1 which had just passed the Senate.

Consideration of SB 69 which was next on the Agenda for the day was deferred on motion of Senator Murphy.

HCR 6 (Sponsored by Representatives Gordy and Temple) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 6- REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO OBTAIN FEDERAL ASSISTANCE TO OPEN THE FROZEN NANTICOKE RIVER WHICH BEARS VALUABLE CARGO FOR SOUTHERN DELAWARE.

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

SR 21 (Sponsored by Senators Cordrey and Knox) was introduced and considered for adoption on motion of Senator Cordrey:

SR 21 - IN REFERENCE TO ELECTION OF STAFF.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Sharp - 1.

Therefore, the Resolution was declared adopted.

The following legislation was introduced:

HB 1 - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO SUPPORT ORDERS AND ENFORCEMENT THEREOF. Sponsors: Representatives Morris, Gordy, Temple, Riddagh, Gilligan and Matushefske. Assigned to Judiciary Committee.

SB 74 - AN ACT TO AMEND CHAPTER 25, TITLE 6 OF THE DELAWARE CODE, RELATING TO PROHIBITED TRADE PRACTICES; AND PROVIDING FOR THE REGULATION OF RECYCLED WATER BY COMMERCIAL CAR WASH BUSINESSES. Sponsor: Senator Cicione. Assigned to Labor Committee.

SB 75 - 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. Sponsor: Senator Holloway. Assigned to Highways and Transportation Committee.

SB 76 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE BUDGET FOR PURPOSES OF FUNDING THE APRIL, 1977, C.O.L.A. REQUIREMENTS. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 77 - AN ACT TO AMEND CHAPTER 21, TITLE 24, DELAWARE CODE RELATING TO THE PROHIBITION OF REGISTERED OPTOMETRIST ADVERTISING BY ANY NEWS MEDIA. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 78 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE TRANSPORTATION REIMBURSEMENT OF PUPILS ATTENDING NON-PUBLIC AND NON-PROFIT SCHOOLS. Sponsor: Senator Cicione. Assigned to Finance Committee.

AT 5:20 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 26, 1977.

The Senate reconvened at 2:45 p.m. January 26, 1977, Lt. Governor McGinnis presiding.

SB 79 (Sponsored by Senator Martin) was introduced and assigned to Administrative Services Committee:

SB 79 - AN ACT TO AMEND CHAPTER 1, SUBCHAPTER 2, OF TITLE 26, DELAWARE CODE RELATING TO STANDARDS, CLASSIFICATIONS, REGULATIONS, PRACTICES, MEASUREMENTS, SERVICES, PROPERTY AND EQUIPMENT OF PUBLIC UTILITY.

The following communications were read from the Governor and assigned to the Executive Committee:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 26, 1977

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

I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Colonel Francis A. Ianni, 8725 Parry Lane, Alexandria, Virginia, to be Adjutant General of the State of Delaware, to serve at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 26, 1977

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

I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Nathan Hayward, III, 316 Constitution Ave., Washington, D.C., 2002, to be Director of State Planning for the State of Delaware, to serve at the pleasure of Governor Pierre S. duPont, IV from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

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SB 80 (Sponsored by Senator Sharp) was introduced and assigned to Finance Committee:

SB 80 - AN ACT TO AMEND CHAPTER 691, 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 THEREFORE 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."

SA 1 to SB 6 was introduced by Senator Adams and placed with the Bill.

The following communication from the Counsel to the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
January 26, 1977

Mr. Stanley Habiger
Secretary of the Senate
Dover, Delaware

Dear Mr. Habiger:

Enclose please find thirty copies of the Financial Disclosure Form for Walter Nellius, Secretary-designate of the Department of Finance for distribution to the Senate.

Sincerely,
Battle R. Robinson
Counsel to the Governor

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At 2:50 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY

The Senate convened at 2:50 p.m. January 26, 1977,
Lt. Governor McGinnis presiding.

A Prayer was offered by the Chaplain, Rev. William M. Tasco.
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 was approved as read.

The following communication was read and made part of the record:

SENATE
STATE OF DELAWARE
DOVER
M E M O R A N D U M

DATE: January 26, 1977

TO: All Senators

FROM: Senator Richard S. Cordrey, President Pro Tempore

RE: Committee on Aging

Pursuant to Senate Resolution No. 19, of the 129th General Assembly, I hereby appoint the following to the Committee on Aging: Herman M. Holloway, Chairman; George F. Schlor; Francis J. Kearns; Anthony J. Cicione; Andrew G. Knox; John H. Arnold.

Senator Richard S. Cordrey
President Pro Tempore

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At 3:48 p.m. on motion of Senator Martin, the Senate recessed and reconvened at 5:13 p.m. Lt. Governor McGinnis still presiding.

The following legislation was introduced:

SB 81 - AN ACT TO AMEND PART III AND PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FISCAL AFFAIRS OF THE STATE OF DELAWARE, CONCERNING DUTIES OF THE GOVERNOR, THE DEPARTMENT OF FINANCE AND THE OFFICE OF THE BUDGET WITH RESPECT TO THE STATE BUDGET; AND, AFTER A BUDGET IS ENACTED, REGULATING THE WITHDRAWAL OF FUNDS FROM THE GENERAL FUND OF THE STATE TREASURY; AND PRESCRIBING THAT FEDERAL FUNDS RECEIVED BY THE STATE SHALL BE DEPOSITED IN THE GENERAL FUND ACCOUNT WITH CERTAIN EXCEPTIONS. Sponsors: Senator Cicione and Representative George. Assigned to Finance Committee.

SB 82 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY. Sponsor: Senator Cicione. Assigned to Public Safety Committee.

SB 83 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR BACK PAY FOR AN EMPLOYEE WHO WAS DENIED, IN ERROR, APPOINTMENT ABOVE THE FIRST STEP OF HIS PAY GRADE. Sponsor: Senator Holloway. Assigned to Committee on Corrections.

SB 84 - AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR BACK PAY FOR AN EMPLOYEE WHOSE SUPERVISORY PAY WAS OMITTED THROUGH ADMINISTRATIVE ERROR. Sponsor: Senator Holloway. Assigned to Correction Committee.

SB 85 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION TO GIVE BACK PAY TO AN EMPLOYEE WHOSE PROMOTION WAS DELAYED THROUGH ADMINISTRATIVE ERROR. Sponsor: Senator Holloway. Assigned to Correction Committee.

SB 86 - AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR BACK PAY FOR AN EMPLOYEE WHOSE ANNUAL INCREMENT WAS OMITTED THROUGH ADMINISTRATIVE ERROR. Sponsor: Senator Holloway. Assigned to Correction Committee.

SJR 7 - DIRECTING THE STATE BOARD OF EDUCATION TO EXTEND THE SCHOOL BUS CONTRACTORS DEADLINE OF NOTIFICATION TO THE STATE BOARD FOR THE IMPENDING ACADEMIC YEAR FROM JANUARY 31 TO APRIL 30. Sponsors: Senator Cicione; Representatives Temple and Gordy. The Resolution was laid on the table on motion of Senator Cicione.

SJR 8 - REQUESTING THE NEW CASTLE COUNTY COUNCIL TO POSTPONE BILLING NEW CASTLE COUNTY RESIDENTS FOR SEWAGE SERVICE FEES UNTIL MARCH 31, 1977 SO AS TO PERMIT THE COUNCIL TIME TO ARRIVE AT A MORE EQUITABLE SERVICE CHARGE. Sponsors: Senators Sharp, Hughes, Kearns, Arnold, McCullough, Martin, Spence; Representative Ferguson.

On motion of Senator Sharp and without objection, the necessary rules were suspended for consideration of SJR 8 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.

SR 22 - ADDING THE COMMENDATION OF THE SENATE OF THE 129TH GENERAL ASSEMBLY TO THE TEN DELAWARE CITIZENS SELECTED FOR THE DISTINGUISHED SERVICE AWARDS FOR 1976. Sponsor: Senator Holloway.

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.

SR 23 - COMMENDING THE DOVER HIGH SCHOOL DEBATING TEAM FOR ITS DISTINGUISHED ACHIEVEMENT OF WINNING STATEWIDE DEBATING COMPETITION. Sponsor: Senator Zimmerman.

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 (Senator Spence) ABSENT; therefore, the Resolution was declared adopted.

SR 24 - EXPRESSING CONDOLENCES UPON LEARNING OF THE DEATH OF WILLIAM BEHEN, FORMER STATE SENATOR. Sponsors: Senators Zimmerman, McCullough, Cook and Murphy.

On motion of Senator Zimmerman, the Resolution was considered for adoption and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SA 3 to SB 13 was introduced by Senator Holloway and placed with the Bill.

SB 82 was reported out of the Public Safety Committee: 6 Merits, 1 Unfavorable.

The Secretary announced that a message from the House informed the Senate that it had passed SB 68.

The following House legislation was introduced:

HB 16 - AN ACT TO AMEND CHAPTER 381, VOLUME 59, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATION 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. Sponsor: Representative Minner. Assigned to Finance Committee.

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. Sponsors: Representatives Ferguson, Maxwell and W. Brady. Assigned to Agriculture Committee.

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. Sponsor: Representative Darling. Assigned to Correction Committee.

HB 11 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN. Sponsors: Representatives George and Gordy. Assigned to Finance Committee.

On motion of Senator Cicione, the necessary rules were suspended for lifting for consideration of SJR 7:

SJR 7 - DIRECTING THE STATE BOARD OF EDUCATION TO EXTEND THE SCHOOL BUS CONTRACTORS DEADLINE OF NOTIFICATION TO THE STATE BOARD FOR THE IMPENDING ACADEMIC YEAR FROM JANUARY 31 TO APRIL 30.

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

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

NOT VOTING: Senator Adams - 1.

ABSENT: Senator Holloway - 1.

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

The following legislation was reported out of Committee:

From the Correction Committee: HB 65 - 4 Merits.

From the Finance Committee: SB 80 - 1 Favorable, 5 Merits.

At 5:47 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. January 27, 1977.

The Senate reconvened at 3:28 p.m. January 27, 1977, Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 87 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, TO FIX A LIMIT ON THE ANNUAL RATE INCREASE WHICH THE PUBLIC SERVICE COMMISSION MAY ALLOW A PUBLIC UTILITY. Sponsor: Senator Sharp. Assigned to Administrative Services Committee.

SB 88 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF CONTINUING THE STREPTOCOCCAL DETECTION PROGRAM. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

A messenger from the Governor's office presented communications from the Governor which the Reading Clerk began to read; however, Senator Martin moved that the reading of the communications be discontinued and laid on the table so the Senate could proceed with the Agenda for the day.

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

YES: Senators Cicione, Cook, Cordrey, Kearns, Martin, McCullough, McDowell, Murphy, Schlor, Sharp - 10.

NO: Senators Adams, Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence - 8.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Weiss and Zimmerman - 2.

Before the Chair ruled on the roll call, however, Senator Martin moved for a recess and the motion carried without objection - time 3:45 p.m.

The Senate reconvened at 4:15 p.m., Lt. Governor McGinnis presiding.

Senator Martin moved that the previously mentioned correspondence from the Governor be stricken from the record and the motion prevailed without objection.

SB 89 was introduced by Senator Cordrey:

SB 89 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF LIEUTENANT GOVERNOR FOR THE PURPOSE OF EMPLOYING AN ADMINISTRATIVE ASSISTANT.

Senator Cordrey moved that the Bill be laid on the table; however, he then further moved that the necessary rules be suspended for immediate consideration of the Bill and the motion prevailed without objection. The Bill was read by title only after which the roll call vote was taken:

SB 89 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF LIEUTENANT GOVERNOR FOR THE PURPOSE OF EMPLOYING AN ADMINISTRATIVE ASSISTANT.

The roll call vote revealed:

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

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

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

SJR 9 was introduced by Senator McDowell and laid on the table on his motion:

SJR 9 - DIRECTING THE ATTORNEY GENERAL OF THE STATE OF DELAWARE TO FILE SUIT IN THE UNITED STATES DISTRICT COURT OF WILMINGTON AGAINST DELMARVA POWER AND ITS SUPPLIER, TRANSCONTINENTAL GAS PIPELINE CORPORATION.

SR 25 (Sponsored by Senators Holloway, Hughes, Spence and all Senators) was introduced and considered for adoption on motion of Senator Holloway:

SR 25 - REQUESTING THE NEW CASTLE COUNTY COUNCIL TO NAME THE SWANWYCK CONNECTOR MCCULLOUGH BOULEVARD IN HONOR OF SENATOR CALVIN R. MCCULLOUGH.

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

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

NOT VOTING: Senator McCullough - 1.

ABSENT: Senator Weiss - 1.

Therefore, the Resolution was declared adopted.

SR 26 was introduced by Senator McDowell and considered for adoption on his motion:

SR 26 - REQUESTING THE INSTITUTION OF A TOUGH POLICY TO KEEP PUBLIC BUILDING TEMPERATURES AT 65 DEGREES EXCEPT FOR THOSE USED TO HOUSE THE ILL AND AGED.

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

SB 77 was reported out of the Health and Social Services Committee: 4 Merits.

At 4:25 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 8th Legislative

8TH LEGISLATIVE DAY

The Senate convened at 4:25 p.m. January 27, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by the Chaplain, Rev. William M. Tasco. Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton,

Martin, McCullough, McDowell, Murphy, Schlör, Sharp, Spence, Zimmerman - 20.

ABSENT: Senator Weiss - 1.

The Journal of the 7th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 7 and SJR 8.

SB 69 was taken up for consideration on motion of Senator Murphy:

SB 69 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE STATE TREASURER FOR THE PURPOSE OF MEETING THE FARMERS BANK COMMISSION'S EXPENSES THROUGH JUNE 30, 1977.

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

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

ABSENT: Senator Weiss - 1.

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

SB 6 which was next on the Agenda for the day was laid on the table on motion of Senator Adams.

SB 82 which was next on the Agenda for the day was laid on the table on motion of Senator Cicione.

SB 80 was taken up for consideration on motion of Senator Sharp and Senator Cook was added as co-sponsor of the Bill:

SB 80 - AN ACT TO AMEND CHAPTER 691, 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."

At the request of Senator Sharp, the privilege of the floor was extended to Charles T. Outten, Department of Correction, to speak on the Bill after which the roll call vote on the Bill was taken and announced:

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

NOT VOTING: Senator Berndt - 1.

ABSENT: Senators Weiss and Zimmerman - 2.

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

SB 88 was reported out of the Health and Social Services Committee: 5 Merits.

SB 82 was lifted for consideration on motion of Senator Cicione and Senator Hughes was added as co-sponsor of the Bill:

SB 82 - AN ACT TO AMEND CHAPTER 19, PART II, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY.

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

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

NOT VOTING: Senator Schlor - 1.

ABSENT: Senator Weiss - 1.

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

HB 65 was taken up for consideration on motion of Senator Sharp:

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.

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

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

ABSENT: Senator Weiss - 1.

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

SR 27 (Sponsored by Senator Cicione and all Senators) was introduced and considered for adoption:

SR 27 - WISHING DONALD CARROL (BABY) BYRD, OUR HEAD PAGE, A HAPPY BIRTHDAY (22ND) ON SATURDAY, JANUARY 29, 1977.

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

At 5:00 p.m. on motion of Senator Martin the Senate recessed for Party Caucus and reconvened at 6:05 p.m., Lt. Governor McGinnis presiding.

The following legislation was introduced:

SB 90 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DIVISION OF ENVIRONMENTAL CONTROL.

Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 91 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO PENALTY FOR FAILURE TO REPORT OR PAY TAX.

Sponsor: Senator Adams. Assigned to Revenue and Taxation Committee.

The following nominations for appointment by the Governor were reported back from the Executive Committee: James H. Gilliam, Jr., - 4 Merits, 2 Favorable; Weston E. Nellius - 4 Merits, 2 Favorable; Nathan Hayward, III - 4 Merits, 2 Favorable; Ronald F. Mosher - 4 Merits, 2 Favorable; George Jarvis - 4 Merits, 2 Favorable.

On motion of Senator Adams, the Governor's nomination for appointment of Weston E. Nellius was taken up for consideration and the roll call vote taken which revealed:

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

NO: Senators Cicione, McCullough and Zimmerman - 3.

ABSENT: Senator Weiss - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Nathan Hayward, III and the roll call vote taken which revealed:

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

NO: Senators McCullough, Sharp, Zimmerman - 3.

NOT VOTING: Senator Cicione - 1.

ABSENT: Senator Weiss - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of James H. Gilliam, Jr., and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Ronald F. Mosher and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of George Jarvis and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the appointment was declared confirmed.

SCR 13 (Sponsored by Senator McDowell and Representative George) was introduced and immediately stricken at the request of Senator McDowell:

SCR 13 - REQUESTING PENAMCO TO RECONSIDER A PROPOSED LOAN OF \$349,000 TO ENCLOSE THE UNCOMPLETED AND CONTROVERSIAL HIGH-RISE APARTMENT BUILDING AT 25TH AND BROOM STREETS IN WILMINGTON.

SA 1 to SB 79 was introduced by Senator Martin and placed with the Bill.

At 6:32 p.m. on motion of Senator Cordrey, the Senate recessed to the Call of the Chair.

1ST EXTRAORDINARY SESSION February 7, 1977

Pursuant to the Governor's Proclamation recorded below, the Senate convened at 4:06 p.m. February 7, 1977, 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 Senate of the 129th General Assembly into Extraordinary Session on Monday, February 7, 1977, at 2:00 p.m., to consider and act upon certain nominations previously submitted to it by the Governor.

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 3rd day of February, in the year of our Lord, one thousand nine hundred and seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. duPont, IV,
Governor
ATTEST:
Glenn C. Kenton,
Secretary of State

* * * * *

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

ABSENT: Senator Murphy - 1.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Lydia Boyer and the roll call vote taken which revealed:

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

ABSENT: Senator Murphy - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Donald P. Whiteley and the roll call vote taken which revealed:

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

NO: Senator McCullough - 1.

ABSENT: Senator Murphy - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of Francis A. Ianni and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cicione, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Schlör, Spence, Weiss, Zimmerman - 15.

NO: Senators Adams, Cook, Cordrey and Sharp - 4.

NOT VOTING: Senator Martin - 1.

ABSENT: Senator Murphy - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the necessary rules were suspended for consideration of the Governor's nomination for appointment of William J. O'Rourke and the roll call vote taken which revealed:

YES: Senators Arnold, Berndt, Cicione, Cordrey, Hale, Holloway, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Schlör, Spence, Weiss, Zimmerman - 16.

NO: Senators Adams, Cook, McCullough and Sharp - 4.

ABSENT: Senator Murphy - 1.

Therefore, the appointment was declared confirmed.

At 4:26 p.m. on motion of Senator Cordrey, the Extraordinary Session was adjourned.

* * * * *

The 8th Legislative Day which had recessed on January 27, 1977 to the Call of the Chair, reconvened at 2:05 p.m., March 1, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY

The Senate convened at 2:05 p.m. March 1, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McCullough - 1.

The Journal of the 8th Legislative Day was approved as read.

Senator Schlör introduced and welcomed to the Senate Chamber members of the Senior Citizens Group from Wilmington.

SB 76 was reported out of the Finance Committee: 2 Favorable, 3 Merits.

The following legislation was introduced:

SB 92 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE, ALSO KNOWN AS THE 1977 BUDGET APPROPRIATION ACT, AND ORIGINALLY DESIGNATED AS HOUSE BILL NO. 1274, TO AUTHORIZE THE GOVERNOR TO INCREASE OR DECREASE THE ANNUAL COMPENSATION PAYABLE TO CERTAIN OFFICERS OF THE EXECUTIVE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1977, WITHOUT INCREASING THE TOTAL AMOUNT APPROPRIATED FOR COMPENSATION OF SUCH OFFICERS, AND FURTHER PROVIDING FOR A SUPPLEMENTAL APPROPRIATION TO THE BUDGET COMMISSION. Sponsor: Senator Knox. Assigned to Finance Committee.

SB 93 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE PUBLIC DEFENDER TO PAY WAGES PAST DUE TO JAN LAWTON. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 94 - AN ACT TO AMEND CHAPTER 12, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO FREE PUBLIC SCHOOLS; AND PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CERTIFICATION OF PROFESSIONAL EMPLOYEES. Sponsor: Senator Kearns. Assigned to Education Committee.

SB 95 - AN ACT TO AMEND CHAPTER 72, TITLE 16, DELAWARE CODE, RELATING TO LIQUIFIED PETROLEUM GAS CONTAINERS. Sponsor: Senator Cordrey. Assigned to Public Safety Committee.

SB 96 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER IV, TITLE 11, DELAWARE CODE RELATING TO THE REQUIREMENT OF PSYCHIATRIC EXAMINATION PRIOR TO PAROLE. Sponsor: Senator Kearns. Assigned to Committee on Adult and Juvenile Corrections.

SB 97 - AN ACT TO AMEND CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO HEARINGS BEFORE THE INDUSTRIAL ACCIDENT BOARD. Sponsor: Senator Holloway. Assigned to Labor Committee.

SB 98 - AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS FOR THE PURPOSE OF MEETING CERTAIN PAYROLL OBLIGATIONS NECESSITATED BY AN ARBITRATION RULING. Sponsor: Senator Holloway. Assigned to Committee on Adult and Juvenile Corrections.

SB 99 - AN ACT TO AMEND CHAPTER 21, SUBCHAPTER 1 OF TITLE 21 OF DELAWARE CODE RELATING TO THE RIGHTS OF SUBROGATION UNDER THE DELAWARE NO-FAULT INSURANCE FOR MOTOR VEHICLES. Sponsor: Senator Murphy. Assigned to Banking, Insurance and Elections Committee.

SB 100 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED 'AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK', BY AMENDING SECTION 2 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN THIRTEEN NOR MORE THAN TWENTY DIRECTORS. Sponsors: Senator Murphy and Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 101 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE STANTON REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT. Sponsors: Senators Sharp, Martin, Knox, Arnold; Representatives Gilligan, Powell, Ferguson, Roy, Worthen. Assigned to Finance Committee.

SR 28 (Sponsored by Senator Holloway) was introduced and considered for adoption:

SR 28 - REQUESTING CERTAIN POLICE OFFICIALS TO COOPERATE IN A PUBLIC RELATIONS PROGRAM INFORMING THE CITIZENS OF DELAWARE ABOUT THE NEW REGULATIONS FOR RIGHT TURNS ON RED TRAFFIC SIGNALS.

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

SR 29 (Sponsored by Senator Cordrey) was introduced and considered for adoption:

SR 29 - EXPRESSING CONSENT OF THE SENATE OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE APPOINTMENT OF F. EARL MCGINNES AS DIRECTOR OF RESEARCH OF LEGISLATIVE COUNCIL PURSUANT TO SECTION 1106 (a), TITLE 29, DELAWARE CODE.

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

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

NO: Senator Hale - 1.

ABSENT: Senator McCullough - 1.

Therefore, the Resolution was declared adopted.

SJR 10 - REQUIRING PERSONS RECEIVING SERVICES FROM PUBLICLY-FUNDED ALCOHOL REHABILITATION PROGRAMS TO PERFORM CERTAIN HOUSEKEEPING CHORES. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SJR 11 - REQUESTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO SUPPLY MEMBERS OF THE DELAWARE LEGISLATURE AND LEGISLATIVE COUNCIL WITH CERTAIN DATA RELATING TO THE LEASING AND/OR RENTAL OF PROPERTY FOR STATE USE. Sponsors: Senators Sharp and Representative Morris. Assigned to Administrative Services Committee.

SJR 12 - REQUESTING THE NEW CASTLE COUNTY COUNCIL TO ESTABLISH A POLICY COMMITTEE FOR THE PURPOSE OF PREPARING FOR THE FINANCIAL, HEALTH AND SOCIAL IMPACT UPON THE COUNTY WHICH WOULD RESULT FROM REPEAL OF THE MUNICIPAL USER TAX, INCLUDING SUCH SUBCOMMITTEES AS THE POLICY COMMITTEE MAY REQUIRE. Sponsor: Senator Berndt. Assigned to Community Affairs Committee.

SJR 5 was reported out the the Banking, Insurance and Elections Committee: 2 Favorable, 3 Merits.

At 2:24 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

The Senate reconvened at 4:10 p.m., Lt. Governor McGinnis presiding.

The following Committee reports were announced:

From the Finance Committee: SB 78 - 1 Favorable, 4 Merits.

From the Public Safety Committee: SB 95 - 1 Favorable, 4 Merits.

From the Community Affairs Committee: SB 60 - 4 Merits;
SB 73 - 4 Merits.

From the Health and Social Services Committee: SJR 10 - 4 Merits.

The following legislation was introduced:

SB 102 - AN ACT TO AMEND CHAPTER 7, SUBCHAPTER 1 OF TITLE 7, DELAWARE CODE RELATING TO PROHIBITED HUNTING AND TRAPPING DEVICES AND METHODS. Sponsor: Senator Martin. Assigned to Natural Resources and Environmental Control Committee.

SB 103 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF OPTICIANS. Sponsors: Senator Holloway and Representative Gilligan. Assigned to Administrative Services Committee.

SR 30 (Sponsored by Senators Cordrey and Martin) was introduced and considered for adoption:

SR 30 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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

SA 1 to SB 14 was introduced by Senator Cordrey and placed with the Bill.

SA 1 to SJR 12 was introduced by Senator Berndt and placed with the Bill.

The following legislation was reported out of the Natural Resources and Environmental Control Committee: SB 33 - 5 Favorable, 1 Unfavorable; SB 90 - 1 Favorable, 5 Merits.

SB 57 was stricken at the request of Senator Cook.

The Secretary announced that a message from the House informed the Senate that it had passed SB 69; SB 80; SB 82; SB 89, and adopted SCR 10.

The Secretary announced that Legislative Advisories 3 and 4 received from the Office of Counsel to the Governor informed the Senate that the Governor approved on January 27, 1977: SB 68 and SJR 7. On February 1, 1977, the Governor approved SB 89. On February 7, 1977, the Governor approved SB 82; SB 80; SB 69; SJR 8.

HCR 5 (Sponsored by Representative Matushefske) was introduced and laid on the table on motion of Senator Cordrey:

HCR 5 - URGING THE ATTORNEY GENERAL OF THE UNITED STATES TO ORDER AN INQUIRY INTO THE CONDUCT OF THE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE RELATING TO THE INVESTIGATION OF THE AFFAIRS OF THE NEW CASTLE COUNTY GOVERNMENT.

HCR 7 (Sponsored by Representatives Jonkiert, Gordy, Sincock and McKay; Senators Cordrey, Cook, Knox, Hughes and Martin) was introduced and considered for adoption on motion of Senator Cordrey:

HCR 7 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

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

HB 35 (Sponsored by Representatives Ferguson and Ridings) was introduced:

HB 35 - AN ACT TO AMEND CHAPTER 9, TITLE 22 OF THE DELAWARE CODE RELATING TO THE MUNICIPAL USER TAX.

Senator Sharp moved that HB 35 be laid on the table.

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

YES: Senators Arnold, Berndt, Hale, Hughes, Martin, Sharp, Spence - 7.

NO: Senators Adams, Cicione, Cook, Cordrey, Holloway, Knox, McDowell, Weiss, Zimmerman - 9.

NOT VOTING: Senators Kearns, Littleton, Murphy, Schlor - 4.

ABSENT: Senator McCullough - 1.

Therefore, the motion was defeated and the Chair assigned HB 35 to the Revenue and Taxation Committee.

The following legislation was introduced:

HB 74 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR EXTRADITION EXPENSES. Sponsors: Representatives George and Sincock. Assigned to Finance Committee.

HB 38 w HA 1 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO CABLE TELEVISION SYSTEMS. Sponsor: Representative Worthen. Assigned to Administrative Services Committee.

SA 1, SA 2, SA 3 and SA 4 to HB 35 were introduced by Senator Berndt and placed with the Bill.

SB 52 was reported out of the Judiciary Committee: 1 Favorable, 5 Merits.

SJR 11 was reported out of the Administrative Services Committee: 4 Merits.

SB 6 was laid on the table on motion of Senator Adams.

SB 14 was taken up for consideration on motion of Senator Cordrey:

SB 14 - AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH; BY PROVIDING FOR AN ENLARGEMENT OF TIME FOR FILING PETITIONS FOR A REFERENDUM AND TO PRESCRIBE THE QUALIFICATIONS OF VOTERS IN A REFERENDUM ELECTION.

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 20 Senators voting YES and 1 (McCullough) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Tom Sandback and Harry Terry, Senate attorneys, to speak on the Bill after which the roll call vote on SB 14 w SA 1 was taken and revealed:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Zimmerman - 12.

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Spence, Weiss - 8.

ABSENT: Senator McCullough - 1.

Therefore, the Bill was declared lost, since a 2/3 vote was needed for its passage.

SB 52 was re-assigned to the Judiciary Committee at the request of Senator Kearns.

At 4:46 p.m. on motion of Senator Cordrey, the Senate recessed until March 2, 1977, at 1:30 p.m.

The Senate reconvened at 3:37 p.m. March 2, 1977, Lt. Governor McGinnis presiding.

SR 32 (Sponsored by Senators Sharp, Cicione, Arnold and Kearns) was introduced:

SR 32 - EXPRESSING CONGRATULATIONS AND BEST WISHES TO THE "POLITICS AND POLITICAL POWER" CLASS OF CONRAD SENIOR HIGH SCHOOL ON THEIR VISIT TO LEGISLATIVE HALL.

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

YES: Senators Arnold, Berndt, Cicione, Cook, Cordrey, Hughes, Kearns, Knox, Littleton, Martin, McDowell, Murphy, Sharp, Weiss, Zimmerman - 15.

ABSENT: Senators Adams, Hale, Holloway, McCullough, Schlor, Spence - 6.

Therefore, the Amendment was declared adopted.

The roll call vote on SR 32 w SA 1 was then taken and revealed:

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

ABSENT: Senators Adams, Hale, McCullough, Schlor - 4.

Therefore, the Resolution was declared adopted.

SB 14 which had been defeated for passage on March 1, 1977 was restored to the Calendar on motion of Senator Berndt, without objection.

SR 31 was introduced by Senator Holloway;

SR 31 - CALLING FOR THE ESTABLISHMENT OF A CAPITAL PUNISHMENT STUDY COMMISSION TO INVESTIGATE, REPORT, AND MAKE RECOMMENDATIONS BY DECEMBER 31, 1977 ON REINSTATEMENT OF CAPITAL PUNISHMENT FOR FIRST DEGREE MURDER.

The Resolution was tabled on motion of Senator Holloway.

The following legislation was introduced:

SB 104 - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CONTINUITY OF GOVERNMENT; AND PROVIDING FOR A DEPARTMENT OF EDUCATION, WHICH SHALL ASSUME RESPONSIBILITIES AND FUNCTIONS OF THE PRESENT DEPARTMENT OF PUBLIC INSTRUCTION AND STATE BOARD OF EDUCATION. Sponsors: Senators Cicione and Murphy; Representative Maxwell. Assigned to Education Committee.

SB 105 - AN ACT TO AMEND CHAPTER 21, TITLE 5, DELAWARE CODE, RELATING TO SMALL LOANS. Sponsors: Senator Holloway and Representative Matushefske. Assigned to Banking, Insurance and Elections Committee.

SA 5 to HB 35 was introduced by Senator Arnold and placed with the Bill.

SA 1 to SB 96 was introduced by Senator Kearns and placed with the Bill.

SB 96 was reported out of Corrections Committee: 4 Merits.

SB 97 was reported out of the Labor Committee: 2 Favorable, 2 Merits.

SCR 14 (Sponsored by Senators Zimmerman, Berndt, Knox, Cordrey, Murphy, Adams) was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 14 - MEMORIALIZING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO USE EVERY EFFORT TO SECURE ADEQUATE FUNDING FOR MAINTENANCE DREDGING TO RESTORE THE DELAWARE RIVER AND BAY SHIP CHANNEL AND ANCHORAGE AREAS TO THEIR AUTHORIZED DEPTHS.

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

At the request of Senator Kearns, Senators McDowell, Holloway, Littleton and Representative Matushefske were added as co-sponsors of SB 96.

At 4:06 p.m. on motion of Senator Martin, the Senate recessed for 45 minutes.

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

SB 51 was reported out of the Executive Committee: 1 Favorable, 4 Merits.

SB 39 was reported out of the Community Affairs Committee: 1 Favorable, 3 Merits.

The following House legislation was introduced:

HB 44 - AN ACT TO AMEND CHAPTER 55, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR A TERMINATION OF TENANCY UNDER CERTAIN CIRCUMSTANCES. Sponsor: Representative Rispoli. Assigned to Community Affairs Committee.

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. Sponsor: Representative William Brady. Assigned to Natural Resources and Environmental Control Committee.

HB 93 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR OPERATION EXPENSES. Sponsor: Representative George. Assigned to Finance Committee.

HB 95 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE STANTON REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT. Sponsors: Representatives Gilligan, Powell, Ferguson, Roy, Worthen; Senators Sharp, Martin, Knox, Arnold. Assigned to Finance Committee.

HB 123 - AN ACT TO PROVIDE FUNDS FOR THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DELAWARE AGRICULTURE MUSEUM BY

APPROPRIATING AND TRANSFERRING FUNDS FROM THE CAPITAL INVESTMENT FUND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC.; AND FURTHER AUTHORIZING AND EMPOWERING THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO LEASE TEN ACRES OF LAND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC. FOR THE SITE OF THE AGRICULTURE MUSEUM; AND FURTHER REPEALING CHAPTER 657, VOLUME 60, LAWS OF DELAWARE. Sponsors: Representatives Minner, Brady, Sincok and Clendaniel.

HB 123 was laid on the table at the request of Senator Cordrey.

SB 90 was taken up for consideration on motion of Senator Zimmerman:

SB 90 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DIVISION OF ENVIRONMENTAL CONTROL.

At the request of Senator Zimmerman, the privilege of the floor was extended to Austin P. Olney, Division of Environmental Control, to speak on the Bill after which final consideration of the Bill was deferred on motion of Senator Zimmerman.

At 5:00 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

The Senate convened at 5:00 p.m. March 2, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senators Holloway and McCullough - 2.

The Journal was approved as read.

SB 33 was taken up for consideration on motion of Senator Martin:

SB 33 - AN ACT TO GRANT APPROVAL TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PURCHASE A TRACT OF LAND WITHIN WALTER S. CARPENTER, JR. STATE PARK, WHITE CLAY CREEK HUNDRED, NEW CASTLE COUNTY, NEWARK, DELAWARE.

Senator Knox was added as co-sponsor of the Bill and the privilege of the floor was extended to Rea Wilkie of the Division of Parks and Recreation to speak on the Bill.

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

Senator Martin then immediately moved that the roll call be lifted. There was no objection, so the roll call vote on SB 33 was announced:

YES: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Martin, McDowell, Schlör, Sharp, Spence, Weiss - 12.

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

NOT VOTING: Senator Kearns - 1.

ABSENT: Senators Holloway and McCullough - 2.

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

At 5:24 p.m. on motion of Senator Cordrey, the Senate recessed until 1:00 p.m. March 3, 1977.

The Senate reconvened at 1:23 p.m., March 3, 1977, Lt. Governor McGinnis presiding.

HB 95 was reported out of the Finance Committee: 1 Favorable, 3 Merits.

At 1:25 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY

The Senate convened at 1:25 p.m. March 3, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Rev. David W. Stricker.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senators Hughes and McCullough - 2.

The Journal of the 10th Day was approved as read.

At 1:27 p.m. on motion of Senator Cordrey, the Senate recessed in order to join the House in Joint Session.

JOINT SESSION

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

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

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

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

The President appointed the following Committee to escort the Governor to the House Chamber: Representatives Gilligan and McKay; Senators McDowell and Berndt.

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

Mr. Speaker, Lt. Governor McGinnis, Mr. President Pro Tempore, Justices of the Supreme Court, Members of the 129th General Assembly, Elise, Honored guests, and most particularly the people of the State of Delaware.

On a June evening almost eight years ago I stood for the last time on the floor of the House of Representatives as a member of the 125th General Assembly, little imagining that I might next return, today, to address the 129th General Assembly concerning the greatest financial catastrophe in the history of our State.

It is indeed an honor to address such a distinguished assemblage of the leadership of Delaware's government, but there is no joy in the message that I am about to deliver -- no joy for those in this Chamber, but more importantly, no joy for those hundreds of thousands of Delawareans who are not here today. They are the people who are going about their daily lives, serving in restaurants, teaching in schools, managing small businesses, or working in large ones. They are minding their own business, obeying the laws of the land, bearing the burden of the taxes, and trusting those of us in this Chamber to do what is best for them and their families. So it is not just those here assembled today, to whom I address myself, but also the people of the State of Delaware who have an infinitely large stake in what we say and do here.

On a very cold January afternoon six weeks ago, when I became Governor, I talked of the inability of limited government to satisfy our many demands, and of the difficult job of adjusting to the fact that we can not always expect more, but may have to become accustomed to the same, even less from government.

I talked of the personal discipline from each of us, and the political discipline from all of us, that would be required in recognizing our limitations, establishing our priorities, and living within our means.

Today, we begin the process of testing and strengthening that discipline, for we are face-to-face with economic disaster. The State of Delaware is bankrupt, with insufficient funds to pay its bills through the end of the year. It lives day-to-day on borrowed money which is rapidly dwindling. Today, Delaware's budget is awash in a \$56 million sea of red ink and facing a potential deficit of \$65 million for the upcoming fiscal year beginning July 1st. These are hard, cold, irrefutable facts -- not bad dreams that will vanish with the sunlight; not small shortages that can be papered over, ignored or explained away. The \$121 million deficit is real, it is here facing us, and it will not go away.

The \$121 million cumulative deficit Delaware faces today represents the price that must be paid for past decisions -- decisions made by previous governors and previous General Assemblies. The deficits which I have inherited came about because many people in the past permitted us to spend more

than we had, and approved programs without knowing what they cost. As a State we have refused to say, "No" to special interest groups. We have built too many structures, neglected the condition of our state bank, and made a host of decisions that were politically expedient, but practically and financially unwise. The decisions were no doubt not the best ones, but they have been made -- and now all of us in this Chamber and in the State of Delaware must pull together to extricate our state from financial bankruptcy. Now is the time we must pay the price of the past, and we must do so soon. For until firm, irreversible plans are approved to pay off our debt, no new jobs will come to Delaware, no new programs can be started, and there is virtually no hope for renewed confidence in our governmental institutions.

So today we must begin the process of returning Delaware to financial reality. Most of the people of Delaware I am sure, want to know how it happened -- how did Delaware go bankrupt in such a short period of time? In 1975, our deficit was \$2.5 million; in 1976, it was \$5.2 million; in 1977, it will be \$48.9 million; in 1978, unless we change our ways, the deficit will be \$64.6 million. That totals \$121 million in overspending in four years. Although the details of how it happened are complex, I believe the overall reasons are fairly clear. The reasons are basically the same as those which led the Delaware Tomorrow Commission, a year and a half ago, to predict a \$373 million deficit for our state by 1985 if we did not change our ways. The first reason is that Delaware state government has not had the courage to limit the growth in state spending to the revenues available. Second, the economic foundation upon which our state's fiscal policy is based is too narrow. With no effective cost control mechanism to limit the growth of our spending, we have expanded our programs and relied upon a patchwork revenue system that does not grow with the nation's economy, which is highly volatile during times of economic uncertainty. Rather than face up to these problems, we have used gimmicks, passed hidden taxes and taken the expedient way out by enacting politically "easy" taxes, rather than establishing for Delawareans a sound, effective, and equitable tax system.

The result of these policies is not only Delaware's bankrupt situation today, but equally important, Delaware has become economically stagnant, its unemployment rate equals or exceeds the national average -- a far cry from past years. Jobs for young people are becoming more and more scarce, and the fastest growing taxes and the heaviest debt in America are discouraging decision-makers from wanting to be part of our state. We cannot continue down this road to ruin. We must take immediate strong, and positive action to solve our problems.

I am proposing today a three point program to rescue Delaware from bankruptcy, to stabilize our finances, and to do so in a way which will begin our economic recovery, provide jobs for Delawareans, and reverse the declining competitive situation of our state.

First, we must promptly pay off the \$56 million deficit which I inherited on January 18.

Second, I propose to reduce next year's \$65 million deficit by cutting the cost of state government \$40 million -- cuts that will be permanent and help us every year.

Third, to solve the remaining \$25 million deficit for next year, I propose to expand our tax base in a manner which will provide a sound basis for our programs in the future, and provide equitable, and economically viable taxes.

This three point program will rid us of two staggering financial problems -- a \$56 million problem inherited from the past, and a \$65 million problem in the next fiscal year for a total of \$121 million. Now is the time, this is the moment, to solve our problems permanently and completely, and in a manner which will help reverse Delaware's competitive position in the national economy. Forty-eight of the fifty states of the union have better credit ratings than Delaware. Only New York shares with us the lowest state credit rating in the country. That's a disgrace that must be corrected before we can hope to move forward.

Now is the time to bite the bullet and eliminate that \$121 million deficit. The future of Delaware depends upon it, and as Governor, I must see that it is accomplished. Although we can disagree freely and constructively over details, there can be absolutely no compromise on solving our problem permanently. Delawareans have had enough of patchwork taxes, uncontrolled spending, and juggling of our state's financial books. Now is the time to put all the facts on the table and have an open, candid and forthright discussion of how to solve the problem. But solve the problem we must, and as Governor I can promise the people of the State of Delaware that I shall not approve any package of legislation which does not fully and completely solve our problem once and for all.

Paying Off Our Existing Debts

The first step in the solution is to promptly pay off our \$56 million deficit from past administrations. With only four months left in this fiscal year it is clear that we cannot pay off a \$56 million deficit in such a short period of time. Therefore, I propose that we repay this deficit over the next two and one half years by borrowing \$56 million, and raising specific taxes, earmarking the receipts to pay off the debt. The taxes should have a "self-destruct clause" in them so that when the debt is paid off, the taxes automatically revert to their previous levels. I have been advised by the investment community that such an earmarking of taxes would help immeasurably in the marketing of Delaware's securities and in attracting sufficient numbers of people who will lend us the money we need. To accomplish that I propose the following:

* Auto registration fees will be raised from \$20 to \$30 along with other miscellaneous fees in the Division of Motor Vehicles, to raise a total of \$6.0 million annually.

* Gasoline taxes will be increased from 9¢ per gallon to 11¢ per gallon, netting \$6.0 million.

* Cigarette taxes will be increased from 14¢ per pack to 16¢ per pack, which will net \$.8 million.

* The automobile document fee will be increased from 2% to 4%, netting \$5.6 million.

* Mercantile taxes will be increased an average of 15% across-the-board, for a yield of \$3.5 million.

The \$23.3 million which this tax package will yield the first year, and slightly more in the following years, will be earmarked for and will be sufficient to pay off the \$56 million deficit with interest and costs. Once the deficit is paid off, the taxes will then revert to their previous levels.

Second, to eliminate next year's \$65 million deficit, I propose to cut state spending \$40 million, thereby relying on spending reductions to solve almost twice as much of the deficit as tax increases. In structuring, spending reductions and fee increases totaling nearly \$40 million, the impact has been spread throughout state government in proportions approximating the percentage of state funds consumed in each area. Exclusive of the non-controllable expenses: debt service on monies already borrowed, revenue refunds to our taxpayers, and federally mandated direct welfare payments. Education consumes approximately 60% of the state's budget and the remaining state government consumes approximately 40%. Therefore, the reductions in education approximate 60% of \$40 million, or \$24 million; and the reductions in the balance of state government approximate 40% of \$40 million -- \$16 million to be precise.

Our proposals affect nearly every department and many, many programs. They affect services, and they affect people. They are painful and they are unfortunate, but they are the only alternative to a total halt in the operation of state government, since we can no longer borrow money to finance these crippling deficits.

REDUCING THE COST OF FUTURE YEAR'S PROGRAMS

Nothing is more critical to the future of State Government than the adoption of long overdue management improvements. We simply cannot scramble out of today's bankruptcy only to face tomorrow's crisis. We need to put in place the sound principles of cost control and performance measurement that successful private enterprises have long used.

To accomplish this vital objective, I am taking the following actions:

* I have requested an additional \$650,000 for a complete overhaul and modernization of the management of the State's data processing operation.

* I will be directing the Secretary of Administrative Services to institute a mandatory central purchasing system for all agencies an improvement which can save the State more than \$1 million yearly in excess costs.

* I am creating a new Office of Management, Budget and Planning to devote full attention to improving the ways in which essential programs are delivered and to concentrating on the total fiscal impacts of executive and legislative decisions.

* I will be sending to the legislature my recommendations for much needed revisions in the processes for developing and presenting the State's annual budget; our objective must be to shift to program budgeting for Fiscal Year 1979.

* I am today proposing a \$40 million cut in spending for next year. But that is not enough -- there are other years beyond the next, and spending must be limited in those years too. To meet that problem, I am proposing a constitutional amendment to limit government spending. Early next month I will submit to the legislature a draft constitutional amendment to limit annual state spending so that it does not outstrip revenue growth. Exceptions would be permitted by a 2/3 vote of each house of the General Assembly to allow for bonafide emergencies. Such an amendment will meet one of the great challenges of our time: harnessing the galloping growth of governmental expenditures.

Together the Executive and the Legislature must work to improve the tools of government so that the taxpayers of our State receive the maximum benefit for their dollars.

But longer range management improvements cannot immediately solve our current fiscal crisis. We also need to take decisive action now. Our State devotes the greatest share of its resources to vital human resource programs. However, we cannot at this time, ask the people of the State to pay for additional programs until we are convinced that the existing services we provide are the highest priority and they they are being managed most effectively.

Consequently, I have recommended that once newly renovated space becomes available in the Banton Building at the Emily Bissell Hospital, that adult patients now at Governor Bacon Health Center be transferred there and that a careful analysis be made of the future use of space at the Tilton Building.

Other recommendations in Health and Social Services involve converting one pod at the Terry Psychiatric Center to an out-patient clinic to reduce the State's cost of over \$1 million for approximately 30 patients, increasing funding for the Stockely Hospital for the Mentally Retarded in order to take advantage of Federal entitlements, and terminating State grants to private hospitals.

In the Department of State, I have recommended that State museums go to a cost-saving winter/summer schedule and begin charging nominal fees. I have also recommended an increase in certain corporation fees. In the Department of Agriculture I am recommending certain fee increases and the transfer of the meat inspection program to the federal government. In Natural Resources, I am recommending increasing user fees, reducing overtime and eliminating unnecessary positions.

In Public Safety, I have recommended an end to motor vehicle inspections in Delaware because I am not convinced from the data I have studied that there is any substantial correlation between State-wide motor vehicle inspection and auto accidents. I have also recommended deferring the hiring of additional State Police officers and the purchase of new vehicles.

In the Department of Transportation, I am recommending a reduction of 100 general fund positions which I believe to be unnecessary in light of my resolve to reduce capital spending.

In the Administration of Justice areas I have recommended certain reductions in Corrections, but they have been more than offset by the costs of complying with the recent Federal court order reducing inmate population. Further, I am recommending that the state return the cost of the county law libraries to the counties and not to fill expanded personnel requests of both the Attorney General's office and in the Courts.

In education which consumes 60% of the controllable budget, we have had to make some very difficult decisions in order to keep our spending reduction program on target. I am endorsing Governor Tribbitt's recommendations of returning State-funded fringe benefit costs of locally funded employees to the local districts. I am also recommending that 30% of the over \$10 million in school busing costs now borne by the State be returned to local districts and that the State support for busing of private school students end. I am recommending through repeal of the class size reduction bill no change in elementary student class sizes but I am recommending a change in the high school class size from 1-20 to 1-22. I also feel we need substantial reductions in the number of administrators -- both in local districts and in the Department of Public Instruction.

In higher education I am recommending continued State support to all institutions at last year's level -- no increase, but no reductions. I am also, with great difficulty, recommending a 2/3 reduction in the DIMER program of support for Delaware medical education by eliminating all payments except scholarship.

Finally, I think the time has arrived to make some basic changes in our treatment of State employees. State employees deserve pay and adequate pay increases. But we can no longer afford both "merit" and cost of living increases that may bring to many employees annual pay increments in excess of ten percent. For too long, "merit" increases have been given to all who are eligible regardless of merit or performance. If merit increases are to be continued, they should be granted only to those whose performance warrants it. We must recognize productivity and not longevity as the barometer of promotions and rewards. In adopting Governor Tribbitt's recommendation of a cost of living suspension through the next fiscal year, I am creating a Governor's Select Committee on State Employment Practices, and will ask them to recommend to me, within 180 days,

needed legislative and administrative changes which will strengthen career service in State government.

In addition to these important reviews of operating programs, I will today sign an Executive Order constituting a cabinet level Capital Review Committee. The Committee will carefully analyze more than \$110 million in existing and proposed capital projects and will report to me within 60 days on its recommendations for cancellations or deferrals. Within (90) days I will send legislation to the General Assembly detailing my proposed revisions to more than 300 capital projects. I believe a careful review of all authorized capital spending projects could result in savings in debt service as great as \$2 million per year.

In addition to the financial problems caused by past errors of judgement and weakness of will we are also faced with the prospect of additional expenses being forced upon us by the federal government. I have already personally discussed with President Carter the inequities forced upon the states by the requirements of the federal bureaucracy. Federal action could cost Delaware several million dollars in busing costs, dollars to meet accelerated guidelines for education of the handicapped, and further expenses in the Corrections field. Our budget projections for fiscal year 1978 do not include any of these potential expenses. A continuation of such orders from federal officials regardless of their social intentions can only make Delaware's financial future even more bleak.

IMPROVING THE REVENUE SYSTEM FOR LONG TERM GROWTH

Third, to finance the remaining \$25 million of Delaware's \$65 million deficit of next year, I am proposing a \$25 million permanent tax increase in a manner which I think is, to the maximum extent possible, consistent with our long-term aims and objectives in Delaware.

Every tax study conducted in the past eight years in Delaware -- from the first Tunnell Commission through the Delaware Tomorrow Commission and the most recent Tunnell Commission -- have agreed that income tax reform is essential -- a broader base, more equity, and a more enforceable system -- if we are to be able to compete and survive in the economic world in which we live.

I propose raising the corporation income tax 21%, from the current level of 7.2% on corporate profits to 8.7%. Second, I propose a restructured income tax, returning to pre 1975 treatment of pensions, broadening the revenue base by calculating the tax on the adjusted gross income figure.

By using an adjusted gross income tax, more people will pay the tax, deductions will be eliminated, the more equitable federal tax brackets (not rates) will be adopted, exemptions are reduced from \$600 to \$300, and the nominal rates for all are lowered since the tax base is so much broader. In addition, enforcement will be much easier because of the direct correlation for the federal form.

Let me spend a moment discussing what we decided not to recommend, in raising additional revenues for the State of Delaware. We decided against a simple increase on the existing personal income tax because the base is too narrow, it is already the highest in the nation, and it is forcing individuals to leave Delaware or stay away, thereby costing us jobs and growth. To raise this tax further, in my judgment, would only compound our difficulties, not lessen them.

We considered and rejected a payroll tax, because it is a tax on jobs. We need to bring jobs to Delaware to solve our long-term problems; not drive them away.

Next, we examined a state-wide property tax but found difficult problems. Since our property assessments vary widely between the three counties, in order to make the tax fair and constitutional, the State would have to undertake a complete reassessment of all of the property in the State and keep it updated on a continual basis.

We also examined a doubling of the mercantile tax but it is, in reality, a discriminatory, hidden sales tax higher on some merchants than others, and not deductible to the Delaware taxpayers who pay it directly or indirectly. Because I am seeking to avoid permanent dependence on poorly constructed taxes -- which I believe the mercantile tax to be -- it was rejected.

We considered increasing the corporation franchise taxes (in addition to a 21% increase which I have recommended in corporation income taxes), but here Delaware is in probably the most competitive and vulnerable situation of all. The corporations which pay overwhelmingly large percentages of tax do not do business in Delaware and are incorporated here only because it is convenient to be so. At the slightest provocation -- they could flee our state, throwing even larger burdens upon our already narrow tax base. If the federal Congress, were to pass a federal incorporation law (and there are several currently before it), Delaware's entire \$55 million franchise tax would disappear or be reduced substantially.

Finally, we gave careful consideration to a sales tax -- at least a 3% sales tax exempting food, clothing, and drugs would be needed. As many of you know, I have been opposed to it for two reasons: it impacts most upon those least able to pay; and, once a sales tax is in place at 3%, it goes quickly to 4%, 5%, 6% or even to 7% as it is now proposed in Pennsylvania. I seriously doubt we will ever have any effective financial control over state spending if the tempting option of "just adding 1 penny to the sales tax" is ever present.

I believe the gross income tax and a 21% increase in the corporation income tax to be the best choices of all and I have, therefore, recommended their adoption. But let me add a word of caution: I think the shift to a gross income tax and the restructuring I have proposed approaches the limit of reliance upon the personal income tax in Delaware. Should the General Assembly fail to approve \$40 million in spending

reductions, then I believe that the sales tax is the only long range, viable solution for our people. In my judgment, the choices are either \$40 million worth of spending cuts and a maximum of \$25 million and a sales tax. It is just that simple. I have recommended the former because I firmly believe that our citizens want more reliance on spending cuts than they do upon tax increases.

Let me also say that I certainly do not believe that I have all of the answers, or that the program I have proposed today is the only conceivable way to meet our state's financial disaster. I will eagerly listen to other ideas and work out areas of common and well-intentioned disagreement. But there are two points which I view as essential: first, the total package of spending reductions and tax increases must total at least \$65 million; and, second, the solution must be a permanent and long-term solution to our state's financial and economic problems. Any legislative package which falls short of these two tests will be vetoed. That means we can not seek relief by temporary postponements of spending or one-shot tax speed-ups. We cannot rely on taxes which do not have a growth base or which are placed solely and purely for political advantage. We must settle the issue of financial security firmly and finally. As a practical matter, we will have to work together, even from the outset, for Wall Street has made it clear that both the Executive and the General Assembly must devote their best effort to solving our financial ills. No assurance of improvements may mean no money. It's that simple.

In summary, my proposals involve permanent spending cuts of \$40 million, permanent tax increases of \$25 million, and a two and one half year payoff of the deficits left to this administration from the past. It is a proposal to reduce nearly \$2 million in spending for every dollar in increased taxes.

What I have proposed today will not be easy to accept or to accomplish. I am sure that the special interest groups will respond to these reductions with anger. The spending cuts will probably be labeled unfair to one group or the other. We will hear from each and every group a familiar plea: "cut any other program you like, but don't cut mine". The result will be an enormous pressure to do nothing -- to make no cuts at all. But let me assure the people of the State of Delaware that if they let that happen, they will pay much higher taxes. I am going to ask each person who objects, "what is your program, if you don't like mine"? "Does your program provide for the future long-term economic growth of our state?" "Is your program a permanent solution to our problem?"

I believe my program is a good one, although it will not be easy to accept or accomplish. But it is a program which will work, it is a program which will restore the long-term financial and economic health of our state, and it is a program which is as fair as possible to all concerned.

And I want to remind each Delawarean that every dollar less than the \$40 million cut from the budget, is another \$1 in taxes out of your pocket.

Now is the time, and this is the place the responsibility belongs, to all of us to me, the General Assembly and the people of this First State. For too long we have deceived ourselves; taken the easy way out, postponed the difficult decisions until another day. There is no other day; there is no easy way. There are no taxes which do not affect "the people"; no program cuts that do not touch "human services"; nor any spending reduction program which can survive without touching education as well.

No, my friends, our problem is here, today, now. For too long elected officials have been a part of the problem, rather than a part of the solution. As Pogo said, "we have met the enemy, and he is us". For many years the enemy has been us, and those who have suffered have been the people of the State of Delaware. Now it is time to accomplish a permanent, lasting, equitable solution to Delaware's catastrophic economic situation so that we can move forward to a brighter future for our state and our people.

Thank you.

* * * * *

The previously named Committee escorted the Governor from the Chamber.

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

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

Representative Jonkiert moved the two Houses now separate to re-convene in their respective Chambers and the motion prevailed thus ending the Joint Session.

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The Senate was called back to order at 3:09 p.m., Lt. Governor McGinnis presiding.

SB 90 which was first for the Agenda of the day was passed over in the absence of the Sponsor, Senator Zimmerman.

SB 76 was laid on the table at the request of Senator Cicione.

SB 78 was laid on the table at the request of Senator Cicione.

SB 95 was taken up for consideration at the request of Senator Cordrey:

SB 95 - AN ACT TO AMEND CHAPTER 72, TITLE 16, DELAWARE CODE, RELATING TO LIQUIFIED PETROLEUM GAS CONTAINERS.

Senator Spence was added as co-sponsor to the Bill at her request.

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

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

ABSENT: Senators Hughes and McCullough - 2.

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

The following legislation was introduced:

SB 106 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO PROTECTORS OR FLAPS BEHIND REAR WHEELS OF VEHICLES. Sponsor: Senator Holloway. Assigned to Public Safety Committee.

SB 107 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE PROHIBITING CERTAIN MECHANICAL ALTERATIONS OF MOTOR VEHICLES AND SETTING PENALTIES THEREFORE. Sponsors: Senators Holloway and Murphy. Assigned to Public Safety Committee.

SB 108 - AN ACT TO AMEND CHAPTER 14, TITLE 14, DELAWARE CODE, RELATING TO DISMISSAL OF TEACHERS AND OTHER PUBLIC SCHOOL EMPLOYEES BECAUSE OF DESEGREGATION. Sponsor: Senator Holloway. Assigned to Education Committee.

SB 109 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO JUDICIARY AND PROVIDING FOR THE FILLING OF JUDICIAL VACANCIES BY A SYSTEM OF APPOINTMENT BY THE GOVERNOR. Sponsor: Senator Weiss. Assigned to Judiciary Committee.

SR 33 was introduced by Senator Holloway and laid on the table at his request:

SR 33 - REQUESTING THE GOVERNOR TO SUPPORT IMMEDIATE CONSTRUCTION OF THE FORENSIC SCIENCES LABORATORY.

SR 34 was introduced by Senator Holloway who moved for its adoption:

SR 34 - CONGRATULATING THOMAS K. MINTER, SUPERINTENDENT OF THE WILMINGTON PUBLIC SCHOOL SYSTEM, FOR HIS APPOINTMENT TO THE POST OF DEPUTY COMMISSIONER FOR ELEMENTARY AND SECONDARY EDUCATION OF THE UNITED STATES OFFICE OF EDUCATION.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 24.

HB 94 w HA 1 (Sponsored by Representatives George and Lynch) was introduced and assigned to Executive Committee:

HB 94 w HA 1 - AN ACT AUTHORIZING STANDING COMMITTEES OF THE 129TH GENERAL ASSEMBLY TO EMPLOY PROFESSIONAL STAFF ASSISTANCE SUBJECT TO APPROVAL OF THE LEGISLATIVE COUNCIL AND PROVIDING THE FUNDS THEREFOR.

HJR 4 (Sponsored by Representatives McKay, Billingsley and Maxwell; Senators Hale and Knox) was introduced:

HJR 4 - COMMENDING JOHN T. KEPHART, JR. UPON HIS SELECTION AS DELAWARE "ENGINEER OF THE YEAR".

On motion of Senator Knox, and without objection, the necessary rules were suspended for consideration of the Resolution and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hughes, McCullough and Murphy) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

March 3, 1977

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

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Dr. Patricia C. Schramm, 706 Blackshire Road, Wilmington, Delaware, to be Secretary of the Department of Health and Social Services for the State of Delaware at the pleasure of Governor Pierre S. duPont, IV, from date of confirmation.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV
Governor

* * * * *

SA 1 to SB 76 was introduced by Senator Cicione and placed with the Bill.

At 3:30 p.m. on motion of Senator Martin, the Senate recessed for a short period for Party Caucus.

The Senate reconvened at 4:48 p.m., Lt. Governor McGinnis presiding.

HB 123 was lifted from the table for consideration on motion of Senator Cordrey who requested Senator Cook to floor manage the Bill:

HB 123 - AN ACT TO PROVIDE FUNDS FOR THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DELAWARE AGRICULTURE MUSEUM BY APPROPRIATING AND TRANSFERRING FUNDS FROM THE CAPITAL INVESTMENT FUND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC.; AND FURTHER AUTHORIZING AND EMPOWERING THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO LEASE TEN ACRES OF LAND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION, INC. FOR THE SITE OF THE AGRICULTURE MUSEUM; AND FURTHER REPEALING CHAPTER 657, VOLUME 60, LAWS OF DELAWARE.

The privilege of the floor was extended to Representative Minner to speak on the Bill.

The roll call vote on the Bill was taken; however, before it was announced Senator Cook moved that it be tabled and there was no objection.

SB 90 was lifted for consideration on motion of Senator Zimmerman and the roll call vote on the Bill taken. Before the roll call vote was announced however, Senator Zimmerman moved that it be tabled and the motion prevailed without objection.

At 4:52 p.m. President pro Tempore Cordrey presiding.

SB 110 (Sponsored by Senator Weiss) was introduced and assigned to the Natural Resources and Environmental Control Committee:

SB 110 - AN ACT TO AMEND SECTION 4180 §10, CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING REGULATIONS.

HCR 8 (Sponsored by Representative Byrd and Senator Murphy) was introduced and considered for adoption on motion of Senator Murphy:

HCR 8 - WELCOMING JAMES EARL CARTER, IV, GRANDSON OF PRESIDENT JIMMY CARTER, UPON HIS DELIVERY BY THE STORK ON FRIDAY, FEBRUARY 25, 1977.

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

On motion of Senator Zimmerman, the roll call vote on SB 90 was lifted; however, before it was announced, it was again tabled on further motion of Senator Zimmerman.

On motion of Senator Cook, the roll call vote on HB 123 was lifted; however, before it was announced, it was again tabled on further motion of Senator Cook.

The following House legislation was introduced:

HB 110 - AN ACT TO AMEND CHAPTER 3, TITLE 29, DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL MINERAL OF THE STATE OF DELAWARE. Sponsors: Representatives Jonkiert and Smith. Assigned to Administrative Services Committee.

HB 10 w HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BICYCLES, MOPEDS, AND SIMILAR VEHICLES. Sponsors: Representatives Gordy and Ridings; Senator Adams. Assigned to Public Safety Committee.

SB 56 was reported out of the Executive Committee: 1 Favorable, 3 Merits.

SCR 15 (Sponsored by Senator Holloway and Representative Gilligan) was introduced and considered for adoption on motion of Senator Holloway:

SCR 15 - PROVIDING FOR AN ADVISORY COMMITTEE TO STUDY ALTERNATIVES FOR REGULATING THE USE OF MARIJUANA.

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

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

NO: Senators Martin and Spence - 2.

ABSENT: Senator Hughes and McCullough - 2.

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

SJR 10 was taken up for consideration on motion of Senator Holloway:

SJR 10 - REQUIRING PERSONS RECEIVING SERVICES FROM PUBLICLY-FUNDED ALCOHOL REHABILITATION PROGRAMS TO PERFORM CERTAIN HOUSEKEEPING CHORES.

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

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

NO: Senator Knox - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Hughes and McCullough - 2.

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

Senator Cordrey recognized and welcomed to the Senate Chamber Senator and Mrs. Steele.

At 5:37 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. Tuesday, March 8, 1977.

The Senate reconvened at 1:58 p.m. March 8, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY

The Senate convened at 1:58 p.m. March 8, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Rev. David W. Stricker.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 11th Legislative Day was approved as read.

The following legislation was introduced:

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. Sponsor: Representative Matushefske. Assigned to Administrative Services Committee.

HB 92 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. Sponsor: Representative Gilligan. Assigned to Administrative Services Committee.

SR 35 was introduced by Senator Cordrey and laid on the table at his request:

SR 35 - WISHING OUR COLLEAGUE, TOM SHARP, A HAPPY BIRTHDAY.

SR 33 was lifted from the table for discussion at the request of Senator Holloway and the privilege of the floor extended to Ali Z. Hameli, M.D., State Medical Examiner, and William Brierley, representing Delaware Police Chiefs Regional

Council, to speak on the Resolution.

At the request of Senator Holloway the following communication in reference to the Resolution was read into the record:

 PETTINARO CONSTRUCTION CO., INC.
 Wilmington, Delaware
 February 11, 1977

Mr. Robert E. Wasson
State of Delaware
Dept. of Health and Social Services
Delaware State Hospital
New Castle, Delaware

RE: Proposed Forensic Science Center

Dear Mr. Wasson,

Pursuant to the Public Hearing held last night, I feel that there is still some hope for the above referenced project, therefore I am extending my bid at no increase in price for an additional sixty (60) days until May 7, 1977.

Enclosed you will find my Bid Bond for the project.

Very truly yours,
Pettinaro Const. Co., Inc.
Verino Pettinaro,
President

* * * * *

After prolonged discussion, the Resolution was again laid on the table at the request of Senator Holloway.

SR 35 was lifted from the table for discussion at the request of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES, 2 (Martin and Sharp) NOT VOTING and 2 (Murphy and Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

At 3:30 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 5:52 p.m., President Pro Tempore Cordrey presiding.

SJR 5 was taken up for consideration on motion of Senator Murphy:

SJR 5 - REQUESTING THE STATE BANKING COMMISSIONER AND THE COUNCIL ON BANKING TO STUDY THE STATE OF DELAWARE'S BANKING CODE AND GENERAL BANKING CONDITIONS AND REPORT TO THE SENATE-HOUSE JOINT BANKING COMMITTEE AND THE GOVERNOR.

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

Senator Sharp moved that the necessary rules be suspended for consideration of HB 93 w HA 1 and there was no objection:

HB 93 w HA 1 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF JUSTICE FOR OPERATION EXPENSES.

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

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

On motion of Senator Sharp, the roll call vote on HB 93 w HA 1, SA 1 was then taken and announced:

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

NO: Senator Zimmerman - 1.

ABSENT: Senator McCullough - 1.

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

The following legislation was introduced:

SB 111 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CHAPTER 59, SECTION 5910, RELATING TO THE APPOINTMENT AND QUALIFICATIONS OF THE DIRECTOR OF PERSONNEL. Sponsor: Senator Knox. Assigned to Executive Committee.

SB 112 - AN ACT TO AMEND SUBCHAPTER X, CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING REGULATIONS. Sponsors: Senators Weiss and Berndt. Assigned to Public Safety Committee.

SA 1 to SB 60 was introduced by Senator Kearns and placed with the Bill.

SA 6 to HB 35 was introduced by Senator Kearns and placed with the Bill.

HB 110 was reported out of the Administrative Services Committee: 4 Merits.

SB 113 (Sponsored by Senators Cicione, Sharp, McDowell and Kearns; Representative Matushefske) was introduced and placed in the Public Safety Committee:

SB 113 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE INSPECTION OF MOTOR VEHICLES; AND PROVIDING FOR INSPECTION FEES.

At 6:07 p.m. on motion of Senator Martin, the Senate recessed until 1:30 p.m. March 9, 1977.

The Senate reconvened at 3:34 p.m., March 9, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY

The Senate convened at 3:35 p.m. March 9, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Rev. David W. Stricker.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 12th Legislative Day was approved as read.

The following communication was read and is included in this Journal at the request of Senator Cordrey:

SENATE
STATE OF DELAWARE
DOVER

March 9, 1977

TO: All Senators of the 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Interstate Cooperation Committee

I hereby appoint as members of the Senate Committee on Interstate Cooperation the following: Senators Adams, McCullough and Berndt.

Senator Adams will serve as chairman.

* * * * *

The Secretary announced that a message from the House informed the Senate that it had passed SB 32 w SA 1, HA 5, 6.

The following Bills were reported out of the Finance Committee: HB 16 - 4 Merits; SB 47 - 4 Merits.

The following legislation was introduced:

SB 114 - AN ACT TO AMEND CHAPTER 6, TITLE 31, DELAWARE CODE, RELATING TO THE MISUSE OF FOOD STAMPS. Sponsor: Senator Adams. Assigned to Health and Social Services Committee.

SB 115 - AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE, RELATING TO PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES. Sponsors: Senators Kearns, Cicione and Sharp. Assigned to Community Affairs Committee.

SB 116 - AN ACT TO AMEND CHAPTER 11, TITLE 28 OF THE DELAWARE CODE RELATING TO BINGO; AND PROVIDING FOR AN INCREASE IN THE PERMITTED AGGREGATE AMOUNT OF VALUE FOR ALL PRIZES OFFERED OR GIVEN ON A SINGLE OCCASION. Sponsor: Senator Cicione. Assigned to Administrative Services Committee.

SB 117 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY FOR STATE POLICE PENSIONS. Sponsor: Senator Adams. Assigned to Public Safety Committee.

SA 1 to SB 92 was introduced by Senator Cordrey and placed with the Bill.

SA 6 to HB 35 was introduced by Senator Kearns and placed with the Bill.

HB 60 w HA 3, 4, 5 (Sponsored by Representatives Riddagh, Ambrosino, Bennett, W. Brady, Burris, Cain, Clendaniel, Connor,

Darling, Ferguson, Gilligan, Gordy, Hebner, Jonkiert, Loughney, Lynch, Maxwell, Minner, Morris, Oberle, Powell, Ridings, Roy, Sincok, Temple and Vernon; Senators Sharp, Cook, Cicione, Hughes, Arnold, Adams, Littleton and Spence) was introduced:

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.

The Chair assigned the Bill to the Judiciary Committee; however, Senator Sharp moved that the Chair's assignment of the Bill be overridden and the Bill assigned to the Committee on Corrections. The roll call vote on the motion to overrule the Chair was taken and revealed:

YES: Senators Adams, Arnold, Hale, Hughes, Knox, Littleton, McCullough, Schlor, Sharp, Spence - 10.

NO: Senators Berndt, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Weiss, Zimmerman - 11.

Therefore, the motion failed and the Bill remained in the Judiciary Committee.

HB 53 w HA 1 (Sponsored by Representative Minner) was introduced and assigned to Public Safety Committee:

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.

SB 32 w SA 1 which had passed the Senate and was returned from the House as further amended by HA 5, 6 was laid on the table at the request of Senator Murphy.

At 3:55 p.m., President Pro Tempore Cordrey presiding.

SR 36 (Sponsored by Senators Berndt, Knox, Holloway, Kearns, Hale) was introduced:

SR 36 - A RESOLUTION CALLING FOR THE ESTABLISHMENT OF A CAPITAL PUNISHMENT STUDY COMMISSION TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS BY MAY 31, 1977 ON REINSTATEMENT OF CAPITAL PUNISHMENT FOR FIRST DEGREE MURDER.

The following letter in connection with the Resolution was read and made part of this record at the request of Senator Berndt:

Law Offices
Aerenson & Balick
March 9, 1977

Honorable Francis J. Kearns
Legislative Hall
Dover, Delaware

Re: Capital Punishment

Dear Senator Kearns:

On November 16, 1976, you wrote to me in my capacity as Chairman of the Criminal Law Committee of the Delaware Bar

Association. You asked our Committee to review the Capital Punishment Bill which you are sponsoring. You also referred to the bill drafted by the Attorney General. In response to your request, our Committee has reviewed both bills.

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

Very truly yours,
Sidney Balick, Chairman
Criminal Law Committee

* * * * *

On motion of Senator Berndt, the roll call vote on SR 36 was taken; however, before it was announced Senator Berndt further moved that it be laid on the table. The roll call vote on the motion to table the roll call on SR 36 was therefore taken and revealed:

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

NO: Senators McCullough, Schlor and Sharp - 3.

Therefore, the motion prevailed and the roll call on the Resolution was tabled.

SB 73 was taken up for consideration on motion of Senator Murphy:

SB 73 - AN ACT TO AMEND AN ACT, BEING CHAPTER 108 OF VOLUME 47, LAWS OF DELAWARE, ENTITLED: "AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN" BY ADDING NEW AREAS THERETO.

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

On motion of Senator Sharp, the necessary rules were suspended for consideration of SB 47:

SB 47 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO OFFICE OF THE COMMISSIONER, DEPARTMENT OF CORRECTION, FOR CONTINUATION OF THE STAFF TRAINING PROGRAM FOR CORRECTIONAL OFFICERS.

The roll call vote was taken and revealed:

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

NO: Senator McCullough - 1.

ABSENT: Senator Holloway - 1.

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

SJR 11 was taken up for consideration on motion of Senator Sharp:

SJR 11 - REQUESTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO SUPPLY MEMBERS OF THE DELAWARE LEGISLATURE AND LEGISLATIVE COUNCIL WITH CERTAIN DATA RELATING TO THE LEASING AND/OR RENTAL OF PROPERTY FOR STATE USE.

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

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

ABSENT: Senators Holloway and Martin - 2.

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

SB 51 was taken up for consideration on motion of Senator Murphy:

SB 51 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO LEGISLATIVE COUNCIL FOR THE PURPOSE OF PURCHASING ADDITIONAL SETS OF THE DELAWARE CODE ANNOTATED, 1974.

SB 51 was floor-managed by Senator Murphy since the Sponsor of the Bill (Senator Cordrey) was presiding at the time.

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

SB 14 w SA 1 which had previously been lost for passage by the Senate and restored to the Calendar was taken up for consideration on motion of Senator Adams.

The Bill was floor-managed by Senator Adams since the sponsor of the Bill (Senator Cordrey) was presiding at the time.

The roll call vote on the Bill was taken; however, before it was announced it was tabled on motion of Senator Adams and without objection.

On motion of Senator Zimmerman, the roll call vote on SB 90 was lifted and announced:

YES: Senators Adams, Cicione, Cook, Cordrey, Holloway, Kearns, Martin, McDowell, Murphy, Schlor, Sharp, Zimmerman - 12.

NOT VOTING: Senators Arnold, Berndt, Hale, Knox, Littleton, Spence, Weiss - 7.

ABSENT: Senators Hughes and McCullough - 2.

Therefore, the Bill was declared defeated for passage since a 2/3 vote was required.

SB 96 was taken up for consideration on motion of Senator Kearns:

SB 96 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER IV, TITLE 11, DELAWARE CODE RELATING TO THE REQUIREMENT OF PSYCHIATRIC EXAMINATION PRIOR TO PAROLE.

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

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

NO: Senator Schlor - 1.

ABSENT: Senators Holloway, McCullough, McDowell and Sharp - 4.
Therefore, the Amendment was declared adopted.

The roll call vote on SB 96 w SA 1 was then taken on motion of Senator Kearns; however, before it was announced, Senator Kearns moved that it be tabled and the roll call vote on the tabling motion was taken and revealed:

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

NO: Senators Arnold, Cicione, McCullough, Schlor - 4.

Therefore, the motion prevailed and the roll call vote on SB 96 w SA 1 was tabled.

SB 90 which had earlier been defeated for passage was restored to the Calendar on motion of Senator Knox without objection.

Consideration of HB 95 was deferred at the request of Senator Cicione.

Consideration of SB 60 was deferred at the request of Senator Kearns.

SB 56 was taken up for consideration on motion of Senator Adams:

SB 56 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO TAXATION AND THE POWER OF COUNTIES AND INCORPORATED MUNICIPALITIES TO EXEMPT PROPERTY WITHIN THEIR RESPECTIVE BOUNDARIES FROM PROPERTY TAXATION.

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

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

NOT VOTING: Senators Arnold, Berndt, Hale, Hughes, Knox, Littleton, Sharp, Spence, Weiss - 9.

ABSENT: Senator Cicione - 1.

Therefore, the Bill was declared defeated for passage since a 2/3 vote was required.

HB 110 was taken up for consideration on motion of Senator Cook:

HB 110 - AN ACT TO AMEND CHAPTER 3, TITLE 29, DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL MINERAL OF THE STATE OF DELAWARE.

At the request of Senator Cook, Senator Berndt floor-managed the Bill. The roll call vote on the Bill was taken and revealed:

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

NO: Senators Adams, Cordrey, Hughes, Littleton, McCullough, Zimmerman - 6.

NOT VOTING: Senators Sharp and Weiss - 2.

ABSENT: Senator Cicione - 1.

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

SB 97 was taken up for consideration on motion of Senator Holloway:

SB 97 - AN ACT TO AMEND CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO HEARINGS BEFORE THE INDUSTRIAL ACCIDENT BOARD.

Final consideration of the Bill was then deferred at the request of Senator Holloway.

SR 37 (Sponsored by Senators Cordrey and Adams) was introduced and considered for adoption:

SR 37 - IN REFERENCE TO ELECTION OF STAFF MEMBERS.

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.

The following legislation was introduced:

SB 118 - AN ACT TO AMEND CHAPTER 37, TITLE 31 OF THE DELAWARE CODE RELATING TO LICENSED CLINICAL SOCIAL WORKERS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 119 - AN ACT TO AMEND CHAPTER 22, TITLE 9, DELAWARE CODE, RELATING TO THE COMPUTATION OF SEWER SERVICE CHARGES IN NEW CASTLE COUNTY. Sponsors: Senators Sharp and Kearns. Assigned to Community Affairs Committee.

SJR 13 - REQUESTING THE DELAWARE AGENCY TO REDUCE CRIME TO CONTINUE FUNDING CERTAIN POSITIONS IN THE STATE JUDICIARY, THE ATTORNEY GENERAL'S OFFICE AND THE PUBLIC DEFENDER'S OFFICE DURING FISCAL 1978. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 110 was stricken at the request of Senator Weiss.

The following Committee reports were announced:

From the Public Safety Committee: SB 113 - 6 Merits.

From the Executive Committee: HB 94 w HA 1 - 5 Merits.

From the Agriculture Committee: HB 54 - 5 Merits.

At 5:35 p.m. on motion of Senator Martin, the Senate recessed until 2:00 p.m. March 10, 1977.

The Senate reconvened at 3:07 p.m. March 10, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY

The Senate convened at 3:07 p.m. March 10, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Rev. David W. Stricker.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator Weiss - 1.

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

The Secretary announced that a message from the House informed the Senate that the House had passed SB 27.

The following legislation was introduced:

SB 120 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; AND PROVIDING FOR THE ESTABLISHMENT OF FOREIGN TRADE ZONES. Sponsors: Senators Berndt, Cordrey, Adams; Representative Jonkiert. Assigned to Agriculture Committee.

SA 1 to SB 103 (Sponsored by Senators Cook and Holloway; Representatives Gilligan and Matushefske) was introduced and placed with the Bill.

HB 115 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO EXEMPTING FARM TRUCKS FROM THIS ACT IF EXEMPT FROM MOTOR VEHICLE REGISTRATION. Sponsor: Representative Minner. Assigned to Revenue and Taxation Committee.

HB 181 - AN ACT PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FINANCE, DIVISION OF REVENUE, FOR SEASONAL EMPLOYEES. Sponsors: Representatives Sincock and George. Assigned to Finance Committee.

HCR 9 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION TO PROPOSE AN AMENDMENT TO PROTECT THE LIVES OF THE UNBORN. Sponsors: Representatives Jonkiert, Johnson, Ambrosino, Gilligan, Kelly, Matushefske, Rispoli; Senator Kearns. Assigned to Judiciary Committee.

SR 38 was introduced by Senator Holloway and temporarily laid on the table at his request:

SR 38 - REQUESTING THE GOVERNOR TO SUPPORT IMMEDIATE CONSTRUCTION OF THE FORENSIC SCIENCES LABORATORY.

SR 38 was lifted for consideration on motion of Senator Holloway and the roll call vote taken; however, before the roll call was announced it was laid on the table on motion of Senator Holloway.

SB 121 was introduced by Senator Arnold and assigned to Public Safety Committee:

SB 121 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF A MOTOR VEHICLE DRIVER'S LICENSE.

SR 39 (Sponsored by Senators Holloway, Zimmerman and Berndt) was introduced:

SR 39 - COMMENDING LENA BAYNARD ON SELLING THE MOST GIRL SCOUT COOKIES IN THE STATE OF DELAWARE.

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

SB 122 was introduced by Senator Martin and assigned to Highways and Transportation Committee:

SB 122 - AN ACT TO AMEND CHAPTER 17, TITLE 2, DELAWARE CODE RELATING TO SPECIALIZED TRANSPORTATION AUTHORITY.

At 3:24 p.m. on motion of Senator Martin, the Senate recessed for an hour.

The Senate reconvened at 5:28 p.m., Lt. Governor McGinnis presiding.

The following communication was read and included in this Journal at the request of Senator Cordrey:

SENATE
STATE OF DELAWARE
DOVER

March 10, 1977

TO: All Senators of the 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointment to Council of State Governments

I would like to inform you that I hereby appoint the following to serve on the respective Committees of the Council of State Governments:

CONSUMER PROTECTION: Senator Calvin R. McCullough, Senator Lee Littleton.

CRIMINAL JUSTICE: Senator Francis Kearns, Senator Robert J. Berndt.

ENVIRONMENT: Senator Jacob Zimmerman, Senator Andrew G. Knox.

HUMAN RESOURCES: Senator Herman M. Holloway, Sr., Senator Daniel E. Weiss.

FISCAL AFFAIRS AND GOVERNMENTS OPERATION: Senator Nancy W. Cook, Senator Everette Hale.

TRANSPORTATION: Senator Thomas B. Sharp, Senator John H. Arnold.

* * * * *

On motion of Senator Cordrey, the roll call on HB 123 was lifted and announced:

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

NO: Senator Hale - 1.

NOT VOTING: Senators Sharp and Weiss - 2.

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

On motion of Senator Cicione, the necessary rules were

suspended for the introduction and consideration of HB 181:
HB 181 - AN ACT PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FINANCE, DIVISION OF REVENUE, FOR SEASONAL EMPLOYEES.

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, McDowell, Murphy, Schlor - 16.

NO: Senator Zimmerman - 1.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Holloway, Spence and Weiss - 3.

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

Consideration of HB 16 which was next on the Agenda was deferred at the request of Senator Cicione.

HB 54 was taken up for consideration on motion of Senator Adams:

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.

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

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

ABSENT: Senators McDowell, Spence, Weiss - 3.

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

SB 56 which had failed for passage by the Senate on March 9, 1977 was restored to the Calendar on motion of Senator Sharp and without objection.

HB 94 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 94 w HA 1 - AN ACT AUTHORIZING STANDING COMMITTEES OF THE 129TH GENERAL ASSEMBLY TO EMPLOY PROFESSIONAL STAFF ASSISTANCE SUBJECT TO APPROVAL OF THE LEGISLATIVE COUNCIL AND PROVIDING FUNDS THEREFOR.

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

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

NOT VOTING: Senators Hale, Holloway, Hughes - 3.

ABSENT: Senator Weiss - 1.

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

HB 95 was taken up for consideration on motion of Senator Cicione:

HB 95 - AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE STANTON REORGANIZED SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CURRENT OPERATING ACCOUNT.

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

YES: Senators Adams, Arnold, Cook, Cordrey, Holloway, Hughes, Knox, Martin, McDowell, Murphy, Schlor, Sharp - 12.
NO: Senators Cicione, McCullough, Spence and Zimmerman - 4.
NOT VOTING: Senators Berndt, Hale, Kearns, Littleton - 4.
ABSENT: Senator Weiss - 1.

Therefore, the Bill was declared lost for passage in the Senate since a 3/4 vote was required.

On motion of Senator Holloway, the roll call vote on SR 38 was lifted and revealed:

YES: Senators Cicione, Cook, Cordrey, Hale, Holloway, Littleton, McDowell, Murphy, Sharp, Spence, Zimmerman - 11.

NO: Senators Adams, Arnold, Berndt, Hughes, Kearns, Knox, Martin, Schlor - 8.

ABSENT: Senators McCullough and Weiss - 2.

Therefore, the Resolution was declared adopted.

HCR 9 was reported out of the Judiciary Committee: 3 Merits.

SB 99 was reported out of Banking, Insurance and Elections Committee: 1 Favorable, 5 Merits.

The following report is included in this Journal at the request of Senator Murphy:

COMMITTEE REPORT ON BANKING, INSURANCE & ELECTIONS COMMITTEE REPORT ON SENATE BILLS

The Banking, Insurance & Elections Committee feels that SB 99 accomplishes the following things:

1. It makes the injured party's claim for his loss primary against any proceeds of any liability policy carried by the person at fault. It does not restrict in any way the injured party's right to proceed against any other assets that the person at fault may have, but it does restrict the right of an insurance company to take any action against anything other than what is left over from the liability coverage after the injured party's claim has been settled.

2. It makes the rights of an insurance company and a self insurer the same.

3. It still provides a provision which will not allow a person to collect both Workmans Compensation and payments under the No Fault coverage for the same items, this was in the original law. The No Fault carrier will however pick up those economic losses that a person covered under Workman Compensation has but which are not covered under the Workman Compensation Law.

4. It limits the rights of an insurance company for its subrogation claim to the amount that might be left of the liability limits of the person at fault, after the injured party's claim is settled or resolved.

5. It provides that no insurance company who has a subrogation claim can challenge the amount of settlement that has been made to the injured party. The purpose of this is that there will be cases where the settlement to the injured party may be of such an amount that the insurance companies subrogation claim cannot be paid in part or in full. If they were allowed to challenge this payment it could only be done in court, hence this will eliminate possible litigation. In addition it would be impossible for anyone to say with certainty that a settlement was excessive - there is no magic formula that determines what a person is entitled to for pain and suffering.

6. It provides that all disputes between insurance companies involving subrogation be handled through the Inter Company Arbitration Committee. This will make it compulsory that all Insurance Companies belong to it for cases where the No Fault Law is involved. As stated before the majority of companies are already members, and other States have passed laws which make the same requirements that this does. Self insurers cannot be members of this Inter Company Agreement so a provision was added so that any disputes arising between a self insurer and an Insurance Company will be handled through the Insurance Departments Arbitration Committee which was set up as a part of the original No Fault Law. This will prohibit by law any of the original No Fault Law. This will prohibit by law any company or self insurer from trying to resolve any disputes between them in the courts - it will now be law, not an agreement.

7. It prohibits under any condition a company joining with an injured person, or an injured person joining with a company in any litigation involving the No Fault Law.

8. It provides for the possible case of where a company may reimburse a carrier its subrogation claim at a time when it appears that the case is complete yet because of a possibility of future payments that may have to be made that would exceed the liability limits of that company, then they have a right to be reimbursed for the amount in excess of their limits that they had paid for subrogation.

In short the Bill makes the injured party primary and attempts to eliminate any possible litigation that might arise between insurance companies because of any disputes arising between them. Therefore, we feel that SB 99 has favorable merits.

* * * * *

The report was signed by Senators William M. Murphy, Jr., Chairman; Calvin R. McCullough; Francis J. Kearns; Jacob W. Zimmerman; John H. Arnold; Lee Littleton.

SB 123 was introduced by Senator Schlor and assigned to Community Affairs Committee:

SB 123 - AN ACT TO AMEND CHAPTER 1, PART 1, TITLE 25 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF REAL PROPERTY.

HB 95 which had been defeated for passage in the Senate was restored to the Calendar on motion of Senator Zimmerman and without objection.

The following legislation was introduced:

SB 124 - AN ACT TO AMEND CHAPTER 79, SUBCHAPTER 1, TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A DELAWARE EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 125 - AN ACT TO AMEND CHAPTER 26, TITLE 6, DELAWARE CODE, TO PROHIBIT RETAIL SELLERS OF CIGARETTES FROM SELLING FOR LESS THAN THEY PAID FOR THE CIGARETTES. Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee.

SB 126 - AN ACT TO AMEND SUBCHAPTER VIII, CHAPTER 65, TITLE 11 OF THE DELAWARE CODE TO PROHIBIT INCARCERATION OF BOTH MALE AND FEMALE PERSONS IN A SINGLE BUILDING. Sponsors: Senators Hughes and Sharp. Assigned to Corrections Committee.

SB 127 - AN ACT TO AMEND CHAPTER 51, TITLE 31 OF THE DELAWARE CODE TO PROHIBIT INCARCERATION OF BOTH MALE AND FEMALE JUVENILES IN A SINGLE BUILDING. Sponsors: Senators Hughes and Sharp. Assigned to Corrections Committee.

SCR 16 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO CAREFULLY WEIGH THE IMPACT ON DELAWARE OF ANY LEGISLATION RELATING TO THE FEDERAL CHARTERING OF INSURANCE COMPANIES. Sponsor: Senator Murphy.

On motion of Senator Murphy, the roll call vote on SCR 16 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.

SJR 14 - DIRECTING DELMARVA POWER AND LIGHT COMPANY TO FORMULATE A COMPREHENSIVE ENERGY DISTRIBUTION PLAN, THE OBJECTIVE OF WHICH IS TO MAINTAIN THE HIGHEST AMOUNT OF EMPLOYMENT POSSIBLE IN EVERY TYPE OF ENERGY CRISIS OR EMERGENCY. Sponsor: Senator McDowell.

On motion of Senator McDowell, the necessary rules were suspended for consideration of SJR 14 and the roll call vote taken which revealed 20 Senators voting YES and 1 (Weiss) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SJR 15 - REQUESTING THE GOVERNOR OF DELAWARE AS THE CHAIRMAN OF THE DELAWARE AGENCY TO REDUCE CRIME TO SUBMIT THE DARC COMPREHENSIVE PLAN TO THE 129TH GENERAL ASSEMBLY FOR REVIEW. Sponsor: Senator Kearns. Assigned to Finance Committee.

SA 1 to SR 36 was introduced by Senator Berndt.

Senator Berndt moved that the roll call vote on SR 36 be lifted and the roll call vote on the lifting motion was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cordrey, Hale, Holloway, Kearns, Knox, Littleton, Martin, McDowell, Murphy,

Spence, Zimmerman - 14.

NO: Senators Cook, Schlor and Sharp - 3.

NOT VOTING: Senators Hughes and McCullough - 2.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the motion prevailed and the roll call vote on SR 36 was lifted.

The roll call vote on SR 36 was then stricken on motion of Senator Berndt and without objection.

SA 1 to SR 36 was then taken up for consideration on motion of Senator Berndt and the roll call vote taken which revealed:

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

NO: Senator Sharp - 1.

NOT VOTING: Senator Schlor - 1.

ABSENT: Senators Cicione and Weiss - 2.

Therefore, the Amendment was declared adopted.

On motion of Senator Berndt, the roll call vote on

SR 36 w SA 1 was taken and revealed:

YES: Senators Arnold, Berndt, Hale, Holloway, Kearns, Knox, Martin, McDowell, Murphy, Zimmerman - 10.

NO: Senators Adams, Cicione, Cook, Cordrey, Hughes, Littleton, McCullough, Schlor, Sharp, Spence - 10.

ABSENT: Senator Weiss - 1.

Therefore, the Resolution was declared defeated for passage.

SA 1 to SB 46 was introduced by Senator Kearns and placed with the Bill.

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

GENERAL ASSEMBLY
STATE OF DELAWARE
DOVER
March 10, 1977

TO: Chairman, House Standing Committee
Chairman, Senate Standing Committee

FROM: Representative Orlando J. George, Jr., Chairman,
Joint Finance Committee
Senator Anthony Cicione, Vice-Chairman, Joint Finance
Committee

SUBJECT: Operating Budget for Fiscal Year 1978

The Chairman and Vice-Chairman of the Joint Finance Committee are requesting the respective Standing Committees of each house to meet jointly for the purpose of reviewing the Governor's proposed Fiscal Year 1978 budget (House Bill 33 - with House Amendment 1) for the agency or agencies that fall within the Standing Committee's jurisdiction.

It is further requested that such reviews of the proposed

Fiscal Year 1978 budget be accomplished within the two-week period starting Monday March 14, 1977. Please submit your written report on priorities and impact to Duane O. Olsen, Controller General on or before Friday, March 25, 1977.

Mr. Earl McGinnes, Research Director will be responsible for coordinating and scheduling the Committee meeting rooms during this two-week period. He will make the necessary arrangements for coordination of available staff to the Committees. In order to reduce printing costs, please bring your copy of House Bill No. 33 and House Amendment No. 1 with you to the Committee meeting.

Attached is a copy of a memorandum sent by Representative George to all Departments and agencies requesting their response to 4 basic questions.

As a suggestion, you might consider requesting each Department/Agency to supply you and your committee with their response to this memo.

In addition, you might want to ask the Secretaries and other Department/Agencies heads to discuss changes in the Delaware Code relating to their Department/Agency which might be helpful to them in carrying out their responsibilities.

* * * * *

GENERAL ASSEMBLY
STATE OF DELAWARE
DOVER
January 25, 1977

TO: All Departments and Agencies
FROM: Representative Orlando J. George, Jr.
Chairman, Joint Finance Committee
SUBJECT: OPERATING BUDGET FOR FY 1978

In his message to the Joint Session of the General Assembly on January 13, 1977, Governor Tribbitt explained in some detail the critical fiscal situation facing the State of Delaware. Management must respond with aggressive efforts to pare expenditures to what is absolutely essential. Programs, laws, even State aid must be scrutinized in terms of economy, efficiency and effectiveness.

In order to assist the Joint Finance Committee in their deliberations of the State's operating budget for FY 1978, each Department and Agency is requested to provide information in answer to the following questions on or before (as indicated in 2(b) below) the scheduled date of the public hearing on your budget request:

1. a) What functions and/or programs are the responsibility of the Department/Division?
- b) Are there well-defined measureable objectives?

- c) If the answer to (b) is yes, how well is the Department/Division doing toward reaching its measureable objectives?
 - d) What functions and/or programs are of a lower priority and could be reduced or eliminated?
2. In order to use our time efficiently, the Joint Finance Committee would like all Departments/Agencies who are requesting changes (increases or decreases) in the Governor's proposed budget (House Bill No. 33), to put in writing their requests using the following format:

- a) First, a summary page indicating by line item what the requested change is. For example:

Travel	(\$1,000)*
Capital Outlay	1,200

*() - indicated decrease

This format should be used for each Division within the Department/Agency in which a change by line item is requested. Of course, any typographical errors in House Bill No. 33 can be noted using this format.

A net dollar change for each Division, Office, Bureau, etc., and each Department/Agency should be included.

b) Second, back-up material to support the requested changes. This back-up material should repeat the requested change, and be of such a nature that it reflects only absolutely necessary changes. In addition, priorities must be placed on each requested change within each Department/Agency. Consequences of not making the requested change must be addressed specifically. Twenty (20) copies of a) and b) should be supplied to the Controller General in advance of your scheduled public hearing.

- 3. a) What efforts have been made by the Department or Agency to procure Federal Funds in support of high priority programs thereby reducing or eliminating the need for State funds?
- b) What programs supported wholly, or in part, by Federal funds will be impacted in FY 1978 by the loss of Federal agencies?
- c) What programs have been audited by Federal agencies?
- d) Have all audit recommendations been adopted?
If not, why?
- e) Have any Federal funds been withheld?
- f) Are copies of program audits by the Feds available?
Explain.

4. What services are being performed by State employees that could be performed cheaper on a contract basis? Provide cost-benefit analysis for each such service identified.

The above order of questions will be followed in the public hearings. The Department/Agency should plan their presentation so as to allow time for questions from members of the Joint Finance Committee.

* * * * *

At 7:00 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 8:28 p.m., Senator Sharp presiding.

At 8:30 p.m. on motion of Senator Cordrey, the Senate then recessed to the call of the President Pro Tempore.

2ND EXTRAORDINARY SESSION

Pursuant to the following Proclamation, the Senate convened in Extraordinary Session at 11:07 p.m. March 15, 1977, 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 Tuesday, March 15, 1977, at 1:30 p.m., for the purpose of considering and acting upon House Bill 172, and such further business as may lawfully 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 12th day of March, in the year of our Lord, one thousand nine hundred and seventy-seven, and of the Independence of the United States of America, the two hundred and first.

Pierre S. duPont, IV
Governor
ATTEST:
Glen C. Kenton
Secretary of State

* * * * *

Call of the roll, revealed the following attendance:
PRESENT: Senators Adams, Arnold, Berndt, Cicione, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Martin, McCullough, Murphy, Schlor, Sharp, Spence, Weiss, Zimmerman - 19.

ABSENT: Senators Kearns and McDowell - 2.

At the request of Senator Cicione, the following letter was read and is made part of this Record:

GENERAL ASSEMBLY
STATE OF DELAWARE
DOVER

March 15, 1977

TO: Chairman, House Standing Committee
Chairman, Senate Standing Committee
FROM: Representative Orlando J. George, Jr.
Chairman, Joint Finance Committee
Senator Anthony J. Cicione
Vice Chairman, Joint Finance Committee
SUBJECT: OPERATING BUDGET - FY 1978

In reviewing the FY 1978 proposed operating budget for the Department/Agencies coming within the jurisdiction of the respective Standing Committee, each Standing Committee is urged to examine the sources of revenue collected by the Departments/Agencies. (Please refer to Schedules C-1 and C-1a of the January 1977 Budget and Financial Report, also referred to this year as the "Gold Book".) You may want to consider revising the appropriate statutes to increase revenues to the State. In some instances, there may exist justification to enact new legislation to establish a fee, license, etc.

* * * * *

At 11:14 p.m. on motion of Senator Cordrey, the Senate recessed for half an hour for party caucus and reconvened at 12:09 a.m. March 16, 1977, Lt. Governor McGinnis still presiding.

On motion of Senator Holloway, the Senate recessed at 12:13 a.m. for a short period and reconvened at 1:56 a.m., Lt. Governor McGinnis presiding.

HB 172 was introduced:

HB 172 - AN ACT TO RESCIND THE SALARY SUPPLEMENT FOR STATE EMPLOYEES AUTHORIZED BY TITLE 29, DELAWARE CODE, SECTION 6532, AND SCHEDULED FOR APRIL 1, 1977.

On motion of Senator Cordrey, the necessary rules were suspended for consideration of the Bill and at the request of Senator Cicione, the privilege of the floor was extended to James Stone representing D.S.E.A. to speak on the Bill after which the roll call vote was taken and announced:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Hughes, Knox, Littleton, Spence, Weiss, Zimmerman - 12.

NO: Senators Cicione, Holloway, Martin, Murphy, Schlor, Sharp - 6.

NOT VOTING: Senator McCullough - 1.

ABSENT: Senators Kearns and McDowell - 2.

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

At 2:12 a.m. March 16, 1977, the Second Extraordinary Session was adjourned on motion of Senator Cordrey.

* * * * *

The Senate reconvened at 2:13 p.m. April 5, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY

The Senate convened at 2:15 p.m. April 5, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McDowell - 1.

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 51 and adopted SJR 11; SCR 14 and SCR 15.

HB 40 (Sponsored by Representative Riddagh) was introduced and assigned to Judiciary Committee:

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.

The following Petition was presented to the Chair:

PETITION

WE, THE UNDERSIGNED, MEMBERS OF THE SENATE OF THE 129TH GENERAL ASSEMBLY, HEREBY PETITION THAT HOUSE BILL NO. 60 WITH HA 3, 4, 5, BE RELEASED FROM THE JUDICIARY.

The Petition was signed by Senators John A. Arnold, Robert J. Berndt, Anthony J. Cicione, Richard S. Cordrey, Everette Hale, Charles E. Hughes, Andrew G. Knox, Lee Littleton, Calvin R. McCullough, George F. Schlor, Thomas B. Sharp, Winifred M. Spence.

Pursuant to the above Petition the Chair directed Senator Kearns, Chairman of the Judiciary Committee, to deliver

HB 60 w HA 3, 4, 5 to the Secretary of the Senate.

HJR 7 (Sponsored by Representative Cain) was introduced and assigned to Administrative Services Committee:

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

SB 32 w SA 1 which had previously passed the Senate and returned from the House as further amended by HA 5 and 6 was laid on the table on motion of Senator Murphy.

The following legislation was introduced:

SB 130 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF REVENUE, DEPARTMENT OF FINANCE FOR THE PURPOSE OF INCREASING THE ABILITY OF THE DIVISION TO COLLECT CIGARETTE TAXES. Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee.

SB 128 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE INSURANCE DEPARTMENT FOR THE PURPOSE OF RETAINING PROFESSIONAL ASSISTANCE AND/OR ADVICE WITH RESPECT TO CERTAIN RATE FILINGS MADE BEFORE THE INSURANCE DEPARTMENT. Sponsors: Senators Murphy and Littleton; Representatives Gilligan, George, Powell, Sincock and Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 129 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, TO PROVIDE FOR A DISCOUNT ON GAS USED BY RESIDENTIAL CONSUMERS DURING AN EMERGENCY IN WHICH GAS IS CUT OFF TO INDUSTRIAL AND COMMERCIAL USERS. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 131 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY AND PROVIDING FOR THE FILLING OF JUDICIAL VACANCIES BY A SYSTEM OF APPOINTMENT BY THE GOVERNOR AND SUBSEQUENT RETENTION BY THE ELECTORATE. Sponsors: Senators Spence and Arnold; Representative Riddagh. Assigned to Judiciary Committee.

SB 132 - AN ACT TO AMEND SECTION 1133, SUBCHAPTER III, CHAPTER 11, TITLE 9 OF THE DELAWARE CODE RELATING TO THE OPERATING BUDGET OF NEW CASTLE COUNTY. Sponsor: Senator Spence. Assigned to Community Affairs Committee. At the request of Senator Hale, his name which had originally been given as co-sponsor of the Bill was removed.

The following communication from the Governor was read:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
March 10, 1977

TO THE SENATE OF THE 129TH GENERAL ASSEMBLY
OF THE STATE OF DELAWARE:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Kennedy Ayers, 1322 North Walnut Street, Wilmington, Delaware, to be a member

of the Delaware Alcoholic Beverage Control Commission for the remainder of a term expiring September 29, 1979, succeeding James E. Harris, resigned.

Your consideration of this nomination will be appreciated.

Respectfully submitted,
Pierre S. duPont, IV,
Governor

* * * * *

The letter was assigned to the Executive Committee.

The following legislation was introduced:

SB 133 - AN ACT TO AMEND CHAPTER 1, TITLE 22 OF THE DELAWARE CODE RELATING TO THE REPEAL OF CITY CHARTERS. Sponsors: Senators Spence and Hughes. Assigned to Community Affairs Committee.

SB 134 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE. Sponsor: Senator Cicione. Assigned to Finance Committee.

SB 135 - AN ACT TO AMEND CHAPTER 511, VOLUME 60, LAWS OF DELAWARE, BEING AN ACT ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1977, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS." Sponsors: Senators Cicione and Holloway. Assigned to Finance Committee.

SB 136 - AN ACT TO RESCIND THE SALARY SUPPLEMENT FOR STATE EMPLOYEES AUTHORIZED BY TITLE 29, DELAWARE CODE, SECTION 6532, AND SCHEDULED FOR APRIL 1, 1977. Sponsor: Senator Knox. The Bill was immediately stricken on motion of Senator Knox.

SB 137 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO SATISFY A SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND MANUFACTURERS' LEASE PLANS, INC., A PENNSYLVANIA CORPORATION, IN CONNECTION WITH THE CLAIM OF MANUFACTURERS' LEASE PLANS, INC., FOR CERTAIN SERVICES RENDERED TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR SERVICES UNDER A WRITTEN CONTRACT. Sponsor: Senator Cicione. Assigned to Administrative Services Committee.

SB 138 - AN ACT TO AMEND CHAPTER 80, PART VI, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senators Murphy and Weiss; Representative Worthen. Assigned to Banking, Insurance and Elections Committee.

SB 139 - AN ACT TO REPEAL ALL CHARTERS OF THE CITY OF WILMINGTON AND DIRECT THE DEPARTMENT OF PLANNING OF NEW CASTLE COUNTY TO PROVIDE FOR A NEW METHOD OF GOVERNMENT IN SAID CITY. Sponsor: Senator Arnold. Assigned to Community Affairs Committee.

SB 140 - AN ACT TO AMEND CHAPTER 65 OF TITLE 11, DELAWARE CODE, RELATING TO PRISONS AND PRISONERS AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 141 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE

RELATING TO THE PROHIBITION OF SALES TO CERTAIN PERSONS. Sponsor: Senator Murphy. Assigned to Administrative Services Committee.

SB 142 - AN ACT TO AMEND CHAPTER 1, SUBCHAPTER III, TITLE 26, DELAWARE CODE RELATING TO RATE CHANGES OF PUBLIC UTILITIES. Sponsors: Senator Murphy and Cicione. Assigned to Banking, Insurance and Elections Committee.

SB 143 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 144 - AN ACT TO AMEND SUBCHAPTER V, CHAPTER 40, PART III, OF TITLE 31, DELAWARE CODE RELATING TO THE REQUIREMENT OF SECURITY GUARDS AT ALL PUBLIC HOUSING UNITS IN CERTAIN MUNICIPALITIES. Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SR 40 (Sponsored by Senators Adams and Holloway) was introduced and considered for adoption:

SR 40 - CONGRATULATING MRS. GOLDIE CANNON UPON HER SELECTION BY THE DELAWARE MOTHERS COMMITTEE AS MOTHER OF THE YEAR.

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

SR 41 (Sponsored by Senators Cicione and Hughes) was introduced and considered for adoption:

SR 41 - EXPRESSING SYMPATHY TO THE FAMILY OF THE LATE RITCHIE HOUSTON STATTS, SR.

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

SCR 17 (Sponsored by Senator Zimmerman; Representatives Bennett and Miller) was introduced and considered for adoption:

SCR 17 - EXTENDING CONGRATULATIONS TO THE DOVER HIGH SCHOOL BASKETBALL SQUAD AND THEIR COACH DENNY O'BRIEN UPON REACHING THE STATE FINALS.

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

SJR 16 was introduced by Senator Cicione and laid on the table at his request:

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

HB 78 was reported out of the Natural Resources and Environmental Control Committee: 4 Merits, 1 Unfavorable.

SB 145 was introduced by Senator Holloway and assigned to Administrative Services Committee:

SB 145 - AN ACT TO AMEND CHAPTER 29, TITLE 5, DELAWARE CODE, TO PROVIDE A WARRANTY FOR ALL USED CARS.

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

GENERAL ASSEMBLY
STATE OF DELAWARE
DOVER
April 5, 1977

TO: Members of the General Assembly
FROM: Representative Orlando J. George, Jr.,
Chairman, Joint Finance Committee
Senator Anthony J. Cicone
Vice-Chairman, Joint Finance Committee
SUBJECT: Governor duPont's Educational Budget Proposals

Attached please find a series of three charts dealing with the impact Governor duPont's proposed educational cost transfers will have on local school districts and the tax bills paid by individual taxpayers in each district.

* Table One itemizes the cost to each district in dollar value per classification of cost transfer, i.e., transportation, fringe benefits, Division I, II, and III. It also includes the \$1 million in equalization contingency which partially offsets these transfers.

* Table Two takes the dollar amounts from Table One and converts these into cents of additional tax rate increases which would be required to make up these cost transfers, again by classification of transfer.

* Table Three indicates how much additional tax would have to be paid by persons with homes with assessed valuations of \$10,000, \$20,000, and \$30,000 per school district.

As you know, the Governor has proposed cuts and cost transfers approximating \$37.4 million. Of that figure, \$12.1 million are the education expenditure transfers which are the subject of the charts included herewith. That leaves approximately \$25 million in actual budget cuts, a figure that will approximate our recommendation to the Joint Finance Committee.

Of particular concern, however, and one which must be addressed very shortly, is the actuality of the \$12.1 million in educational pass-backs. The \$12.1 million represents not cuts in costly administration, but primarily elimination of State funding where it can be felt most and do the most damage, in the classroom itself.

In our opinion, responsible action on these cost transfers cannot be taken until we have more information from the Governor with regard to how he feels the school districts should deal with his actions. Is it the Governor's intention that these cost transfers should not be picked up by the school districts and that they should become, in reality, cuts? Is it the Governor's intention, to paraphrase the News-Journal editorial writers, that "the State lower its contribution to public education by \$12.1 million and that local school districts make up much of it through higher property taxes"? Is it the Governor's intention to allow

the taxpayers of each school district to vote on proposed tax increases? What is the effect of 14 Delaware Code Section 1902 (b) on the Governor's education proposal?

In our opinion, we as legislators would be acting in an irresponsible manner were we to act upon his education cost transfer proposals without knowing what the effects of our actions would be. We know the effect would be devastating if the transfers were passed on to the taxpayer in the form of increased property taxes. For example, taxpayers in the Woodbridge School District would be asked to pay 93% more in school taxes for the same services they are receiving today. And as you can see from Table II, this is not a unique situation.

We have written to the Governor requesting that he give us answers to the questions posed in this letter; and we have asked the Governor to respond as soon as possible so that the Committee can consider his answers in dealing with the proposed budget.

* * * * *

At 2:54 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 5:34 p.m., Lt. Governor McGinnis presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 33 and adopted SJR 14.

SB 125 was reported out of the Revenue and Taxation Committee: 3 Merits.

The following legislation was introduced:

SB 146 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF COMPENSATING THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD. Sponsor: Senator Sharp. Assigned to Corrections Committee.

SB 147 - AN ACT TO AMEND CHAPTER 42, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING THE METHOD BY WHICH PERSONS SHALL BE SENTENCED FOR FIRST DEGREE MURDER AND HOW SUCH SENTENCE SHALL BE EXECUTED. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 148 - AN ACT TO AMEND CHAPTER 5 AND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO THE METHOD AND PUNISHMENT FOR MURDER IN THE FIRST DEGREE. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 149 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO SALES OF ALCOHOLIC LIQUORS BY THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION FOR CASH. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

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

Assigned to Public Safety Committee.

SA 1 to SB 113 was introduced by Senator Cicione and placed with the Bill.

HCR 12 (Sponsored by Representative Sincock on behalf of all members of the House) was introduced and laid on the table on motion of Senator Cordrey:

HCR 12 - EXPRESSING THE SYMPATHY OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE FAMILY OF THE LATE WILLIAM V. ROTH, SR.

HCR 13 (Sponsored by Representatives Gordy, Burris, Clendaniel, Lynch, Temple, Vernon, Sincock; Senators Adams, Cordrey, Littleton, Hughes and all the Senators) was introduced and considered for adoption on motion of Senator Adams:

HCR 13 - EXPRESSING THE SYMPATHY OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY TO THE FAMILY OF FORMER INSURANCE COMMISSIONER ROBERT A. SHORT WHO DIED MARCH 29, 1977.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione, Holloway, Martin and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 12 was lifted for consideration on motion of Senator Weiss and all of the Senators were added as co-sponsors. The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cicione) Holloway, Martin and McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 14 (Sponsored by Representative Clendaniel) was introduced and considered for adoption on motion of Senator Adams:

HCR 14 - COMMENDING DELAWARE'S AGRICULTURE INDUSTRY FOR ITS CONTINUING CONTRIBUTIONS TO THE GROWTH OF THE FIRST STATE.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cicione, Holloway and McDowell) ABSENT; therefor, the Resolution was declared adopted by the Senate and returned to the House.

HB 218 (Sponsored by Representatives Minner, Brady, Sincock and Clendaniel) was introduced:

HB 218 - AN ACT TO PROVIDE FUNDS FOR THE DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE DELAWARE AGRICULTURE MUSEUM BY APPROPRIATING AND TRANSFERRING FUNDS FROM THE CAPITAL INVESTMENT FUND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION; AND FURTHER AUTHORIZING AND EMPOWERING THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO LEASE TEN ACRES OF LAND TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION FOR THE SITE OF THE AGRICULTURE MUSEUM; AND FURTHER REPEALING CHAPTER 656, VOLUME 60, LAWS OF DELAWARE.

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

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

NO: Senators Arnold, Hale and Sharp - 3.

ABSENT: Senators Cicione and McDowell - 2.

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

SB 151 (Sponsored by Senators Sharp and Cook) was introduced and assigned to the Corrections Committee:

SB 151 - AN ACT TO AMEND CHAPTER 691, 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"; PROVIDE FUNDS FOR A CENTRAL ADMINISTRATION OFFICE FOR THE DEPARTMENT OF CORRECTIONS; AND FURTHER AUTHORIZING AND APPROVING OF THE TRANSFER OF CERTAIN REAL PROPERTY BY THE SMYRNA SCHOOL DISTRICT TO THE DEPARTMENT OF CORRECTION FOR A CENTRAL ADMINISTRATION OFFICE.

SB 152 (Sponsored by Senator Schlor) was introduced and assigned to Banking, Insurance and Elections Committee:

SB 152 - AN ACT TO AMEND TITLE 15 AND TITLE 30 OF THE DELAWARE CODE RELATING TO ELECTIONS, AND PROVIDING FOR A FAIR CAMPAIGN FINANCING ACT.

The Governor's nomination for appointment of Dr. Patricia C. Schramm was reported out of the Executive Committee:
3 Favorable, 2 Merits.

The nomination was laid on the table on motion of Senator Adams.

Senator Zimmerman moved that the necessary rules be suspended for consideration of HB 78. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Hale, Martin, Spence, Zimmerman - 8.

NO: Senators Cordrey, Knox, Littleton, McCullough, Weiss - 5.

NOT VOTING: Senators Holloway, Hughes, Murphy, Schlor, Sharp - 5.

ABSENT: Senators Cicione, Kearns, McDowell - 3.

Therefore, the motion was declared defeated.

On motion of Senator Adams, the Governor's nomination for appointment of Dr. Patricia C. Schramm was taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Hale, Holloway, Hughes, Knox, Littleton, Schlor, Spence, Weiss, Zimmerman - 14.

NO: Senators Kearns, Martin, McCullough and Sharp - 4.

NOT VOTING: Senator Murphy - 1.

ABSENT: Senators Cicione and McDowell - 2.

Therefore, the appointment was declared confirmed.

The following Bills were reported out of Correction Committee:
SB 98 - 4 Merits; SB 86 - 4 Merits; SB 85 - 4 Merits; SB 84 - 4

Merits; SB 83 - 4 Merits; SB 151 - 1 Favorable, 3 Merits.

The following legislation was introduced:

SB 153 - AN ACT TO AMEND CHAPTER 5 OF TITLE 31 AS IT RELATES TO JURISDICTION. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 154 - AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE RETIREMENT OF CERTAIN STATE EMPLOYEES. Sponsor: Senator Arnold. Assigned to Executive Committee.

SB 155 - AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO SHOT SIZE ALLOWED TO TAKE GAME. Joint Sponsors: Senators Kearns, Zimmerman and Murphy. Assigned to Natural Resources and Environmental Control Committee.

SB 156 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO PERMANENT MOTOR VEHICLE DRIVER'S LICENSES. Sponsor: Senator Arnold. Assigned to Public Safety Committee.

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

SENATE
STATE OF DELAWARE
DOVER

April 5, 1977

TO: All Senators -- 129th General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointment of Nominees to Standing Committees

I would like to appoint the following Senators, as nominees for a two-year term, to the National Conference of State Legislatures Standing Committees:

COMMITTEE ON CRIMINAL JUSTICE AND CONSUMER AFFAIRS -
George Schlor
COMMITTEE ON EDUCATION - Calvin McCullough
COMMITTEE ON ENERGY - Harris McDowell
COMMITTEE ON GOVERNMENT OPERATIONS - Anthony Cicione
COMMITTEE ON HUMAN RESOURCES - Francis Kearns
COMMITTEE ON NATURAL RESOURCES - Jacob Zimmerman
COMMITTEE ON RURAL DEVELOPMENT - Nancy Cook
COMMITTEE ON TRANSPORTATION - Roger Martin
COMMITTEE ON URBAN DEVELOPMENT - Daniel Weiss

* * * * *

SB 146 was reported out of the Corrections Committee: 4 Merits.

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

The Senate reconvened at 2:09 p.m. April 6, 1977, Lt. Governor McGinnis presiding.

The following Bills were reported out of the Banking, Insurance and Elections Committee: SB 10 - 1 Favorable, 4 Merits; SB 11 - 1 Favorable, 2 Merits, 1 Unfavorable.

At 2:10 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY

The Senate convened at 2:10 p.m. April 6, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 15th Legislative Day was approved as read.

The following legislation was introduced:

SB 157 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO THE GENERAL PROVISIONS IN THE COURT OF COMMON PLEAS COVERING THE RIGHT TO TRIAL BY JURY. Sponsors: Senators Sharp and Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 158 - AN ACT TO AMEND CHAPTER 42, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO MINIMUM MANDATORY SENTENCES. Sponsors: Senators Sharp and Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 159 - AN ACT TO AMEND CHAPTER 45, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS BEFORE ANY ALDERMAN OR MAYOR; AND PROVIDING FOR AN ACCUSED'S RIGHT TO ELECTION TO BE TRIED IN THE COURT OF COMMON PLEAS. Sponsors: Senators Sharp and Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 160 - AN ACT TO AMEND CHAPTER 7, PART I, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT. Sponsors: Senators Sharp and Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 113 was taken up for consideration on motion of Senator Cicione:

SB 113 - AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE INSPECTION OF MOTOR VEHICLES; AND PROVIDING FOR INSPECTION FEES.

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

The roll call vote on SB 113 w SA 1 was then taken on motion of Senator Cicione; however, before the roll call was announced it was tabled on further motion of Senator Cicione.

At 3:00 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus.

The Senate reconvened at 4:47 p.m., President pro Tempore Cordrey presiding.

HCR 9 was taken up for consideration on motion of Senator Kearns.

The following communication regarding the Resolution was read into the record at the request of Senator Kearns:

Mr. Chairman and Members of the Committee:

My name is Dan Buckley; I am national Chairman of Americans for a Constitutional Convention; I am a lawyer, admitted to the Bar of the Supreme Court of the United States and the State of New York; I served for ten years, that is until January 3, 1977, as a lawyer in the United States Senate.

There are many areas on the subject of this hearing which I could cover today but I will confine my brief remarks to two areas only: (1) the history of Convention calls; and (2) limitations on a Constitutional Convention once called.

I have heard objections to the call for a Constitutional Convention on the ground that such a call proposes something new, something that has never been tried before, that it is too innovative.

Since 1789, over three hundred petitions have been received from state legislatures requesting Congress to call a Constitutional Convention to propose Amendments to the Constitution. Every state in the Union, at one time or another, has petitioned Congress for a Constitutional Convention. These state applications have covered a wide range of subjects: for example, slavery, deficit spending, busing, prayer in public schools, apportionment of state legislatures and revenue sharing. The pressure generated by numerous petitions for a Constitutional Convention is believed to have motivated Congress to propose the Seventeenth Amendment providing for the direct elections of United States Senators.

The Illinois legislature has sent at least fourteen petitions to the Congress calling for a Constitutional Convention.

The first, in 1861, was general in character; in 1903, 1907 and 1909 direct election of United States Senators; 1911, control of trusts; 1913, prohibition of polygamy; 1943, limitation of Presidential tenure; 1943, limitation of Federal taxing power; 1953 and 1963, Revision of Article V; 1965 and 1967, apportionment of state legislatures; 1965 and 1967 return portions of Federal income taxes to the states.

So, as you can see, there is nothing novel concerning a call for a Constitutional Convention.

The statement is often heard that if successful in our efforts, we could end up a runaway, unlimited Convention which would open a Pandora's Box.

Former United States Senator Sam J. Ervin, Jr., one of our nation's foremost Constitutional authorities, disposed of this argument in an article in the Michigan Law Review when he said:

It has been argued that the subject matter of a convention convened under Article V cannot be limited ... I will concede that such an interpretation can be wrenched from Article V ... but only through a mechanical and literal reading of the words of the article, totally removed from the context of their promulgation and history ... Apart from being inconsistent with the language and history of Article V, the contention that any Constitutional Convention must be a wide open one is neither a practicable nor a desirable one ... the intention of Article V was to place the power of initiation of amendments in the state legislatures. The function of the convention was to provide a mechanism for effectuating this initiative. The role of the states in filing their applications would be to identify the problem or problems that they believed to call for resolution by way of amendment.

Supporting Senator Ervin's position that a Constitutional Convention most certainly would be limited is an excellent report prepared and issued by the Special Constitutional Convention Study Committee of the American Bar Association entitled "Amendment of the Constitution by the Convention Method Under Article V."

The American Bar Association Committee said:

... Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject matter on which the legislatures of two-thirds of the states request a convention.

... Congress has the power to establish procedures which would limit a convention's authority to a particular subject matter where the legislatures of two-thirds of the states seek a convention limited to that subject.

Both pre-1787 convention practices and the general tenor of the amending provisions of the first state constitutions lend support to the conclusion that a convention could be convened for a particular purpose and that, once convened, it would have no authority to exceed that purpose.

Since Article V specifically and exclusively vests the state legislatures with the authority to apply for a convention, we can perceive no sound reason as to why they cannot invoke limitations in exercising that authority. Central to any discussion of the convention method of initiating amendments is whether a convention convened under Article V can be limited in its authority. There is the view, with which we disagree, that an Article V convention would be a sovereign assemblage and could not be restricted by either the state legislatures or the Congress in its authority or proposals. And there is the view, with which we agree, that Congress has the power to establish procedures which

would limit a convention's authority to a specific subject matter where the legislatures of two-thirds of the states seek a convention limited to that subject.

... We believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government ... (Emphasis added.)

In any event, we must constantly keep in mind this fact: no matter what a Constitutional Convention proposes by way of amendment, it must subsequently be ratified by seventy-six state legislative bodies, or the legislative bodies, or the legislatures of thirty-eight states.

We cannot conceive of a Constitutional Convention proposing for ratification to the states the obliteration of the Bill of Rights or any other provision to the Constitution detrimental to our freedom.

* * * * *

At the request of Senator Kearns, the privilege of the floor was extended to John P. Mackey, Esq. representing the Ad Hoc Committee in Defense of Life, Inc. to speak on the Resolution after which the roll call vote was taken. Before the roll call vote on HCR 9 was announced, it was tabled on motion of Senator Kearns and without objection.

HB 78 was taken up for consideration on motion of Senator Zimmerman:

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.

At the request of Senator Zimmerman, the privilege of the floor was extended to Rea Wilkie representing the Delaware Natural Resources and Environmental Control Department to speak on the Bill.

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

HB 60 w HA 3, 4, 5 was taken up for consideration on motion of Senator Sharp:

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.

Senator Hale moved that the Bill be returned to the House since a Fiscal Note was not attached.

Senator Schlor moved that Senator Hale's motion be tabled and the roll call vote on the tabling motion was taken and revealed:

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hughes, Martin, Schlor, Sharp, Spence - 10.

NO: Senators Berndt, Hale, Holloway, Kearns, Knox, Littleton, McCullough, McDowell, Murphy, Weiss, Zimmerman - 11.
Therefore, the motion was defeated and Senator Hale's motion was still before the Senate.

Senator Hale yielded the floor to the Senate Attorney, Harry Terry, to answer questions concerning the matter after which the roll call vote was taken on the motion to return the Bill to the House. The roll call vote revealed:

YES: Senators Berndt, Hale, Holloway, Hughes, Kearns, Knox, Littleton, McCullough, McDowell, Weiss, Zimmerman - 11.

NO: Senators Adams, Arnold, Cicione, Cook, Cordrey, Martin, Murphy, Schlor, Sharp, Spence - 10.

Therefore, the motion prevailed and the Bill was ordered returned to the House together with the following letter:

SENATE
STATE OF DELAWARE
DOVER

April 6, 1977
Representative Kenneth Boulden
Speaker of the House
Dover, Delaware
Dear Mr. Speaker,

I am returning herewith House Bill No. 60 with House Amendments Nos. 3, 4, and 5, requested by a vote of the State Senate.

It is being returned for proper consideration and fiscal note.

Sincerely,
Richard S. Cordrey,
President Pro Tempore

* * * * *

On motion of Senator Cicione, the roll call vote on SB 113 w SA 1 was lifted and announced:

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

NO: Senators Arnold, Berndt, Hale, Knox, Spence, Weiss, Zimmerman - 7.

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

At 6:03 p.m. on motion of Senator Martin, the Senate recessed until April 7, 1977 at 1:30 p.m.

The Senate reconvened at 2:15 p.m. April 7, 1977, Lt. Governor McGinnis presiding.

SB 124 was reported out of the Executive Committee - 6 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 95 w HA 1 and adopted SCR 17.

Legislative Advisories Nos. 5 and 6 received from the Office of the Counsel to the Governor informed the Senate that the Governor approved SB 24 on April 6, 1977; SB 27 on April 17, 1977; SB 51 and SJR 11 on April 22, 1977.

The following legislation was introduced:

SB 161 - AN ACT TO AMEND CHAPTER 53, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO ELECTION BY ACCUSED TO HAVE CERTAIN CASES TRIED IN THE COURT OF COMMON PLEAS WHEN PROCEEDINGS ARE ORIGINALLY BROUGHT BEFORE JUSTICES OF THE PEACE, OR ANY ALDERMAN OR MAYOR OF ANY INCORPORATED CITY OR TOWN. Sponsors: Senators Sharp, Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 162 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 45, PART III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE RIGHT TO TRIAL BY PETIT JURY IN CRIMINAL CASES. Sponsors: Senators Sharp and Kearns; Representative Darling. Assigned to Judiciary Committee.

SB 163 - AN ACT TO AMEND CHAPTER 91, TITLE 29, DELAWARE CODE, BY ESTABLISHING A TRANSPORTATION PRIORITY PLANNING SYSTEM AND BY AMENDING CHAPTER 84, TITLE 29, DELAWARE CODE TO MODIFY THE FUNCTIONS OF THE COUNCIL ON TRANSPORTATION AND BY AMENDING CHAPTER 74, TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A PRIORITY SYSTEM FOR TRANSPORTATION CAPITAL IMPROVEMENTS PROGRAM. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 164 - AN ACT TO AMEND CHAPTER 5 OF TITLE 31, DELAWARE CODE RELATING TO JURISDICTION OF FRAUDULENT ACTS. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SB 153 was stricken from the Calendar on motion of Senator Kearns.

SR 42 (Sponsored by Senators Berndt, Kearns, Holloway, Knox and Hale) was introduced and considered for adoption:

SR 42 - ESTABLISHING A CAPITAL PUNISHMENT STUDY COMMISSION.

Debate on the Resolution was briefly interrupted to allow students of Vocational-Technical Schools of the State to present Easter Lilies to each of the Senators.

SR 42 was taken up again for consideration and the roll call vote taken which revealed:

YES: Senators Berndt, Hale, Holloway, Kearns, Knox, McDowell, Murphy, Weiss, Zimmerman - 9.

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

NOT VOTING: Senator McCullough - 1.

Therefore, the Resolution was declared lost.

The following legislation was reported out of Committee:

From the Judiciary Committee: SB 28 - 1 Favorable, 1 Merits, 3 Unfavorable; SB 148 - 3 Merits, 1 Unfavorable; SB 147 - 3 Merits, 1 Unfavorable; SB 61 - 3 Merits, 1 Unfavorable.

From the Natural Resources and Environmental Control Committee: SB 102 - 6 Merits; SB 155 - 2 Favorable, 2 Merits.

From the Finance Committee: HB 11 - 5 Merits, 1 Unfavorable.

From the Health and Social Services Committee: SB 114 - 4 Merits.

SR 43 was introduced by Senator Littleton and considered for adoption:

SR 43 - EXTENDING CONGRATULATIONS TO GENERAL RICHARD H. ELLIS, A NATIVE OF LAUREL, DELAWARE ON HIS RECENT APPOINTMENT BY PRESIDENT CARTER AS COMMANDER OF THE STRATEGIC AIR COMMAND. (SAC).

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

SCR 18 (Sponsored by Senator Weiss; Representatives Smith and Ridings) was introduced and considered for adoption:

SCR 18 - CONGRATULATING BRANDYWINE HIGH SCHOOL WINNERS IN THE TWENTY-FIRST ANNUAL DELAWARE STATE D.E.C.A. LEADERSHIP CONFERENCE.

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

At 3:05 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY

The Senate convened at 3:05 p.m. April 7, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The Journal of the 16th Day was approved as read.

SA 1, SA 2 and SA 3 to SB 28 were introduced by Senator Sharp and placed with the Bill.

SB 32 w SA 1 which had previously passed the Senate was taken up for reconsideration on motion of Senator Murphy as now further amended by HA 5, 6. The roll call vote on SB 32 w SA 1, HA 5, 6 was therefore taken and revealed:

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

NOT VOTING: Senators Holloway and McDowell - 2.

Therefore, the Bill was declared passed by the Senate.

SB 151 was taken up for consideration on motion of Senator Sharp:

SB 151 - AN ACT TO AMEND CHAPTER 691, 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"; PROVIDE FUNDS FOR A CENTRAL ADMINISTRATION OFFICE FOR THE DEPARTMENT OF CORRECTION; AND FURTHER AUTHORIZING AND APPROVING OF THE TRANSFER OF CERTAIN REAL PROPERTY BY THE SMYRNA SCHOOL DISTRICT TO THE DEPARTMENT OF CORRECTION FOR A CENTRAL ADMINISTRATION OFFICE.

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 146 was taken up for consideration on motion of Senator Sharp:

SB 146 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF COMPENSATING THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD.

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 ordered to the House for consideration.

SB 10 was taken up for consideration on motion of Senator Murphy:

SB 10 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE RELATING TO REQUIREMENTS FOR VARIOUS INSURANCE LICENSES TO TRANSACT INSURANCE IN DELAWARE.

The following communication in reference to the Bill was read into the record at the request of Senator Murphy:

DELAWARE INSURANCE GROUP INC.
WILMINGTON, DELAWARE
June 11, 1976

Senator William M. Murphy, Jr.
Legislative Hall
Dover, Delaware

Re: Senate Bill 754

Dear Senator Murphy:

It has come to my attention that Senate Bill 754, which would require an individual to have a license to sell insurance in the State of Delaware, has been tabled.

With respect to Senate Bill 754, it is my opinion that this is a good Bill and, if at all possible, would like to see it pass into law. The Bill protects the duly licensed insurance agent in this state and I feel it is necessary that the people that are properly licensed and pay for their licenses be protected.

If I can supply any further information for you on this subject or be of any assistance in pushing the passage of this Bill, please do not hesitate to contact me.

Very truly yours,
Peter W. Kleinhomer, III
143.

The privilege of the floor was extended to Stanley R. Habiger in regards to the Bill at the request of Senator Murphy after which final consideration of the Bill was deferred on motion of Senator Murphy.

SB 124 was taken up for consideration on motion of Senator Holloway:

SB 124 - AN ACT TO AMEND CHAPTER 79, SUBCHAPTER 1, TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A DELAWARE EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL.

The privilege of the floor was extended to Charles E. Nabb, Division of Public Health, to speak on the Bill at the request of Senator Holloway after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:37 p.m. on motion of Senator Martin, the Senate recessed for Party Caucus and reconvened at 5:50 p.m., Lt. Governor McGinnis still presiding.

The following legislation was introduced:

HB 177 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE TO REMOVE THE REQUIREMENT FOR SEPARATE SCHOOLS FOR WHITE AND BLACK CHILDREN. Sponsor: Representative Plant. Assigned to Judiciary Committee.

HCR 15 - REQUESTING ALL DEPARTMENTS, AGENCIES, BOARDS, COMMISSIONS AND AUTHORITIES WHO RECEIVE PUBLIC FUNDS TO CONSERVE PAPER BY PRINTING BACK TO BACK. Sponsor: Representative Bennett. Laid on the table on motion of Senator Kearns.

SB 95 was returned from the House as further amended by HA 1 and laid on the table on motion of Senator Cordrey.

HB 70 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO SHOPLIFTING. Sponsor: Representative Gilligan. Assigned to Judiciary Committee.

HB 76 - AN ACT TO AMEND CHAPTER 29, TITLE 5, OF THE DELAWARE CODE RELATING TO THE FINANCING OF THE SALE OF MOTOR VEHICLES. Sponsors: Representatives Gordy and Jonkiert.

The Bill was assigned to the Public Safety Committee by the Chair; however, Senator Murphy moved that it be placed instead in the Banking, Insurance and Elections Committee. The roll call vote was taken on the motion and revealed:

YES: Senators Murphy and Zimmerman - 2.

NO: Senators Adams, Cook, Cordrey, Hale, Knox, Littleton, Martin, Spence - 8.

NOT VOTING: Senators Arnold, Berndt, Cicione, Holloway, Hughes, Kearns, McCullough, McDowell, Schlör, Sharp, Weiss - 11.

Therefore, the motion was defeated and HB 76 remained in the Public Safety Committee.

The following legislation was reported out of Committee:

From the Community Affairs Committee: SB 119 - 6 Merits.

From the Administrative Services Committee: HJR 7 - 5 Merits.

SB 166 was introduced by Senator Kearns and assigned to Administrative Services Committee:

SB 166 - AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE, TO INCLUDE MASSEURS IN THE DEFINITION OF COSMETOLOGISTS.

SCR 19 (Sponsored by Senator Cook and all the Senators; Representatives Darling and Morris) was introduced and considered for adoption on motion of Senator Cook:

SCR 19 - EXPRESSING THE SYMPATHY OF THE 129TH GENERAL ASSEMBLY TO THE FAMILY OF LEON E. DONOVAN OF HARRINGTON, A FORMER MEMBER OF BOTH THE HOUSE AND THE SENATE, WHO DIED APRIL 6, 1977.

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

SJR 17 - REQUESTING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF OFFERING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES ABOLISHING THE ELECTORAL COLLEGE. Sponsor: Senator Kearns. Assigned to Judiciary Committee.

SCR 20 (Sponsored by Senator Zimmerman) was introduced and laid on the table on motion of Senator Kearns in the absence of the sponsor:

SCR 20 - EXPRESSING THE APPRECIATION OF THE 129TH GENERAL ASSEMBLY TO THE DELAWARE VOCATIONAL STUDENT ORGANIZATIONS AND THE STUDENTS OF DELCASTLE TECHNICAL HIGH SCHOOL FOR EASTER LILIES PRESENTED TO MEMBERS.

SB 165 - AN ACT TO AMEND CHAPTER 6, TITLE 24 OF THE DELAWARE CODE RELATING TO COSMETOLOGISTS. Sponsor: Senator McCullough. Assigned to Administrative Services Committee.

SB 167 - AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE USE OF STATE-OWNED VEHICLES. Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 168 - AN ACT AMENDING TITLE 24 OF THE DELAWARE CODE BY PROVIDING A NEW CHAPTER RELATING TO PROFESSIONS AND OCCUPATIONS WHICH SHALL REGULATE THE BUSINESS OF MOTOR VEHICLE REPAIR. Sponsor: Senator Holloway. Assigned to Administrative Services Committee.

SB 145 was stricken on motion of Senator Holloway.

SB 78 was taken up for consideration on motion of Senator Cicione:

SB 78 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE TRANSPORTATION REIMBURSEMENT OF PUPILS ATTENDING NON-PUBLIC AND NON-PROFIT SCHOOLS.

At the request of Senator Cicione, the privilege of the floor was extended to Leon Hart, Department of Public Instruction, to speak on the Bill after which the roll call vote was taken and revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senator Adams - 1.

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

SCR 20 was lifted from the table for consideration on motion of Senator Zimmerman and the Lt. Governor 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.

SB 95 which had previously passed the Senate was taken up for reconsideration on motion of Senator Cordrey as now further amended by HA 1. The roll call vote on SB 95 w HA 1 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate.

SCR 21 (Sponsored by Senators Arnold and Sharp; Representatives Roy and Powell) was introduced and considered for adoption on motion of Senator Arnold:

SCR 21 - COMMENDING THE JOHN DICKINSON HIGH SCHOOL COLOR GUARD AND TWIRLERS, RECENT CHAMPIONS OF THE CAVALCADE INDOOR DRILL ASSOCIATION.

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

At 6:32 p.m. April 7, 1977, on motion of Senator Martin, the Senate recessed until 1:30 p.m. April 19, 1977.

The Senate reconvened at 2:25 p.m. April 19, 1977, Lt. Governor McGinnis presiding.

On motion of Senator Cordrey, the Senate immediately adjourned to convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY

The Senate convened at 2:25 p.m. April 19, 1977, Lt. Governor McGinnis presiding.

A Prayer was offered by Senator Littleton.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senator McCullough - 1.

The Journal of the 17th Legislative Day was approved as read.

The Secretary announced that a message from the House informed the Senate that it had passed SB 78 and SB 47 and adopted SCR 19; SCR 21; SCR 18 and SJR 3.

The following legislation was introduced:

SB 169 - AN ACT TO AMEND CHAPTER 95, PART IX, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ACQUISITION OF REAL PROPERTY BY THE STATE OF DELAWARE OR AGENCIES THEREOF.

Sponsor: Senator Cicione. Assigned to Executive Committee.

SB 170 - AN ACT TO AMEND §5532, TITLE 29, DELAWARE CODE, RELATING TO "INCREASES IN PENSIONS." Sponsor: Senator Cook. Assigned to Executive Committee.

SB 171 - AN ACT TO AMEND CHAPTER 74, TITLE 3, DELAWARE CODE, RELATING TO THE DIAGNOSIS AND TESTING EXPENSES OF THE EQUINE INFECTIOUS ANEMIA PROGRAM. Sponsor: Senator Adams. Assigned to Agriculture Committee.

SB 172 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE TREASURER FOR REVENUE REFUNDS. Sponsor: Senator Cicione; Representatives Gilligan, Maxwell, Kelly and Bryd.

On motion of Senator Cicione, the necessary rules were suspended for consideration of the Bill and the privilege of the floor extended to Tom Carper, State Treasurer, to speak on the Bill.

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

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

ABSENT: Senator McCullough - 1.

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

SR 44 (Sponsored by Senator Holloway) was introduced and considered for adoption:

SR 44 - REQUESTING THE GOVERNOR TO ISSUE AN EXECUTIVE ORDER RENEWING EARLIER EXECUTIVE ORDERS ENCOURAGING THE EMPLOYMENT OF HANDICAPPED PERSONS IN THE PRIVATE AND PUBLIC SECTORS.

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

SR 45 (Sponsored by Senator Holloway and all the Senators) was introduced and considered for adoption:

SR 45 - EXPRESSING THE SORROW OF THE MEMBERS OF THE 129TH GENERAL ASSEMBLY AT THE DEATH ON APRIL 14, 1977, OF FORMER WILMINGTON MAYOR AND MUNICIPAL COURT JUDGE THOMAS HERLIHY, JR.

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

SR 46 (Sponsored by Senators Cordrey, Zimmerman, Martin, Kearns, Adams, Sharp, Schlor, McDowell, Cicione, Cook, Murphy, Holloway, McCullough) was introduced and considered for adoption:

SR 46 - EXPRESSING BEST WISHES AND A SPEEDY RECOVERY TO JACK RUSSELL, ADMINISTRATIVE ASSISTANT TO THE SENATE MAJORITY.

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

SA 1 to SB 168 (Sponsored by Senator Holloway) was introduced and placed with the Bill.

SB 28 was taken up for consideration on motion of Senator Sharp:

SB 28 - AN ACT TO AMEND CHAPTER 42 OF TITLE 11, DELAWARE CODE, RELATING TO THE METHOD, PUNISHMENT, AND REVIEW OF PUNISHMENT FOR FIRST DEGREE MURDER.

SA 4 to the Bill was introduced by Senator Kearns and placed with the Bill.

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

YES: Senators Adams, Arnold, Cicione, Cook, Cordrey, Hale, Hughes, Kearns, Knox, Littleton, Martin, Murphy, Schlör, Sharp, Weiss - 15.

NO: Senators Berndt, Holloway and Spence - 3.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators McCullough and Zimmerman - 2.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp at whose request the privilege of the floor was extended to George H. Seitz, III, and Charles M. Oberly, III, to speak on the Amendment. The roll call vote was then taken and revealed:

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

NO: Senators Berndt, Holloway, Kearns, Knox, McDowell, Weiss, Zimmerman - 7.

ABSENT: Senator McCullough - 1.

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 Sharp and the privilege of the floor extended to George H. Seitz, III, and Charles M. Oberly, III, to speak on the Amendment. The roll call vote was then taken and revealed:

YES: Senators Berndt, Kearns, Knox - 3.

NO: Senators Adams, Arnold, Cordrey, Hale, Hughes, Littleton, Martin, Murphy, Schlör, Sharp, Spence, Zimmerman - 12.

NOT VOTING: Senators Holloway and Weiss - 2.

ABSENT: Senators Cicione, Cook, McCullough, McDowell - 4.

Therefore, the Amendment was declared lost.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Kearns and the privilege of the floor extended to Mr. Oberly to speak on the Amendment. The roll call vote on the Amendment was taken and revealed:

YES: Senators Berndt, Hale, Kearns, Knox, Zimmerman - 5.

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

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

ABSENT: Senator McCullough - 1.

Therefore, the Amendment was declared lost.

SA 5 to the Bill was introduced by Senator Kearns and placed with the Bill.