



STATE OF DELAWARE



Journal of the STATE SENATE

Session
of the
139th General Assembly

1st Regular Session Convened
Tuesday, January 14, 1997

1st Executive Session called by the Governor
November 26, 1996
Dover, Delaware

~~~~~

1997-1998



# TABLE OF CONTENTS

|                                                                                                          |                  |
|----------------------------------------------------------------------------------------------------------|------------------|
| <b>Membership</b>                                                                                        | <b>ii</b>        |
| <b>Committee Membership</b>                                                                              | <b>iii</b>       |
| <b>Rules of the Senate</b>                                                                               | <b>iv - x</b>    |
| <b>Senate Staff</b>                                                                                      | <b>xi</b>        |
| <b>Legislative Days</b>                                                                                  |                  |
| <b>First Session</b>                                                                                     | <b>xii</b>       |
| <b>Second Session</b>                                                                                    | <b>xiii</b>      |
| <b>Daily Senate Action</b>                                                                               | <b>1 - 392</b>   |
| <b>Legislative Advisories, Communications from the House and Governor while the Senate was in recess</b> | <b>393 - 409</b> |
| <b>Index</b>                                                                                             |                  |
| <b>Senate Bills</b>                                                                                      | <b>410</b>       |
| <b>Senate Resolutions</b>                                                                                | <b>432</b>       |
| <b>Senate Concurrent Resolutions</b>                                                                     | <b>434</b>       |
| <b>Senate Joint Resolutions</b>                                                                          | <b>439</b>       |
| <b>Senate Citations</b>                                                                                  | <b>440</b>       |
| <b>House Bills</b>                                                                                       | <b>506</b>       |
| <b>House Concurrent Resolutions</b>                                                                      | <b>528</b>       |
| <b>House Joint Resolutions</b>                                                                           | <b>534</b>       |
| <b>Governor's Nominations for Appointment</b>                                                            | <b>536</b>       |
| <b>Index of Senate Legislation by Subject</b>                                                            | <b>541</b>       |
| <b>Topics and Issues (Not Related to Specific Legislation)</b>                                           | <b>554</b>       |



# MEMBERSHIP



**MEMBERS - DELAWARE STATE SENATE**

**139TH GENERAL ASSEMBLY**

Lt. Governor Ruth Ann Minner, President of the Senate  
Senator Thomas B. Sharp, President Pro Tempore

**DISTRICT    SENATOR**

|      |                                                                                                                                                                                                                    |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1st  | Harris B. McDowell, III - 2311 Baynard Boulevard, Wilmington, 19802                                                                                                                                                |
| 2nd  | Margaret R. Henry - Elliott Run, 110 West 21st Street, Wilmington, 19802                                                                                                                                           |
| 3rd  | Robert I. Marshall - 601 South duPont Street, Wilmington, 19805                                                                                                                                                    |
| 4th  | Richard A. Hauge - 122 Delview Drive, Wilmington, 19810                                                                                                                                                            |
| 5th  | Myrna L. Bair - 4 Little Leaf Court, Wilmington, 19810                                                                                                                                                             |
| 6th  | Liane M. Sorenson - 417 Snuff Mill Hill, Hockessin, 19707                                                                                                                                                          |
| 7th  | Patricia M. Blevins - 209 Linden Avenue, Elsmere, Wilmington, 19805                                                                                                                                                |
| 8th  | David P. Sokola - 24 Beech Hill Drive, Newark, 19711                                                                                                                                                               |
| 9th  | Thomas B. Sharp - 2226 E. Huntington Drive, Wilmington, 19808                                                                                                                                                      |
| 10th | Steven H. Amick - 449 W. Chestnut Hill Road, Newark, 19713                                                                                                                                                         |
| 11th | Donna Reed - 65 E. Shady Drive, Newark, 19713                                                                                                                                                                      |
| 12th | Robert T. Connor - 18 Crippen Drive, New Castle, 19720<br><b>Robert T. Connor - Deceased - March 7, 1997</b><br>Dorinda A. Connor - 18 Crippen Drive, New Castle, 19720<br><b>Special Election - April 5, 1997</b> |
| 13th | David B. McBride - 21 Andover Court, New Castle, 19720                                                                                                                                                             |
| 14th | James T. Vaughn - 201 Washington Avenue, Clayton, 19938                                                                                                                                                            |
| 15th | Nancy W. Cook - Post Office Box 127, Kenton, 19955                                                                                                                                                                 |
| 16th | Colin R. J. Bonini - 51 Webbs Lane/Apt D-6, Dover, 19901                                                                                                                                                           |
| 17th | John C. Still, III - Post Office Box 311, Dover, 19903-0311                                                                                                                                                        |
| 18th | Robert J. Voshell - 506 Reed Road, Milford, 19963                                                                                                                                                                  |
| 19th | Thurman Adams, Jr. - Post Office Box 367, Bridgeville, 19933                                                                                                                                                       |
| 20th | George H. Bunting, Jr. - Post Office Box 1497, Bethany Beach, 19930                                                                                                                                                |
| 21st | Robert L. Venables, Sr. - 116 Hearn Avenue, Laurel, 19956                                                                                                                                                          |

Majority Leader – Robert J. Voshell  
Majority Whip – Harris B. McDowell  
Minority Leader – Myrna L. Bair  
Minority Whip – Steven H. Amick





# **COMMITTEE MEMBERSHIP**



## SENATE COMMITTEES

### 139TH GENERAL ASSEMBLY

**ADMINISTRATIVE SERVICES** Nancy W. Cook, Chairman, Thurman Adams, Jr., George H. Bunting, Jr., Robert T. Connor, Dorinda A. Connor (as of 4/16/97)

**ADULT & JUVENILE CORRECTIONS** James T. Vaughn, Chairman; Patricia M. Blevins, Nancy W. Cook, Colin R. J. Bonini

**AGRICULTURE** George H. Bunting, Jr., Chairman; Thurman Adams, Jr., Nancy W. Cook, Robert L. Venables, Sr., Donna Reed, John C. Still, III

**BANKING** Thurman Adams, Jr., Chairman; David P. Sokola, Thomas B. Sharp, Liane M. Sorenson

**BOND BILL** Patricia M. Blevins, Chairman; Robert L. Venables, Sr., Nancy W. Cook, David B. McBride, Richard A. Hauge, Robert T. Connor

**CHILDREN, YOUTH & FAMILIES** Harris B. McDowell, III, Chairman; Patricia M. Blevins, Robert I. Marshall, Donna Reed

**COMBAT DRUG ABUSE** Margaret Henry, Chairman; Thomas B. Sharp, Robert I. Marshall, Liane M. Sorenson

**COMMUNITY/COUNTY AFFAIRS** David P. Sokola, Chairman; Robert J. Voshell, Robert L. Venables, Sr., Steven H. Amick

**EDUCATION** David P. Sokola, Chairman; Robert J. Voshell, Patricia M. Blevins, Liane M. Sorenson

**ENERGY & TRANSIT** Harris B. McDowell, III, Chairman; Robert L. Venables, Sr., Nancy W. Cook, Robert T. Connor, Dorinda A. Connor (as of 4/16/97)

**ETHICS** Thomas B. Sharp, Chairman; Robert J. Voshell, Harris B. McDowell, III, Myrna L. Bair, Steven H. Amick

**EXECUTIVE** Thurman Adams, Jr., Chairman; Thomas B. Sharp, Robert J. Voshell, David P. Sokola, Myrna L. Bair, Steven H. Amick

**FINANCE** Nancy W. Cook, Chairman; David B. McBride, James T. Vaughn, Margaret R. Henry, Colin R. J. Bonini, Liane M. Sorenson

**HEALTH & SOCIAL SERVICES** Patricia M. Blevins, Chairman; Harris B. McDowell, III, Margaret R. Henry, Myrna L. Bair

**HIGHWAYS & TRANSPORTATION** Robert J. Voshell, Chairman; James T. Vaughn, David P. Sokola, Nancy W. Cook, Steven H. Amick, Richard A. Hauge

**INSURANCE & ELECTIONS** James T. Vaughn, Chairman; Patricia M. Blevins, Thomas B. Sharp, Colin R. J. Bonini

**JUDICIARY** Thomas B. Sharp, Chairman; Thurman Adams, Jr., James T. Vaughn, Richard A. Hauge

**LABOR & INDUSTRIAL RELATIONS** Robert I. Marshall, Chairman; Thomas B. Sharp, David B. McBride, Robert T. Connor, Dorinda A. Connor (as of 4/16/97)

**LEGISLATIVE COUNCIL** Thomas B. Sharp, Chairman; Robert J. Voshell, Harris McDowell, Myrna L. Bair, Steven H. Amick

**NATURAL RESOURCES & ENVIRONMENTAL CONTROL** David B. McBride, Chairman; Robert L. Venables, Sr., George H. Bunting, Jr., Donna Reed

**PERMANENT RULES** James T. Vaughn, Chairman; Robert J. Voshell, Colin R. J. Bonini

**REVENUE & TAXATION** Robert I. Marshall, Chairman; Nancy W. Cook, Thurman Adams, Jr., John C. Still, III

**SMALL BUSINESS** Robert Venables, Chairman; Robert J. Voshell, Harris McDowell, Donna Reed

**SUNSET** Patricia M. Blevins, Chairman; David P. Sokola, George H. Bunting, Jr., John C. Still, III, Donna Reed

**Jan. 29, 1997 - Sen. Bonini temporarily replaced Sen. Connor on the Bond Bill Committee until Sen. Connor returns.**

**April 16, 1997 - Sen. Bonini has permanently been assigned to the Bond Bill Committee.**



# **RULES OF THE SENATE**



## IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE

### SENATE RESOLUTION NO. 4

BE IT RESOLVED by the Senate of the 139th General Assembly that the following Rules of the Senate be and they hereby are adopted as Rules for the governing of the present session, until further action of the Senate:

Rule            ORDER OF BUSINESS

1.     Calling of the Senate to Order.
2.     Prayer.
3.     Salute to Flag.
4.     Roll Call.
5.     Reading of Journal.
6.     Presentation of petitions, memorials or communications.
7.     Reports from Standing and Special Committees.
8.     Reporting by the Secretary of prior filed bills, resolutions and citations.
9.     Introductions of all other bills and resolutions by members.
10.    Agenda for the day.
11.    Miscellaneous business.

Rule 2.        CONVENING OF SENATE

Unless otherwise ordered by a majority of its members, the Senate will convene Tuesday, Wednesday, Thursday at 2:00 p.m. All proceedings of the Senate shall be public.

Rule 3.        ATTENDANCE OF MEMBERS

(a) Every member shall be in their place at the time to which the Senate stands recessed.

(b) No Senator shall absent themselves from the service of the Senate without notifying the President Pro Tem.

Rule 4.        ROLL CALL; READING OF JOURNAL

Each legislative day and before the Senate proceeds to the consideration of any business, the Secretary shall call the names of the members in alphabetical order, and shall then read the Journal of the preceding legislative day, which shall be approved or corrected by order of the Senate.

Rule 5.        CONTENTS OF JOURNAL

The proceedings of the Senate shall be briefly and accurately stated on the Journal; messages to the Governor in full; the titles of all bills and resolutions; every motion with the name of the member making the same, except motions for adjournment; the names of the members voting on all roll calls.

Rule 6.        PRESENTATION OF PETITIONS, MEMORIAL OR COMMUNICATIONS TO THE SENATE

(a) After the Journal is read, the Presiding Officer shall lay before the Senate communications or messages from the Governor, reports and communications from Departments or State Boards, and other communications addressed to the Senate, and such bills, joint resolutions and other messages from the House of Representatives as may be upon the presiding officer's table, undisposed of.

(b) When petitions, memorials and other papers addressed to the Senate are presented by the President, or a member, the contents thereof shall be briefly stated.

(c) Messages from the Governor or from the House of Representatives may be received at any stage of proceedings with the concurrence of the Presiding Officer, except while the Journal is being read, while a question of order or a motion to adjourn is pending, or while a bill is on the floor.

(d) When a message is brought to the Senate by the Governor or the Governor's messenger, or by a member of the House of Representatives, or any officer thereof, the members of the Senate shall rise upon their feet, if so directed by the Presiding Officer.

Rule 7.        DELIVERY OF MESSAGES FROM THE SENATE;  
DUTIES OF SECRETARY

Messages shall be delivered to the House of Representatives by the Secretary, or by a Senator or other officer of the Senate directed by the Presiding Officer. The Secretary shall certify previous to delivery the determination of the Senate upon all

The Secretary shall certify previous to delivery the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the Governor all resolutions and other communications which may be directed to the Secretary by the Senate.

Rule 8.

PREPARATION OF BILLS AND RESOLUTIONS

(a) No bill or resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be approved by the State Archivist and Director of Legislative Council. At the end of each bill, Joint Resolution or amendments there shall be placed the name of the author and/or Department who was responsible for writing same and a brief synopsis of the intent of the bill. In the lower left hand corner of page one there shall be the initials of the unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill to be reprinted. The change in sponsorship shall be noted in the calendar, on the jacket of the original bill and on the first page of the original bill.

(b) Every bill or resolution introduced in the Senate which establishes and/or creates a committee, commission, task force or similar body, either for a specified period of time or on a permanent statutory basis shall require that the following functional details be incorporated in the bill and/or resolution, if necessary; provided, however, the requirements of subparagraph (4) in drafting legislation affecting the Delaware Code need not be made a part of the Code.

- (1) The date on which the report is due;
- (2) to whom the report is to be presented;
- (3) the appointing authority or authorities;
- (4) the designation of a temporary chairperson to enable the committee to commence its duties.

(c) Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary, shall be introduced with one original and one backed copy. The original shall at all times remain in the custody of the Chairman of the Committee to which it was referred, or of the Secretary of the Senate; and one backed copy shall be delivered to the Legislative Council. In addition, every Senator shall be provided with an unbacked copy of the text of the bill or resolution.

(d) The master used to produce the bill or resolution together with a minimum 160 true copies of the bill or resolution, shall be made available to the Legislative Council immediately after the introduction of a bill.

(e) All bills for the amendment of any statutes contained in the Delaware Code of 1974 shall be made with reference to the statutes or parts of statutes contained in said Code, and shall conform to the arrangement of said Code.

Rule 9.

PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS

(a) Unless the bill or joint resolution has been placed upon a President Pro Tem's pre-filed list, every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

(b) No bill or joint resolution shall be considered on the same day it is reported out of committee, or in the absence of the prime sponsor who introduced it, unless by his or her written consent. After any bill has reached its order of preference on the agenda, it may be deferred twice to the end of the agenda. After it has been deferred twice it must be considered when its order of preference is next reached or removed to the ready list by the Secretary of the Senate. In the event of such removal, no bill shall again be placed on the agenda for the same or the next legislative day.

(c) When considered, each bill or resolution shall be given its final reading by title only unless any member requests a reading in full.

(d) An agenda of bills to be considered on the succeeding legislative day shall be kept by the Secretary of the Senate; and announced at the end of



each calendar day; and published each day and a copy thereof distributed to each member, and any bill placed upon the agenda by any member of the Senate, without otherwise limiting the right of any member to put a bill upon its passage, stand in the same order of preference for consideration by the Senate unless otherwise ordered by it.

(e) Every bill or resolution shall be introduced by a member or group of members or by order of the Senate or by report of a committee. Introduction may be by either of two methods:

A. Filing of Bills and Resolutions with the Secretary of the Senate.

(1) A bill or resolution may be introduced by being filed with the Secretary of the Senate at any time while the General Assembly is meeting.

(2) A bill or resolution that is presented to the Secretary of the Senate while the Senate stands in recess, in adjournment, or is not otherwise meeting, may be given a number, entered upon a docket kept for that purpose.

(3) As soon as may be practicable following the filing of a bill or resolution with the Secretary, unless the bill or resolution was placed upon a President Pro Tem's pre-filed list, the Reading Clerk shall read the bill or resolution number and title of all bills filed with the Secretary and entered upon the docket prior to the convening of the Senate which have not been previously read.

(4) Such reading of the bill or resolution by the Reading Clerk shall constitute the first reading of such bill or resolution.

(5) Upon such first reading, or upon placement upon the President Pro Tem's pre-filed list, copies of the bill, amendments or resolutions shall be distributed as provided in Rule 8.

B. Other Methods of Introduction.

(1) A bill or resolution may also be introduced from the floor while the Senate is in session.

C. President Pro Tem's pre-filed list.

(1) A bill or resolution filed with the Secretary may, in the discretion of the President Pro Tem, be placed upon the "President Pro Tem's pre-filed list" and the bill or resolution shall at such time be assigned to a Committee by the President Pro Tem. Copies of the President Pro Tem's pre-filed list shall be distributed to members prior to its reading by the Reading Clerk. The President Pro Tem's pre-filed list shall be read as soon as practicable by the Reading Clerk.

(f) No bill that has been tabled, shall be lifted from the table for further consideration until such bill is first placed upon the agenda, unless such bill is lifted for further consideration on the same legislative day the bill was tabled.

(g) No Senate Bill returning from the House shall be acted on by the Senate unless the bill is first placed on the agenda.

Rule 10. MOTIONS

(a) All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

(b) Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment or ordering of the yeas and nays.

(c) A motion shall be in order at any time to amend or substitute a title to any bill or resolution only in order to correct typographical errors.

(d) When a question is pending, no motions shall be received but:

To adjourn;

To adjourn to a certain day.

To take a recess;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;

To postpone to a certain day;

To commit;

To amend.

Which several motions shall have precedence as they stand arranged; and the motion to adjourn, to take recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

RULE 11. VOTING

Every bill, amendment, joint resolution, concurrent resolution, or simple resolution shall be decided by a roll call vote and shall require a majority vote of all members elected to the Senate for adoption. The names of the Senators shall be called

alphabetically and each Senator shall without debate answer "Yes" or "No" or "Not Voting"; and no Senator shall be permitted to vote after the roll call shall have been announced by the Secretary, but may change their vote prior to said announcement. No Senator shall be granted privilege of the floor from the time the Secretary has announced the roll call to the time the roll call is declared by the presiding officer of the Senate. Tabling of roll calls is prohibited.

**RULE 12. RECONSIDERATION**

Any motion for reconsideration must be made by a member of the prevailing side within three (3) legislative days of the original action. When a motion for reconsideration is granted, there can be no further consideration until the sponsor or floor manager rescinds the roll call and takes appropriate action.

**RULE 13. PROCEDURE WHEN BILL OR OTHER MATTER SOUGHT TO BE RECONSIDERED HAS BEEN SENT TO THE HOUSE OF REPRESENTATIVES OR TO THE GOVERNOR**

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, or to the Governor, the motion to reconsider shall be accompanied by a motion to request the House or Governor to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

**RULE 14. QUESTION OF ORDER**

A question of order may be raised at any stage of the proceedings, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the decision of the Senate.

**RULE 15. SPECIAL ORDER OF BUSINESS**

Any subject may, without objection by any member elected to the Senate, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate.

**RULE 16. PETITION OUT OF COMMITTEE**

Upon written request signed by the majority of the members elected to the Senate and directed to the Presiding Officer, any bill, joint resolution or other business, which shall have been referred to a committee, shall be reported to the Senate.

**RULE 17. CONDUCT**

(a) When a Senator desires to speak, the Senator shall rise and address the Presiding Officer, and shall not proceed until recognized, and the Presiding Officer shall recognize the Senator who shall first address him or her.

(b) No Senator shall interrupt another in debate without his or her consent, and to obtain such consent the Senator shall first address the Presiding Officer; and no Senator shall speak more than three times upon any one question in debate on the same day without leave of the Senate which shall be determined without debate.

(c) No Senator in debate shall, directly, or indirectly by any form of words, impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

(d) If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the Presiding Officer shall, or any Senator may, call the Senator to order; and when a Senator shall be called to order, the Senator shall sit down and not proceed without leave of the Senate, which, if granted, shall be upon motion that the Senator be allowed to proceed in order, which motion shall be determined without debate.

(e) If any person who is not a member of the Senate shall be granted the privilege of the floor for the purpose of addressing the Senate, such person and the Senate members shall then accord each other the same courtesies and respect that is required among members of the Senate.

(f) Any person in the chamber and/or balcony who is not a member of the Senate and who refuses to salute the American flag at the time such ceremony occurs shall leave the chamber and/or balcony.

**RULE 18. APPOINTMENT OF COMMITTEES**

The President Pro Tempore shall appoint all committees; however, the President Pro Tempore, on at the Pro Tem's own initiative or upon order of the Senate, may appoint special or select committees.

**RULE 19. STANDING COMMITTEE**

The following standing committees shall be appointed, to whom business appropriate to them shall be referred:

Administrative Services  
Adult and Juvenile Corrections  
Agriculture  
Banking  
Bond Bill  
Children, Youth and Their Families  
Committee to Combat Drug Abuse  
Community/County Affairs  
Education  
Energy and Transit  
Ethics  
Executive  
Finance  
Health and Social Services/Aging  
Highways and Transportation  
Insurance and Elections  
Judiciary  
Labor and Industrial Relations  
Natural Resources and Environmental Control  
Public Safety  
Revenue and Taxation  
Small Business  
Sunset

**RULE 20. DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES**

(a) Each bill, resolution or other legislative matter assigned to a standing committee shall pass through deliberative process before being brought to the floor of either House, unless it is sooner petitioned out of committee. Such deliberative process shall include pre-announced meetings whereby the committee receives testimony from the general public, including those affected by the proposed legislation; considers an analysis of the proposed legislation; and by notice to the sponsor, makes time available for each formal sponsor to explain the legislation and answer possible committee questions.

(b) Regular standing committee meetings may be held every Wednesday, while the Senate is in session, between the hours of noon and 3 P.M. The scheduling of the regular meetings shall be coordinated with the Secretary of the Senate. The Chairman of a standing committee may call other meetings as deemed necessary.

(c) The day before a meeting each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting and any other announcements from the committee including the times, places and dates of future meetings.

(d) Minutes shall be taken at each formal standing committee meeting, and the results of any committee votes shall be recorded. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such dissent and the reasons therefor.

(e) A quorum does not have to be present to constitute a committee meeting. Committee members unable to attend pre-announced meetings may subsequently affix their signatures to legislation considered at such meetings.

(f) Nothing in this rule shall preclude the option of a committee chairman to cancel a regular or special meeting or call additional meetings when necessary.

**RULE 21. CONTESTS**

Any contest for a seat in this body shall be referred to the Leadership.

**RULE 22. UNDER THE LEADERSHIP, SUPERVISION OF**

## ATTACHES

The officers, attaches and employees of the Senate shall be under the supervision of the Leadership in the performance of the duties of their respective offices.

### **RULE 23. PRIVILEGE OF THE FLOOR**

(a) No person who is not a member of the Senate shall be granted the privilege of the floor, or be seated, stand or allowed to proceed in that area in front of the rear line of the last row of members' seats from the rostrum, to the left of the right line of the farthest right row of members' seats, as facing the rostrum and to the right of the left line of the farthest left row of members' seats as facing the rostrum, while the Senate is in session except:

The Governor of the State  
The Secretary of the State  
Ex-Governors of the State  
Ex-Lieutenant Governors of the State  
Ex-Members of the General Assembly  
Members of the Congress of the United States  
Ex-Members of the Congress of the United States  
Members of the House of Representatives of the State  
Attorneys, Officers and Employees of the Senate  
Attorneys, Officers and Employees of the House of Representatives of the State  
The staff of Legislative Council

(b) Notwithstanding anything contained in subsection (a) of this Rule, any other person or persons may be granted the privilege of the floor, or of being seated or to stand in front of the rear line of the last row of member seats aforesaid, by and with the consent of this body.

### **RULE 24. CHANGE OR SUSPENSION OF RULES**

Any rules of the Senate may be changed or suspended by approval of a majority of all members elected to the Senate.

### **RULE 25. RULES OF ORDER**

All questions of parliamentary procedure not covered or provided for by the Rules of the Senate or the Constitution of the State of Delaware shall be decided in accordance with Mason's Manual of Legislative Procedure.

### **RULE 26. NEWS MEDIA**

Members of the press, with permission of the President Pro Tempore, may use personal recording devices in the Senate Chamber during live session of that body.

### **RULE 27. TRAVEL BY MEMBERS OF THE SENATE**

Any member of the State Senate who takes an out-of-state trip on official business at taxpayer expense shall upon the Senator's return and at the request of the Senate, give an oral report to the Senate on the extent of the Senator's travel, the nature of the official business and a summary of the convention, conference, seminar, or other proceedings.

### **RULE 28. CONSENT CALENDAR**

(a) Any member of the Senate may propose any Senate Resolution, Senate Concurrent Resolution or House Concurrent Resolution, which ever the case may be, for inclusion on a Consent Calendar for the purpose of a final reading; provided that no amendment to the resolution is proposed.

(b) Any proposal by a member of the Senate for inclusion of a Senate Resolution, Senate Concurrent Resolution, or House Concurrent Resolution on a Consent Calendar shall be made to the Secretary of the Senate.

(c) Upon receipt of a proposal for inclusion the Secretary of the Senate shall prepare the Consent Calendar noting each inclusion thereon and present the Consent Calendar to the membership at an appropriate time during each legislative day.

(d) All resolutions included on the Consent Calendar shall be read and voted on collectively as a single group.

(e) Any resolution may be removed from the Consent Calendar for individual action if objection is made to its inclusion by any member.

### **RULE 29. CITATIONS**

Every member of the Senate shall be granted the privilege to issue citations, in the categories or classifications available, at anytime during his or her tenure;

provided, however, the procedures herein prescribed are adhered to. Citations, unlike resolutions which are highly detailed, invoking the entire Delaware State Senate as a body shall be sequentially numbered by the Secretary of the Senate and made a part of the permanent record of the Senate. Each citation before becoming an official document of the Senate shall be signed by the sponsor and/or sponsors, the President Pro Tempore of the Senate and the Secretary of the Senate. When the Senate is in session pursuant to Article II, Section 4 of the 1897 Constitution, as amended, the President Pro Tempore or their designee shall cause to be read into the permanent record of the Senate, for informational and archival purposes, on one of the three (3) legislative days mentioned in Rule 2, such citations as have been filed with the Secretary of the Senate, by topical notation along with the name of the Chief sponsor thereof. Such citations shall not require an official vote; however, at the time such citations are officially read into the record, any member of the Senate may comment, elaborate or simply expand on the content of the citation. Citations requested and issued by members of the Senate when the Senate stands in recess or adjournment (July 1 - December 31st) shall be administratively managed by the Secretary of the Senate and in the duties of compiling the permanent record of the Senate proceedings (the Senate Journal) shall cause such citations to be made a part of the official proceedings of the Senate.

RULE 30. PROHIBITING SMOKING IN SENATE CHAMBER,  
CAUCUS ROOMS AND GALLERY

No member of the Senate, staff person, member of the press or visitor shall smoke a cigarette, cigar, pipe or other smoking object or equipment in the Senate chamber, caucus rooms and gallery while the Senate is in session.



# **SENATE STAFF**





## SENATE STAFF

### 139<sup>TH</sup> GENERAL ASSEMBLY

Bernard J. Brady – Secretary of the Senate  
Donna Kay Sandstrom – Assistant Secretary of the Senate  
Joy C. Bower – Journal/Calendar Clerk

Jennifer Adams  
Louise C. Allen  
Scotty Wallace Amerine  
Katherine E. Artigliere  
William A. Baker  
Nancy Bastidas  
Madeleine M. Baynard  
Mary Lou Berry  
Tara A. Blakely  
Carl E. Brooks  
Jodi A. Campbell  
Albert C. Clark  
Denise M. Coffman  
Scott M. Collier  
Teresa Marie Collier  
Deirdre L. Comer  
Thomas G. Dickerson  
Betty M. Dickerson  
Jean Ann Diener  
Stephanie Fedena  
Andrew J. Fioravanti  
Kym L. Fisher  
Desiree D. Forbes  
Mary Lou Guyer  
Hector W. Hannam  
Lorielee J. Harrison  
Leigh Ann Harrison  
Betty Ann Havelow  
Mary Ann Hearne  
Harold M. Hilyard  
Sylvia A. Holloway  
Winifred H. Hulme  
Elizabeth M. Hynes

Lisa M. Ingram  
Kathryn E. Keller  
Angela D. Lewis  
Melissa A. Lowman  
Floyd Macklin, Jr.  
Anna Mae Massey  
William J. McCool, Jr.  
Kathaleen McCormick  
Kendall McDowell  
Patricia C. Moore  
Pushkor Mukerji  
James E. Murray  
Valerie Newman  
Nelson L. Quillen  
Jan-Michael W. Reed  
Wilma J. Roberts  
Debra J. Rosengren  
Jennifer C. Sandstrom  
Clarence A. Schwatka, Jr.  
Sharon A. Seifert  
Krista V. Seifert  
George T. Sharp  
Charlotte L. Shirey  
Gregory E. Smith  
Doris Lee Spicer  
Kay B. Stubbs  
Helen Truitt  
Robert H. Turner  
Andrea J. Voras  
Aimee M. Voshell  
Audie M. Wilkins  
John E. Williams, Jr.

#### Administrative Assistants

Christopher A. Bradley  
Richard B. Carter  
George Coyle  
Hannah B. McKinney  
Stephen P. Tanzer  
David E. Wilkins

#### Attorneys

Jeffrey Clark, Esq.  
John H. Cordrey, Esq.  
Richard T. Dillard, Esq.  
Mary Ann Kelly



# **LEGISLATIVE DAYS**



**LEGISLATIVE DAYS**  
**139TH GENERAL ASSEMBLY**  
**FIRST SESSION**

| <b><u>LEGISLATIVE DAY</u></b>                   | <b><u>DATE</u></b> | <b><u>PAGE</u></b> |
|-------------------------------------------------|--------------------|--------------------|
| 1st Executive Session (Kent County Court House) | November 26, 1996  | 1                  |
| 1st                                             | January 14, 1997   | 3                  |
| 2nd                                             | January 15, 1997   | 5                  |
| 3rd (Joint Session)                             | January 16, 1997   | 8                  |
| 4th                                             | January 22, 1997   | 14                 |
| 5th                                             | January 23, 1997   | 17                 |
| 6th (Joint Session)                             | January 28, 1997   | 19                 |
| 7th                                             | January 29, 1997   | 32                 |
| 8th                                             | January 30, 1997   | 35                 |
| 9th                                             | March 18, 1997     | 37                 |
| 10th                                            | March 19, 1997     | 40                 |
| 11th                                            | March 20, 1997     | 41                 |
| 12th                                            | March 25, 1997     | 43                 |
| 13th                                            | March 26, 1997     | 45                 |
| 14th                                            | March 27, 1997     | 48                 |
| 15th                                            | April 15, 1997     | 51                 |
| 16th                                            | April 16, 1997     | 54                 |
| 17th                                            | April 17, 1997     | 59                 |
| 18th                                            | April 22, 1997     | 61                 |
| 19th                                            | April 23, 1997     | 63                 |
| 20th                                            | April 24, 1997     | 64                 |
| 21st                                            | April 29, 1997     | 67                 |
| 22nd                                            | April 30, 1997     | 70                 |
| 23rd                                            | May 01, 1997       | 72                 |
| 24th                                            | May 06, 1997       | 74                 |
| 25th                                            | May 07, 1997       | 78                 |
| 26th                                            | May 08, 1997       | 79                 |
| 27th                                            | May 13, 1997       | 83                 |
| 28th                                            | May 14, 1997       | 85                 |
| 29th                                            | May 15, 1997       | 90                 |
| 30th                                            | June 03, 1997      | 95                 |
| 31st                                            | June 04, 1997      | 100                |
| 32nd (Joint Session)                            | June 05, 1997      | 104                |
| 33rd                                            | June 10, 1997      | 108                |
| 34th                                            | June 11, 1997      | 112                |
| 35th                                            | June 12, 1997      | 116                |
| 36th                                            | June 17, 1997      | 123                |
| 37th                                            | June 18, 1997      | 127                |
| 38th                                            | June 19, 1997      | 133                |
| 39th                                            | June 24, 1997      | 139                |
| 40th                                            | June 25, 1997      | 143                |
| 41st                                            | June 26, 1997      | 154                |
| 42nd                                            | June 30, 1997      | 168                |
| 1st Special Session                             | July 01, 1997      | 178                |
| 2nd Executive Session                           | November 13, 1997  | 182                |

**LEGISLATIVE DAYS**  
**139H GENERAL ASSEMBLY**  
**SECOND SESSION**

| <b><u>LEGISLATIVE DAY</u></b>            | <b><u>DATE</u></b> | <b><u>PAGE</u></b> |
|------------------------------------------|--------------------|--------------------|
| 1st                                      | January 13, 1998   | 184                |
| 2nd                                      | January 14, 1998   | 186                |
| 3rd                                      | January 15, 1998   | 188                |
| 4th                                      | January 20, 1998   | 201                |
| 5th                                      | January 21, 1998   | 202                |
| 6th (Joint Session)                      | January 22, 1998   | 204                |
| 7th                                      | January 27, 1998   | 214                |
| 8th                                      | January 28, 1998   | 217                |
| 9th                                      | January 29, 1998   | 223                |
| 10th                                     | March 17, 1998     | 228                |
| 11th                                     | March 18, 1998     | 229                |
| 12th                                     | March 19, 1998     | 233                |
| 13th                                     | March 24, 1998     | 234                |
| 14th                                     | March 25, 1998     | 239                |
| 15th                                     | March 26, 1998     | 241                |
| 16th                                     | March 31, 1998     | 244                |
| 17th                                     | April 01, 1998     | 246                |
| 18th                                     | April 02, 1998     | 248                |
| 19th                                     | April 07, 1998     | 252                |
| 20th                                     | April 08, 1998     | 254                |
| 21st                                     | April 09, 1998     | 256                |
| 22nd                                     | April 28, 1998     | 259                |
| 23rd                                     | April 29, 1998     | 261                |
| 24th                                     | April 30, 1998     | 266                |
| 25th                                     | May 05, 1998       | 268                |
| 26th                                     | May 06, 1998       | 270                |
| 27th                                     | May 07, 1998       | 274                |
| Joint Session – Visit from the President | May 08, 1998       | 276                |
| 28th                                     | May 12, 1998       | 285                |
| 29th                                     | May 13, 1998       | 288                |
| 30th                                     | May 14, 1998       | 290                |
| 31st                                     | June 02, 1998      | 294                |
| 32nd                                     | June 03, 1998      | 298                |
| 33rd                                     | June 04, 1998      | 302                |
| 34th                                     | June 09, 1998      | 306                |
| 35th                                     | June 10, 1998      | 310                |
| 36th                                     | June 11, 1998      | 314                |
| 37th                                     | June 16, 1998      | 321                |
| 38th                                     | June 17, 1998      | 327                |
| 39th                                     | June 18, 1998      | 333                |
| 40th                                     | June 23, 1998      | 340                |
| 41st                                     | June 24, 1998      | 346                |
| 42nd                                     | June 25, 1998      | 352                |
| 43rd                                     | June 29, 1998      | 360                |
| 44 <sup>th</sup>                         | June 30, 1998      | 372                |
| 2nd Special Session                      | July 01, 1998      | 382                |
| 3 <sup>rd</sup> Executive Session        | October 13, 1998   | 390                |

# **SENATE ACTION**





**1ST EXECUTIVE SPECIAL SESSION  
139TH GENERAL ASSEMBLY  
NOVEMBER 26, 1996**

**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER  
PROCLAMATION**

By virtue of the authority vested in me as Governor of Delaware by Article III, § 16 of the Constitution of the State of Delaware, I, Thomas R. Carper, hereby proclaim an extraordinary session of the Senate on November 26, 1996 for the transaction of executive business including the consideration of the nominations of persons to serve in certain judicial offices and such other business as may come properly before the Senate.

IN WITNESS WHEREOF, I, THOMAS R. CARPER, Governor of the State of Delaware, have set my Hand and caused the Great Seal of said State to be affixed at Wilmington, the 14th day of November the year of our Lord One Thousand Nine Hundred Ninety-Six and of the Independence of the United States of America, the Two Hundred and Twenty-First.

(Signed) Thomas R. Carper, Governor

Attest:

(Signed) Edward J. Freel, Secretary of State

\* \* \*

Pursuant to the above Proclamation, the Senate convened at 3:05 p.m., November 26, 1996, with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

On motion of Senator Sharp, Bernard J. Brady was appointed temporary Secretary of the Senate, Kay Sandstrom was appointed temporary Bill Clerk and Scotty Amerine was appointed temporary Reading Clerk of the Senate. No objection.

A roll call of the hold over Senators was taken and revealed the following attendance:

**PRESENT:** Senators Amick, Bonini, Hauge, Henry, Marshall, Reed, Sorenson, Still, Venables, Voshell - 10.

Lt. Governor Minner appointed Senators Venables and Sorenson to inspect Certificates of Election of the newly elected Senators.

At 3:10 p.m. the Lt. Governor calls a short recess for the purpose of the examination of the Certificates of Election and the Senate reconvened at 3:11 p.m.

Senator Venables reported that the Certificates of Election were examined and found to be in order.

Senator Sharp moved that the reading of one Certificate of Election be considered the reading of all the Certificates. No objection.

Pursuant to the above motion, the Certificate of Election of Senator Adams was read:

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 Ninety-Six for Sussex County, according to the Constitution and Laws of the State of Delaware, Thurman Adams, Jr. was duly elected Senator 19th District, 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 SWAIN LEE and T. HENLEY GRAVES, constituting the Superior Court for 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 7th day of November, A.D. 1996.

(Signed)  
(Signed)

William Swain Lee, Resident Associate Judge  
T. Henley Graves, Associate Judge

\* \* \*

Senator Bonini was marked present.

Lt. Governor Minner announced the Senators-elect to be as follows: from New Castle County: Harris B. McDowell, III, Myrna L. Bair, Patricia M. Blevins, David P. Sokola, Thomas B. Sharp, Robert T. Connor, David Bruce McBride, James T. Vaughn; from Kent County: Nancy W. Cook; from Sussex County: Thurman Adams, Jr., George H. Bunting, Jr.

The Oath of Office was administered to the newly elected members as a group by Lt. Governor Minner.

#### OATH OF OFFICE MEMBER OF THE STATE SENATE:

"I, (Name of Senator), do Proudly swear (or affirm) to carry out the responsibilities of the office of Senator to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear (or affirm) always to place the public interests above any special or personal interests and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and State, so help me God."

\* \* \*

The call of the roll for the Extraordinary Session revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

**SR 1** was introduced and considered for adoption on motion of Senator Voshell.

**SR 1** - IN REFERENCE TO ELECTION OF PRESIDENT PRO TEMPORE. Sponsors: Senators Voshell & McDowell; Senators Adams, Blevins, Bunting, Cook, Henry, Marshall, McBride, Sokola, Vaughn, Venables.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 1** was declared adopted.

Pursuant to the above resolution, the Oath of Office of President Pro Tempore was administered by Lt. Governor Minner:

#### OATH OF OFFICE PRESIDENT PRO TEMPORE OF THE DELAWARE STATE SENATE

"I, Thomas B. Sharp, do Proudly swear (or affirm) to carry out the responsibilities of the office of President Pro Tempore to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear (or affirm) always to place the public interests above any special or personal interests and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and State, so help me God."

(Signed) Thomas B. Sharp, President Pro Tempore

Sworn (or affirmed) and subscribed before me this 26th day of November A.D. 1996

(Signed) Ruth Ann Minner, Lieutenant Governor, State of Delaware

\* \* \*

Senator Sharp made brief comments upon his swearing in as President Pro Tempore.

Senator Sharp announced the Majority Caucus has met and officially elected Senator Robert Voshell as Majority Leader and Senator Harris McDowell as Majority Whip for the First Session of the 139th General Assembly.

Senator Bair announced the Minority Caucus leadership has not been elected as of yet.

On motion of Senator Adams, under the suspension of the necessary rules, the following message from the Governor was read:

STATE OF DELAWARE  
Office of the Governor  
November 26, 1996

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Richard S. Gebelein**, One Rock Manor Avenue, Wilmington, Delaware 19803, to be reappointed as an Associate Judge of Superior Court for a twelve-year term.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Thomas R. Carper, Governor

\* \* \*

On motion of Senator Adams and without objection, the nomination by the Governor was considered:

**Richard S. Gebelein** - 21 Senators voting YES. Appointment confirmed.

Senator Sharp requested the personal privilege of the floor to make comments of appreciation of the effort put forth on behalf of the 1st Executive Special Session.

At 3:32 p.m. on motion of Senator Voshell, the Senate adjourned the 1st Executive Special Session.

1ST LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 14, 1997

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 2:43 p.m. on January 14, 1997 with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20.

**ABSENT:** Senator Connor - 1.

Lt. Governor Minner announced on the Executive Special Session called by the Governor on November 26, 1996, Senators Venables and Sorenson served as a committee to receive and examine the Certificates of Election of the newly elected Senators.

And furthermore, that said Senators found the Certificates to be in order.

The Certificates of Election were as follows:

For New Castle County: Harris B. McDowell, III (1st District), Myrna L. Bair (5th District), Patricia M. Blevins (7th District), David P. Sokola (8th District), Thomas B. Sharp (9th District), Robert T. Connor (12th District), David B. McBride (13th District), James T. Vaughn (14th District).

For Kent County: Nancy W. Cook (15th District).

For Sussex County: Thurman Adams, Jr. (19th District), George H. Bunting, Jr. (20th District).

Also, the reading of one Certificate constituted the reading of all.

The Oath of Office was administered by District Numbers of newly elected Senators.

The Secretary read the journal of the Executive Special Session and was approved as read on motion of Senator Voshell. No objections.

The newly-elected Senators were then sworn into Office in the following order: Senator Harris B. McDowell, III by Judge Bifferato; Senator Myrna L. Bair by Judge Ridgely; Senator Patricia M. Blevins by Judge Poppiti; Senator David P. Sokola by Judge Crowell; Senator Thomas B. Sharp by Lt. Governor Minner; Senator David B. McBride by Judge Bifferato; Senator James T. Vaughn by Judge Hartnett; Senator Nancy W. Cook by Judge Hartnett; Senator Thurman Adams, Jr. by Judge Ellis; Senator George H. Bunting, Jr. by Judge Chandler.

#### OATH OF OFFICE MEMBER OF THE STATE SENATE

"I, (Name), do Proudly swear (or affirm) to carry out the responsibilities of the office of Senator to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear (or affirm) always to place the public interest above any special or personal interests and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and State, so help me God."

\* \* \*

SR 2 was introduced and considered for adoption on motion of Senator Sharp.

SR 2 - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE. Sponsor: Senator Sharp, Voshell & McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, SR 2 was declared adopted.

Senator Sharp announced the Majority Caucus leadership. Senator Robert Voshell as Majority Leader and Senator Harris McDowell as Majority Whip for the First Session of the 139th General Assembly.

Senator Hauge announced the Minority Caucus met and officially elected Senator Myrna Bair as Minority Leader and Senator Steven Amick as Minority Whip.

SR 3 was introduced and considered for adoption on motion of Senator Sharp.

SR 3 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsor: Senators Sharp, Voshell & McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, SR 3 was declared adopted.

Lt. Governor sworn in the Secretary of the Senate, Bernard J. Brady.

#### OATH FOR SECRETARY OF THE SENATE

I, Bernard J. Brady, Secretary of the Senate, do proudly 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) Bernard J. Brady

Sworn to and subscribed before me this 14<sup>th</sup> day of January, 1997, A. D.

(Signed) Ruth Ann Minner, Lieutenant Governor and  
President of the Delaware State Senate

\* \* \*

Senator Sharp introduced and welcomed Tom Gordon, New Castle County Executive, Sherry Freebury, New Castle County CAO, Attorney General, Jane Brady and Mike Harkins, Executive Director of the River and Bay Authority.

At 3:32 p.m. on motion of Senator Voshell the Senate recessed for a reception.

The Senate reconvened at 4:34 p.m. with Lt. Governor Minner presiding.

SR 4 was introduced and considered for adoption on motion of Senator Vaughn.

SR 4 - IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE. Sponsor: Senators Vaughn & Voshell; Senators Adams, Blevins, Bunting, Cook, Marshall, McBride, McDowell, Sharp, Sokola and Venables.

Senator Bair requested delay of action on the resolution.

Senator Sharp commented.

A roll call vote was taken and revealed 13 Senators voting YES, 7 (Amick, Bair, Bonini, Hauge, Reed, Sorenson, Still) NOT VOTING, 1 (Connor) ABSENT; therefore, **SR 4** was declared adopted.

**SJR 1** was introduced and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Sharp.

**SJR 1** - IN REFERENCE TO ELECTION OF OFFICERS. Sponsor: Senators Sharp, Voshell & McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SJR 1** was declared passed the Senate and sent to the House for consideration.

**SR 5** was introduced and considered for adoption on motion of Senator Sharp.

**SR 5** - APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS ORGANIZED. Sponsor: Senators Sharp, Voshell & McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SR 5** was declared adopted.

Pursuant to the above resolution, Lt. Governor Minner appointed Senators Blevins and Bonini to notify the Governor that the Senate is now organized.

**SR 6** was introduced and considered for adoption on motion of Senator Sharp.

**SR 6** - APPOINTING A COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES THAT THE SENATE IS ORGANIZED. Sponsor: Senators Sharp, Voshell & McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SR 6** was declared adopted.

Pursuant to the above resolution, Lt. Governor Minner appointed Senators McBride and Reed to notify the House of Representatives that the Senate is now organized and ready for business.

The Secretary announced a message from the House informing the Senate that it had passed

**HJR 1**.

**HJR 1** was introduced and brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Sharp.

**HJR 1** - IN REFERENCE TO OFFICERS. Sponsor: Representatives Smith & Welch.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **HJR 1** was declared passed the Senate and returned to the House.

At 4:57 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on January 15, 1997.

The Senate reconvened at 4:04 p.m. on January 15, 1997 with Senator Sharp presiding.

**SCR 1** was introduced and considered for adoption on motion of Senator Voshell.

**SCR 1** - PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF ANNOUNCING THE VOTE FOR GOVERNOR AND LT. GOVERNOR OF THE STATE OF DELAWARE. Sponsor: Senators Sharp, Voshell.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Amick, Bair, Connor) ABSENT; therefore, **SCR 1** was declared adopted by the Senate and sent to the House for consideration.

At 4:08 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:52 p.m. with Lt. Governor Minner presiding.

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

**2ND LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 15, 1997**

The Senate convened at 4:50 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Venables.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 15, 1997**

The following legislation was introduced and assigned to committee:

**SB 1** - AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING AND SUBDIVISION IN NEW CASTLE COUNTY. Sponsor: Senator Sharp. To: **Judiciary**.

**SB 2** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUNSETTING OF RECORD MAJOR SUBDIVISION AND LAND DEVELOPMENT PLANS. Sponsor: Senator Sharp. To: **Judiciary**.

**SB 3** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ELECTED OFFICIALS' PENSIONS FOR ELECTED OFFICIALS FIRST ELECTED TO OFFICE AFTER NOVEMBER 5, 1996. Sponsor: Senator Sharp; Senators Voshell, McDowell; Senators Adams, Blevins, Bunting, Cook, Henry, McBride, Sokola, Vaughn, Venables. To: **Executive**.

**SB 4** - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS; AND PERMITTING LEGISLATORS TO WITHDRAW FROM THOSE PROVISIONS IN SAID CHAPTER 55 WHICH RELATE TO LEGISLATIVE PENSIONS. Sponsor: Senator Sharp & Representative Spence; Senator McBride; Representative Gilligan, Van Sant. To: **Executive**.

**SB 5** - AN ACT TO AMEND THE DELAWARE CODE RELATING TO THE ABOLISHMENT OF THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE CREATION OF A STATE DEPARTMENT OF EDUCATION. Sponsor: Senator Bonini. To: **Executive**.

**SB 6** - AN ACT TO AMEND TITLE 10, OF THE DELAWARE CODE RELATING TO CONCURRENT JURISDICTION IN JUSTICE OF THE PEACE COURTS FOR VIOLATIONS OF MUNICIPAL JUVENILE CURFEW ORDINANCES. Sponsor: Senator Voshell and Representative Quillen. To: **Judiciary**.

**SB 7** - AN ACT TO AMEND THE DELAWARE CODE RELATING TO THE ABOLISHMENT OF THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE CREATION OF A STATE DEPARTMENT OF EDUCATION WITH AN ELECTED HEAD. Sponsor: Senator Bonini. To: **Executive**.

**SB 8** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE, RELATING TO THE EXCLUSION OF UNEARNED INCOME AND INDIVIDUAL RETIREMENT ACCOUNT WITHDRAWALS FOR PERSONS 60 YEARS OF AGE OR OLDER. Sponsor: Senator Voshell. To: **Revenue & Taxation**.

**SB 9** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION. Sponsor: Senator Still. To: **Executive**.

**SB 10** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION. Sponsor: Senator Still. To: **Executive**.

**SB 11** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE XV OF THE DELAWARE CONSTITUTION RELATING TO COMPENSATION. 2/3 VOTE. Sponsor: Senator Still. To: **Executive**.

**SB 12** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AND VOLUME 70, CHAPTER 425 OF THE DELAWARE LAWS RELATING TO THE SALARY OF THE GOVERNOR. Sponsor: Senator Sharp & Senator Voshell & Senator Bair; Representative Spence & Representative Smith. To: **Laid on the table**.

**SB 13** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITATION ON AMOUNT OF BONDS THAT MAY BE ISSUED. Sponsor: Senator Venables; Representative Lee. To: **Education**.

**SB 14** - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsor: Senator Voshell and Representative Davis. To: Administrative Services.

**SB 15** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsor: Senator Voshell & Representative Davis. To: Administrative Services.

**SB 16** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ACCOUNTANCY. Sponsor: Senator Blevins & Representative Ulbrich. To: Sunset.

**SB 17** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE. Sponsor: Senator Blevins & Representative Ulbrich. To: Health and Social Services.

**SB 20** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. Sponsor: Senator Blevins and Representative Ulbrich. To: Health and Social Services.

\* \* \*

The Reading Clerk was requested to read the new committee memberships for the 139<sup>th</sup> General Assembly. Copies were available to the Senators.

A copy of this communication is on file for this legislative day. (See Table of Content – Committee Membership)

A communication from the President Pro Tempore was read:

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

January 3, 1997

TO: Senate Members  
139th General Assembly  
FROM: Senator Thomas B. Sharp  
President Pro Tempore  
SUBJECT: Delaware State Clearinghouse Committee

Pursuant to House Bill 640 of the 131st General Assembly, I hereby appoint Senator James T. Vaughn to the Delaware State Clearinghouse Committee.

\* \* \*

A messenger from the Governor was announced and admitted.

**SB 12** was lifted from the table and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Sharp.

**SB 12** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AND VOLUME 70, CHAPTER 425 OF THE DELAWARE LAWS RELATING TO THE SALARY OF THE GOVERNOR.

A roll call vote was taken and revealed 15 Senators voting YES, 5 (Bonini, Bunting, Reed, Vaughn, Venables) NO, 1 (Connor) ABSENT; therefore, **SB 12** was declared passed the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

Senator McBride announced to the Senate that he and Senator Reed informed the House of Representatives that the Senate is organized and ready for business.

At 5:06 p.m. on motion of Senator Voshell, the Senate recessed until January 16, 1997 at 2:00 p.m.

The Senate reconvened at 2:22 p.m. on January 16, 1997 with Lt. Governor Minner presiding.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 1; SJR 1**.

A communication from the Office of the President Pro Tempore was read appointing Senator Thurman Adams, Jr., Chair, Senate Committee, Senator James T. Vaughn and Senator Liane Sorenson to the Delaware Commission on Interstate Cooperation.

At 2:25 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 3rd Legislative Day.

**3RD LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 16, 1997**

The Senate convened at 2:25 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bonini.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

At 2:27 p.m. on motion of Senator Voshell the Senate recessed for the Joint Session.

Senator Sharp reconvened to mark Senator Bair present.

On motion of Senator Sharp the Senate recessed for the Joint Session.

The Senate reconvened at 2:30 p.m. with Lt. Governor Minner presiding.

The Sergeant-at-Arms announced the member of the House of Representatives. They were admitted and seated.

At 2:35 p.m. Senator Voshell moved that the Senate and House convene in Joint Session.

The election results of the Governor and Lt. Governor were read in by county.

Senator Voshell moved that Lt. Governor Minner preside over the Joint Session. No objection.

Senator Voshell moved that the Secretary of the Senate and the Chief Clerk of the House act as secretaries to the Joint Session. No objection.

Lt. Governor Minner announced that under the provisions of Article III of the State Constitution, the election results for Governor and Lt. Governor must be opened and published in the presence of the members of both Houses in Joint Session.

Lt. Governor Minner moved that the Certificates of Elections for Governor and Lt. Governor from the three Counties be therefore read in.

The readings of the Certificates of Elections took place.

The Certificates read as follows:

**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 One Thousand Nine Hundred and Ninety-Six for New Castle County, according to the Constitution and Laws of the State of Delaware, One hundred twenty-nine thousand five hundred and twelve (129,512) votes were given for **(D) Thomas R. Carper** for Governor, Fifty thousand and eighty-one (50,081) votes were given for **(R) Janet C. Rzewnicki** for Governor, 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, HENRY duPONT RIDGELY and VINCENT A. BIFFERATO constituting the Superior Court for 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 8th day of November, A.D. 1996.

(Signed) Henry duPont Ridgely, President Judge  
(Signed) Vincent A. Bifferato, Resident Judge

\* \* \*

**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 One Thousand Nine Hundred and Ninety-Six for New Castle County, according to the Constitution and Laws of the State of Delaware, One-hundred twenty-two thousand and seventy-nine (122,079) votes were given for **(D) Ruth Ann Minner** for Lieutenant Governor, Forty-nine thousand four hundred and sixty-one (49,461) votes were given for **(R) Sherman N. Miller** for Lieutenant Governor, Four thousand two hundred and one (4,201) votes were given for **(L) Danny Ray Beaver** for Lieutenant Governor 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, HENRY duPONT RIDGELY and VINCENT A. BIFFERATO constituting the Superior Court for 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 8th day of November, A.D. 1996.

(Signed) Henry duPont Ridgely, President Judge

(Signed) Vincent A. Bifferato, Resident Judge

\* \* \*

**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 ninety six for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty Four Thousand Nine Hundred and Forty Six (24,946) votes were given for **(D) Thomas R. Carper** for Governor, Fourteen Thousand Five Hundred and Three (14,503) votes were given for **(R) Janet C. Rzewnicki** for Governor 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, N. MAXSON TERRY, JR. and JEROME O. HERLIHY constituting the Superior Court for Kent, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set out hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 7th day of November, A.D. 1996.

(Signed) N. Maxson Terry, Jr., Resident Judge

(Signed) Jerome O. Herlihy, Judge

\* \* \*

**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 ninety-six for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty Seven Thousand Seven Hundred and Eighteen (27,718) votes were given for **(D) Ruth Ann Minner** for Lieutenant Governor, Ten Thousand Five Hundred and Seventy Six (10,576) votes were given for **(R) Sherman N. Miller** for Lieutenant Governor, Six Hundred and Ninety (690) votes were given for **(L) Danny Ray Beaver** for Lieutenant Governor 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, N. MAXSON TERRY, JR. and JEROME O. HERLIHY constituting the Superior Court in Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set out hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 7th day of November, 1996.

(Signed) N. Maxson Terry, Jr., Resident Judge

(Signed) Jerome O. Herlihy, Judge

\* \* \*

**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 Ninety-Six for Sussex County, according to the Constitution and Laws of the State of Delaware, Thirty-three thousand eight hundred forty-two (33,842) votes were given for **(D) Thomas R. Carper** for Governor; Eighteen thousand seventy (18,070) votes were given for **(R) Janet C. Rzewnicki** for Governor 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 SWAIN LEE and T. HENLEY GRAVES constituting the Superior Court for 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 Courthouse in said County, on this 7th day of November, A.D. 1996.

(Signed) William Swain Lee, Resident Associate Judge

(Signed) T. Henley Graves, Associate Judge

\* \* \*

**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 Ninety-Six for Sussex County, according to the Constitution and Laws of the State of Delaware, Thirty-six thousand seven hundred seventy (36,770) votes were given to **(D) Ruth Ann Minner** for Lieutenant Governor, Thirteen thousand eight hundred thirty-three (13,833) votes were given for **(R) Sherman N. Miller** for Lieutenant Governor, Six hundred forty-nine (649) votes were given for **(L) Danny Ray Beaver** for Lieutenant Governor 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 SWAIN LEE and T. HENLEY GRAVES constituting the Superior Court for 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 Courthouse in said County, on this 7th day of November, A.D. 1996.

(Signed) William Swain Lee, Resident Associate Judge

(Signed) T. Henley Graves, Associate Judge

\* \* \*

Senator Voshell moved that the election results for Governor and Lt. Governor as just officially announced be reflected in the Senate record for publication and that the results of the election and the winners as announced by the Reading Clerk constitute compliance with the provisions of Article III of the Delaware Constitution of 1897, as amended. No objection.

Senator Voshell moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals to see if they agree.

The Secretary of the Senate announced that he and Mrs. Hedrick, Chief Clerk of the House, compared their Journals and found them to agree.

At 2:45 p.m. on motion of Senator Voshell and without objection, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

On motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 5:10 p.m. with Lt. Governor Minner presiding.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 16, 1997**

The following letters of nominations from the Governor were assigned to the Executive Committee.

STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Ray K. Woodward**, 4501 Summit Bridge Road, Middletown, Delaware 19709, to be reappointed to the Environmental Appeals Board to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**William L. Witham, Jr.**, 425 Greenhill Road, Dover, Delaware 19901, to be reappointed as a member of the Board of Trustees of the Delaware Technical and Community College to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Grace Pierce-Beck**, 20 Muirfield Court, Dover, Delaware 19901, to be reappointed to the Wastewater Facilities Advisory Council to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly

of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Ronald McCabe**, Route 1, Box 32, Millville, Delaware 19970, to be reappointed to the Solid Waste Authority for a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**M. C. Karia**, 54 Merion Road, Dover, Delaware 19901, to be reappointed to the Wastewater Facilities Advisory Council to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**William C. Pfeifer**, 249 Garrisons Circle, Smyrna, Delaware 19977, to be reappointed to the Board of Parole to serve a four-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Mary Dudek**, 3815 Valleybrook Road, Wilmington, Delaware 19808, to be reappointed as a member of the Board of Trustees of the Delaware Technical and Community College to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Ernst Danneman**, P.O. Box 836, Dover, Delaware 19903-0836, to be reappointed as a member of the Board of Trustees of the University of Delaware for a six-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

A messenger from the Governor was announced and admitted.

A communication from the President Pro Tempore was read for the purpose of the Senate Journal, adding Senator Robert Marshall as a co-sponsor to **SB 3**.

**SCR 2** was introduced and brought before the Senate for consideration on motion of Senator Bair.

**SCR 2** - IN MEMORY OF PAULINE PEPPER STILL, A DEDICATED TEACHER OF THE VISUALLY-IMPAIRED. Sponsor: Senator Bair & Representative Wagner; Senators Adams, Amick, Blevins, Bonini, Bunting, Connor, Cook, Hague, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Vaughn, Venables, Voshell; Representatives Buckworth, Caulk, Quillen, Stone, Welch.

Senator Still commented.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Hauge) ABSENT; therefore, **SCR 2** was declared adopted by the Senate and sent to the House for consideration.

Senator Marshall requested the personal privilege of the floor. No objections.

Senator Marshall commented on the deaths of Bobby Clemente and Jim Holloway. A moment of silence was observed.

Senator Voshell congratulated Lt. Governor Minner for she was going to celebrate her birthday tomorrow and also, congratulated the up coming birthdays of the Governor, Senator Connor and Senator Venables.

**SB 25** was introduced and assigned to the **Children, Youth and their Families** Committee on motion of Senator McDowell.

**SB 25** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DETENTION AND CONFINEMENT OF YOUTH. Sponsor: Senator McDowell and Blevins and Representatives Spence, Van Sant and Capano; Senators Vaughn and Sorenson; Representative Lee.

**SB 14** was stricken on motion of Senator Voshell.

At 5:23 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on January 22, 1997.

The Senate reconvened at 4:14 p.m. on January 22, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Education: **SB 13** - 1 Favorable, 3 Merits.

From Administrative Services: **SB 15** - 3 Merits.

From Sunset: **SB 16** - 5 Merits.

From Children, Youth and their Families: **SB 25** - 3 Favorable.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 2; SB 12.**

At 4:15 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 4th Legislative Day.

**4TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 22, 1997**

The Senate convened at 4:15 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bunting.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 22, 1997**

The following legislation was introduced and assigned to committee:

**SB 21** - AN ACT TO AMEND CHAPTER 101, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATIVE PROCEDURES ACT. Sponsor: Senator Bunting. To: **Administrative Services.**

**SB 22** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. Sponsor: Senators Bunting, Henry, Marshall, Bonini, Hauge, Reed & Still; Representatives Banning, Boulden, Brady, Buckworth, Capano, Carey, Caulk, Cloutier, B. Ennis, Fallon, Gilligan, Houghton, Lofink, Mack, Plant, Reynolds, Ulbrich, Welch, West & Williams. To: **Public Safety.**

**SB 23** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO LEGISLATIVE AUTHORITY; AND PROVIDING FOR INITIATIVE AND REFERENDUM. 2/3 Vote. Sponsor: Senator McBride; Senator Hauge; Representatives Boulden, Welch, & West. To: **Executive.**

**SB 24** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO CONSTITUTIONAL AMENDMENTS; AND PROVIDING THAT CONSTITUTIONAL AMENDMENTS BE RATIFIED AT THE POLLS. 2/3 Vote. Sponsor: Senator McBride. To: **Executive.**

**SB 26** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING. Sponsor: Senator McBride; Representatives Quillen, Caulk & Stone. To: **Corrections.**

**SB 27** - AN ACT TO AMEND VOLUME 70, CHAPTER 473, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1997 BOND AND CAPITAL IMPROVEMENTS ACT, AND AMEND CERTAIN PERTINENT STATUTORY PROVISIONS. 3/4 VOTE. Sponsor: Senator Blevins and Representative Roy. To: **Bond.**

**SB 29** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE, RELATING TO HOME RULE AND FIREARMS. Sponsor: Senators McDowell, Marshall, and Henry; Representatives Plant, Williams, Scott, and Keeley. To: **Executive.**

**SB 30** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. Sponsor: Senators Bunting, Henry, Sokola, Vaughn & Voshell; Representatives Banning, Boulden, Brady, Capano, Carey, Caulk, D. Ennis, Houghton, Plant, Reynolds, Scott, Van Sant, West & Williams. To: **Public Safety.**

**SB 31** - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS. Sponsor: Senator

McBride; Senator Henry; Representatives Houghton, Scott, Spence. To: Administrative Services.

The following nominations were introduced and assigned to the Executive Committee.

STATE OF DELAWARE  
Office of the Governor  
January 16, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Richard S. Cordrey**, Post Office Box 486, Millsboro, Delaware 19966, to be appointed to the Delaware River and Bay Authority to serve a term to expire July 1, 1997.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 16, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Merrill C. Trader**, 20 Sherwood Court, Dover, Delaware 19904, to be reappointed as a Judge of the Court of Common Pleas for Kent County for a twelve-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

At 4:20 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 5:18 p.m. with Lt. Governor Minner presiding.

**SB 13** was brought before the Senate for consideration on motion of Senator Venables.

**SB 13** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITATION ON AMOUNT OF BONDS THAT MAY BE ISSUED.

Senator Venables requested the privilege of the floor for Dr. George Stone, representing Delmar School District.

Several Senators questioned the witness, after which the witness was excused. Senator Venables then requested the privilege of the floor for Michael Ferguson, representing the State Board of Education.

Senator Sokola questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 13** was declared passed the Senate and sent to the House for consideration.

Senator Cook was marked present during the above roll call.

**SCR 4** was introduced and brought before the Senate for consideration on motion of Senator Henry.

**SCR 4** - CREATING A TASK FORCE TO CONDUCT A STUDY AND MAKE RECOMMENDATIONS CONCERNING DELAWARE'S JUVENILE JUSTICE SYSTEM.

Sponsor: Senator Henry & Representative Maier; Senators McDowell & Amick; Representatives Capano & DiPinto.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 4** was declared adopted by the Senate and sent to the House for consideration.

**SCR 3** was introduced and brought before the Senate for consideration on motion of Senator Bair.

**SCR 3 - COMMENDING JUSTICE CAROLYN BERGER OF THE DELAWARE SUPREME COURT, WORTHY RECIPIENT OF THE 1997 TRAILBLAZER AWARD OF THE AGENDA FOR DELAWARE WOMEN.** Sponsor: Senator Bair & Senator Sorenson & Representative Spence & Representative Van Sant; Senators Blevins, Cook, Henry, Sharp, Adams, Vaughn, Voshell, Venables, Marshall, McBride, McDowell, Bunting, Sokola, Amick, Reed, Still, Bonini, Hauge; Representatives Keeley, DiLiberto, Price, Welch, Wagner, Capano, Ulbrich, Maier, Maroney.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 3** was declared adopted by the Senate and sent to the House for consideration.

**SCR 5** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

**SCR 5 - COMMENDING THE MEMBERS, COACHES AND MANAGERS OF THE 1996 MILFORD HIGH SCHOOL BUCCANEERS FIELD HOCKEY TEAM FOR THEIR OUTSTANDING PERFORMANCE IN WINNING THE 1996 DELAWARE STATE FIELD HOCKEY CHAMPIONSHIP.** Sponsor: Senator Voshell; Representative Carey; Senators Adams & Bonini; Representatives Caulk & Ewing.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 5** was declared adopted by the Senate and sent to the House for consideration.

The Secretary announced the agenda for January 23, 1997.

At 6:00 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on January 23, 1997.

The Senate reconvened at 2:22 p.m. on January 23, 1997 with Senator Sharp presiding.

The following committee reports were announced:

From Bond: **SB 27** - 5 Merits.

From Executive: **Richard S. Cordrey** - 6 Favorable; **Merrill C. Trader** - 4 Favorable, 2 Merit.

The Secretary announced a message from the House informing the Senate that it had passed **HB 41; HB 48; HB 1.**

The Secretary announced a message from the Chief Clerk informing the Senate that Representatives Gilligan and Van Sant signed **SB 12** as additional sponsors on January 16, 1997.

At 2:25 p.m. Lt. Governor Minner presiding.

**SCR 6** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

**SCR 6 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF RECEIVING THE ANNUAL STATE OF THE STATE ADDRESS BY THE HONORABLE THOMAS R. CARPER, GOVERNOR OF THE STATE OF DELAWARE.** Sponsor: Senators Sharp, Voshell, McDowell; Representatives Spence, Smith, Welch.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Hauge) ABSENT; therefore, **SCR 6** was declared adopted by the Senate and sent to the House for consideration.

**LEGISLATIVE ADVISORY #1** from the Office of Counsel to the Governor was announced for the permanent record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #1**, dated January 22, 1997, the Governor signed the following legislation on the dates indicated:

**SB #12** (1/18/97) - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AND VOLUME 70, CHAPTER 425 OF THE DELAWARE LAWS RELATING TO THE SALARY OF THE GOVERNOR. (Sponsor: Senator Sharp & Senator Voshell & Senator Bair; Representative Spence & Representative Smith) (Volume 71, Chapter 1, Laws of Delaware.)

**SJR #1** (1/22/97) - IN REFERENCE TO THE ELECTION OF OFFICERS. (Sponsor: Sens. Sharp, Voshell & McDowell)

**HJR #1** (1/22/97) - IN REFERENCE TO OFFICERS. (Sponsor: Reps. Smith & Welch)

**SR 7** was introduced and brought before the Senate for consideration on motion of Senator Amick.



**SR 7** - MOURNING THE LOSS OF ROBERT D. "BOBBY" CLEMENTE, DISTINGUISHED DELAWARE LABOR LEADER. Sponsor: Senators Amick & Reed; All Senators.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SR 7** was declared adopted.

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 5th Legislative Day.

**5TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 23, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Reed.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 23, 1997**

The following legislation was introduced and assigned to committee on January 22, 1997:

**SA 1 to SB 27** - Senator Blevins - Placed with the bill.

The following legislation was introduced and assigned to committee on January 23, 1997:

**SB 32** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO VENDING MACHINES LICENSES AND IDENTIFYING LABELS. Sponsor: Senator Marshall and Representative Capano. To: **Revenue & Taxation**.

**SB 33** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES. Sponsor: Senator Marshall and Representative Capano. To: **Revenue & Taxation**.

**SB 34** - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO MANDATORY ATTENDANCE REQUIREMENTS FOR PUBLIC SCHOOL STUDENTS. Sponsor: Senator Sharp and Representative Spence. To: **Education**.

**SB 35** - AN ACT TO AMEND TITLE 10, SECTION 1041 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE PROCEEDINGS. Sponsor: Senators Blevins, Sorenson and Bonini; Representatives Capano and Welch. To: **Judiciary**.

**SB 36** - AN ACT TO AMEND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE RELATING TO COMPUTATIONS OF JUDICIAL AND STATE EMPLOYEE PENSIONS. Sponsor: Senator Cook, Vaughn, Representatives Davis, Oberle. To: **Finance**.

**HB 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE CREATION OF A SECRETARY OF EDUCATION AND THE POWERS AND DUTIES OF SUCH OFFICER. Sponsor: Representative Smith; Senators Voshell & Bair; Representatives Spence, Welch, Boulden, Capano, Caulk, Cloutier, Davis, DiPinto, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Stone, Ulbrich, Wagner, Gilligan, Van Sant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Price, Schroeder, Williams; Senators Blevins, Bunting, Marshall, McDowell, Sokola, Amick, Hauge, Reed, Sorenson, Still. To: **Executive**.

**HB 41** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF CHAPTER 66, TITLE 16, OF THE DELAWARE CODE RELATING TO THE APPOINTMENT BY THE GOVERNOR OF THE IMMEDIATE PAST PRESIDENT OF THE STATE VOLUNTEER

FIREFIGHTERS' ASSOCIATION TO THE STATE FIRE PREVENTION COMMISSION.  
Sponsor: Representative Gilligan and Representative Spence; Representatives Banning, Brady, Carey, Capano, B. Ennis, Ewing, Keeley, Houghton, Reynolds, Roy, Price, Smith, Ulbrich; Senators Cook, Bunting. To: **Laid on the Table**.

**HB 48** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOOT CAMP INCARCERATION ACT. Sponsor: Representative Lee and Senator Vaughn. To: **Corrections**.

\* \* \*

At 2:34 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:23 p.m. with Lt. Governor Minner presiding.

Senator Voshell requested the privilege of the floor for Richard McCarty, representing the American Heart Association of Delaware.

Mr. McCarty made comments regarding the National Heart Month in February, after which the witness was excused.

Senator Reed commented.

**SR 8** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

**SR 8** - MARKING THE OBSERVANCE OF THE MONTH OF FEBRUARY, 1997, AS HEART MONTH IN DELAWARE AND COMMENDING THE DELAWARE AFFILIATE OF THE AMERICAN HEART ASSOCIATION FOR ITS EFFORTS. Sponsor: Senator Voshell; All Senators.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SR 8** was declared adopted.

**SB 15** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 15** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.

**SA 1 to SB 15** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SA 1 to SB 15** was declared part of the bill.

**SB 15 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 15 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 25** was brought before the Senate for consideration on motion of Senator McDowell.

**SB 25** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DETENTION AND CONFINEMENT OF YOUTH.

Senator Marshall questioned the sponsor, after which Senator McDowell requested the privilege of the floor for Guy H. Sapp, representing Youth Rehabilitative Service.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Henry) NO, 1 (Connor) ABSENT; therefore, **SB 25** was declared passed the Senate and sent to the House for consideration.

**SB 27** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 27** - AN ACT TO AMEND VOLUME 70, CHAPTER 473, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1997 BOND AND CAPITAL IMPROVEMENTS ACT, AND AMEND CERTAIN PERTINENT STATUTORY PROVISIONS. 3/4 VOTE.

**SA 1 to SB 27**, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SA 1 to SB 27** was declared part of the bill.

**SB 27 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 27 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**HB 41** was lifted from the table and brought before the Senate for consideration, under the suspension of the necessary rules on motion of the floor manager, Senator Cook.

**HB 41** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF CHAPTER 66, TITLE 16, OF THE DELAWARE CODE RELATING TO THE APPOINTMENT BY THE GOVERNOR OF THE IMMEDIATE PAST PRESIDENT OF THE STATE VOLUNTEER FIREFIGHTERS' ASSOCIATION TO THE STATE FIRE PREVENTION COMMISSION.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **HB 41** was declared passed the Senate and returned to the House.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

**Merrill C. Trader** - 20 Senators voting YES, 1 (Connor) ABSENT. Appointment confirmed.

**Richard S. Cordrey** - 20 Senators voting YES, 1 (Connor) ABSENT. Appointment confirmed.

Senator Sharp requested the privilege of the floor for Richard S. Cordrey for the purpose of saying a few words on how he felt about being confirmed, after which he was excused.

Senator Sharp made comments on the article, which was in the Capitol Comments.

**SR 9** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

**SR 9** - THANKING AND CONGRATULATING MBNA AMERICA AND MBNA CHAIRMAN CHARLES CAWLEY FOR THEIR COMMITMENT TO SPEND \$30 MILLION FOR EDUCATION IN DELAWARE. Sponsor: Senator McDowell.

All Senators were added as co-sponsors on motion of Senator McDowell.

Senators Sharp and Voshell commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SR 9** was declared adopted.

At 5:20 p.m. on motion of Senator Voshell, the Senate recessed until 1:50 p.m. on January 28, 1997.

The Senate reconvened at 1:55 p.m. on January 28, 1997 with Lt. Governor Minner presiding.

A messenger from the Governor was announced and admitted.

At 1:57 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 6th Legislative Day.

**6TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 28, 1997**

The Senate convened at 1:57 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Henry.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

At 2:00 p.m. on motion of Senator Voshell, the Senate recessed to prepare for the Joint Session with the House for the Governor's State of the State address.

The members of the House of Representatives were announced, admitted and welcomed to the Senate Chamber.

Lt. Governor Minner invited the Speaker of the House, Representative Terry Spence and the President Pro Tempore of the Senate, Senator Thomas Sharp to join her on the podium.

The Sergeant-at-Arms announced the members of the Judiciary were ready to enter the Chamber for the Joint Session. They were admitted and welcomed by Lt. Governor Minner.

The Sergeant-at-Arms announced the arrival of the Statewide elected officials were ready to enter the Chamber for the Joint Session. They were admitted and welcomed by Lt. Governor Minner.

The Sergeant-at-Arms announced the arrival of the Governor's cabinet officials were ready to enter the Chamber for the Joint Session along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College. They were admitted and welcomed by Lt. Governor Minner.

**JOINT SESSION - SENATE CHAMBER  
State of the State Message**

January 28, 1997

At 2:08 p.m. Senator Voshell moved that the Senate and House meet in Joint Session for the purpose of hearing an address from the Honorable Thomas R. Carper, Governor of the State of Delaware." No objection.

Senator Voshell moved that the Lt. Governor preside over the Joint Session. No objection.

Senator Voshell moved that the Secretary of the Senate and the Chief Clerk of the House act as secretaries to the Joint Session. No objection.

Pursuant to the above motion the Chair appointed Senator Adams (spokesperson), Senator Amick, Representative West, and Representative Fallon to form the committee to escort the Governor to the Senate Chamber.

At 2:09 p.m. the escort committee departed, and the Chair called a short recess to await the arrival of the Governor.

After a short period the Chair called the Joint Session back into session and recognized the Sergeant-at-Arms who announced the arrival of the escort party with the Governor.

The Governor Carper was admitted and was introduced by Senator Adams.

The Governor was welcomed by the Chair and invited to the rostrum.

The Governor addressed the assembly as follows:

### **"KEEPING DELAWARE FIRST"**

#### **GOVERNOR THOMAS R. CARPER**

#### **STATE OF THE STATE ADDRESS**

Lt. Governor Minner, President, Pro Tem, Tom Sharp, House Speaker, Terry Spence, to our new Majority Leaders, in the Senate, Bob Voshell, Senator Voshell and Representative Wayne Smith, to the members of this new General Assembly, for our fellow elected officials, to the members of the Judiciary, the members of my cabinet, fellow Delawareans, ladies and gentlemen:

I stand before you today to report on the state of our state for a fourth time as your Governor, grateful on behalf of Lt. Ruth Ann Minner and myself for the opportunity you have given us to lead our state into the 21st century. These past four years, all of us have worked together to prepare Delaware to succeed in that new century and well beyond. Every member of this General Assembly -- and every Delawarean -- can take pride in what we have accomplished. By honoring our commitments to our residents, and delivering real results to secure the long-term future of our state, we are keeping Delaware first.

This afternoon, I'd like to take some time to touch on a few of our successes and to outline an aggressive agenda for 1997 and the years to come.

Today in Delaware, our economy stands among the strongest in the nation. January has been a month of more good news. The nation's top rating agencies re-affirmed our highest bond rating in state history. We are among the top five states in the nation for attracting new business growth and jobs. Our unemployment rate -- averaging under five percent again last year -- remains well below the national average.

Earlier this month, we welcomed proudly the production of the Chevrolet Malibu, Motor Trend's Car-of-the-Year, to GM's Boxwood assembly plant, and we also helped unveil the brand-new Dodge Durango that soon will be manufactured at Chrysler's Newark assembly plant. Both plants have seen fear and doubt transformed into hope and security. Thanks to a lot of people who refused to give up, the long-term future is bright for those facilities, and for thousands of Delawareans who work there.

One of the reasons we've been so successful in attracting and retaining jobs has been our ability to create an environment in which businesses can grow and prosper. We've cut personal income tax rates twice and pushed our top rate below seven percent for the first time in almost four decades.

Reducing the personal income tax isn't all we've done to make our state more attractive for residents and for business. We've cut the gross receipts tax, the public utility tax, and unemployment insurance taxes. We've created a tax credit for new bank jobs, lowered the franchise tax for banks meeting a higher-income threshold, and increased and expanded the Blue Collar Jobs Tax Credit.

It's no wonder that the Fortune 100 ranks Delaware as the best state in which to locate or expand a business based on tax policy. We are truly keeping Delaware first when it comes to creating a climate which fosters economic opportunity.

Thanks to a vibrant economy and a welfare reform plan that is the model for our nation, we've helped almost 6,000 Delawareans move from welfare to work. In an effort to lend a hand up instead of a handout, we are providing the health, education, and child care supports necessary to enable thousands of families to reach self-sufficiency through hard work and through self determination.

In education, we've raised standards in each of the core academic subjects and strengthened graduation requirements. Disruption prevention programs in all 180 public schools are helping to ensure that schools are safer places where children where they can concentrate on preparing for success in college or the job market.

With strong private-sector support, we've launched several innovative charter schools and also have introduced an element of competition in public education. Public school choice attracted more than 5,000 applicants this its first year, with an overwhelming majority receiving their very first choice of schools. Access in the information highway in all public school classrooms will become a reality by September of 1998.

To help protect our environment, we've slashed emissions into the air by more than half and into the water by more than 90 percent. At a time when development and growth seem to be encroaching on all sides, we have preserved nearly 30,000 acres of open space and prime farmland, and placed another 86,000 acres into agricultural districts, for future generations to enjoy.

All of this we have done, and more. But now is not the time to step back and congratulate ourselves. Rather, now is the time to forge ahead and recommit ourselves to confront the serious challenges that remain -- challenges that our forefathers 200 years ago could never have imagined:

How will we sustain our economic pre-eminence in a climate of fierce competition? How can we capitalize on the emerging shift in power between the states and the federal government? How do we deal with a prison population that has increased by nearly 40 percent since the Lt. Governor and I took office in 1993? How do we tackle the intense social pressures that are tearing at the fabric of our families and neighborhoods? How will we balance the need for jobs with our pledge to protect the environment and manage sprawl?

These challenges will require us to work together in unprecedented ways -- to roll up our sleeves and tackle these thorny problems head-on. The decisions we make in the 139th General Assembly will largely determine the kind of place that Delaware will be at the dawn of a new century.

Let me reiterate what I said a week ago. I want us to be first in the nation -- the place where other states look for answers to the critical challenges of our time.

We are fortunate to begin this new General Assembly in a position of strength. Because we have built on a strong tradition of sound fiscal management and maintained a vibrant economy, our revenue picture remains bright. The nation's most respected bond rating agencies reaffirmed that our economy is strong, diverse, and well-poised for continued growth. But we must remain ever-vigilant to ensure that we are not caught unprepared for the future.

In an effort to ease the burden on our residents while creating a healthy business climate, we have rightfully focused on cutting taxes. Just as important, we have provided reductions in a thoughtful and responsible way, ensuring that we could sustain these cuts over the long haul. I will continue to support responsible tax cuts when possible, and I will propose several today. But I will not allow us to sacrifice our ability to provide the services which Delawareans truly need.

With that thought in mind, our Administration will work with the Joint Finance Committee to craft a balanced and responsible budget which keeps spending growth under five percent, while fully funding the Rainy Day Fund. The cost of maintaining existing levels of service will consume most of our projected revenues, leaving relatively little room for new initiatives.

We all know that the budget-writing process will be fraught with pressures on both our operating and capital budgets. We are faced with rising student enrollment, requiring us to hire additional teachers and buy more classroom materials. Aging school buildings and more students will require capital investments exceeding \$200 million for schools over the next five years alone. Rising costs in our long-term care Medicaid population threaten to swallow up funds required to meet other vital needs. Keeping law-abiding residents safe from harm requires more prison beds on-line yesterday not just today.

Later this week, I will send to the General Assembly a "completion" bond bill with no new projects. In doing so, I propose that we utilize additional revenues that emerge between now and June to finish some of our larger projects ahead of time, bringing them on line sooner, and saving millions of dollars in construction costs and interest payments to boot.

Our tradition of solid fiscal management and planning has served us well -- placing us among the top ten states in the nation. My proposals are designed to bring Delaware a step closer to the AAA credit rating that has eluded us thus far.

## **CRIME**

Regrettably, the fastest growing part of state government -- here and elsewhere -- is criminal justice. No issues are of greater importance to Delawareans than crime and the safety of our neighborhoods. Fighting crime requires vigilance on many fronts. It involves the most talented professionals we have, and thousands of volunteers, as well. It begins in the home with parents teaching their children to respect the law, and extends to our schools and neighborhoods too.

Over the past four years, Delaware has taken bold steps to keep violent criminals off our streets, to prevent future crimes, and to spare future victims.

To better protect our communities, we increased mandatory sentences for habitual violent offenders, convicted drug dealers who carry guns, and pedophiles who prey on our children. To make sure these laws are enforced, we've put more officers on the street and invested heavily in technology to give law enforcement the tools they need to do their jobs better.

It is not just more policing. It's better policing. We've brought new community policing initiatives to Kent and Sussex counties. In our fight against domestic violence, we launched a new State Police Domestic Violence Unit, specifically charged with targeting domestic violence cases in each county. This session, I will propose legislation to further strengthen protection-from-abuse orders, as well as legislation prohibiting the possession of a gun by anyone convicted of a domestic violence crime.

Still, we must do more.

We have seen a disturbing rise in shootings this past year, especially in Wilmington. One major reason for this violence is the influx of guns and drugs into our state. All too often, as we all know, guns and drugs go hand in hand. A few years ago, our law enforcement community warned us that Delaware was in danger of becoming a "source state" for the illegal purchase of handguns. Those fears have come true. Since 1994, the number of firearms seized in criminal investigations and traced back to us, back to Delaware has increased significantly. Few, if any, of those guns were being used by their original owners.

Part of the reason for this trend is that Delaware has not kept pace with our neighbors. Unwittingly, we have created an attractive business climate for gun runners too.

Delaware is the only state in the region which does not require a criminal records check for the sale of used guns. Over half of all handguns sold in Delaware are sold by private citizens.

To make Delaware less attractive to criminals in the business of guns and drugs, I will propose legislation to require record checks on the sale of *all handguns* -- new and used -- in Delaware. I will also propose legislation to prohibit the possession of ammunition by convicted felons, as well as the possession of handguns where the serial number has been destroyed; and legislation that will require stolen guns to be reported to law enforcement.

New laws alone will not get the job done. We need a concentrated law enforcement effort to attack this trade in our most vulnerable communities. This week, I will ask Colonel Alan Ellingsworth to convene a special meeting of our state's police chiefs to work on creating a new state strike force to better coordinate our resources in fighting guns and drugs. I will ask for the assistance of our congressional delegation and the Clinton Administration, as well.

We need to send a strong message to criminals from New York to Washington D.C.: when it comes to trading drugs for guns, Delaware is closed for business.

With tough new laws and more cops on the streets, we have seen a corresponding increase in our prison population. Today, we have over 5,000 inmates in our prisons -- facilities which originally were designed to house only 3,100.

Until now, we have *talked* about the overwhelming costs of this expansion, both in terms of one-time capital expenditures and increased operational costs. Now, we are about to witness the fiscal reality of this initiative in next year's budget. Over 35 percent of my proposed capital budget, excluding transportation, will go to prisons. The Department of Correction will need to hire almost 300 new, full-time correctional officers this coming fiscal year alone. That is more officers than the entire New Castle County Police Department and results in more new full-time positions than were recommended in the entire state budget last year.

As staggering as these costs are, we will be planning our next prison expansion soon after this one is completed if the growth in our prison population continues at its current rate. We *must* find ways to stem the rising tide of our growing inmate population.

The first question to be asked is: Who is this population, and why do they end up in our prisons? Statistics show a very high percentage come from poor, single-parent families, sorely lacking in educational or vocational skills.

Eighty percent of our prison population are serious drug abusers. Many who make up our prison population have been to prison before. Reflecting the national average, recidivism rates are often as high as 70 percent. In most cases, drug abuse plays a major role in repeat offenses.

What can we do to break this cycle? What works?

As many of you know, here in Delaware we have a tough, discipline-based drug treatment program that has become a model for the nation. Our Key and Crest initiatives have produced remarkable results on a small scale, attracting the attention of the U.S. Department of Justice, state criminal justice systems nationwide, and yes, even the President of the United States.

Of the prisoners who completed our rigorous Key and Crest in-prison treatment and work release programs, 76 percent were drug-free and 71 percent were arrest-free after 18 months. Compare that with the recidivism rates of a control group where only 19 percent remained drug-free and only 30 percent remained arrest-free after those same 18 months.

Completion of the Key and Crest programs by inmates means 40 percent fewer crimes committed, 40 percent fewer victims, and 40 percent fewer prison beds for repeat offenders. For those reasons, I will propose in my recommended budget that we nearly triple the scope of these programs in fiscal year 1998.

As we move forward with our huge prison expansion effort, the time is right to set a new course for those prisons. I want to create a prison system where addicted inmates with a sentence of one year or more will spend the last year of their sentence in the Key drug treatment program, followed by the Crest work release program, and then aftercare. I want a prison system that will *demand* the discipline and commitment these proven programs require.

Our Key and Crest programs are not right for everyone who goes to prison, though. For those who only spend a short time in our prisons, we must create a "no-frills" prison where inmates are expected to work and are afforded few privileges. We must impress upon these individuals that prison is not a place to which they want to return. The Department of Correction has already begun developing such a plan to unveil later this year.

We must also improve vocational training in combination with inmate work programs so that inmates may begin to work *for* society, instead of *against* it. To help accomplish this task, I will propose we begin transferring the responsibilities for our prison vocational program from the Department of Correction to our award winning vo-tech school districts. By utilizing their expertise, we can greatly enhance the quality of these programs.

I believe that this new approach to our corrections system will begin to turn the tide of Delaware's growing prison population. These are things we must do to help make our prisons a place where people become better citizens -- and not better criminals.

On this battlefield, we cannot afford to fail. But if we are truly to succeed, our efforts to fight crime must begin long before people reach our adult prisons.

We must redouble our efforts to stop today's generation of troubled youth from becoming tomorrow's prison population. Many of these kids have already shown a propensity toward crime and violence -- both in our schools and in our neighborhoods. They often end up in our juvenile facilities. For some, these crimes are so serious they can no longer be treated as kids. For them, we have no alternative but to sentence them -- and segregate them in -- adult prison. But for those who can be led more readily back to the right path, we must provide juvenile facilities that nurture, educate, and discipline.

In a few short weeks, our new Ferris School -- with its improved programming -- will open its doors and with it will begin a new chapter in youth rehabilitation in Delaware.

## **YOUTH CRIME PREVENTION/EARLY CHILDHOOD EDUCATION**

At Ferris and in our communities, our efforts to reduce crime must focus on children and their parents. All the cops and prisons in the world won't protect us if we don't diminish the supply of new criminals.

We know the problems. Poverty. Too many children born out of wedlock. Absentee fathers. Too many children subjected to violence and neglect. Too many children who arrive at school already hopelessly behind. Too many students who leave elementary school and still can't read.

Too many kids who do not know or obey basic norms of social behavior. Too many kids allowed to roam the streets unsupervised.

The obligation to address these problems starts with parents, with families, and with communities -- not with government. Government alone cannot substitute for the love of two fully committed parents who are mutually devoted to their child's success. But we can provide poor children the same educational opportunities as middle-class children, and by expecting all children to behave decently and to achieve at high academic levels, regardless of their class, their race or their gender.

Two years ago, our state launched a Comprehensive School Discipline Program that improves school safety, enables our schools to demand higher standards of behavior, and gives our most troubled youth the extra support they need. Not only that, we've provided funds for extra instructional time and built momentum behind an effort to engage 10,000 Delawareans in school-based mentoring programs that help more kids to learn to behave and to improve their self-esteem.

These efforts improve lives. I'm convinced, they also help prevent crime.

This year, I am asking the General Assembly to take several additional steps to address the problems of at-risk children which lead to crime. These measures comprise a strong Youth Crime Prevention and Early Childhood Education agenda for our state.

To ensure that at-risk children get off to a good start, I am recommending the funding necessary so all parents who need parenting education can get it. To better ensure that children arrive at school ready to learn, I am recommending expansion of the state's Early Childhood Program so that every four-year-old in our state that lives in poverty will soon have access to Head Start.

These pre-school investments must be followed up at the school level. American children spend far less time in school than their peers in Germany and Japan. The lengthy summer break especially harms poor children. All of us remember -- and many of us have children in school who now experience -- Septembers in public schools devoted to relearning what was known the previous May.

In the next century, academic achievement will be even more important not less important than it is today. It is time to recognize that if all of our children are to reach the rigorous academic standards you and I have set, that our state has set, we must provide many of them many of those kids with substantial amounts of extra learning time -- or be prepared to watch them fail.

To that end, I am proposing the funding necessary next year to provide a full month of extra instruction -- 20 school days -- for the lowest achieving students in kindergarten through sixth grade. School districts may provide this targeted instruction during the summer, they may provide after school, they may provide on Saturdays, or may provide full-day kindergarten. That is their decision.

As an integral part of this effort to improve academic achievement, I am also recommending expanded funding for grants to additional schools that wish to start school-based mentoring programs to help struggling students.

Finally, I am proposing to strengthen the Comprehensive School Discipline Program by increasing base funding for Part II of the program to strengthen school partnerships with the Children's Department, with police agencies, and community-based organizations, and to increase emphasis on prevention and anti-drug efforts. These investments will help our schools better address the family and social problems that give rise to school disruption and academic failure.

Coupled with a strong economy and our support for working low-income families, this Youth Crime Prevention and Early Childhood Agenda will do as much as anything our government can do to deter young people from lives of crime. If involved parents and caring communities also do their part, we can give our children a brighter future and at the same time make Delaware a safer place for all of us to live in.

## **EDUCATION**

Delaware is undertaking these prevention measures in the context of our State's overall education reform program -- a program that focuses on two key words: standards and assessment.

Delaware was among the first states to adopt rigorous academic standards that clearly define what students are expected to know and be able to do at different grade levels in core subjects such as science, math, English and social studies.



These standards, our standards, have won national acclaim. They have been in the hands of Delaware teachers for nearly two years. Special funding for professional development and new textbooks, tied to the state standards, has been appropriated by the General Assembly. The standards should now be entering the day-to-day lives of children in classrooms throughout Delaware.

Just as every meaningful human endeavor needs a standard or goal to meet, so too does it require a test of whether that goal has been reached. That is the job of educational assessments: to measure whether students are meeting the standards of academic achievement that we have set for them as a state.

Instead of simply asking students to complete multiple choice questions, these assessments also require students to write essays or to explain how they solved math problems. The end result should be a more accurate and rigorous method of evaluating performance that goes well beyond rote memorization to determine whether students understand the key concepts they are learning.

In the Spring of 1998, the state will administer its first set of assessments tied to these core standards. The test will measure student achievement of English and math in grades 3, 5, 8, and 10.

This next step will challenge our commitment to our children's future well being. We all know that unless there are consequences -- positive and negative -- attached to any task, then that task is not taken seriously. Participants in the education system, starting with students, must be held accountable for whether the state standards are achieved.

At this critical juncture in Delaware's education reform, I am asking the General Assembly to take a limited, but profoundly important, step by requiring that the new state assessments in the core subjects be designed to hold students accountable. That means that these tests should be capable of helping us to determine, for example, whether students go on to the next grade level, or receive a regular high school diploma. The new assessments should also be designed so that students can receive positive rewards for attaining quality scores, such as scholarships and merit diplomas. The decision as to how to use these accountability measures, and when they go into effect, should be debated and should be addressed over the next several years. However, the commitment to an assessment that enables Delaware to adopt such measures should be made this year.

Standards and assessment produce high performing graduates in other nations because there is student accountability. The time has come for us to make our own commitment to accountability in Delaware -- and that time my friends, is now.

That commitment to accountability must not just extend to students, but to parents and to our education system as a whole. We've taken steps to introduce more accountability through public school choice and charter schools, more rigorous teacher certification standards, and the publication of better information about our public schools.

We've also, cut down on regulation. We've empowered local school districts and schools themselves to make bold decisions without our state micromanagement. By moving decisions closer to the people, we are creating a more responsive and effective local school system.

This year, I want us to make our state education agency even more accountable to the people of Delaware too. That is why I am asking you to create a Department of Education, headed by a Secretary of Education nominated by the Governor and confirmed by the Senate. Our doing so will enable the people of Delaware to hold this governor and future governors directly accountable for how that agency performs, while giving you the General Assembly a better opportunity to fulfill your oversight function. Last week, the House passed legislation to do just that and you did so by an overwhelming margin. This week, I am asking the Senate to do the same.

A more effective state Department of Education can be the people's advocate in education, providing Delawareans with high-quality information about their local schools' spending practices, educational programs, and their performance. A more responsive and accountable Department of Education can also serve as a source of innovation and technical advice, and better meet the needs of local districts.

To meet the challenges of the 21st Century, Delaware must produce students with excellent skills. The way to accomplish that objective is to set high goals for our students and to be resolute enough to hold them, their parents, and our education system, accountable for meeting those goals. This is the year we must make that commitment.

#### **STRENGTHENING OUR ECONOMY**

So much of our future depends on an excellent education system and the workforce it must produce. Developing that workforce is the key to a strong economy and keeping and attracting quality jobs.

When our Lt. Governor and I began our first terms, Delaware's economic was far less optimistic than it is today. But thanks to a bold strategy, undying enterprise, and a little luck, we've created an environment that gives every Delawarean a chance to find work and a chance to succeed.

Four years later, our economic goals have not changed. We must strive to make Delaware a place where parents can earn enough money to feed their children and provide them with good homes. A place where companies can take root, where they can grow, and where they can prosper. A place where individuals -- bound only by the limits of their own enterprise -- forge better lives for themselves and their families.

Four years ago, I launched what we called a "grow our own" economic development strategy with four key elements: 1) fostering the expansion of Delaware's existing businesses, particularly our small businesses; 2) investing in Delaware's infrastructure; 3) running a government that keeps taxes and red tape to a minimum; and, 4) creating a quality workforce. That strategy has not changed. As the 21st Century approaches, we must build on our economic strengths to ensure our prosperity.

One of our biggest strengths is a thriving financial services industry. That industry employs as you know, more than 26,000 people today in our state and has added more than 2,500 jobs in the last two years alone.

We must continue to build on that success. On the first of this year -- with the help of the General Assembly -- we reduced the state's bank franchise tax and established a "challenge bracket" to spur further growth. This year, I will propose legislation to improve and make more efficient our banking regulatory process. And, I will continue to visit personally the top management at financial institutions all over this country to tell them about what we have to offer to them and their financial institutions right here in Delaware.

Banking isn't our only strength. Delaware also is the home to the highest number of scientists and engineers *per capita* in this nation. To build on that advantage, I will recommend an additional \$4 million from the 21st Century Fund for our Advanced Technology Centers initiatives which hold great promise for creating high-paying jobs in new technologies. We're also moving forward in our efforts to bring the high-tech semiconductor industry here to Delaware.

As we do so, we must continue to recognize the role that small business plays in forging a strong economy. To that end, I will recommend two new "storefront" Small Business Development Centers -- one in Dover and one in Georgetown -- building on the phenomenal success of the one-stop, storefront center we opened last summer in downtown Wilmington. Where over 2,000 people visited, for help and starting and growing their own businesses in the last six months alone and we can and should replicate the same here in Kent County and Sussex County.

We also have enjoyed tremendous success in improving access to capital, including venture capital. Using only \$5 million in public moneys, we have leveraged more than \$100 million in public- and private-sector funding to help promising businesses grow and thrive. We will continue to support the Delaware Venture Partners initiative, the Delaware Innovation Fund, and the Delaware Access Program as they support the promising ideas of entrepreneurs and inventors, and their small, growing companies.

During my first term, we cut business or personal income taxes in each of the last four years. This year, I will recommend that we reduce Delaware's public utility tax, and make that tax more equitable for purchasers of gas and electricity.

On the recommendation of the Unemployment Insurance Advisory Council, I'm proposing that we reduce unemployment insurance taxes further, and raise the maximum weekly benefit for unemployed workers. In addition, to further reducing government red tape, I will recommend again the eliminating the Second Injury Fund for workers' compensation -- with no decrease in benefits.

Perhaps most importantly, we will remain vigilant in our efforts to provide a responsive, customer-friendly government which allows businesses to grow and thrive here, while meeting their responsibilities to us the community. We want to build on the successes of General Motors, Chrysler, Playtex, Bio-Medic, Johnson Controls, Zenith Products and others. In keeping with those successes, I am proposing an additional \$10 million for the Delaware Economic Development Office's Strategic Fund.

As some of you know, the first time I ever saw Delaware was from military aircraft as a young naval flight officer, all of 22 years old. I was struck then, as I am now, by the natural beauty of this state. From the rolling hills of the piedmont in western New Castle County, to the vast stretches of fertile farmland south of the Canal, to the miles of sun-drenched beaches along the Sussex coastline, Delaware is blessed with a picturesque landscape that few states can match. I learned after living here just a short time that Delaware also is blessed with communities and a quality of life that have made it a wonderful place to live and a wonderful place to raise a family.

One of the biggest challenges that we face today is to preserve this small wonder of a state – to preserve our precious farmland and agricultural economy, along with our open spaces and natural areas, while maintaining a vital and expanding economy.

We cannot continue with the current sprawling development pattern in Delaware and preserve our natural resources and community character. It's that simple. Sprawl eats up valuable farmland, open space, and natural habitat. It stresses our existing transportation system and is more expensive to service with water and sewer facilities.

My Cabinet Committee on State Planning Issues has developed a set of goals for Delaware through a series of statewide workshops and a number of public meetings, some of you have participated in those. The Shaping Delaware's Future goals are the blueprint guiding our state's capital investment, as well as our assessment of the counties' comprehensive land use plans.

Our state goals seek to guide new development to existing towns and communities and to designate growth areas by targeting state infrastructure investments to these areas. The more difficult and controversial task is to discourage and restrict development outside of these growth areas. It is this process of directing and restricting growth that poses our greatest challenge. In order to be successful, we must do it with a sense of balance and a sense of fairness. We must recognize the property rights of farmers and landowners. We must maintain our vital economy, and, at the same time, we must protect open spaces and the character of our communities.

I recognize the tremendous interest of this legislature, all three county governments, our business community, and thousands of other Delawareans in how Delaware grows and how we use this land of ours. Each of us has our own ideas about the best ways to move forward. There are some areas of agreement and you know and I know there are some sharp areas in disagreement.

I believe the time is right to try to forge a consensus. The Delaware Public Policy Institute has offered to sponsor a summit for that very purpose. Its success requires that we trust each other to do what's right for Delaware. Today, I am putting my full support behind this effort. I urge you, this General Assembly and everyone who shares my view to do the same.

One critical area where we know we must find consensus is transportation. The most common complaint that we hear from residents of communities confronted with new development near their homes is traffic.

Building a transportation system which supports our vital economy and which provides adequate mobility for our citizens is not easy. If it were, somebody would have done it years ago. We now are playing catch-up, catch-up to development that has occurred over the past decade.

For us to be successful, Delaware's Transportation Trust Fund must have adequate resources to unclog congested intersections, to preserve and maintain the capacity in our existing system, and to expand capacity in growth areas. At the same time, we must realize that we cannot build ourselves out of all our traffic problems. We need to provide transportation alternatives too that preserve capacity on our roadways, while giving us cleaner air to breathe.

The capital budget which I'll submit this week will include a proposal to increase revenues for transportation. I recognize that there are many opinions inside this chamber, and outside of it, on how to provide more revenues for transportation. I believe the best way to guarantee funding for needed transportation projects is to enhance the existing dedicated user fees already supporting the fund, while holding the line on operating expenses paid for by that fund. I hope the General Assembly will come to share that view once all the alternatives have been carefully reviewed and fully debated.

To meet the challenges of managing growth well, we need the best efforts of all Delawareans. In Delaware, we have a history of working together a history taking decisive action. When confronted with a problem or challenge, we pull together, Democrats and Republicans alike, public sector, private sector, we pull together to find solutions that work. I pledge to you my very best effort on this difficult front and ask each of you the very same.

I have shared with you this afternoon a snapshot of the preeminent position that Delaware enjoys today among all the 50 states. I have shared with you, as well, my candid views on some

of the steps we need to take over the next few years if we truly are to help lead this nation of ours into the 21st century. Whether it's fighting crime, whether it's making sure that kids stay in school and out of trouble, or fully implementing standards and assessments in education, injecting greater accountability throughout our school system, or balancing the need for a strong economy with our desire to ensure that Delaware remains a special place to live and to work, the challenges we face are not easy ones.

Let me end my remarks to you this afternoon with a simple observation: I stand before you today as the last governor of this century and the first governor of the next.

Our first four years of working together were filled with accomplishments in which each one of us can take pride. Now, as we look forward to welcoming the next century, we are fortunate to have the talent and resources to overcome some of the most difficult challenges that face our state and nation of ours. The question confronting us is this: "Do we have the will?" I believe we do.

The agenda I have outlined for you today builds on our successes and seeks to add to them of the past and adds to them. I recognize that some of the issues I have discussed are controversial ones. Some will require difficult choices from each one of us. But that is our task, our responsibility to the people who elected us, just as it has been for Delaware governors and for legislators for over 200 years.

Our own history beckons us, not to look back, but to move forward, not to settle for mediocrity, but to be the best. Working together, we will lead this nation into the 21st Century, confident in the strength and ability of the people that we serve, committed to keeping Delaware first.

Thank you very much.

\* \* \*

Lt. Governor Minner thanked the Governor and asked the escort committee to reassembly and escort the Governor back to his executive office.

Senator Voshell moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals to see if they agree.

The Secretary of the Senate, Bernard J. Brady, reported that the Journals were in agreement.

Senator Voshell moved that the Joint Session adjourn and the two Houses separate to reconvene in their respective Chambers. No objection. The Joint Session was declared adjourned at 3:03 p.m.

At 3:04 p.m. on motion of Senator Voshell the Senate recessed for 30 minutes.

The Senate reconvened at 5:20 p.m. with Lt. Governor Minner presiding.

The following committee report was announced:

From Corrections: **HB 48** - 3 Merits.

**LEGISLATIVE ADVISORY #2** from the Office of Counsel to the Governor was announced for the permanent record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #2**, dated January 24, 1997, the Governor signed the following legislative on the date indicated:

**HB #41** (1/23/97) - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF CHAPTER 66, TITLE 16, OF THE DELAWARE CODE RELATING TO THE APPOINTMENT BY THE GOVERNOR OF THE IMMEDIATE PAST PRESIDENT OF THE STATE VOLUNTEER FIREFIGHTERS' ASSOCIATION TO THE STATE FIRE PREVENTION COMMISSION. (Sponsor: Rep. Gilligan and Rep. Spence; Reps. Banning, Brady, Carey, Capano, B. Ennis, Ewing, Keeley, Houghton, Reynolds, Roy, Price, Smith, Ulbrich; Sens. Cook, Bunting) (Volume 71, Chapter 2, Laws of Delaware.)

\* \* \*

A communication from Senator Bair was read for the purpose of the Senate Journal, adding Representative Stone and Representative Fallon as co-sponsors of **SCR 3**.

The Secretary announced a message from the House informing the Senate that it had passed **HB 5 w/HA 1; HB 6; HB 8 w/HA 1; HB 10; HB 7; HB 9; HB 42 w/HA 2, 3 & 4; HCR 1; SCR 6; SCR 5; SCR 3**.

**SENATE CITATION ANNOUNCEMENT #1** - S139:1-95 inclusive was introduced and a copy made available to each Senator.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 28, 1997**

The following legislation was introduced and assigned to committee on January 27, 1997:

**SB 37** - AN ACT TO AMEND CHAPTER 93, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR A HEALTH SERVICES COST REVIEW COMMISSION. 2/3 VOTE. Sponsor: Senator Still, Representative Wagner. To: **Executive**.

**SB 38** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO WHOLESALERS. Sponsor: Senators Vaughn, McDowell; Representatives Mack, Smith, Boulden. To: **Finance**.

**SB 39** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO VIATICAL SETTLEMENTS. 3/5 VOTE. Sponsor: Senator Still, Senators Reed, Sorenson, Hauge, Bonini, Vaughn; Representatives Davis, D. Ennis. To: **Insurance & Elections**.

**HB 8 w/HA 1** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, §11(1) OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE JURISDICTION OF THE DELAWARE SUPREME COURT IN CRIMINAL CASES. Sponsor: Representative Roy & Senator Sharp. To: **Judiciary**.

The following legislation was introduced and assigned to committee on January 28, 1997:

**SB 40** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF CERTAIN INFORMATION RELATING TO TOBACCO PRODUCTS SOLD IN DELAWARE. Sponsor: Senator Bair. To: **Health & Social Services**.

**HCR 1** - REINSTATING THE BOOT CAMP STUDY COMMITTEE WITH THE REQUEST THAT THE COMMITTEE REVIEW THE BOOT CAMP INTENSIVE INCARCERATION ACT, AND THE PROGRESS AND STATUS OF THE IMPLEMENTATION OF THAT ACT. Sponsor: Representative Lee. To: **Corrections**.

**HB 5 w/HA 1** - AN ACT TO AMEND SECTION 114, CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE FEES TO BE CHARGED BY THE PUBLIC SERVICE COMMISSION AND TO SET A NEW, INCREASED SCHEDULE FOR SUCH FEES AND CHARGES. 3/5 VOTE. Sponsor: Representative Roy & Senator Cook. To: **Administrative Services**.

**HB 6** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE WITH RESPECT TO DEFENSES TO CRIMINAL LIABILITY AND EVIDENCE OF INTOXICATION. Sponsor: Representative Roy & Senator Sharp. To: **Judiciary**.

**HB 7** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CERTAIN CRIMES. Sponsor: Representative Roy & Senator Sharp. To: **Judiciary**.

**HB 9** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF NEW HOME CONSTRUCTION FRAUD. 2/3 VOTE. 2/3 VOTE. Sponsor: Representatives Roy & Oberle & Gilligan & Senator Sharp; Representatives Spence, Capano, Cloutier, Lofink, Mack, Maroney, Reynolds, Ulbrich, Banning, DiLiberto, Van Sant; Senators Blevins, Sokola. To: **Judiciary**.

**HB 10** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 26 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE PROTHONOTARY AND THE ENTRY OF TESTATUM FIERI FACIAS. Sponsor: Representative Roy; Representatives DiLiberto; Senator Amick. To: **Judiciary**.

**HB 42 w/HA 2, 3 & 4** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL PROPERTY. Sponsor: Representative Smith; Representatives Capano, Reynolds, Roy, Senators Bair, Bonini, Hauge, Sokola. To: **Education**.

The following nominations from the Governor were assigned to the **Executive** Committee on January 28, 1997:

STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Ms. Joan Wachstein**, 3331 Silverside Road, Wilmington, Delaware, 19810-3306, to be reappointed to the Commission on Adult Entertainment Establishments to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Dr. James R. Soles**, 215 Vassar Drive, Newark, Delaware 19711, to be Chairman of the Board of Trustees of Delaware Technical and Community College to serve a term at the pleasure of the Governor, to succeed Richard Stokes.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Mr. Robert Samuel**, 874 Monroe Terrace, Dover, Delaware 19901, to be appointed to the Unemployment Insurance Appeals Board for a term to expire May 1, 2003 to fill a vacancy.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and reappoint for the consent and confirmation of the Senate the following:  
**Mr. Terrance L. Higgins**, R.D. #1, Box 288, Marydel, Delaware 19964, to be reappointed to the Delaware Advisory Council for Natural Areas for a four-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and reappoint for the consent and confirmation of the Senate the following:  
**Ms. Joan Hayes Donoho**, 2400 Grant Avenue, Wilmington, Delaware 19806, to be reappointed to the Environmental Appeals Board for a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Ms. Christine Capone**, 113 Quintynnes Drive, Greenville, Wilmington, Delaware 19807, to be appointed to the Unemployment Insurance Appeals Board for a term to expire May 1, 2000, to succeed Emilie Tugent, who resigned.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and reappoint for the consent and confirmation of the Senate the following:  
**Peggy L. Ableman**, 33 Ivy Road, Wilmington, Delaware 19806, to be reappointed Associate Judge of Family Court for a twelve-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby  
nominate and appoint for the consent and confirmation of the Senate the following:  
**Mr. John C. Carney, Jr.**, 506 West 19th Street, Wilmington, Delaware 19802, to be appointed  
Secretary of Finance to serve a term at the pleasure of the Governor, effective January 31, 1997.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 28, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby  
nominate and appoint for the consent and confirmation of the Senate the following:  
**Ms. Peggy J. Baunchalk**, 30 West Essex Street, 450D, Fenwick Island, Delaware 19944, to be  
appointed as a member of the Wastewater Facilities Advisory Council for a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

Senators Bonini and Marshall were marked present.  
The Secretary announced the agenda for January 29, 1997.  
At 5:27 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on January  
29, 1997.  
The Senate reconvened at 4:05 p.m. on January 29, 1997 with Lt. Governor Minner  
presiding.

The following committee reports were announced:  
From Executive: **John C. Carney, Jr.** - 6 Merits; **Robert Samuel** - 2 Favorable, 4 Merits;  
**Christine Capone** - 6 Favorable.  
From Education: **SB 34** - 3 Merits; **HB 42 w/HA 2, 3 & 4** - 3 Merits.  
From Corrections: **HCR 1** - 3 Merits.  
From Executive: **HB 1** - 1 Favorable, 4 Merits, 1 Unfavorable.  
At 4:10 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for  
the 7th Legislative Day.

**7TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 29, 1997**



The Senate convened at 4:10 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bonini.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell  
- 20. **ABSENT:** Senator Connor - 1.

Senator Vaughn was marked present.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 29, 1997**

The following legislation was introduced and assigned to committee on January 28, 1997:

**SB 18** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION. Sponsor: Senators McDowell, Blevins, Henry, Marshall & Sokola; Representatives Buckworth, DiLiberto, DiPinto, Fallon, Maier, Oberle & Stone. To: **Education**.

**SB 41** - AN ACT TO AMEND CHAPTER 406, VOLUME 69, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE CITY OF WILMINGTON, KNOWN AS THE BRIDGE HOUSE". Sponsor: Senator Marshall & Representative Spence; Senators Blevins & McBride, Representatives Oberle & Scott. To: **Administrative Services**.

The following legislation was introduced and assigned to committee on January 29, 1997:

**SB 42** - AN ACT TO AMEND AN ACT AWARDED SPECIAL PENSION BENEFITS AND MILITARY SERVICE CREDIT TO WILLIAM M. MOORE, TRANSFERRING MONIES TO THE STATE EMPLOYEES' PENSION FUND, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT PROVIDED BY THIS ACT AS IF THE PAYMENT WERE PURSUANT TO CHAPTER 55, TITLE 29, OF THE DELAWARE CODE. Sponsor: Senator Sokola and Representative Roy. To: **Finance**.

**SB 43** - AN ACT TO AMEND AND ACT BEING CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" TO SUBSTITUTE GENDER NEUTRAL TERMS FOR "COUNCILMAN" AND "COUNCILMEN" AND TO PROVIDE FOR FEMALE PRONOUNS IN REFERENCES TO THE MAYOR, COUNCIL MEMBERS, TOWN MANAGER, TOWN SOLICITOR, TOWN ALDERMAN, ASSISTANT ALDERMAN AND TOWN AUDITOR. 2/3 VOTE. Sponsor: Senator Venables and Representative Lee. To: **Community/County Affairs**.

**SB 44** - AN ACT TO AMEND TITLES 5 AND 30 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. 2/3 VOTE. Sponsor: Senator Adams and Representative D. Ennis. To: **Banking**.

**SB 45** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 29 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE TERM OF OFFICE OF JUSTICES OF THE PEACE. Sponsor: Senator Sharp; Representatives Roy, Spence; Senator Vaughn. To: **Judiciary**.

\* \* \*

A communication from the President Pro Tempore was read in its entirety informing that Senator Bonini will temporarily replace Senator Connor on the Bond Committee until Senator Connor returns.

**SCR 9** was introduced and brought before the Senate on motion of Senator Marshall.

**SCR 9** - MEMORIALIZING PRESIDENT CLINTON AND THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO SUPPORT AND PROMOTE

ADMISSION TO THE NORTH ATLANTIC TREATY ORGANIZATION FOR THE REPUBLIC OF POLAND. Sponsor: Senator Marshall & Representative Keeley.

Senators Bair and Bonini commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 9** was declared adopted by the Senate and sent to the House for consideration.

Senator McBride was marked present during the above roll call.

Senator Voshell requested the privilege of the floor for the Milford High School field hockey team and Coach Ellis.

Senator Voshell announced that the Milford High School hockey team had won the State Championship and then presented each of them with a Senate tribute.

The witnesses were excused.

**SCR 12** was introduced and brought before the Senate on motion of Senator Sokola.

**SCR 12** - CONGRATULATING AND THANKING THE PARENT TEACHER ASSOCIATION (THE "PTA") FOR ITS 100 YEARS OF SERVICE AND DEDICATION TO OUR CHILDREN, OUR SCHOOLS AND OUR COMMUNITIES. Sponsor: Senator Sokola for All Senators; Representative Roy for All Representatives.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 12** was declared adopted by the Senate and sent to the House for consideration.

Senator McDowell requested the personal privilege of the floor to welcome the former Representative Robert Maxwell.

Senator Reed requested the privilege of the floor to thank and to show her appreciation for everyone's assistance given to her yesterday, January 28, 1997.

**HB 48** was brought before the Senate for consideration on motion of the floor manager, Senator Vaughn.

**HB 48** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOOT CAMP INCARCERATION ACT.

Senator Vaughn requested the privilege of the floor for Stan Taylor, Commissioner of Corrections.

Senator McBride questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 18 Senators voting YES, 1 (McBride) NO, 1 (Connor) ABSENT; therefore, **HB 48** was declared passed the Senate and returned to the House.

**SB 34** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 34** - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO MANDATORY ATTENDANCE REQUIREMENTS FOR PUBLIC SCHOOL STUDENTS.

Senator Bair commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 34** was declared passed the Senate and sent to the House for consideration.

**HB 42 w/HA 2, 3 & 4** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 42 w/HA 2, 3 & 4** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL PROPERTY.

Senators McBride and McDowell commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **HB 42 w/HA 2, 3 & 4** was declared passed the Senate and returned to the House.

**SCR 10** was introduced and brought before the Senate for consideration on motion of Senator Bair.

**SCR 10** - COMMENDING THE HONORABLE LIANE M. SORENSON, CHILD ADVOCATE AND DESERVING RECIPIENT OF THE 1997 DELAWARE TOMMORROW AWARD. Sponsor: Senators Bair & Blevins; Senators Amick, Reed, McDowell, Bonini, Hauge, Still, Henry, Cook; Representatives Spence, Smith, Gilligan, Van Sant, Capano, Maroney, Maier, Ulbrich, Fallon, DiLiberto, Price, Stone, Wagner, Keeley, Voshell.

Senator Voshell requested to be added as a co-sponsor to **SCR 10**.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SCR 10** was declared adopted by the Senate and sent to the House for consideration.

Senator Hauge requested the personal privilege of the floor to introduce and welcome his two sons who were visiting.

The Secretary announced the agenda for January 30, 1997.

At 5:07 p.m. on motion of Senator Voshell, the Senate recessed until January 30, 1997 at 2:00 p.m.

The Senate reconvened 2:27 p.m. on January 30, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced.

From Executive: **Peggy J. Baunchalk** - 4 Merits.

From Revenue & Taxation: **SB 33** - 1 Favorable, 2 Merits.

The Secretary announced a message from the House informing the Senate that it had passed

**HB 67 w/HA 1; HCR 5; SB 15 w/SA 1; SB 13; SB 25.**

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 8th Legislative Day.

**8TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JANUARY 30, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Marshall.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **ABSENT:** Senator Connor - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
January 30, 1997**

The following legislation was introduced and assigned to committee:

**SB 28** - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 1998; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; DEAUTHORIZING, REAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; DEAUTHORIZING AND REAUTHORIZING CERTAIN FUNDS OF THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; APPROPRIATING MONIES FROM THE TWENTY-FIRST CENTURY FUND; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. 3/4 VOTE. Sponsor: Senators Sharp, Voshell, McDowell, Blevins; Representatives Gilligan, Van Sant. To: **Bond**.

**SB 46** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ARCHITECTURAL ACCESSIBILITY. Sponsor: Senators Bunting & Voshell. To: **Administrative Services**.

**SB 47** - AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO CHARITABLE EXEMPTIONS FROM TAXATION AND ASSESSMENT BY COUNTIES, MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS OF THE STATE, AND PROVIDING FOR A CERTIFICATION PROCESS FOR CHARITABLE HOSPITAL CORPORATIONS TO CONTINUE THEIR ELIGIBILITY FOR SUCH EXEMPTIONS. Sponsor: Senator Sharp. To: **Judiciary**.

**HB 67 w/HA 1** - AN ACT TO AMEND CHAPTER 27 AND 41 OF TITLE 21 OF THE DELAWARE CODE PERTAINING TO TOLL EVASION. 3/5 VOTE. Sponsor: Representative Boulden and Senator Voshell. To: **Highways and Transportation**.

\* \* \*

**HB 1** was brought before the Senate for consideration on motion of the floor manager, Senator Adams.

**HB 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE CREATION OF A SECRETARY OF EDUCATION AND THE POWERS AND DUTIES OF SUCH OFFICER.

**SA 1 to HB 1** was introduced and brought before the Senate on motion of Senator Bonini.

Several Senators questioned the sponsor, after which a roll call vote was taken and revealed 3 Senators voting (Amick, Bonini, Hauge) YES, 17 NO, 1 (Connor) ABSENT; therefore, **SA 1 to HB 1** was declared defeated.

**HB 1** was now before the Senate.

Senator McBride was marked present during the above roll call.

Senator Adams requested the privilege of the floor for Leo Strine, representing the Governor's office.

Several Senators questioned the witness, after which the witness was excused.

Senators Voshell and Bunting commented.

A roll call vote was taken and revealed 15 Senators voting YES, 5 (Adams, Cook, McBride, Sharp, Vaughn) NO, 1 (Connor) ABSENT; therefore, **HB 1** was declared passed the Senate and returned to the House.

**HCR 1** was brought before the Senate for consideration on motion of the floor manager, Senator Vaughn.

**HCR 1** - REINSTATING THE BOOT CAMP STUDY COMMITTEE WITH THE REQUEST THAT THE COMMITTEE REVIEW THE BOOT CAMP INTENSIVE INCARCERATION ACT, AND THE PROGRESS AND STATUS OF THE IMPLEMENTATION OF THAT ACT. Sponsor: Representative Lee.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **HCR 1** was declared adopted by the Senate and returned to the House.

At 3:20 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 4:05 p.m. with Lt. Governor Minner presiding.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

**Peggy J. Baunchalk** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**Christine Capone** - 20 Senators voting YES, 1 (Connor) ABSENT. Appointment confirmed.

**Robert Samuel** - 20 Senators voting YES, 1 (Connor) ABSENT. Appointment confirmed.

**John C. Carney, Jr.** - 20 Senators voting YES, 1 (Connor) ABSENT. Appointment confirmed.

**SB 33** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 33** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 33** was declared passed the Senate and sent to the House for consideration.

**SENATE CONSENT CALENDAR #1** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 7** - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE FEDERAL OIL POLLUTION ACT AMENDMENTS OF 1990 AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION. Sponsor: Senators McBride, Bunting, Vaughn & Voshell; Representatives Quillen, D. Ennis, Carey & Mack.

**SCR 8** - HONORING THE MEMORY OF FORMER STATE REPRESENTATIVE EDGAR ALEXANDER OF TOWNSEND. Sponsor: Senator Vaughn; Representatives Banning & B. Ennis.

**SCR 11** - EXTENDING THE EXISTENCE OF THE CANCER AND THE ENVIRONMENT LIAISON GROUP, WHICH WAS CREATED BY SENATE CONCURRENT RESOLUTION 40 OF THE 138TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsor: Senator McBride & Representative Mack.

**HCR 5** - REQUESTING THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES TO EXTEND THE PUBLIC COMMENT PERIOD BY AN ADDITIONAL 120 DAYS FOR THE REVISION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE AND PARTICULATE MATTER. Sponsor: Representative

DiPinto and Senator McDowell; Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, Van Sant, Banning, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Schroeder, Scott, West, Williams; Senators Sharp, Adams, Blevins, Bunting, Cook, Henry, Marshall, McBride, Sokola, Vaughn, Venables, Voshell, Bair, Amick, Bonini, Hauge, Reed, Sorenson, Still.

Senator McDowell requested to be added as a co-sponsor to **SCR 8**.

A roll call vote was taken on **SENATE CONSENT CALENDAR #1** and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

The Secretary announced the agenda for March 18, 1997.

At 4:20 p.m. on motion of Senator Voshell, the Senate adjourned until March 18, 1997 or to the Call of the President Pro Tempore.

The Senate reconvened at 3:28 p.m. on March 18, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Public Safety: **SB 30** - 2 Favorable, 1 Merit; **SB 22** - 2 Favorable, 1 Merit.

The Secretary announced a message from the House informing the Senate that it had passed **HB 31 w/HA 1; HB 20; HB 62; HB 36; SB 27 w/SA 1; SCR 4**.

At 3:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 9th Legislative Day.

**9TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MARCH 18, 1997**

The Senate convened at 3:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bair.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** 1.

Senator Connor - deceased March 7, 1997 and his name respectfully removed from the roll call system.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
March 18, 1997**

The following legislation was assigned to committee on January 30, 1997:

**SA 1 to SB 2** - Senator Amick - Placed with the Bill.

**SB 48** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE PROCEEDINGS. Sponsor: Senators Blevins, Sorenson and Bonini; Representatives Capano and Welch. To: **Judiciary**.

**SB 49** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING NOTIFIABLE DISEASES. Sponsor: Senator Sharp & Representative Spence. To: **Education**.

**SB 50** - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ELIGIBILITY FOR DISABILITY PENSIONS IN THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Senators Cook & Vaughn; Representatives Davis & Oberle. To: **Finance**.

**SB 51** - AN ACT TO AMEND CHAPTER 10, TITLE 20, DELAWARE CODE RELATING TO THE FILING FOR PARAPLEGIC PENSION BENEFITS IN THE STATE EMPLOYEES'

PENSION PLAN. Sponsor: Senators Cook & Vaughn; Representatives Davis & Oberle. To: **Finance**.

The following legislation was assigned to committee on January 31, 1997:

**SB 53** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HATE CRIMES. Sponsor: Senators Henry, Bunting, McDowell, Voshell & Bair, Sorenson; Representatives Oberle, DiPinto & Schroeder. To: **Judiciary**.

**SB 54** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. 3/5 VOTE. Sponsor: Senators Marshall & Voshell, Representative Spence; Senators Henry, McDowell; Representatives DiPinto, Keeley, Plant Scott, Van Sant & Williams. To: **Public Safety**.

The following legislation was introduced and assigned to committee on February 4, 1997:

**SB 52** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO POST-SECONDARY EDUCATIONAL COSTS SUPPORT. Sponsor: Senator Sorenson & Representative Maroney, Senators Bair, Reed, Blevins, Henry, Voshell, Marshall; Representatives Williams, Caulk, Boulden. To: **Judiciary**.

**HB 20** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES AND THE DEFINITION OF "SWEARS FALSELY." 2/3 VOTE. Sponsor: Representatives Welch, Cloutier, & Senator Amick; Representative Caulk, Davis, Ewing, Lee, Stone, Wagner, Banning; Senators Bonini, Hauge. To: **Executive**.

**HB 31 w/HA 1** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO INFANT NUTRITION, AND PROVIDING FOR AN INFANT NUTRITION ACT. Sponsor: Representative DiLiberto & Senator Sorenson; Representatives Banning, Boulden, Brady, DiPinto, B. Ennis, D. Ennis, Gilligan, Houghton, Keeley, Maier, Maroney, Price, Schroeder, Scott, Smith, Spence, Van Sant, West, Williams; Senators Amick, Blevins, Hauge, McDowell, Reed, Sokola, Voshell. To: **Community/County Affairs**.

**HB 36** - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsor: Representative Banning; Representative Boulden, Brady, Buckworth, Capano, Carey, Caulk, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Reynolds, Roy, Schroeder, Scott, Smith, Stone, Ulbrich, Van Sant, Wagner, Welch, West, Williams, Spence; Senators Adams, Blevins, Bunting, McDowell, Vaughn. To: **Judiciary**.

**HB 62** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ENVIRONMENTAL CONTROL. Sponsor: Representatives Welch & Caulk; Representatives Carey, Ewing, Keeley, Lee, Price, West; Senators Adams, Cook, Venables, Bonini, Bunting. To: **Natural Resources**.

The following legislation was introduced and assigned to committee on February 12, 1997:

**SB 55** - AN ACT TO AMEND TITLE 19, CHAPTER 7, OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING. Sponsor: Senator Marshall. To: **Labor**.

The following legislation was introduced and assigned to committee on March 18, 1997:

**SB 56** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CALENDARS. Sponsor: Senator Sharp & Representative Spence. To: **Education**.

**SB 57** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CERTAIN UNDERAGE MARRIAGES. Sponsor: Senator Bonini. To: **Health and Social Services**.

**SB 58** - AN ACT TO AMEND CHAPTER 35, TITLE 6 OF THE DELAWARE CODE RELATING TO LATE PAYMENTS TO SUPPLIERS UNDER CONSTRUCTION CONTRACTS. Sponsor: Senator Voshell. To: **Small Business**.

**SB 59** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS FOR THE SECRETARY OF EDUCATION. Sponsor: Senators Sokola & Still; Representative Scott. To: **Education**.

A messenger from the Governor was announced and admitted.

Senators Bair and Amick made comments regarding the death of Senator Connor, after which Senator Bair introduced Senator Connor's wife, Dori, and other family members and friends.

Senators Sorenson, Sharp and Still made comments regarding Senator Connor's death.

Senator McBride was marked present.

Senators McBride, Voshell and McDowell made comments regarding Senator Connor's death.

Senator Sharp made a presentation of a memorial to Mrs. Connor, after which the Lt. Governor made her comments.

**SB 30** was brought before the Senate for consideration on motion of Senator Bunting.

**SB 30 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES.**

Several Senators commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 30** was declared passed the Senate and sent to the House for consideration.

**SJR 2** was brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Sharp.

**SJR 2 - RECOGNIZING APRIL 15, 1997 AS LAW ENFORCEMENT APPRECIATION AND SUPPORT DAY.** Sponsor: Senator Sharp; Senators Marshall, Voshell, Vaughn, Adams, Cook, McBride; Representative Oberle, Gilligan, Van Sant, Welch, Ewing, Ennis, Williams, Lee, Wagner, Smith.

Several Senators commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SJR 2** was declared passed the Senate and sent to the House for consideration.

At 4:13 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 5:20 p.m. with Lt. Governor Minner presiding.

Additions to the agenda, committee and other legislative meetings were announced.

**SB 35** was stricken on motion of Senator Blevins.

Senator Bunting introduced members of the Future Farmers of America (F.F.A.).

At 5:26 p.m. on motion of Senator Voshell, the Senate recessed until March 19, 1997 at 4:00 p.m.

The Senate reconvened at 4:54 p.m. on March 19, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Banking: **SB 44** - 4 Merits.

From Health and Social Services: **SB 17** - 4 Merits.

From Highways and Transportation: **HB 67 w/HA 1** - 1 Favorable, 3 Merits.

From Community/County Affairs: **SB 43** - 3 Merits.

From Education: **SB 59** - 1 Favorable, 2 Merits; **SB 18** - 3 Merits.

**LEGISLATIVE ADVISORIES #3 AND #4** from the Office of Counsel to the Governor were announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #3**, dated February 12, 1997, the Governor signed the following legislation on the dates indicated:

**SB #13** (2/10/97) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITATION ON AMOUNT OF BONDS THAT MAY BE ISSUED. (Sponsor: Senator Venables; Representative Lee) (Volume 71, Chapter 3, Laws of Delaware.)

**SB #15 AAB SA 1** (2/10/97) - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. (Sponsor: Senator Voshell & Representative Davis) (Volume 71, Chapter 4, Laws of Delaware.)

**SB #25** (2/11/97) - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DETENTION AND CONFINEMENT OF YOUTH. (Sponsor: Senators McDowell and Blevins, and Representatives Spence, Van Sant and Capano; Senators Vaughn and Sorenson; Representative Lee) (Volume 71, Chapter 5, Laws of Delaware.)

**HB #42 AAB HA 2, 3 AND 4** (2/11/97) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL PROPERTY. (Sponsor: Representative Smith; Representatives Capano, Reynolds, Roy, Senators Bair, Bonini, Hauge, Sokola) (Volume 71, Chapter 6, Laws of Delaware.)

**HB #48** (2/10/97) - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOOT CAMP INCARCERATION ACT. (Sponsor: Representative Lee and Senator Vaughn) (Volume 71, Chapter 7, Laws of Delaware.)

**HB #1** (2/11/97) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE CREATION OF A SECRETARY OF EDUCATION AND THE POWERS AND DUTIES OF SUCH OFFICER. (Sponsor: Representative Smith & Senators Voshell & Bair; Representatives Boulden, Capano; Davis, DiPinto, Lofink, Mack, Maier, Maroney, Petrilli, Reynolds, Spence, Welch, Brady, DiLiberto, Gilligan, Houghton, Keeley, Price, Schroeder, Van Sant, Williams; Senators Blevins, Bunting, Marshall, McDowell, Sokola, Amick, Hauge, Reed, Sorenson, Still) (Volume 71, Chapter 8, Laws of Delaware.)

\* \* \*

**LEGISLATIVE ADVISORY #4**, dated February 14, 1997, the Governor signed the following legislation on the date indicated:

**SB #27 AAB SA 1** (2/14/97) AN ACT TO AMEND VOLUME 70, CHAPTER 473, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1997 BOND AND CAPITAL IMPROVEMENTS ACT, AND AMEND CERTAIN PERTINENT STATUTORY PROVISIONS. (Sponsor: Senator Blevins and Representative Roy) (Volume 71, Chapter 9, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the Chief Clerk of the House informing the Senate that Representative Ulbrich signed **SCR 4** as an additional sponsor on January 30, 1997.

A communication from the President Pro Tempore to the Secretary of the Senate, dated January 30, 1997 was read regarding the change in Membership on the Boot Camp Study committee. Senator Robert J. Voshell has indicated his desire to be relieved of his duties as a member of the Boot Camp Study Committee as established under the provisions of House Concurrent Resolution No. 2, dated Jan. 18, 1995. I am therefore naming Senator James T. Vaughn to replace him on the committee effective this date.

The Secretary announced that a communication from the Speaker of the House, Terry R. Spence informing the Senate that pursuant to **SCR 4** of the 139th General Assembly, which creates a Task Force to conduct a study and make recommendations concerning Delaware's Juvenile Justice System, the following are his appointments on said Task Force. Representative Stephanie Ulbrich and Mr. Harry W. Crystal.

The Secretary announced a message from the Chief Clerk of the House informing the Senate that Representative Buckworth, Carey, Keeley, Brady, Boulden, Davis, Banning, Spence & Maier signed **SCR 2** as an additional sponsor on March 18, 1997.

At 5:00 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 10th Legislative Day.

**10TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MARCH 19, 1997**

The Senate convened at 5:00 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Henry.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
March 19, 1997**

The following nomination from the Governor were assigned to the Executive Committee on March 19, 1997:



STATE OF DELAWARE  
Office of the Governor  
January 18, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby  
nominate and appoint for the consent and confirmation of the Senate the following:  
**Iris T. Metts, Ed.D.**, 500 West 4th Street, Wilmington, Delaware 19801, to be appointed the  
Secretary of Education to serve at the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

The following legislation was introduced and assigned to committee on March 19, 1997:

**SB 60** - AN ACT TO AMEND TITLE 24 RELATING TO PROFESSIONAL ENGINEERS.  
Sponsor: Senator McBride, Amick; Representatives Cloutier, Van Sant. To: **Administrative Services**.

**SB 61** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO  
EDUCATION REGULATIONS AND LEGISLATION. Sponsor: Senator Sharp &  
Representative Spence. To: **Education**.

**SB 62** - AN ACT TO AMEND CHAPTERS 11 AND 101, TITLE 29 DELAWARE CODE,  
RELATING TO THE REGISTER OF REGULATIONS AND PUBLIC NOTICE OF  
PROPOSED AND PROMULGATED REGULATIONS. Sponsor: Senators Sharp, Voshell,  
McDowell, Bair, Amick; Representatives Spence, Smith, Gilligan, Van Sant, Welch. To:  
**Executive**.

**SB 63** - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 49 OF TITLE 10 OF THE  
DELAWARE CODE RELATING TO SUBJECTS OF EXECUTION; EXEMPTIONS.  
Sponsor: Senators Sharp, Vaughn; Representatives Wagner, DiLiberto. To: **Judiciary**.

**HB 47** - AN ACT TO AMEND CHAPTER 41, TITLE 9 OF THE DELAWARE CODE  
RELATING TO THE GOVERNMENT OF KENT COUNTY. Sponsor: Representative Stone;  
Representative Buckworth, Quillen, Wagner, B. Ennis; Senator Still. To: **Community/County Affairs**.

\* \* \*

At 5:04 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 5:34 p.m. with Lt. Governor Minner presiding.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for March 20, 1997.

At 5:35 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on March 20,  
1997.

The Senate reconvened at 2:26 p.m. on March 20, 1997 with Lt. Governor Minner presiding.

The following committee report was announced:

From: Education - **SB 56** - 3 Merits.

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for  
the 11th Legislative Day.

11TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MARCH 20, 1997

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bonini.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
March 20, 1997**

**PLEASE NOTE: TYPO CORRECTION - HB 31 w/HA 1 - TO CHILDREN, YOUTH AND THEIR FAMILIES ON FEBRUARY 4, 1997.**

The following legislation was assigned to committee on March 20, 1997:

**SA 1 to SB 28** – Senator Sharp – Placed with the bill.

**SA 1 to SB 18** – Senator McDowell – Placed with the bill.

**SS 1 for SB 55** - AN ACT TO AMEND TITLE 19, CHAPTER 7, OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING. Sponsor: Senator Marshall & Senator Blevins & Representative Maier; Senators Henry, McBride; Representatives Spence, DiPinto, Oberle, Gilligan, Keeley, Plant, Scott, Williams. To: **Adopted in lieu of the original; Labor.**

\* \* \*

Senators Bair, Cook and Sorenson were marked present.

**SB 44** was brought before the Senate for consideration on motion of Senator Adams.

**SB 44** - AN ACT TO AMEND TITLES 5 AND 30 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS.

Senator Adams requested the privilege of the floor for Tim McTaggart, representing the Office of the Bank Commissioner.

Senator Sharp questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 44** was declared passed the Senate and sent to the House for consideration.

Senators Blevins, Marshall and McBride were marked present during the above roll call.

**SB 43** was brought before the Senate for consideration on motion of Senator Venables.

**SB 43** - AN ACT TO AMEND AND ACT BEING CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" TO SUBSTITUTE GENDER NEUTRAL TERMS FOR "COUNCILMAN" AND COUNCILMEN" AND TO PROVIDE FOR FEMALE PRONOUNS IN REFERENCES TO THE MAYOR, COUNCIL MEMBERS, TOWN MANAGER, TOWN SOLICITOR, TOWN ALDERMAN, ASSISTANT ALDERMAN AND TOWN AUDITOR.

Senator Sorenson questioned the sponsor, after which a roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 43** was declared passed the Senate and sent to the House for consideration.

**SB 59** was brought before the Senate for consideration on motion of Senator Sokola.

**SB 59** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS FOR THE SECRETARY OF EDUCATION.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 59** was declared passed the Senate and sent to the House for consideration.

At 2:45 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 4:08 p.m. with Lt. Governor Minner presiding.

**SB 56** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 56** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CALENDARS.

**SA 1 to SB 56** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

Several Senators questioned the sponsor, after which Senator Sokola requested **SA 1 to SB 56** be laid on the table. No objection.

Senator Sharp moved **SB 56** be laid on the table.

**HB 67 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HB 67 w/HA 1** - AN ACT TO AMEND CHAPTERS 27 AND 41 OF TITLE 21 OF THE DELAWARE CODE PERTAINING TO TOLL EVASION.

**SA 1 to HB 67** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

Senator Bunting questioned the sponsor, after which a roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SA 1 to HB 67** was declared part of the bill.

**HB 67 w/HA 1 & SA 1** was now before the Senate.

Senator Voshell requested the privilege of the floor for Pam Scott, representing Delaware Department of Transportation.

Several Senators questioned the witness, after which Senator Voshell requested the privilege of the floor for Howard R. Giddens, representing Delaware Department of Transportation.

Senator McBride questioned the witness, after which the witnesses were excused.

Senator Voshell requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

The witness was excused after addressing the Senate.

Senators Amick and Bunting commented.

Senator Voshell moved to lay **HB 67 w/HA 1 & SA 1** on the table.

**SB 56** was lifted from the table and brought before the Senate for consideration on motion of Senator Sharp.

**SB 56** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CALENDARS.

**SA 2 to SB 56** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

Senator McBride questioned the sponsor, after which a roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SA 2 to SB 56** was declared part of the bill.

**SB 56 w/SA 2** was now before the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 56 w/SA 2** was declared passed the Senate and sent to the House for consideration.

The Secretary announced a message from the House informing the Senate that it had passed **HB 47; HCR 9; SJR 2.**

**SENATE CONSENT CALENDAR #2** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 13** - BIDDING A FOND FAREWELL AND BEST WISHES TO JOHN T. BROOK, RESPECTED AND TRUSTWORTHY PUBLIC SERVANT, ON THE OCCASION OF HIS RETIREMENT FROM THE UNIVERSITY OF DELAWARE. Sponsor: Senator Amick on Behalf of All Senators and Representative Petrilli and Representative Ulbrich and Representative Boulden on Behalf of All Representatives.

**HCR 9** - HONORING KAY WOOD BAILEY OF WYOMING AS THE 1997 MOTHER OF THE YEAR. Sponsor: Representative Fallon & Buckworth and Senator Bair on behalf of all House and Senate members.

A roll call vote was taken on **SENATE CONSENT CALENDAR #2** and revealed 20 Senators voting YES, 1 VACANT; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolution was returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for March 25, 1997.

At 5:28 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on March 25, 1997.

The Senate reconvened at 2:26 p.m. on March 25, 1997 with Lt. Governor Minner presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 39; HB 78 w/HA 1; HB 82 w/HA 1.**

At 2:27 p.m. on motion of Senator Voshell the Senate adjourned to immediately convene for the 12th Legislative Day.

**12TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION**

## MARCH 25, 1997

The Senate convened at 2:27 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Voshell.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

### DELAWARE STATE SENATE PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION March 25, 1997

The following legislation was introduced and assigned to committee on March 25, 1997:

**SA 1 to SB 17** – Senator Blevins – Placed with the bill.

**SB 64** - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Senator Vaughn; Senators McBride, Sorenson, Blevins, Still, Sokola, Venables, Adams; Representatives Buckworth, Welch, Banning, Quillen, Wagner, B. Ennis, DiPinto, Houghton, Price. To:

**Finance.**

**SB 65** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DISTRIBUTION, DELIVERY, OR POSSESSION OF CONTROLLED SUBSTANCES OR COUNTERFEIT CONTROLLED SUBSTANCES IN OR WITHIN 300 FEET OF A COMMUNITY CENTER OR DAY CARE CENTER. Sponsor: Senator Marshall and Senator Sharp and Representative Spence; Representatives Williams, Scott. To: **Community/County Affairs.**

**HB 39** - AN ACT TO AMEND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENTS WHO HAVE EXPELLED FROM PUBLIC SCHOOL. Sponsor: Representative Wagner and Senator Voshell; Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, Banning, Brady, DiLiberto, B. Ennis, Gilligan, Price; Senator Bunting. To: **Education.**

**HB 78 w/HA 1** - AN ACT AWARDED SPECIAL LINE OF DUTY BENEFITS TO WAYNE STEEN. Sponsor: Representative Gilligan & Representative Roy & Senator Sokola; Representatives Banning, Boulden, Brady, Buckworth, Carey Cloutier, Caulk, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Keeley, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Stone, Ulbrich, Van Sant, Wagner, Welch, West, Williams, Spence; Senators Bunting, Cook, Marshall, McBride, McDowell, Still. To: **Finance.**

**HB 82 w/HA 1** - AN ACT TO AMEND TITLE 11 AND TITLE 21 OF THE DELAWARE CODE RELATING TO USE OF AUDIOVISUAL DEVICES FOR COURT APPEARANCES AND VIDEOPHONE ASSESSMENTS. Sponsor: Representative Roy and Senator Sharp. To: **Judiciary.**

\* \* \*

Senator Voshell deferred to Senator Bunting.

Senator Bunting requested the privilege of the floor to make comments regarding Mr. Nelson Quillen, one of the Senate Sergeant-of-Arms, who died Sunday, March 23, 1997. Senator Bunting requested a moment of silence.

Senator Voshell deferred to Senator Venables.

Senator Venables requested the privilege of the floor to introduce the Seaford High School State Championship Basketball Team and Coach Charlie O'Donnell.

Senators Amick, Bonini, Cook and Bair were marked present.

The Reading Clerk, Scotty Amerine, made comments on the winning team and the coach.

Senator Venables presented a tribute to each team member and to Coach O'Donnell. Senator Venables requested the privilege of the floor for Representative Tina Fallon to make her remarks, after which Representative Fallon was excused.

Senators Amick and Voshell commented, after which the team and coach were excused.

**SB 17** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 17** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE.

**SA 1 to SB 17**, which was previously placed with the bill, was brought before the Senate for consideration.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (McDowell) NO, 1 VACANT; therefore, **SA 1 to SB 17** was declared part of the bill.

Senators Marshall and McBride were marked present during the above roll call.

**SB 17 w/SA 1** was now before the Senate.

Senators McDowell and Amick commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 17 w/SA 1** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Voshell, the Senate recessed at 2:57 p.m. for Party Caucus.

The Senate reconvened at 4:18 p.m. with Lt. Governor Minner presiding.

A messenger from the Governor was announced and admitted.

**SA 1 to SB 56** was stricken on motion of Senator Sokola.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary read the agenda for March 26, 1997.

At 4:22 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on March 26, 1997.

The Senate reconvened at 5:46 p.m. on March 26, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Administrative Services: **SB 41** - 3 Merits; **SB 60** - 3 Merits; **HB 5 w/HA 1** - 3 Merits.

From Children, Youth & Their Families: **HB 31 w/HA 2** - 4 Merits.

From Executive: **Dr. Iris T. Metts** - 4 Merits, 2 Unfavorable; **Dr. James Soles** - 6 Favorable; **Ernest Danneman** - 5 Favorable, 1 Merit; **Thomas W. Castaldi** - 6 Favorable.

From Finance: **HB 78 w/HA 1** - 5 Merits; **SB 38** - 2 Favorable, 3 Merits; **SB 50** - 4 Merits; **SB 51** - 5 Merits.

From Labor: **SS 1 for SB 55** - 1 Favorable, 2 Merits.

From Sunset: **HB 52 w/HA 1** - 5 Merits.

A communication from Senator Venables to the Secretary of the Senate was read requesting the return of **SB 43** from the House.

A communication from the Secretary of the Senate to the Chief Clerk of the House was read requesting the return of **SB 43** from the House.

A communication from the Chief Clerk of the House to the Secretary of the Senate was read per your request **SB 43** is returned to the Senate.

Senator Venables moved the roll call vote on **SB 43** be rescinded and then stricken. No objection.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 10; HB 12; HB 30 w/HA 1; HB 43 w/HA 1; HB 52 w/HA 1; HB 69 w/HA 1; HB 68 w/HA 1; HCR 12; SCR 8; SCR 13; SB 33.**

At 5:55 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 13th Legislative Day.

**13TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MARCH 26, 1997**

The Senate convened at 5:55 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Reed.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** - 1.

The journal of the previous day was approved as read on motion of Senator Sharp. No objections.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
March 26, 1997**

The following nominations from the Governor were assigned to the Executive Committee on March 25, 1997:

STATE OF DELAWARE  
Office of the Governor  
March 25, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Henry E. Kressman**, 12 Rockford Mews Court, Wilmington, Delaware 19806, to be reappointed a member of the Public Employment Relations Board to serve a six-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
March 25, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Thomas W. Castaldi**, 9 Bunker Hill Road, New Castle, Delaware 19720, to be reappointed a member of the Violent Crimes Compensation Commission to serve a six-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
March 25, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**George J. C  yle**, 2233 East Huntington Drive, Wilmington, Delaware 19808, to be reappointed a member of the Delaware Alcoholic Beverage Control Commission to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

The following legislation was introduced and assigned to committee on March 26, 1997:

**SB 66** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO SCHOOL TAX CREDITS. Sponsor: Senator Bonini; Senators Venables, Marshall; Representative Welch. To: **Education**.

**SB 67** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. 2/3 VOTE. Sponsor: Senator Adams and Representative D. Ennis; Senators Sokola, Sharp and Sorenson; Representatives Stone, Capano, DiPinto, Fallon, Houghton, Keeley and Scott. To: **Banking**.

**SB 68** - AN ACT TO AMEND CHAPTER 71, TITLE 29 DELAWARE CODE RELATING TO MILEAGE RATES FOR PRIVATELY OWNED VEHICLES. Sponsor: Senators McDowell, Hauge, Henry, Still, Vaughn, Voshell, Adams; Representatives Ewing, Cloutier, Wagner. To: **Administrative Services**.

**SB 69** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PERSONS PROHIBITED. Sponsor: Senators Voshell & Henry; Representatives Ewing & Williams. To: **Public Safety**.

**HB 12** - AN ACT TO AMEND TITLE 10, OF THE DELAWARE CODE RELATING TO CONCURRENT JURISDICTION IN JUSTICE OF THE PEACE COURTS FOR VIOLATIONS OF MUNICIPAL JUVENILE CURFEW ORDINANCES. 2/3 VOTE. Sponsor: Representative Quillen & Senator Voshell. To: **Judiciary**.

**HB 30 w/HA 1** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO HARNESS RACING. 2/3 VOTE. Sponsor: Representative Oberle & Senator Adams. To: **Agriculture**.

**HB 43 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EMERGING FROM A LANE, DRIVEWAY, PRIVATE ROAD OR BUILDING. Sponsor: Representative Quillen. To: **Public Safety**.

**HB 52 w/HA 1** - AN ACT TO AMEND CHAPTER 227, VOLUME 69, LAWS OF DELAWARE, RELATING TO THE PHARMACY ACCESS ACT. Sponsor: Representative Wagner; Senator Blevins. To: **Sunset**.

**HB 68 w/HA 1** - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DENIAL OF CERTAIN VICTIM COMPENSATION CLAIMS. Sponsor: Representative Banning & Senator Vaughn. To: **Public Safety**.

**HB 69 w/HA 1** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE TAXATION OF THE DISTRIBUTION AND USE OF PUBLIC UTILITIES. 3/5 VOTE. Sponsor: Representative Capano & Senator Adams; Representatives Roy, Petrilli; Senator Cook. To: **Energy**.

\* \* \*

**HB 67 w/HA 1 & SA 1** was lifted from the table and brought before the Senate on motion of the floor manager, Senator Voshell.

**HB 67 w/HA 1 & SA 1** - AN ACT TO AMEND CHAPTERS 27 AND 41 OF TITLE 21 OF THE DELAWARE CODE PERTAINING TO TOLL EVASION.

**SA 2 to HB 67** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Reed) ABSENT, 1 VACANT; therefore, **SA 2 to HB 67** was declared part of the bill.

**HB 67 w/HA 1, SA 1 & 2** was now before the Senate.

Senator Voshell requested the privilege of the floor for Pamela Scott, representing Delaware Department of Transportation.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 18 Senators voting YES, 2 (Sharp, Vaughn) NO, 1 VACANT; therefore, **HB 67 w/HA 1, SA 1 & 2** was declared passed the Senate and returned to the House for reconsideration.

**SCR 14** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

**SCR 14** - RECOGNIZING THE 100TH ANNIVERSARY OF BELL ATLANTIC-DELAWARE AS THE COMPANY MARKS A CENTURY OF SERVICE TO RESIDENTS AND BUSINESSES OF THE STATE OF DELAWARE. Sponsor: Senators Sharp, Adams & Vaughn on Behalf of all Senators and Representatives Spence & DiPinto on Behalf of all Representatives.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SCR 14** was declared adopted by the Senate and sent to the House for consideration.

**SCR 15** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

**SCR 15** - REQUESTING THE UNIVERSITY OF DELAWARE TO PROVIDE INFORMATION REGARDING IT PLANS FOR THE JUDGE MORRIS PROPERTY.

Sponsor: Senators Sharp & Sokola; Representatives Maier & DiLiberto.

Senator McBride commented.

A roll call vote was taken and revealed 14 Senators YES, 6 (Amick, Bair, Hauge, Reed, Sorenson, Still) NOT VOTING, 1 VACANT; therefore, **SCR 15** was declared adopted by the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary read the agenda for March 27, 1997.

At 6:17 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on March 27, 1997.

The Senate reconvened at 3:16 p.m. on March 27, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Executive: **George J. Coyle** - 6 Favorable; **Peggy L. Ableman** - 4 Merits, 1 Unfavorable; **SB 29** - 4 Merits.

The Secretary announced a message from the Chief Clerk, JoAnn M. Hedrick informing the Senate that Representative DiPinto signed **SCR 8** as an additional sponsor on March 26, 1997.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 14**.

At 3:20 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 14th Legislative Day.

**14TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MARCH 27, 1997**

The Senate convened at 3:20 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 20. **VACANT:** - 1.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
March 27, 1997**

The following legislation was introduced and assigned to committee on March 26, 1997:

**SB 70** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Senators Sharp, McDowell, Vaughn, McBride, Blevins; Representatives Oberle, Banning, B. Ennis & Maier. To: **Judiciary**.

**SB 71** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISPOSITION OF LANDS WHICH ARE OWNED BY ENTITIES RECEIVING STATE FUNDING. Sponsor: Senators Sharp, McDowell, Vaughn, McBride & Blevins; Representatives Oberle, Banning, B. Ennis & Maier. To: **Judiciary**.



**SB 72** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE LIMITATIONS UPON TAXING POWER. Sponsor: Senators Sharp, McDowell, Vaughn, McBride & Blevins; Representatives Oberle, Banning, B. Ennis & Maier. To: **Judiciary**.

**SB 73** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE AUDITOR OF ACCOUNTS. Sponsors Sharp, McDowell, Vaughn, McBride & Blevins; Representatives Oberle, Banning, B. Ennis & Maier. To: **Judiciary**.

The following legislation was introduced and assigned to committee on March 27, 1997:

**SB 74** - AN ACT TO AMEND CHAPTER 53, TITLE 24 OF THE DELAWARE CODE RELATING TO MASSAGE AND BODYWORK. Sponsor: Senator Blevins Representative Ulbrich; Senators Bunting, Sokola, Reed, Still; Representatives Capano, Maier, Scott. To: **Sunset**.

\* \* \*

**HB 31 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator McDowell.

**HB 31 w/HA 1** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO INFANT NUTRITION, AND PROVIDING FOR AN INFANT NUTRITION ACT.

Senator Sorenson requested the privilege of the floor for Kim Smyth, representing herself and Nursing Mothers, Inc.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **HB 31 w/HA 1** was declared passed the Senate and returned to the House.

Senators Amick, Hauge and Reed were marked present during the above roll call.

**HB 36** was brought before the Senate for consideration, under the suspension of the necessary rules on motion of the floor manager, Senator Sharp.

**HB 36** - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **HB 36** was declared passed the Senate and returned to the House.

**HB 52 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HB 52 w/HA 1** - AN ACT TO AMEND CHAPTER 227, VOLUME 69, LAWS OF DELAWARE, RELATING TO THE PHARMACY ACCESS ACT.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **HB 52 w/HA 1** was declared passed the Senate and returned to the House.

**SB 38** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 38** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO WHOLESALERS.

**SA 1 to SB 38** was introduced and brought before the Senate for consideration on motion of Senator Vaughn.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SA 1 to SB 38** was declared part of the bill.

**SB 38 w/SA 1** was now before the Senate.

Senator Vaughn requested the privilege of the floor for Bill Remington, representing the Division of Revenue.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **SB 38 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 77** was brought before the Senate for consideration, under the suspension of the necessary rules on motion of Senator Venables.

**SB 77** - AN ACT TO AMEND AN ACT BEING CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" TO SUBSTITUTE GENDER NEUTRAL TERMS FOR "COUNCILMAN" AND "COUNCILMEN" AND TO PROVIDE FOR FEMALE PRONOUNS IN REFERENCES TO THE MAYOR, COUNCIL MEMBERS, TOWN MANAGER, TOWN SOLICITOR, TOWN ALDERMAN, ASSISTANT ALDERMAN AND TOWN AUDITOR.

At 3:46 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 5:24 p.m. with Senator Sharp presiding.

**HB 78 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Cook.

**HB 78 w/HA 1** - AN ACT AWARDING SPECIAL LINE OF DUTY BENEFITS TO WAYNE STEEN.

Lt. Governor Minner presiding at 5:25 p.m.

Senator Cook requested the privilege of the floor for Representative Robert Gilligan. Senator Adams questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 VACANT; therefore, **HB 78 w/HA 1** was declared passed the Senate and returned to the House.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

**George J. Coyle** - 20 Senators voting YES, 1 VACANT. Appointment confirmed.

**Ernest Danneman** - 19 Senators voting YES, 1 (Amick) NOT VOTING, 1 VACANT. Appointment confirmed.

**Dr. James R. Soles** - 20 Senators voting YES, 1 VACANT. Appointment confirmed.

**Peggy L. Ahleman** - Senator Sharp commented on the nomination, after which 16 Senators voting YES, 2 (Sharp, Vaughn) NO, 2 (Adams, McBride) NOT VOTING, 1 VACANT. Appointment confirmed.

Senator Sharp commented on the nomination of Iris Metts for the Secretary of Education.

Senators Bair and Sokola commented.

**SENATE CONSENT CALENDAR #3** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 10** - DECLARING APRIL 1997 AS ORGAN AND TISSUE DONOR AWARENESS MONTH. Sponsor: Representative Buckworth & Senator McBride; Representatives Davis, DiPinto, Maroney, Quillen, Brady, Houghton, West; Senators Cook, Henry, Vaughn, Bonini, Sorenson.

**HCR 12** - HONORING THE SEAFORD HIGH SCHOOL BOYS BASKETBALL TEAM FOR WINNING THE 1997 STATE BASKETBALL CHAMPIONSHIP. Sponsor: Representative Fallon & Senators Adams & Venables on Behalf of All House & Senate Members.

A roll call vote was taken on **SENATE CONSENT CALENDAR #3** and revealed 20 Senators voting YES, 1 VACANT; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The House Concurrent Resolutions were returned to the House.

**HCR 13** was brought before the Senate for consideration on motion of the floor manager, Senator Vaughn.

**HCR 13** - CONGRATULATING THE CITIZENS' HOSE COMPANY NO. 1, INC. BAND ON THEIR FIFTIETH GOLDEN ANNIVERSARY, AND FURTHER CONGRATULATING THEM FOR HAVING BEEN SELECTED TO PERFORM IN THE FIFTY-THIRD PRESIDENTIAL INAUGURAL PARADE ON JANUARY 20, 1997. Sponsor: Representative B. Ennis & Senator Vaughn; Senators Cook, Still; Representatives Spence, Wagner, Welch, Van Sant.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Bair) ABSENT, 1 VACANT; therefore, **HCR 13** was declared adopted by the Senate and returned to the House.

**HCR 14** was brought before the Senate for consideration on motion of the floor manager, Senator McDowell.

**HCR 14** - SUPPORTING THE NEED TO THOROUGHLY RE-EVALUATE THE CURRENT PAY-AS-YOU-GO SOCIAL SECURITY SYSTEM IN ORDER TO PROTECT CURRENT AND FUTURE DELAWARE RETIREES. Sponsor: Representative Maier & Senator McDowell; Representatives Buckworth, Capano, Davis, D. Ennis, Stone, Ulbrich, Banning, Keeley; Senators Bonini, Reed and Sorenson.

Senator Marshall commented.

Senator McDowell requested to lay **HCR 14** on the table. No objection.

Additions to the agenda, committee and other legislative meetings were announced.

**SB 78** was introduced and assigned to the **Health and Social Services** Committee.

**SB 78** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE. Sponsor: Senator Blevins & Representative Ulbrich; Senators Henry & Sorenson; Representatives Houghton, Spence & Wagner.

The Secretary read the agenda for April 15, 1997.

At 6:03 p.m. on motion of Senator Voshell, the Senate recessed to the Call of the President Pro Tempore or April 15, 1997, whichever comes first.

The Senate reconvened at 2:58 p.m. on April 15, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Public Safety: **SB 54** - 4 Merits; **SB 69** - 4 Merits; **HB 43 w/HA 1** - 4 Merits; **HB 68 w/HA 1** - 4 Merits.

From Combat Drug Abuse: **SB 65** - 1 Favorable, 3 Merits.

A communication from Senator Voshell was read requesting the following Senators and Representatives be added as co-sponsors to **SB 69**: Senators Blevins, McDowell, Bair and Hauge; Representatives D. Ennis, Scott, Keeley, Plant, Capano, Petrilli, Buckworth, Lee, Spence, Maier, Ulbrich, DiPinto and Van Sant.

At 3:00 p.m. on motion of Senator Sharp, the Senate recessed to repair the tape.

The Senate reconvened at 3:10 p.m. with Lt. Governor Minner presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 137; HB 130; HB 37 w/HA 2; HB 103; HCR 13; HCR 14; SB 56 w/SA 2; SB 77; SCR 15; SCR 7; SCR 9 w/HA 1.**

At 3:10 p.m. on the motion of Senator Voshell, the Senate adjourned to immediately convene for the 15th Legislative Day.

**15TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 15, 1997**

The Senate convened at 3:10 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bair.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21. Senator Dorinda A. Connor marked present after having been sworn in. The seat vacated by her late husband, Senator Robert T. Connor has been filled.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE FILED LEGISLATION  
April 15, 1997**

The following legislation was introduced and assigned to committee:

**SB 75** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE GENERAL POWERS OF THE SECRETARY, DELAWARE HEALTH AND SOCIAL SERVICES. Sponsor: Senator Blevins & Representative Maier; Senators Henry & Sorenson; Representatives Keeley, Maroney, Ulbrich, Gilligan, Plant & Capano. To: **Health and Social Services.**

**SB 76** - AN ACT TO AMEND TITLES 3, 11, 19, 28 AND 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES. Sponsor: Senator Cook and Representative Davis. To: **Administrative Services.**

**SB 79** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION. Sponsor: Senator Sokola & Senator Voshell & Senator Blevins. To: **Education.**

**HB 37 w/HA 2** - AN ACT TO AMEND TITLE 14 AND TITLE 21 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOLS; AND PROVIDING FOR THE SUSPENSION OF, NON-RENEWAL OF, OR REFUSAL TO ISSUE A DRIVER'S LICENSE TO A PERSON WHO HAS BEEN EXPELLED FROM SCHOOL. Sponsor: Representative Wagner and Senator Voshell; Representatives Boulden, Capano, Caulk, Cloutier, Davis, D. Ennis, Ewing, Lee, Maier, Smith, Ulbrich, Welch, DiLiberto, Houghton, Price, West; Senator Still. To: **Education.**

**HB 74** - AN ACT AUTHORIZING THE TRANSFER OF THE FREE PUBLIC LIBRARY OF THE SMYRNA SCHOOL DISTRICT KNOWN AS THE SMYRNA PUBLIC LIBRARY TO THE TOWN OF SMYRNA, PROVIDING THAT THE TOWN OF SMYRNA SHALL

ASSUME THE OUTSTANDING OBLIGATIONS OF THE LIBRARY AND THE OBLIGATIONS OF THE SMYRNA SCHOOL DISTRICT AND ITS DISTRICT LIBRARY COMMISSION RELATING TO SUCH LIBRARY UPON THE TRANSFER THEREOF, AS AUTHORIZED BY CHAPTER 71 OF TITLE 14 OF THE DELAWARE CODE. 2/3 VOTE. Sponsor: Representative B. Ennis & Senator Vaughn; Representatives Banning, Boulden, Buckworth, Capano, Carey, Cloutier, DiPinto, D. Ennis, Gilligan, Houghton, Keeley, Lee, Maroney, Oberle, Plant, Price, Quillen, Scott, Ulbrich, Van Sant, Wagner, Welch, West, Spence; Senators Cook, Still, Voshell. To: Administrative Services.

**HB 103** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF JUDGEMENTS FROM THE JUSTICE OF THE PEACE COURTS.

Sponsor: Representative Wagner & Senator Vaughn. To: Judiciary.

**HB 130** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ADJUSTMENT OF ELECTION AREAS FOR CAPE HENLOPEN SCHOOL DISTRICT BOARD MEMBERS. Sponsor: Representative Schroeder; Representatives Carey, Price; Senators Bunting, Voshell. To: Education.

**HB 137** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDITS. Sponsor: Representative Fallon & Senator Adams. To: Revenue and Taxation.

\* \* \*

The Secretary acknowledges the receipt of Special Election Certificate. Certificate of Election for Dorinda A. Connor – 12 District read to the record. (original on file for this Legislative Day).

Senators Voshell and Amick verified the Certificate as requested by the Lt. Governor.

Senator Dorinda A. Connor was then sworn in by Judge Ridgley.

Signed Oath in file for this Legislative Day.

Senator Connor addressed the Senate and introduced her guests, after which she was officially marked present.

Senators Bair and Sharp commented and welcome the newly sworn in Senator.

Senator McBride was marked present.

At 3:20 p.m. on motion of Senator Voshell, the Senate recessed for a reception for Senator Connor.

The Senate reconvened at 4:47 p.m. with Lt. Governor Minner presiding.

**LEGISLATIVE ADVISORIES #5 - #7** from the Office of Counsel to the Governor were announced for the record, partially read, and copies were made available for the members upon request.

**LEGISLATIVE ADVISORY #5**, dated March 31, 1997, the Governor signed the following legislation on the date indicated:

**SJR #2** (3/27/97) - RECOGNIZING APRIL 15, 1997 AS LAW ENFORCEMENT APPRECIATION AND SUPPORT DAY. (Sponsor: Senator Sharp & Representative Spence; Senators Adams, Cook, Marshall, McBride, Vaughn, Voshell; Representatives Banning, Boulden, Brady, Buckworth, Capano, Carey, Davis, DiPinto, DiLiberto, B. Ennis, D. Ennis, Ewing, Gilligan, Keeley, Lee, Lofink, Maier, Oberle, Price, Schroeder, Scott, Smith, Stone, Ulbrich, Van Sant, Wagner, Welch, Williams)

\* \* \*

**LEGISLATIVE ADVISORY #6**, dated April 7, 1997, the Governor signed the following legislation on the dates indicated:

**HB #31 AAB HA 1** (4/7/97) - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO INFANT NUTRITION, AND PROVIDING FOR AN INFANT NUTRITION ACT. (Sponsor: Representative DiLiberto & Senator Sorenson) (Volume 71, Chapter 10, Laws of Delaware.)

**HB #36** (4/7/97) - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. (Sponsor: Representative Banning) (Volume 71, Chapter 11, Laws of Delaware.)

**HB #52 AAB HA 1** (4/7/97) - AN ACT TO AMEND CHAPTER 227, VOLUME 69, LAWS OF DELAWARE, RELATING TO THE PHARMACY ACCESS ACT. (Sponsor: Representative Wagner; Senator Blevins) (Volume 71, Chapter 12, Laws of Delaware.)

**HB #67 AAB HA 1 and SA 1 and 2** (4/7/97) - AN ACT TO AMEND CHAPTERS 27 AND 41 OF TITLE 21 OF THE DELAWARE CODE PERTAINING TO TOLL EVASION. (Sponsor: Representative Boulden and Senator Voshell) (Volume 71, Chapter 13, Laws of Delaware.)

**SB #33** (4/7/97) - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES. (Sponsor: Senator Marshall and Representative Capano) (Volume 71, Chapter 14, Laws of Delaware.)

**SB #56 AAB SA 2** (4/7/97) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CALENDARS. (Sponsor: Senator Sharp & Representative Spence) (Volume 71, Chapter 15, Laws of Delaware.)

**SB #77** (4/7/97) - AN ACT TO AMEND AN ACT BEING CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" TO SUBSTITUTE GENDER NEUTRAL TERMS FOR "COUNCILMAN" AND "COUNCILMEN" AND TO PROVIDE FOR FEMALE PRONOUNS IN REFERENCES TO THE MAYOR, COUNCIL MEMBERS, TOWN MANAGER, TOWN SOLICITOR, TOWN ALDERMAN, ASSISTANT ALDERMAN and TOWN AUDITOR. (Sponsor: Senator Venables & Representative Lee) (Volume 71, Chapter 16, Laws of Delaware.)

\* \* \*

**LEGISLATIVE ADVISORY #7**, dated April 14, 1997, the Governor signed the following legislation on the date indicated:

**HB #78 AAB HA 1** (4/9/97) - AN ACT AWARDED SPECIAL LINE OF DUTY BENEFITS TO WAYNE STEEN. (Sponsor: Representative Gilligan & Representative Roy & Senator Sokola) (Volume 71, Chapter 17, Laws of Delaware.)

\* \* \*

**SR 10** was introduced and brought before the Senate for consideration on motion of Senator Henry.

**SR 10** - COMMEMORATING APRIL 15, 1997 AS THE 50TH ANNIVERSARY OF THE DAY THAT JACKIE ROBINSON INTEGRATED MAJOR LEAGUE BASEBALL. Sponsor: Senator Henry; Senators Marshall & McDowell.

Senators Bonini and Voshell were added as a co-sponsor.

Senator McDowell commented.

A roll call vote was taken and revealed 21 Senators voted YES; therefore, **SR 10** was declared adopted.

Senator Marshall was marked present during the above roll call.

**SS 1 for SB 55** was brought before the Senate for consideration on motion of Senator Marshall.

**SS 1 for SB 55** - AN ACT TO AMEND TITLE 19, CHAPTER 7, OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING.

**SS 2 for SB 55** was introduced and brought before the Senate for consideration in lieu of **SS 1 for SB 55**, under the suspension of the necessary rules on motion of Senator Marshall.

**SS 2 for SB 55** - AN ACT TO AMEND TITLE 19, CHAPTER 7, OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING. Sponsor: Senator Marshall & Senator Blevins & Representative Maier; Senators Henry, McBride; Representatives Spence, DiPinto, Oberle, Gilligan, Keeley, Plant, Scott & Williams.

Senator Bair commented.

Senator Marshall requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

Several Senators questioned the witness.

Senator Marshall raised a point of order.

Senator McDowell questioned the witness, after which the witness was excused.

Senator Marshall requested the privilege of the floor for Susan Holmes, representing the Department of Labor, Division of Industrial Affairs.

Senators Bunting and McDowell questioned the witness, after which the witness was excused.

Senator Marshall requested the privilege of the floor for Beth Kramer, representing Department of Services for Children, Youth and their Families.

Several Senators questioned the witness, after which the witness was excused.

Senator Marshall moved to lay **SS 2 for SB 55** on the table. No objection.

**SCR 16** was introduced and brought before the Senate for consideration on motion of Senator Amick.

**SCR 16** - COMMENDING VICTOR SINGER OF NEWARK, DELAWARE FOR HIS OUTSTANDING COMMUNITY SERVICE ACTIVITIES WHICH HAVE EARNED HIM THE 1997 RECIPIENT OF THE "GOOD GOVERNMENT AWARD" GIVEN ANNUALLY BY THE CIVIC LEAGUE OF NEW CASTLE COUNTY. Sponsor: Senator Amick; Senators

Bair, Blevins, Bonini, Hauge, Reed, Sokola, Sorenson, Still; Representative Spence on Behalf of All House Members.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Hauge) ABSENT; therefore, **SCR 16** was declared adopted by the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for April 16, 1997.

At 5:58 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on April 16, 1997.

The Senate reconvened at 4:23 p.m. on April 16, 1997 with Senator Sharp presiding.

The following committee reports were announced.

From Education: **SB 79** - 3 Merits, 1 Unfavorable.

From Banking: **SB 67** - 2 Favorable, 2 Merits.

The Secretary announced a message from the House informing the Senate that it House had passed **HB 11; HB 109; HB 110; HB 111; HCR 3; HCR 6; SB 44.**

The following committee reports were announced:

From Executive: **Joseph A. Pika** - 5 Favorable; **Dennis J. Savage** - 5 Favorable; **James L. Spartz, Ed.D** - 5 Favorable.

At 4:27 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 16th Legislative Day.

**16TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 16, 1997**

The Senate convened at 4:27 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Voshell.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
April 16, 1997**

The following nominations from the Governor were assigned to the **Executive** Committee.

STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Joseph A. Pika**, 28 Bridle Brook Lane, Newark, Delaware 19711, to be appointed a member of the State Board of Education to serve a six-year term.

Your consideration of this nomination is appreciated.

Sincerely,  
Thomas R. Carper  
Governor

(Signed)

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Leonard W. Quill**, 1104 Arundel Drive, Arundel, Wilmington, Delaware 19808, to be appointed a member of the Diamond State Port Corporation Board of Directors to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Samuel K. Lathem**, 20 Lochview Drive, Bear, Delaware 19701, to be appointed a member of the Diamond State Port Corporation Board of Directors to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Acie L. Mankins**, 33 Maplewood Drive, Lewes, Delaware 19958, to be appointed a member of the Advisory Council on Tidal Finfisheries to serve a term to expire June 29, 2000 to replace Shirley A. Price who resigned.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly

of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**James L. Spartz, Ed.D**, 183 Chapel Drive, Camden, Delaware 19934, to be appointed Chairman of the State Board of Education to serve a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

STATE OF DELAWARE  
Office of the Governor  
April 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Dennis J. Savage**, 516 East 6th Street, Wilmington, Delaware 19801, to be appointed a member of the State Board of Education to serve a six-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

The following legislation was introduced and assigned to committee:

**SA 1 to SB 60** - Senator McBride - Placed with the bill.  
**SA 1 to SB 69** - Senator Voshell - Placed with the bill.  
**SA 1 to SB 79** - Senator McDowell - Placed with the bill.  
**SA 2 to SB 79** - Senator McDowell - Placed with the bill.

**SB 80** - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE RELATING TO JUDGES OF THE COURT OF COMMON PLEAS. Sponsor: Senator Sharp; Senators Adams & Vaughn; Representative Van Sant. To: **Judiciary**.

**SB 81** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINORS AND UNIFORM CONTROLLED SUBSTANCES. Sponsor: Senators McDowell, Adams, Bunting, Henry, Marshall, Sharp, Venables & Voshell; Representatives B. Ennis, D. Ennis, Ewing, Gilligan, Keeley, Lee, Stone & Wagner. To: **Combat Drug Abuse**.

**SB 82** - AN ACT TO AMEND TITLE 10 AND 11 RELATING TO PROTECTION FROM ABUSE PROCEEDINGS AND DEADLY WEAPONS. Sponsor: Senators Blevins & Voshell; Representatives Capano & Petrilli; Senators McDowell, Henry, Bair & Reed; Representatives D. Ennis, Scott, Williams, Keeley, Plant, Spence, Buckworth, Maier, Ulbrich & DiPinto. To: **Judiciary**.

**SB 83** - AN ACT TO AMEND 69 LAWS OF DELAWARE, CHAPTER 463 RELATING TO INSURANCE FRAUD. Sponsor: Senator Vaughn. To: **Insurance and Elections**.

**SB 84** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 21 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE OFFICE OF INSURANCE COMMISSIONER. 2/3 VOTE. Sponsor: Senator Vaughn. To: **Insurance and Elections**.

**SB 85** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATIONS OF CIVIL LIABILITY FOR CERTAIN VOLUNTEERS. Sponsor: Senator Bair & Representative DiPinto; Senators Sorenson, Hauge, Bonini, Amick, Still; Representatives Petrilli, Spence, Capano, Carey, Cloutier, Ewing. To: **Executive**.



**SB 86** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS. Sponsor: Senators Henry & Voshell; Representatives Ewing & Williams; Senators McDowell, Blevins, Bair, Hauge & Reed; Representatives Lee, Capano, Plant, Scott, D. Ennis, Keeley, Buckworth, Ulbrich, Maier, Spence & DiPinto. To: **Public Safety**.

**SB 87** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PERSONS PROHIBITED. Sponsor: Senators Voshell & Henry; Representatives Ewing & Williams; Senators Blevins, McDowell, Bair & Hauge; Representatives D. Ennis, Scott, Keeley, Plant, Capano, Petrilli, Buckworth, Lee, Spence, Maier, Ulbrich, DiPinto & Van Sant. To: **Public Safety**.

**SB 88** - AN ACT TO AMEND CHAPTER 13, TITLE 25, DELAWARE CODE RELATING TO FENCES AND BARBED WIRE. Sponsor: Senator Blevins and Representative Capano. To: **Judiciary**.

**SB 89** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE POOLING FOR UNINSURABLES. Sponsor: Senator Still; Senators Bair, Hauge, Reed, Bunting, Connor; Representative DiPinto. To: **Insurance and Elections**.

**SB 90** - AN ACT TO AMEND CHAPTER 282 OF VOLUME 21 OF THE LAWS OF DELAWARE AS AMENDED ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LEPSIC" BY PROVIDING FOR AN INCREASE IN THE LIMIT OF TAXATION. 2/3 VOTE. Sponsor: Senator Still & Representative B. Ennis, Representatives Wagner, Stone. To: **Community and County Affairs**.

**HB 11** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON" BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY TREASURER. 2/3 VOTE. Sponsor: Representative Quillen; Senator Voshell. To: **Labor**.

**HB 109** - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DISCLOSURE OR USE OF INFORMATION. Sponsor: Representatives Petrilli & Oberle & Senators Marshall & Venables. To: **Labor**.

**HB 110** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND RECOUPMENT OF OVERPAYMENTS. Sponsor: Representatives Oberle & Petrilli & Senators Marshall & Venables. To: **Labor**.

**HB 111** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND UNCOLLECTED OVERISSUANCE OF FOOD STAMP COUPONS. Sponsor: Representatives Oberle & Petrilli & Senators Venables & Marshall. To: **Labor**.

**HCR 3** - REQUESTING THE SECRETARY OF THE DELAWARE DEPARTMENT OF TRANSPORTATION TO UNDERTAKE A STUDY TO PRESERVE A CORRIDOR FOR A CONNECTOR BETWEEN ROUTE 1 AND THE PROPOSED ROUTE 301 SOUTH OF THE CHESAPEAKE AND DELAWARE CANAL. Sponsor: Representative Ulbrich & Senator Amick. To: **Highways and Transportation**.

**HCR 6** - MEMORIALIZING THE U.S. CONGRESS TO PROPOSE AND SUBMIT TO THE SEVERAL STATES AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT NO COURT SHALL HAVE THE POWER TO LEVY OR INCREASE TAXES. Sponsor: Representative Smith & Senator Venables; Representative Spence, Welch, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, Brady, Banning, Keeley, Plant, Price, West; Senators Bunting, Vaughn, Bair, Hauge, Reed, Still. To: **Executive**.

\*\*\*

Senators Sokola, Sorenson and Bonini were marked present.

**SB 69** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 69** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PERSONS PROHIBITED.

**SA 1 to SB 69**, which was previously place with the bill, was brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 1 to SB 69** was declared part of the bill.

Senators Henry, Marshall, McBride and Amick were marked present during the above roll call.

**SB 69 w/SA 1** was now before the Senate.

Senator Bonini questioned the sponsor, after which Senator Voshell requested the privilege of the floor for Steve Wood, representing the Attorney General's office.

Senators Venables and Sorenson questioned the witness, after which the witness was excused.

Senator McDowell was marked present.

A roll call vote was taken and revealed 17 Senators voting YES, 4 (Bonini, Bunting, Cook, Venables) NO; therefore, **SB 69 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**HB 43 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 43 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EMERGING FROM A LANE, DRIVEWAY, PRIVATE ROAD OR BUILDING.

Several Senators questioned the floor manager, after which Senator Henry moved to lay **HB 43 w/HA 1** on the table.

**HB 68 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 68 w/HA 1** - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DENIAL OF CERTAIN VICTIM COMPENSATION CLAIMS.

Senator Henry immediately requested the bill be laid on the table. No objection.

**HB 43 w/HA 1** was lifted from the table and brought before the Senate for consideration on motion of the floor manager, Senator Henry.

Senator Henry requested the privilege of the floor for Representative Robert Quillen.

Several Senators questioned the witness, after which the witness was excused.

Senator McBride commented.

A roll call vote was taken and revealed 8 Senators (Amick, Bair, Bonini, Hauge, Henry, Marshall, Sorenson, Still) voting YES, 13 NO; therefore, **HB 43 w/HA 1** was declared defeated by the Senate and returned to the House.

**HB 68 w/HA 1** was lifted from the table and brought before the Senate for consideration on motion of the floor manager, Senator Henry.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 68 w/HA 1** was declared passed the Senate and returned to the House.

**SB 60** was brought before the Senate for consideration on motion of Senator McBride.

**SB 60** - AN ACT TO AMEND TITLE 24 RELATING TO PROFESSIONAL ENGINEERS.

**SA 1 to SB 60**, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator McBride.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 60** was declared part of the bill.

**SB 60 w/SA 1** was now before the Senate.

Senator McBride requested the privilege of the floor for James Johnson, Jr., representing Delaware Engineering Society.

Several Senators questioned the witness, after which the witness was excused.

Senator McBride requested the privilege of the floor for John Cordrey, Senate Attorney.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 11 Senators voting YES, 7 (Adams, McDowell, Sharp, Sokola, Vaughn, Venables, Voshell) NO, 2 (Blevins, Bunting) NOT VOTING, 1 (Henry) ABSENT; therefore, **SB 60 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 67** was brought before the Senate for consideration on motion of Senator Adams.

**SB 67** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. 2/3 VOTE.

Senator Adams requested the privilege of the floor for Robert Glenn, representing State Bank Commissioner.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SB 67** was declared passed the Senate and sent to the House for consideration.

**SCR 18** was introduced and brought before the Senate for consideration on motion of Senator Vaughn.

**SCR 18** - EXTENDING SINCERE BEST WISHES TO SENATE SERGEANT-AT-ARMS CLARENCE SCHWATKA AND HIS WIFE, THE FORMER BEULAH BURRIS, UPON THE OCCASION OF THE 59TH ANNIVERSARY OF THEIR MARRIAGE. Sponsor: Senator Vaughn; Senator Cook, Representative B. Ennis & Banning.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SCR 18** was declared adopted by the Senate and sent to the House for consideration.

**SR 11** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

**SR 11** - RECOGNIZING APRIL 1997 AS CHILD ABUSE PREVENTION MONTH. Sponsor: Senators McDowell, Blevins on behalf of All Senators.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SR 11** was declared adopted.

**SCR 19** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SCR 19** - RECOGNIZING DELAWARE TECHNICAL AND COMMUNITY COLLEGE IN CELEBRATING NATIONAL COMMUNITY COLLEGE MONTH. Sponsor: Senator Sokola, on behalf of all Senators and Representative Reynolds, on behalf of all Representatives.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SCR 19** was declared adopted by the Senate and sent to the House for consideration.

**SCR 9 w/HA 1**, which was returned from the House with an amendment, was brought before the Senate for reconsideration on motion of Senator Marshall.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SCR 9 w/HA 1** was declared adopted.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for April 17, 1997.

At 6:00 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on April 17, 1997.

The Senate reconvened at 2:13 p.m. on April 17, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced.

From Education: **HB 130** - 3 Merits.

From Executive: **Acie L. Mankins** - 6 Merits.

A communication from the President Pro Tempore was read regarding the following Senate Committees, Senator Dorinda Connor has been appointed to: Administrative Services, Energy and Transit and Labor and Industrial Relations and, that Senator Colin Bonini has permanently been assigned to the Bond Bill Committee.

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

### **17TH LEGISLATIVE DAY 139TH GENERAL ASSEMBLY 1ST SESSION APRIL 17, 1997**

The Senate convened at 2:17 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bonini.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

### **DELAWARE STATE SENATE PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION April 17, 1997**

The following legislation was introduced and assigned to committee:

**SB 91** - AN ACT TO AMEND TITLE 29, OF THE DELAWARE CODE RELATING TO THE CONTRACTS WITH PUBLIC LIBRARY SYSTEMS. Sponsor: Senator Cook & Representative Davis; Senator Sokola & Representative DiPinto. To: **Finance**.

\* \* \*

Senator Sharp made comments regarding Child Protective Services, asking for a Task Force to investigate.

**SB 79** was brought before the Senate for consideration on motion of Senator Sokola.

**SB 79** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION.

**SA 3 to SB 79** was introduced and brought before the Senate for consideration on motion of Senator Hauge.

Senator Hauge was marked present.

Senator Sokola requested the privilege of the floor for Leo Strine, representing the Governor's office.

Senator Bair questioned the witness, after which Senator Sharp raised a point of order.

Several Senators continued questioning the witness, after which the witness was excused.

Senator Venables was marked present.

Senator Venables commented.

Senator McBride was marked present.

Senator Reed commented.

Senator Sharp requested the privilege of the floor for James Spartz.

Senators Bair and Still questioned the witness, after which the witness was excused.

Senator Hauge commented.

A roll call vote was taken and revealed 8 Senators (Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson, Still) voting YES, 12 NO, 1 (Bunting) NOT VOTING; therefore, **SA 3 to SB 79** was declared defeated.

Senators Blevins, Marshall and McDowell were marked present during the above roll call.

**SA 1 to SB 79** was laid on the table on motion of Senator McDowell.

**SA 5 to SB 79** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

Senators Bair and Sokola questioned the sponsor, after which Senator Bair requested the privilege of the floor for Leo Strine, representing the Governor's office.

Senators Hauge and Bair questioned the witness, after which the witness was excused.

Several Senators questioned the sponsor, after which a roll call vote was taken and revealed 17 Senators voting YES, 4 (Bonini, Hauge, McBride, Reed) NO; therefore, **SA 5 to SB 79** was declared part of the bill.

**SA 4 to SB 79** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

Senator Sokola requested the privilege of the floor for Leo Strine, representing the Governor's office.

Senators Sharp and Bair questioned the witness, after which Senator Bair requested the privilege of the floor for Michael Ferguson, Acting Secretary of Education.

Senators Bair and Sokola questioned the witness, after which both witnesses were excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) NOT VOTING; therefore, **SA 4 to SB 79** was declared part of the bill.

**SA 6, SA 7 & SA 2 to SB 79** were stricken on motion of Senator McDowell.

On motion of Senator McDowell, **SA 1 to SB 79** was lifted from the table and then stricken.

**SB 79 w/SA 4 & 5** was now before the Senate.

Senators Sharp and McBride commented.

A roll call vote was taken and revealed 13 Senators voting YES, 8 (Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson, Still) NO; therefore, **SB 79 w/SA 4 & 5** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

**Dr. Iris Metts** - 18 Senators voting YES, 3 (Amick, Bonini, Reed) NO. Appointment confirmed.

**Dr. James L. Spartz** - 21 Senators voting YES. Appointment confirmed.

**Joseph A. Pika** - 21 Senators voting YES. Appointment confirmed.

**Dennis J. Savage** - 20 Senators voting YES, 1 (Venables) ABSENT. Appointment confirmed.

**Acie L. Mankins** - 21 Senators voting YES. Appointment confirmed.

**HB 130** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 130** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ADJUSTMENT OF ELECTION AREAS FOR CAPE HENLOPEN SCHOOL DISTRICT BOARD MEMBERS.

Senator Reed questioned the floor manager, after which a roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 130** was declared passed the Senate and was returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for April 22, 1997.

At 4:48 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on April 22, 1997.

The Senate reconvened at 2:10 p.m. on April 22, 1997 with Senator Sharp presiding.

The Secretary announced a message from the House informing the Senate that it had passed

**SB 30; SCR 18; SCR 19.**

At 2:10 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 18th Legislative Day.

**18TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 22, 1997**

The Senate convened at 2:10 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

Members of the Staff sang Happy Birthday to the Honorable Bernard J. Brady, Secretary of the Senate.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
April 22, 1997**

The following legislation was introduced and assigned to committee on April 17, 1997:

**SA 1 to SB 65** - Senator Amick - Placed with the bill.

**SA 2 to SB 65** - Senator Amick - Placed with the bill.

**SA 1 to HB 37** - Senator Voshell - Placed with the bill.

**SB 92** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS. Sponsor: Senator Voshell & Representative Petrilli; Senators Blevins, Sorenson & Bair; Representatives Williams, Plant, D. Ennis, Scott, Spence, Maier, Ulbrich & DiPinto. To: **Public Safety.**

**SB 93** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING PHARMACIES. Sponsor: Senator Blevins; Representatives Maier, Maroney and Ulbrich; Senators Henry, Sorenson and Bonini; Representatives Gilligan, Plant, Capano & Keeley. To: **Health and Social Services.**

**SB 94** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING PHARMACISTS. Sponsor: Senator Blevins; Representatives Maier, Maroney and Ulbrich; Senators Henry, Sorenson and Bonini; Representatives Gilligan, Plant, Capano & Keeley. To: **Health and Social Services.**

**SB 95** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS. Sponsor: Senators Sharp, Adams, Blevins, Bunting, Cook, Henry, Marshall, McBride, McDowell, Sokola, Vaughn, Voshell, Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson & Still; Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Wagner, Welch, Banning, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Plant, Price, Schroeder, Scott, Van Sant, West & Williams. To: **Education**.

**SB 96** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE REGARDING TRANSFER OF SALVAGE TITLES. Sponsor: Senators Henry & Voshell; Representative Ewing. To: **Public Safety**.

**SB 97** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO CANDIDATES FOR PUBLIC OFFICE. Sponsor: Senator Sharp. To: **Judiciary**.

**SB 98** - AN ACT TO AMEND CHAPTER 70, TITLE 7 OF THE DELAWARE CODE RELATING TO THE COASTAL ZONE ACT. Sponsor: Senator McBride & Senator Henry & Senator Connor & Representative Mack & Representative Houghton. To: **Natural Resources**.

**SR 14** - IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE. Sponsor: Senator Amick, Bair, Connor, Hauge, Still, Reed, Sorenson, Bonini. To: **Rules**.

\* \* \*

Senators Bair, Still, Hauge and Bunting were marked present.

At 2:18 p.m. Lt. Governor Minner presiding.

Senator Sharp requested the privilege of the floor for Jerome Lewes, representing the University of Delaware Legislative Fellows Program.

Mr. Lewes addressed the Senate and then presented a certificate of appreciation to Senator Sharp, after which the Fellows introduced themselves.

The witnesses were excused.

Senator Adams presented a tribute to the 1997 Merit Mother.

Senator Bonini presented tributes to the 1997 Mother of Young Children and 1997 Delaware Mother of the Year.

Senator Marshall was marked present.

**SB 65** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 65** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DISTRIBUTION, DELIVERY, OR POSSESSION OF CONTROLLED SUBSTANCES OR COUNTERFEIT CONTROLLED SUBSTANCES IN OR WITHIN 300 FEET OF A COMMUNITY CENTER OR DAY CARE CENTER.

**SA 1 to SB 65**, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator Amick.

Senator Amick requested the privilege of the floor for Mary Ann Kelly, Senate Attorney.

Senator Amick questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 9 Senators (Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson, Still, Venables) voting YES, 9 (Adams, Blevins, Cook, Henry, Marshall, McDowell, Sokola, Vaughn, Voshell) NO, 1 (Bunting) NOT VOTING, 2 (McBride, Sharp) ABSENT; therefore, **SA 1 to SB 65** was declared defeated.

Senators Cook and McDowell were marked present during the above roll call.

**SA 2 to SB 65**, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator Amick.

Several Senators commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 2 to SB 65** was declared part of the bill.

Senator McBride was marked present during the above roll call.

**SB 65 w/SA 2** was now before the Senate.

A roll call vote was taken and revealed 17 Senators voting YES, 3 (Reed, Still, Venables) NO, 1 (McDowell) ABSENT; therefore, **SB 65 w/SA 2** was declared passed the Senate and sent to the House for consideration.

At 2:56 p.m. on motion of Senator Voshell, the Senate recessed for Party Caucus.

The Senate reconvened at 3:58 p.m. with Lt. Governor Minner presiding.

**HB 5 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Cook.

**HB 5 w/HA 1** - AN ACT TO AMEND SECTION 114, CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE FEES TO BE CHARGED BY THE PUBLIC

SERVICE COMMISSION AND TO SET A NEW, INCREASED SCHEDULE FOR SUCH FEES AND CHARGES. 3/5 VOTE.

Senator Cook requested the privilege of the floor for Bruce Burcat, representing Public Service Commission.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 17 Senators voting YES, 4 (Adams, Bonini, McBride, Vaughn) NO; therefore, **HB 5 w/HA 1** was declared passed the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

**SR 12** and **SB 87** were stricken on motion of Senator Voshell.

The Secretary of the Senate read the agenda for April 23, 1997.

At 4:30 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on April 23, 1997.

The Senate reconvened at 4:55 p.m. on April 23, 1997 with Lt. Governor Minner presiding. Senator Adams requested the privilege of the floor for Alan Sokolow, representing Council of State Government.

The witness informed the Senate on the up coming CSG Annual Meeting in July 1997, after which the witness was excused.

Several Senators made comments regarding Mr. Sokolow's visit to Delaware.

The following committee report was announced.

From Community/County Affairs: **HB 11** - 4 Merits.

From Education: **HB 37 w/HA 2** - 3 Merits.

From Committee to Combat Drug Abuse: **SB 81** - 4 Merits.

From Public Safety: **SB 87** - 4 Merits, **SB 92** - 4 Merits, **SB 96** - 4 Merits.

From Executive: **Leonard W. Quill** - 6 Favorable; **Samuel K. Latham** - 6 Favorable.

The Secretary announced a message from the House informing the Senate that it had passed **HS 1 for HB 33; HB 79; HB 123; HB 158.**

At 5:00 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 19th Legislative Day.

**19TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 23, 1997**

The Senate convened at 5:00 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
April 23, 1997**

The following legislation was introduced and assigned to committee:

**SB 99** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LIQUOR LICENSES. Sponsor: Senators Venables, Bunting, Voshell, Connor, Hauge & Still. To: **Administrative Services.**

**HS 1 for HB 33** - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE DIVISION OF MOTOR VEHICLES, DEPARTMENT OF PUBLIC SAFETY. Sponsor: Representative Davis. To: **Public Safety.**

**HB 79** - AN ACT AUTHORIZING THE CHRISTINA REORGANIZED SCHOOL DISTRICT AND/OR STATE BOARD OF EDUCATION TO EXCHANGE CERTAIN SCHOOL REAL PROPERTY FOR THE PROPERTY OF ANOTHER PERSON. Sponsor: Representative Spence & Senator Sharp. To: **Education**.

**HB 123** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE CREATING THE UNIFORM FOREIGN MONEY-JUDGEMENTS RECOGNITION ACT. Sponsor: Representative Wagner; Representatives Spence, Smith, Welch, Boulden, Capano, Carey, Cloutier, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Mack, Petrilli, Stone, Ulbrich, Van Sant, Banning, Brady, DiLiberto, B. Ennis, Keeley, Scott; Senator Vaughn. To: **Judiciary**.

**HB 158** - AN ACT PROPOSING AN AMENDMENT TO § 22, ARTICLE III, AND ARTICLE IV OF THE DELAWARE CONSTITUTION RELATING TO THE APPOINTMENT BY THE COURT OF CHANCERY OF A REGISTER IN CHANCERY IN EACH COUNTY AND THE POWERS AND DUTIES OF REGISTERS IN CHANCERY. Sponsor: Representative Capano & Senator Sharp; Representatives Cloutier, DiPinto, Ewing, Maroney, Petrilli, Quillen, Stone, B. Ennis, Houghton and Plant. To: **Judiciary**.

\* \* \*

**SCR 17** was brought before the Senate for consideration on motion of Senator Sokola.

**SCR 17** - RELATING TO A STUDY AS TO WHETHER THE STATE OF DELAWARE SHOULD SUE TOBACCO COMPANIES TO RECOVER STATE MEDICAID COSTS FROM SMOKING-RELATED ILLNESSES. Sponsor: Senator Sokola and Representative Roy; Senators Blevins & Hauge, Representative Gilligan.

A roll call vote was taken and revealed 14 Senators voting YES, 7 (Adams, Amick, Bonini, Bunting, Cook, Vaughn, Venables) NO; therefore, **SCR 17** was declared adopted by the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

**SB 100** was introduced and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Cook.

**SB 100** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF PENSIONERS. Sponsor: Senators Cook & Vaughn; Reps. Davis & Oberle.

Senator Cook moved to lay **SB 100** on the table. No objection.

The Secretary of the Senate read the agenda for April 24, 1997.

At 5:50 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on April 24, 1997.

The Senate reconvened at 2:33 p.m. on April 24, 1997 with Senator Sharp presiding.

The following committee reports was announced:

From Sunset: **SB 74** - 5 Merits.

The Secretary announced a message from the House informing the Senate that it had passed

**HCR 16; HCR 17.**

At 2:34 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 20th Legislative Day.

**20TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 24, 1997**

The Senate convened at 2:35 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Henry.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.



**DELAWARE STATE SENATE**  
**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**April 24, 1997**

The following legislation was introduced and assigned to committee:

**SB 101** - AN ACT TO AMEND TITLE 24 CHAPTER 39 OF THE DELAWARE CODE RELATING TO THE BOARD OF CLINICAL SOCIAL WORK EXAMINERS. Sponsor: Senator Blevins & Representative Ulbrich; Senators Bunting, Sokola, Reed; Representatives Capano, Maier. To: **Sunset**.

**SS 1 for SB 74** - AN ACT TO AMEND CHAPTER 53, TITLE 24 OF THE DELAWARE CODE RELATING TO MASSAGE AND BODYWORK. Sponsor: Senator Blevins & Representative Ulbrich; Senators Bunting, Sokola, Reed, Still; Representatives Capano, Maier, Scott. To: Adopted in lieu of the original - **Sunset**.

\* \* \*

**LEGISLATIVE ADVISORY #8**, from the Office of Counsel to the Governor was announced for the record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #8**, dated April 23, 1997, the Governor signed the following legislation on the dates indicated:

**HB #68 AAB HA 1** (4/23/97) - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DENIAL OF CERTAIN VICTIM COMPENSATION CLAIMS. (Sponsor: Representative Banning & Senator Vaughn) (Volume 71, Chapter 18, Laws of Delaware.)

**SB #44** (4/23/97) - AN ACT TO AMEND TITLES 5 AND 30 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (Sponsor: Senator Adams and Representative D. Ennis) (Volume 71, Chapter 19, Laws of Delaware.)

\* \* \*

A messenger from the Governor was announced and admitted.

At 2:35 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 3:40 p.m. with Lt. Governor Minner presiding.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

**Thomas W. Castaldi** - 20 Senators voting YES, 1 (Henry) ABSENT. Appointment confirmed.

Senators Marshall, McBride, Reed, Blevins and Connor were marked present during the above roll call.

**Samuel K. Lathem** - 21 Senators voting YES. Appointment confirmed.

**Leonard W. Quill** - 21 Senators voting YES. Appointment confirmed.

**SB 100** was lifted from the table and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Cook.

**SB 100** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF PENSIONERS.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SB 100** was declared passed the Senate and sent to the House for consideration.

**SB 51** was brought before the Senate for consideration on motion of Senator Cook.

**SB 51** - AN ACT TO AMEND CHAPTER 10, TITLE 20, DELAWARE CODE RELATING TO THE FILING FOR PARAPLEGIC PENSION BENEFITS IN THE STATE EMPLOYEES' PENSION PLAN.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SB 51** was declared passed the Senate and sent to the House for consideration.

**SB 81** was brought before the Senate for consideration on motion of Senator McDowell.

**SB 81** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINORS AND UNIFORM CONTROLLED SUBSTANCES.

Senators Bonini and Still commented.

Senator Still was added as a co-sponsor.

Senators Bunting and Bair commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 81** was declared passed the Senate and sent to the House for consideration.

**SCR 21** was introduced and brought before the Senate for consideration on motion of Senator Bair.

**SCR 21** - EXTENDING A WARM WELCOME TO THE STUDENTS FROM JOE POLOWSKI HIGH SCHOOL OF TORGAW, GERMANY. Sponsor: Senator Bair & Representative Smith, Senators Hauge, Sorenson, Venables, Representatives Maroney, Cloutier, Brady, D. Ennis, Roy, Scott.

Senator Bair requested the privilege of the floor for Peter Schedina from Torgau, Germany, representing Brandywine School District.

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

**SB 54** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 54** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES.

Senator Reed questioned the sponsor, after which a roll call vote was taken and revealed 15 Senators voting YES, 3 (Amick, Hauge, Sharp,) NO, 3 (Bair, Connor, Still) NOT VOTING; therefore, **SB 54** was declared passed the Senate and sent to the House for consideration.

**SENATE CONSENT CALENDAR #4** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SR 13** - CALLING UPON THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND THE AMERICAN AUTOMOBILE MANUFACTURERS ASSOCIATION TO CONSIDER THE REDESIGN OF MOTOR VEHICLES TO REDUCE PROBLEMS ASSOCIATED WITH ELEVATED HEADLIGHTS. Sponsor: Senator Voshell.

**SCR 20** - HONORING THE DELAWARE ASSOCIATION FOR CHILDREN OF ALCOHOLICS UPON THE OCCASION OF ITS 10TH ANNIVERSARY FOR ITS MANY SERVICES AND THOSE OF ITS VOLUNTEERS TO DELAWARE FAMILIES AFFECTED BY THE DISEASE OF ALCOHOLISM. Sponsor: Senator Voshell; Representative Carey

**SCR 22** - RECOGNIZING THE WEEK OF APRIL 21 THROUGH APRIL 25, 1997, AS PROFESSIONAL SECRETARIES' WEEK IN DELAWARE, AND PAYING TRIBUTE TO THESE INVALUABLE HEROES OF THE WORKPLACE. Sponsor: Senators Voshell, Sharp, McDowell, Bair & Amick on behalf of all Senators; Representatives Spence, Smith, Welch, Gilligan & Van Sant on behalf of all Representatives.

**HCR 16** - COMMENDING FRANCIS J. O'MALLEY FOR BEING SELECTED DELAWARE STATE TEACHER OF THE YEAR 1997. Sponsor: Representative Reynolds and Senator Sokola.

**HCR 17** - RECOGNIZING APRIL 20 THROUGH APRIL 26 AS PROFESSIONAL SECRETARIES WEEK, AND ENCOURAGING ALL THOSE WHO ARE FORTUNATE ENOUGH TO HAVE SECRETARIES TO HONOR THESE UNSUNG HEROES DURING THIS WEEK. Sponsor: Representative Spence and Senator Connor; Representatives Smith, Welch, Gilligan, Van Sant on Behalf of All Representatives; Senators Sharp, Voshell, McDowell, Bair, Amick on Behalf of All Senators.

A roll call vote was taken on **SENATE CONSENT CALENDAR #4** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The Secretary announced a message from the House informing the Senate that it had passed

**HCR 11; HJR 2.**

**HCR 11** was brought before the Senate for consideration on motion of the floor manager, Senator Bunting.

**HCR 11** - RECOGNIZING THE NEED FOR A NEW FEDERAL INCOME TAX CREDIT TO ENCOURAGE THE REHABILITATION OF OLDER BUILDINGS FOR HOME OWNERSHIP IN THE STATE OF DELAWARE AND URGING ADOPTION BY THE CONGRESS OF HR NO. 1134, THE "HISTORIC HOMEOWNERSHIP ASSISTANCE ACT", AND REQUESTING STATE AGENCIES TO DEVELOP A DELAWARE HISTORIC PRESERVATION TAX CREDIT PROGRAM. Sponsor: Representative DiPinto; Representatives Boulden, Buckworth, Capano, Carey, D. Ennis, Ewing, Lee, Lofink, Van Sant, Houghton, Keeley, Williams; Senators Bunting, Sokola, Sorenson, Still.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HCR 11** was declared adopted by the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

**SB 93** was stricken on motion of Senator Blevins.

The Secretary of the Senate read the agenda for April 29, 1997.

At 4:35 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on April 29, 1997.

The Senate reconvened at 2:25 p.m. on April 29, 1997 with Senator Sharp presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 113 w/HA 1; HB 95 w/HA 1 & 3; HCR 19; SCR 21.**

The following committee reports were announced:

From Health and Social Services: **SB 94** - 3 Merits; **SB 75** - 3 Merits.

From Sunset: **SS 1 for SB 74** - 5 Merits.

Lt. Governor Minner presiding at 2:28 p.m.

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 21st Legislative Day.

**21ST LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 29, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Still.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
April 29, 1997**

The following legislation was introduced and assigned to committee:

**SB 102** - AN ACT TO AMEND TITLE 18, CHAPTER 50, DELAWARE CODE RELATING TO APPEALS FROM CERTAIN ACTIONS OF, OR THE FAILURE TO ACT BY, THE INSURANCE COMMISSIONER OF THE STATE OF DELAWARE. Sponsor: Senator Vaughn; Representative D. Ennis. To: **Insurance.**

**HB 95 w/HA 1 & 3** - AN ACT TO AMEND CHAPTER 8 OF TITLE 22, OF THE DELAWARE CODE REGARDING RESIDENCY REQUIREMENTS OF MUNICIPAL EMPLOYEES. Sponsor: Representatives Oberle & Spence. To: **Community/County Affairs.**

**HB 113 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE VIOLENT CRIMES COMPENSATION BOARD. Sponsor: Representatives Banning & Williams; Representatives Boulden, Brady, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Oberle, Plant, Price, Quillen, Scott, Ulbrich, Van Sant, Wagner, West, Spence; Senators Adams, Cook, Hauge, Marshall, Vaughn, Venables. To: **Public Safety.**

**HJR 2** - PROCLAIMING MAY 12, 1997, AS CHRONIC FATIGUE SYNDROME AWARENESS DAY IN THE STATE OF DELAWARE. Sponsor: Representative Roy and Senator Sorenson. To: **Health and Social Services.**

The following nominations from the Governor were assigned to the **Executive** Committee.

STATE OF DELAWARE  
Office of the Governor  
April 24, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and reappoint for the consent and confirmation of the Senate the following: **Charles E. Morris**, R.F.D. 2, Box 128, Selbyville, Delaware 19975, to be reappointed a member of the Environmental Appeals Board to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
April 24, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and reappoint for the consent and confirmation of the Senate the following: **Robert S. Ehrlich**, 1424 Carson Road, Wilmington, Delaware 19803, to be reappointed a member of the Environmental Appeals Board to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*  
STATE OF DELAWARE  
Office of the Governor  
April 24, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: **Dian C. Taylor**, 664 Churchmans Road, Newark, Delaware 19702, to be appointed a member of the Delaware River and Bay Authority to serve a term to expire July 1, 2000 to replace Mr. James Julian.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

On motion of Senator Adams and without objection, the following roll call on the nomination of **Thomas W. Castaldi** was rescinded due to typo.

On motion of Senator Adams and without objection, the following nomination by the Governor was considered, under the suspension of the necessary rules:

STATE OF DELAWARE  
Office of the Governor  
April 29, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Thomas W. Castaldi**, 9 Bunker Hill Road, New Castle, Delaware 19720, to be reappointed a member of the Violent Crimes Compensation Commission to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor  
\* \* \*

**Thomas W. Castaldi** - 20 Senators voting YES, 1 (McBride) ABSENT. Appointment confirmed.

Senators Amick, Bonini and Vaughn were marked present during the above roll call.

At 2:45 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:02 p.m. with Lt. Governor Minner presiding.

**SB 96** was brought before the Senate for consideration on motion of Senator Henry.

**SB 96** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE REGARDING TRANSFER OF SALVAGE TITLES.

**SA 1 to SB 96** was introduced and brought before the Senate for consideration on motion of Senator Henry.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Still) NOT VOTING, 1 (Hauge) ABSENT; therefore, **SA 1 to SB 96** was declared part of the bill.

Senator McBride was marked present during the above roll call.

**SB 96 w/SA 1** was now before the Senate.

Several Senators questioned the sponsor, after which a roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 96 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 86** was laid on the table on motion of Senator Henry. No objection.

**SB 86** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS.

**SB 92** was laid on the table on motion of Senator Voshell. No objection.

**SB 92** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS.

**SB 29** was laid on the table on motion of Senator McDowell. No objection.

**SB 29** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE, RELATING TO HOME RULE AND FIREARMS.

**SB 75** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 75** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE GENERAL POWERS OF THE SECRETARY, DELAWARE HEALTH AND SOCIAL SERVICES.

Senators Hauge and Still questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Gregg Sylvester, M.D., representing the Division of Public Health.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 15 Senators voting YES, 6 (Adams, Bunting, Reed, Still, Vaughn, Venables) NO; therefore, **SB 75** was declared passed the Senate and sent to the House for consideration.

**SB 94** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 94** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING PHARMACISTS.

Senators Venables and Still questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Gregg Sylvester, M.D., representing the Division of Public Health.

Senators Amick and McDowell questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 94** was declared passed the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for April 30, 1997.

At 4:55 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on April 30, 1997.

The Senate reconvened at 4:10 p.m. on April 30 1997 with Senator Sharp presiding.

**LEGISLATIVE ADVISORY #9**, from the Office of Counsel to the Governor was announced to the record, read in its entirety and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #9**, dated April 29, 1997, the Governor signed the following legislation on the dates indicated:

**SB #30** - (4/29/97) AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. (Sponsor: Senators Bunting, Henry, Sokola, Vaughn & Voshell) (Volume 71, Chapter 20, Laws of Delaware.)

**HB #130** - (4/29/97) AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ADJUSTMENT OF ELECTION AREAS FOR CAPE HENLOPEN SCHOOL DISTRICT BOARD MEMBERS. (Sponsor: Representative Schroeder) (Volume 71, Chapter 21, Laws of Delaware.)

**HB #5 AAB HA 1** - (4/29/97) AN ACT TO AMEND SECTION 114, CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE FEES TO BE CHARGED BY THE PUBLIC SERVICE COMMISSION AND TO SET A NEW, INCREASED SCHEDULE FOR SUCH FEES AND CHARGES. (Sponsor: Representative Roy & Senator Cook) (Volume 71, Chapter 22, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the House informing the Senate that it had passed **HB 119; HB 128 w/HA 1 & 2; HB 102 w/HA 1; HJR 3 w/HA 1 aab HA 1**.

Communications from Senator Thomas B. Sharp, President Pro Tempore and Representative Terry R. Spence, Speaker of the House were read referencing **SCR 7** appointments.

The following committee reports were announced:

From Judiciary: **SB 6** - 4 Merits; **SB 45** - 4 Merits; **SB 48** - 4 Merits; **SB 63** - 4 Merits; **SB 80** - 4 Merits; **SB 103** - 4 Merits; **SB 104** - 4 Merits; **SB 105** - 4 Merits; **SB 107** - 4 Merits; **HB 6** - 4 Merits; **HB 7** - 4 Merits; **HB 8 w/HA 1** - 4 Merits; **HB 9** - 4 Merits; **HB 10** - 4 Merits; **HB 12** - 4 Merits; **HB 82 w/HA 1** - 4 Merits; **HB 103** - 4 Merits; **HB 123** - 4 Merits.

From Education: **SB 95** - 3 Merits; **HB 79** - 3 Merits.

From Labor: **HB 109** - 3 Merits; **HB 110** - 3 Merits; **HB 111** - 3 Merits.

At 4:20 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 22nd Legislative Day.

**22ND LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
APRIL 30, 1997**

The Senate convened at 4:20 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Bunting.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
April 30, 1997**

**HB 95 w/HA 1 & 3** - REASSIGNED FROM COMMUNITY/COUNTY AFFAIRS TO PUBLIC SAFETY on APRIL 29, 1997.

The following legislation was introduced and assigned to committee of April 29, 1997:

**SA 1 to HCR 14** - Senator Marshall - Placed with the resolution.

**SB 103** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO FIDUCIARY RELATIONS, THE "UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT". Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 104** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. 3/5 VOTE. Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 105** - AN ACT TO AMEND CHAPTER 19, TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; AND PROVIDING FOR A "UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT". Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 106** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. 2/3 VOTE. Sponsor: Senator Sharp; Representative Wagner. To: **Judiciary**.

**SB 107** - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. 3/5 VOTE. Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 108** - AN ACT TO AMEND TITLE 29, TITLE 11, AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE BOARD OF PENSION TRUSTEES AND THE INVESTMENT OF PENSION FUNDS. Sponsor: Senators Cook, Vaughn, Henry, McBride, Bonini, Sorenson; Representatives Davis, DiPinto, Buckworth, Maroney, Houghton, West. To: **Finance**.

**SB 109** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL REGISTRATION PLATES. Sponsor: Senators Voshell, Blevins, Bunting, Cook, McDowell, Sokola, Venables, Amick, Connor, Hauge, Reed & Still; Representatives Buckworth, Carey, D. Ennis, Ewing, Oberle, Quillen, Brady, B. Ennis, Houghton, Plant & West. To: **Public Safety**.

**SB 110** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULTS IN DETENTION FACILITIES. Sponsor: Senator Vaughn & Lee; Senators Venables, Sharp, Sokola, Blevins, McDowell; Representatives Stone, Carey, Buckworth, Capano, Ewing, Reynolds, Van Sant, Williams. To: **Corrections**.

**SB 111** - AN ACT TO AMEND CHAPTER 13, TITLE 25, DELAWARE CODE RELATING TO FENCES AND BARBED WIRE. Sponsor: Senator Blevins and Representative Capano. To: **Judiciary**.

**SS 1 to SB 97** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE, RELATING TO CANDIDATES FOR PUBLIC OFFICE. Sponsor: Senator Sharp. To: Adopted in lieu of the original. To: **Insurance**.

**SCR 24** - CREATING A BLUE RIBBON CHILD ABUSE INVESTIGATIVE JOINT TASK FORCE. Sponsor: Senator Amick, Senators Bair, Bonini, Connor, Hauge, Reed, Sorenson, Still. To: **Executive**.

The following legislation was introduced and assigned to committees on April 30, 1997:

**HB 102 w/HA 1** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE RULES OF THE JUSTICE OF THE PEACE COURTS. Sponsor: Representative Wagner & Senator Vaughn. To: **Judiciary**.

**HB 119** - AN ACT TO AMEND CHAPTER 5 OF TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF ROBBERY. Sponsor: Representative Van Sant & Senator Vaughn; Representatives Banning, Brady, Capano, Caulk, Davis, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Plant, Schroeder, Scott, Stone, Spence, Ulbrich, Wagner, West, Williams; Senator Bunting. To: **Public Safety**.

**HB 128 w/HA 1 & 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JUSTICE COUNCIL. Sponsor: Representative DiLiberto; Representatives Banning, Boulden, Brady, Capano, Carey, Cloutier, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Roy, Schroeder, Scott, Smith, Stone, Ulbrich, Van Sant, Wagner, Welch, West, Williams, Spence; Senators Bunting, Bonini, Henry, Marshall, Reed, Still, Vaughn, Venables, Voshell. To: **Public Safety**.

**HJR 3 w/HA 1 aab HA 1** - CREATING A FAMILY COURT TASK FORCE TO STUDY THE CURRENT SYSTEM FOR OPEN HEARINGS. Sponsor: Representative Wagner & Schroeder & Senator Blevins; Representatives Welch, Spence, Boulden, Buckworth, Capano, Carey, DiPinto, Maroney, Smith, Ulbrich, Banning, DiLiberto, B. Ennis, Plant, Price, West; Senators Sharp, Voshell, Bunting, Vaughn, Venables, Reed & Still. To: **Executive**.

\* \* \*

Senator Venables was marked present.

**HB 11** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 11** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON" BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY TREASURER. 2/3 VOTE

Senator McBride was marked present.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 11** was declared passed the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for May 1, 1997.

At 4:28 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on May 1, 1997.

The Senate reconvened at 2:30 p.m. on May 1, 1997 with Lt. Governor Minner presiding.

The following committee report was announced.

From Health and Social Services: **HJR 2** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 20; SCR 22**.

At 2:35 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 23rd Legislative Day.

**23RD LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 1, 1997**

The Senate convened at 2:35 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Venables.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
May 1, 1997**

The following legislation was introduced and assigned to committee:

**SB 112** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF THE OFFICE OF CHILD ADVOCATE. Sponsor: Senators Bair & Sorenson. To: **Judiciary**.

**SB 113** - AN ACT TO AMEND CHAPTER 19 OF TITLE 7 OF THE DELAWARE CODE RELATING TO SURF CLAMS AND HORSESHOE CRABS. Sponsor: Senator Voshell and Representative Carey. To: **Natural Resources**.

**SB 114** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY OR MUNICIPAL BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES. Sponsor: Senator Venables, Senator McDowell. To: **Small Business**.

\* \* \*



**SB 45** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 45** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 29 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE TERM OF OFFICE OF JUSTICES OF THE PEACE.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 45** was declared passed the Senate and sent to the House for consideration.

Senators Marshall and McBride were marked present during the above roll call.

**SB 63** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 63** - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 49 OF TITLE 10 OF THE DELAWARE CODE RELATING TO SUBJECTS OF EXECUTION; EXEMPTIONS.

Senator McDowell questioned the sponsor, after which Senator Sharp requested the privilege of the floor for Jerome K. Grossman, representing the Delaware State Bar Association.

Senator McDowell questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 63** was declared passed the Senate and sent to the House for consideration.

**SB 80** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 80** - AN ACT TO AMEND CHAPTER 13, TITLE 10, DELAWARE CODE RELATING TO JUDGES OF THE COURT OF COMMON PLEAS.

Senator Amick questioned the sponsor, after which a roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 80** was declared passed the Senate and sent to the House for consideration.

**HB 79** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 79** - AN ACT AUTHORIZING THE CHRISTINA REORGANIZED SCHOOL DISTRICT AND/OR STATE BOARD OF EDUCATION TO EXCHANGE CERTAIN SCHOOL REAL PROPERTY FOR THE PROPERTY OF ANOTHER PERSON.

Senator Reed and Sharp commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 79** was declared passed the Senate and returned to the House.

**SB 103** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 103** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO FIDUCIARY RELATIONS, THE "UNIFORM TESTAMENTARY ADDITIONS TO TRUST ACT".

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 103** was declared passed the Senate and sent to the House for consideration.

**SB 104** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 104** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 104** was declared passed the Senate and sent to the House for consideration.

**SB 105** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 105** - AN ACT TO AMEND CHAPTER 19, TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; AND PROVIDING FOR A "UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT".

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 105** was declared passed the Senate and sent to the House for consideration.

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

The Senate reconvened at 3:58 p.m. with Lt. Governor Minner presiding.

**HJR 2** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HJR 2** - PROCLAIMING MAY 12, 1997, AS CHRONIC FATIGUE SYNDROME AWARENESS DAY IN THE STATE OF DELAWARE.

Senators McBride and Venables commented.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Still) ABSENT; therefore, **HJR 2** was declared passed the Senate and returned to the House.

**SB 107** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 107** - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF

DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION  
OF FOREIGN LIMITED PARTNERSHIPS.

Senator Sharp requested the privilege of the floor for Craig B. Smith, representing Delaware State Bar Association.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 107** was declared passed the Senate and sent to the House for consideration.

**SENATE CONSENT CALENDAR #5** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SR 15** - CONGRATULATING THE FAMILY OF TIM, KELLY AND ZACHARY BOULDEN ON THE ARRIVAL OF TREVOR WILLIAM BOULDEN, ONE OF DELAWARE'S NEWEST CITIZENS. Sponsor: Senator Amick on behalf of All Senators.

**HCR 19** - SUPPORTING THE ADOPTION OF A NATIONAL DEFINITION OF "REASONABLE EFFORTS" IN THE FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980. Sponsor: Representative Maier & Senator Blevins; Representative Price; Senator Amick.

A roll call vote was taken on **SENATE CONSENT CALENDAR #5** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The House Concurrent Resolution was returned to the House.

Senator Sharp requested a communication to be read from Jeffrey W. Bullock, Governor's Chief of Staff, referencing the update on the review of the Division of Family Services.

Senator Sharp commented.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for May 6, 1997.

At 4:18 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on May 6, 1997.

The Senate reconvened at 2:29 p.m. on May 6, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced.

From Executive: **HCR 6** - 5 Merits; **SB 62** - 4 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 90 w/HA 1; HB 162 w/HA 1; HB 166 w/HA 1; HB 169; HB 106; HCR 21; HCR 8; HJR 4 w/HA 2; SB 17 w/SA 1.**

A communication from Senator Joseph R. Biden, Jr., was partially read regarding **SCR 9.**

A communication was read from the Majority Leader, Senator Robert J. Voshell to the Secretary of the Senate, requesting that his name, as well as that of Senator Cook, be removed from **HB 195.**

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 24th Legislative Day.

**24TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 6, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
May 6, 1997**

The following legislation was introduced and assigned to committee on May 1, 1997:

**SB 115** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND REGULATION OF REGISTERED LIMITED LIABILITY PARTNERSHIPS. 3/5 VOTE. Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 116** - AN ACT TO AMEND VOLUME 70, CHAPTER 473, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1997 BOND AND CAPITAL IMPROVEMENT ACT. Sponsor: Senator Vaughn and Representatives Banning and B. Ennis. To: **Corrections**.

The following legislation was introduced and assigned to committee on May 6, 1997:

**HB 90 w/HA 1** - AN ACT TO AMEND CHAPTER 63, TITLE 16, DELAWARE CODE RELATING TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW. Sponsor: Representatives B. Ennis & DiPinto & D. Ennis & Senator Voshell; Representatives Banning, Brady, Buckworth, Carey, Cloutier, DiLiberto, Gilligan, Houghton, Lee, Oberle, Plant, Reynolds, Scott, Spence, Ulbrich, Van Sant, Welch, West, Williams, Senator Vaughn. To: **Health and Social Services**.

**HB 106 w/HA 1** - AN ACT TO AMEND CHAPTER 21, TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMPOSITION OF THE DOMESTIC VIOLENCE COORDINATING COUNCIL. Sponsor: Representative Capano and Senators Blevins and Sorenson. To: **Public Safety**.

**HB 162 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE REGARDING THE NAME OF THE SUNSET COMMITTEE. Sponsor: Representative Ulbrich and Senator Blevins; Representatives Capano, Maier, Gilligan and Scott; Senators Bunting, Sokola, Reed and Still. To: **Sunset**.

**HB 166** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO UNIFORM CONTROLLED SUBSTANCES AND ANABOLIC STEROIDS. Sponsor: Representative Oberle & Senator Blevins; Representatives Smith, Boulden, Buckworth, Cloutier, Davis, DiPinto, Ewing, Lee, Maier, Petrilli, Quillen, Reynolds, Stone, Ulbrich, Wagner, Van Sant, Banning, B. Ennis, Plant, West. To: **Health and Social Services**.

**HB 169** - AN ACT TO AMEND CHAPTER 9, TITLE 7, OF THE DELAWARE CODE, RELATING TO FEDERAL FISHERIES MANAGEMENT PLANS. Sponsor: Representative Quillen; Representatives Carey, Mack, Price, Schroeder. To: **Natural Resources**.

**HCR 8** - ENCOURAGING THE DEPARTMENT OF PUBLIC INSTRUCTION AND CIVIC AND COMMUNITY SERVICE ORGANIZATIONS TO IMPLEMENT AND TEACH THE EDDIE EAGLE ELEMENTARY GUN SAFETY EDUCATION PROGRAM. Sponsor: Representatives Wagner & Van Sant & Senator Cook; Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Petrilli, Reynolds, Stone, Ulbrich, Banning, Brady, Houghton, Keeley, Plant, Price, West, Williams. To: **Education**.

**HCR 21** - CREATING A DELDOT ORGANIZATIONAL REVIEW TASK FORCE. Sponsor: Representatives Petrilli & Ulbrich & Senator Vaughn; Senators Sharp & Still; Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Quillen, Reynolds, Roy, Stone, Wagner, Gilligan, Van Sant, Banning, Brady, DiLiberto, B. Ennis, Houghton, West. To: **Highways and Transportation**.

**HJR 4 w/HA 2** - A RESOLUTION TO OPEN FAMILY COURT PROCEEDINGS AND RECORDS. Sponsor: Representative Schroeder; Representatives DiLiberto, Wagner; Senators Amick, Sokola. To: **Judiciary**.

\* \* \*

Senators McDowell and Hauge were marked present.

Senator Bair commented on the death of Senator Connor's father. The members observed a moment of silence.

**SCR 25** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SCR 25** - JOINING IN RECOGNITION OF NATIONAL TEACHER DAY, MAY 6, 1997, AND COMMENDING DELAWARE TEACHERS FOR THEIR DEDICATION IN PERFORMING THE SIGNIFICANT ROLE OF EDUCATING FUTURE GENERATIONS OF DELAWAREANS. Sponsor: Senator Sokola & Representative Reynolds on behalf of all Senators and Representatives.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bunting, Still) ABSENT; therefore, **SCR 25** was declared adopted by the Senate and sent to the House for consideration. Senators Marshall and McBride were marked present during the above roll call.

**HB 7** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 7** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CERTAIN CRIMES.

Senator Venables questioned the floor manager, after which Senator Sharp requested the privilege of the floor for Keith Brady, representing the Department of Justice.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bunting, Still) ABSENT; therefore, **HB 7** was declared passed the Senate and returned to the House.

**HB 8 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 8 w/HA 1** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, §11(1) OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE JURISDICTION OF THE DELAWARE SUPREME COURT IN CRIMINAL CASES.

Senator Venables questioned the floor manager, after which Senator Sharp requested the privilege of the floor for Steve Wood, representing the Attorney General's office.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bunting, Still) ABSENT; therefore, **HB 8 w/HA 1** was declared passed the Senate and returned to the House.

**HB 9** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 9** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF NEW HOME CONSTRUCTION FRAUD.

**SA 1 to HB 9** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bunting, Still) ABSENT; therefore, **SA 1 to HB 9** was declared part of the bill.

**HB 9 w/SA 1** was now before the Senate.

Senator McBride questioned the floor manager, after which Senator Sharp requested the privilege of the floor for Thomas Stevens, representing the Department of Justice.

Several Senators questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 9 w/SA 1** was declared passed the Senate and returned to the House for reconsideration.

Senators Bunting and Still were marked present during the above roll call.

**HB 10** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 10** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 26 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE PROTHONOTARY AND THE ENTRY OF TESTATUM FIERI FACIAS.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) NO; therefore, **HB 10** was declared passed the Senate and returned to the House.

**HB 12** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 12** - AN ACT TO AMEND TITLE 10, OF THE DELAWARE CODE RELATING TO CONCURRENT JURISDICTION IN JUSTICE OF THE PEACE COURTS FOR VIOLATIONS OF MUNICIPAL JUVENILE CURFEW ORDINANCES.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 12** was declared passed the Senate and returned to the House.

**HB 82 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 82 w/HA 1** - AN ACT TO AMEND TITLE 11 AND TITLE 21 OF THE DELAWARE CODE RELATING TO USE OF AUDIOVISUAL DEVICES FOR COURT APPEARANCES AND VIDEOPHONE ASSESSMENTS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 82 w/HA 1** was declared passed the Senate and returned to the House.

**HB 103** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 103** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF JUDGEMENTS FROM THE JUSTICE OF THE PEACE COURTS.

Senator Sharp requested the privilege of the floor for Patricia Griffin, representing the Justice of the Peace Courts.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) NO; therefore, **HB 103** was declared passed the Senate and returned to the House.

**HB 123** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 123** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE CREATING THE UNIFORM FOREIGN MONEY-JUDGEMENTS RECOGNITION ACT.

Senators Amick and McDowell questioned the floor manager, after which Senator Sharp moved to lay **HB 123** on the table. No objection.

**HB 109** was brought before the Senate for consideration on motion of the floor manager, Senator Marshall.

**HB 109** - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DISCLOSURE OR USE OF INFORMATION.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **HB 109** was declared passed the Senate and returned to the House.

**HB 110** was brought before the Senate for consideration on motion of the floor manager, Senator Marshall.

**HB 110** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND RECOUPMENT OF OVERPAYMENTS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 110** was declared passed the Senate and returned to the House.

**HB 111** was brought before the Senate for consideration on motion of the floor manager, Senator Marshall.

**HB 111** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND UNCOLLECTED OVERISSUANCE OF FOOD STAMPS COUPONS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 111** was declared passed the Senate and returned to the House.

At 3:37 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:30 p.m. with Senator Sharp presiding.

A communication was read from Senator Blevins to the Secretary of the Senate requesting for the purpose of the Senate Journal, please add Senator Henry and Representative Scott as co-sponsors of **SB 17**.

**SB 41** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 41** - AN ACT TO AMEND CHAPTER 406, VOLUME 69, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE CITY OF WILMINGTON, KNOWN AS THE BRIDGE HOUSE".

At 4:31 p.m. Lt. Governor Minner presiding.

Several Senators commented.

Senator Marshall moved to lay **SB 41** on the table. No objection.

**HCR 14** was lifted from the table and brought before the Senate for consideration on motion of the floor manager, Senator Marshall.

**HCR 14** - SUPPORTING THE NEED TO THOROUGHLY RE-EVALUATE THE CURRENT PAY-AS-YOU-GO SOCIAL SECURITY SYSTEM IN ORDER TO PROTECT CURRENT AND FUTURE DELAWARE RETIREES. Sponsor: Representative Maier & Senator McDowell; Representatives Buckworth, Capano, Davis, D. Ennis, Stone, Ulbrich, Banning, Keeley; Senators Bonini, Reed and Sorenson.

**SA 1 to HCR 14** was brought before the Senate for consideration on motion of Senator Marshall.

A roll call vote was taken and revealed 9 Senators (Adams, Amick, Blevins, Bunting, Marshall, Sokola, Vaughn, Venables, Voshell) voting YES, 8 (Bair, Bonini, Cook, Henry, McBride, Reed, Sorenson, Still) NO, 4 (Connor, Hauge, McDowell, Sharp) NOT VOTING; therefore, **SA 1 to HCR 14** was declared defeated.

Senator McDowell moved to lay **HCR 14** on the table. No objection.  
Additions to the agenda, committee and other legislative meetings were announced.  
The Secretary of the Senate read the agenda for May 7, 1997.  
At 4:43 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on May 7, 1997.  
The Senate reconvened at 4:10 p.m. on May 7, 1997 with Senator Adams presiding.  
The following committee reports were announced:  
From Sunset: **SB 101** - 3 Merits.  
From Insurance and Elections: **SB 102** - 3 Merits; **SB 83** - 3 Merits.  
From Corrections: **SB 110** - 1 Favorable, 2 Merits; **SB 116** - 3 Merits.  
From Natural Resources: **SB 113** - 4 Merits.  
From Small Business: **SB 114** - 1 Favorable, 3 Merits.  
At 4:15 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 25th Legislative Day.

**25TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 7, 1997**

The Senate convened at 4:15 p.m. with Senator Adams presiding.  
A prayer was offered by Senator Henry.  
The Pledge of Allegiance to the Flag.  
The call of the roll for the Legislative Day revealed the following attendance:  
**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

The Secretary announced a message from the House informing the Senate that it had passed **HB 129 w/HA 1; HS 1 for HB 55 w/HA 1; HB 138 w/HA 1; HCR 23; HCR 22; SB 67; SCR 25; HCR 20; HB 18 w/HA 1; HB 147 w/HA 1 & 2.**

Senator Marshall was marked present.

**HCR 6** was brought before the Senate for consideration on motion of the floor manager, Senator Venables.

**HCR 6** - MEMORIALIZING THE U.S. CONGRESS TO PROPOSE AND SUBMIT TO THE SEVERAL STATES AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT NO COURT SHALL HAVE THE POWER TO LEVY OR INCREASE TAXES.

Several Senators questioned the floor manager.

Senator McBride was marked present.

Senator McBride commented.

A roll call vote was taken and revealed 12 Senators voting YES, 3 (Amick, Marshall, McDowell) NO, 4 (Blevins, Henry, Sorenson, Voshell) NOT VOTING, 2 (Sharp, Still) ABSENT; therefore, **HCR 6** was declared adopted by the Senate and returned to the House.

**SB 101** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 101** - AN ACT TO AMEND TITLE 24 CHAPTER 39 OF THE DELAWARE CODE RELATING TO THE BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Bunting, Sharp, Still) ABSENT; therefore, **SB 101** was declared passed the Senate and sent to the House for consideration.

**SB 114** was brought before the Senate for consideration on motion of Senator Venables.

**SB 114** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY OR MUNICIPAL BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Still) ABSENT; therefore, **SB 114** was declared passed the Senate and sent to the House for consideration.

**HCR 22** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 22** - COMMENDING THE STUDENTS SELECTED AS THE SCHOLARS OF 1997 BY THE SECRETARY OF EDUCATION. Sponsor: Representative Reynolds & Senator Sokola.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Still) ABSENT; therefore, **HCR 22** was declared adopted by the Senate and returned to the House.

**SR 16** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SR 16** - EXTENDING THE GREETINGS AND BEST WISHES OF THE PEOPLE OF DELAWARE AND THE DELAWARE STATE SENATE TO THE PEOPLE OF MOLDOVA ON THE OCCASION OF THE VISIT TO HINCESTI BY A DELEGATION FROM THE CHARTER SCHOOL OF WILMINGTON. Sponsor: Senator Sokola on behalf of all Senators.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Still) ABSENT; therefore, **SR 16** was declared adopted.

**HCR 23** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 23** - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 1997 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsor: Representatives Oberle, Maier & Schroeder and Senators Reed, Sokola & Voshell on Behalf of All Representative and Senators.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Still) ABSENT; therefore, **HCR 23** was declared adopted by the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for May 8, 1997.

At 4:50 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on May 8, 1997.

The Senate reconvened at 2:22 p.m. on May 8, 1997 with Lt. Governor Minner presiding.

Senator Sharp was marked present.

A communication from the President Pro Tempore, Thomas B. Sharp was read appointing himself as a member of the Delaware Open Space Council to replace Ruth Ann Minner.

The following committee reports were announced:

From Public Safety: **HB 106** - 3 Merits; **HB 113 w/HA 1** - 4 Merits,

**HB 119** - 4 Merits; **HB 128 w/HA 1 & 2** - 4 Merits; **SB 117** - 1 Favorable, 3 Merits;

**SB 109** - 4 Merits.

From Health and Social Services: **SB 78** - 4 Merits.

From Executive: **Dian C. Taylor** - 5 Favorable.

At 2:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 26th Legislative Day.

### **26TH LEGISLATIVE DAY 139TH GENERAL ASSEMBLY 1ST SESSION MAY 8, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Bonini.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

### **DELAWARE STATE SENATE PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION May 8, 1997**

The following legislation was introduced and assigned to committee on May 6, 1997:

**SB 117** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF HEAVY MOTOR VEHICLES. Sponsor: Senator Voshell and Representative Carey; Senators Adams & Cook. To: **Public Safety**.

**SB 118** - AN ACT TO AMEND TITLE 9, TITLE 14, TITLE 24, AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF REAL PROPERTY FOR THE PURPOSE OF *AD VALOREM* TAXATION BY COUNTY GOVERNMENTS AND SCHOOL DISTRICTS. Sponsor: Senator Voshell and Representative Roy; Senators Sokola, Hauge & Sorenson; Representatives Banning, Buckworth, Capano, Cloutier, Davis, DiPinto, Maier & Reynolds. To: **Judiciary**.

The following legislation was introduced and assigned to committee on May 8, 1997:

**SS 1 to SB 40** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF CERTAIN INFORMATION RELATING TO TOBACCO PRODUCTS SOLD IN DELAWARE. Sponsor: Senator Bair & Representative Maier, Senators Sorenson, Blevins, Sokola, Reed; Representatives Roy, Gilligan, Capano, Ulbrich, Maroney. To: Adopted in lieu of the original. To: **Health and Social Service**.

**SB 119** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PROVIDE FOR IMPACT INFORMATION ON CRIMINAL JUSTICE RELATED LEGISLATION. Sponsor: Senator Reed & Representative Maier; Senators Amick, Bair, Bonini, Hauge, McDowell, Sorenson, Venables; Representatives Ewing, Fallon, Carey, Ulbrich. To: **Executive**.

**SB 120** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE LEGISLATIVE PROCESS. Sponsor: Senator Reed & Representative Maier; Senators Amick, Bair, Bonini, Hauge, McDowell, Sorenson, Venables, Representatives Ewing, Fallon, Carey, Ulbrich. To: **Executive**.

**SB 121** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SIZE AND WEIGHT RESTRICTIONS FOR MOTOR VEHICLES. Sponsor: Senator Voshell & Representative Lee; Senator Adams & Representative Carey. To: **Public Safety**.

**SB 122** - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE REGARDING THE BOARD OF MEDICAL PRACTICE. Sponsor: Senator Blevins & Representative Ulbrich; Senators Bunting, Sokola, Reed; Representatives Capano, Maier. To: **Executive**.

**SB 123** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE NURSING PRACTICE ACT. Sponsor: Senator Blevins & Representative Ulbrich; Senators Bunting, Sokola, Reed, Still; Representatives Capano, Maier. To: **Health and Social Services**.

**SB 124** - AN ACT TO AMEND SECTION 6112, TITLE 12, DELAWARE CODE, RELATING TO THE ALLOCATION OF TRUST INCOME AND PRINCIPAL. Sponsor: Senator Adams and Representative D. Ennis. To: **Banking**.

**SB 125** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE QUALIFICATIONS. Sponsor: Senator Voshell & Senator Henry; Representative Ewing. To: **Highways and Transportation**.

**HB 18 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SECURITY OF LOTTERY OPERATIONS AND THE STATE LOTTERY OFFICE. Sponsor: Representatives Oberle & Welch & Gilligan & Senator McBride; Representatives Lofink, Roy, Banning, Scott, Van Sant, Williams; Senators Connor, McDowell, Sokola, Amick. To: **Finance**.

**HS 1 for HB 55 w/HA 1** - AN ACT TO AMEND TITLES 7 AND 23 OF THE DELAWARE CODE RELATING TO LICENSES, PERMITS, STAMPS AND REGISTRATIONS ISSUED BY AUTHORIZED AGENTS OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Representative Oberle and Senator Bunting. To: **Natural Resources**.

**HB 129 w/HA 1** - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO PROHIBITIVE ACTS D, PENALTIES. 2/3 VOTE. Sponsor: Representative Welch & Senator Bonini. To: **Public Safety**.

**HB 138 w/HA 1** - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO DRUG PARAPHERNALIA. Sponsor: Representative Welch; Senator Bonini. To: **Committee to Combat Drug Abuse**.

**HB 147 w/HA 1 & 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO WEAPON OFFENSES. Sponsor: Representatives Lee and Welch, Senator Vaughn; Representatives Spence, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Roy, Stone, Wagner, Gilligan, Van Sant, Banning, Brady, Williams, Senators Sharp, Voshell, Adams, Blevins, Bonini, Reed and Still. To: **Public Safety**.



Communications from Senators Connor and Still to the President Pro Tempore, Thomas B. Sharp, informing him that they will be attending the NCSL Conference in Washington, DC.

**SB 62** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 62** - AN ACT TO AMEND CHAPTERS 11 AND 101, TITLE 29 DELAWARE CODE, RELATING TO THE REGISTER OF REGULATIONS AND PUBLIC NOTICE OF PROPOSED AND PROMULGATED REGULATIONS.

**SA 1 to SB 62** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Connor, McDowell, Still) ABSENT; therefore, **SA 1 to SB 62** was declared part of the bill.

Senator Hauge was marked present during the above roll call.

**SB 62 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **SB 62 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 113** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 113** - AN ACT TO AMEND CHAPTER 19 OF TITLE 7 OF THE DELAWARE CODE RELATING TO SURF CLAMS AND HORSESHOE CRABS.

**SA 1 to SB 113** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **SA 1 to SB 113** was declared part of the bill.

**SB 113 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **SB 113 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 117** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 117** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF HEAVY MOTOR VEHICLES.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **SB 117** was declared passed the Senate and sent to the House for consideration.

**HB 106** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 106** - AN ACT TO AMEND CHAPTER 21, TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMPOSITION OF THE DOMESTIC VIOLENCE COORDINATING COUNCIL.

Senators Bair and Blevins commented.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **HB 106** was declared passed the Senate and returned to the House.

**HB 119** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 119** - AN ACT TO AMEND CHAPTER 5 OF TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF ROBBERY.

Senator Henry requested the privilege of the floor for John Cordrey, Senate Attorney.

Senator Venables questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 16 Senators voting YES, 2 (Bonini, Venables) NO, 1 (Bunting) NOT VOTING, 2 (Connor, Still) ABSENT; therefore, **HB 119** was declared passed the Senate and returned to the House.

**HB 128 w/HA 1 & 2** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 128 w/HA 1 & 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JUSTICE COUNCIL.

A roll call vote was taken and revealed 16 Senators voting YES, 3 (Sharp, Vaughn, Venables) NO, 2 (Connor, Still) ABSENT; therefore, **HB 128 w/HA 1 & 2** was declared passed the Senate and returned to the House.

At 3:04 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:14 p.m. with Lt. Governor Minner presiding.

On motion of Senator Adams and without objection, the following nomination by the Governor was considered:

**Dian C. Taylor** - 19 Senators voting YES, 2 (Connor, Still) ABSENT. Appointment confirmed.

**HB 113 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 113 w/ HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE VIOLENT CRIMES COMPENSATION BOARD.**

**SA 1 to HB 113** was introduced and brought before the Senate for consideration on motion of Senator Amick.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **SA 1 to HB 113** was declared part of the bill.

**HB 113 w/HA 1 & SA 1** was now before the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Still) ABSENT; therefore, **HB 113 w/HA 1 & SA 1** was declared passed the Senate and returned to the House for reconsideration.

**SS 1 to SB 18** was introduced and adopted in lieu of the original and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator McDowell.

**SS 1 to SB 18 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION.** Sponsor: Senators McDowell, Blevins, Henry, Marshall & Sokola; Reps. Buckworth, DiLiberto, DiPinto, Fallon & Stone.

Senators Voshell, Venables and Cook were added as co-sponsors.

Several Senators questioned the sponsor.

Representative Spence was added as a co-sponsor.

Several Senators continued to question the sponsor.

**SA 1 to SS 1 to SB 18** was introduced and brought before the Senate on motion of Senator Bonini.

Senator McDowell commented.

A roll call vote was taken and revealed 6 Senators (Amick, Bair, Bonini, Hauge, Reed, Sorenson) voting YES, 12 NO, 3 (Connor, Marshall, Still) ABSENT; therefore, **SA 1 to SS 1 to SB 18** was declared defeated.

**SA 2 to SS 1 to SB 18** was introduced and brought before the Senate on motion of Senator Hauge.

A roll call vote was taken and revealed 13 Senators voting YES, 6 (Blevins, Bunting, Henry, McBride, Sorenson, Venables) NO, 2 (Connor, Still) ABSENT; therefore, **SA 2 to SS 1 to SB 18** was declared part of the bill.

**SA 3 to SS 1 to SB 18** was introduced and brought before the Senate on motion of Senator Sorenson.

Senators McDowell and McBride commented.

A roll call vote was taken and revealed 17 Senators voting YES, 1 (Venables) NO, 1 (Henry) NOT VOTING, 2 (Connor, Still) ABSENT; therefore, **SA 3 to SS 1 to SB 18** was declared part of the bill.

**SS 1 to SB 18 w/SA 2 & 3** was now before the Senate.

A roll call vote was taken and revealed 18 Senators voting YES, 1 (Reed) NO, 2 (Connor, Still) ABSENT; therefore, **SS 1 to SB 18 w/SA 2 & 3** was declared passed the Senate and sent to the House for consideration.

**HCR 20** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HCR 20 - PROCLAIMING MAY 1997 AS "MOTORCYCLE AWARENESS MONTH.** Sponsor: Representatives Buckworth, B. Ennis and Senator Blevins; Representatives Carey, D. Ennis, Ewing, Oberle, Quillen, Houghton, West and Senators McDowell, Sokola, Amick, Connor, Reed.

A roll call vote was taken and revealed 18 Senators voting YES, 1 (Sharp) NOT VOTING, 2 (Connor, Still) ABSENT; therefore, **HCR 20** was declared adopted by the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for May 13, 1997.

At 5:42 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on May 13, 1997.

The Senate reconvened at 2:52 p.m. on May 13, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Judiciary: **SB 1** - 4 Merits; **SB 2** - 4 Merits; **SB 106** - 4 Merits; **SB 128** - 4 Merits; **SB 129** - 4 Merits; **SB 130** - 4 Merits; **SB 131** - 4 Merits; **HB 210 w/HA 1, 2 & 3** - 4 Merits.

From Health and Social Services: **SB 20** - 4 Merits.

From Executive: **SB 122** - 4 Merits.

From Education: **HCR 8** - 3 Merits.

**LEGISLATIVE ADVISORY #10** from the Office of Counsel to the Governor was announced for the record, partially read and copies were made available for the members upon request.

**LEGISLATIVE ADVISORY #10**, dated May 8, 1997, the following legislation was signed by Governor Thomas R. Carper on the dates indicated:

**HJR #2** - (5/7/97) - PROCLAIMING MAY 12, 1997, AS CHRONIC FATIGUE SYNDROME AWARENESS DAY IN THE STATE OF DELAWARE. (Sponsor: Representative Roy and Senator Sorenson.)

**HB #79** - (5/7/97) - AN ACT AUTHORIZING THE CHRISTINA REORGANIZED SCHOOL DISTRICT AND/OR STATE BOARD OF EDUCATION TO EXCHANGE CERTAIN SCHOOL REAL PROPERTY FOR THE PROPERTY OF ANOTHER PERSON. (Sponsor: Representative Spence & Senator Sharp) (Volume 71, Chapter 23, Laws of Delaware.)

**HB #11** - (5/7/97) - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON" BEING CHAPTER 115, VOLUME 69, AS AMENDED, RELATING TO THE CITY TREASURE. (Sponsor: Representative Quillen; Senator Voshell) (Volume 71, Chapter 24, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the House informing the Senate that it had passed **HB 210 w/HA 1, 2 & 3; HB 132 w/HA 1; SB 34.**

A communication from the House was read requesting that Representative Buckworth be removed as co-sponsor of **SB 118**. No objection.

At 3:00 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 27th Legislative Day.

**27TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 13, 1997**

The Senate convened at 3:00 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Voshell.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
May 13, 1997**

The following legislation was introduced and assigned to committee on May 8, 1997:

**SA 1 to SB 110** – Senator Vaughn – Placed with the bill.

**SB 127** - AN ACT TO AMEND CHAPTER 28, TITLE 7, DELAWARE CODE RELATING TO USE OF TRAWLINES IN HARVESTING CONCH. Sponsor: Senator Vaughn; Representative Schroeder. To: **Natural Resources**.

**SB 128** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING CERTAIN CRIMES. Sponsor: Senator Sharp; Representative Wagner. To: **Judiciary**.

**SB 129** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE REGARDING ABANDONMENT OF AN INFIRM ADULT. Sponsor: Senator Sharp & Representative Wagner. To: **Judiciary**.

**SB 130** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING SENTENCING IN CRIMINAL CASES. Sponsor: Senator Sharp; Representative Wagner. To: **Judiciary**.

**SB 131** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING IN CRIMINAL CASES. Sponsor: Senator Sharp; Representative Wagner. To: **Judiciary**.

The following legislation was introduced and assigned to committee on May 13, 1997:

**SS 2 to SB 97** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO CANDIDATES FOR PUBLIC OFFICE. Sponsor: Senator Sharp. To: Adopted in lieu of the original. To: **Insurance and Elections**.

**SB 126** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO HIGHER EDUCATION INCENTIVES FOR STUDENT ACHIEVEMENT. Sponsor: Senator Sokola and Representative Oberle; Senators Blevins, Bunting, McDowell, Venables & Voshell; Representatives Banning, Buckworth, Carey, Caulk, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Gilligan, Houghton, Lee, Mack, Plant, Price, Reynolds, Schroeder, Scott, Van Sant & Williams. To: **Education**.

**SB 133** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS. 2/3 VOTE. Sponsor: Senator Reed & Representatives Ulbrich, Maier, Senators Amick, Bair, Bonini, Blevins, Bunting, Connor, Hauge, Marshall, Sokola, Sorenson, Still; Representatives Banning, Davis, Ewing, Houghton, Oberle, Wagner, Welch. To: **Executive**.

**SB 134** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR CERTAIN DOG LAW VIOLATIONS. 2/3 VOTE. Sponsor: Senator Reed & Representatives Ulbrich, Maier, Senators Amick, Bair, Bonini, Blevins, Bunting, Connor, Hauge, Marshall, Sokola, Sorenson, Still; Representatives Banning, Davis, Ewing, Houghton, Oberle, Wagner, Welch. To: **Executive**.

**SB 135** - AN ACT TO AMEND TITLE 25 CHAPTER 5 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE LANDLORD-TENANT CODE AND MOBILE HOME LOTS AND LEASES ACT. Sponsor: Senator Blevins & Representative Oberle. To: **Community/County Affairs**.

**SB 136** - AN ACT TO AMEND TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS AND APPRAISERS. Sponsor: Senator Blevins & Representative Ulbrich; Senators Bunting, Sokola, Reed and Still; Representatives Maier, Capano and Scott. To: **Executive**.

**SB 137** - AN ACT TO AMEND CHAPTER 7, TITLE 19, OF THE DELAWARE CODE, RELATING TO REPLACEMENT WORKERS. Sponsor: Senator Marshall & Representative Oberle. To: **Labor**.

**SB 138** - AN ACT TO RECLASSIFY CERTAIN POSITIONS WITHIN THE STATE MERIT SYSTEM. Sponsor: Senator Venables; Senators Sharp, McBride, Bunting, Vaughn & Voshell; Representatives Spence, Van Sant, Lee & Ewing. To: **Small Business**.

**HB 132 w/HA 1** - AN ACT TO AMEND TITLE 4 AND TITLE 30 OF THE DELAWARE CODE RELATING TO LICENSING, FEES AND TAXES ON THE MANUFACTURE AND SALE OF ALCOHOLIC BEVERAGES AND CIDER. Sponsor: Representative Capano & Senator Marshall. To: **Administrative Services**.

**HB 210 w/HA 1, 2 & 3** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO RESTRUCTURING THE NEW CASTLE COUNTY GOVERNMENT. Sponsor: Representative Oberle & Senator Sharp; Representatives Spence, Capano, DiPinto, Ewing, Lee, Maier, Gilligan, Van Sant, Banning, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Schroeder, Scott, West, Williams; Senators McDowell, Bair, Sokola, Hauge. To: **Judiciary**.

\* \* \*

A messenger from the Governor was announced and admitted.

**SB 110** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 110** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULTS IN DETENTION FACILITIES.

**SA 1 to SB 110**, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator Vaughn.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SA 1 to SB 110** was declared part of the bill.

Senators Marshall and McBride were marked present during the above roll call.

**SB 110 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SB 110 w/SA 1** was declared passed the Senate and sent to the House for consideration.

At 3:09 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 4:40 p.m. with Lt. Governor Minner presiding.

**SB 95** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 95** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS.

Senator Bair commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 95** was declared passed the Senate and sent to the House for consideration.

Senator Still was marked present during the above roll call.

Senator Bair made remarks regarding Senator Amick's 50th Birthday.

Members sang "The Old Gray Mare".

Senator Voshell commented that Senator Cook's birthday was celebrated on May 11, 1997.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for May 14, 1997.

At 4:55 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on May 14, 1997.

The Senate reconvened at 4:24 p.m. on May 14, 1997 with Senator Sharp presiding.

The following committee reports were announced:

From Agriculture - **HB 30 w/HA 1** - 3 Merits.

From Administrative Services - **HB 74** - 4 Merits; **SB 76** - 4 Merits.

From Education - **SB 126** - 4 Merits.

From Finance - **SB 91** - 5 Merits; **SB 108** - 5 Merits.

From Highway and Transportation - **SB 125** - 5 Merits

From Banking - **SB 124** - 4 Merits.

From Small Business - **SB 138** - 4 Merits.

From Executive - **Sonja Truitt Wilson, Esquire** - 5 Favorable, 1 Merit.

The Secretary announced a message from the House informing the Senate that it had passed **HB 177; HB 228 w/HA 1 & 2; HB 155; HB 170; HB 174; HB 214; HB 38 w/HA 1; HB 143; HB 151 w/HA 1; HB 134; HB 135; HB 131; HB 146; HB 172; SB 63**. Also, returning **SB 59**, which was defeated by the House.

At 4:30 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 28th Legislative Day.

**28TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 14, 1997**

The Senate convened at 4:30 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

Lt. Governor Minner presiding at 4:31 p.m.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
May 14, 1997**

The following legislation was introduced and assigned to committee on May 13, 1997:

**SA 1 to SB 20** – Senator Blevins – Placed with the bill.

**SA 1 to SB 41** – Senator Marshall – Placed with the bill.

**SA 1 to SB 136** – Senator Blevins – Placed with the bill.

**SS 1 to SB 115** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND REGULATION OF REGISTERED LIMITED LIABILITY PARTNERSHIPS. Sponsor: Senator Sharp & Representative Wagner. Adopted in lieu of the original. To: **Judiciary**.

**SB 132** - AN ACT TO AMEND TITLE 11 AND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING. Sponsor: Senator Marshall & Senator Blevins & Representative Maier; Senators Henry, McBride & Voshell; Representatives Spence, DiPinto, Oberle, Gilligan, Keeley, Plant, Scott & Williams. To: **Labor**.

**SB 139** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE. Sponsor: Senator Sharp; Representatives Spence, Wagner, DiLiberto. To: **Judiciary**.

The following letters of nominations from the Governor were assigned to the **Executive** Committee on May 13, 1997:

STATE OF DELAWARE  
Office of the Governor  
May 13, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Lawrence M. Sullivan, Esq.**, 1003 N. Bancroft Parkway, Wilmington, Delaware 19805, to be reappointed the Public Defender of the State of Delaware to serve a six-year term.

Your consideration of this nomination is appreciated.

Sincerely,  
Thomas R. Carper  
Governor

(Signed)

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
May 13, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Sonja Truitt Wilson, Esquire**, Post Office Box 248, Lewes, Delaware 19958, to be appointed a Family Court Commissioner to serve a four-year term.

Your consideration of this nomination is appreciated.

Sincerely,  
Thomas R. Carper  
Governor

(Signed)

The following legislation was introduced and assigned to committee on May 14, 1997:

**SB 140** - AN ACT MAKING AN APPROPRIATION FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS MINOR CAPITAL IMPROVEMENTS AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. Sponsor: Senator Cook and Representative Davis; Senator Blevins, Sokola, Sharp, Henry, McBride, Vaughn, Venables, Bonini, Sorenson, Hauge; Representatives Roy, Reynolds, DiPinto, Buckworth, Maroney, Lofink, Carey, Houghton, West, Plant, Schroeder. To: **Finance**.

**SB 141** - AN ACT TO AMEND CHAPTER 88, TITLE 10 OF THE DELAWARE CODE RELATING TO IN FORMA PAUPERIS ACTIONS. Sponsor: Senator Vaughn; Representative Lee. To: **Judiciary**.

**SR 18** - IN REFERENCE TO THE RULES OF THE STATE SENATE. Sponsor: Senator Bair; Senators Amick, Bonini, Connor, Hauge, Reed, Sorenson, Still. To: **Rules**.

**SJR 3** - DESIGNATING U.S. ROUTE 13 FROM DOVER TO THE PENNSYLVANIA STATE LINE AS A BLUE STAR MEMORIAL HIGHWAY. Sponsor: Senators Connor, Hauge, Bair, Reed, Sorenson, Still, Bonini; Representatives Capano, Oberle, Ewing, Stone, West, Fallon, Carey, Maier, Lee, Davis, Wagner, Welch, DiPinto, Ulbrich, Mack, Banning, Price. To: **Highways and Transportation**.

**HB 38 w/HA 1** - AN ACT TO AMEND CHAPTER 16, TITLE 14 OF THE DELAWARE CODE RELATING TO ALTERNATIVE EDUCATION. Sponsor: Representative Wagner and Senator Voshell; Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, Banning, DiLiberto, B. Ennis, Price, Scott, Van Sant, Williams. To: **Education**.

**HB 131** - AN ACT TO AMEND TITLE 19, DELAWARE CODE, CHAPTER 13 CREATING A STATUTE OF LIMITATIONS FOR THE FILING OF UNFAIR LABOR PRACTICE CHARGES UNDER THE PUBLIC EMPLOYMENT RELATIONS ACT. Sponsor: Representative Oberle & Senator Marshall. To: **Judiciary**.

**HB 134** - AN ACT TO AMEND TITLE 19, DELAWARE CODE, CHAPTER 16 CREATING A STATUTE OF LIMITATIONS FOR THE FILING OF UNFAIR LABOR PRACTICE CHARGES UNDER THE POLICE OFFICERS' AND FIREFIGHTERS' EMPLOYMENT RELATIONS ACT. Sponsor: Representative Oberle & Senator Marshall. To: **Judiciary**.

**HB 135** - AN ACT TO AMEND TITLE 14, DELAWARE CODE, CHAPTER 40 CREATING A STATUTE OF LIMITATIONS FOR THE FILING OF UNFAIR LABOR PRACTICE CHARGES UNDER THE PUBLIC SCHOOL EMPLOYMENT RELATIONS ACT. Sponsor: Representative Oberle and Senator Marshall. To: **Judiciary**.

**HB 143** - AN ACT TO AMEND SUBCHAPTER IV OF CHAPTER 11 OF TITLE 30 OF THE DELAWARE CODE RELATING TO THE TAXATION OF ESTATES, TRUSTS AND BENEFICIARIES. Sponsor: Representatives Wagner & DiLiberto; Senators Adams & Hauge. To: **Judiciary**.

**HB 146** - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsor: Representative Oberle & Senator Sharp. To: **Labor**.

**HB 151 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE RELATED OFFENSES. Sponsor: Representative Brady; Representatives Banning, Boulden, Capano, Carey, Caulk, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Lofink, Mack, Petrilli, Plant, Price, Reynolds, Schroeder, Scott, Smith, Ulbrich, Van Sant, Wagner, Welch, West, Williams; Senators Henry, Marshall, Vaughn. To: **Public Safety**.

**HB 155** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO CHANGE THE TIME OF THE ANNUAL ORGANIZATIONAL MEETING, TO DELETE TECHNICAL REQUIREMENTS FOR SPECIAL MEETINGS, TO ADD STANDARDS TO THE REQUIREMENTS FOR ALDERMAN, TO REMOVE A MANDATED BOARD OF HEALTH, AUTHORIZE THE TOWN MANAGER ON BEHALF OF THE TOWN COUNCIL TO DIRECT THE POLICE DEPARTMENT, TO REMOVE OUTDATED REFERENCES TO COSTS AND TO CORRECT CERTAIN OUT OF DATE REFERENCES AND

TYPOGRAPHICAL ERRORS. 2/3 VOTE. Sponsor: Representative West; Senator Bunting.  
To: Community/County Affairs.

**HB 170** - AN ACT TO AMEND CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" TO PROVIDE THAT CHARGES IMPOSED FOR GRASS CUTTING AND THE REHABILITATION AND IMPROVEMENT OF HOUSING WITHIN THE TOWN OF DELMAR SHALL BE LIENS AGAINST THE PROPERTIES SO BENEFITED FOR A PERIOD OF 10 YEARS. 2/3 VOTE. Sponsor: Representative Lee & Senator Venables. To: Community/County Affairs.

**HB 172** - AN ACT TO AMEND TITLE 1 OF THE DELAWARE CODE RELATING TO STATE LANGUAGE. Sponsor: Representatives Smith & Spence & Senator Venables & Senator Vaughn; Representatives Welch, Buckworth, Carey, D. Ennis, Ewing, Lee, Lofink, Mack, Petrilli, Quillen, Reynolds, Van Sant, Banning, Brady, Houghton, Price, West; Senators Sharp, Bunting, Bair, Bonini, Hauge, Still. To: Executive.

**HB 174** - AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING, 2/3 VOTE. Sponsor: Representative Buckworth & Senator Bonini. To: Community/County Affairs.

**HB 177** - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR ELECTED COUNTY OFFICIALS. Sponsor: Representative B. Ennis & Senator Vaughn; Representatives Banning, Brady, Caulk, Ewing, Houghton, Keeley, Spence, Stone, Van Sant, Wagner, Welch, West; Senators Blevins, Bonini, Voshell. To: Judiciary.

**HB 214** - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO SALARY, EMOLUMENTS AND REIMBURSEMENT OF EXPENSES TO THE MAYOR, COUNCIL, AND OTHER ELECTED OR APPOINTED OFFICIALS. 2/3 VOTE. Sponsor: Representatives Stone & Wagner & Senator Still. To: Community/County Affairs.

**HB 228 w/HA 1 & 2** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE REGARDING LICENSES FOR TAPROOMS, HOTELS, RESTAURANTS OR CLUBS, FOOD CONCESSIONAIRES AT HORSE RACETRACKS OR MULTI-PURPOSE SPORT FACILITIES; DINNER THEATER PERFORMANCES; BOWLING ALLEYS; CATERERS; REMOVAL OF PARTIALLY CONSUMED BOTTLES FROM PREMISES. Sponsor: Representatives Wagner, Stone & Welch; Representatives Spence, Cloutier, Quillen, Van Sant, Plant, Scott, West, Williams; Senators Voshell, Adams, Cook, McBride Bonini, Still. To: Public Safety.

\* \* \*

**HB 210 w/HA 1, 2 & 3** was brought before the Senate for consideration on motion of the floor manager, Senator Sharp.

**HB 210 w/HA 1, 2 & 3** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO RESTRUCTURING THE NEW CASTLE COUNTY GOVERNMENT.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Amick) NOT VOTING; therefore, **HB 210 w/HA 1, 2 & 3** was declared passed the Senate and returned to the House.

Senators Bair, Cook, Hauge, Marshall and McBride were marked present during the above roll call.

**SB 122** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 122** - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE REGARDING THE BOARD OF MEDICAL PRACTICE.

Senator McDowell commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 122** was declared passed the Senate and sent to the House for consideration.

Senator Sokola requested the privilege of the floor for the District Teachers of the Year and Francis J. O'Malley, Delaware Teacher of the Year.

The District Teachers of the Year gave their name and school district

Mr. O'Malley addressed the Senate, after which several Senators commented.

The witnesses were excused.

**SCR 28** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SCR 28** - RECOGNIZING THE 8TH ANNUAL LEGISLATOR'S BIKE-TO-WORK EVENT ON MAY 14, 1997. Sponsor: Senator Sokola & Representative Roy.



A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SCR 28** was declared adopted by the Senate and sent to the House for consideration. **HCR 8** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 8** - ENCOURAGING THE DEPARTMENT OF PUBLIC INSTRUCTION AND CIVIC AND COMMUNITY SERVICE ORGANIZATIONS TO IMPLEMENT AND TEACH THE EDDIE EAGLE ELEMENTARY GUN SAFETY EDUCATION PROGRAM. Sponsor: Representative Wagner & Van Sant & Senator Cook; Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Petrilli, Reynolds, Stone, Ulbrich, Banning, Brady, Houghton, Keeley, Plant, Price, West, Williams.

Senators Connor and Reed commented.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **HCR 8** was declared adopted by the Senate and returned to the House.

**HB 74** was brought before the Senate for consideration on motion of the floor manager, Senator Cook.

**HB 74** - AN ACT AUTHORIZING THE TRANSFER OF THE FREE PUBLIC LIBRARY OF THE SMYRNA SCHOOL DISTRICT KNOWN AS THE SMYRNA PUBLIC LIBRARY TO THE TOWN OF SMYRNA, PROVIDING THAT THE TOWN OF SMYRNA SHALL ASSUME THE OUTSTANDING OBLIGATIONS OF THE LIBRARY AND THE OBLIGATIONS OF THE SMYRNA SCHOOL DISTRICT AND ITS DISTRICT LIBRARY COMMISSION RELATING TO SUCH LIBRARY UPON THE TRANSFER THEREOF, AS AUTHORIZED BY CHAPTER 71 OF TITLE 14 OF THE DELAWARE CODE. 2/3 VOTE.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **HB 74** was declared passed the Senate and returned to the House.

**SB 50** was stricken on motion of Senator Cook.

**SB 108** was brought before the Senate for consideration on motion of Senator Cook.

**SB 108** - AN ACT TO AMEND TITLE 29, TITLE 11, AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE BOARD OF PENSION TRUSTEES AND THE INVESTMENT OF PENSION FUNDS.

Senator Still questioned the sponsor, after which Senator Cook requested the privilege of the floor for David Craik, representing the State Office of Pensions.

Senator Still questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 108** was declared passed the Senate and sent to the House for consideration.

**SB 91** was brought before the Senate for consideration on motion of Senator Cook.

**SB 91** - AN ACT TO AMEND TITLE 29, OF THE DELAWARE CODE RELATING TO THE CONTRACTS WITH PUBLIC LIBRARY SYSTEMS.

Senator Still and McDowell questioned the sponsor, after which Senator Cook requested the privilege of the floor for Tom Sloan, representing Delaware Division of Libraries.

Senator Amick questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 91** was declared passed the Senate and sent to the House for consideration.

Additions to the agenda, committee and other legislative meetings were announced.

**SB 142** was introduced and assigned to the **Children, Youth and their Families** Committee.

**SB 142** - AN ACT TO AMEND TITLE 29, CHAPTER 90 RELATING TO THE DEPARTMENT OF SERVICES FOR CHILDREN YOUTH AND THEIR FAMILIES.

Sponsor: Senator McDowell and Representative Maier; Senators Blevins, Henry, Voshell, Bair, Sorenson, Reed.

**SCR 27** was introduced and brought before the Senate for consideration on motion of Senator McBride.

**SCR 27** - RECOGNIZING THE ACHIEVEMENTS OF JAMES JULIAN, RAYMOND E. TOMASETTI, SR., AND SAMUEL W. WHITAKER, JR., AS THESE THREE GIANTS OF DELAWARE CONSTRUCTION HISTORY ARE NAMED AS THE INAUGURAL INDUCTEES INTO THE FIRST STATE HIGHWAY HALL OF FAME. Sponsor: Senator McBride; For All Senators; Representative Boulden For All Representatives.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins, Sharp) ABSENT; therefore, **SCR 27** was declared adopted by the Senate and sent to the House for consideration.

The Secretary of the Senate read the agenda for May 15, 1997.

At 5:30 p.m. on motion of Senator Voshell, the Senate recessed until 2:00 p.m. on May 15, 1997.

The Senate reconvened at 2:23 p.m. on May 15, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Labor: **SB 132** - 1 Favorable, 2 Merits.

From Children, Youth and their Families: **SB 142** - 3 Merits.

From Community/County Affairs: **HB 155** - 3 Merits.

From Public Safety: **HB 228 w/HA 1 & 2** - 4 Merits.

From Executive: **Lawrence M. Sullivan** - 1 Favorable, 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 206; HB 193 w/HA 1; HCR 25; HCR 2; HCR 27.**

At 2:30 p.m. on motion of Senator Voshell the Senate adjourned to immediately convene for the 29th Legislative Day.

**9TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
MAY 15, 1997**

The Senate convened at 2:30 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

**SB 109** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 109** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL REGISTRATION PLATES.

Senator Bonini commented.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Cook, McBride, Venables) ABSENT; therefore, **SB 109** was declared passed the Senate and sent to the House for consideration.

Senators Bair, Blevins, Hauge, Henry and Marshall were marked present during the above roll call.

**SB 132** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 132** - AN ACT TO AMEND TITLE 11 AND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING.

**SA 1 to SB 132** was introduced and brought before the Senate for consideration on motion of Senator Marshall.

A roll call vote was taken and revealed 17 Senators YES, 1 (Still) NO, 3 (Cook, McBride, Sharp) ABSENT; therefore, **SA 1 to SB 132** was declared part of the bill.

**SB 132 w/SA 1** was now before the Senate.

Several Senators questioned the sponsor, after which Senator Marshall requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

Senators Still and Hauge questioned the witness, after which the witness was excused.

Senator Marshall moved to lay **SB 132 w/SA 1** on the table. No objection.

Senator Sharp requested the privilege of the floor for Robert Pound, representing the Delaware Future Farmers of America and other students joined him.

The students presented the Senate with geraniums, after which the witnesses were excused.

**SCR 29** was introduced brought before the Senate for consideration on motion of Senator Sharp.

**SCR 29** - EXTENDING "MANY THANKS" TO THE DELAWARE VOCATIONAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE GERANIUMS GIVEN, AND EXTENDING BEST WISHES AND SUCCESS TO EACH OF YOU IN YOUR CHOSEN CAREERS. Sponsor: Senators Sharp, Voshell, McDowell, Bair & Amick on behalf of all senators; Representatives Spence, Smith, Welch, Gilligan & Van Sant on behalf of all representatives.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SCR 29** was declared adopted by the Senate and sent to the House for consideration.

Senators Cook and McBride were marked present during the above roll call.

**SB 132 w/SA 1** was lifted from the table and brought before the Senate for consideration on motion of Senator Marshall.

Senator Marshall requested a communication be read to the Senate from Keith Brady, Attorney General's office regarding **SB 132**.

**SA 2 to SB 132** was introduced and brought before the Senate for consideration on motion of Senator Marshall.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Reed) ABSENT; therefore, **SA 2 to SB 132** was declared part of the bill.

**SB 132 w/SA 1 & 2** was now before the Senate.

Several Senators commented.

A roll call vote was taken and revealed 9 Senators (Blevins, Cook, Henry, Marshall, McBride, McDowell, Sharp, Sokola, Voshell) voting YES, 3 (Bonini, Hauge, Venables) NO, 9 (Adams, Amick, Bair, Bunting, Connor, Reed, Sorenson, Still, Vaughn) NOT VOTING; therefore, **SB 132 w/SA 1 & 2** was defeated.

At 3:57 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 5:17 p.m. with Lt. Governor Minner presiding.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
May 15, 1997**

The following legislation was introduced and assigned to committee:

**SB 143** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO THE CHARGES FOR THE EXAMINATION OF FINANCIAL INSTITUTIONS BY THE STATE BANK COMMISSIONER. Sponsor: Senator Vaughn and Representatives B. Ennis and Banning; Senators Sharp and Sokola. To: **Banking**.

**SB 144** - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Senator Sokola & Representative Reynolds; Senator Sorenson. To: **Education**.

**SB 145** - AN ACT TO AMEND CHAPTER 65, TITLE 11, OF THE DELAWARE CODE RELATING TO CREATION OF A SPECIAL FUND FOR MONIES CONFISCATED AS CONTRABAND. Sponsor: Senator Vaughn; Representative Lee. To: **Corrections**.

**HB 193 w/HA 1** - AN ACT TO AMEND CHAPTER 67, TITLE 16 OF THE DELAWARE CODE RELATING TO AMBULANCE SERVICE IN THE STATE OF DELAWARE. Sponsor: Representative B. Ennis & Senators Vaughn & Cook, Representatives Ewing, Brady, Houghton, Banning, West, Price, Plant, Gilligan, Van Sant, DiLiberto, Scott, Schroeder, Keeley, Williams, Spence, DiPinto, Caulk, Lee, Welch, Carey, Buckworth, Senators Voshell, Adams, Blevins, Marshall. To: **Executive**.

**HB 206** - AN ACT TO AMEND CHAPTERS 19, 21 AND 23 OF TITLE 7 OF THE DELAWARE CODE RELATING TO SHELLFISH LICENSES, PERMITS AND LEASES. Sponsor: Representative Carey; Representatives Quillen, Price, Schroeder. To: **Natural Resources**.

\* \* \*

A messenger from the Governor was announced and admitted.

On motion of Senator Adams and without objection, the following nomination by the Governor was considered:

**Sonja Truitt Wilson, Esquire** - 21 Senators voting YES. Appointment confirmed.

**Lawrence M. Sullivan, Esq.** - 18 Senators voting YES, 3 (Bunting, Sokola, Venables) NOT VOTING. Appointment confirmed.

**SB 125** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 125** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE QUALIFICATIONS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 125** was declared passed the Senate and sent to the House for consideration.

**SB 126** was brought before the Senate for consideration on motion of Senator Sokola.

**SB 126** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO HIGHER EDUCATION INCENTIVES FOR STUDENT ACHIEVEMENT.

Senators Henry and Still requested to be added as a co-sponsor.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Henry) NO, 1 (Sharp) ABSENT; therefore, **SB 126** was declared passed the Senate and sent to the House for consideration.

**HB 228 w/HA 1 & 2** was brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HB 228 w/HA 1 & 2** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE REGARDING LICENSES FOR TAPROOMS, HOTELS, RESTAURANTS OR CLUBS, FOOD CONCESSIONAIRES AT HORSE RACETRACKS OR MULTI-PURPOSE SPORT FACILITIES; DINNER THEATER PERFORMANCES; BOWLING ALLEYS; CATERERS; REMOVAL OF PARTIALLY CONSUMED BOTTLES FROM PREMISES.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) NOT VOTING; therefore, **HB 228 w/HA 1 & 2** was declared passed the Senate and returned to the House.

**SB 138** was brought before the Senate for consideration on motion of Senator Venables.

**SB 138** - AN ACT TO RECLASSIFY CERTAIN POSITIONS WITHIN THE STATE MERIT SYSTEM.

**SA 1 to SB 138** was introduced and brought before the Senate for consideration on motion of Senator Reed.

Several Senators questioned the sponsor, after which Senator Cook requested the privilege of the floor for Jon C. McDowell, representing State Personnel.

The witness was excused after addressing the Senate.

Senator Voshell commented.

A roll call vote was taken and revealed 8 Senators (Amick, Bair, Blevins, Bonini, Bunting, Connor, Hauge, Reed) voting YES, 10 NO, 3 (Adams, Henry, Sorenson) NOT VOTING; therefore, **SA 1 to SB 138** was declared defeated.

**SB 138** was now before the Senate.

Senator Venables questioned the sponsor, after which Senator Venables requested the privilege of the floor for Edward Montague, representing Game and Fish.

Several Senators questioned the witness, after which the witness was excused.

Senator Cook requested the privilege of the floor for Jon C. McDowell, representing State Personnel.

Several Senators questioned the witness, after which the witness was excused.

Senator Venables requested the privilege of the floor for David Healey.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 9 Senators (Adams, Blevins, Bonini, Bunting, McBride, McDowell, Sharp, Vaughn, Venables) voting YES, 12 NO; therefore, **SB 138** was declared defeated.

**HB 155** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 155** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO CHANGE THE TIME OF THE ANNUAL ORGANIZATIONAL MEETING, TO DELETE TECHNICAL REQUIREMENTS FOR SPECIAL MEETINGS, TO ADD STANDARDS TO THE REQUIREMENTS FOR ALDERMAN, TO REMOVE A MANDATED BOARD OF HEALTH, AUTHORIZE THE TOWN MANAGER ON BEHALF OF THE TOWN COUNCIL TO DIRECT THE POLICE DEPARTMENT, TO REMOVE OUTDATED REFERENCES TO COSTS AND TO CORRECT CERTAIN OUT OF DATE REFERENCES AND TYPOGRAPHICAL ERRORS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 155** was declared passed the Senate and returned to the House.

**SENATE CONSENT CALENDAR # 6** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 25** - CONGRATULATING ST. MARKS GIRLS BASKETBALL TEAM ON WINNING THE DELAWARE STATE CHAMPIONSHIP FOR 1996-97, AND FURTHER CONGRATULATING THE HEAD COACH, JOHN FIORELLI AND HIS ASSISTANT COACHES SHELLY HALLER AND GEORGE CHELLEW ON AN OUTSTANDING

SEASON AND A JOB WELL DONE. Sponsor: Representatives Maier and Gilligan and Senator Sharp; Representatives Ulbrich, Williams, Keeley.

**HCR 27** - HONORING THE REV. ROBERT D. KENNEY, OSFS, ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF SALESIANUM SCHOOL. Sponsor: Representative Lofink and Senator Marshall; Representatives Spence, DiPinto, D. Ennis, Reynolds, Roy, Ulbrich, Gilligan, Brady, DiLiberto, Keeley, Williams; Senators Henry & McDowell.

Senator Marshall was added as a co-sponsor to **HCR 25**.

Senator Connor was added as a co-sponsor to **HCR 25** and **HCR 27**.

A roll call vote was taken on **SENATE CONSENT CALENDAR #6** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared adopted by the Senate. The House Concurrent Resolutions were returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

At 6:34 p.m. Senator Sharp presiding.

The Secretary of the Senate read the agenda for June 3, 1997 or the next Legislative Day.

At 6:37 p.m. on motion of Senator Voshell, the Senate recessed until the call of the Pro Tempore or on June 3, 1997, whichever comes first.

The Senate reconvened at 2:39 p.m. on June 3, 1997 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Health and Social Services - **HB 90 w/HA 1** - 3 Merits; **HB 166 w/HA 1** - 3 Merits.

From Sunset - **HB 162 w/HA 1** - 6 Merits.

From Community/County Affairs - **HB 170** - 3 Merits; **HB 214** - 3 Merits; **HB 174** - 3 Merits.

**LEGISLATIVE ADVISORIES #11 through #14**, from the Office of Counsel to the Governor were announced for the record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #11**, dated May 15, 1997, the Governor signed the following legislation on the dates indicated:

**SB #67** (5/14/97) - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (Sponsor: Senator Adams and Representative D. Ennis) (Volume 71, Chapter 25, Laws of Delaware.)

**HB #109** (5/14/97) - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DISCLOSURE OR USE OF INFORMATION. (Sponsor: Representatives Petrilli & Oberle & Senators Marshall & Venables) (Volume 71, Chapter 26, Laws of Delaware.)

**HB #110** (5/14/97) - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND RECOUPMENT OF OVERPAYMENTS. (Sponsor: Representatives Oberle & Petrilli & Senators Marshall & Venables) (Volume 71, Chapter 27, Laws of Delaware.)

**HB #111** (5/14/97) - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND UNCOLLECTED OVERISSUANCE OF FOOD STAMP COUPONS. (Sponsor: Representatives Oberle & Petrilli & Senators Venables & Marshall) (Volume 71, Chapter 28, Laws of Delaware.)

**HB #12** (5/14/97) - AN ACT TO AMEND TITLE 10, OF THE DELAWARE CODE RELATING TO CONCURRENT JURISDICTION IN JUSTICE OF THE PEACE COURTS FOR VIOLATIONS OF MUNICIPAL JUVENILE CURFEW ORDINANCES. (Sponsor: Representative Quillen & Senator Voshell) (Volume 71, Chapter 29, Laws of Delaware.)

**HB #10** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 26 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE PROTHONOTARY AND THE ENTRY OF TESTATUM FIERI FACIAS. (Sponsor: Representative Roy) (Volume 71, Chapter 30, Laws of Delaware.)

\* \* \*

**LEGISLATIVE ADVISORY #12**, dated May 15, 1997, the Governor signed the following legislation on the dates indicated:

**SB #17 AAB SA 1** (5/15/97) - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE. (Sponsor: Senator Blevins & Representative Ulbrich, Senator Henry and Representative Scott) (Volume 71, Chapter 31, Laws of Delaware.)

\* \* \*

**LEGISLATIVE ADVISORY #13**, dated May 15, 1997, the Governor signed the following legislation on the dates indicated:

**HB #7** (5/19/97) - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CERTAIN CRIMES. (Sponsor: Representative Roy & Senator Sharp) (Volume 71, Chapter 32, Laws of Delaware.)

The following amendment to the Delaware Constitution does not require the signature of Governor Carper.

**HB #8 AAB HA 1** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, § 11 (1) OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE JURISDICTION OF THE DELAWARE SUPREME COURT IN CRIMINAL CASES. (Sponsor: Representative Roy & Senator Sharp) (Volume 71, Chapter 33, Laws of Delaware.)

\* \* \*

**LEGISLATIVE ADVISORY #14**, dated May 23, 1997, the Governor signed the following legislation on the dates indicated:

**HB #74** (5/22/97) - AN ACT AUTHORIZING THE TRANSFER OF THE FREE PUBLIC LIBRARY OF THE SMYRNA SCHOOL DISTRICT KNOWN AS THE SMYRNA PUBLIC LIBRARY TO THE TOWN OF SMYRNA, PROVIDING THAT THE TOWN OF SMYRNA SHALL ASSUME THE OUTSTANDING OBLIGATIONS OF THE LIBRARY AND THE OBLIGATIONS OF THE SMYRNA SCHOOL DISTRICT AND ITS DISTRICT LIBRARY COMMISSION RELATING TO SUCH LIBRARY UPON THE TRANSFER THEREOF, AS AUTHORIZED BY CHAPTER 71 OF TITLE 14 OF THE DELAWARE CODE. (Sponsor: Representative B. Ennis & Senator Vaughn) (Volume 71, Chapter 34, Laws of Delaware.)

**HB #103** (5/22/97) - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF JUDGEMENTS FROM THE JUSTICE OF THE PEACE COURTS. (Sponsor: Representative Wagner & Senator Vaughn) (Volume 71, Chapter 35, Laws of Delaware.)

**SB #34** (5/22/97) - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO MANDATORY ATTENDANCE REQUIREMENTS FOR PUBLIC SCHOOL STUDENTS. (Sponsor: Senator Sharp and Representative Spence) (Volume 71, Chapter 36, Laws of Delaware.)

**SB #63** (5/22/97) - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 49 OF TITLE 10 OF THE DELAWARE CODE RELATING TO SUBJECTS OF EXECUTION; EXEMPTIONS. (Sponsor: Senators Sharp, Vaughn) (Volume 71, Chapter 37, Laws of Delaware.)

**HB #113 AAB HA 1 AND SA 1** (5/22/97) - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE VIOLENT CRIMES COMPENSATION BOARD. (Sponsor: Representatives Banning & Williams) (Volume 71, Chapter 38, Laws of Delaware.)

**SB #38 AAB SA 1** (5/22/97) - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO WHOLESALERS. (Sponsor: Senators Vaughn, McDowell) (Volume 71, Chapter 39, Laws of Delaware.)

**HB #210 AAB HA 1, 2 AND 3** (5/22/97) - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO RESTRUCTURING THE NEW CASTLE COUNTY GOVERNMENT. (Sponsor: Representative Oberle & Senator Sharp) (Volume 71, Chapter 40, Laws of Delaware.)

**HB #155** (5/22/97) - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO CHANGE THE TIME OF THE ANNUAL ORGANIZATIONAL MEETING, TO DELETE TECHNICAL REQUIREMENTS FOR SPECIAL MEETINGS, TO ADD STANDARDS TO THE REQUIREMENTS FOR ALDERMAN, TO REMOVE A MANDATED BOARD OF HEALTH, AUTHORIZE THE TOWN MANAGER ON BEHALF OF THE TOWN COUNCIL TO DIRECT THE POLICE DEPARTMENT, TO REMOVE OUTDATED REFERENCES TO COSTS AND TO CORRECT CERTAIN OUT OF DATE REFERENCES TO COSTS AND TO CORRECT CERTAIN OUT OF DATE REFERENCES AND TYPOGRAPHICAL ERRORS. (Sponsor: Representative West) (Volume 71, Chapter 41, Laws of Delaware.)

**HB #228 AAB HA 1 AND HA 2** (5/22/97) - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE REGARDING LICENSES FOR TAPROOMS, HOTELS, RESTAURANTS OR CLUBS, FOOD CONCESSIONAIRES AT HORSE RACETRACKS OR

MULTI-PURPOSE SPORT FACILITIES; DINNER THEATER PERFORMANCES; BOWLING ALLEYS; CATERERS; REMOVAL OF PARTIALLY CONSUMED BOTTLES FROM PREMISES. (Sponsor: Representatives Wagner, Stone & Welch) (Volume 71, Chapter 42, Laws of Delaware.)

**HB #82 AAB HA 1** (5/22/97) - AN ACT TO AMEND TITLE 11 AND TITLE 12 OF THE DELAWARE CODE RELATING TO USE OF AUDIOVISUAL DEVICES FOR COURT APPEARANCES AND VIDEOPHONE ASSESSMENTS. (Sponsor: Representative Roy and Senator Sharp) (Volume 71, Chapter 43, Laws of Delaware.)

**HB #106** (5/22/97) - AN ACT TO AMEND CHAPTER 21, TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMPOSITION OF THE DOMESTIC VIOLENCE COORDINATING COUNCIL. (Sponsor: Representative Capano and Senators Blevins and Sorenson) (Volume 71, Chapter 44, Laws of Delaware.)

**HB #128 AAB HA 1 AND 2** (5/22/97) - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JUSTICE COUNCIL. (Sponsor: Representative DiLiberto) (Volume 71, Chapter 45, Laws of Delaware.)

**HB #9 AAB SA 1** (5/22/97) - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF NEW HOME CONSTRUCTION FRAUD. (Sponsor: Representatives Roy & Oberle & Gilligan & Senator Sharp) (Volume 71, Chapter 46, Laws of Delaware.)

**HB #119** (5/22/97) - AN ACT TO AMEND CHAPTER 5 OF TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF ROBBERY. (Sponsor: Representative Van Sant & Senator Vaughn) (Volume 71, Chapter 47, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the House informing the Senate that it had passed **HB 224 w/HA 1; HB 197 w/HA 1; HB 56 w/HA 1, 2 & 3; HB 163 w/HA 1; HB 179 w/HA 1; HB 245; SB 62 w/SA 1; SB 60 w/SA 1 & HA 1; SCR 29.**

At 2:40 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 30th Legislative Day.

**30TH LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JUNE 3, 1997**

The Senate convened at 2:40 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Still.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

**SR 17** was stricken on motion of Senator Sokola. No objection.

**SCR 30** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SCR 30** - RECOGNIZING THE UNIVERSITY OF DELAWARE EQUESTRIAN TEAM FOR WINNING THE 1997 NATIONAL TITLE. Sponsor: Senator Sokola & Representative Reynolds; Senator Adams.

Senator Sokola requested the privilege of the floor for Bryan Bradley, representing the Delaware Equestrian Team.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SCR 30** was declared adopted by the Senate and sent to the House for consideration.

Senator Bunting moved to reconsider **SB 132** and moved to rescind the roll call.

**SB 102** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 102** - AN ACT TO AMEND TITLE 18, CHAPTER 50, DELAWARE CODE RELATING TO APPEALS FROM CERTAIN ACTIONS OF, OR THE FAILURE TO ACT BY, THE INSURANCE COMMISSIONER OF THE STATE OF DELAWARE.

Senator Vaughn requested the privilege of the floor for David Swayze, representing Blue Cross Blue Shield New Jersey.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 102** was declared passed the Senate and sent to the House for consideration.

**HB 30 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Bunting.

**HB 30 w/HA 1** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO HARNESS RACING. 2/3 VOTE

Senator Venables questioned the floor manager, after which a roll call vote was taken and revealed 18 Senators voting YES, 2 (Blevins, Venables) NO, 1 (Henry) NOT VOTING; therefore, **HB 30 w/HA 1** was declared passed the Senate and returned to the House.

**SB 20** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 20** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT.

**SA 1 to SB 20** was brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 20** was declared part of the bill.

**SA 2 to SB 20** was brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 2 to SB 20** was declared part of the bill.

**SB 20 w/SA 1 & 2** was now before the Senate.

Senator Voshell commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 20 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

**SB 83** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 83** - AN ACT TO AMEND 69 LAWS OF DELAWARE, CHAPTER 463 RELATING TO INSURANCE FRAUD.

Senator Bunting commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 83** was declared passed the Senate and sent to the House for consideration.

**SB 116** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 116** - AN ACT TO AMEND VOLUME 70, CHAPTER 473, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1997 BOND AND CAPITAL IMPROVEMENT ACT. 3/4 VOTE.

Senator Vaughn requested the privilege of the floor for James E. Pileggi, representing the Asbury Chase Subdivision.

Several Senators questioned the witness, after which the witness was excused.

Senator Voshell requested the privilege of the floor for Anne Canby, Secretary of Department of Transportation.

Several Senator questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 10 Senators (Adams, Blevins, Bunting, Connor, Marshall, McDowell, Reed, Sharp, Still, Vaughn) voting YES, 10 (Amick, Bair, Bonini, Cook, Hauge, McBride, Sokola, Sorenson, Venables, Voshell) NO, 1 (Henry) NOT VOTING; therefore, **SB 116** was declared defeated.

Senator Sharp requested the privilege of the floor for Miss Delaware, Aimee M. Voshell.

Ms. Voshell addressed the Senate.

Several Senators commented.

The witness was excused.

At 4:26 p.m. on motion of Senator Voshell the Senate recessed for Party Caucus.

The Senate reconvened at 5:32 p.m. with Lt. Governor Minner presiding.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
June 3, 1997**

The following legislation was introduced and assigned to committee on May 15, 1997:



**SA 2 to SB 20** – Senator Blevins – Placed with the bill.

**SB 146** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ALLOCATION OF FUNDS OF THE COUNTIES AND INCORPORATED CITIES AND TOWNS TO BE KNOWN AS THE “DELAWARE FINANCIAL PARTNERSHIP ACT.” 3/4 VOTE. Sponsor: Senator Marshall and Representatives Schroeder and Williams; Senators Bunting, Henry, McDowell, Venables and Voshell; Representatives Carey, DiPinto, Ewing, Fallon, Quillen, Spence, Welch, Banning, Gilligan, Houghton, Keeley, Plant, Price, Scott and West. To: **Finance**.

**SB 147** - AN ACT TO AMEND TITLE 19, TITLE 18, TITLE 29, AND TITLE 30 OF THE DELAWARE CODE RELATING TO WORKERS’ COMPENSATION. Sponsor: Senator Marshall and Representative Oberle; Senators Adams, Blevins, Bunting, Cook, Henry, McBride, McDowell, Sokola, Vaughn, Venables, Voshell, Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson & Still; Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Wagner, Welch, Banning, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Plant, Schroeder, Scott, Price, Van Sant, West & Williams. To: **Labor**.

**SB 148** - AN ACT TO AMEND AN ACT RELATING TO CONSOLIDATING THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON WITH THE COURT OF COMMON PLEAS AND JUSTICE OF THE PEACE COURT SYSTEM BY ABOLISHING THE MUNICIPAL COURT AND TRANSFERRING CURRENT FULL-TIME MUNICIPAL COURT JUDGES TO THE COURT OF COMMON PLEAS; REDEFINING THE JURISDICTION OF THE COURT OF COMMON PLEAS AND THE JUSTICE OF THE PEACE COURTS; INCREASING THE NUMBER OF COMMON PLEAS JUDGES AND JUSTICES OF THE PEACE; ADDRESSING THE POWERS AND DUTIES OF THE CITY SOLICITOR OF THE CITY OF WILMINGTON; MAKING PROVISIONS FOR EMPLOYEES OF THE MUNICIPAL COURT AND THE CRIMINAL DIVISION OF THE CITY SOLICITORS OFFICE OF THE CITY OF WILMINGTON; ADDRESSING CERTAIN PROPERTY, PERSONNEL AND PAYMENT MATTERS; AND AMENDING TITLES 3, 10, 11, 16, 17, 21, 24, 25, AND 29 OF THE DELAWARE CODE. Sponsor: Senator Henry & Representative DiPinto; Senators Marshall, McDowell, Bunting, Cook, Sokola, Amick, Bair, Bonini, Hauge, Sorenson & Still; Representatives Banning, Boulden, Brady, Buckworth, Capano, Carey, Cloutier, Davis, DiLiberto, B. Ennis, D. Ennis, Gilligan, Keeley, Lofink, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Roy, Scott, Smith, Spence, Stone, Ulbrich, Van Sant, Wagner, Welch, West & Williams. To: **Judiciary**.

**SB 149** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SEXUALLY VIOLENT PREDATORS. Sponsor: Senator Bonini & Representative Buckworth; Senators Adams, Amick, Bair, Blevins, Connor, Cook, Hauge, Henry, Marshall, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Venables, Voshell; Representatives Caulk, D. Ennis, Gilligan, Lofink, Maier, Maroney, Oberle, Quillen, Reynolds, Smith, Spence, Stone, Ulbrich, Wagner, Welch. To: **Judiciary**.

**SB 150** - AN ACT WAIVING THE STATUTORY PROVISIONS OF §107(a) OF CHAPTER 1, TITLE 13, DELAWARE CODE, AS IT RELATES TO THE MARRIAGE OF STEVEN SHELTON AND STEPHANIE CAMPBELL, NON-RESIDENTS OF THE STATE OF DELAWARE. Sponsor: Senator Sharp. To: **Judiciary**.

**SB 151** - AN ACT TO AMEND CHAPTER 31 OF TITLE 25 OF THE DELAWARE CODE RELATING TO FEDERAL LIENS. Sponsor: Senator Sharp; Representative Wagner. To: **Judiciary**.

The following legislation was introduced and assigned to committee on May 23, 1997:

**HB 245** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE CREATION OF THE DELAWARE QUALIFIED TUITION SAVINGS PROGRAM. Sponsor: Representative Oberle & Senator Sokola & Senator McDowell; On Behalf of All Representatives and All Senators. To: **Education**.

The following legislation was introduced and assigned to committee on June 3, 1997:

**SB 152** - AN ACT TO AMEND TITLES 18 AND 19, DELAWARE CODE RELATING TO GENETIC BASED DISCRIMINATION. Sponsor: Senator Blevins & Senator Sorenson &

Representative DiPinto; Senators Adams, Amick, Bair, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McDowell, Reed, Sharp, Sokola, Vaughn, Venables, Voshell; Representatives Capano, Davis, D. Ennis, Ewing, Fallon, Keeley, Maier, Oberle, Petrilli, Plant, Quillen, Reynolds, Scott, Stone, Wagner, Williams. To: Health and Social Services.

**SB 153** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO GENETIC INFORMATION. Sponsor: Senator Sorenson & Senator Blevins & Representative DiPinto, Senators Adams, Amick, Bair, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McDowell, Reed, Sharp, Sokola, Still, Vaughn, Venables, Voshell; Representatives Capano, Davis, Ewing, Fallon, Keeley, Lofink, Maier, Petrilli, Plant, Quillen, Reynolds, Scott, Stone, Wagner, Williams. To: Health and Social Services.

**HB 56 w/HA 1, 2 & 3** - AN ACT TO AMEND CHAPTER 2 OF TITLE 14 OF THE DELAWARE CODE RELATING TO ATTENDANCE WITHIN SCHOOL DISTRICTS. Sponsor: Representative Brady; Representatives Banning, Buckworth, Carey, Cloutier, Houghton, Keeley, Welch, Williams. To: Education.

**HB 163 w/HA 1** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE REQUIRING MANDATORY INCARCERATION FOR CRIMINAL CONTEMPT OF FAMILY COURT PROTECTIVE ORDERS. Sponsor: Representative Capano and Senator Blevins; Representatives Spence, Welch, Buckworth, Stone, Ulbrich; Senators Reed, Sorenson. To: Corrections.

**HB 179 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CONSTRUCTION OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. 2/3 VOTE. Sponsor: Representatives Maier and Ulbrich and Senator Sorenson; Representatives Buckworth, Ewing and Fallon, Banning, DiLiberto, Keeley; Senators Sokola and Reed. To: Public Safety.

**HB 197 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO BIRTH DEFECTS. 2/3 VOTE. Sponsor: Representatives Maier & Maroney & Senator Blevins; Representatives Ulbrich, Gilligan, Keeley, Plant & Senators Henry and Bair. To: Health and Social Services.

**HB 224 w/HA 1** - AN ACT TO AMEND CHAPTER 463, VOLUME 69, LAWS OF DELAWARE, AS AMENDED BY SECTION 81, CHAPTER 118, VOLUME 70 LAWS OF DELAWARE AND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE FRAUD PREVENTION BUREAU OF THE OFFICE OF THE INSURANCE COMMISSIONER. 3/5 VOTE. Sponsor: Representative Capano & Senator Vaughn; Representatives Spence, Cloutier, Davis, DiPinto, Ewing, Mack, Oberle, Reynolds, Gilligan, Van Sant, Banning, B. Ennis, Houghton, Scott, West, Williams. To: Insurance and Elections.

The following nominations from the Governor were assigned to the Executive Committee on June 3, 1997:

STATE OF DELAWARE  
Office of the Governor  
May 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**David F. Marvin**, 8 Carriage Road, Wilmington, Delaware 19807, to be reappointed a member of the Cash Management Policy Board to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
May 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Daniel E. Fleming, III, Esquire**, 5 Short Drive, Wilmington, Delaware 19810, to be reappointed a member of the Commission on Adult Entertainment Establishments to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

STATE OF DELAWARE  
Office of the Governor  
May 15, 1997

To the Senate of the 139th General Assembly  
of the State of Delaware:

In conformity with the Constitution and the Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:  
**Lee J. Beetschen**, 73 Pleasanton Drive, Pleasanton Acres, Dover, Delaware 19901, to be reappointed a member of the Wastewater Facilities Advisory Council to serve a three-year term.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,  
Thomas R. Carper  
Governor

\* \* \*

**HB 90 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HB 90 w/HA 1** - AN ACT TO AMEND CHAPTER 63, TITLE 16, DELAWARE CODE RELATING TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW. 3/5 VOTE

Senator Blevins requested the privilege of the floor for Nicholas A. DiPasquale, representing Department of Natural Resources and Environmental Control.

The witness was excused after addressing the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Venables) NOT VOTING; therefore, **HB 90 w/HA 1** was declared passed the Senate and returned to the House.

**HB 162 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HB 162 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE REGARDING THE NAME OF THE SUNSET COMMITTEE.

Several Senators questioned the floor manager, after which a roll call vote was taken and revealed 9 Senators (Amick, Bair, Blevins, Bunting, Connor, Reed, Sokola, Sorenson, Still) voting YES, 11 NO, 1 (Hauge) NOT VOTING; therefore, **HB 162 w/HA 1** was declared defeated by the Senate and returned to the House.

**HB 166 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HB 166 w/HA 1** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO UNIFORM CONTROLLED SUBSTANCES AND ANABOLIC STEROIDS.

Senator McDowell commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 166 w/HA 1** was declared passed the Senate and returned to the House.

Senator Sharp commented on New Castle County Zoning and Development issue.

**SS 1 for SB 97** was stricken on motion of Senator Sharp. No objection.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary of the Senate read the agenda for June 4, 1997.  
At 6:02 p.m. on motion of Senator Voshell, the Senate recessed until 4:00 p.m. on June 4, 1997.

The Senate reconvened at 4:13 p.m. on June 4, 1997 with Senator Sharp presiding.

The following committee reports were announced:

From Community/County Affairs - **SB 90** - 4 Merits.

From Judiciary - **SS 1 for SB 115** - 3 Merits; **SB 139** - 3 Merits; **SB 141** - 3 Merits; **SB 150** - 3 Merits; **SB 151** - 3 Merits; **SB 160** - 3 Merits; **SB 161** - 3 Merits.

From Education - **SB 144** - 3 Merits; **HB 56 w/HA 1, 2 & 3** - 3 Merits; **HB 245** - 3 Merits.

From Highways and Transportation - **SJR 3** - 4 Merits.

From Executive - **SJR 4** - 5 Merits; **SB 136** - 2 Favorable, 3 Merits; **HB 193 w/HA 1** - 4 Favorable, 1 Merit.

From Insurance and Elections - **HB 224 w/HA 1** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 180 w/HA 1; HB 145 w/HA 1; HB 218; HB 199; HB 61; HB 246 w/HA 1; HB 237 w/HA 1; HB 233 w/HA 1; HB 186 w/HA 2; SB 54; SB 45; SB 96 w/SA 1; SCR 30; SCR 17 w/HA 1.**

At 4:15 p.m. on motion of Senator Voshell, the Senate adjourned to immediately convene for the 31st Legislative Day.

**31ST LEGISLATIVE DAY  
139TH GENERAL ASSEMBLY  
1ST SESSION  
JUNE 4, 1997**

The Senate convened at 4:15 p.m. with Senator Sharp presiding.

A prayer was offered by Senator Adams.

The Pledge of Allegiance to the Flag.

The call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senators Adams, Amick, Bair, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Still, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Voshell. No objections.

On motion of Senator Voshell, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
June 4, 1997**

The following legislation was introduced and assigned to committee on June 3, 1997:

**SA 1 to SB 16** - Senator Blevins - Placed with the bill.

**SA 1 to SB 76** - Senator Cook - Placed with the bill.

**SA 1 to SB 124** - Senator Adams - Placed with the bill.

**SJR 4** - OBSERVING THE CENTENNIAL CELEBRATION OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897. Sponsor: Senator Sharp on Behalf of all Senators and Representative Spence on Behalf of all Representatives. To: **Executive.**

**SB 154** - AN ACT TO AMEND CHAPTER 291, VOLUME 66, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT TO REINCORPORATE THE TOWN OF CLAYTON" RELATING TO THE ESTABLISHMENT OF A SPECIFIC DATE FOR THE ANNUAL ELECTION OF COUNCIL MEMBERS OF THE TOWN OF CLAYTON. 2/3 VOTE. Sponsor: Senator Vaughn & Representative B. Ennis. To: **Community/County Affairs.**

**SB 155** - AN ACT TO AMEND CHAPTER 299, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT BEING CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" TO GRANT THE ULTIMATE JURISDICTION FOR CERTAIN CRIMINAL OFFENSES. 2/3 VOTE. Sponsor: Senator Adams; Representative Ewing. To: **Community/County Affairs.**

**SB 157** - AN ACT TO WAIVE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES. Sponsor: Senator Connor, Representatives Mack, Reynolds. To: Laid on the Table.

**SB 158** - AN ACT TO AMEND AN ACT BEING CHAPTER 3, VOLUME 68 OF THE LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ELSMERE" RELATING TO MUNICIPAL ELECTION AND QUALIFICATIONS OF THE MAYOR. 2/3 VOTE. Sponsor: Senator Blevins; Representatives Houghton, Van Sant. To: Community/County Affairs.

**SB 159** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE RELATING TO SPECIAL LICENSES FOR THE RURITAN CLUBS OF DELAWARE. Sponsor: Senator Cook & Representative Quillen. To: Insurance.

**SB 160** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE, THE UNIFORM TRADE SECRETS ACT. Sponsor: Senator Sharp; Representative Wagner. To: Judiciary.

**SB 161** - AN ACT TO AMEND PART II, TITLE 12 OF THE DELAWARE CODE RELATING TO FIDUCIARY RELATIONS; AND PROVIDING FOR A "UNIFORM INTERNATIONAL WILLS ACTS". Sponsor: Senator Sharp; Representative Wagner. To: Judiciary.

The following legislation was introduced and assigned to committee on June 4, 1997:

**SS 1 for SB 127** - AN ACT TO AMEND CHAPTER 28 OF TITLE 7 OF THE DELAWARE CODE RELATING TO TRAWLINES FOR COMMERCIAL CONCH POTS. Sponsor: Senator Vaughn, Representative Schroeder. Adopted in lieu of the original. To: Natural Resources.

**HB 61** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE FORFEITURE OF GOOD TIME. Sponsor: Representative Roy, Senator Sharp. To: Corrections.

**HB 145 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO PROVIDE THAT APPEALS FROM CONVICTIONS UNDER TITLE 21 OR OTHER MOTOR VEHICLE VIOLATIONS BE HEARD IN THE COURT OF COMMON PLEAS. Sponsor: Representative Wagner; Representatives DiLiberto, Williams and Senators Bair and Amick. To: Public Safety.

**HB 176 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. Sponsor: Representatives Maier, Davis and Gilligan and Senator Voshell; Representatives Boulden, Capano, Ulbrich, Banning, DiLiberto; Senator Reed. To: Public Safety.

**HB 180 w/HA 1** - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO WINDOW TINTING REQUIREMENTS FOR CERTAIN TYPES OF MOTOR VEHICLES. Sponsor: Representative D. Ennis; Representatives Banning, Brady, Buckworth, Carey, Cloutier, B. Ennis, Lee, Petrilli, Plant, Quillen, Scott. To: Public Safety.

**HB 186 w/HA 2** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO OFFICIAL MISCONDUCT OR RELATED CRIMINAL OFFENSES. 2/3 VOTE. Sponsor: Representative Wagner & Senator Sharp. To: Corrections.

**HB 199** - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. Sponsor: Representative Wagner; Senator Sharp; Representatives Spence, Smith, Welch, Boulden, Buckworth, Caulk, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Maroney, Quillen, Reynolds, Scott. To: Corrections.

**HB 218** - AN ACT TO AMEND CHAPTER 11, TITLE 9, DELAWARE CODE RELATING TO NEW CASTLE COUNTY GOVERNMENT. Sponsor: Representatives Roy & Petrilli & Senator Sharp. To: Community/County Affairs.

**HB 233 w/HA 1** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO AUTHORIZE AND APPROVE A SCHEDULE OF FEES CHARGED FOR ENTRANCE TO STATE PARKS AND THE USE OF SURF FISHING VEHICLES AND SNOWMOBILES ON STATE PARK LANDS. 3/5 VOTE. Sponsor: Representative Quillen; Representatives Carey, Davis, DiPinto, Maroney, B. Ennis, West; Senators Venables, Voshell, Amick. To: Natural Resources.

**HB 237 w/HA 1** - AN ACT TO AMEND CHAPTER 27 AND 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. Sponsor: Representative Capano; Senator Voshell. To: Corrections.

**HB 246 w/HA 1** - AN ACT TO AMEND CHAPTER 100, TITLE 16 OF THE DELAWARE CODE RELATING TO 911; ENHANCED EMERGENCY NUMBER SERVICE. Sponsor: Representative Lee; Representatives Spence, Buckworth, Carey, Ewing, Lee, Banning, B. Ennis, Price, West, Williams, Senators Bunting, Voshell. To: **Public Safety**.

\*\*\*

A communication from the President Pro Tempore and Speaker of the House was read informing the Senate that they appointed Dr. Julia Pillsbury to replace Dr. J. Jordan Storlazzi, who resigned from his position on the Family Law Commission.

The Secretary read a message from the House informing the Senate that Representative DiLiberto withdrew his name as co-sponsor of **HB 143**.

Senator Sharp as sponsor of **SB 150** moved that Senator Voshell floor manage the bill while he was presiding.

**SB 150** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 150** - AN ACT WAIVING THE STATUTORY PROVISIONS OF §107(a) OF CHAPTER 1, TITLE 13, DELAWARE CODE, AS IT RELATES TO THE MARRIAGE OF STEVEN SHELTON AND STEPHANIE CAMPBELL, NON-RESIDENTS OF THE STATE OF DELAWARE.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Hauge, Still) ABSENT; therefore, **SB 150** was declared passed the Senate and sent to the House for consideration.

Senator McBride was marked present during the above roll call.

**SB 157** was lifted from the table and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Connor.

**SB 157** - AN ACT TO WAIVE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES.

Senator McDowell questioned the sponsor, after which a roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SB 157** was declared passed the Senate and sent to the House for consideration.

Senator Hauge was marked present during the above roll call.

Senator Sharp as sponsor of **SJR 4** moved that Senator Voshell floor manage the bill while he was presiding.

**SJR 4** was brought before the Senate for consideration on motion of Senator Voshell.

**SJR 4** - OBSERVING THE CENTENNIAL CELEBRATION OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897.

Senator Venables commented.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SJR 4** was declared passed the Senate and sent to the House for consideration.

Senator Still was marked present during the above roll call.

**SB 136** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 136** - AN ACT TO AMEND TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS AND APPRAISERS.

**SA 1 to SB 136** was brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **SA 1 to SB 136** was declared part of the bill.

**SB 136 w/SA 1** was now before the Senate.

Senator Blevins requested the privilege of the floor for H. James Kelleher, Jr., representing Delaware Real Estate Commission.

The witness was excused after addressing the Senate.

Senator Blevins moved to lay **SB 136 w/SA 1** on the table.

**SCR 33** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

**SCR 33** - PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE AND EXTENDING AN INVITATION TO THE GOVERNOR FOR THE PURPOSE OF OBSERVING THE CENTENNIAL CELEBRATION OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897. Sponsor: Senator Sharp & Representative Spence.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, **SCR 33** was declared adopted by the Senate and sent to the House for consideration.

**SB 132 w/SA 1 & 2** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 132 w/SA 1 & 2** - AN ACT TO AMEND TITLE 11 AND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES AND QUALITY IN HIRING.

A communication was read from the Delaware Nursing Association informing the Senate that the organization of registered nurses supports **SB 132**.

Senator Marshall requested the privilege of the floor for Patricia Engelhardt, representing AARP and the Delaware Nursing Association.

The witness was excused after addressing the Senate

Senators Bair and Sorenson commented.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bonini, Still) NO; therefore, **SB 132 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

**SB 136 w/SA 1** was lifted from the table and brought before the Senate for consideration on motion of Senator Blevins.

**SA 2 to SB 136** was introduced and brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Bonini) ABSENT; therefore, **SA 2 to SB 136** was declared part of the bill.

**SB 136 w/SA 1 & 2** was now before the Senate.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Vaughn) NOT VOTING; therefore, **SB 136 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

**SB 90** was brought before the Senate for consideration on motion of Senator Still.

**SB 90** - AN ACT TO AMEND CHAPTER 282 OF VOLUME 21 OF THE LAWS OF DELAWARE AS AMENDED ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LEIPSIC" BY PROVIDING FOR AN INCREASE IN THE LIMIT OF TAXATION. 2/3 VOTE

Senator Sokola questioned the sponsor, after which a roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 90** was declared passed the Senate and sent to the House for consideration.

**SB 124** was brought before the Senate for consideration on motion of Senator Adams.

**SB 124** - AN ACT TO AMEND SECTION 6112, TITLE 12, DELAWARE CODE, RELATING TO THE ALLOCATION OF TRUST INCOME AND PRINCIPAL.

**SA 1 to SB 124** was brought before the Senate for consideration on motion of Senator Adams.

Senator Adams requested the privilege of the floor for Thomas R. Pulsifer, representing Delaware State Bar Association.

Senators Voshell and Amick questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 124** was declared part of the bill.

**SB 124 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 124 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 60 w/SA 1 & HA 1**, which was returned from the House with an amendment, was brought before the Senate for reconsideration on motion of Senator McBride.

**SB 60 w/SA 1 & HA 1** - AN ACT TO AMEND TITLE 24 RELATING TO PROFESSIONAL ENGINEERS.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (Sharp) NO, 1 (McDowell) NOT VOTING; therefore, **SB 60 w/SA 1 & HA 1** was declared passed the Senate and sent to the Governor.

**SJR 3** was brought before the Senate for consideration on motion of Senator Connor.

**SJR 3** - DESIGNATING U.S. ROUTE 13 FROM DOVER TO THE PENNSYLVANIA STATE LINE AS A BLUE STAR MEMORIAL HIGHWAY.

Several Senators questioned the sponsor, after which a roll call vote was taken and revealed 21 Senators voting YES; therefore, **SJR 3** was declared passed the Senate and sent to the House for consideration.

**SCR 26** was introduced and brought before the Senate for consideration on motion of Senator Marshall.

**SCR 26** - COMMENDING THE UNITED FARM WORKERS OF AMERICA'S CALIFORNIA STRAWBERRY ORGANIZING CAMPAIGN AND EXPRESSING