



STATE OF DELAWARE



JOURNAL of the STATE SENATE

SESSION of the 135TH GENERAL ASSEMBLY

**CONVENED
TUESDAY, JANUARY 10, 1989**

DOVER, DELAWARE

1989-1990

MEMBERSHIP of the DELAWARE STATE SENATE
135TH GENERAL ASSEMBLY

Lt. Governor Dale E. Wolf, President of the Senate
Senator Richard S. Cordrey, President pro Tempore

<u>District</u>	<u>Senator</u>
1st	Harris B. McDowell, III - 2311 Baynard Boulevard, Wilmington 19802
2nd	Herman M. Holloway, Sr. - 2008 Washington Street, Wilmington 10902
3rd	Robert I. Marshall - 601 South duPont Street - Wilmington 19805
4th	Richard A. Hauge - 122 Delview Drive (Windybush) - Wilmington 19810
5th	Myrna L. Bair - 4 Little Leaf Court (Foulk Woods) - Wilmington 19810
6th	Andrew G. Knox - 107 Quintynnes Drive (Centerville) - Wilmington 19807
7th	Robert T. Still - 326 Mitchell Drive (Mitchell Estates) - Wilmington 19808
8th	Margo Ewing Bane - 9 Laurel Court - Wilmington 19808
9th	Thomas B. Sharp - 226 E. Huntington Drive (Pinecrest) - Wilmington 19808
10th	James P. Neal - 50 Bridle Brook Lane - Newark 19711
11th	Roger A. Martin - 13 Pinedale Road (Windy Hills) - Newark 19711
12th	Robert T. Connor - 18 Crippen Drive (Penn Acres) - New Castle 19720
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	William C. Torbert - 8-A Brady Lane - Dover 19901
17th	John C. Still, III - Post Office Box 311 - Dover 19903
18th	Ruth Ann Minner - R. D. 3, Box 694 - Milford 19963
19th	Thurman Adams, Jr. - Post Office Box 367 - Bridgeville 19933
20th	Richard S. Cordrey - Box 486, River Drive - Millsboro 19966
21st	Robert L. Venables - 116 Hearn Avenue - Laurel 19956

COMMITTEE MEMBERSHIPS

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ADMINISTRATIVE SERVICES/ENERGY: Harris B. McDowell, III, Chairman; Nancy W. Cook, Robert Marshall, Roger A. Martin, Myrna L. Bair, Robert Connor.

ADULT and JUVENILE CORRECTIONS: James T. Vaughn, Chairman; Nancy W. Cook, Herman M. Holloway, Sr., Thomas B. Sharp, William C. Torbert, Margo Ewing Bane, Richard A. Hauge.

AGRICULTURE: Thurman Adams, Chairman; Nancy W. Cook, Richard S. Cordrey, James T. Vaughn, Robert A. Venables, Robert T. Connor, John C. Still, III.

BANKING: Richard S. Cordrey, Chairman; Thurman Adams, William C. Torbert, John C. Still, III; Robert T. Still.

BOND BILL COMMITTEE: Senators Nancy W. Cook, Robert A. Martin, David B. McBride, Ruth Ann Minner, James P. Neal, Andrew G. Knox.

COMMITTEE to COMBAT DRUG ABUSE: Senators Thomas B. Sharp, Chairman; Richard S. Cordrey, James T. Vaughn, Robert T. Connor, James P. Neal. (ADVISORY COMMITTEE to the SENATE COMMITTEE to COMBAT DRUG ABUSE: Colonel Clifford Graviet, Delaware State Police; Harry Maichle, Chief of Police, Rehoboth Beach; Guy Sapp, Chief of Police, Wilmington).

COMMUNITY AFFAIRS: Ruth Ann Minner, Chairman; Harris B. McDowell, III; Robert L. Venables, Myrna L. Bair, Richard A. Hauge.

CHILDREN, YOUTH and FAMILIES: Harris B. McDowell, III, Chairman; Herman M. Holloway, Sr., James T. Vaughn, Myrna L. Bair, Margo Ewing Bane.

EDUCATION: David B. McBride, Chairman; William C. Torbert, Ruth Ann Minner, Robert T. Still, James P. Neal.

ETHICS: Richard S. Cordrey, Chairman; Thomas B. Sharp, Harris B. McDowell, III, Robert Connor, Myrna L. Bair.

EXECUTIVE: Thurman Adams, Chairman; Richard S. Cordrey, Roger A. Martin, Thomas B. Sharp, Myrna L. Bair, Robert T. Connor.

FINANCE (JFC): Nancy W. Cook, Chairman; Herman M. Holloway, Sr., David B. McBride, James T. Vaughn, Robert T. Still, Richard A. Hauge.

HEALTH and SOCIAL SERVICES/AGING: Herman M. Holloway, Sr., Chairman; Robert Marshall, David B. McBride, Harris B. McDowell, III, Robert L. Venables, Andrew G. Knox, Margo Ewing Bane, James P. Neal.

HIGHWAYS and TRANSPORTATION: Roger A. Martin, Chairman; Nancy W. Cook, Ruth Ann Minner, Thomas B. Sharp, Richard A. Hauge, Robert T. Still.

INSURANCE and ELECTIONS: Thomas B. Sharp, Chairman; Thurman Adams, James T. Vaughn, John T. Still, III, Robert T. Connor.

INTERSTATE COMMITTEE: Senators Thurman Adams, Jr., Herman M. Holloway, Robert T. Connor.

JUDICIARY: Thomas B. Sharp, Chairman; Harris B. McDowell, James T. Vaughn, Margo Ewing Bane, Richard A. Hauge.

LABOR and INDUSTRIAL RELATIONS: Robert Marshall, Chairman; Herman M. Holloway, Sr., Roger A. Martin, David B. McBride, Thomas B. Sharp, Andrew G. Knox, James P. Neal.

LEGISLATIVE COUNCIL: Richard S. Cordrey, Chairman; Nancy W. Cook, Thomas B. Sharp, Robert T. Connor, Myrna L. Bair.

NATURAL RESOURCES and ENVIRONMENTAL CONTROL: Ruth Ann Minner, Chairman; Roger A. Martin, Robert L. Venables, Andrew G. Knox, John C. Still, III.

PUBLIC SAFETY: William C. Torbert, Chairman; Thurman Adams, Ruth Ann Minner, Thomas B. Sharp, James T. Vaughn, Margo Ewing Bane, James P. Neal.

REVENUE and TAXATION: Robert Marshall, Chairman; Herman M. Holloway, Sr., David B. McBride, James P. Neal, Myrna L. Bair.

SMALL BUSINESS: Robert L. Venables, Chairman; Richard S. Cordrey, Harris B. McDowell, III; Robert T. Connor, Andrew G. Knox.

SUNSET: William C. Torbert, Chairman; Ruth Ann Minner, Robert L. Venables, Andrew G. Knox, John C. Still, III.

TASK FORCE on ELDERLY DRIVERS: Senators Herman M. Holloway, Chairman; Myrna L. Bair.

SENATE STAFF

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Bernard J. Brady, Secretary of the Senate
Kay Sandstrom, Assistant Secretary of the Senate
Joseph Anton Ullrich, Journal Clerk

Louise C. Allen	Brenda L. Jackson
Debra S. Allen	Dwight C. Johnson
Scotty Wallace Amerine	Evelyn Ann Jones
Michael J. Anderson	Rose Ann Jones
Doris C. Argo	Howard H. Killen
Mary Lou Berry	Francis J. Kosakowski
Joy Celeste Bower	John J. Lemley
Mary M. Carey	Voshell G. Lowery
Willie E. Clark	Tracey Lee Lundblad
Teresa Marie Collier	Anna Mae Massey
Donna M. Cox	Mary E. Masten
Lorraine E. Coyle	William J. McCool, Jr.
Doris L. Dayton	Joan McNamara
Karen Yvonne Dickerson	Valerie J. Metzelaar
Betty M. Dickinson	Timothy J. Morrissey
Jean Ann Diener	Cheryl L. Nastoga
Mary L. Edelin	Richard L. Norwood
John W. Elliott	Zina Michelle Podolecki
John T. Fiorelli	Norma L. Rash
Barbara J. Fournier	Theodore W. Ryan
Catherine Elaine Freidly	Jane L. Rylee
Marsha Elizabeth Fuller	Barbara Jean Sapp
Anita Elaine Furman	Clarence A. Schwatka, Jr.
Sherrise L. Geesaman	George T. Sharp
Helen Byrd Gourley	Francis P. Slesi
Arica D. Grayson	Lisa Katherine Skeens
Kelly Raynor Green	Doris Lee Spicer
Nancy R. Green	Jeanel Lexine Starling
Mary Louise Guyer	Curtis W. Steen, Jr.
Lorielee J. Harrison	Karen W. Steward
Mary Ann Hearne	Helen C. Truitt
Harold M. Hilyard	Sonja Rowena Truitt
John H. Holloway	Charles W. Tulloch, II
Sylvia A. Holloway	Samuel Wilkinson
Herman M. Holloway, III	Richard G. Winchell
Lecia Inden	

Administrative Assistants

Richard B. Carter
Jack K. Russell
Stephen P. Tanzer
David E. Wilkins

Attorneys

Vincent A. Bifferato, Jr., Esq.
John H. Cordrey, Esq.
Richard T. Dillard, Esq.
Francis J. Murphy, Esq.
William J. Walls, Jr., Esq.

135TH GENERAL ASSEMBLY of the STATE of DELAWARE
1ST LEGISLATIVE DAY
DOVER, DELAWARE
January 10, 1989

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 2:12 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

On motion of Senator Cordrey and without objection, Bernard J. Brady was appointed temporary Secretary of the Senate, Scotty Amerine as temporary Reading Clerk and Joy Bower as temporary Bill Clerk.

The Acting Secretary then called the roll of the hold-over Senators:

PRESENT: Senators Adams, Blair, Bane, Connor, Cook, Cordrey, McBride, Sharp, R. Still, Vaughn - 10.

ABSENT: Senator McDowell - 1.

Lt. Governor Woo appointed Senators Cook and Connor as a committee to receive and examine the Certificates of Election of the newly elected Senators.

The Chair called a short recess (in place) during the examination of the Certificates by the Committee.

The Senate reconvened and Senator Connor announced that he and Senator Cook examined the Certificates of Election and found them to be in order.

The Certificates of Election were as follows:

For New Castle County: Herman M. Holloway, Sr., Robert I. Marshall, Richard A. Hauge, Andrew G. Knox, James P. Neal, Roger A. Martin

For Kent County: Ruth Ann Minner, William C. Torbert, John C. Still

For Sussex County: Robert L. Venables, Ruth Ann Minner.

The Chair instructed the temporary Reading Clerk to read the Certificate of Election of Senator Herman Holloway (Senior Senator) in its entirety 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 eighty-eight for New Castle County, according to the Constitution and Laws of the State of Delaware, HERMAN M. HOLLOWAY, SR. was duly elected SENATOR FOR THE 2nd SENATORIAL DISTRICT FOR SAID COUNTY IN THE GENERAL ASSEMBLY which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, ALBERT J. STIFTEL and JOSHUA W. MARTIN, III 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 10th day of November, A.D. 1988

Albert J. Stiftel, President Judge
Joshua W. Martin, III, Resident Associate Judge

* * * * *

The Oath of Office was administered as follows:

Senator Holloway by Joshua W. Martin, Judge of the Superior Court for New Castle County.

Senators Knox, John Still, Neal, Minner, Torbert by Henry duPont Ridgley, Judge, Superior Court for Kent County.

Senators Marshall, Martin, Venables by Lt. Governor S. B. Woo.

Senator Hauge by Susan DelPesco, Judge of the Superior Court, New Castle County.

OATH OF OFFICE FOR MEMBERS OF THE 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 my State, so help me God.

* * * * *

On motion of Senator Sharp, time was taken for the introduction by the members of the Senate of their families and friends who were present in the chamber.

SR 1 sponsored by Senators Cordrey and Sharp was introduced and considered for adoption:

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

BE IT RESOLVED by the Senate of the 135th General Assembly of the State of Delaware that the following constitute the permanent roll of the Senate of the 135th General Assembly.

Thurman Adams, Jr., Myrna L. Bair, Margo Ewing Bane, Robert T. Connor, Nancy W. Cook, Richard S. Cordrey, Richard A. Hauge, Herman M. Holloway, Sr., Andrew G. Knox, Robert Marshall, Roger A. Martin, David B. McBride, Harris B. McDowell, III, Ruth Ann Minner, James P. Neal, Thomas B. Sharp, John C. Still, III, Robert T. Still, William C. Torbert, James T. Vaughn, Robert L. Venables.

* * * * *

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

SR 2 sponsored by Senator Sharp was introduced and considered for adoption:

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

Senator Sharp remarked that this is the 6th consecutive time he has had the privilege of sponsoring Senator Cordrey as President pro Tempore of the Senate and that no other Senator ever held the Office for so long a time.

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

The Oath of Office of PRESIDENT pro TEMPORE was then administered to Senator Cordrey by Lt. Governor Woo:

I, Richard S. Cordrey, 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 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 my State, so help me God.

* * * * *

Senator Cordrey announced that the Majority Caucus of the Senate met and elected Senator Thomas Sharp (9th Senatorial District) as Majority Leader and Senator Robert Marshall (3rd Senatorial District) as Majority Whip.

Senator Neal announced that the Minority Caucus met and elected Senator Myrna Bair (5th Senatorial District) as Minority Leader and Senator Robert Connor (12th Senatorial District) as Minority Whip.

SR 3 sponsored by Senators Cordrey and Sharp was introduced and considered for adoption:

SR 3 - IN REFERENCE TO ELECTION OF OFFICERS.

SR 3 - BE IT RESOLVED by the Senate of the 135th General Assembly of the State of Delaware that Bernard J. Brady is elected to serve as Secretary of the Senate to serve during the pleasure of the Senate.

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

SR 4 sponsored by Senators Cordrey, Sharp and Marshall was introduced and considered for adoption:

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

Senator Cordrey commended Senator Minner for her work in drafting the Rules of the Senate.

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

SJR 1 sponsored by Senators Sharp and Cordrey was introduced and considered for adoption under suspension of the necessary rules (no objection):

SJR 1 - IN REFERENCE TO ELECTION OF OFFICERS.

SJR 1 - BE IT RESOLVED by the Senate and the House of Representatives of the 135th General Assembly of the State of Delaware, with the approval of the Governor, that Joy Bower is elected to serve as Bill Clerk to the Senate during the pleasure of the Senate.

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

SR 5 sponsored by Senators Sharp and Cordrey was introduced and considered for adoption:

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

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

Pursuant to SR 5, Lt. Governor Woo appointed Senators Holloway and Connor as a committee to notify the Governor that the Senate is organized.

SR 6 sponsored by Senators Sharp and Cordrey was introduced and considered for adoption:

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

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

Pursuant to SR 6, Lt. Governor Woo appointed Senators Marshall and Neal as a committee to notify the House that the Senate is organized.

At 3:10 p.m. on motion of Senator Sharp, the Senate recessed for a reception for the new members and reconvened at 3:57 p.m., Senator Cordrey presiding.

SCR 1 sponsored by Senators Sharp and Cordrey was introduced and considered for adoption:

SCR 1 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO OFFICIALLY ANNOUNCE THE ELECTION RESULTS OF GOVERNOR AND LIEUTENANT GOVERNOR FOR THE STATE OF DELAWARE IN COMPLIANCE WITH THE PROVISIONS OF ARTICLE III, SECTION 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897, AS AMENDED.

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

The following legislation was introduced:

SB 1 - AN ACT TO AMEND TITLE 16 AND TITLE 29 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL SERVICES; AND PROVIDING FOR A DELAWARE PARAMEDIC SERVICES ACT. Sponsors: Senator Torbert, Representatives B. Ennis, Oberle; Senators Vaughn, McBride, Venables, Cordrey, Minner, Cook, Bane; Representatives Bennett, Brady, Bunting, Carey, Clark, Caulk, Houghton, Jester, Outten, Quillen, Schroeder, Soles, VanSant, Campanelli, Plant, Gilligan, West, Buckworth, Ewing, Spence, Jonkiert. Assigned to Public Safety Committee.

SB 2 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL EXEMPTIONS. Sponsors: Senators Sharp, McBride, Vaughn. Assigned to Revenue and Taxation Committee.

SB 3 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PRIMARY HEALTH CARE FACILITIES FOR THE MEDICALLY INDIGENT. Sponsors: Senators Holloway, McDowell; Representatives Jonkiert, VanSant, B. Ennis, Plant, West, Sills, Campanelli. Assigned to Health-Social Services/Aging Committee.

SB 4 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE. Sponsors: Senator Holloway, Representative Oberle; Senator Marshall, Representatives Campanelli, Plant, Sills, West. Assigned to Health-Social Services/Aging Committee.

SB 5 - AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR THE USE OF PUBLIC PLACES BY SMOKERS AND NON-SMOKERS. Sponsors: Senator Holloway, Representatives Roy, Gilligan; Senators Bair, Bane, Knox, Marshall, Neal, R. Still; Representatives Spence, Amick, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Lee, Mack, Maroney, Smith, Taylor, Bunting, George, Jester, Soles, West. Assigned to Health-Social Services/Aging Committee.

SB 6 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE; AND PROVIDING FOR A NOTICE TO VICTIMS AND WITNESSES PRIOR TO CERTAIN PAROLE HEARINGS. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 7 - AN ACT AMENDING TITLE 7 DELAWARE CODE CREATING THE DELAWARE MUNICIPALITIES NATURAL DISASTERS REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING. Sponsor: Senator Cordrey. Assigned to Judiciary Committee; reassigned to Natural Resources and Environmental Control Committee; reassigned to Finance Committee.

SB 8 - AN ACT TO AMEND TITLE 16, CHAPTER 27, SUBCHAPTER II OF THE DELAWARE CODE RELATING TO THE POSTHUMOUS REMOVAL OF EYES FROM EYE DONORS. Sponsor: Senator Cordrey. Assigned to Health-Social Services/Aging Committee.

SB 9 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER VI, §4361, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 10 - AN ACT TO AMEND TITLE 29, CHAPTER 8 OF THE DELAWARE CODE RELATING TO COMPOSITION AND REAPPORTIONMENT OF THE GENERAL ASSEMBLY. Sponsors: Senators Knox, Bane, Connor, McBride, R. Still, J. Still; Representatives Oberle, Corrozi, Soles, Quillen, Ewing, Buckworth, Carey, Maroney. Assigned to Executive Committee.

A Committee from the House (Representatives Amick and Brady) were admitted and they informed the Senate that the House was organized and ready for business.

SB 11 - AN ACT TO AMEND CHAPTER 5, TITLE 24 OF THE DELAWARE CODE RELATING TO MALPRACTICE INSURANCE FOR PODIATRISTS. Sponsor: Senator Torbert. Assigned to Administrative Services/Energy Committee; reassigned to Sunset Committee.

SB 12 - AN ACT TO AMEND CHAPTER 7, TITLE 24, OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC EXAMINERS. Sponsor: Senator Torbert. Assigned to Sunset Committee.

SB 13 - AN ACT TO AMEND CHAPTER 82, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION ON HAZARDOUS MATERIALS. Sponsor: Senator Torbert. Assigned to Natural Resources and Environmental Control Committee.

SB 14 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO A MANDATORY OCCUPANT PROTECTION SYSTEM FOR PERSONS UNDER AGE 16. Sponsor: Senator Torbert. Assigned to Public Safety Committee.

SB 15 - AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE CODE RELATING TO THE AGGREGATE AMOUNT OF PRIZE MONEY WHICH CAN BE AWARDED IN BINGO GAMES. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

Senators Holloway and Connor (the Committee to inform the Governor that the Senate was organized) reported that the Governor had been so informed.

Senators Marshall and Neal (the Committee to inform the House that the Senate was organized) reported that the House had been so informed.

Senator Holloway introduced to the Senate Gary Fulman, Administrative Assistant to Mayor Frawley of Wilmington.

At 4:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:15 p.m., January 11, 1989.

The Senate reconvened at 2:20 p.m., January 11, 1989, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HJR 1.

HJR 1 sponsored by Representative Petrilli was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp (no objection):

HJR 1 - IN REFERENCE TO ELECTION OF OFFICERS.

HJR 1 - BE IT RESOLVED by the House of Representatives and the Senate of the 135th General Assembly of the State of Delaware, with the approval of the Governor, that Donna Snell, is elected to serve as Bill Clerk, during the pleasure of the House.

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

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

2ND LEGISLATIVE DAY

January 11, 1989

The Senate convened at 2:30 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE

DATE: January 10, 1989

TO: Bernard J. Brady, Secretary of the Senate

FROM: Senator Richard S. Cordrey, President pro Tempore

SUBJECT: Senate Committee Appointments

As a matter of record, enclosed please find a copy of the Senate Committees designating the chairman and members for the 135th General Assembly.

If you have any question, please contact me.

ADMINISTRATIVE SERVICES/ENERGY: Harris B. McDowell, III, Chairman; Nancy W. Cook, Robert Marshall, Roger A. Martin, Myrna L. Bair, Robert Connor.

ADULT and JUVENILE CORRECTIONS: James T. Vaughn, Chairman; Nancy W. Cook, Herman M. Holloway, Sr., Thomas B. Sharp, William C. Torbert, Margo Ewing Bane, Richard A. Hauge.

AGRICULTURE: Thurman Adams, Chairman; Nancy W. Cook, Richard S. Cordrey, James T. Vaughn, Robert A. Venables, Robert T. Connor, John C. Still, III.

BANKING: Richard S. Cordrey, Chairman; Thurman Adams, William C. Torbert, John C. Still, III; Robert T. Still.

COMMUNITY AFFAIRS: Ruth Ann Minner, Chairman; Harris B. McDowell, III; Robert L. Venables, Myrna L. Bair, Richard A. Hauge.

CHILDREN, YOUTH and FAMILIES: Harris B. McDowell, III, Chairman; Herman M. Holloway, Sr., James T. Vaughn, Myrna L. Bair, Margo Ewing Bane.

EDUCATION: David B. McBride, Chairman; William C. Torbert, Ruth Ann Minner, Robert T. Still, James P. Neal.

ETHICS: Richard S. Cordrey, Chairman; Thomas B. Sharp, Harris B. McDowell, III, Robert Connor, Myrna L. Bair.

EXECUTIVE: Thurman Adams, Chairman; Richard S. Cordrey, Roger A. Martin, Thomas B. Sharp, Myrna L. Bair, Robert T. Connor.

FINANCE (JFC): Nancy W. Cook, Chairman; Herman M. Holloway, Sr., David B. McBride, James T. Vaughn, Robert T. Still, Richard A. Hauge.

HEALTH and SOCIAL SERVICES/AGING: Herman M. Holloway, Sr., Chairman; Robert Marshall, David B. McBride, Harris B. McDowell, III, Robert L. Venables, Andrew G. Knox, Margo Ewing Bane, James P. Neal.

HIGHWAYS and TRANSPORTATION: Roger A. Martin, Chairman; Nancy W. Cook, Ruth Ann Minner, Thomas B. Sharp, Richard A. Hauge, Robert T. Still.

INSURANCE and ELECTIONS: Thomas B. Sharp, Chairman; Thurman Adams, James T. Vaughn, John T. Still, III, Robert T. Connor.

JUDICIARY: Thomas B. Sharp, Chairman; Harris B. McDowell, James T. Vaughn, Margo Ewing Bane, Richard A. Hauge.

LABOR and INDUSTRIAL RELATIONS: Robert Marshall, Chairman; Herman M. Holloway, Sr., Roger A. Martin, David B. McBride, Thomas B. Sharp, Andrew G. Knox, James P. Neal.

NATURAL RESOURCES and ENVIRONMENTAL CONTROL: Ruth Ann Minner, Chairman; Roger A. Martin, Robert L. Venables, Andrew G. Knox, John C. Still, III.

PUBLIC SAFETY: William C. Torbert, Chairman; Thurman Adams, Ruth Ann Minner, Thomas B. Sharp, James T. Vaughn, Margo Ewing Bane, James P. Neal.

REVENUE and TAXATION: Robert Marshall, Chairman; Herman M. Holloway, Sr., David B. McBride, James P. Neal, Myrna L. Bair.

SMALL BUSINESS: Robert L. Venables, Chairman; Richard S. Cordrey, Harris B. McDowell, III, Robert T. Connor, Andrew G. Knox.

SUNSET: William C. Torbert, Chairman; Ruth Ann Minner, Robert L. Venables, Andrew G. Knox, John C. Still, III.

LEGISLATIVE COUNCIL: Richard S. Cordrey, Chairman; Nancy W. Cook, Thomas B. Sharp, Robert T. Connor, Myrna L. Bair.

A messenger from the Governor was announced and admitted.

The following legislation was introduced:

SB 16 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO CERTAIN LEGAL HOLIDAYS. Sponsors: Senators McDowell and Bair. Assigned to Executive Committee.

SB 17 - AN ACT TO AMEND CHAPTER 49, TITLE 15, DELAWARE CODE, RELATING TO SAMPLE BALLOTS. Sponsor: Senator Minner. Assigned to Insurance and Elections Committee.

SB 18 - AN ACT TO AMEND AN ACT, BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO CONFER UPON THE TOWN COUNCIL OF THE TOWN OF LAUREL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF LAUREL. Sponsor: Senator Venables. Assigned to Community Affairs Committee.

SB 19 - AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, TO AUTHORIZE STATE APPROPRIATIONS FOR SPECIALIZED EQUIPMENT AND MATERIALS FUNDING FOR PUPILS WITH LOW-INCIDENCE DISABILITIES. Sponsors: Senators Holloway, Adams, Minner, Bane, Knox, Torbert, Sharp, Vaughn; Representatives Maroney, Corrozi, Boykin, Ewing, DiPinto, Carey. Assigned to Education Committee.

Senator McBride marked PRESENT.

SR 7 was introduced and considered for adoption on motion of Senator Torbert:

SR 7 - CONGRATULATING CONGREGATION BETH SHOLOM OF DOVER ON ITS 40TH ANNIVERSARY. Sponsor: Senator Torbert.

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

SR 8 was introduced and considered for adoption on motion of Senator Holloway:

SR 8 - URGING THE MOTOR VEHICLE MANUFACTURERS ASSOCIATION AND THE DELAWARE SAFETY COUNCIL TO DISCOURAGE TELEVISION COMMERCIALS WHICH FEATURE SPEED, MANEUVERABILITY, ACCELERATION, AND OTHER DEMONSTRATIONS WHICH CANNOT BE PERFORMED BY NON-PROFESSIONAL MOTORISTS USING STANDARD EQUIPMENT. Sponsor: Senator Holloway.

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

SR 9 sponsored by Senator Martin was introduced and laid on the table in the absence of the sponsor on motion of Senator Cordrey:

SR 9 - CONTINUING THE SENATE SELECT COMMITTEE ON TRANSPORTATION.

SCR 2 was introduced and laid on the table on motion of Senator Bair:

SCR 2 - COMMENDING DR. BERNARD BRACHMAN OF WILMINGTON, DELAWARE FOR HIS FORTY-FIVE YEARS OF DEDICATED SERVICE AS A VETERINARIAN, OF WHICH THE LAST TWENTY-SEVEN YEARS HAS BEEN SPENT OPERATING AN ANIMAL CLINIC ON MARSH ROAD; AND FURTHER EXTENDING TO HIM AND HIS WIFE, JEAN, BEST WISHES DURING THEIR YEARS OF RETIREMENT. Sponsors: Senator Bair, Representative Smith.

At 2:49 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 3:55 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 20 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES; AND PERMITTING NURSES TO MAKE PRONOUNCEMENTS OF DEATH UNDER CERTAIN CIRCUMSTANCES. Sponsors: Senator McBride, Representative Buckworth, Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 21 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO PROVIDE A DATE FOR CANDIDATES TO FILE NOTIFICATION OF CANDIDACY. Sponsors: Senator Minner, Representative Schroeder. Assigned to Community Affairs Committee.

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

STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas I. Barrows, Esq., 471 Troon Road, Dover, DE 19901, to be appointed as a member of the Consumer Affairs Board to serve a four year term to succeed Myron T. Steele, Esq., resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Karen N. Bundeck, 184 Stoney Drive, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed Paul Neeman, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: A. Wayne Burton, P.O. Box 135, Millsboro, DE 19966, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring July 1, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John J. Casey, Jr., 1605 Sycamore Street, Wilmington, DE 19805, to be appointed Director of the Delaware Development Office to serve During the Pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ronald E. Cheeseman, 572 Old Summit Bridge Road, Middletown, DE 19709, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term ending May 22, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John H. Cordrey, Esq., 206 Grammar Avenue, Georgetown, DE 19947, to be reappointed as a member of the Tax Appeals Board to serve a three year term expiring June 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Frederick W. Dewey, Jr., 620 Carriage Lane, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed Wallace Wooten, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William J. DiMondi, Esq., 41 Laurel Drive, Dover, DE 19901, to be appointed as a member of the Delaware River and Bay Authority to serve a five year term to succeed Francis A. DiMondi, deceased.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Keith Dorman, 346 Oregon Avenue, New Castle, DE 19720, to be reappointed as a member of the Board of Pension Trustees to serve a four year term to expire May 6, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: David C. Eppes, 222 Plymouth Road, Wilmington, DE 19803, to be reappointed as a member of the Tax Appeals Board to serve a three year term expiring June 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mathias J. Fallis, 104 East Bridle Path, Hockessin, DE 19707, to be appointed Director of the State Personnel Office to serve During the Pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William A. Fintel, 6 Point Circle, Lewes, DE 19958, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert A. Fischer, Jr., 610 Evergreen Lane, Milford, DE 19963, to be reappointed as a member of the University of Delaware Board of Trustees to serve a six year term expiring September 29, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Catherine B. Flickinger, 203 Edgewood Road, Wilmington, DE 19803, to be reappointed as a member of Board of Trustees of the University of Delaware to serve a six year term expiring September 29, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John A. J. Forest, Jr., M.D., 195 Lynnhaven Drive, Dover, DE 19901, to be appointed as a member of Board of the Delaware Institute of Medical Education and Research to serve a three year term to succeed Walter B. Omans, M.D., term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Loretta C. Gartman, 2003 Oak Lane Road, Wilmington, DE 19803, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John P. Gaul, 213 McCallmont Road, New Castle, DE 19720, to be reappointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term expiring June 24, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jeannette C. Gebhart, P.O. Box 413, New Castle, DE 19720, to be reappointed as a member of the Unemployment Insurance Appeals Board to serve a six year term expiring May 20, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Walter J. Godwin, 8 Fairway East, Georgetown, DE 19947, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jeffrey W. Hague, RD 1, Box 409, Ellendale, DE 19941, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term ending July 1, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Lorin P. Hunt, 115 Bunch Boulevard, Wilmington, DE 19801, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term expiring June 27, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Bruce O. Kallos, 903 Barley Mill Road, Wilmington, DE 19807, to be reappointed as a member of Board of Pension Trustees to serve a four year term expiring September 29, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James C. Koehring, 14 Brookdale Heights, Camden, DE 19934, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed Helen M. Brandt, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Saxton C. Lambertson, R.D. 5, Box 87, Dover, DE 19901, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term expiring May 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John M. Maiorano, 32 S. Cliffe Drive, Wilmington, DE 19809, to be reappointed as a member of Board of Trustees of Delaware Technical and Community College to serve a three year term expiring June 22, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: David F. Marvin, 8 Carriage Road, Wilmington, DE 19807, to be reappointed as a member of the Cash Management Policy Board to serve a three year term expiring December 17, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ronald G. McCabe, Route 1, Box 429, Millville, DE 19970, to be reappointed as a member of Delaware Solid Waste Authority to serve a three year term expiring July 2, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John R. McClelland, 2504 Foulk Woods Road, Wilmington, DE 19810, to be reappointed as a member of the Public Service Commission to serve a five year term expiring May 1, 1993.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John P. McLaughlin, 1004 Linda Road, Wilmington, DE 19810, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term ending May 22, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: C. Raeford Minix, 617 Berwick Road, Wilmington, DE 19803, to be appointed as a member of the Board of Pension Trustees to serve a term expiring September 24, 1990, to succeed William E. Buxbaum, who will resign upon the qualification of his successor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joyce E. Nolan, 2017 N. Franklin Street, Wilmington, DE 19802, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed Andrew Ahern, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John W. O'Bier, R.D. 2, Box 270AA, Seaford, DE 19973, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term to succeed William Booth, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Stanley J. Petraschuk, P.O. Box 283, Odessa, DE 19730, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed John H. Wilding, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: C. Leslie Ridings, Jr., 100 Plaza Center, Wilmington, DE 19810, to be reappointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term expiring June 24, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jan Ewing Robinson, 2209 Brookline Road, Wilmington, DE 19803, to be appointed Secretary of Labor to serve During the Pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Rosalie O. Rutkowski, 2205 W. 9th Street, Wilmington, DE 19805, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term ending August 5, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Wilbur S. Shockley, 504 Market Street, Millsboro, DE 19966, to be reappointed as a member of Board of Trustees of Delaware Technical and Community College to serve a three year term expiring September 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Paul J. Smith, 2110 Fairfield Place, Wilmington, DE 19805, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed Marc Niedzielski, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Charles H. Toliver, IV, Esq., 4401 Miller Road, Wilmington, DE 19802, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term expiring June 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

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

Werner C. Brown, P.O. Box 3757 Greenville, DE 19807, re-elected to serve a three year term to expire on December 5, 1991.

Edward G. Jefferson, 9000 DuPont Building, Wilmington, DE 19898, re-elected to serve a three year term to expire on December 6, 1991.
Andrew B. Kirkpatrick, Jr., P.O. Box 1347, Wilmington, DE 19899, re-elected to serve a three year term to expire on December 9, 1991.
The above appointees are no gubernatorial appointments.

Your consideration of these nominations will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Donald J. Verrico, 17 Harvest Lane, Newark, DE 19711, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Daniel F. Wolcott, Jr., Esq., 4th & Delaware Streets, New Castle, DE 19720, to be reappointed as a Delaware Code Revisor to serve a four year term expiring August 5, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 11, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joseph S. Yucht, 104 Canterbury Drive, Wilmington, DE 19803, to be reappointed as a member of the Tax Appeals Board to serve a three year term expiring June 3, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SCR 2 was lifted from the table for consideration on motion of Senator Bair:

SCR 2 - COMMENDING DR. BERNARD BRACHMAN OF WILMINGTON, DELAWARE FOR HIS FORTY-FIVE YEARS OF DEDICATED SERVICE AS A VETERINARIAN, OF WHICH THE LAST TWENTY-SEVEN YEARS HAS BEEN SPENT OPERATING AN ANIMAL CLINIC ON MARSH ROAD; AND FURTHER EXTENDING TO HIM AND HIS WIFE, JEAN, BEST WISHES DURING THEIR YEARS OF RETIREMENT.

Senator Martin marked PRESENT.

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

SCR 3 was introduced and laid on the table on motion of Senator Bair:

SCR 3 - COMMENDING DR. HENRY STROUD OF WILMINGTON WHO WAS HONORED IN NOVEMBER 1988 AS "DELAWARE'S CHILD ADVOCATE OF THE YEAR" AT CEREMONIES COMMEMORATING NATIONAL ADOPTION WEEK. Sponsors: Senator Bair, Representatives Boykin, Maroney; Senator Holloway.

SCR 4 was introduced and considered for adoption on motion of Senator Bair:

SCR 4 - CONGRATULATING THE ASHBOURNE HILLS COMMUNITY AS THEY CELEBRATE THEIR 35TH ANNIVERSARY. Sponsors: Senator Bair, Representative Hebner.

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

SCR 5 was introduced and laid on the table on motion of Senator Bair:

SCR 5 - COMMENDING VICKI HUBER OF WILMINGTON, A 1988 SUMMER OLYMPIAN, GRADUATE OF CONCORD HIGH SCHOOL AND PRESENTLY ATTENDING VILLANOVA UNIVERSITY AS A SENIOR, ON HER MANY ATHLETIC ACCOMPLISHMENTS IN THE SPORT OF "TRACK AND FIELD", PARTICULARLY HIGHLIGHTED BY HER MOST RECENT HONOR OF BEING SELECTED AS THE 1988 RECIPIENT OF THE DISTINGUISHED HONDA-BRODERICK AWARD GIVEN IN RECOGNITION OF THE NATION'S TOP WOMAN COLLEGIATE ATHLETE. Sponsors: Senator Bair, Representative Hebner.

SCR 6 was introduced and considered for adoption on motion of Senator Holloway:

SCR 6 - RESPECTFULLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RE-EXAMINE THE NEGATIVE IMPACT ON HOUSING FOR LOW INCOME FAMILIES OF ITS POLICY OF REQUIRING SEPARATE BEDROOMS IN PUBLIC HOUSING FOR CHILDREN OF DIFFERENT SEXES. Sponsors: Senator Holloway; Representatives Plant, Sills.

The following were added as co-sponsors to the Resolution at their request: Senators Bair, Neal, Knox, Marshall, R. Still, Venables.

The Resolution was laid on the table on motion of Senator Holloway; however, it was immediately lifted for consideration and the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 7 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 7 - COMMEMORATING THE LIFE AND MOURNING THE DEATH OF HARRIS B. MCDOWELL, JR. OF MIDDLETOWN, A FORMER MEMBER OF THE STATE SENATE AND HOUSE OF REPRESENTATIVES, FORMER DEMOCRATIC STATE CHAIRMAN AND SECRETARY OF STATE, AND FIVE-TERM CONGRESSMAN FROM DELAWARE. Sponsors: Senator Vaughn, Representative Jester, all Senators, all Representatives.

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

SB 22 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN INDIAN RIVER HUNDRED, KNOWN AS WARWICK SCHOOL NO. 203, TO VETERANS OF FOREIGN WARS POST 10638. Sponsors: Senator Cordrey, Representative Bunting; Senators Adams, Minner, Marshall, Vaughn, J. Still, Venables; Representatives Carey, B. Ennis, Spence, West. Assigned to Executive Committee; reassigned to Administrative Services/Energy Committee.

SB 23 - AN ACT TO AMEND TITLES 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO THE SALARIES OF PARTICULAR KENT COUNTY OFFICIALS. Sponsors: Senators Torbert, Cook, Minner, Vaughn; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Buckworth, Ewing. Assigned to Judiciary Committee.

SB 24 - AN ACT TO AMEND CHAPTER 59, PART IV, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE. Sponsors: Senators McBride, Marshall, McDowell; Representatives D. Ennis, Campanelli. Assigned to Executive Committee.

SB 25 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY AND THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsors: Senators Sharp, Martin. Assigned to Health-Social Services/Aging Committee.

SB 26 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE JURISDICTION AND AUTHORITY TO ESTABLISH A VETERAN'S CEMETERY IN DELAWARE. Sponsors: Senators Vaughn, McBride; Representative B. Ennis. Assigned to Executive Committee.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 1.

At 4:37 p.m. on motion of Senator Sharp, the Senate recessed until 1:45 p.m., January 12, 1989.

The Senate reconvened at 1:55 p.m., January 12, 1989, Lt. Governor Woo presiding.

SB 27 was introduced and assigned to Executive Committee:

SB 27 - AN ACT TO AMEND CHAPTER 83, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT; AND PROVIDING FOR THE COLLECTION OF OVERPAYMENTS MADE BY THE STATE. Sponsors: Senators McDowell, Minner, Sharp, Cordrey; Representatives George, Spence, D. Ennis.

SCR 9 was introduced and considered for adoption on motion of Senator Minner:

SCR 9 - AUTHORIZING THE DELAWARE AGRICULTURAL MUSEUM TO ERECT INFORMATION SIGNS IN NEW CASTLE, KENT AND SUSSEX COUNTIES IN THE RIGHT-OF-WAY OF U.S. 13, U.S. 113 AND DELAWARE ROUTE 1. Sponsors: Senator Minner, Representative Caulk; Senators Cordrey, Adams, Knox, J. Still; Representatives Carey, Outten, Quillen; Senators Cook, Torbert, Venables; Representatives Clark, West.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Cordrey, Marshall, Martin, McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 2:00 p.m., the Senate adjourned on motion of Senator Sharp to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY
January 12, 1989

The Senate convened at 2:00 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SR 10 was introduced and considered for adoption on motion of Senator McBride:

SR 10 - IN REFERENCE TO THE TEMPORARY RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators McBride, Adams, Minner.

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

SCR 8 was introduced and considered for adoption on motion of Senator Holloway:

SCR 8 - PRAISING THE LIFE WORK AND MOURNING THE DEATH OF MONSIGNOR THOMAS J. REESE, A CHAMPION OF THE UNDERDOG AND FRIEND OF THE OPPRESSED. Sponsors: Senators Holloway, Minner, McBride, Martin, Marshall, McDowell, Knox; Representatives Jonkier, George, Gilligan, Plant, Sills, Oberle, DiPinto.

Senator Adams was added as co-sponsor to the Resolution at his request after which the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cordrey, Martin, McDowell) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

A messenger from the Governor was announced and admitted.

SCR 5 was lifted from the table for consideration on motion of Senator Bair:

SCR 5 - COMMENDING VICKI HUBER OF WILMINGTON, A 1988 SUMMER OLYMPIAN, GRADUATE OF CONCORD HIGH SCHOOL AND PRESENTLY ATTENDING VILLANOVA UNIVERSITY AS A SENIOR, ON HER MANY ATHLETIC ACCOMPLISHMENTS IN THE SPORT OF "TRACK AND FIELD", PARTICULARLY HIGHLIGHTED BY HER MOST RECENT HONOR OF BEING SELECTED AS THE 1988 RECIPIENT OF THE DISTINGUISHED HONDA-BRODERICK AWARD GIVEN IN RECOGNITION OF THE NATION'S TOP WOMAN COLLEGIATE ATHLETE.

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

At 2:15 p.m. on motion of Senator Sharp, the Senate took a short recess and reconvened at 2:17 p.m., Lt. Governor Woo presiding.

The Sergeant at arms announced the members of the House who were admitted and seated.

JOINT SESSION
January 12, 1989
SENATE CHAMBER

Lt. Governor Woo invited the Speaker of the House and the President pro Tempore of the Senate to be his guests on the podium.

At 2:19 p.m. on motion of Senator Sharp, the Senate and House convened in Joint Session.

Senator Sharp moved that the President of the Senate preside over the Joint Session. No objection.

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

The Lieutenant Governor announced that under the provisions of Article III, Section 3 of the Delaware Constitution of 1897 as amended, the election returns for Governor and Lt. Governor must be opened and published in the presence of the members of both Houses in Joint Session.

The following Certificates of Election from the three Counties were therefore 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 eighty-eight for New Castle County, according to the Constitution and Laws of the State of Delaware, Forty Nine Thousand Three Hundred Thirty (49330) votes were given for JOSEPH KRESHTOOL for GOVERNOR, One Hundred Fifteen Thousand Eight Hundred Sixty-Six (115866) votes were given for MICHAEL N. CASTLE for GOVERNOR which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, ALBERT J. STIFTEL and JOSHUA W. MARTIN, III 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 tenth day of November, A.D. 1988.

Albert J. Stiftel, President Judge
Joshua W. Martin, III, Resident Associate 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 eighty-eight for Kent County, according to the Constitution and Laws of the State of Delaware, Nine Thousand Eight Hundred Seventy-Four (9,874) votes were given for (D) Jacob Kreshtool for GOVERNOR, Twenty-Two Thousand Five Hundred Sixty-Three (22,563) votes were given for (R.) Michael N. Castle for GOVERNOR which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William T. Allen and Henry duPont Ridgely constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this tenth day of November, A.D. 1988.

William T. Allen, Chancellor
Henry duPont Ridgely, Resident 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, 1988, for Sussex County, according to the Constitution and Laws of the State of Delaware, Ten thousand seven hundred and thirty-two (10,732) votes were given for Jacob Kreshtool for Governor; Thirty one thousand three hundred and four (31,304) votes were given for Michael N. Castle for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Wm. B. Chandler, III and Vincent A. Bifferato, the judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this tenth day of November, A.D. 1988.

William B. Chandler, III, Res. Assoc. Judge
Vincent A. Bifferato, Assoc. 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 eighty-eight for New Castle County, according to the Constitution and Laws of the State of Delaware, Seventy Eight Thousand Nine Hundred Six (78906) votes were given for GARY E. HINDES for LIEUTENANT GOVERNOR, Eighty Six Thousand Two Hundred Eighty-Three (86283) votes were given for DALE WOLF 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 Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, ALBERT J. STIFTEL and JOSHUA W. MARTIN, III 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 tenth day of November, A.D. 1988.

Albert J. Stiftel, President Judge
Joshua W. Martin, III, Resident Associate 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 eighty-eight for Kent County, according to the Constitution and Laws of the State of Delaware, Fourteen Thousand Eight Hundred Twenty-Three (14,823) votes were given for (D) Gary E. Hinds for LIEUTENANT GOVERNOR, Seventeen Thousand Five Hundred Sixty-Eight (17,568) votes were given for (R.) Dale Wolf 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 Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William T. Allen and Henry duPont Ridgely constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this tenth day of November, A.D. 1988.

William T. Allen, Chancellor
Henry duPont Ridgely, Resident 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, 1988, for Sussex County, according to the Constitution and Laws of the State of Delaware, Seventeen thousand five hundred and eleven (17,511) votes were given for Gary E. Hinds for Lieutenant Governor; Twenty four thousand two hundred and ninety three (24,293) votes were given for Dale E. Wolf 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 Hundred and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Wm. B. Chandler, III and Vincent A. Bifferato, the judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this tenth day of November, A.D. 1988.

William B. Chandler, III, Res. Assoc. Judge
Vincent A. Bifferato, Assoc. Judge

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Lt. Governor Woo then announced the Statewide aggregate results of the election as follows:

For Governor Michael N. Castle - 169,733
For Lt. Governor Dale Wolf - 128,144
For Jacob Kreshtool - 69,936
For Gary E. Hinds - 111,240

* * * * *

Senator Sharp moved that the election results for Governor and Lt. Governor as just announced be reflected in the Senate record for publication and that the results of the election and the winners as announced by the Lt. Governor constitute compliance with the provision of Article III, Section 3 of the Delaware Constitution of 1897, as amended. No objection.

Senator Sharp 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 and the Chief Clerk of the House compared their Journals, found them to agree and so informed the Chair.

At 2:30 p.m., on motion of Senator Sharp and without objection, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

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The Senate reconvened at 3:40 p.m., Lt. Governor Moo presiding.

The following Committee reports were announced:

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

From the Judiciary Committee: SB 6 - 4 Merits; SB 9 - 4 Merits; SB 23 - 4 Merits.

From the Executive Committee: SB 26 - 6 Merits; SB 27 - 6 Merits; SB 16 - 1 Favorable, 5 Merits.

From the Administrative Services/Energy Committee: SB 22 - 4 Merits.

At the request of Senator Adams, the privilege of the floor was extended to Captain Robert Gouge (Delaware State Police) to speak on the 911 Emergency System.

Senator McDowell marked PRESENT.

Senators Cordrey and Martin marked PRESENT.

SENATE CONSENT CALENDAR #1 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 1 - LAUDING THE LOWER DELAWARE BIG LEAGUE ALL STAR BASEBALL TEAM WHICH REPRESENTED DELAWARE IN THE BIG LEAGUE WORLD SERIES HELD AT FORT LAUDERDALE, FLORIDA. Sponsors: Representative Quillen, Senator Cook.

HCR 2 - CONGRATULATING DELAWARE SCHOOL SUPERINTENDENT WILLIAM B. KEENE UPON BEING SELECTED PRESIDENT-ELECT OF THE NATIONAL COUNCIL OF CHIEF STATE SCHOOL OFFICERS. Sponsors: Representatives Petrilli, Spence, Buckworth, George, Gilligan; Senators Sharp, Cordrey, Marshall, Bair, Connor.

HCR 4 - COMMEMORATING THE LIFE AND ACHIEVEMENTS OF FORMER STATE LEGISLATOR ROBERT CAREY DAVIDSON, 79, WHO DIED NOVEMBER 12, 1988 OF ALZHEIMER'S DISEASE. Sponsors: Representative Jester, Senator Vaughn.

HCR 5 - COMMENDING THE DOVER HIGH SCHOOL SENATORS FOOTBALL TEAM AND THEIR HEAD COACH, JIM OXFORD, ON THEIR DIVISION I STATE FOOTBALL CHAMPIONSHIP VICTORY OVER SALESIANUM HIGH SCHOOL (20-13), AND FURTHER EXTOLLING THEIR INCREDIBLE ABILITY AND ATHLETIC ACUMEN DISPLAYED NOT ONLY IN THE CHAMPIONSHIP GAME AGAINST SALESIANUM HIGH, BUT THROUGHOUT THE 1988 SEASON. Sponsors: Representatives Bennett, Outten; Senators J. Still, Cook, Torbert; Representative Clark.

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The roll call vote on SENATE CONSENT CALENDAR #1 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and returned to the House.

SCR 10 was introduced and considered for adoption on motion of Senator Cook:

SCR 10 - EXPRESSING SINCERE CONDOLENCES UPON LEARNING OF THE DEATH OF MRS. ANNABELLE "BELLE" EVERETT OF KENTON, DELAWARE, FORMER FOUR TERM STATE TREASURER, "MRS. DEMOCRAT", FORMER DEMOCRATIC NATIONAL COMMITTEE WOMAN, AND ONE OF THE FOUNDERS OF THE STATE DEMOCRATIC FEDERATION OF WOMEN'S CLUBS OF DELAWARE. Sponsors: Senator Cook, Representative Clark; Senators Vaughn, Adams, J. Still, Cordrey, Torbert, Minner, Venables, McDowell, Holloway, Marshall, Sharp, Martin, McBride; Representatives Bennett, Outten, Buckworth, Quillen, Ewing, B. Ennis.

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

SR 11 was introduced, read in its entirety and considered for adoption on motion of Senator Martin:

SR 11 - BIDDING SAYONARA TO LT. GOV. S. B. MOO AS PRESIDENT OF THE SENATE. Sponsors: Senator Martin and all Senators.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 1, HCR 2, HCR 4, HCR 5, SCR 1.

At 4:23 p.m. on motion of Senator Sharp, the Senate recessed until 4:00 p.m., January 17, 1989.

The Senate reconvened at 4:35 p.m., January 17, 1989 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 21 - 4 Merits; SB 18 - 4 Merits.

At 4:37 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY
January 17, 1989

The Senate convened at 4:37 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Reverend Janet Wolf, Lt. Governor Wolf's daughter.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

Senator R. Still marked PRESENT.

The Journal of the previous day was approved as read on motion of Senator Sharp.

A messenger from the Governor was announced and admitted.

Senator Sharp welcomed Lt. Governor Wolf who had just been sworn into Office; Lt. Governor Wolf in turn introduced to the Senate the members of his family who were present in the Chamber.

The following Committee reports were announced:

From the Sunset Committee: SB 12 - 1 Favorable, 4 Merits; SB 11 - 5 Merits.

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

* * * * *

STATE OF DELAWARE
Office of the Governor
January 12, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Keith H. Ellis, 30 Chatham Court, Dover, DE 19901, to be reappointed as State Bank Commissioner to serve a four year term expiring January 12, 1993.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 12, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur Vincent Episcopo, 2311 Centerville Road, Wilmington, DE 19898, to be appointed as Adjutant General of the Delaware National Guard to serve during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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Senator Neal marked PRESENT.

STATE OF DELAWARE
Office of the Governor
January 17, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Norman A. Barron, 10 Crest Drive, Hockessin, DE 19707, to be appointed an Associate Judge of the Superior Court of the State of Delaware for a term of twelve years to fill a newly created position on this Court.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 17, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jerome O. Herlihy, 2301 West 11th Street, Wilmington, DE 19805, to be appointed an Associate Judge of the Superior Court of the State of Delaware for a term of twelve years to fill a newly created position on this Court.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
January 17, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William F. Richardson, 21 Henlopen Avenue, Rehoboth Beach, DE 19947, to be appointed as Chief Magistrate of the State of Delaware for a term of four years to succeed Norman A. Barron, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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Senator McBride marked PRESENT.

Senator J. Still was added as co-sponsor of SB 23 with the permission of the sponsor, Senator Torbert.

At 4:49 p.m. on motion of Senator Sharp, the Senate recessed until 4:00 p.m., January 18, 1989.

The Senate reconvened at 4:04 p.m., January 18, 1989, Lt. Governor Wolf presiding.

Senator McDowell marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had passed HB 38; HB 39; HB 40; HB 41; HB 29; HB 23 w HA 1 and adopted SCR 2, SCR 4 and SCR 7.

The following legislation was introduced:

SB 28 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senator Torbert, Representative Caulk; Senator Minner; Representatives Corrozi, Maroney. Assigned to Insurance and Elections Committee.

SB 29 - AN ACT TO AMEND CHAPTER 59, SUBCHAPTER III, TITLE 29 OF THE DELAWARE CODE, RELATING TO PUBLIC HEARING REQUIREMENTS IN ACCORDANCE WITH CONSIDERATION OF PROPOSED MERIT SYSTEM RULES BY THE STATE PERSONNEL COMMISSION. Sponsors: Senator Sharp, Representative Oberle, Senator Marshall, Representative Spence. Assigned to Administrative Services/Energy Commission.

SB 30 - AN ACT TO AMEND CHAPTER 74, TITLE 16 OF THE DELAWARE CODE RELATING TO RADIATION CONTROL. Sponsor: Senator Torbert. Assigned to Natural Resources and Environmental Control Committee.

SB 31 - AN ACT TO AMEND SUBCHAPTER VI-A, CHAPTER 19, TITLE 10, DELAWARE CODE RELATING TO JUDICIAL RECORDS AND INDICES. Sponsors: Senators Sharp, Vaughn; Representative Hebner. Assigned to Judiciary Committee.

SB 32 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH. Sponsors: Senators Vaughn, Sharp, J. Still; Representatives Mack, B. Ennis. Assigned to Judiciary Committee.

SB 33 - AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL WITH RESPECT TO TAX DITCHES. Sponsors: Senator Vaughn, Representative B. Ennis. Assigned to Finance Committee.

SB 34 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE. Sponsors: Senator Vaughn, Cook; Representatives B. Ennis, Clark. Assigned to Highways and Transportation Committee.

SB 35 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE REPORTING OF GROSS PREMIUMS BY COMMERCIAL LIFE AND HEALTH INSURERS AND PROVIDERS TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS. Sponsors: Senator Torbert, Representatives B. Ennis, Clark, Caulk, Houghton, Jester, VanSant, Oberle; Senator Vaughn. Assigned to Insurance and Elections Committee.

SB 36 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO CHILD CARE AND DEPENDENT CARE EXPENSE TAX CREDIT. Sponsors: Senators Minner, Neal; Representative West. Assigned to Revenue and Taxation Committee.

SB 37 - AN ACT TO AMEND TITLE 16, CHAPTER 47, §4766 AND TITLE 29, CHAPTER 89, DELAWARE CODE, REQUIRING DRUG OFFENDERS TO PERFORM COMMUNITY SERVICE PRIOR TO SUSPENSION OF IMPRISONMENT OR FINES AND PROVIDING PENALTIES FOR FAILING TO PERFORM SAME SERVICE AND TO AMEND THE POWERS OF THE COMMISSIONER OF CORRECTION. Sponsors: Senators Sharp, Hauge; Representative Spence. Assigned to Corrections Committee.

SB 38 - AN ACT TO AMEND CHAPTER 67, PART VI, TITLE 16 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF MONEY OWED FOR AMBULANCE SERVICES. Sponsor: Senator Cordrey. Assigned to Health-Social Services/Aging Committee.

SB 39 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE AND THE SUBMISSION OF DISPUTES TO ARBITRATION. Sponsors: Senator Marshall, Representative Oberle. Assigned to Labor and Industrial Relations Committee.

SB 40 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS. Sponsors: Senators Cordrey, Neal, McBride, Torbert; Representatives Petrilli, Spence, Amick, Outten. Assigned to Sunset Committee.

SB 41 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE. Sponsors: Senators Marshall, Martin, McDowell, McBride; Representatives Oberle, Campanelli, Jonklert. Assigned to Labor and Industrial Relations Committee.

SA 1 to SB 25. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to SR 9. Sponsor: Senator Bane. Placed with the Resolution.

SA 2 to SR 9. Sponsors: Senators Bane, Martin. Placed with the Resolution.

SA 1 to SB 18. Sponsor: Senator Venables. Placed with the Bill.

SA 1 to SB 16. Sponsors: Senators McDowell, Bair. Placed with the Bill.

HB 23 w HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO EDWINA B. JONES, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representative Ewing, Senator Adams. Assigned to Finance Committee.

HB 29 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsors: Representatives Davis, Taylor, Caulk, Corrozi, Lee, Carey, Ewing, DiPinto, Spence, Fallon, Smith, Amick. Assigned to Administrative Services/Energy Committee.

HB 38 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 39 - AN ACT TO AMEND CHAPTER 59, TITLE 16 OF THE DELAWARE CODE RELATING TO THE BOARD ON MENTAL HEALTH TRAINING AND RESEARCH. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 40 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR PROVISIONAL EMPLOYMENT UNDER CERTAIN CIRCUMSTANCES. Sponsor: Representative Amick. Assigned to Administrative Services/Energy Committee.

HB 41 - AN ACT TO AMEND CHAPTER 10, TITLE 16 OF THE DELAWARE CODE RELATING TO THE HOSPITAL ADVISORY COUNCIL. Sponsor: Representative Amick. Assigned to Health-Social Services/Aging Committee.

The following Committee reports were announced:

From the Finance Committee: SB 7 - 4 Merits.

From the Health-Social Services/Aging Committee: SB 25 - 5 Merits; SB 8 - 5 Merits; SB 4 - 5 Merits; SB 5 - 5 Merits; SB 3 - 5 Merits.

At 4:24 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY
January 18, 1989

The Senate convened at 4:24 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 16 was taken up for consideration on motion of Senator McDowell:

SB 16 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO CERTAIN LEGAL HOLIDAYS.

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

After remarks on the Amendment by several Senators the roll call vote was taken which revealed 19 Senators voting YES, 1 (Vaughn) voting NO and 1 (Cordrey) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 16 w SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, J. Still, R. Still, Torbert, Venables - 17.

NO: Senators Adams, Minner, Vaughn - 3.

ABSENT: Senator Cordrey - 1.

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

At 4:39 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:20 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 60, HB 34 and adopted HCR 6, HCR 7, HCR 8, HCR 9, HCR 10, HCR 11, HCR 12, HCR 13, HCR 14, HCR 15, HCR 16, HCR 17, SCR 5, SCR 8, SCR 10.

The following legislation was introduced:

HB 34 - AN ACT TO AMEND CHAPTER 32, TITLE 29, OF THE DELAWARE CODE RELATING TO THE DELAWARE HERITAGE COMMISSION. Sponsors: Representatives Oberle, Hebner, Soles. Assigned to Finance Committee.

HB 60 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 3, TITLE 10, DELAWARE CODE, RELATING TO THE COURT OF CHANCERY. Sponsors: Representatives Hebner, George; Senators Sharp, Adams; Representatives Ewing, Davis, Houghton, Plant. Assigned to Finance Committee; reassigned to Judiciary Committee.

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

SB 27 - AN ACT TO AMEND CHAPTER 83, PART VIII, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT; AND PROVIDING FOR THE COLLECTION OF OVERPAYMENTS MADE BY THE STATE.

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

The Bill was then laid on the table on further motion of Senator McDowell to await the appearance of the Secretary of Labor at a public hearing tomorrow.

HCR 6 was introduced and considered for adoption on motion of Senator Adams:

HCR 6 - CONGRATULATING STEPHEN J. BETZE UPON HIS RETIREMENT FROM DELAWARE TECHNICAL AND COMMUNITY COLLEGE. Sponsors: Representative Ewing, Senator Adams; Representatives Carey, Fallon.

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

SR 9 was lifted from the table for consideration on motion of Senator Martin:

SR 9 - CONTINUING THE SENATE SELECT COMMITTEE ON TRANSPORTATION.

SA 1 to the Resolution which had been placed with the Resolution was stricken on motion of the sponsor, Senator Bane.

SA 2 to the Resolution (sponsors: Senators Bane and Martin) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SR 9 w SA 2 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 18.

NO: Senators Knox, R. Still - 2.

ABSENT: Senator Cordrey - 1.

Therefore, the Resolution was declared adopted.

SR 14 was introduced and considered for adoption on motion of Senator Martin:

SR 14 - REQUESTING AND URGING THE ATTORNEY GENERAL TO INVESTIGATE THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF TRANSPORTATION SPENT MORE THAN \$100,000 OF SUBURBAN STREET FUNDS FOR AN AIR CONDITIONING AND VENT SYSTEM FOR A PRIVATE NON-PUBLIC SCHOOL.

Sponsors: Senators Martin, Cook, Minner.

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

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 13.

NOT VOTING: Senators Bair, Bane, Connor, Hauge, Knox, J. Still, R. Still - 7.

ABSENT: Senator Cordrey - 1.

Therefore, the Resolution was declared adopted.

SENATE CONSENT CALENDAR #2 was introduced:

The Calendar consisted of the following:

SR 12 - COMMENDING RICHARD P. FENIMORE, A RESIDENT OF PENNSYLVANIA WHO WORKS IN DELAWARE, FOR HIS SUCCESSFUL EFFORTS TO PREVENT A WOMAN FROM TAKING HER OWN LIFE.

Sponsor: Senator Holloway.

SR 13 - MOURNING THE DEATH OF A GREAT NATIONAL AND STATE LEADER IN THE FIELD OF HIGHER EDUCATION, DR. LUNA I. MISHOE, LONG-TERM FORMER PRESIDENT OF DELAWARE STATE COLLEGE, WHO DIED ON MONDAY, JANUARY 16, 1989. Sponsors: Senators Holloway, McDowell, Marshall, Hauge, Bair, Knox, R. Still, Bane, Sharp, Neal, Martin, Connor, McBride, Vaughn, Cook, Torbert, J. Still, Minner, Adams, Cordrey, Venables.

SCR 11 - THANKING JACK T. ROE FOR A LONG CAREER OF DEDICATED PUBLIC SERVICE UPON HIS RETIREMENT AS CITY OF DOVER PLANNER AND DIRECTOR OF INSPECTIONS. Sponsors: Senators J. Still, Torbert; Representatives Bennett, Buckworth, Outten.

SCR 12 - MOURNING THE DEATH OF GEORGE B. CARROLL, SR., FORMER MEMBER OF THE DOVER CITY COUNCIL AND FOR MANY YEARS A LEADING CITIZEN OF THE COMMUNITY. Sponsors: Senator J. Still, Representative Bennett; Senators Cook, Minner, Torbert, Vaughn; Representatives Buckworth, Caulk, Clark, Outten, Quillen.

HCR 7 - EXPRESSING SINCERE CONDOLENCES UPON LEARNING OF THE DEATH OF WILLIAM C. HOLDEN, PROMINENT BUSINESSMAN IN THE DOVER COMMUNITY, LEVY COURT COMMISSIONER IN THE 1960'S AND AN ARCHETYPICAL SPORTSMAN AND CONSERVATIONIST. Sponsors: Representatives Bennett, Outten; Senators Cook, Torbert.

The Consent Calendar was temporarily laid on the table on motion of Senator Minner then immediately lifted. The roll call vote on SENATE CONSENT CALENDAR #2 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

At 6:00 p.m. on motion of Senator Sharp, the Senate recessed until 2:30 p.m., January 19, 1989

The Senate reconvened at 2:40 p.m., January 19, 1989 Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 42 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESMEN AND THE CERTIFICATION OF REAL ESTATE APPRAISERS. Sponsors: Senator Torbert; Representatives DiPinto, Boykin, Lee, Caulk, B. Ennis. Assigned to Sunset Committee.

SA 1 to SB 20. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 6. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 9. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 40. Sponsor: Senator Cordrey. Placed with the Bill.

At 2:44 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day,

6TH LEGISLATIVE DAY JANUARY 19, 1989

The Senate convened at 2:44 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 18 was taken up for consideration on motion of Senator Venables:

SB 18 - AN ACT TO AMEND AN ACT, BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO CONFER UPON THE TOWN COUNCIL OF THE TOWN OF LAUREL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF LAUREL.

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

Senators R. Still, Bair, McDowell marked PRESENT.

The roll call vote on SB 18 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway and Minner) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 23 was taken up for consideration on motion of Senator Torbert:

SB 23 - AN ACT TO AMEND TITLES 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO THE SALARIES OF PARTICULAR KENT COUNTY OFFICIALS.

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

At 3:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:50 p.m., Lt. Governor Wolf presiding.

Senator Cordrey yielded to the Secretary of the Senate for clarification of roll call on SA 1 to SB 18: Senator Venables voting YES was not audible during the original roll call.

Senator Minner marked PRESENT during the following roll call.

On motion of Senator Adams, the Governor's nomination for appointment of Keith Dorman was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Bruce O. Kallos was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of C. Raeford Minix was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John W. O'Bier was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John H. Cordrey, Esq., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jeannette C. Gebhart was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Robert A. Fischer, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Catherine B. Flickinger was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Warner C. Brown was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Andrew B. Kirkpatrick, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Edward G. Jefferson was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SCR 3 was lifted from the table for consideration on motion of Senator Bair:

SCR 3 - COMMENDING DR. HENRY STROUD OF WILMINGTON WHO WAS HONORED IN NOVEMBER 1988 AS "DELAWARE'S CHILD ADVOCATE OF THE YEAR" AT CEREMONIES COMMEMORATING NATIONAL ADOPTION WEEK.

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

SB 21 was taken up for consideration on motion of Senator Minner:

SB 21 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO PROVIDE A DATE FOR CANDIDATES TO FILE NOTIFICATION OF CANDIDACY.

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

SJR 2 was introduced and considered for adoption on motion of Senator Venables under suspension of the necessary rules (no objection):

SJR 2 - REJECTING IN ITS ENTIRETY THE REPORT OF THE DELAWARE COMPENSATION COMMISSION WHICH OTHERWISE BECOMES EFFECTIVE ON FEBRUARY 1, 1989. Sponsor: Senator Venables.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Vaughn, Venables - 13.

NO: Senators Bane, Hauge, Knox, J. Still, R. Still - 5.

NOT VOTING: Senators Bair, Connor - 2.

ABSENT: Senator Torbert - 1.

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

Lt. Governor Wolf introduced to the Senate his wife, Clarice, who was present in the chamber and was celebrating her birthday on this day.

Senator Sharp recognized and introduced Senator R. Still's family to the Senate.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE

January 19, 1989

TO: All member of the Senate of the 135th General Assembly

FROM: Senator Richard S. Cordrey, President Pro Tempore

SUBJECT: Appointment -- Senate Resolution No. 9.

As per the power invested in me with the passage of Senate Resolution No. 9 of the 135th General Assembly and Senate Resolution No. 115 of the 134th General Assembly, I hereby name Richard Hauge to serve in the absence of Senator William Slatcher as a member of the Senate Select Committee on Transportation.

SENATE CONSENT CALENDAR #3 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 10 - CONGRATULATING GITA SUBRAMANIAN AND JOHN ZIPPE, WHO WERE SELECTED AS CONTEST WINNERS BY THE NATIONAL COUNCIL OF TEACHERS OF ENGLISH. Sponsors: Representative Roy, Senator Sharp.

HCR 11 - OFFERING A JAZZY HONOR TO A. I. DUPONT SENIOR ED BAZELLE, WHO WAS SELECTED AS A MEMBER OF THE DUKE ELLINGTON FIFTIETH ANNIVERSARY BAND. Sponsors: Representative Roy, Senator Sharp.

HCR 12 - MOURNING THE PASSING OF JEHU F. CAMPER, OF HARRINGTON, A FORMER COLLEAGUE AND FRIEND. Sponsors: Representative Quillen; Senators Minner, Cook,, Adams.

HCR 13 - CONGRATULATING THE 1988 WILLIAM PENN FIELD HOCKEY TEAM ON THEIR UNDEFEATED STATE CHAMPION STATUS. Sponsors: Representative Reynolds, Senator Connor; Representatives Mack, Spence, Houghton; Senator McBride.

HCR 14 - COMMENDING THE WILLIAM PENN COLONIALS ON THEIR NINTH STATE TOURNAMENT BID SINCE 1977. Sponsors: Representative Mack, Senator Connor; Representatives Spence, Davis, Reynolds, Houghton, Brady; Senator McBride.

HCR 15 - CONGRATULATING MICHAEL J. AND MARY T. CIABATTONI UPON THEIR CELEBRATION OF 50 YEARS OF WEDDED BLISS, NOVEMBER 20, 1988. Sponsors: Representatives Houghton, VanSant, Jonklert, Oberle; Senator Marshall.

HCR 16 - EXPRESSING SINCERE CONDOLENCES TO THE FAMILY OF THE LATE HAROLD HORSEY OF DOVER, DELAWARE, WHO DIED MONDAY, JANUARY 9, 1989, THE FATHER OF MRS. LLOYD SCHELLER OF DOVER AND HENRY R. HORSEY, OF DOVER, DELAWARE SUPREME COURT JUSTICE. Sponsors: Representatives Outten, Bennett; Senators Cook, Torbert, Vaughn.

HCR 17 - MOURNING THE DEATH OF A GREAT STATE AND LOCAL LEADER IN THE FIELD OF HIGHER EDUCATION, DR. LUNA I. MISHOE, FORMER PRESIDENT OF DELAWARE STATE COLLEGE FOR TWENTY-SEVEN YEARS, RETIRING IN 1987. Sponsors: Representatives Outten, Bennett, B. Ennis, Clark, Quillen, Caulk, Buckworth, Plant, Sills; Senators Vaughn, Cook, Torbert, J. Still, Minner, Holloway; Representatives Carey, Corrozi, Fallon, Petrilli.

HCR 8 - COMMENDING INDIAN RIVER HIGH SCHOOL ON ITS CHAMPIONSHIP VICTORY OVER DICKINSON HIGH 18 TO 13 TO CAPTURE THE SCHOOL'S FIRST-EVER DIVISION II STATE FOOTBALL CHAMPIONSHIP AND FURTHER EXTOLLING THE HEAD COACH, DALE STEELE, FOR HIS TENACITY AND COMMITMENT TO THE SPORT OF FOOTBALL. Sponsors: Representatives West, Bunting, Senator Cordrey.

HCR 9 - COMMENDING AND THANKING DR. F. NIEL POSTLETHWAIT, SUPERINTENDENT, CAESAR RODNEY SCHOOL DISTRICT WHO WILL BE RETIRING ON JUNE 30, 1989 AFTER COMPLETING 28 YEARS OF DEDICATED SERVICE TO DELAWARE EDUCATION ALL OF WHICH HAS BEEN CHARACTERIZED AS PROGRESSIVE, INNOVATIVE, AND ALL OF WHICH HAS BEEN IN THE INTEREST OF QUALITY EDUCATION FOR THE YOUTH OF THIS STATE. Sponsors: Representatives Buckworth, Quillen, Caulk, Clark, Bennett, Outten; Senators Torbert, J. Still, Cook, Minner.

The roll call vote on SENATE CONSENT CALENDAR #3 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and returned to the House.

At 4:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 24, 1989.

The Senate reconvened at 2:23 p.m., January 24, 1989 Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 58 w HA 1; HB 11; HB 59.

The following Committee reports were announced:

From the Judiciary Committee: SB 32 - 2 Favorable, 2 Merits; SB 31 - 4 Merits; HB 60 - 4 Merits.

The following legislation was introduced:

SB 43 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE, GRANTING TO PUBLIC EMPLOYEES THE LIMITED RIGHT TO STRIKE. Sponsors: Senator Marshall, Representative Oberle; Senator McDowell; Representatives Amick, Brady, Bunting, Campanelli, B. Ennis, D. Ennis, Houghton, Jester, Plant, Reynolds, Sills, Spence. Assigned to Labor and Industrial Relations committee.

HB 11 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO PROCEDURE IN THE SUPERIOR COURT. Sponsors: Representatives Hebner, Ewing, Davis, Houghton, Plant. Assigned to Judiciary Committee.

HB 59 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION AND UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Davis, Oberle. Assigned to Labor and Industrial Relations Committee.

HB 58 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR MOTOR VEHICLES. Sponsors: Representatives Davis, Spence, D. Ennis, Buckworth, Mack, Jonkiert, Houghton; Senator Holloway. Assigned to Public Safety Committee.

SB 44 - AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO RECORDATION OF INSTRUMENTS. Sponsors: Senator Vaughn; Representatives B. Ennis; Senators Cook, Cordrey, Minner, Torbert; Representatives Clark, Quillen, Bennett, Outten, Ewing, Buckworth. Assigned to Community Affairs Committee.

SA 1 to SB 7. Sponsor: Senator Cordrey. Placed with the Bill.

The following Committee reports were announced from the Sunset Committee: SB 40 - 4 Merits; SB 42 - 4 Merits.

HB 60 was erroneously read in twice. During the second erroneous reading the House Committee report was read instead of the Senate report.

SB 45 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT BY REPEALING THE DELAWARE SUNSET ACT, 29 DELAWARE CODE, CHAPTER 102. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SCR 14 was introduced and considered for adoption on motion of Senator Bair:

SCR 14 - EXTENDING CONGRATULATIONS TO MR. AND MRS. HOWARD OF CONCORD AVENUE, WILMINGTON, DELAWARE, RECIPIENTS OF THE DISTINGUISHED NATIONAL CHILD LABOR COMMITTEE LEWIS HINE AWARD FOR THEIR VOLUNTEER SERVICE TO YOUTH AND CHILDREN. Sponsors: Senators Bair, Holloway, McDowell, Bane; Representatives George, Maroney, Jester.

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

Pursuant to the above Resolution, Mrs. Barbara Howard was introduced to the Senate by Senator Bair.

At 2:38 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY
JANUARY 24, 1989

The Senate convened at 2:38 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SCR 13 (sponsor: Senator Bair) was introduced and immediately stricken on motion of the sponsor:

SCR 13 - EXTENDING CONGRATULATIONS TO MR. AND MRS. HOWARD OF CONCORD AVENUE, WILMINGTON, DELAWARE, RECIPIENTS OF THE DISTINGUISHED NATIONAL CHILD LABOR COMMITTEE LEWIS HINE AWARD FOR THEIR VOLUNTEER SERVICE TO YOUTH AND CHILDREN.

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

SB 32 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH.

Senator Martin marked PRESENT.

At 2:52 p.m., Senator Sharp presiding.

The roll call vote on SB 32 was then taken and revealed 19 Senators voting YES, 1 (Minner) voting NO and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 6 was taken up for consideration on motion of Senator Cordrey:

SB 6 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE; AND PROVIDING FOR A NOTICE TO VICTIMS AND WITNESSES PRIOR TO CERTAIN PAROLE HEARINGS.

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

The privilege of the floor was extended to Steve Kubico (Controller General's Office).

The roll call vote on SB 6 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 9 was taken up for consideration on motion of Senator Cordrey:

SB 9 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER VI, §4361, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS.

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

Senator Adams marked PRESENT.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on SB 9 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 22 was taken up for consideration on motion of Senator Cordrey:

SB 22 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN INDIAN RIVER HUNDRED, KNOWN AS MARNICK SCHOOL NO. 203, TO VETERANS OF FOREIGN WARS POST 10638.

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

At 3:20 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:16 p.m., Senator Cordrey presiding.

SB 11 was taken up for consideration on motion of Senator Torbert:

SB 11 - AN ACT TO AMEND CHAPTER 5, TITLE 24 OF THE DELAWARE CODE RELATING TO MALPRACTICE INSURANCE FOR PODIATRISTS.

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

SB 12 was taken up for consideration on motion of Senator Torbert:

SB 12 - AN ACT TO AMEND CHAPTER 7, TITLE 24, OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC EXAMINERS.

The privilege of the floor was extended to Secretary Hale of the Administrative Services Department.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still, Torbert, Vaughn - 15.

NO: Senators Cordrey, McDowell - 2.

NOT VOTING: Senators Holloway, McBride, Sharp, Venables - 4.

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

A messenger from the Governor was announced and admitted.

Senator Holloway introduced to the Senate Dr. Toy of the Medical Society in Seaford.

At 4:55 p.m., on motion of Senator Sharp, the Senate recessed until 4:00 p.m., January 24, 1989.

The Senate reconvened at 4:43 p.m., January 25, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 54 w HA 1, 2, 4, 5, 6; HB 57; and adopted HCR 23.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 20 - 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 30 - 4 Merits; SB 13 - 4 Merits.

The following legislation was introduced:

SA 2 to SB 7. Sponsor: Senator Cordrey. Placed with the Bill.

SB 46 - AN ACT TO AMEND CHAPTER 74A, TITLE 16 OF THE DELAWARE CODE RELATING TO ENHANCED 911 EMERGENCY NUMBER SERVICE. Sponsors: Senators Adams, J. Still; Representatives Ewing, B. Ennis, Spence. Assigned to Public Safety Committee.

SB 47 - AN ACT TO AMEND CHAPTERS 13 AND 17, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE PROVISION OF RELATED SERVICES SPECIALISTS FOR INTENSIVE LEARNING CENTER PUPILS. Sponsors: Senators McBride, R. Still; Representatives Fallon, Campanelli, VanSant, Gilligan, Reynolds. Assigned to Education Committee.

SB 48 - AN ACT TO AMEND VOLUME 65, CHAPTER 385, LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1987 CAPITAL BUDGET AS AMENDED AND TO AMEND VOLUME 66, CHAPTER 360 LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1989 CAPITAL BUDGET. Sponsors: Senator Cook, Representative Roy. Assigned to Finance Committee.

SB 49 - AN ACT TO AMEND CHAPTER 35, TITLE 18, DELAWARE CODE, BY REQUIRING EMPLOYERS TO OFFER HEALTH BENEFIT PLANS TO THEIR EMPLOYEES. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 50 - AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO THE RECORDATION OF DEEDS AND OTHER INSTRUMENTS BY THE KENT COUNTY RECORDER OF DEEDS. Sponsors: Senator Vaughn, Representative B. Ennis; Senators Cook, Minner, Torbert; Representatives Clark, Quillen, Bennett, Outten, Buckworth. Assigned to Community Affairs Committee.

SB 51 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF UNEMPLOYMENT BENEFITS OVERPAYMENTS. Sponsors: Senators McDowell, Minner, Sharp, Cordrey; Representatives George, Spence, D. Ennis, West, Campanelli. Laid on the table on motion of Senator McDowell.

At 4:48 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY

January 25, 1989

The Senate convened at 4:48 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Bane - 1.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Cook and without objection, SB 48 was removed from the Finance Committee and laid on the table.

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

SB 42 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESMEN AND THE CERTIFICATION OF REAL ESTATE APPRAISERS.

The privilege of the floor was extended to Penn Emerson, Kent County Chapter of Delaware Realtors.

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

Senator Minner introduced Dr. Drury to the Senate.

At 5:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:50 p.m., Senator Cordrey presiding.

SB 51 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

SB 51 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF UNEMPLOYMENT BENEFITS OVERPAYMENTS. Sponsors: Senators McDowell, Minner, Sharp, Cordrey; Representatives George, Spence, D. Ennis, West, Campanelli.

The privilege of the floor was extended to W. Thomas MacPherson (Department of Labor, Division of Unemployment Insurance).

SA 1 to the Bill sponsored by Senator Bair was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Knox, Neal, J. Still, R. Still - 10.

NO: Senators Holloway, McBride, Minner, Sharp, Vaughn, Venables - 6.

NOT VOTING: Senators Marshall, Martin, McDowell, Torbert - 4.

ABSENT: Senator Bane - 1.

Therefore, the Amendment was declared defeated.

Senator Marshall marked PRESENT.

Senator Marshall was added as co-sponsor to SB 51 at his request.

At 6:00 p.m., Lt. Governor Wolf presiding.

The roll call vote on SB 51 was then taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 13.

NO: Senators Bair, Knox, Neal - 3.

NOT VOTING: Senators Connor, Hauge, J. Still, R. Still - 4.

ABSENT: Senator Bane - 1.

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

SENATE CONSENT CALENDAR #4 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 16 - CONGRATULATING DANIEL SLIPETSKY, COORDINATOR OF PRACTICAL ARTS FOR THE RED CLAY CONSOLIDATED SCHOOL DISTRICT, UPON RECEIVING THE JUNIOR ACHIEVEMENT'S MERITORIOUS SERVICE AWARD FOR OUTSTANDING VOLUNTEERS. Sponsor: Senator Hauge.

SCR 16 - EXTENDING CONGRATULATIONS TO MR. AND MRS. CLARENCE E. ABBOTT, JR. OF ELLENDALE ON THE 50TH ANNIVERSARY OF THEIR MARRIAGE, WHICH OCCURRED ON MARCH 2, 1939. Sponsors: Senator Adams, Representative Carey.

SCR 17 - COMMENDING SALLY V. HAWKINS WHO WAS NAMED THE RECIPIENT OF THE ANNUAL JOSIAH MARVEL CUP AWARD SPONSORED BY THE DELAWARE STATE CHAMBER OF COMMERCE. Sponsors: Senator Bair; Representatives Boykin, DiPinto; Senator McDowell.

SCR 18 - EXTENDING CONGRATULATIONS TO ARTHUR W. BOSWELL OF WILMINGTON, DELAWARE, A MEMBER OF THE STATE BOARD OF EDUCATION AND THE RECIPIENT OF THE MARTIN LUTHER KING, JR. AWARD FOR COMMUNITY SERVICE. Sponsors: Senators Bair, Holloway, Connor, McBride, Neal; Representatives Sills, Fallon, Plant, Jester, Hebner.

SCR 19 - EXPRESSING GRATITUDE TO CHARLES E. WELCH FOR HIS OUTSTANDING SERVICE AS PRESIDENT OF THE STATE BOARD OF EDUCATION. Sponsors: Senators McBride, Bair; Representative Fallon; all Senators and all Representatives.

SCR 20 - EXTENDING GRATITUDE TO DONALD E. CIELEWICH FOR HIS DISTINGUISHED SERVICE AS A MEMBER OF THE STATE BOARD OF EDUCATION. Sponsors: Senators McBride, Bair; Representative Fallon; all Senators; all Representatives.

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The roll call vote on SENATE CONSENT CALENDAR #4 was then taken and revealed 20 Senators voting YES and 1 (Bane) ABSENT; therefore, the Resolutions were declared adopted and the Concurrent Resolutions were sent to the House for consideration.

HCR 23 was introduced and considered for adoption on motion of Senator Sharp:

HCR 23 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING THE STATE OF THE STATE AND THE ANNUAL BUDGET MESSAGE OF GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli, Spence, Buckworth.

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

SB 34 was reported out of the Highways and Transportation Committee: 6 Merits.

The Committee report on SB 37 was inadvertently read in as an introduction; however, the correct Committee report is given on page 34.

The following legislation was introduced:

SB 52 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF INNOVATION HOUSING OPTION PROGRAMS WITHIN THE ELDERLY HOUSING COUNSELING PROGRAM, DIVISION OF AGING, DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senator Bair, Representative Sills. Assigned to Health-Social Services/Aging Committee.

SB 53 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A PROGRAM TO REDUCE THE SALE AND USE OF ILLEGAL DRUGS IN DELAWARE. Sponsors: Senators Sharp, Vaughn. Assigned to Judiciary Committee. At the request of Senator Sharp, Senator McBride was added as co-sponsor of the Bill.

SB 54 - AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES. Sponsors: Senators McDowell, Marshall, McBride, Venables, Martin, Minner, Holloway; Representatives Mack, Campanelli, Houghton, Clark, Oberle, Davis, Spence, Brady, VanSant, Gilligan, Jester, B. Ennis, Reynolds. Assigned to Finance Committee.

HB 57 - AN ACT TO AMEND SECTION 4177B, TITLE 21, DELAWARE CODE REQUIRING PARTICIPANTS IN THE FIRST OFFENDER PROGRAM TO PAY COURT COSTS. Sponsors: Representatives Davis, Hebner. Assigned to Public Safety Committee.

HB 54 w HA 1, 2, 4, 5, 6 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE CONCERNING DECEPTIVE TRADE PRACTICES AND PARTS USED TO REPAIR DAMAGED MOTOR VEHICLES. Sponsors: Representatives Oberle, Spence, Buckworth, Amick; Senators R. Still, Bane, Vaughn, McBride, Martin, Marshall. Assigned to Small Business Committee.

SJR 3 was introduced and laid on the table on motion of Senator Cook:

SJR 3 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO VEHEMENTLY OPPOSE ANY EFFORT TO INCREASE FEDERAL MOTOR FUEL TAXES FOR THE PURPOSE OF DEFICIT REDUCTION. Sponsors: Senator Cook, Representative Roy.

SB 37 was correctly reported out of the Corrections Committee: 6 Merits.

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

STATE OF DELAWARE
Office of the Governor
January 24, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Regina C. Dudzlec, 332 E. Roosevelt Avenue, New Castle, DE 19720, to be reappointed as a member of the Tax Appeals Board to serve a three year term expiring January 23, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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At 6:20 p.m. on motion of Senator Sharp, the Senate recessed until 1:45 p.m., January 26, 1989.

The Senate reconvened at 1:48 p.m., January 26, 1989, Lt. Governor Wolf presiding.

SCR 15 was introduced and considered for adoption on motion of Senator Adams:

SCR 15 - IN RECOGNITION OF THE TWENTIETH ANNIVERSARY OF DELAWARE DAY IN POMPAHO BEACH, FLORIDA ON THURSDAY, FEBRUARY 9, 1989 AND ENCOURAGING DELAWAREANS TO ATTEND AND PARTICIPATE IN THE MANY FESTIVE ACTIVITIES PLANNED FOR THE DAY. Sponsors: Senators Adams, Cordrey, Cook; Representatives Bennett, Corrozi.

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES and 7 (Bane, Connor, Martin, McBride, McDowell, J. Still, R. Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 1:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 9th Legislative Day.

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9TH LEGISLATIVE DAY
January 26, 1989

The Senate convened at 1:50 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 19; HCR 20; HCR 21; HCR 22; HCR 24; HCR 25; HCR 26; HCR 27; SCR 3; SCR 11; SCR 12; SCR 14.

At 1:54 p.m. on motion of Senator Sharp, the Senate recessed in order to convene in the House Chamber for a Joint Session.

JOINT SESSION
HOUSE CHAMBER
January 26, 1989

At 1:57 p.m. the members of the Senate were welcomed to the House Chamber for the Joint Session. The Speaker invited Lt. Governor Dale Wolf and President pro Tempore Richard Cordrey to be his guests on the rostrum.

The Chief Justice of the Supreme Court, the Honorable Andrew D. Christie, and other members of the judiciary were announced and admitted for the Joint Session.

The State and County elected officials were announced and admitted.

The Governor's Cabinet officials were announced and admitted.

At 2:03 p.m., Representative Petrilli moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State Address and the Annual Budget Message by Governor Michael N. Castle. No objection.

Mr. Petrilli moved that the Speaker of the House of Representatives preside over the Joint Session. No objection.

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

Mr. Petrilli moved that a committee of four be appointed to escort the Governor of the State of Delaware to the Joint Session. No objection.

The Speaker appointed Representatives Fallon (spokesperson) and Plant; Senators Marshall and J. Still to form the committee to escort the Governor to the Chamber.

The Speaker declared a brief recess to await the arrival of the Governor.

The Sergeant-at-Arms announced the Honorable Michael N. Castle, Governor of the State of Delaware.

The Governor and the escort committee were admitted and Representative Fallon introduced the Governor to the Joint Session.

The Speaker welcomed the Governor to the Joint Session and the Governor addressed the Joint Session as follows:

Mr. Speaker, Lt. Gov. Wolf, Mr. President Pro Tem, members of the 135th General Assembly, Judiciary, members of my Cabinet, honored guests, and people of Delaware.

Last Friday, I had the honor to represent Delaware -- to represent the people of this state -- at President Bush's inauguration, and I'd like to share an impression of that event with you today.

I've been to Washington countless times.

But nothing could have prepared me for the moment when I walked out of the West Portico of the Capitol, first in line of the governors because Delaware is the First State, and saw a hundred thousand people -- two hundred thousand -- gathered between the Capitol and the Mall, with the Washington Monument and the Lincoln Memorial in the distance, to witness the peaceful transfer of the American presidency.

It was an incredible sight, and an incredible feeling to be there as the entire government of the United States -- Congress, the judiciary, the Executive -- participated in the inauguration.

The fact is, our country works because its institutions work, not because of individuals, no matter how popular or good they are. That's true in Washington, it's true in Dover. The continuity of government which sets this nation apart has little to do with leaders -- and everything to do with the way the people have invested their power in our institutions.

When I was sworn in last week, I accepted stewardship of this office -- an institution which belongs to the people -- and with it the relationship of trust and responsibility that exists between the governor and the people of Delaware. It doesn't matter whether the occupant of the office is Republican or Democrat, because the job carries with it a profound sense of obligation to each citizen of Delaware, an obligation which guides decisions and dictates policy.

Each member of this General Assembly shares that obligation.

Many of us who are gathered here today are old friends. We have not always been on the same side of every issue, but the state of Delaware has always been able to count us on her side.

We faced lean times together, and enjoyed the opportunities provided by prosperity.

To those of you who are new in this General Assembly, I commend your colleagues to you. They are dedicated, hard-working professionals, and they have contributed much to this state.

In preparing this report on the state of the state, I spent some time assessing projects begun in the last four years, with the object of evaluating our steady progress toward goals that once seemed unreachable.

This might serve as a quick history lesson for our new members, because it will help you understand the priorities which have moved state government, and to understand what we have accomplished these last four years.

o For instance, we set out early in this Administration to create a comprehensive structure of support and assistance for mothers, infants and young children. We did so in the belief that only by attacking all the problems that can undermine the future of our youngest citizens -- abuse, neglect, learning difficulties, malnutrition, lack of proper shelter -- can we truly help these children.

From a modest beginning which emphasized coordination and education for pregnant women and parents, today we offer a comprehensive program of maternal and child health programs. We have expanded Medicaid to cover pregnant women and children to age three with incomes up to 100 percent of the poverty level; we are providing comprehensive health and supportive services statewide to women who otherwise might not have access to health care; we have increased financial support for the Women, Infant and Child nutrition program; and we have made this a community concern as well as a community effort.

o When, in 1987, we began to enact a series of "Quality of Life" bills, we declared our intention to make sure that economic growth occurred in harmony with our wildlife and natural areas, with neighborhood integrity, and with the way of life that Delawareans cherish. With the General Assembly's support, we have strengthened both the resolve and the ability of the counties to develop good comprehensive plans and resist inappropriate zoning decisions; we have put people on notice that the state will play a significant role in providing information important to those decisions; we have created an advisory group to guide future development decisions; and we have made it clear that transportation decisions and development decisions must be made in tandem.

o We drew hundreds of concerned Delawareans into the debate about our state's environmental future when we created the Environmental Legacy Program.

This undertaking, which was unique in its effort to bring together both environmentalists and industrialists to find mutually acceptable solutions to problems, has given us a blueprint for the next decades. Through the work of the original group, which numbered a few dozen, and the efforts of the hundreds of private citizens, community and business leaders, and the Department of Natural Resources and Environmental Control, we have charted a safe course for Delaware for years to come.

o We have made the budget a tool in the hands of government, providing flexibility where none existed before, substituting planning for guesswork, setting goals and then working toward them, crafting new public policy instead of simply perpetuating old policies.

At the same time, you and I have worked hard over the past several years to reform the bond bill process, so that capital improvement projects are selected on the basis of merit.

Today the bond bill is an effective means for accomplishing the legitimate ends of government, and no longer simply a political grab bag. I'm proud of what we have accomplished in changing our approach to capital improvements, and each of you who has participated in that effort should be proud as well.

* * * * *

It is against the background of those accomplishments that we consider the state of state.

Measured by economic expansion, by growing employment, by the increased wealth of our families, by the reduction of public welfare rolls, by improvements in our schools -- the state of the state is extraordinary.

Measured by the spirit of the people, by their resolve, by the strength of our communities, the state of the state has never been better.

But any report on the state of the state must be a report on work in progress. The role of government in society is to assure order and solve problems, and neither job is ever done. Our true success is not measured by works completed, but by works begun -- as each new year brings opportunities which test our resolve and demand new commitment.

A commitment to the youngest children, and to children as yet unborn.

A commitment to children as they begin their passage through our education system.

A commitment to young adults who are facing difficult choices which can derail their lives before they have completed their education.

A commitment to creating productive adults.

A commitment to work with the community to provide a safety net for citizens who need help.

And, finally, a commitment to a thriving, growing state -- to new jobs, to a modern transportation system, to a healthy environment and a strong and diverse economy.

* * * * *

The budget I am submitting to you today totals \$1,171 million.

Of that amount, the operating budget is \$1,126 million, and grants-in-aid and supplemental appropriations account for the rest.

The operating budget represents 7.9 percent growth over current spending, or roughly \$95.1 million in new revenues to offset inflation, expand existing services and provide new programs.

In this budget I am recommending the transfer of \$31 million in general funds to the capital improvement budget, and \$2 million to the Delaware Community Foundation to help that organization begin work.

And I am recommending changes in our tax structure which will increase revenues by \$4 million in the coming fiscal year and \$10 million in subsequent years.

When I delivered my Inaugural Address last Tuesday, I described some goals that I believe we should set for ourselves in the coming years. I intend to expand that list today.

I said in my Inaugural Address, let us start working toward the day when everyone either graduates from high school or completes an alternative program of education which prepares them for finding and holding a job. And let's make those diplomas the best academic credentials in America.

There's no question that we've made progress in education, raising standards, raising salaries.

But I'm not satisfied, the parents I talk to are not satisfied, and many educators are not satisfied.

Today there is a gap between the best schools and the worst, and between the best schools -- and their potential for excellence. We concern ourselves with the equalization of funds -- when we should be talking about the equalization of learning, of homework, of classroom standards. If we tolerate that difference, then we are telling parents, educators and kids that it's okay to be mediocre, that second rate is okay in the First State.

Well, I say second rate is not okay.

Nor am I willing to accept the fact that one out of every four kids who start school drops out before he or she gets a diploma.

What makes this fact worse is that, when we could be helping these kids, we don't do enough. And then when we should be putting obstacles in the way of their dropping out -- we help them quit.

Last year, we teamed up with the Education Commission of the States as one of five states to launch a pilot program in which teachers and staff in individual schools are given the freedom to design more effective teaching programs. The idea is that the real experts are in the classroom, and we should be listening to them about teaching and learning rather than dictating from on high.

That's going to help solve this problem of failure and dropouts, but there's more we can do -- and we don't have to wait to do it.

Last year we received one of the best and most thoughtful reports I've ever seen -- the recommendations of the task force on children at risk, chaired by Bob Williams. "Children at risk" is one of those educational expressions that tend to confuse the rest of us. What they're talking about is kids who don't have a chance because life's problems are too big for them to handle.

Kids with learning problems, kids whose home life is full of loneliness or disruption, kids who can't pay attention to their work because they're hungry.

And what's really tragic about these kids is that we know who they are. We can identify them even before they get to kindergarten, when the problems are smaller and easier to solve. We just haven't done the job well enough.

That's going to change.

In the budget I am sending to you today, I am recommending that we triple our spending in this area to implement a statewide, district-by-district strategy to assist children at risk with programs like the one in the Red Clay district, where schools are providing after-school and summer programs for kids who need extra help.

As for the dropout problem -- we've talked a good game, but done too little to solve the problem. So today I am proposing to you that we tell kids they can't drop out when they're 16 anymore.

There are going to be times when a school district decides a child should not stay in school, but I do not believe that a 16-year-old has the experience or the judgment to make a decision that could well ruin his or her chances for success.

I propose that we require all children to attend school until they are 17 years old, unless school authorities determine that leaving school at 16 is appropriate, and prepare to increase the age to 18 in the future. Fifteen other states already require attendance until at least 17.

I am also proposing that we increase the number of school days by one day a year for five years -- and make sure that those days are used wisely and well. This is not a simple issue, but we cannot afford to ignore the question simply because the debate will strike sparks.

I believe, too, that every child between second grade and twelfth grade should do homework -- homework that demands thought and challenges young minds -- every school night, and that parents should be required to prove that they have at least seen it.

I understand that there will be some teenagers who cannot continue in traditional schools. For them, I am proposing that we fund the innovative Alternative Secondary Education program, providing a half million dollars to reach into the community and help kids on the verge of abandoning school.

Building and expanding on the Groves High School experience in providing continuing education, we will offer courses outside the traditional school environment and schedule in an effort to help these young people graduate.

This is an important program, because it reflects a new attitude about education, one that holds that the goal of education is to help people learn, not punish them because they will not or cannot receive their education within the normal educational structure.

Since I became governor, we have made a tremendous financial commitment to education. Roughly a third of all new spending in five budgets has gone to our public schools and public school teachers.

Teacher salaries have gone from 21st in the nation to 12th in a few short years; only one other state has increased salaries more.

We have made it possible for our school districts to compete for good teachers, and an average 5.7 percent increase in state funding for teacher salaries in the coming year will continue that commitment.

But there is one commitment the districts have consistently ignored -- the salaries paid to starting teachers.

To attract good new teachers today, a starting salary of over \$22,000 is necessary. In good faith, the state has funded over two thirds of this amount, with the understanding that the districts would pay the balance.

But most have not, and by their decision jeopardized the future of our education system.

For that reason, I am proposing that we require districts to use local funds to begin increasing starting salaries during the 1989-90 school year, and bring starting salaries to over \$22,000 by September 1990.

There is one other appropriation that deserves mention before I go on: I am proposing a fifteen percent increase in Division II education funding for textbooks and school materials.

* * * * *

I said in my Inaugural Address, let us start working toward the day when every Delawarean has the opportunity to live a life of dignity and hope, in which hand-outs are eschewed for a hand up and over the obstacles to self-sufficiency, in which the enormous promise of a young life is not squandered through neglect or abuse.

I had the good fortune to be at the right place at the right time three years ago, when President Reagan made welfare reform a national priority and the nation's governors asked me to represent the interests of the states in the debate over national welfare policy.

By bringing together governors, Congressional leaders like Senator Moynihan of New York, and the White House -- and by keeping the issue alive when political expediency suggested a quiet funeral for welfare reform -- we succeeded in turning an assistance program with a small education and training component into an education and training program with a strong assistance component.

Of course, it was easier to urge people in Washington to act when, back home, we had already begun our own welfare reform effort. Not only has our "First Step" program succeeded in putting people to work, it has changed people's lives and made them advocates for this system of opportunity and progress.

What I find especially interesting about welfare reform is the reaction it provoked, virtually from the day I got involved in it. Everybody liked it -- eventually.

People who thought that welfare discouraged initiative and rewarded people for staying home thought the change was long overdue.

People who were on welfare agreed. Some didn't like it at first, but they changed their minds when they saw their futures open up with new promise and hope.

We made government responsive. We allowed government to offer a hand in assistance. Instead of tailoring welfare reform to one political philosophy or another -- and there were strongly held beliefs on all sides -- we tailored it to the needs of people. And, finally, we built a system that would help and encourage people to break free of the system.

There will always be people who must rely on the state throughout their lives; our responsibility to them is to offer comfort and dignity. But for the rest, our goal must be to identify children and adults at risk and intervene as early as possible -- and as often as necessary -- to help them achieve independence and self-sufficiency.

Just as the best government is the least government, so the optimum level of government involvement in anyone's life is the least.

When we become involved in the life of a child through our kids' department, it is with the idea of solving whatever problems are troubling that child -- and then standing aside.

If a teenager is having problems in school, we should help with all the energy, dedication and resource we can muster -- understanding that our goal is to allow that youth to stand on his own.

The greatest good government can do is to help as soon as possible, as much as necessary, but in a way that makes further help unneeded.

The increases in funding for the WIC nutrition program I am recommending in this budget, the increase in Aid to Families with Dependent Children, the decision to help hundreds of additional families obtain safe, high-quality day care for their children -- are intended to provide assistance when people need it most, but not institutionalize that assistance.

At the same time, government must respond to the changing needs of the community. Delaware's elderly population is increasing more rapidly than the population as a whole -- in fact, three times as fast. We cannot abandon our elderly, nor through neglect allow age to rob them of dignity and happiness, and today we are finding new ways to provide needed services for our senior citizens through counseling, day care, respite care programs and better coordination of community based services for the elderly.

We have a responsibility to address new problems and new threats to the health and well-being of the public -- threats like AIDS.

Today one of the most pressing concerns before us is the terrible affliction of Acquired Immune Deficiency Syndrome. To meet that challenge, we are increasing the state's efforts to provide additional counseling, testing and case management.

By combining state funds with the expected increase in federal funding for Delaware's programs, we will be able to increase our case management capability as well as our ability to coordinate outside programs. Statewide, I expect various revenue sources to provide over \$1.5 million for AIDS programs, up from \$34,000 just a few short years ago.

We have taken the first steps toward dramatically improving our mental health system. We have recruited two of the nation's best practitioners to lead us -- Neil Meisler in the Division of Alcoholism, Drug Abuse and Mental Health and Dr. Julian Taplan in the Division of Child Mental Health. Working separately, but sharing the same dream, they have given us direction, imposed a sound philosophy of treatment where none existed before.

And, since I proposed my first budget four years ago, recommended spending on community mental health services in Delaware for adults and children has gone from \$6.9 million to \$17.2 million, an increase of 150 percent.

Now we must invest our confidence in these two professionals and allow them to do their work without interference, encouraging innovation in an area where until recently there was only expensive confusion.

* * * * *
I said in my Inaugural Address, let us meet the challenge of opening the eyes of an entire generation of young Delawareans to the dangers of drug abuse.

By executive order last week, I charged Lieutenant Governor Wolf with the responsibility for coordinating Delaware's efforts to combat drug and alcohol abuse.

For many of us who grew up in what seems like a simpler time, the problem of drug abuse, youth's fascination with chemicals which hurt and even kill, and the terrible violence of drug dealers are almost incomprehensible.

Yet we see harm being done, and we know the need to act is compelling. Today, drug abuse -- and its companion, alcohol abuse -- is a problem which touches thousands of families. It commands the resources of half a dozen state agencies, and crosses state lines with lethal impunity once confined to deadly diseases. It wipes out young lives.

In his Inaugural Address, President Bush said:

"There are a few clear areas in which we as a society must rise up united and express our intolerance, and the most obvious now is drugs. And when that first cocaine was smuggled in on a ship, it may as well have been a deadly bacteria, so much has it hurt the body, the soul of our country. And there is much to be done and to be said, but take my word for it: This scourge will stop."

I have told the Lieutenant governor that I want this Drug Abuse Coordinating Council to tell us what we are accomplishing today, and what we need to do to accomplish more.

For instance, in my recommended budget I have proposed new deputy attorneys general to help the Attorney General handle drug and alcohol cases. I have increased the budget of the medical examiner to provide additional forensic chemists to handle drug analysis.

All together, from increased law enforcement to better treatment programs in corrections, from increased funding for outpatient programs in the kids' department to new efforts in Health and Social Services, we are spending \$1.5 million on new programs.

But we need to know whether we are doing the right thing, and how we can make our efforts more effective. That will be the lieutenant governor's assignment.

At the same time, I want his help in expanding anti-drug programs in our schools, in carrying the message of "Above the Influence" to more Delawareans, and in developing new sources of funding for our efforts.

This scourge will indeed stop, and this budget is our down payment on a future free of drug and alcohol abuse.

* * * * *

In the next four years, I propose that we dedicate ourselves to giving this state the best and most effective set of laws protecting the environment and preserving our quality of life in the nation.

I believe that we must never lose sight of the fact that we are the stewards of Delaware's heritage, and that our stewardship must influence every decision we make.

I believe that we must be the conservationists for tomorrow's generation, passing down Delaware's legacy to our children and grandchildren untarnished and whole.

And I believe that our choices and priorities must reflect long-term goals, must take into account long-term impacts, and must resolve conflicts between today's needs and tomorrow's needs in favor of the future.

The last four years have seen unparalleled progress in protecting the environment, preserving natural lands, and creating the means to preserve a way of life which has long set Delaware apart.

With our neighbors to the north, New Jersey and Pennsylvania, we are developing a long-range plan to protect and restore the estuary of the Delaware River and Bay.

We are using computers and common sense to develop new ways to identify endangered lands and manage our natural resources.

And Delaware has brought together the states of the region to begin tackling the problem of ozone pollution.

Most of these efforts derive from Environmental Legacy, which has become part of our way of governing and making decisions. The recommendations of the Environmental Legacy report provided the foundation upon which our Quality of Life Initiative was based. Our efforts to rebuild Delaware's beaches, and the major program of land acquisition begun last year -- were recommendations of the Environmental Legacy report.

There is no undertaking of the past four years of which I am prouder, because in acting to preserve Delaware's natural legacy, we have demonstrated a full measure of care for the future of our state and for the generations that will follow.

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While the men and women who worked so hard on the Environmental Legacy program provided the impetus for the "Quality of Life" initiative, there can be no question that it took on a life of its own quickly as we set out to strengthen the ability of the counties to plan their futures and make intelligent zoning decisions.

Now, having created the legal framework for managed growth in our communities, we must turn to other, related issues.

We need to address the question of impact fees, deciding how those who profit directly from growth can most fairly pay for its impact on the rest of us. When a new shopping center increases traffic on a local road, for instance, how can the developer most fairly be required to underwrite the cost of improving the road?

We need to explore ways the state can provide better information and better support to the counties as they make zoning decisions. And, perhaps most important, we need to make sure that the Delaware Advisory Council on Developmental Impact lives up to its full potential. Few other concerns of government are more dependent on information, and DACOI today represents our best hope for intelligent and informed decisions as we manage future growth.

Against that backdrop of sweeping changes in our approach to the environment, I am proposing a fiscal 1990 budget almost \$7 million larger than my first Department of Natural Resources and Environmental Control budget an increase of over 36 percent.

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There are other issues addressed in my proposed budget, issues I can only touch on here:

- o Funding for a new vice chancellor.
- o Funding to develop, equip and train a statewide advanced life support system.
- o Funding to open Delaware's veterans' cemetery.
- o A recommendation that we increase the Delaware State Police by 20 troopers. New demands require more troopers, especially if we are to continue to push forward with our highway safety program, and this increase in strength will allow us to increase the number of troopers on the road.

o A 3.5 percent increase in state employee salaries on July 1st, 1989, plus 3 percent movement toward midpoint on January 1st, 1990. The average state salary will increase by 5.7 percent as a result.

o Increased funding for scholarships, and for both operating costs and capital improvements at our colleges.

o And fifteen new probation and parole officers in the Department of Correction, our commitment to making Delaware's nationally recognized SENTAC program a success. This will create 350 new slots for alternative sentencing of non-violent offenders.

There is another goal this state should adopt, and that is to invest fully in our infrastructure, and by doing so gain full use of the tremendous investment we have made in it already.

During the next fiscal year, I am recommending a capital improvement program of \$83.6 million. When you add in Transportation Trust Fund appropriations, total capital spending will be \$306.7 million.

This includes \$31.1 million from general funds.

All together, our capital improvement budget will increase by almost \$67 million, or 28 percent. This increase reflects a much greater financial commitment to our highways.

This spending plan will make it possible to complete a number of major projects, including the Public Building in Wilmington, the new Public Health lab, the Trades and Industry Building at DelTech in Georgetown, and the Department of Agriculture expansion.

In addition to the projects we are completing, we are also funding new projects in a variety of areas.

o I am proposing over \$15 million in public education projects in the bond bill. Recent years have seen a concerted effort to repair and renovate school buildings throughout the state. This budget will allow us to keep up as an increased number of students move through our system.

o To meet the needs of Delaware's higher education community, I am recommending capital spending of \$13.2 million for our colleges and university. Although many projects are included, two deserve special mention: We will begin planning for a new chemistry, biochemistry and marine science building at the University of Delaware, and we will finance the \$5.5 million library addition at Delaware State College.

o We will provide new office and classroom space for the Fire Commission in Kent County.

o While the capital improvement needs of every state agency are being met, I want to emphasize the commitment we have made to the Department of Natural Resources and Environmental Control. I am recommending \$7 million for our on-going land acquisition program, and \$1 million for beach preservation and \$1.6 million for Superfund and clean-up of leaking underground storage tanks.

I am also recommending significant percentage increases in capital improvement funding for our human service agencies, including additional recreation space at Ferris School and funding which will allow us to bring the new Medical Examiner's lab nearly to completion.

At the same time, I am recommending a basic change in our approach to the bond bill: As we complete the major, multi-year projects I have mentioned, I believe we should, as much as possible, adopt a policy of single-year funding.

The state's new prison and state police center in New Castle County, for which I am recommending \$3.3 million, is an obvious exception, but generally speaking, a project worth doing should be worth funding all at once.

I believe that, in the next dozen years, we can move toward the day when affordable housing is available for every working Delaware family. I believe, too, that we must ensure that shelter is available to every person in this state.

The images of America's homeless are commonplace: Street people stake out heat vents along the streets of the nation; working Americans are forced to sleep in cars because they cannot afford homes; families with small children must seek refuge in shelters where violence and drugs are a way of life.

Not since the civil rights movement has the image of injustice and broken lives been so at odds with the vision of America, or the resolve to help so strong.

Here in Delaware, we have focused considerable energy and funding on this problem. Since 1986, we more than doubled the Housing Development Fund, to \$19.5 million. In 1988 alone, we were able to assist 450 units of housing statewide with \$8 million in loans and grants. In just two years, we have supported over \$18 million in major construction projects in Bridgeville, Wilmington, and Dover, plus smaller projects in all three counties.

Today I am proposing an increase double the amount of last year's, adding \$6 million to help provide decent housing for the next generation of Delawareans and provide more help to Delaware's homeless.

My concern in this effort is families, because today single parents with children or two parents with children increasingly figure among the homeless. In Delaware in 1988, 45 percent of the nearly 3,000 people who received emergency shelter were children accompanying one or both parents.

Delaware's traditional approach toward the homeless has been one of close cooperation between the state and those agencies which provide shelter and assistance. Religious organizations and private agencies do an extraordinary job of helping the homeless, and I am not recommending that the state set up or operate shelters and other facilities. Instead, we must continue to provide financial support for existing services.

Presently, state and federal funds for shelter and assistance total \$1.4 million, and I am recommending that the Housing Development Fund increase state support for challenge grants for new or expanded shelters and for rent deposits.

Our decision to create the Transportation Trust Fund reflected the need to create a permanent and reliable source of funding for Delaware's future transportation needs.

A strong economy has brought healthy growth to all parts of Delaware, and with it new challenges for our transportation system. Fortunately, the Department of Transportation has responded with energy, and today is meeting our transportation needs with a many faceted system.

- o Improvements to the busy Concord Pike corridor are nearly finished.
- o Commuter rail service has been restored between Wilmington and Philadelphia.
- o An aggressive program of improvements has brought relief to the Newark/Metroform area.

- o Armed with a comprehensive, county-wide study of traffic in Sussex County, we are moving forward in our efforts to bring relief to this part of the state -- including a increased emphasis on public transit.

- o And we are studying the feasibility of an integrated transportation system for Kent County, one that could well include public transit as a viable option. In fact, we are taking a new look at public transit options statewide, emphasizing the need for involvement of the private sector.

- o And the US 13 Relief Route, a project over 25 years in the making, is now a reality. I should note that the planning and public information process surrounding that effort was extraordinary, and today serves as a model for other states.

In other words, Delaware is in the midst of the most ambitious transportation improvement program in state history.

To make this effort succeed, we must reinforce our commitment to Delaware's new Transportation Trust Fund. Two years ago, the General Assembly approved creation of the fund, pledging to our citizens that we will provide safe and convenient transportation statewide.

To continue those projects, we need to infuse additional capital into the Transportation Trust Fund to meet the short-term demands created as we shifted additional financial responsibilities to it. I am recommending that we add \$16 million in revenues to the fund -- half by continuing the transfer of motor vehicle registration fees, half through a two-cent increase in the gasoline tax -- to assure its continued viability and address Delaware's transportation needs in the coming year.

At the same time, we must increase the capacity of the Department of Transportation to plan and supervise this greatly expanded construction program. Since the troubled days of the 1970s, Transportation has borne more than its share of the burden of reducing state spending.

It is to Kermit Justice's credit -- and to the credit of the fine men and women of DelDOT -- that they have found ways to do more with less year after year.

But the time has come to make the department whole, if only because the amount of work DelDOT will undertake in the coming years will be enormous. I am recommending that we increase its number of positions by seventy-five. With this step, which addresses needs that range from routine maintenance to on-site supervision of projects, from right-of-way acquisition to training new engineers, we will provide the department with the capacity to ensure good, safe transportation and intelligent planning.

Finally, we must set new goals for economic development, goals which will help us strengthen our commitment to existing businesses at the same time that we aggressively seek domestic and international corporations to call Delaware home.

Certainly 1989 has gotten off to an encouraging start.

General Foods, one of Delaware's largest and most important employers, has decided to continue its Dover operation. The strong relationship between the company and the state, developed over a period of years, paid off. It was a happy moment for me when the chairman of General Foods called to tell me the decision, and one that our Development Office and the local community can share.

Meanwhile, Chrysler Corporation, long one of New Castle County's most valued employers, announced a second production shift. This boost to the economy is welcome, and it reflects the faith the automaker has in our community and in our workforce.

Let me tell you something. It was glitzy when we flew to Detroit to try to sell GM on Delaware for its Saturn plant -- but don't think for a moment that we forgot about the businesses and industries that already employed Delawareans.

The GM plant we already have is the most important GM plant on my agenda, just as are the international chemical giants already in Wilmington are the overseas businesses I most want to grow with us.

At a time when other states are losing manufacturing facilities, Delaware's manufacturing base is growing -- because business executives know we have a good work force and good training programs, because they have confidence in our economy, and because they know the state is willing to work closely with them.

I have always believed that the best and most important economic development is that which encourages and supports the employers who are already part of the community, and the next year -- the next four years -- will see a rededicated effort to serve those employers effectively at the same time we are expanding our efforts to attract both domestic and foreign corporations to Delaware.

We have developed a reputation for working closely with the private sector. We have a skilled workforce, and our education system is responsive when employers need special training programs.

It isn't glamorous, but it works. It creates good new jobs to the state. And we're going to keep doing it.

Economic development isn't just factories and offices, however. A large percentage of our economy is devoted to agriculture, and I want to focus on the Delaware farm community today.

Two days ago we received a report from the Select Panel on the Future of Delaware Agriculture, chaired jointly by Secretary Chandler and Dr. Crossan. It is a brief, pithy account of agribusiness in the First State, and I urge all of you to study it carefully.

The members of the task force have given us a blueprint for the decisions we must make in years to come, a pragmatic discussion of the business of agriculture. Instead of evoking images of traditional American farms and the values they represent, the task force opted to remind us of the relationship between this vital business and our land and water. There's a tendency to assign agriculture to a category all its own, and to assume that those living the "simple" life on the farm don't face problems as complicated as our own. In fact, the issues are identical, and the report demonstrates that.

My budget includes funding for new marketing efforts and an expanded alternative crop program, as the report recommends. But the real challenge to all of us, from Wilmington to Dagsboro, and from Newark to Rehoboth, is to be mindful of agriculture's concerns as we continue this debate about Delaware's quality of life.

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As I said earlier, I am recommending that we increase state spending by 7.9 percent in fiscal 1990. In fact, that is just about the average growth for the five budgets I have presented to you.

Despite that growth, we have reduced personal income taxes three times, cutting the effective tax rate for a family with an adjusted gross income of \$20,000 by over half. And we have eliminated any tax liability for approximately 40,000 Delawareans.

This tremendous real growth in funding for important programs has been made possible by an economy which has outperformed virtually the entire nation in recent years.

An economy that has kept unemployment in the 3 percent range.

An economy which has produced a dramatic increase in new jobs, with good salaries. Our per capital income grew 41 percent faster than the national rate between 1981 and 1987.

An economy which has helped us reduce our public assistance caseload by more than a third.

And central to the health of that economy has been our decision to reduce the individual tax burden whenever possible. Not only has this conscious tax policy helped control state spending, but it has sent a message to the business community that Delaware is a stable, well-managed state where initiative is encouraged, not taxed.

Today I am recommending another reduction in personal income taxes, one that will save taxpayers \$16.6 million in the coming fiscal year, and \$38.8 million in a full year.

In proposing this cut, I want to make a few comments about tax policy, because it may be the one area of government where there is still a resistance to making informed and intelligent decisions, where emotion and stagnant political philosophy often outweigh clear thinking.

In part, the blame lies with a handful of spendthrifts and naysayers who ignore the fact that five personal income tax reductions in less than a decade have helped make Delaware one of the most successful and prosperous states in the nation, people who believe that the natural place for the state's hand in the taxpayer's pocket.

In fact, a dynamic and well-considered tax policy has made Delaware the state of choice for many employers, and the result has been tremendous job growth, tremendous income growth -- and a dramatic increase in revenues to the state.

By spending less in the short term, we have been able to spend more in the long term, and today I can tell you that there is virtually no aspect of government where we have not seen greatly improved ability to provide services -- from housing to education, from services to transportation and welfare reform.

By reducing a heavy and unfair burden on individual taxpayers, we have given impetus to an already growing economy, and helped ensure its continued health.

The tax cut proposal I am offering may well grow as our revenue estimate is refined later in the year, but for now I am suggesting reductions across the board, so that all income groups benefit. There are several important features to the proposal:

- o Personal income taxes would be cut by an average of 8.1 percent.
- o Zero bracket would be increased from \$2,000 to \$3,000 and the number of brackets would be reduced from seven to five.
- o Twenty thousand taxpayers would no longer be liable for taxes.
- o The top marginal rate would drop to 6.9 percent.

This proposal is well thought-out and fair, and it sends a signal to those who are considering Delaware for new or expanded business opportunities that we are still committed to an equitable tax policy.

The decision to support and enact this tax cut proposal is a decision for economic growth, for opportunities and prosperity for our citizens, and for a strong and effective state in years to come. I hope I will have your support on this important decision.

* * * * *

I said at the beginning that today I wanted to suggest some new goals for Delaware. As it happens, we are stopping to measure Delaware's progress and set our sights on new goals at a time when the great evolution of American government is unusually full of promise.

Today the states are re-emerging as a voice in the national debate about America's future.

The revival of a true federal system, begun by President Reagan, promises to continue and flourish under the leadership of President Bush, who has already taken extraordinary steps to reassure the states and their governors -- Republican and Democrat alike -- that they will be encouraged to lead and that they will be listened to in the years to come.

For Delaware's part, we begin this year with reason to be proud of how far we have come, and with a clear sense of how far we must go.

Conservationists by nature, cautious in spending, committed to our neighborhoods and communities, convinced that bipartisanship is the moving force of our state, we embark on the next four years with clear ideas of what must be accomplished if every Delawarean is to enjoy the prosperity so many enjoy now.

A healthy and growing economy has created new opportunities for our citizens, and for us opportunities to reach into communities to do good -- to do the right thing for Delaware and Delawareans.

Thank you.

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The Speaker thanked the Governor for the address and requested the escort committee to reassemble and escort the Governor back to his Executive Office.

Mr. Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective journals to see if they agree. No objection.

Joanne Hedrick, Chief Clerk of the House, announced that the Journals were in agreement.

At 2:57 p.m. on motion of Representative Petrilli, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

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The Senate reconvened at 3:45 p.m., Senator Cordrey presiding.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following legislation was introduced:

SB 56 -- AN ACT TO AMEND CHAPTER 59, TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN FINES. Sponsor: Senator Hauge. Assigned to Judiciary Committee.

SB 57 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO OCCUPATIONS AND PROFESSIONS; AND PROVIDING FOR THE REGULATION OF PERSONS PRACTICING DIETETICS. (3/5 vote) Sponsors: Senators Minner, Bane; Representatives Soles, Maroney, Spence, Outten. Assigned to Sunset Committee.

SB 58 - AN ACT TO AMEND TITLE 11 AND TITLE 16 TO PROVIDE FOR TRUTH IN SENTENCING. Sponsors: Senator Vaughn, Representative Davis. Assigned to Judiciary Committee.

SB 59 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF INNOVATIVE HOUSING OPTION PROGRAMS WITHIN THE ELDERLY HOUSING COUNSELING PROGRAM, DIVISION OF AGING, DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senators Bair, Holloway; Representatives DiPinto, Sills. Assigned to Health-Social Services/Aging Committee.

SB 60 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, DELAWARE CODE, BY ADDING THERETO THE PUNISHMENT OF WHIPPING FOR CERTAIN OFFENSES. Sponsors: Senators Sharp, Vaughn, Adams, Minner, Cook; Representative Ewing. Assigned to Judiciary Committee.

SB 52 was stricken at the request of the sponsor, Senator Bair.

SB 61 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsor: Senator Adams. Assigned to Agriculture Committee.

LEGISLATIVE ADVISORY #1 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed HJR 1 and SJR 1 on January 19, 1989.

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Copies of the Advisory were made available to each Senator.

Senator Connor marked PRESENT.

HB 60 was taken up for consideration on motion of Senator Sharp:

HB 60 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 3, TITLE 10, DELAWARE CODE, RELATING TO THE COURT OF CHANCERY.

Senator McDowell marked PRESENT.

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

Senator Martin marked PRESENT during the above roll call.

Senator Knox introduced to the Senate Peg Anstine (former Senate attache) who was present in the Chamber.

At 4:55 p.m., Senator Sharp presiding.

SR 19 was introduced and considered for adoption on motion of Senator Holloway:

SR 19 - ESTABLISHING A TASK FORCE ON ELDERLY DRIVERS TO STUDY THE FEASIBILITY OF REQUIRING PERSONS AGE 70 AND OLDER TO ANNUALLY VERIFY THEIR PHYSICAL FITNESS TO OPERATE A MOTOR VEHICLE. Sponsors: Senators Holloway, Marshall, Martin, Vaughn, Venables, Bair, Connor, Hauge, J. Still, R. Still.

At 4:57 p.m., Lt. Governor Wolf presiding.

Senator McBride marked PRESENT.

There was lengthy discussion on SR 19 among the Senators.

Senator Neal was added as co-sponsor to SR 19 after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Adams, McBride) NO; therefore, the Resolution was declared adopted.

SB 40 was taken up for consideration on motion of Senator Cordrey:

SB 40 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS.

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

The roll call vote on SB 40 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 20 was taken up for consideration on motion of Senator McBride:

SB 20 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES; AND PERMITTING NURSES TO MAKE PRONOUNCEMENTS OF DEATH UNDER CERTAIN CIRCUMSTANCES.

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

The following communication was read and made part of this Journal at the request of Senator McBride:

STATE OF DELAWARE
BOARD OF MEDICAL PRACTICE
Margaret O'Neill Building
DOVER, DELAWARE 19903
January 11, 1989

Honorable David B. McBride
21 Andover Court
New Castle, DE 19702

Dear Senator McBride:

We deeply appreciate your consideration in sending us a copy of legislation you have initiated and written with regard to permitting nurses to make a pronouncement of death in Hospice patients. The Board wholeheartedly supports your legislation. Congratulations on an outstanding effort. We would be delighted to help you in any way we can to lend our support to this legislation.

Sincerely,
Jeffrey I. Komins, M.D., President
Board of Medical Practice

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The roll call vote on SB 20 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SR 18 was introduced and considered for adoption on motion of Senator Minner:

SR 18 - IN REFERENCE TO PERMANENT RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators Minner and Cordrey.

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

Senator Knox introduced to the Senate Dr. Diane Dixon.

At 4:20 p.m., on motion of Senator Cordrey the Senate recessed for Party Caucus and reconvened at 5:15 p.m., Lt. Governor Wolf presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Norman A. Barron was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas I. Barrows, Esq., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SB 63 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

SB 63 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE COLLECTION OF UNEMPLOYMENT BENEFITS OVERPAYMENTS. Sponsors: Senators McDowell, Minner, Sharp, Cordrey, Marshall, Cook; Representatives George, Spence, D. Ennis, West, Campanelli.

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

SB 48 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 48 - AN ACT TO AMEND VOLUME 65, CHAPTER 385, LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1987 CAPITAL BUDGET AS AMENDED AND TO AMEND VOLUME 66, CHAPTER 360 LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1989 CAPITAL BUDGET. (3/4 vote)

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

On motion of Senator McDowell and without objection, the roll call vote on SB 51 was rescinded, the Bill restored to the Calendar and stricken.

On motion of Senator Adams, the Governor's nomination for appointment of Karen N. Bundeck was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Minner) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John J. Casey, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The Chair recognized and introduced Mr. Casey to the Senate.

On motion of Senator Adams, the Governor's nomination for appointment of Frederick W. Dewey, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Minner) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William J. DiMondi, Esq., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Reglan C. Duddiez was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Keith H. Ellis was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The Chair recognized and introduced Mr. Ellis to the Senate.

On motion of Senator Adams, the Governor's nomination for appointment of Arthur Vincent Episcopo was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Mathias J. Fallis was taken up for consideration under suspension of the necessary rules (no objection); however, the nomination was laid on the table before final action was taken on motion of Senator Adams.

On motion of Senator Adams, the Governor's nomination for appointment of John A. J. Forest, Jr., M.D., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of James C. Koehring was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cook, Minner, J. Still) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joyce E. Nolan was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William F. Richardson was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The Chair recognized and introduced Mr. Richardson to the Senate.

On motion of Senator Adams, the Governor's nomination for appointment of Jan Ewing Robinson was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Paul J. Smith was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jerome O. Herlihy was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES and 2 (McDowell, Sharp) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Mathias J. Fallis was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SJR 3 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection);

SJR 3 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO VEHEMENTLY OPPOSE ANY EFFORT TO INCREASE FEDERAL MOTOR FUEL TAXES FOR THE PURPOSE OF DEFICIT REDUCTION.

After some discussion of the Resolution among the Senators, the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Neal, J. Still) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HJR 3 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HJR 3 - OPPOSING THE RECENT PROPOSAL BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM TO INTRUDE UPON THE HISTORIC AUTHORITY OF STATE LEGISLATURES AND BANK REGULATORY AUTHORITIES TO MONITOR AND REGULATE THE ACTIVITIES OF STATE BANKS. Sponsors: Representatives D. Ennis, Lee, DiPinto, Taylor, Boykin, Sills, VanSant, Jonkiet.

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

HJR 2 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HJR 2 - COMMENDING THE CORPORATE MANAGEMENT OF GENERAL FOODS FOR THE LANDMARK DECISION OF KEEPING THEIR FACILITY IN DOVER, DELAWARE OPERATIONAL AND PRODUCTIVE, THE RESULTS OF WHICH HAS HAD A TREMENDOUS AND INCREDIBLE RELIEF FOR THOUSANDS, INCLUDING THE EMPLOYEES AND THE LOCAL AND STATE ECONOMIES, NOT TO MENTION THE DEVASTATING TANGENTIAL EFFECTS SUCH CLOSURE OF THE DOVER FACILITY WOULD HAVE ADVERSELY PRODUCED AND IMPACTED. Sponsors: Representatives Bennett, Clark, Outten, B. Ennis, Quillen, Caulk, Buckworth; Senators Vaughn, Cook, Torbert, J. Still, Minner.

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

SR 15 was introduced and considered for adoption on motion of Senator Sharp:

SR 15 - URGING THE DIRECTOR OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF PUBLIC SAFETY TO STUDY THE FEASIBILITY OF PROVIDING ADDITIONAL EVENING OR SATURDAY HOURS AT THE NEW CASTLE COUNTY MOTOR VEHICLE INSPECTION LANES FOR THE CONVENIENCE OF THE MOTORING PUBLIC. Sponsor: Senator Sharp.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Holloway) NOT VOTING; therefore, the Resolution was declared adopted.

SENATE CONSENT CALENDAR #5 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 19 - HONORING RETIRED SENATOR ROBERT BERNDT UPON RECEIVING THE MENTAL HEALTH ASSOCIATION OF DELAWARE'S DISTINGUISHED SERVICE AWARD. Sponsors: Representative Petrilli, Senator Bair; Representatives Spence, Buckworth, George, Gilligan, Soles, Bennett; Senators Cordrey, Sharp, Marshall, Connor. All the remaining Senators were added as co-sponsors with permission of the prime sponsor.

HCR 20 - IN RECOGNITION OF DELAWARE DAY AT VERO BEACH, FLORIDA ON MONDAY, FEBRUARY 20, 1989 STARTING AT 12 O'CLOCK SHARP, ENCOURAGING DELAWAREANS TO "COME ON DOWN" AND ENJOY A DAY FULL OF FUN AND MERRIMENT AT THE RIO MAR COUNTRY CLUB ON ROUTE A1A, VERO BEACH, FLORIDA. Sponsors: Representatives Bennett, Corrozi; Senators Adams, Cordrey, Cook.

HCR 21 - COMMENDING JUDGE JOSEPH A. KNUSSMAN OF CLAYTON, DELAWARE ON HIS RECENT RETIREMENT FROM THE JUSTICE OF THE PEACE COURT SYSTEM AFTER ALMOST 23 YEARS OF DEDICATED SERVICE AS A MAGISTRATE AND FURTHER WISHING JUDGE KNUSSMAN AND HIS FAMILY A HEALTHY AND HAPPY RETIREMENT. Sponsors: Representative B. Ennis, Senator Vaughn.

HCR 22 - PROCLAIMING MAY 1989 AS "MOTORCYCLE SAFETY AND AWARENESS MONTH". Sponsors: Representative B. Ennis, Senator Torbert.

HCR 24 - CONGRATULATING STANTON MIDDLE SCHOOL TEACHER ELMA PAGE UPON BEING NAMED STATE AND REGIONAL CONSERVATION TEACHER OF THE YEAR BY THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS. Sponsors: Representatives Roy, Petrilli, Corrozi, DiPinto, Taylor, Boykin, Gilligan, George; Senators Sharp, McBride, Knox, R. Still, Bane.

HCR 25 - CONGRATULATING A. I. DUPONT HIGH SCHOOL STUDENT SELENE KO UPON HER APPOINTMENT AS A DELAWARE DELEGATE TO THE 1989 UNITED STATES SENATE YOUTH PROGRAM IN WASHINGTON, D. C. Sponsors: Representatives Roy, Petrilli, Corrozi, DiPinto, Taylor, Boykin, VanSant, Gilligan, George; Senators Knox, R. Still, Bane, Sharp, McBride.

HCR 26 - CONGRATULATING RED CLAY MATH COORDINATOR ANTHONY ORGA UPON HIS ELECTION AS PRESIDENT OF THE DELAWARE COUNCIL OF TEACHER OF MATHEMATICS. Sponsors: Representatives Roy, Petrilli, Corrozi, DiPinto, Taylor, Boykin, Gilligan, George; Senators Sharp, McBride, Knox, R. Still, Bane.

HCR 27 - COMMENDING RED CLAY CONSOLIDATED SCHOOL DISTRICT SUPERINTENDENT JOSEPH E. JOHNSON ON BEING NAMED SUPERINTENDENT OF THE YEAR BY THE DELAWARE CHIEF SCHOOL OFFICERS ASSOCIATION. Sponsors: Representatives Roy, Petrilli, Corrozi, DiPinto, Taylor, VanSant, Gilligan, Boykin, George; Senators Sharp, McBride, Knox, R. Still, Bane.

SR 20 - COMMENDING FORMER SENATOR ROBERT J. BERNDT OF WILMINGTON, DELAWARE, RECENT RECIPIENT OF THE DISTINGUISHED SERVICE AWARD FROM THE MENTAL HEALTH ASSOCIATION OF DELAWARE AT ITS ANNUAL DINNER, TUESDAY, JANUARY 24, 1989 AT THE SHERATON HOTEL IN DOVER, DELAWARE. Sponsor: Senator Holloway.

SR 17 - URGING GOVERNOR MICHAEL N. CASTLE TO CREATE A SPECIAL PANEL CHARGED WITH THE RESPONSIBILITY OF DETERMINING THE APPROPRIATE ROLE OF ACUPUNCTURE AS A MEDICAL TREATMENT. Sponsors: Senators Torbert, McDowell, Marshall, Neal, Bane.

SR 21 - COMMENDING THE CENTER FOR STUDY OF YOUTH POLICY AT FLORIDA ATLANTIC UNIVERSITY, THE UNIVERSITY OF MICHIGAN, THE NATIONAL CONFERENCE OF STATE LEGISLATURES, AND THE ANNIE E. CASY FOUNDATION FOR SPONSORING A MEANINGFUL, INFORMATIVE, AND ENLIGHTENING THREE-DAY JUVENILE JUSTICE CONFERENCE IN FORT LAUDERDALE, FLA., IN DECEMBER, 1988. Sponsor: Senator Holloway.

HCR 29 - COMMENDING VOLUNTEER FIREFIGHTER FRED T. SHEWBROOKS ON HIS RECENT SELECTION AS THE FIVE POINTS FIRE COMPANY 1988 MEMBER OF THE YEAR. Sponsors: Representatives Campanelli, VanSant; Senator McBride.

The roll call vote on SENATE CONSENT CALENDAR #5 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

The following communications from the President pro Tempore were read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 26, 1989

TO: All members of the Senate of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Senate Committee Appointment

As per the power invested in me with the passage of Senate Resolution No. 18, Permanent Rules of the Delaware State Senate, I hereby name the following to serve on the Senate Committee to Combat Drug Abuse: Senator Thomas B. Sharp, Chairman; Senator Richard S. Cordrey, Senator James T. Vaughn, Senator Robert T. Connor, Senator James P. Neal.

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 26, 1989

TO: All members of the Senate of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointment to Senate Advisory Council

As per the power invested in me with the passage of the Senate Resolution No. 18, I hereby establish a Senate Advisory Council To The Senate Committee To Combat Drug Abuse, I hereby name the following to serve on this committee: Colonel Clifford Graviet, Delaware State Police; Harry Maichle, Chief of Police, Rehoboth Beach; Guy Sapp, Chief of Police, Wilmington.

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 26, 1989

TO: All members of the Senate of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Interstate Committee

As per the power invested in me as President Pro Tempore of the Delaware State Senate, 135th General Assembly, I hereby appoint the following members of the Senate to serve on the Interstate Committee: Senator Thurman Adams, Jr., Senator Herman M. Holloway, Senator Robert T. Connor

At 6:35 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

The Senate reconvened at 2:58 p.m., March 14, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 29; HJR 3; SCR 15; SCR 16; SCR 17; SCR 18; SCR 19; SCR 20; HJR 2; SCR 9 and passed HB 20 w HA 1; HB 84; SB 63; HB 63; SB 32.

At 2:59 p.m., Lt. Governor Wolf presiding.

LEGISLATIVE ADVISORIES #2 and 3 received from the Office of the Counsel to the Governor were read:

ADVISORY #2: On January 31, 1989, the Governor signed HB 60 (Volume 67, Chapter 1, Laws of Delaware).

ADVISORY #3: On February 8, 1989, the Governor signed SB 32 (Volume 67, Chapter 2, Laws of Delaware); SB 63 (Volume 67, Chapter 3, Laws of Delaware); HJR 2 and HJR 3.

Copies of the Advisories were made available to each Senator.

The following communications were read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

March 14, 1989

TO: All Members of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Assistant Secretary of the Senate

For the purposes of the Senate Journal, 1989, please let it be recorded, as of February 1, 1989, that Donna Kay Sandstrom is serving in the position of Assistant Secretary of the Senate.

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SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE, 19901

February 10, 1989

TO: All Members of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Senate Resolution No. 19

As per the power invested in me with the passage of Senate Resolution No. 19, of the 135th General Assembly, I hereby appoint the following to serve as members of the Task Force on Elderly Drivers to Study the Feasibility of Requiring Persons Age 70 and Older to Annually Verify Their Physical Fitness to Operate a Motor Vehicle: Senator Herman M. Holloway, Chairman, Senator Myrna L. Bair

* * * * *

SB 55 was introduced and assigned to Finance Committee:

SB 55 - AN ACT TO AMEND CHAPTERS 3, 11, 19, 20, 21, 23, 25, 43, AND 54 OF TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES. Sponsors: Senator Marshall and Representative Lee.

At 3:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

March 14, 1989

The Senate convened at 3:03 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

Senator Holloway introduced Dr. Hershey to the Senate.

The following legislation was introduced:

SB 62 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE REPORTING OF GROSS PREMIUMS BY COMMERCIAL LIFE AND HEALTH INSURERS AND PROVIDERS TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE CORPORATIONS; AND FURTHER PROVIDING FOR A SPECIAL FUND DEDICATED TO PARAMEDIC SERVICES. (3/5 vote). Sponsors: Senator Torbert, Representatives B. Ennis, Clark, Caulk, Houghton, Jester, VanSant, Oberle; Senator Vaughn. Assigned to Insurance and Elections Committee.

SB 64 - AN ACT TO AMEND CHAPTER 41, TITLE 9, OF THE DELAWARE CODE RELATING TO KENT COUNTY. Sponsors: Senator J. Still; Representatives Bennett, Outten, Quillen, Spence. Assigned to Community Affairs Committee.

SB 65 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX. Sponsor: Senator Vaughn. Assigned to Finance Committee.

SB 66 - AN ACT TO AMEND CHAPTER 27, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO COMPULSORY ATTENDANCE REQUIREMENTS. Sponsors: Senator McBride, Representative Fallon. Assigned to Education Committee.

SB 67 - AN ACT TO AMEND PART II, TITLE 16, AND CHAPTER 7, PART I, TITLE 19, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; PROVIDING FOR THE ACCOMMODATION OF SMOKERS AND NON-SMOKERS IN PUBLIC BUILDINGS OWNED OR LEASED BY THE STATE OF DELAWARE; AND PROHIBITING DISCRIMINATION IN HIRING AND EMPLOYMENT OF STATE EMPLOYEES BASED ON SMOKING STATUS. (2/3 vote). Sponsors: Senator Holloway, Representatives Roy, Gilligan; Senators Bair, Bane, Knox, Marshall, Neal, R. Still; Representatives Spence, Amick, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Lee, Mack, Maroney, Smith, Taylor, Bunting, George, Jester, Soles, West. Laid on the table on motion of Senator Holloway.

A Co-sponsorship Withdrawal Form signed by Representative Fallon was attached to SB 67.

SB 68 - AN ACT TO PROVIDE THAT A BINDING REFERENDUM BE HELD IN CONJUNCTION WITH THE NOVEMBER, 1990, GENERAL ELECTION ON THE QUESTION OF MANDATORY MOTOR VEHICLE SEAT BELT USE IN THE POLITICAL SUBDIVISIONS OF THE STATE OF DELAWARE. Sponsor: Senator Torbert. Assigned to Public Safety Committee.

SB 69 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO LEGISLATIVE BILLS, LAWS AND JOURNALS. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 70 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT GOODWILL INDUSTRIES OF DELAWARE, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES. Sponsors: Senator Marshall; Representatives Jonkiert, DiPinto, Oberle. Assigned to Revenue and Taxation Committee.

SB 71 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY FOR PAROLE. Sponsors: Senator Vaughn. Representative Davis. Assigned to Judiciary Committee.

SB 72 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL PARKING IN CERTAIN AREAS WHERE PARKING IS PROHIBITED OR RESTRICTED. Sponsor: Senator McBride. Assigned to Public Safety Committee.

SA 1 to SB 42. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 67. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 64. Sponsor: Senator J. Still. Placed with the Bill.

SA 1 to SB 60. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 37. Sponsor: Senator Vaughn. Placed with the Bill.

HB 63 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER REGISTRATION AND REPORTING REQUIREMENTS. Sponsors: Representative B. Ennis, Senator Torbert. Assigned to Revenue and Taxation Committee.

At 3:17 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:36 p.m., Lt. Governor Wolf presiding.

SB 7 which was the first item on the Agenda for the day was deferred on motion of Senator Cordrey.

SB 67 was lifted from the table for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

SB 67 - AN ACT TO AMEND PART II, TITLE 16, AND CHAPTER 7, PART I, TITLE 19, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; PROVIDING FOR THE ACCOMMODATION OF SMOKERS AND NON-SMOKERS IN PUBLIC BUILDINGS OWNED OR LEASED BY THE STATE OF DELAWARE; AND PROHIBITING DISCRIMINATION IN HIRING AND EMPLOYMENT OF STATE EMPLOYEES BASED ON SMOKING STATUS. (2/3 vote).

A messenger from the Governor was announced and admitted.

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

Senator McDowell marked PRESENT during the roll call.

The privilege of the floor was extended to Jack K. Russell (Legislative Assistant to the Majority Party).

At 4:55 p.m. Senator Cordrey presiding.

The following Senators spoke on the Bill: Senators Bair, R. Still, J. Still, Hauge, Holloway after which SB 67 w SA 1 was laid on the table on motion of Senator Holloway.

SENATE CONSENT CALENDAR #6 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 30 - EXTENDING CONGRATULATIONS AND WARMEST WISHES TO RENOWNED DELAWARE HISTORIAN DR. JOHN ANDREW MUNROE ON THE OCCASION OF HIS 75TH BIRTHDAY. Sponsors: Representative Soles, Senator Neal.

SCR 21 - MOURNING THE UNTIMELY DEATH OF T. MARVEL EVERETT, OF KENTON, DELAWARE, CHIEF OF THE DIVISION OF MOTOR VEHICLE SERVICES, AND THE SON OF THE LATE BELLE EVERETT, FORMER STATE TREASURER. Sponsors: Senator Cook, Representative Clark; Senators Vaughn, Torbert, Minner, Adams, J. Still; Representatives B. Ennis, Outten, Bennett, Quillen, Caulk, Buckworth.

SCR 22 - CONGRATULATING ALFRED ESCHOU AND SIMON SCHOCK, PRESIDENT AND VICE-PRESIDENT OF THE DELAWARE SAENGERBUND WHO WERE RECENTLY AWARDED WEST GERMANY'S HIGHEST CIVILIAN DECORATION, THE CROSS OF THE ORDER OF MERIT OF THE FEDERAL REPUBLIC OF GERMANY. Sponsors: Senators Bair, Martin, Neal; Representatives Amick, Davis, Soles.

SCR 23 - MOURNING THE PASSING ON FEBRUARY 23, 1989, OF FORMER STATE REPRESENTATIVE CHARLES R. PRYOR OF CLAYTON. Sponsors: Senator Vaughn, Representative B. Ennis.

SCR 24 - EXTENDING CONGRATULATIONS TO ONE OF OURS, SENATOR JAMES PRESTON NEAL, IV, OF NEWARK, DELAWARE, RECIPIENT OF THE DISTINGUISHED AWARD OF "DELAWARE'S 1989 ENGINEER OF THE YEAR". Sponsors: Senators Bair, Connor, Cordrey, Sharp, Marshall, all Senators; Representatives Spence, Petrilli, Buckworth, George, Gilligan, all Representatives.

SCR 25 - EXPRESSING SYMPATHY TO THE FAMILY OF MARJORIE P. VOSHELL OF DOVER, WHO DIED OF CANCER, SATURDAY, JANUARY 28, 1989 AT THE AGE OF 47. Sponsor: Senator Cook.

SR 22 - WISHING THE MEMBERS, PARENTS AND TEACHERS OF THE MT. PLEASANT HIGH SCHOOL KNIGHTS BAND AND CHOIR "BON VOYAGE" AS THEY TRAVEL TO KALMAR, SWEDEN AND COMMENDING ALL INVOLVED ON UNDERTAKING THIS CULTURAL EXCHANGE. Sponsor: Senator Hauge.

SR 23 - COMMENDING CENTRAL MIDDLE SCHOOL TEACHER JAMES E. LONG, FOR SAVING SEVENTH GRADE STUDENT, WILLIAM A. DECKER, FROM CHOKING ON FRIDAY, FEBRUARY 10, 1989. Sponsor: Senator J. Still.

Senator Minner congratulated Senator Neal for having received the award mention in SCR 24.

The roll call vote on SENATE CONSENT CALENDAR #6 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The House Concurrent Resolution was returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

On motion of Senator Marshall and without objection, SB 55 and SB 65 which had been assigned to Finance Committee, were reassigned to Revenue and Taxation Committee.

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

STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William B. Chandler, III, 205 High School Avenue, Georgetown, DE 19946, to be appointed Vice Chancellor of the Court of Chancery of the State of Delaware to serve a twelve year term to fill a new position on the Court.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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The Secretary announced that a message from the House informed the Senate that it had Adopted HCR 30.

At 5:16 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., January 15, 1989.

The Senate reconvened at 3:50 p.m., March 15, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 66 w HA 1; HB 62.

The following legislation was introduced:

HB 20 w HA 1 - AN ACT TO AMEND CHAPTER 25, TITLE 18 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION INSURANCE. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Insurance and Elections Committee.

HB 84 - AN ACT TO AMEND CHAPTER 13, TITLE 30 AND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE INHERITANCE TAX. Sponsors: Representative Lee, Senator Marshall; Representatives Boykin, DiPinto, D. Ennis, Jonklert, Sills, VanSant. (3/5 vote). Assigned to Judiciary Committee.

HB 62 - AN ACT TO AMEND §4166, TITLE 21, DELAWARE CODE, RELATING TO SCHOOL BUS STOP SIGNAL DEVICES. Sponsor: Representative George. Assigned to Public Safety Committee.

A messenger from the Governor was announced and admitted.
HB 66 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY OF DEPENDENTS FOR SURVIVORS PENSION BENEFITS. Sponsors: Representative Ewing, Senator Adams. Assigned to Judiciary Committee.
The following letters of nomination for appointment from the Governor were read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur W. Boswell, 4302 Marlowe Road, Wilmington, DE 19802, to be reappointed as a member the State Board of Education to serve a six year expiring July 1, 1994.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Howard E. Cosgrove, 8 Fox Lane, Newark, DE 19711, to be appointed as a member of the State Board of Education to serve a six year term to succeed Elise Grossman, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Eleanor D. Craig, 808 Greenwood Road, Wilmington, DE 19807, to be appointed as a member the Board of Trustees of the University of Delaware to serve a six year term to succeed Robert L. Pigford, deceased.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Paul R. Fine, One Wheelock Lane, Wilmington, DE 19807, to be appointed as President of the State Board of Education to serve a term during the pleasure of the Governor to succeed Charles E. Welch, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Dorothy H. Smith, 5982 Summit Bridge Road, Townsend, DE 19734, to be appointed as a member of the State Board of Education to serve a term expiring June 26, 1992, to succeed Donald E. Cielewich, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 14, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Patrick W. Murray, 76301 Welsh Tract Road, Newark, DE 19713, to be appointed Secretary of the Department of Public Safety of the State of Delaware to serve a term during the pleasure of the Governor to succeed Edward J. Steiner.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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At 3:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY
March 15, 1989

The Senate convened at 3:57 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following Committee reports were announced:

From the Executive Committee: William B. Chandler, III: 5 Favorable.

From the Judiciary Committee: SB 71 - 5 Merits; SB 58 - 1 Favorable, 4 Merits.

From the Public Safety Committee: SB 46 - 3 Favorable, 1 Merits; SB 72 - 4 Merits; SB 68 - 4 Merits.

The following legislation was introduced:

SB 73 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO PARTICULAR REIMBURSEMENTS ON LOCAL SCHOOL TAXES PAID BY PERSONS 65 YEARS OF AGE OR OLDER. Sponsors: Senators McDowell, Martin. Assigned to Education Committee.

SB 74 - AN ACT TO AMEND CHAPTER 29, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLE LIABILITY POLICY. Sponsor: Senator Venables. Assigned to Public Safety Committee.

SB 75 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING & CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD", TO CONFER UPON THE CITY COUNCIL OF THE CITY OF SEAFORD CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF SEAFORD. (2/3 vote) Sponsor: Senator Venables. Assigned to Community Affairs Committee.

SB 76 - AN ACT TO AMEND SECTIONS 8312 AND 8342 OF TITLE 9 OF THE DELAWARE CODE, AS THEY RELATE TO NEW CASTLE COUNTY, CONCERNING THE ADVERTISING OF NOTICE THAT ANNUAL AND SUPPLEMENTAL ASSESSMENTS ARE COMPLETED AND AVAILABLE FOR PUBLIC INSPECTION. Sponsors: Senator Sharp, Representative DiPinto, Senator Hauge. Laid on the table on motion of Senator Sharp.

Senators R. Still and Holloway marked PRESENT.

SB 42 which was on the Agenda for the day was deferred for consideration on motion of Senator Torbert.

SB 67 w SA 1 which was on the Agenda for the day was deferred for consideration on motion of Senator Holloway.

SB 34 was taken up for consideration on motion of Senator Vaughn:

SB 34 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE.

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

At 4:14 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:56 p.m., Lt. Governor Wolf presiding.

SB 76 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Sharp without objection:

SB 76 - AN ACT TO AMEND SECTIONS 8312 AND 8342 OF TITLE 9 OF THE DELAWARE CODE, AS THEY RELATE TO NEW CASTLE COUNTY, CONCERNING THE ADVERTISING OF NOTICE THAT ANNUAL AND SUPPLEMENTAL ASSESSMENTS ARE COMPLETED AND AVAILABLE FOR PUBLIC INSPECTION.

Senators Martin and Sharp commented on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway congratulated Senator McDowell on his birthday.

SENATE CONSENT CALENDAR #7 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SCR 26 - MOURNING THE DEATH OF THE REVEREND JAMES H. WILLIAMS, LONGTIME CLERGYMAN AND ACTIVE CITIZEN OF DOVER. Sponsors: Senator J. Still; Representatives Bennett, Outten.

SCR 27 - COMMEMORATING THE LIFE AND MOURNING THE DEATH OF J. H. TYLER MCCONNELL, PROMINENT BUSINESSMAN, DEMOCRAT, SPORTSMAN, AND CIVIC ACTIVIST. Sponsors: Senator McDowell and all Senators; Representative George.

SCR 29 - MOURNING THE PASSING ON MARCH 6, 1989 OF FORMER STATE SENATOR THOMAS E. HICKMAN, JR., OF BALTIMORE HUNDRED AND EXPRESSING CONDOLENCES TO HIS FAMILY. Sponsors: Senator Cordrey; Representative Bunting; Senators Adams, Bair, Bane, Cook, Connor, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables.

SCR 30 - RESPECTFULLY URGING PRESIDENT GEORGE BUSH TO DECLARE DRUNKEN DRIVING A NATIONAL CRISIS AND REQUESTING THAT THE PRESIDENT USE ALL OF THE POWERS OF HIS OFFICE TO COMBAT THIS DEADLY MENACE. Sponsors: Senator McBride, Representative Spence; Senators Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Minner, Neal, J. Still, R. Still, Torbert, Venables; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Houghton, Jester, Jonkier, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, VanSant, West.

SCR 24 - RESPECTFULLY INVITING PRESIDENT GEORGE HERBERT WALKER BUSH TO ADDRESS THE STATE SENATE ON THE OCCASION OF HIS VISIT TO DELAWARE ON OR ABOUT MARCH 22. Sponsors: Senator Sharp and all Senators.

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The roll call vote on the Consent Calendar was taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, Knox) ABSENT; therefore the Resolutions were declared adopted and the Concurrent Resolutions sent to the House for consideration.

SCR 28 (sponsors: Senator McDowell, Representative Sills, Senator McBride, Representative Reynolds) was introduced and considered for adoption on motion of Senator McDowell:

SCR 28 - URGENTLY REQUESTING GOVERNOR CASTLE AND CORRECTIONS COMMISSIONER WATSON TO RECONSIDER THE SELECTION OF THE BUDD METAL PLANT SITE NEAR SOUTHBRIDGE AS THE LOCATION FOR A NEW PRISON AND EXAMINE THE ALTERNATIVE OF EXPANDING OPERATIONS AT EXISTING PRISON SITES AS A SOLUTION TO PROBLEMS OF OVERCROWDING.

Various Senators commented on the Resolution, after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator McDowell (no objection).

At 5:23 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., March 16, 1989.

The Senate reconvened at 4:02 p.m., March 16, 1989, Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 31; HCR 32; HCR 33; HCR 34; HCR 35; SCR 21; SCR 22; SCR 23; SCR 24; SCR 25.

The following Committee reports were announced:

From the Labor and Industrial Relations Committee: SB 43 - 1 Favorable, 3 Merits, 1 Unfavorable; SB 41 - 1 Favorable, 3 Merits, 1 Unfavorable; SB 39 - 1 Favorable, 2 Merits, 1 Unfavorable.

From the Revenue and Taxation Committee: SB 55 - 4 Merits; SB 70 - 1 Favorable, 3 Merits.

From the Community Affairs Committee: SB 50 - 4 Merits; SB 44 - 4 Merits.

The following legislation was introduced:

SA 2 to SB 71. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 71. Sponsor: Senator Vaughn. Placed with the Bill.

SA 2 to SB 67. Sponsor: Senator Holloway. Placed with the Bill.

At 4:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY

March 16, 1989

The Senate convened at 4:08 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 67 w SA 1 was removed from the Agenda for the day on motion of Senator Holloway.

On motion of Senator Adams, the Governor's nomination for appointment of William B. Chandler, III, was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Neal was marked PRESENT during the above roll call.

The privilege of the floor was extended to Judge Chandler at the request of Senator Adams. Senator Adams also introduced the family of Judge Chandler to the Senate.

At 4:17 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:00 p.m., Lt. Governor Wolf presiding.

SB 31 was taken up for consideration on motion of Senator Sharp:

SB 31 - AN ACT TO AMEND SUBCHAPTER VI-A, CHAPTER 19, TITLE 10, DELAWARE CODE RELATING TO JUDICIAL RECORDS AND INDICES.

SA 1 to the Bill (sponsors: Senators Bane and Sharp) was introduced and taken up for consideration.

After discussion on the Bill and the Amendment by various Senators, the Bill and the Amendment were laid on the table on motion of Senator Sharp.

The following nominations for appointment by the Governor were reported out of the Executive Committee: Patrick W. Murray - 5 Favorable, 1 Merits; Howard E. Cosgrove - 6 Favorable; Paul R. Fine - 6 Favorable; Dorothy H. Smith - 4 Favorable, 2 Merits.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

March 16, 1989

TO: All members of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Committee Members -- Bond Bill

As per the power invested in me as President Pro Tempore of the Delaware State Senate, I hereby appoint the following to serve as members of the Bond Bill Committee for the 135th General Assembly: Senator Nancy W. Cook, Senator Roger A. Martin, Senator David B. McBride, Senator Ruth Ann Minner, Senator James P. Neal, Senator Andrew G. Knox

* * * * *

SENATE CONSENT CALENDAR #8 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 25 - RESPECTFULLY INVITING WILLIAM J. BENNETT, RECENTLY CONFIRMED DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY, TO ADDRESS A JOINT SESSION OF THE DELAWARE GENERAL ASSEMBLY. Sponsor: Senator Sharp.

HCR 31 - EXPRESSING SYMPATHY UPON LEARNING OF THE DEATH OF MR. REMSEN C. BARNARD, III OF LEWES, DELAWARE, A SUCCESSFUL BUSINESSMAN AND CIVIC LEADER. Sponsor: Representative Outten.

HCR 32 - EXTENDING CONGRATULATIONS TO WILLIAM M. LOWTHER FOR HAVING RECEIVED THE NATIONAL MULTIPLE SCLEROSIS SOCIETY'S PRESTIGIOUS "HOPE CHEST AWARD". Sponsors: Representative Roy, Senator R. Still.

HCR 33 - CONGRATULATING THOMAS P. GORDON UPON HIS PROMOTION TO CHIEF OF THE NEW CASTLE COUNTY POLICE. Sponsors: Representative Roy, Senator R. Still, Representative Oberle.

HCR 34 - EXPRESSING HEARTFELT SYMPATHY TO THE FAMILY OF MRS. IVYANE D. F. DAVIS, WIFE OF MR. NED DAVIS, WHO DIED ON TUESDAY, FEBRUARY 7, 1989; AND FURTHER EXPRESSING THE GREAT LOSS HER DEATH WILL MEAN TO THE MANY CHILDREN WHOSE LIVES WERE TOUCHED BY HER SINCERE AND CONSCIENTIOUS WORK AS A CHILD ADVOCATE. Sponsors: Representative Outten and all Representatives and all Senators.

HCR 35 - COMMENDING FORMER MIDDLETOWN MAYOR CHARLES E. PRICE FOR YEARS OF SELFLESS SERVICE TO THE COMMUNITY. Sponsors: Representatives Jester, B. Ennis; Senator Vaughn.

* * * * *

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

HCR 36 was introduced and considered for adoption on motion of Senator Marshall:

HCR 36 - CONGRATULATING HELEN McELRONE, UPON BEING HONORED BY THE ELSMERE FIRE COMPANY AS THIS YEAR'S MEMBER-OF-THE-YEAR AWARD RECIPIENT. Sponsors: Representatives VanSant, Campanelli; Senators Marshall, R. Still.

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

HCR 37 was introduced and considered for adoption on motion of Senator Marshall:

HCR 37 - CONGRATULATING HAROLD "SONNY" WILKINS UPON BEING HONORED BY THE ELSMERE VOLUNTEER FIRE COMPANY AS THIS YEAR'S FIREMAN OF THE YEAR. Sponsors: Representatives VanSant, Campanelli; Senators R. Still, Marshall.

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

SR 26 was introduced and considered for adoption on motion of Senator Holloway:

SR 26 - WISHING A SPEEDY RECOVERY TO OLIVER CASSON, CHAIRMAN OF THE STATE BOARD OF PAROLE. Sponsor: Senator Holloway.

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

At 5:29 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 21, 1989.

The Senate reconvened at 2:23 p.m., March 21, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 85 w HA 1, 2; SB 18 w SA 1 and adopted HCR 36; HCR 37.

The following legislation was introduced:

SB 77 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE INCOME TAX. Sponsors: Senators Torbert, Cook, Minner, Holloway, Martin, McDowell, Adams, Cordrey, McBride, Knox, Marshall, Vaughn; Representatives Amick, B. Ennis, Bennett, Quillen, Carey, Caulk, Corrozi, Soles, VanSant, Lee, Bunting, Spence, Roy, Outten, Jonkier, George, Campanelli, Brady, Jester, Houghton, Plant, Sillis, West. Assigned to Revenue and Taxation Committee.

At 2:24 p.m. Lt. Governor Wolf presiding.

SB 78 - AN ACT TO AMEND CHAPTER 12, TITLE 20, DELAWARE CODE RELATING TO THE JURISDICTION, AUTHORITY, OPERATION AND MAINTENANCE OF A VETERAN'S CEMETERY IN DELAWARE. Sponsors: Senators Vaughn, McBride, R. Still, Connor; Representatives Brady, Oberle, B. Ennis, Hebner. Assigned to Community Affairs Committee.

SB 79 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE RELATING TO THE JURISDICTION, AUTHORITY, OPERATION AND MAINTENANCE OF A VETERAN'S CEMETERY IN DELAWARE AND OTHER PROVISIONS. Sponsors: Senators Vaughn, McBride, Connor, R. Still; Representatives Oberle, Hebner, Brady, B. Ennis. Assigned to Community Affairs Committee.

SB 80 - AN ACT TO AMEND CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO NURSING, AND PERMITTING THE DELAWARE BOARD OF NURSING TO REQUIRE MANDATORY CONTINUING EDUCATION FOR ALL OF ITS LICENSEES. Sponsors: Senator Torbert, Representative Amick. Assigned to Administrative Services Committee.

SB 81 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FOODFISHING PERMIT TO WALTER WISOWATY, SR. OF DELAWARE CITY, DELAWARE WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER DELAWARE FISHING STATUTES. Sponsors: Senator Vaughn, Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

SB 82 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE REPORTING OF GROSS PREMIUMS BY COMMERCIAL LIFE AND HEALTH INSURERS AND PROVIDERS TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS, HEALTH SERVICE CORPORATIONS, AND INSURANCE CARRIERS AND SELF INSURERS OF WORKMEN'S COMPENSATION AND FURTHER PROVIDING FOR A SPECIAL FUND DEDICATED TO PARAMEDIC SERVICES. (3/5 vote) Sponsors: Senator Torbert, Representatives B. Ennis, Clark, Caulk, Houghton, Jester, VanSant, Oberle; Senator Vaughn. Assigned to Insurance and Election Committee.

SB 83 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senator Torbert, Representatives B. Ennis, Clark, Caulk, Houghton, Jester, VanSant, Oberle; Senator Vaughn. Assigned to Health-Social Services/Aging Committee.

SB 84 - AN ACT TO AMEND CHAPTER 58, TITLE 29, DELAWARE CODE, RELATING TO FINANCIAL DISCLOSURE OF PUBLIC OFFICERS. Sponsors: Senator Cook, Representative Corrozzl. Assigned to Executive Committee.

SB 85 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE, RELATING TO UNLAWFUL USE OF CONTROLLED-ACCESS HIGHWAYS. Sponsors: Senator McDowell, Representative Amick. Assigned to Highways and Transportation Committee.

SB 86 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS FROM THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Senators Marshall, Neal, R. Still; Representatives Gilligan, Oberle. Assigned to Administrative Services/Energy Committee; reassigned to Labor and Industrial Relations Committee.

SB 87 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO GENDER DISCRIMINATION IN PENALTIES FOR ELECTION OFFENSES. (2/3 vote) Sponsors: Senators Bane, Bair, Cook, Minner, Knox, McBride, Neal, Hauge, J. Still; Representatives Maroney, Smith, Soles, Jester, Boykin, Fallon. Assigned to Insurance and Elections Committee.

SB 88 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL OFFENSES; AND PROVIDING CERTAIN PENALTIES FOR VEHICULAR HOMICIDE. Sponsor: Senator McBride. Assigned to Judiciary Committee.

SB 89 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORMED CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR MANDATORY IMPRISONMENT UPON A SECOND OR SUBSEQUENT CONVICTION FOR POSSESSION OF CERTAIN CONTROLLED SUBSTANCES. Sponsor: Senator McBride. Assigned to Health-Social Services/Aging Committee; reassigned to Judiciary Committee.

SB 90 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORMED CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR A SUSPENSION OF CERTAIN BENEFITS TO TRAFFICKERS AND POSSESSORS. Sponsor: Senator McBride. Assigned to Judiciary Committee.

SB 91 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO MURDER IN THE FIRST DEGREE. Sponsor: Senator McBride. Assigned to Judiciary Committee.

SB 92 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE TRAPPING AND HUNTING OF RED FOXES AND THE SALE OF RED FOX HIDES. Sponsors: Senator Vaughn; Representatives Jester, B. Ennis. Assigned to Natural Resources and Environmental Control Committee.

SB 93 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO PAYMENT OF CORPORATION INCOME TAX. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 94 - AN ACT TO AMEND CHAPTER 1 AND 21 OF TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF "OPERATION, MAINTENANCE OR USE OF A MOTOR VEHICLE" FOR THE PURPOSE OF CLEARLY ENFORCING THE PROVISIONS OF CHAPTER 21 OF TITLE 21, DELAWARE CODE. Sponsors: Senator Cordrey, Representative Buckworth. Assigned to Public Safety Committee.

HB 85 w HA 1, 2 - AN ACT TO AMEND CHAPTER 11, TITLE 28, OF THE DELAWARE CODE RELATING TO THE SCOPE AND FEES OF BINGO, AND REPORTING AFTER GAMES OF BINGO. Sponsors: Representatives Lee, Spence; Senator McBride; Representatives Caulk, Carey, DiPinto, Plant, Gilligan, B. Ennis, Jonkiet, Campanelli, VanSant, West, Brady; Senators Torbert, Martin, Knox, R. Still. Assigned to Finance Committee.

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY
March 21, 1989

The Senate convened at 2:40 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Torbert.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 31 was lifted from the table for consideration on motion of Senator Sharp without objection.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bane and the roll call vote taken which revealed 17 Senators voting YES and 4 (Adams, Holloway, Minner, Neal) ABSENT; therefore, the Amendment was declared adopted.

Senators Martin and McDowell marked PRESENT during the roll call.

The roll call vote on SB 31 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Adams, Holloway, Minner, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SCR 31 was introduced and considered for adoption on motion of Senator Sharp:

SCR 31 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING A PRESENTATION ON THE DRUG MENACE IN DELAWARE BY REPRESENTATIVES OF THE LAW ENFORCEMENT COMMUNITY. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal; Representatives Spence, Petrilli.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Adams, Holloway, Minner, Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 3:52 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:29 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 152 w HA 1.

SB 7 was taken up for consideration on motion of Senator Cordrey:

SB 7 - AN ACT AMENDING TITLE 7 DELAWARE CODE CREATING THE DELAWARE MUNICIPALITIES NATURAL DISASTERS REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING. (3/4 vote).

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Cordrey.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hauge, Marshall, McBride) ABSENT; therefore, the Amendment was declared adopted.

Senators Adams, Minner, Neal, Holloway marked PRESENT.

Remarks on the Bill were made by Senators Cordrey and R. Still after which the roll call vote on SB 7 w SA 2 was taken and revealed 20 Senators voting YES and 1 (Hauge) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 71 was taken up for consideration on motion of Senator Vaughn:

SB 71 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY FOR PAROLE.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Vaughn and the roll call vote taken which revealed 20 Senators voting YES and 1 (Hauge) ABSENT; therefore, the Amendment was declared adopted.

Senators Neal, Vaughn and Holloway commented on the Bill after which the roll call vote on SB 71 w SA 1, 2 was taken and revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 50 was taken up for consideration on motion of Senator Vaughn:
SB 50 - AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO THE RECORDATION OF DEEDS AND OTHER INSTRUMENTS BY THE KENT COUNTY RECORDER OF DEEDS.

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

SB 70 was taken up for consideration on motion of Senator Marshall:
SB 70 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT GOODWILL INDUSTRIES OF DELAWARE, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES.

Senator Bair commented on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 55 was taken up for consideration on motion of Senator Marshall:
SB 55 - AN ACT TO AMEND CHAPTERS 3, 11, 19, 20, 21, 23, 25, 43, AND 54 OF TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES.

Senator R. Still announced he would vote NOT VOTING on the Bill due to conflict of interest.

The privilege of the floor was extended to Stephen T. Golding (Secretary of Finance of the State of Delaware) during which a lengthy discussion of the Bill was entered into by various Senators, after which the Bill was laid on the table on motion of Senator Marshall.

The following legislation was introduced:

SB 95 - AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; PROVIDING FOR THE ACCOMMODATION OF SMOKERS AND NON-SMOKERS IN PUBLIC BUILDINGS OWNED OR LEASED BY THE STATE OF DELAWARE; AND PROHIBITING DISCRIMINATION IN HIRING AND EMPLOYMENT OF STATE EMPLOYEES BASED ON SMOKING STATUS. (2/3 vote). Sponsor: Senator Holloway. Assigned to Public Safety Committee; reassigned to Health-Social Services/Aging Committee.

SB 96 - AN ACT TO AMEND TITLE 31, CHAPTER 5, DELAWARE CODE, RELATING TO THE MEDICAID INCOME ELIGIBILITY LIMIT FOR NURSING HOME CARE. Sponsors: Senators Holloway, Venables; Representatives Campanelli, West. Assigned to Health-Social Services/Aging Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 113 and adopted SCR 31 and SCR 30.

The following legislation was introduced:

HB 152 w HA 1 - AN ACT TO AMEND CHAPTERS 93 AND 95 OF TITLE 29 RELATING TO UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION. Sponsors: Representative Roy, Senator Martin. Assigned to Highways and Transportation Committee.

HB 113 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING, AND CHANGING THE CHARTER OF THE CITY OF DOVER RELATING TO CHANGING THE DATES FOR SUBMITTING THE ANNUAL BUDGET, THE ANNUAL ASSESSMENT, THE ANNUAL TAX WARRANTS, AND BY ABOLISHING THE ANNUAL TAX DISCOUNT AND CREATING A DIFFERENT MUNICIPAL LIEN DOCKET." (2/3 vote) Sponsors: Representatives Outten, Clark, Bennett; Senator Torbert. Assigned to Community Affairs Committee.

SR 27 was introduced and considered for adoption of Senator Martin:

SR 27 - CONTINUING THE SENATE SELECT COMMITTEE ON TRANSPORTATION. Sponsor: Senator Martin.

Senators R. Still, Martin, Bair, McBride, McDowell, Marshall and Knox commented on the Resolution after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 18.

NO: Senators Knox, R. Still - 2.

ABSENT: Senator Neal - 1.

Therefore, the Resolution was declared adopted.

At 5:53 p.m. on motion of Senator Sharp the Senate recessed until 3:15 p.m., March 22, 1989

The Senate reconvened at 3:18 p.m., March 22, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 128; HB 4 w HA 1 w HA 1; SB 20 w SA 1.

The following legislation was introduced:

SA 1 to SB 78. Sponsor: Senator Minner. Placed with the Bill.

SB 97 - AN ACT TO AMEND CHAPTER 9, TITLE 26 OF THE DELAWARE CODE RELATING TO TELEPHONE SERVICE FOR PEOPLE WITH SPEECH AND HEARING IMPAIRMENTS. Sponsors: Senator McBride, Representative Caulk; Senators Cook, Martin, McDowell, Torbert, Vaughn, Venables, J. Still; Representatives Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Spence, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, West. Assigned to Administrative Services/Aging Committee.

SA 1 to SB 95. Sponsor: Senator Holloway. Placed with the Bill.

HB 128 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 40, TITLE 10 OF THE DELAWARE CODE ("STATE TORT CLAIMS ACT") TO PROVIDE ABSOLUTE IMMUNITY FROM CIVIL SUIT FOR STATE PUBLIC DEFENDERS AND FOR COURT APPOINTED CRIMINAL DEFENSE ATTORNEYS. Sponsors: Representative Boykin, Senator Hauge; Representatives Amick, Corrozi, Davis, DiPinto, D. Ennis, Roy, Taylor, Jonklert, Clark; Senators Holloway, Bair, Knox, R. Still, Bane, Neal. Assigned to Judiciary Committee.

HB 4 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 16, DELAWARE CODE RELATING TO VENEREAL DISEASES. (2/3 vote). Sponsors: Representatives Davis, Taylor, Mack, Ewing, Lee, Spence, Caulk, Corrozi, Smith, Fallon, DiPinto, Boykin, B. Ennis. Assigned to Health-Social Services/Aging Committee.

At 3:24 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY
March 22, 1989

The Senate convened at 3:24 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator J. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Sharp, the Senate recessed in order to convene with the House in Joint Session.

JOINT SESSION
SENATE CHAMBER
SUBJECT: DRUG ABUSE
March 22, 1989

At 3:28 p.m. the Sergeant at Arms announced the members of the House of Representatives. They were admitted and seated.

The Lt. Governor invited the Speaker of the House and the President pro Tempore of the Senate to be his guests on the rostrum.

Senator Sharp moved that the Senate and House convene in Joint Session. No objection.

Senator Sharp moved that the President of the Senate preside over the Joint Session. No objection.

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

On motion of Senator Sharp and without objection, SCR 31 was read into the record:

SCR 31 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING A PRESENTATION ON THE DRUG MENACE IN DELAWARE BY REPRESENTATIVES OF THE LAW ENFORCEMENT COMMUNITY. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal; Representatives Spence, Petrilli.

WHEREAS, the frightening menace of illegal drugs to Delaware society is well-known to members of the law enforcement community and other segments of that society; and

WHEREAS, in some areas of Delaware the increase in illegal drug activity has outstripped the efforts of law enforcement, the courts, and the correctional institutions to contain it; and

WHEREAS, Gov. Michael N. Castle has created a Task Force, chaired by Lt. Gov. Dale E. Wolf, and the Senate has created a special Senate Committee to Combat Drug Abuse, chaired by Senate Majority Leader Thomas B. Sharp, in an effort to devise legislative and executive methods of combatting illegal drug activity; and

WHEREAS, members of the 135th General Assembly will be best prepared to consider legislative solutions to problems posed by the illegal drug menace if they have first-hand knowledge of the scope of such menace and the efforts being made to contain it;

NOT THEREFORE:

BE IT RESOLVED by the Senate of the 135th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Senate and the House meet together in Joint Session in the Senate Chamber at 3:30 p.m. Wednesday, March 22, 1989, or as soon thereafter as may be convenient, to hear a presentation on the drug menace in Delaware by representatives of the law enforcement community.

* * * * *

The following communication from the President of the United States to Lt. Governor Wolf was read:

THE WHITE HOUSE
WASHINGTON
March 21, 1989

Dear Lt. Governor Wolf:

Please convey to the members of the Delaware Senate my thanks for their invitation to address a special joint session of the Delaware General Assembly on the problem of illegal drugs. I regret that my schedule prevents me from accepting your kind offer.

I commend the leadership of the General Assembly for convening this extraordinary session on drug abuse. Such action reflects your firm commitment to the fight against this scourge.

Substance abuse and drug trafficking have claimed a horrifying number of lives across the country and around the world. Drugs destroy young minds. They foster crime and violence. They impose untold personal and economic costs on our society. As their effects reach more and more areas of American life, they threaten to weaken the family and the foundation of our society.

I am determined to stop the flow of illegal drugs in the United States, and my Administration will bring the full resources of the Federal government to bear on this problem. But victory cannot be achieved without determination by individual citizens and the contributions of state and local leaders. We need education programs, tough laws directed at drug pushers, and strong support for police as they combat increasingly brazen, brutal drug dealers.

Delaware has been blessed with exceptional leadership on this issue. Governor Castle has placed it among his Administration's priorities, and the General Assembly has demonstrated the same resolve through this extraordinary session. The Governor's initiatives and your own coordination of state policies make me confident that we will reach our goal of a drug free society.

Please extend my warm best wishes to the members of the General Assembly for a productive session and for continued success in the battle against drug abuse.

Sincerely,
George Bush

The Honorable Dale Wolf
Lieutenant Governor of Delaware
Dover, Delaware

* * * * *

Lt. Governor Wolf then turned the procedures for the Joint Session over to Senator Sharp.

Senator Sharp introduced the Honorable Vincent J. Poppiti of the Superior Court of Delaware who made introductory remarks and introduced the following speakers in order: Colonel Clifford M. Graviet (Delaware State Police); Captain John Perry (Special Investigation Unit, Delaware State Police Troop 9); Captain Charles W. Pugh (Seaford Police Department); Captain George Haggerty (New Castle County Police); Captain Ronald M. Huston (Wilmington Police Department); and Attorney General Charles M. Oberly, III.

Judge Poppiti made the closing remarks after which, Senator Sharp recognized and introduced various members of the law enforcement organizations throughout the State.

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

The Secretary of the Senate reported that the Journals were in agreement.

At 5:05 p.m., on motion of Senator Sharp and without objection, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

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The Senate reconvened at 5:19 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 79 - 3 Merits; SB 78 - 3 Merits; HB 113 - 3 Merits.

At 5:23 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 23, 1989

The Senate reconvened at 2:18 p.m., March 23, 1989, Lt. Governor Wolf presiding.
SB 96 was reported out of the Health-Social Services/Aging Committee: 2 Favorable, 2 Merits.

SB 98 was introduced and assigned to Revenue and Taxation Committee:

SB 98 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT ELWYN INSTITUTE AND KENT SUSSEX INDUSTRIES, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES. Sponsors: Senators Minner, Cook, Knox.

Senator McBride marked PRESENT.

The following legislation was introduced:

SB 99 - 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). Sponsors: Senator McBride, Representative Oberle. Assigned to Insurance and Elections Committee.

SA 1 to SB 92. Sponsors: Senator Vaughn; Representatives B. Ennis, Jester. Placed with the Bill.

Senator Hauge marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Howard E. Cosgrove was taken up for consideration and the roll call vote taken which revealed 16 Senators voting YES and 5 (Connor, Martin, McDowell, Minner, Venables) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Dorothy H. Smith was taken up for consideration and the roll call vote taken which revealed 16 Senators voting YES and 5 (Connor, Martin, McDowell, Minner, Venables) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Paul R. Fine was taken up for consideration and the roll call vote taken which revealed 16 Senators voting YES and 5 (Connor, Martin, McDowell, Minner, Venables) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Arthur W. Boswell was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Venables) ABSENT; therefore, the appointment was declared confirmed.

Senator McDowell marked PRESENT during the above roll call.

On motion of Senator Adams, the Governor's nomination for appointment of Patrick W. Murray was taken up for consideration and the roll call vote taken which revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Venables) ABSENT; therefore, the appointment was declared confirmed.

At 2:34 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY March 23, 1989

The Senate convened at 2:34 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator R. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

Senator Cook marked PRESENT.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SA 1 to SB 72 (sponsor: Senator McBride) was introduced and placed with the Bill.

On motion of Senator Marshall (no objection) the privilege of the floor was extended to Robert D. Clemente (United Auto Workers) who spoke on the U. A. W.'s programs for employees at the Chrysler Corporation.

At 2:47 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:35 p.m., Senator Cordrey presiding.

SB 96 was taken up for consideration on motion of Senator Holloway:

SB 96 - AN ACT TO AMEND TITLE 31, CHAPTER 5, DELAWARE CODE, RELATING TO THE MEDICAID INCOME ELIGIBILITY LIMIT FOR NURSING HOME CARE.

The following communication was read and made part of this Journal at the request of Senator Holloway:

March 17, 1989

Dear Senator Holloway,

I am writing to you with a plea for help from all of our legislators.

My Mother, 94 years old has been in nursing homes for three years. She has exhausted all of her funds by now and we applied for help. She has spend \$90,000.00 and we were told that her social security payment of \$665.00 plus her paying 31.90 in Medicare coverage is \$14.50 too much to qualify for Medicaide help. I do not understand why the Medicare payment is added as income as it would cost the state less in medical help.

All they tell me is to send her to Smyrna Home. I found out it costs the state \$93.08 a day to keep a patient in Smyrna. Why won't the state pay for help in private nursing homes that charge \$65.00 a day.

I can't believe that a state such as ours is the lowest in medicaid help in the nation. We should be ashamed.

I am physically unable to care for Mother and there is no one else and my income isn't good enough to pay the nursing home and live myself. To be honest I am really scared. If she has to go to Smyrna I surely won't be able to see her very much. Now I visit her twice a day here in Lewes.

Mother said she doesn't know why she's still living and sits and cries about what may happen to her.

My Father (deceased) told me there was enough money to take care of Mother but who would have thought she would live to this ripe old age.

I beg the state of Delaware to give these poor old souls a decent life in there final years.

* * * * *

Though the letter was signed, the name of the writer was not mentioned in the record.

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The privilege of the floor was extended to John Frazer (Controller General's Office) and various Senators entered into the discussion of the Bill.

Senator Martin marked PRESENT.

The roll call vote on SB 96 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 113 was taken up for consideration on motion of Senator Minner:

HB 113 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING, AND CHANGING THE CHARTER OF THE CITY OF DOVER RELATING TO CHANGING THE DATES FOR SUBMITTING THE ANNUAL BUDGET, THE ANNUAL ASSESSMENT, THE ANNUAL TAX WARRANTS, AND BY ABOLISHING THE ANNUAL TAX DISCOUNT AND CREATING A DIFFERENT MUNICIPAL LIEN DOCKET." (2/3 vote)

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

SB 46 was deferred on the Agenda at the request of Senator Adams.

Senator Sharp introduced Senator Bane's daughter Steffany to the Senate.

SCR 37 was introduced and considered for adoption on motion of Senator McBride:

SCR 37 - URGENTLY REQUESTING THE CASTLE ADMINISTRATION TO DELAY PLANS TO PURCHASE THE BUDD METAL COMPANY SITE FOR CONSTRUCTION OF A CORRECTIONAL FACILITY UNTIL THE EXTENT OF ENVIRONMENTAL HAZARDS AT THE SITE CAN BE DETERMINED AND UNTIL THE STATE'S LIABILITY AND ROLE IN CLEANING UP THE SITE CAN BE DEFINED. Sponsors: Senators McBride, McDowell; Representatives Sills, Reynolds.

The privilege of the floor was extended to Laird Stabler of the Governor's Office and Senators McBride, Vaughn, Neal, Hauge, R. Still, McDowell, Bair, Venables and Holloway entered into discussion on the Resolution.

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

SCR 39 was introduced and considered for adoption on motion of Senator Sharp:

SCR 39 - EXTENDING CONGRATULATIONS TO ST. MARKS HIGH SCHOOL BOYS BASKETBALL TEAM, "THE SPARTANS", FOR HAVING WON THE STATE CHAMPIONSHIP BY BEATING NEWARK HIGH SCHOOL 58 - 57 ON SUNDAY, MARCH 12, 1989 AND FURTHER COMMENDING COACH STEVEN G. JOHNSON AND HIS ASSISTANTS FOR THEIR EXCELLENT COACHING. Sponsors: Senator Sharp, Representative Taylor.

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

On motion of Senator Martin and without objection, the necessary rules were suspended for the introduction and consideration of HB 152 w HA 1:

HB 152 w HA 1 - AN ACT TO AMEND CHAPTERS 93 AND 95 OF TITLE 29 RELATING TO UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION. Sponsors: Representative Roy, Senator Martin.

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

During a lengthy discussion of the Bill which ensued the privilege of the floor was extended to Frederick H. Schrank (Deputy Attorney General with the Delaware Office of Transportation), Rod S. Hill, Jr. (Delaware Department of Transportation) and Robert Wheeler (Federal Highway Administration). The discussion was entered into by various Senators.

The roll call vote on HB 152 w HA 1 was then taken; however, before being announced, the roll call was laid on the table on motion of Senator Martin.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 39; HCR 40; HCR 41; HCR 42; HCR 43; HCR 44; HCR 45; HCR 38; SCR 26; SCR 27; SCR 29.

SENATE CONSENT CALENDAR #9 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SCR 32 - URGING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT REPEAL OF INTERNAL REVENUE CODE SECTION 89. Sponsors: Senators J. Still, Knox, McDowell, Venables; Representatives Bennett, Boykin, D. Ennis, Sills.

SCR 33 - CONGRATULATING DELAWARE'S COMMUNITY LEGAL AID EXECUTIVE DIRECTOR MARY M. McDONOUGH UPON HER APPOINTMENT AS NOMINATIONS COUNSEL FOR THE U.S. SENATE JUDICIARY COMMITTEE. Sponsors: Senator Bair, Representative George; Senators McDowell, Marshall, Neal, Bane, Holloway; Representatives Soles, Hebner, DiPinto.

SCR 34 - CONGRATULATING THE NORTH BOWERS BEACH VOLUNTEER FIRE COMPANY'S LADIES AUXILIARY AS IT CELEBRATES ITS FIFTIETH ANNIVERSARY. Sponsors: Senator Torbert, Representative Caulk.

SCR 35 - URGING GOVERNOR MICHAEL N. CASTLE TO USE AUTHORITY ALREADY VESTED IN HIM TO OFFER A BLANKET REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF DRUG PUSHERS AND TRAFFICKERS. Sponsor: Senator Holloway.

SCR 36 - COMMENDING MRS. JEAN HARDER, A PHYSICS TEACHER AT CONCORD HIGH SCHOOL FOR HER INNOVATIVE SCIENCE TEACHING TECHNIQUES WHICH HAVE ACCORDED HER THE DISTINGUISHED 1988 PRESIDENTIAL AWARD FOR EXCELLENCE IN SCIENCE TEACHING IN DELAWARE WARRANTING COVERAGE ON THE AMERICAN BROADCASTING COMPANY TV EVENING NEWS. Sponsors: Senator Bair, Representative Boykin, Senator Knox.

SCR 38 - MOURNING THE DEATH AND CELEBRATING THE LIFE AND ACHIEVEMENTS OF PETER A. LARSON, WILMINGTON'S FIRST CITY PLANNER. Sponsors: Senator Marshall, Representative Jonkier; Senators McDowell, Holloway; Representatives George, Plant, Sills, DiPinto.

HCR 38 - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO RE-EVALUATE OCEANPORT INDUSTRIES IN REGARD TO A CHANGE IN THEIR APPLICATION FOR A COASTAL ZONE STATUS DECISION, AND FURTHER REQUESTING THAT NO ACTION BE TAKEN ON THE OCEANPORT INDUSTRIES APPLICATION FOR A SUBAQUEOUS PERMIT UNTIL THAT REVIEW HAS BEEN COMPLETED. Sponsors: Representatives Jonkier, Smith; Senators McDowell, Knox.

HCR 39 - CONGRATULATING THE WILLIAM PENN HIGH SCHOOL COLONIALS UPON WINNING THE BLUE HEN CONFERENCE TOURNAMENT AND DELAWARE STATE WRESTLING CHAMPIONSHIP. Sponsors: Representatives Reynolds, Mack, Buckworth, Davis, Brady, Houghton, Jester; Senators Connor, McBride.

HCR 40 - COMMENDING CHAD EVERETT OF EVERETT'S CORNER, KENTON, DELAWARE FOR HAVING WON THE .410 CHAMPIONSHIP AT THE WORLD SKEET SHOOTING CHAMPIONSHIPS HELD IN SAVANNAH, GEORGIA IN THE FALL OF 1988. Sponsors: Representatives Clark, B. Ennis; Senators Cook, Vaughn.

HCR 41 - COMMENDING THE LADIES AUXILIARY ORGANIZATION OF THE CLAYTON FIRE COMPANY NO. 1, INC. ON THEIR THIRTIETH ANNIVERSARY. Sponsors: Representative B. Ennis; Senators Vaughn, Cook; Representative Clark.

HCR 42 - EXPRESSING CONDOLENCES UPON THE DEATH OF MRS. NETTIE TAPPAN HORN, LONG-TIME CIVIC ACTIVIST AND REHOBOTH BEACH RESIDENT. Sponsors: Representatives Schroeder, Bunting, Carey, Ewing; Senator Cordrey.

HCR 43 - HONORING GEORGE BUSH, PRESIDENT OF THE UNITED STATES UPON HIS RECENT VISIT TO DELAWARE AND FOR HIS EFFORTS TO COMBAT THE DRUG PROBLEM. Sponsors: Representatives Petrilli, Spence, Buckworth, George, Gilligan, all Representatives; Senators Cordrey, Sharp, Marshall, Bair, Connor, all Senators.

HCR 44 - COMMENDING SHERRY SZCZUKA FOR HER PHENOMENAL AND OUTSTANDING COLLEGIATE CAREER IN GIRLS BASKETBALL AT KUTZTOWN UNIVERSITY. Sponsors: Representatives George, VanSant, Jonkier, Corrozi; Senator Marshall.

HCR 45 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE ONE HUNDRED FIRST CONGRESS OF THE UNITED STATES TO PROTECT AND PRESERVE THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, WHICH HAS BEEN THE FORCE GOVERNING AND BALANCING THE RESPECTIVE POWERS OF THE STATES AND THE FEDERAL GOVERNMENT. Sponsors: Representative Maroney; Senator Holloway.

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On motion of Senator Holloway and without objection, SCR 32 was removed from SENATE CONSENT CALENDAR #9.

The roll call vote on SENATE CONSENT CALENDAR #9 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

SR 28 was introduced and considered for adoption on motion of Senator Knox:

SR 28 - ACKNOWLEDGING FIVE YEARS OF DEDICATED PUBLIC SERVICE BY EDWARD J. STEINER AS HE RETIRES FROM THE POST OF SECRETARY FOR PUBLIC SAFETY. Sponsors: Senators Knox, Torbert, Bane, Connor, Cordrey, Hauge, McBride, Minner, Neal, J. Still, R. Still, Bair. Senator Knox requested that Senator Adams be added as co-sponsor.

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, J. Still, R. Still, Torbert, Venables - 18.

NO: Senators Sharp, Vaughn - 2.

ABSENT: Senator Connor - 1.

Therefore, the Resolution was declared adopted.

SCR 32 which had been introduced as part of SENATE CONSENT CALENDAR #9 but removed before its adoption was taken up for consideration on motion of Senator J. Still:

SCR 32 - URGING THE MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT REPEAL OF INTERNAL REVENUE CODE SECTION 89.

After considerable discussion of the Resolution by various Senators, the roll call vote was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 100 - AN ACT TO AMEND CHAPTER 67, TITLE 18 DELAWARE CODE RELATING TO FUNERAL EXPENSES OF VOLUNTEERS. Sponsors: Senator McBride, Representative Caulk; Senators Martin, Cook, Cordrey, Adams, Vaughn, Venables, Torbert, Bane, Marshall, Connor, J. Still, R. Still, Minner, Hauge, Knox, Bair; Representatives Brady, Plant, Davis, VanSant, Roy, Quillen, Amick, Fallon, Campanelli, Corrozi, West, Oberle, Carey, Buckworth, B. Ennis, Reynolds, Gilligan. Assigned to Insurance and Elections Committee.

SB 101 - AN ACT TO AMEND TITLE 21, CHAPTER 41, SUBCHAPTER IX OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FORFEITURE. Sponsors: Senators Hauge, Bair, Knox; Representative Hebner. Assigned to Public Safety Committee.

SB 102 - AN ACT TO AMEND DELAWARE CODE, TITLE 11, CHAPTER 65 RELATING TO CORRECTIONS. Sponsors: Senators Hauge, Bair, Holloway. Assigned to Judiciary Committee; reassigned to Corrections Committee.

SB 80 was reported out of the Administrative Services/Energy Committee: 4 Merits.

At 6:23 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 4, 1989.

The Senate reconvened at 2:15 p.m., April 4, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Agriculture Committee: SB 61 - 3 Favorable, 1 Merits.

From the Insurance and Elections Committee: SB 17 - 5 Merits.

The following legislation was introduced:

SB 103 - AN ACT TO AMEND CHAPTER 66, TITLE 18 DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS. Sponsors: Senator Adams, Representative Lee; Senators Martin, Venables, Knox, Minner, Cook, Vaughn, Hauge, Connor, Marshall, Bane, Bair, R. Still, J. Still, Torbert; Representatives Campanelli, Buckworth, Caulk, Brady, Carey, Amick, Fallon, Quillen, Plant, Bennett, Soles, VanSant, Davis, Corrozi, B. Ennis, Oberle, Gilligan, Roy, Reynolds, Boykin, West. Assigned to Finance Committee.

SB 104 - AN ACT TO AMEND CHAPTER 67, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DISABILITY BENEFITS TO VOLUNTEER FIREMAN. Sponsors: Senator Cordrey, Representative Oberle; Senators Adams, Cook, Bair, Hauge, Connor, Minner, J. Still, R. Still, Knox, Marshall, Torbert, Bane, Vaughn, Venables, Martin; Representatives Amick, Brady, Plant, Carey, Campanelli, Corrozi, Davis, Bennett, B. Ennis, Roy, Fallon, Reynolds, Gilligan, Soles, Caulk, Buckworth, Jester, Quillen, West, Boykin, VanSant. Assigned to Insurance and Elections Committee.

SB 105 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS. Sponsors: Senators J. Still, Hauge, R. Still, Venables, Neal, Bair, Connor, Bane; Representatives Schroeder, Buckworth, Davis, Maroney, Quillen, Boykin. Assigned to Public Safety Committee.

SB 106 - AN ACT TO AMEND TITLE 10, SECTION 921, DELAWARE CODE RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 107 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO PAYMENT OF CORPORATION INCOME TAX. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

HB 45 w HA 1 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PURCHASES OF VEHICLES. Sponsor: Representative Davis. Assigned to Finance Committee.

HB 131 - AN ACT TO AMEND CHAPTER 65, TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCES TO STATE AGENCIES. Sponsors: Representatives Lee, DiPinto, Boykin, D. Ennis. Assigned to Finance Committee.

The following Committee reports were announced:

From the Executive Committee: SB 69 - 4 Merits; SB 45 - 4 Merits; SB 84 - 4 Merits; SB 24 - 3 Merits, 1 Unfavorable.

The Secretary announced that a message from the House informed the Senate that it had passed HB 45 w HA 1; HB 131 and adopted SCR 39.

A request dated March 23, 1989 for removal of co-sponsorship signed by Representative George requesting that he be removed as a sponsor of SB 97 was read.

Senator Connor marked PRESENT.

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

16TH LEGISLATIVE DAY
April 4, 1989

The Senate convened at 2:25 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 58 was taken up for consideration on motion of Senator Vaughn:

SB 58 - AN ACT TO AMEND TITLE 11 AND TITLE 16 TO PROVIDE FOR TRUTH IN SENTENCING.

The privilege of the floor was extended to Judge Richard Gebelein (Superior Court) and John P. O'Connell (Statistical Analysis Center) and a lengthy discussion of the Bill ensued involving various Senators.

At 2:55 p.m., Senator Cordrey presiding.

At 3:26 p.m., Lt. Governor Wolf presiding.

SA 1 (Sponsor: Senator Vaughn) to the Bill was introduced and considered for adoption on motion of Senator Vaughn.

Senators Knox, Martin, McBride, R. Still marked PRESENT during the following roll call.

The roll call vote on SA 1 to SB 58 was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SB 58 w SA 1 was then laid on the table on motion of Senator Vaughn.

At 3:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:17 p.m., Lt. Governor Wolf presiding.

SB 72 was taken up for consideration on motion of Senator McBride:

SB 72 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL PARKING IN CERTAIN AREAS WHERE PARKING IS PROHIBITED OR RESTRICTED.

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

During discussion of the Bill among various Senators, the privilege of the floor was extended to Francis Murphy, (Senate Attorney).

SB 72 w SA 1 was then laid on the table on further motion of Senator McBride.

SJR 4 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp (no objection):

SJR 4 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Sharp, Cordrey.

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

Senator Sharp introduced to the Senate former Senator Jake Zimmerman who was present in the chamber.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., April 5, 1989.

The Senate reconvened at 3:29 p.m., April 5, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 112; HB 15; HB 48; SB 40 w SA 1 and adopted SJR 3; SJR 4.

HB 4 w HA 1 w HA 1 was read in error as an introduction then was later corrected as a Committee Report from the Health and Social Services/Aging Committee: 6 Merits.

The following legislation was introduced:

SB 108 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, BY CREATING A NEW CHAPTER 62 TO PROVIDE CATASTROPHIC ILLNESS PROTECTION FOR DELAWARE RESIDENTS. Sponsors: Senators Holloway, McDowell; Representatives Jonkiert, VanSant, B. Ennis, Plant, West, Sills, Campanelli. Assigned to Insurance and Elections Committee.

HB 48 - AN ACT TO AMEND CHAPTER 27, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A LOCAL GOVERNMENT INVESTMENT POOL. Sponsors: Representative Oberle, Senator Neal. Assigned to Administrative Services/Energy Committee.

HB 15 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL. Sponsors: Representatives Hebner, Ewing, Davis, Houghton, Plant. Assigned to Public Safety Committee.

HB 112 - AN ACT TO AMEND CHAPTERS 3 AND 11, TITLE 30 OF THE DELAWARE CODE RELATING TO CRIMINAL PENALTIES FOR TAX OFFENSES. Sponsors: Representative Lee, Senator Marshall; Representatives Boykin, DiPinto, D. Ennis, Jonklert, Sills, VanSant. Assigned to Revenue and Taxation Committee.

SA 1 to SB 80. Sponsor: Senator Torbert. Placed with the Bill.

SB 2 to SB 58. Sponsor: Senator Vaughn. Placed with the Bill.

The following Committee reports were announced:

From the Public Safety Committee: HB 62 - 5 Merits; SB 94 - 4 Merits; SB 74 - 5 Merits.

SR 29 was introduced and considered for adoption on motion of Senator Minner:

SR 29 - MOURNING THE TRAGIC AND UNTIMELY PASSING OF AURELIO "REDS" MAESTRI OF LEWES ON FRIDAY, MARCH 17, 1989, AND EXTENDING SINCERE CONDOLENCES TO HIS FRIENDS AND FAMILY. Sponsor: Senator Minner.

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

On motion of Senator Adams and without objection, the necessary rules were suspended for consideration of the following nominations for appointment by the Governor:

On motion of Senator Adams, the Governor's nomination for appointment of A. Wayne Burton was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of David C. Eppes was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William A. Fintel was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Loretta Gartman was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John P. Gaul was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Saxton C. Lambertson was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John M. Maiorano was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

At 3:55 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY April 5, 1989

The Senate convened at 3:55 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Adams and without objection, the necessary rules were suspended for consideration of the following nominations for appointment by the Governor:

On motion of Senator Adams, the Governor's nomination for appointment of David F. Marvin was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Ronald G. McCabe was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John R. McClelland was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Stanley J. Petraschuk was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Martin moved that the roll call vote on HB 152 w HA 1 be lifted from the table and rescinded. There was no objection and on motion of Senator Martin the Bill was taken up for reconsideration.

SA 1 to the Bill (sponsors: Senators Cook and Bair) was stricken on motion of Senator Cook.

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

Senator Sharp introduced to the Senate, former Senator Robert J. Berndt who was present in the Chamber.

HB 152 w HA 1 was then lifted from the table for consideration on motion of Senator Martin.

SA 2 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption.

During the introduction and discussion of the remaining Senate Amendments which were offered to the Bill, the privilege of the floor was extended to Frederick H. Schranck (Deputy Attorney General representing DELDOT), Rod S. Hill, Jr. (DELDOT) and Wayne Rizzo (DELDOT) whom various Senators engaged in lengthy debate on the Amendments and the Bill.

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

The roll call vote on SA 3 to HB 152 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Bair, Bane, Knox, Neal - 4.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsors: Senators McDowell and Cook) was introduced and laid on the table on motion of Senator McDowell.

SA 5 to the Bill (sponsors: Senators Cook and Bair) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

SA 6 to the Bill (sponsor: Senator Torbert) was stricken on motion of the sponsor.

SA 4 to the Bill was lifted from the table for consideration on motion of Senator McDowell and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Bane, Hauge, Neal, R. Still - 4.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 152 w HA 1, SA 2, 3, 4, 5 was taken and revealed 19 Senators voting YES and 2 (Connor, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

At 5:24 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 6, 1989.

The Senate reconvened at 2:26 p.m., April 6, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 50; HCR 47; HCR 48; HCR 49; HCR 51; SCR 33; SCR 34; SCR 36; SCR 38.

The following communication was read:

HOUSE of REPRESENTATIVES
STATE of DELAWARE
DOVER, DELAWARE 19901
April 6, 1989

The Honorable Bernard J. Brady
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19901

Dear Bernard:

Please be aware that on Wednesday, April 5, 1989, Representative DiPinto signed SCR 36 as an additional sponsor and Representatives Boykin and D. Ennis signed SCR 38 as additional sponsors.

Thank you for your anticipated cooperation.

Very truly yours,
JoAnn M. Hedrick, Chief Clerk

* * * * *

The following legislation was introduced:

SB 109 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLES III AND IV OF THE DELAWARE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT BY THE SUPERIOR COURT OF A PROTHONOTARY IN EACH COUNTY. (2/3 vote) Sponsors: Senators Sharp, Cook, Bane; Representatives Hebner, Houghton. Assigned to Judiciary Committee.

SB 110 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. Sponsors: Senators Minner, McDowell, Knox, R. Still, Sharp, Martin, McBride, J. Still, Cordrey; Representatives Plant, Brady, Hebner, Corrozi, Campanelli, Buckworth, Mack, Reynolds, Spence, Taylor, Bunting, Amick, Davis, B. Ennis, Quillen, Ewing, Carey, Schroeder, Fallon, Gilligan, Oberle, Jester. Assigned to Natural Resources and Environmental Control Committee.

SB 111 - AN ACT TO AMEND CHAPTER 59, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE. Sponsors: Senators McBride, Marshall, McDowell; Representatives D. Ennis, Campanelli. Assigned to Administrative Services/Energy Committee.

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

STATE OF DELAWARE
Office of the Governor
April 5, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Richard V. Pryor, 2102 N. VanBuren Street, Wilmington, DE 19802, to be appointed as a member of Delaware Solid Waste Authority to serve a three year term to succeed Jeffrey S. Goddess, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle,
Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
April 5, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edwin H. Clark, II, 994 Wildcat Canyon Road, Berkeley, CA 94708, to be appointed Secretary of the Department of Natural Resources and Environmental Control of the State of Delaware to serve during the pleasure of the Governor to succeed John E. Wilson, III.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
April 5, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edward W. Cronin, 94 Tidewater, Rehoboth Beach, DE 19971, to be appointed as a member of the Environmental Appeals Board to serve a term expiring September 24, 1989, to succeed Harry E. Derrickson who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle,
Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
April 5, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert A. Carson, 25 Pine Street, Dover, DE 19901, to be appointed as a member of Advisory Council on Tidal Finfisheries to serve a five year term to succeed Philip R. English, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
April 5, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Gerald E. Dixon, Esq., 712 Lora Lane, Hockessin, DE 19707, to be reappointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term expiring March 27, 1992.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
April 5, 1989

Senator Adams moved that the necessary rules be suspended for consideration of the following nominations for appointment by the Governor (no objection).

On motion of Senator Adams, the Governor's nomination for appointment of C Leslie Ridings, Jr. was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 16 Senators voting YES and 5 (Bane, Hauge, Holloway, Martin, Neal) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Wilbur S. Shockley was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 17 Senators voting YES and 4 (Hauge, Holloway, Martin, Neal) ABSENT; therefore, the appointment was declared confirmed.

Senator Marshall requested that SB 110 which had been assigned to Natural Resources and Environmental Control Committee be reassigned to Revenue and Taxation Committee; however, the Chair denied the request.

On motion of Senator Adams, the Governor's nomination for appointment of Charles H. Tolliver, IV, Esq. was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hauge, Holloway, Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Donald J. Verrico was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hauge, Holloway, Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Daniel F. Wolcott, Jr., Esq. was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hauge, Holloway, Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph S. Yucht was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Hauge, Holloway, Martin) ABSENT; therefore, the appointment was declared confirmed.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY
April 6, 1989

The Senate convened at 2:45 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

Senator Cook moved that SB 110 be reassigned to the Finance Committee. Senator Adams moved for a roll call vote on the motion; however, before a roll vote was taken the Senate recessed for Party Caucus on motion of Senator Sharp - 2:52 p.m.

The Senate reconvened at 3:00 p.m., Senator Cordrey presiding.

Senator Cook withdrew her motion on reassignment of SB 110; however, after some discussion, the Chair did reassign the Bill to the Finance Committee.

Senators Hauge, Holloway, McBride marked PRESENT.

SB 61 was taken up for consideration on motion of Senator Adams:

SB 61 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE.

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

Senator Martin marked PRESENT during the above roll call.

The privilege of the floor was extended to Lavinia R. Hodgden (Board of Veterinary Medicine), Max L. Sponseller (Board of Veterinary Medicine) and William Walls (Senate Attorney). Various Senators entered into the discussion of the Bill after which the roll call vote on SB 61 w SA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

At 3:53 p.m., Senator Sharp presiding.

SB 94 was taken up for consideration on motion of Senator Cordrey:

SB 94 - AN ACT TO AMEND CHAPTER 1 AND 21 OF TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF "OPERATION, MAINTENANCE OR USE OF A MOTOR VEHICLE" FOR THE PURPOSE OF CLEARLY ENFORCING THE PROVISIONS OF CHAPTER 21 OF TITLE 21, DELAWARE CODE.

The privilege of the floor was extended to Robert P. Farrell (National Automobile Transporters Association) and Robert L. Hutchison (Leaseway Transportation) and various Senators interrogated the witnesses after which the roll call vote on the Bill was taken; however, before being announced, the roll call was laid on the table on motion of Senator Cordrey.

SB 80 was taken up for consideration on motion of Senator Torbert:

SB 80 - AN ACT TO AMEND CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO NURSING, AND PERMITTING THE DELAWARE BOARD OF NURSING TO REQUIRE MANDATORY CONTINUING EDUCATION FOR ALL ITS LICENSEES.

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

The roll call vote on SB 80 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 44 was taken up for consideration on motion of Senator Vaughn:

SB 44 - AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO RECORDATION OF INSTRUMENTS.

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

SB 45 which was next on the Agenda for the day was deferred for consideration on motion of Senator Cordrey.

SENATE CONSENT CALENDAR #10 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 47 - COMMENDING MRS. BETTY EDMONDSON FOR HER MANY YEARS OF DEDICATED AND LOYAL SERVICE AS AN EMPLOYEE FOR THE TOWN OF SMYRNA AND WISHING HER THE BEST HEALTH AND HAPPINESS IN HER RETIREMENT YEARS. Sponsors: Representative B. Ennis; Senators Vaughn, Cook; Representative Clark.

HCR 48 - CONGRATULATING THE WILLIAM PENN GIRLS BASKETBALL TEAM ON ITS STATEWIDE FOURTH PLACE FINISH AND FOR BEING UNDEFEATED CONFERENCE CHAMPIONS FOR 1988-1989 SEASON. Sponsors: Representatives Reynolds, Mack, Davis, Brady, Houghton, Jester; Senators Connor, McBride.

HCR 49 - CONGRATULATING THE ST. MARK'S HIGH SCHOOL BASKETBALL TEAM'S STATE CHAMPIONSHIP. Sponsors: Representative Roy, Senator Sharp; Representatives Taylor, Spence, Corrozi, Gilligan, George, VanSant, Campanelli, Jonkiert.

HCR 50 - CONGRATULATING GENEVIEVE WALTON GORE UPON HER INDUCTION INTO THE HALL OF FAME OF DELAWARE WOMEN. Sponsors: Representatives Corrozi, Spence, Petrilli, DiPinto, Taylor, Amick, Davis, Soles, Jester; Senators Sharp, Neal, Martin, R. Still, Bair, Knox.

HCR 51 - IN REFERENCE TO THE ILLEGAL TINTING OR ALTERING OF WINDSHIELDS, FRONT SIDE WINDOWS AND SIDE WINGS OF MOTOR VEHICLES DRIVEN ON DELAWARE HIGHWAYS, AND FURTHER REQUESTING THE DELAWARE POLICE CHIEF'S COUNCIL TO BRING THE PROBLEM TO THE ATTENTION OF ALL POLICE AGENCIES IN THE STATE AS TO THE ENFORCEMENT OF THE LAW, AND WITHIN A SPAN OF A SIX MONTH PERIOD TO REPORT ANY FINDINGS THEY MAY HAVE GLEANED IN TERMS OF THE NEED FOR LEGISLATIVE ACTION, ETC. AND FURTHER REQUESTING THE DIVISION OF MOTOR VEHICLES TO CLOSELY MONITOR THROUGH THE INSPECTION LANES ANY VIOLATIONS OF SECTION 4313, TITLE 21, DELAWARE CODE, AND REPORT BACK TO THE LEGISLATURE WITHIN A SIX MONTH PERIOD ANY FINDINGS THEY MAY CONCLUDE OR RECOMMEND IN TERMS OF THE NEED FOR ADDITIONAL LEGISLATION AND/OR TECHNICAL EQUIPMENT TO BETTER MONITOR TINTED GLASS VIOLATIONS WHEN THE VEHICLE IS BEING INSPECTED. Sponsors: Representative B. Ennis, Senator Torbert, Representative Outten, Senator Vaughn.

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Senator McBride moved that HCR 51 be removed from the Calendar and there was no objection.

Therefore, the roll call vote on SENATE CONSENT CALENDAR #10 (without HCR 51) was taken and revealed 20 Senators voting YES and 1 (R. Still) ABSENT; therefore, the Resolutions were declared adopted by the Senate and returned to the House.

HCR 51 which had been removed from the Calendar was laid on the table on motion of Senator Torbert.

SR 30 was introduced and considered for adoption on motion of Senator Martin:

SR 30 - EXPRESSING WISHES FOR A SPEEDY AND FULL RECOVERY FROM A HEART ATTACK TO LEON DEVALINGER JR., FORMER STATE ARCHIVIST AND FOUNDER OF THE DELAWARE STATE MUSEUM. Sponsors: Senator Martin and all Senators.

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

At 4:55 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., April 11, 1989.

The Senate reconvened at 2:34 p.m., April 11, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 67 w HA 1; HB 107 w HA 1; HB 8 w HA 1; HB 92 w HA 1.

SB 75 was reported out of the Community Affairs Committee: 3 Merits.

The following legislation was introduced:

SA 1 to SB 55. Sponsors: Senators Venables, McDowell. Placed with the Bill.

SA 1 to SB 75. Sponsor: Senator Venables. Placed with the Bill.

SA 1 to SB 111. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 113. Sponsor: Senator Torbert. Placed with the Bill.

SB 112 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall, Representative Oberle; Senators Cook, Holloway, Martin, McBride, McDowell, Minner, Sharp; Representatives Campanelli, Jonkiert, Maroney, Plant, Sills, West. Assigned to Labor and Industrial Relations Committee.

SB 113 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, AND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO TREATMENT OF DOGS AND OTHER ANIMALS. Sponsors: Senator Torbert; Representatives DiPinto, Ewing. Assigned to Natural Resources and Environmental Control Committee.

SB 114 - AN ACT TO AMEND TITLE 24, CHAPTER 21 OF THE DELAWARE CODE, RELATING TO THE DEFINITION OF THE PRACTICE OF OPTOMETRY, THE USE OF DRUGS OR SURGERY IN THE PRACTICE OF OPTOMETRY AND THE LICENSING AND CERTIFICATION THEREOF. Sponsors: Senator Holloway, Representative D. Ennis; Senators Torbert, Vaughn, J. Still, Hauge; Representatives Brady, Houghton, Petrilli, Spence and VanSant. Assigned to Administrative Services/Energy Committee.

HB 107 w HA 1 - AN ACT TO AMEND TITLES 16 AND 21 OF THE DELAWARE CODE RELATING TO LITTERING. Sponsor: Representative Quillen. Assigned to Health-Social Services/Aging Committee.

HB 8 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO THE PURCHASING, BUYING OR GIVING OF ALCOHOLIC LIQUOR TO A MINOR OR THE CONSUMPTION OF ALCOHOLIC LIQUOR BY MINORS AND PENALTIES THEREFOR. (2/3 vote) Sponsors: Representatives Oberle, Spence. Assigned to Administrative Services/Energy Committee.

HB 92 w HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES. Sponsors: Representative Clark; Senators Bane, J. Still; Representatives Boykin, Brady, Buckworth, Bunting, Caulk, Clark, Davis, D. Ennis, Jester, Jonkiert, Plant, Schroeder, West. Assigned to Public Safety Committee.

HB 67 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO REGISTRATION OF OUT-OF-STATE LIQUOR CONTROL BOARD AGENTS IN THE STATE OF DELAWARE. Sponsors: Representatives B. Ennis, Brady, Campanelli, VanSant, West, Houghton, Amick. Assigned to Administrative Services/Energy Committee.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY
April 11, 1989

The Senate convened at 2:45 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bair.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

Senator McBride marked PRESENT.

HCR 51 was lifted from the table for consideration on motion of Senator Torbert:

HCR 51 - IN REFERENCE TO THE ILLEGAL TINTING OR ALTERING OF WINDSHIELDS, FRONT SIDE WINDOWS AND SIDE WINGS OF MOTOR VEHICLES DRIVEN ON DELAWARE HIGHWAYS, AND FURTHER REQUESTING THE DELAWARE POLICE CHIEF'S COUNCIL TO BRING THE PROBLEM TO THE ATTENTION OF ALL POLICE AGENCIES IN THE STATE AS TO THE ENFORCEMENT OF THE LAW, AND WITHIN A SPAN OF A SIX MONTH PERIOD TO REPORT ANY FINDINGS THEY MAY HAVE GLEANED IN TERMS OF THE NEED FOR LEGISLATIVE ACTION, ETC. AND FURTHER REQUESTING THE DIVISION OF MOTOR VEHICLES TO CLOSELY MONITOR THROUGH THE INSPECTION LANES ANY VIOLATIONS OF SECTION 4313, TITLE 21, DELAWARE CODE, AND REPORT BACK TO THE LEGISLATURE WITHIN A SIX MONTH PERIOD ANY FINDINGS THEY MAY CONCLUDE OR RECOMMEND IN TERMS OF THE NEED FOR ADDITIONAL LEGISLATION AND/OR TECHNICAL EQUIPMENT TO BETTER MONITOR TINTED GLASS VIOLATIONS WHEN THE VEHICLE IS BEING INSPECTED.

Senator McDowell marked PRESENT.

The privilege of the floor was extended to Robert J. Voshell (Director, Division of Motor Vehicles) and various Senators entered into discussion of the Resolution after which the roll call vote was taken and revealed 19 Senators voting YES, 1 ((Neal) voting NO and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

On motion of Senator Marshall and without objection, SB 55 (SA 1) was lifted from the table and reassigned to Revenue and Taxation Committee.

At 3:03 p.m., the Senate recessed for Party Caucus on motion of Senator Sharp and reconvened at 3:47 p.m., Lt. Governor Wolf presiding.

Senator McBride moved that the necessary rules be suspended for consideration of SB 111 to replace SB 24 which was next on the Agenda. There was no objection.

SB 111 - AN ACT TO AMEND CHAPTER 59, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE.

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

The privilege of the floor was extended to Michael Morton (Controller General's Office) and various Senators entered into discussion of the Bill after which the roll call vote on SB 111 w SA 1 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 13.

NO: Senators Bair, Connor, Hauge, Neal - 4.

NOT VOTING: Senators Bane, Knox, R. Still - 3.

ABSENT: Senator Holloway - 1.

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

SB 24 was stricken on motion of Senator McBride.

SB 78 was taken up for consideration on motion of Senator Vaughn:

SB 78 - AN ACT TO AMEND CHAPTER 12, TITLE 20, DELAWARE CODE RELATING TO THE JURISDICTION, AUTHORITY, OPERATION AND MAINTENANCE OF A VETERAN'S CEMETERY IN DELAWARE.

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

Senator McBride commented on the Bill after which the roll call vote on SB 78 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 79 was taken up for consideration on motion of Senator Vaughn:

SB 79 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE RELATING TO THE JURISDICTION, AUTHORITY, OPERATION AND MAINTENANCE OF A VETERAN'S CEMETERY IN DELAWARE AND OTHER PROVISIONS.

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

SB 17 was taken up for consideration on motion of Senator Minner:

SB 17 - AN ACT TO AMEND CHAPTER 49, TITLE 15, DELAWARE CODE, RELATING TO SAMPLE BALLOTS.

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

Senator Cordrey requested that SB 94 be removed from the Agenda.

Senator Cordrey requested that SB 45 be removed from the Agenda.

SB 26 was stricken on motion of the sponsor, Senator Vaughn.

At 4:31 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 12, 1989.

The Senate reconvened at 4:50 p.m., April 12, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 105; HB 86; HB 169 and adopted HJR 5 and HCR 52.

Senator Holloway marked PRESENT.

The following legislation was introduced:

SB 115 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULT ON A SPORTS OFFICIAL. Sponsors: Senator Marshall; Representatives Taylor, Reynolds. Assigned to Judiciary Committee.

SB 116 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION PLATES FOR MOTOR VEHICLES OWNED BY THE DELAWARE CIVIL AIR PATROL (CAP) REGISTERED IN THIS STATE. Sponsors: Senators Torbert, Vaughn, Minner, Cook, Marshall, J. Still; Representatives Clark, Schroeder, Buckworth. Assigned to Public Safety Committee.

Senator Martin wished Senator Vaughn a Happy Birthday and all present concurred in the good wishes.

SB 117 - AN ACT TO AMEND CHAPTER 15, TITLE 14 OF THE DELAWARE CODE RELATING TO COMPLIANCE WITH CERTAIN REGULATIONS. Sponsors: Senators Bair, Sharp. Assigned to Education Committee.

SB 118 - AN ACT TO AMEND AN ACT, BEING CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA" RELATING TO THE PROVIDING OF POWERS OF ANNEXATION. (2/3 vote) Sponsors: Senator Torbert, Representative Caulk. Assigned to Revenue and Taxation Committee.

SB 119 - AN ACT TO AMEND PART VI, CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE SIZE OF PROPAGATING AND SHOOTING PRESERVES. Sponsors: Senators Vaughn, Minner; Representatives B. Ennis, Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 120 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE CONFERRING UPON SUSSEX COUNTY CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE COUNTY AND EMPOWERING SUSSEX COUNTY TO IMPOSE AND COLLECT A REAL ESTATE TRANSFER TAX FOR THE PURPOSE OF FUNDING ITS SHARE OF THE COST OF THE STATE OF DELAWARE'S BEACH PRESERVATION PROGRAMS. Sponsors: Senators Cordrey, Minner. Laid on the table on motion of Senator Cordrey.

SB 121 - AN ACT TO AMEND §904, CHAPTER 9, TITLE 4 OF THE DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS. Sponsor: Senator Sharp. Assigned to Administrative Services/Energy Committee.

SB 122 - AN ACT TO AMEND PART II, CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO COMPOSITION OF THE INDUSTRIAL ACCIDENT BOARD. Sponsors: Senator Vaughn, Representative B. Ennis; Senators Knox, R. Still; Representatives West, Lee, DiPinto, Brady, VanSant, Caulk. Assigned to Labor and Industrial Relations Committee.

SB 123 - AN ACT TO AMEND SECTION 6005, TITLE 7 OF THE DELAWARE CODE RELATING TO CIVIL PENALTIES COLLECTED BY THE DIVISION OF ENVIRONMENTAL CONTROL. Sponsors: Senators Venables, Adams, Cordrey, Minner, McDowell, Marshall, Sharp, Vaughn. Assigned to Natural Resources and Environmental Control Committee.

SB 124 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE VOLUNTARY ASSESSMENT SYSTEM OF MOTOR VEHICLE OFFENSES AND PROVIDING FOR TRIAL IN ABSENTIA. Sponsors: Senator Minner; Representatives B. Ennis, Ewing. Assigned to Public Safety Committee.

SB 103 was reported out of the Finance Committee: 5 Merits.

SA 1 to HB 4 w HA 1 w HA 1. Sponsors Senators McBride and Sharp. Laid on the table on motion of Senator McBride.

Senator Bane requested and the privilege of the floor was extended to Robin Davis (YMCA Youth in Government participant) and Rich Przywara (YMCA Youth in Government Director). Senator Bane also recognized and introduced several other participants of the YMCA Youth in Government Program who were present in the gallery.

At 5:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 20th Legislative Day.

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20TH LEGISLATIVE DAY

April 12, 1989

The Senate convened at 5:05 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Blair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

HB 4 w HA 1 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 4 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 16, DELAWARE CODE RELATING TO VENEREAL DISEASES.

SA 2 to the Bill (sponsors: Senators McBride and Sharp) was introduced.

The privilege of the floor was extended to Representative Davis who was questioned by various Senators.

At 5:23 p.m., Senator Adams presiding.

HB 4 w HA 1 w HA 1 was then laid on the table on motion of Senator Holloway.

SB 35 was stricken on motion of the sponsor, Senator Torbert.

SB 62 was stricken on motion of the sponsor, Senator Torbert.

At 5:34 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 13, 1989.

The Senate reconvened at 2:40 p.m., April 13, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 53; HCR 54; HCR 55; HCR 56.

Senator R. Still marked PRESENT.

LEGISLATIVE ADVISORIES #4, 5 and 6 received from the Office of Counsel to the Governor were read and copies made available to each Senator:

LEGISLATIVE ADVISORY #4 - On March 30, 1989 the Governor signed SB 18 w SA 1 (Volume 67, Chapter 4, Laws of Delaware).

LEGISLATIVE ADVISORY #5 - on April 4, 1989 the Governor signed SB 20 w SA 1 (Volume 67, Chapter 5, Laws of Delaware).

LEGISLATIVE ADVISORY #6 - On April 7, 1989 the Governor signed SB 40 w SA 1 (Volume 67, Chapter 6, Laws of Delaware).

The following legislation was introduced:

SB 125 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO AMOUNT OF SERVICE OR DISABILITY PENSION. Sponsor: Senator Torbert. Assigned to Finance Committee.

SB 126 - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE, TO ESTABLISH THE IVYANE D. F. DAVIS MEMORIAL SCHOLARSHIP FUND, TO PROVIDE FOR THE ADMINISTRATION THEREOF, AND PROVIDING AN APPROPRIATION THEREFOR. Sponsors: Senator McDowell, Representative Buckworth; Senators Cook, Torbert, Venables, Minner, Marshall, Martin, McBride, Bair, Knox, J. Still, Bane, R. Still, Connor, Hauge; Representatives Bennett, Outten, George, Bunting, Schroeder, B. Ennis, Soles, Gilligan, Houghton, Plant, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Spence, Taylor. Assigned to Children, Youth and Families Committee; reassigned to Finance Committee.

SA 1 to SB 120. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 103. Sponsor: Senator Adams. Placed with the Bill.

HB 105 - AN ACT TO AMEND CHAPTER 15 OF TITLE 13 OF THE DELAWARE CODE RELATING TO A BILL OF CHILDRENS' RIGHTS. Sponsors: Representatives Outten, Bennett, Brady, Buckworth, Bunting, Clark, Hebner, Jester, Plant, Quillen, Sills, West; Senators Cook, Torbert, Vaughn. Assigned to Judiciary Committee.

HB 86 - AN ACT TO AMEND SECTION 1342, CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO THE COMPENSATION OF MEMBERS OF THE NEW CASTLE COUNTY PLANNING BOARD. Sponsors: Representative Roy, Senator Sharp; Representatives Petrilli, Amick, Davis, D. Ennis, Smith, Taylor, Gilligan, Houghton, Soles; Senators Hauge, R. Still. Assigned to Community Affairs Committee.

HB 169 - AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO TITLE AND LIENS. Sponsors: Representatives Buckworth, Spence, Clark, B. Ennis; Senators Torbert, J. Still. Assigned to Public Safety Committee.

HJR 5 - AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DESIGNATE UP TO TWO (2) DAYS A YEAR AS FREE SPORT FISHING DAYS IN DELAWARE'S NON-TIDAL WATERS. Sponsors: Representative Carey, Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

The following Committee reports were announced:

From the Judiciary Committee: HB 84 - 4 Merits; SB 109 - 4 Merits; SB 106 - 4 Merits;

SB 91 - 4 Merits; SB 90 - 4 Merits; SB 89 - 4 Merits; SB 88 - 4 Merits; SB 53 - 4 Merits.

From the Labor and Industrial Relations Committee: SB 112 - 1 Favorable, 4 Merits; SB 86 - 5 Merits.

From the Revenue and Taxation Committee: SB 98 - 4 Merits; SB 93 - 4 Merits.

From the Education Committee: SB 19 - 5 Merits; SB 66 - 5 Merits.

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY

April 13, 1989

The Senate convened at 2:57 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator R. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

At 2:58 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:07 p.m., Senator Cordrey presiding.

SR 32 was introduced and considered for adoption on motion of Senator Venables:

Senator Martin marked PRESENT.

SR 32 - EXTENDING WARM CONGRATULATIONS TO MR. AND MRS. OSCAR P. MARTIN OF LAUREL, DELAWARE, PARENTS OF STATE SENATOR ROGER A. MARTIN, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY. Sponsors: Senator Venables and all Senators.

Senator Connor marked PRESENT.

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

A messenger from the Governor was announced and admitted.

At 4:16 p.m., Senator Sharp presiding.

SB 120 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules and without objection:

SB 120 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE CONFERRING UPON SUSSEX COUNTY CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE COUNTY AND EMPOWERING SUSSEX COUNTY TO IMPOSE AND COLLECT A REAL ESTATE TRANSFER TAX FOR THE PURPOSE OF FUNDING ITS SHARE OF THE COST OF THE STATE OF DELAWARE'S BEACH PRESERVATION PROGRAMS.

SA 1 to the Bill (sponsor: Senator Cordrey) was introduced.

The privilege of the floor was extended to Robert L. Stickels (Sussex County Administrator) and discussion of the Amendment was entered into by several Senators after which the roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Hauge, Minner, Neal) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator J. Still) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken; however, before being announced the roll call was laid on the table on motion of Senator J. Still.

During extended debate on the Bill, the privilege of the floor was extended to M. E. Prettyman, Jr. (Delaware Association of Realtors) and Robert Henry (Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control).

Senator Neal marked PRESENT during the following roll call.

The roll call vote on SB 120 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Holloway, Knox, Martin, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Marshall, McDowell - 2.

NOT VOTING: Senators McBride, J. Still - 2.

ABSENT: Senator Hauge - 1.

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

The roll call vote on SA 2 to SB 120 w SA 1 was then lifted and rescinded and the Amendment stricken on motion of Senator J. Still.

SB 72 w SA 1 was stricken on motion of the sponsor, Senator McBride.

SENATE CONSENT CALENDAR #11 was introduced as follows:

SR 31 - MOURNING THE LOSS OF NEW CASTLE COUNTY RECORDER OF DEEDS WILLIAM M. HONEY.

Sponsors: Senators Hauge, Bair, Bane, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, R. Still, Vaughn.

SCR 41 - COMMENDING THE MEMBERS OF THE BRANDYWINE CONVALESCENT HOME RETIRED SENIOR VOLUNTEERS FOR MAKING AND DONATING TOYS TO CHILD, INC. FOR DISTRIBUTION TO SHELTERS FOR BATTERED WOMEN AND THEIR CHILDREN. Sponsors: Senators R. Still, Bane; Representatives Corrozi, Gilligan.

HCR 52 - OFFERING A HEARTY THANK YOU TO OUR EVER PATIENT STATE TELEPHONE OPERATORS, WHO KEEP THE GENERAL ASSEMBLY CONNECTED WITH THE OUTSIDE WORLD. Sponsors: Representatives Spence, Petrilli, Buckworth, George, Gilligan; Senators Cordrey, Sharp, Marshall, Bair, Connor.

HCR 53 - WISHING JOHN REALE, SR. A HAPPY 80TH BIRTHDAY AND THANKING HIM FOR HIS MANY SERVICES TO THE COMMUNITY. Sponsors: Representatives DiPinto, Corrozi, Jonkiet; Senator Marshall.

HCR 54 - MOURNING THE LOSS OF A GREAT STATESMAN, THURMAN G. ADAMS, SR. Sponsors: Representative Ewing, Senator Sharp; all Representatives, all Senators.

HCR 55 - IN OBSERVANCE OF THE GREENWOOD FIRE COMPANY'S NEW BUILDING DEDICATION ON APRIL 29, 1989. Sponsors: Representative Ewing, Senator Adams.

HCR 56 - CONGRATULATING MARION CRAIN STEWARD ON RECEIVING THE CIVIC LEAGUE OF NEW CASTLE COUNTY'S "GOOD GOVERNMENT AWARD". Sponsors: Representative Amick, Senator Hauge, Representative Soles.

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On motion of Senator Sharp and without objection, HCR 54 was removed from the Consent Calendar.

The roll call vote on CONSENT CALENDAR #11 was then taken and revealed 20 Senators voting YES and 1 (Hauge) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolution were returned to the House and the Senate Consent Concurrent Resolution was sent to the House for consideration.

HCR 54 which had been removed from SENATE CALENDAR #11 was taken up for consideration on motion of Senator Cordrey:

HCR 54 - MOURNING THE LOSS OF A GREAT STATESMAN, THURMAN G. ADAMS, SR.

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

SCR 42 was introduced and considered for adoption on motion of Senator Bane:

SCR 42 - CONGRATULATING YOUTH IN GOVERNMENT GOVERNOR ROBIN DAVIS AND ALL STUDENTS WHO PARTICIPATED IN THE 1989 MOCK LEGISLATIVE SESSION APRIL 7-9, 1989 SPONSORED BY THE YMCA. Sponsors: Senator Bane, Representative Petrilli; all Senators, all Representatives.

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

At 5:37 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., April 18, 1989.

The Senate reconvened at 2:23 p.m., April 18, 1989, Senator Cordrey presiding.

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

STATE OF DELAWARE
Office of the Governor
April 13, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert W. Allen, 916 Midway Lane, Seaford, DE 19973, to be appointed as a member of Board of Pension Trustees to serve a term to expire January 23, 1990, to succeed William J. Aultman, Jr., who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

At 2:25 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SA 1 to SB 74. Sponsor: Senator Venables. Placed with the Bill.

SB 127 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF STATE, DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO NAME THE HALL OF RECORDS BUILDING LOCATED ON THE NORTHEAST CORNER OF DUKE OF YORK STREET AND LEGISLATIVE AVENUE, DOVER, DELAWARE, AS THE LEON DEVALINGER, JR. HALL OF RECORDS BUILDING IN HONOR OF LEON DEVALINGER, THE STATE'S FIRST FULL TIME STATE ARCHIVIST AND IN COMMEMORATION OF THE GOLDEN ANNIVERSARY OF THE BUILDING BUILT FIFTY YEARS AGO TO HOUSE THE STATE'S TREASURED AND HISTORICAL DOCUMENTS FOR POSTERITY. Sponsors: Senator Cook, Representatives Quillen, Outten; Senators Adams, Cordrey, Holloway, Martin, Minner, Torbert, Vaughn, Knox, J. Still, R. Still; Representatives Bennett, Clark, B. Ennis, Buckworth, Caulk. Assigned to Administrative Services/Energy Committee.

Senator Hauge marked PRESENT.

SB 128 - AN ACT TO AMEND CHAPTER 59, TITLE 10 AND CHAPTER 8, TITLE 13 OF THE DELAWARE CODE RELATING TO CERTAIN NAME CHANGES. Sponsors: Senators Bane, Hauge, Sharp, Vaughn; Representatives Amick, Bennett, Boykin, Buckworth, Carey, Ewing, Hebner, Sills, Smith, Soles, West. Assigned to Judiciary Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 130.

HB 130 was introduced and assigned to Labor and Industrial Relations Committee:

HB 130 - AN ACT TO AMEND TITLE 18 DELAWARE CODE CHAPTER 25 TO REQUIRE WORKERS' COMPENSATION RATING ORGANIZATIONS TO INCLUDE DISCOUNTS FOR SAFE WORKPLACES. Sponsors: Representative Oberle, Senator Marshall; Representatives D. Ennis, VanSant, Bennett.

At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY April 18, 1989

The Senate convened at 2:28 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

HB 4 w HA 1 w HA 1 was lifted from the table for consideration on motion of Senator Holloway.

In the absence of the sponsor of SA 2 to the Bill which had been placed with the Bill, the Bill was again laid on the table on further motion of Senator Holloway.

At 2:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:56 p.m., Lt. Governor Wolf presiding.

SB 129 was introduced and assigned to Judiciary Committee:

SB 129 - AN ACT TO AMEND PART VI, CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE MAXIMUM COMPENSATION THAT CAN BE AWARDED BY VIOLENT CRIMES COMPENSATION BOARD TO INNOCENT VICTIMS OF CRIME. Sponsors: Senators Vaughn, Cook; Representatives Jester, B. Ennis, Corrozi, Hebner.

SB 54 was reported out of the Finance Committee: 3 Merits, 2 Unfavorable.

On motion of Senator Adams, the Governor's nomination for appointment of Edward W. Cronin was taken up for consideration under suspension of the necessary rules (no objection).

Senators Martin, McBride, Connor marked PRESENT during the following roll call.

The roll call vote on the nomination of Edward W. Cronin was then taken and revealed 18 Senators voting YES and 3 (Hauge, Minner, Torbert) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Gerald E. Dixon, Esq., was taken up for consideration under suspension of the necessary rules (no objection).

Senator Minner marked PRESENT during the following roll call.

The roll call vote on the nomination of Gerald E. Dixon, Esq. was then taken and revealed 20 Senators voting YES and 1 (Hauge) ABSENT; therefore, the appointment was declared confirmed.

HB 4 w HA 1 w HA 1 was lifted from the table for consideration on motion of Senator Holloway.

SA 2 to the Bill which had been placed with the Bill was laid on the table on motion of Senator McBride.

SA 3 to the Bill (sponsors: Senators McBride and Sharp) was introduced.

A letter from David Lyons of the Attorney General's Office concerning the legislation was partially read at the request of Senator Holloway and returned to him.

Various Senators entered into discussion of the Amendment after which the roll call vote on SA 3 to HB 4 w HA 1 w HA 1 was taken and revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, McBride, Minner, Sharp, Vaughn, Venables - 10.

NO: Senators Neal, J. Still - 2.

NOT VOTING: Senators Bane, Connor, Hauge, Knox, Marshall, Martin, McDowell, R. Still, Torbert - 9.

Therefore, the Amendment was declared defeated.

HB 4 w HA 1 w HA 1 was then laid on the table on motion of Senator Holloway.

SA 2 to HB 4 w HA 1 w HA 1 was stricken on motion of the sponsor, Senator McBride.

SB 54 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules and without objection:

SB 54 - AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES.

SA 1 to the Bill (sponsors: Senators McDowell and McBride) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Minner) voting NO; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsors: Senators McDowell and McBride) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

Senators Connor, Cook, J. Still and Neal commented on the Bill after which the roll call vote on SB 54 w SA 1, 2 was taken and revealed:

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Bair, Hauge - 2.

NOT VOTING: Senators Bane, Knox, R. Still - 3.

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

SS 1 to SB 42 was introduced and adopted in lieu of the Original on motion of Senator Torbert:

SS 1 to SB 42 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESMEN AND THE CERTIFICATION OF REAL ESTATE APPRAISERS. Sponsors: Senator Torbert; Representatives DiPinto, Boykin, Lee, Caulk, B. Ennis.

At 4:59 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 19, 1989.

The Senate reconvened at 4:22 p.m., April 19, 1989, Senator Sharp presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 152 w HA 1, 5, SA 2, 3, 4, 5; HB 213; HB 10 w HA 1; HB 98 w HA 1; HB 117 w HA 1; HB 77 w HA 1; HB 87; HB 122 w HA 1; HB 209; HB 208; HB 201.

The following Committee reports were announced:

From the Insurance and Elections Committee: SB 104 - 3 Merits; SB 100 - 3 Merits.

The following legislation was introduced:

SB 130 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE, RELATING TO REVENUE COLLECTIONS IN THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. (3/5 vote) Sponsors: Senators Holloway, Cook, Hauge, R. Still, Vaughn; Representatives Maroney, Corrozi, Smith, Soles, West, Davis, Quillen. Assigned to Finance Committee.

HB 77 w HA 1 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE DISTRIBUTION AND POSTING OF WARNING SIGNS. (2/3 vote) Sponsors: Representatives VanSant, Davis, Jester, Outten, Sills, Taylor; Senator McDowell. Assigned to Health-Social Services/Aging Committee; reassigned to Administrative Services/Energy Committee.

HB 87 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO CONSTRUCTION OR LOADING OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. Sponsors: Representative Boykin, Senator Bair; Representatives Buckworth, DiPinto, D. Ennis, Smith, Maroney, Reynolds, Oberle, Amick, Davis, Lee, Ewing, Fallon, Jonkiert, Campanelli; Senators Knox, Bane, Neal, Hauge. Assigned to Public Safety Committee.

HB 122 w HA 1 - AN ACT TO AMEND CHAPTER 46 OF TITLE 25 OF THE DELAWARE CODE RELATING TO LIENS FOR RECOVERY OF COSTS INCURRED BY MUNICIPALITIES OR POLITICAL SUBDIVISIONS FOR MAKING IMPROVEMENTS TO THE EXTERIORS OF VACANT BUILDINGS WITHIN THEIR RESPECTIVE JURISDICTIONS AND TO AMEND CHAPTER 29, TITLE 25, DELAWARE CODE TO ESTABLISH THE PRIORITY OF SUCH LIENS AND OF SIMILAR LIENS. (3/5 vote) Sponsors: Representatives DiPinto, Buckworth, Boykin, Corrozi, Fallon, Davis, Maroney, Mack, George, Jonkiert. Assigned to Judiciary Committee.

HB 209 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO RACING DAYS. Sponsors: Representatives Gilligan, Roy, Senator Sharp; Representatives Campanelli, Corrozi, Spence, Taylor, VanSant; Senators Bane, Holloway, McBride. Assigned to Administrative Services/Energy Committee.

HB 201 - AN ACT TO AMEND 61 DELAWARE LAWS CHAPTER 156, BEING THE CHARTER OF THE CITY OF MILFORD, BY AMENDING SECTIONS 1.01(B) AND 11.05 THEREOF TO PERMIT THE AWARDED OF CONTRACTS WITHOUT PUBLIC COMPETITIVE BIDDING FOR SERVICES RENDERED BY THE STATE OF DELAWARE, FOR PROFESSIONAL SERVICES, AND UNDER OTHER CIRCUMSTANCES, AND TO PERMIT SALE OF BONDS AT PUBLIC OR PRIVATE SALE. Sponsors: Representative Carey, Senator Minner. Assigned to Administrative Services/Energy Committee.

HB 10 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO WARRANTLESS ARRESTS FOR TRAFFIC VIOLATIONS. Sponsors: Representatives Hebner, Ewing, Davis, Houghton, Plant. Assigned to Judiciary Committee.

HB 98 w HA 1 - AN ACT TO AMEND CHAPTER 41 OF TITLE 21 OF THE DELAWARE CODE RELATING TO REVOCATION OF LICENSE FOR CERTAIN DRUG OFFENSES. Sponsors: Representatives Gilligan, George, Oberle, Reynolds, VanSant. Assigned to Judiciary Committee.

At 4:30 p.m., Lt. Governor Wolf presiding.

HB 117 w HA 1 - AN ACT TO AMEND SECTION 5306, CHAPTER 53, TITLE 25 OF THE DELAWARE CODE, RELATING TO TENANT'S REMEDY OF REPAIR AND DEDUCTION FOR MINOR DEFECTS. Sponsors: Representatives Sills, D. Ennis, Plant; Senators Holloway, McDowell. Assigned to Administrative Services/Energy Committee.

HB 213 - AN ACT TO AMEND CHAPTER 14, TITLE 11 OF THE DELAWARE CODE RELATING TO CONCEALED DEADLY WEAPONS. Sponsors: Representatives Ewing, Spence, Oberle, Jester, VanSant, Roy, B. Ennis; Senators Martin, Minner, Neal, McBride. Assigned to Judiciary Committee.

HB 208 - AN ACT TO AMEND CHAPTER 174 VOLUME 23, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF TOWNSEND" RELATING TO THE AUTHORITY TO ISSUE BONDS. (2/3 vote) Sponsors: Representative B. Ennis, Senator Vaughn, Representative Jester. Assigned to Community Affairs Committee.

SB 55 was reported out of the Revenue and Taxation Committee: 4 Merits.

The following legislation was introduced:

SA 4 and SA 5 to HB 4 w HA 1 w HA 1. Senator Hauge. Placed with the Bill.

SA 1 to HB 63. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 100. Sponsor: Senator McBride. Placed with the Bill.

Senator McBride moved that the roll call vote on SA 3 to HB 4 w HA 1 w HA 1 be rescinded. After the title of the Amendment was read Senator McBride yielded to Senator McDowell who moved that the roll call on the Amendment be rescinded and restored to the Calendar. There was no objection.

SA 1 to SB 104 (sponsor: Senator Cordrey) was introduced and placed with the Bill.

The following communication from the Governor was partially read when Senator Sharp moved that so much be considered reading of the communication; however, several Senators commented on the letter after which it was then read in its entirety and laid on the table on motion of Senator McDowell:

STATE OF DELAWARE
Office of the Governor
April 17, 1989

Members of the 135th General Assembly
State of Delaware

Dear Member of the General Assembly:

I am this day returning without my signature Senate Joint Resolution 3, which is entitled: MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO VEHEMENTLY OPPOSE ANY EFFORT TO INCREASE FEDERAL MOTOR FUEL TAXES FOR THE PURPOSES OF DEFICIT REDUCTION.

I am returning this Resolution without my signature for several reasons. Chief among them is my belief that the federal government needs a great deal of flexibility in dealing with the deficit which currently plagues the country. I reach no conclusion on the issue of whether or not motor fuel tax revenues should be utilized for transportation programs or overall deficit reduction. However, by signing this Resolution I might, in essence, be acting to deny the federal government the latitude it needs to respond to this crisis.

Secondly, and of equal importance, is the fact that this is more an expression of legislative intent rather than a formal statute or constitutional amendment. A statement of legislative opinion reflects a belief of the General Assembly on a certain issue and should not require approval or rejection by me. Inasmuch as I do not desire to frustrate this expression of legislative opinion by preventing its enactment, I have specifically elected not to exercise my powers of gubernatorial veto and simply return this Resolution without my signature so that your legislative expression remains of record.

As this is a resolution reflecting the opinion and wisdom of the General Assembly, I respect your belief and wish you well in expressing your views to the Delaware Congressional Delegation.

Sincerely,
Michael N. Castle

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Several Senators commented on the letter and it was then laid on the table on motion of Senator McDowell.

At 4:43 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

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23RD LEGISLATIVE DAY
April 19, 1989

The Senate convened at 4:43 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

The Journal of the previous day was approved as read on motion of Senator Sharp.

Senator Torbert marked PRESENT.

At the request of Senator McBride an editorial from the News Journal dated April 19, 1989 was read in its entirety. The editorial was captioned: "Budd prison site. What kind of message are we sending?"

Senator Martin, Chairman of the Select Committee on Transportation, commented on a News Journal news story covering the Committee hearing of the previous evening which was in error. Several Senators commented on the story.

SCR 43 was introduced and considered for adoption on motion of Senator Adams:

SCR 43 - HONORING BRIDGEVILLE ARTIST JACK LEWIS FOR HIS CONTRIBUTION OF MORE THAN HALF A CENTURY AS AN INTERPRETER OF THE "DELAWARE SCENE" AND EXTENDING TO HIM THE SINCERE THANKS OF THE PEOPLE OF HIS ADOPTED STATE FOR THE HALF CENTURY OF CREATIVITY HE HAS SHARED WITH THEM. Sponsors: Senator Adams; Representatives Ewing, Fallon.

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

At 5:12 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:32 p.m., Senator Sharp presiding.

SB 103 was taken up for consideration on motion of Senator Adams:

SB 103 - AN ACT TO AMEND CHAPTER 66, TITLE 18 DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed 16 Senators voting YES and 5 (Bair, Connor, Cordrey, Holloway, R. Still) ABSENT; therefore, the Amendment was declared adopted.

At 5:35 p.m., Lt. Governor Wolf presiding.

The roll call vote on SB 103 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 74 which was next on the Agenda of the day, was deferred for consideration on motion of Senator Venables.

SB 75 was taken up for consideration on motion of Senator Venables:

SB 75 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING & CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD", TO CONFER UPON THE CITY COUNCIL OF THE CITY OF SEAFORD CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF SEAFORD. (2/3 vote)

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Venables and the roll call vote taken which revealed 18 Senators voting YES and 3 (Connor, Cordrey, R. Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 75 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 152 w HA 1, SA 2, 3, 4, 5 which had been returned from the House as further amended by HA 5 was taken up for consideration on motion of Senator Martin.

The following communication concerning HA 5 was read into this Journal on motion of Senator Minner:

STATE OF DELAWARE
Department of Transportation
Dover, Delaware 19903
April 18, 1989

The Honorable Ruth Ann Minner
State Senator

The Honorable Roger Roy
State Representative

Legislative Hall
Dover, DE 19901

RE: HB 152

Dear Senator Minner and Representative Roy:

I appreciate the fact that after last Thursday's House session you and I were able to sit down and work out an arrangement which, I'm sure you will agree, meets your concerns and mine with respect to business reestablishment costs reimbursements. This letter sets forth the agreement as I understand it:

1. Establish a new cap of \$22,500 on business reestablishment expenses by a new amendment to H. B. 152, which you would not oppose.

2. At the end of each of the next two years, DelDOT would sit down with you and the respective Chairmen of the House and Senate Committees on Transportation and go over the Department's experience with the new benefit and its limits. If the cap does not address the needs of businesses which must re-establish because we must purchase their existing property during those years, the Department will support new legislation which would address those needs.

I believe this letter sets forth the terms of our agreement. If not, please let me know as soon as possible. As my staff and I tried to make clear, the Department's overall program is in greater jeopardy as the State drifts away from the April 2 deadline.

Thank you once again for the opportunity to work out our differences to a mutually satisfactory conclusion on behalf of the State.

Very truly yours,
Kermit H. Justice
Secretary

cc: Sen. Roger Martin, Chairman of the Senate Committee on Transportation

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The roll call vote on HB 152 w HA 1, 5, SA 2, 3, 4, 5 was then taken and revealed 17 Senators voting YES and 4 (Connor, Cordrey, McBride, R. Still) ABSENT: therefore, the Bill was declared passed by the Senate and returned to the House.

At 5:48 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 20, 1989.

The Senate reconvened at 2:13 p.m., April 20, 1989, Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 57; HCR 58; HCR 59; HCR 60; SCR 41; SCR 42; SCR 43.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 97 - 5 Merits; SB 127 - 1 Favorable, 4 Merits; HB 67 - 5 Merits.

From the Natural Resources and Environmental Control Committee: SB 119 - 2 Merits (later corrected to 3 Merits); SB 81 - 3 Merits; HJR 5 - 3 Merits.

From the Community Affairs Committee: HB 86 - 3 Merits.

From the Finance Committee: HB 85 - 6 Merits; SB 33 - 6 Merits; SB 126 - 6 Merits.

At 2:19 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY

April 20, 1989

The Senate convened at 2:19 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following communication was read and made part of this Journal on motion of Senator Holloway:

THE MEDICAL SOCIETY OF DELAWARE AUXILIARY

Academy of Medicine Building

1925 Lovering Avenue

Wilmington, Delaware 19806

April 17, 1989

The Honorable Herman M. Holloway, Sr.

Delaware Senate

2008 Washington Street

Wilmington, Delaware 19802

Dear Senator Holloway:

On behalf of the Medical Society of Delaware Auxiliary, I wish to thank you for taking time from your busy schedule to talk with us last Thursday. Although I have watched you in action on the Senate floor, I have waited a long time to actually meet you. You are all that I imagined, and more. I am sure that your plea to use more of state funds for the benefit of our children did not fall on deaf ears. Our organization strongly believes that many of the ills in our society can only be cured by starting with our young people. Education is the key, but it is difficult for children to concentrate on learning when they cannot be properly fed or housed.

Many of the members of our organization have been very active in various programs designed to educate our children against drug abuse. Certainly, if any of us could be of any help to you in your efforts to improve the lives of Delawareans, we would be honored to help.

Again, thank you for your time. We hope that we will have many more opportunities to share our ideas and our concerns.

Sincerely yours,
Jackie
Jacqueline S. Alvarez
Chairman, Legislative Committee

* * * * *

Senators Torbert, R. Still, Bane marked PRESENT.

Senator Cordrey commented on an erroneous article in the Delaware State News concerning SB 120.

Senator R. Still introduced to the Senate several past members of the Delaware National Guard and the privilege of the floor was extended to Col. William A. Smith.

SB 8 was taken up for consideration on motion of Senator Cordrey:

SB 8 - AN ACT TO AMEND TITLE 16, CHAPTER 27, SUBCHAPTER II OF THE DELAWARE CODE RELATING TO THE POSTHUMOUS REMOVAL OF EYES FROM EYE DONORS.

Senator McDowell marked PRESENT.

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

SB 127 was taken up for consideration on motion of Senator Cook:

SB 127 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF STATE, DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO NAME THE HALL OF RECORDS BUILDING LOCATED ON THE NORTHEAST CORNER OF DUKE OF YORK STREET AND LEGISLATIVE AVENUE, DOVER, DELAWARE, AS THE LEON DEVALINGER, JR. HALL OF RECORDS BUILDING IN HONOR OF LEON DEVALINGER, THE STATE'S FIRST FULL TIME STATE ARCHIVIST AND IN COMMEMORATION OF THE GOLDEN ANNIVERSARY OF THE BUILDING BUILT FIFTY YEARS AGO TO HOUSE THE STATE'S TREASURED AND HISTORICAL DOCUMENTS FOR POSTERITY.

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

HB 85 w HA 1, 2 was taken up for consideration on motion of Senator Cook:

HB 85 w HA 1, 2 - AN ACT TO AMEND CHAPTER 11, TITLE 28, OF THE DELAWARE CODE RELATING TO THE SCOPE AND FEES OF BINGO, AND REPORTING AFTER GAMES OF BINGO.

SA 1 to the Bill (sponsor: Senator R. Still) was introduced.

The privilege of the floor was extended to Richard Dillard (Senate Attorney) and several Senators entered into discussion of the Amendment. The Amendment was then laid on the table on motion of Senator R. Still.

HB 85 w HA 1, 2 was then laid on the table on motion of Senator Cook.

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

SB 119 - AN ACT TO AMEND PART VI, CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE SIZE OF PROPAGATING AND SHOOTING PRESERVES.

Senator McBride marked PRESENT.

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

At 2:52 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:58 p.m., Lt. Governor Wolf presiding.

A corrected Committee report from the Natural Resources and Environmental Control Committee was announced for SB 119 - 3 Merits.

The following legislation was introduced:

SB 131 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE. Sponsors: Senator Holloway, Representative Maroney; Senators Cook, Adams, Martin, Marshall, Connor, R. Still, Knox, Neal, Bane, J. Still; Representatives Corrozi, Taylor, Smith, Ewing, Plant, Davis, Hebner, DiPinto, Carey, D. Ennis, Boykin, Roy, Jester, Jonkier, Campanelli, Soles, Gilligan, Buckworth, West, Brady, Schroeder, Bunting, Outten. Assigned to Health-Social Services/Aging Committee.

SB 132 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsor: Senator Marshall. Assigned to Revenue and Taxation Committee.

SB 133 - AN ACT TO AMEND PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE; AND PROVIDING FOR A LONG-TERM CARE INSURANCE ACT. Sponsors: Senators Holloway, Torbert, Marshall, J. Still; Representatives Jester, D. Ennis. Assigned to Insurance and Elections Committee.

SB 134 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, BY REQUIRING EVERY SCHOOL DISTRICT IN DELAWARE TO DESIGNATE AN ADMINISTRATOR IN EACH SCHOOL TO REPORT DRUG-ALCOHOL PROBLEMS TO PARENTS AND LAW ENFORCEMENT AGENCIES. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 135 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO DRUG OFFENSES AND PENALTIES. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 136 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVER LICENSE QUALIFICATIONS. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 137 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, RELATING TO THE USE OF DRUG-SNIFFING DOGS IN THE SCHOOLS OF THE STATE OF DELAWARE AND MANDATING AN ANNUAL, UNANNOUNCED SEARCH OF EACH SCHOOL BY SUCH DOGS. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 138 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE CRIMINAL JUSTICE COUNCIL FOR THE PURPOSE OF CONTRACTING WITH LOCAL LAW ENFORCEMENT AGENCIES FOR EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAMS. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 139 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO MANUFACTURING, DELIVERY, OR POSSESSION WITH INTENT TO MANUFACTURE OR DELIVERY NARCOTIC AND NON-NARCOTIC DRUGS. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 140 - AN ACT TO AMEND CHAPTER 21, TITLE 11, DELAWARE CODE, TO REQUIRE DRUG TESTING AS A CONDITION OF BAIL. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 141 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO MANDATORY REVOCATION OF LICENSE. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 142 - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO TRAFFICKING IN MARIJUANA, COCAINE, ILLEGAL DRUGS, OR METHAMPHETAMINE. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 143 - AN ACT TO AMEND CHAPTER 9, TITLE 10, AND CHAPTER 51, TITLE 31, DELAWARE CODE, RELATING TO THE SENTENCING AND DISPOSITIONS FOR CHILDREN WHO HAVE BEEN ADJUDICATED DELINQUENT. Sponsors: Senators Vaughn, Cordrey, Sharp, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 144 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE BY CREATING A WORKPLACE DRUG TESTING ACT. Sponsors: Senators Neal, Sharp, Cordrey, Vaughn, Connor. Assigned to Committee to Combat Drug Abuse.

SR 35 was introduced and considered for adoption on motion of Senator Venables:

SR 35 - REQUESTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE PRESENT SYSTEM OF FUNDING SPECIAL SCHOOLS AS WELL AS POSSIBLE ALTERNATIVES TO THAT SYSTEM TO DETERMINE WHETHER A MORE EQUITABLE METHOD MAY BE DEvised AND TO MAKE RECOMMENDATIONS FOR POSSIBLE LEGISLATIVE ACTION. Sponsor: Senator Venables.

Senator Martin marked PRESENT during the following roll call:

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

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

SB 66 - AN ACT TO AMEND CHAPTER 27, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO COMPULSORY ATTENDANCE REQUIREMENTS.

Various Senators entered into discussion of the Bill after which the roll call vote was taken; however, before being announced, the roll call was laid on the table on motion of Senator McBride.

At 4:31 p.m. Senator Cordrey presiding.

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

SB 88 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL OFFENSES; AND PROVIDING CERTAIN PENALTIES FOR VEHICULAR HOMICIDE.

Comments on the Bill were made by Senators Venables and Torbert after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, McBride - 3.

NO: Senators Cook, Cordrey, Hauge, Martin, Neal, Vaughn, Venables - 7.

NOT VOTING: Senators Bane, Holloway, Knox, Marshall, McDowell, Minner, Sharp, J. Still, R. Still, Torbert - 10.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

SB 89 and SB 90 which were next on the Agenda for the day, were deferred for consideration on motion of Senator McBride.

SB 91 was taken up for consideration on motion of Senator McBride:

SB 91 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO MURDER IN THE FIRST DEGREE.

The privilege of the floor was extended to William J. Walls, Esq. (Senate Attorney) and the discussion of the Bill was entered into by various Senators after which the roll call vote on the Bill was taken and revealed:

YES: - Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 16.

NO: - Senators Knox, McDowell, Venables - 3.

NOT VOTING: - Senator Holloway - 1.

ABSENT; Connor - 1.

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

From 5:51 p.m. to 5:55 p.m. a standing recess was called for purpose of changing the tape.

SENATE CONSENT CALENDAR #12 was introduced.

The Calendar consisted of the following:

SR 33 - EXPRESSING WISHES FOR A SPEEDY AND FULL RECOVERY FROM A HEART ATTACK TO JOSEPH M. PENNELL, FORMER CHIEF OF POLICE OF THE CITY OF WILMINGTON. Sponsors: Senators Hauge, Holloway.

SR 34 - RECOGNIZING APRIL 16-22 AS HOMELESSNESS AWARENESS WEEK AND PRAISING THE DELAWARE HOUSING COALITION FOR ITS ACTIVE PART IN MARKING SAID OBSERVANCE. Sponsors: Senators Minner, Venables, Torbert, Holloway.

SCR 40 - COMMENDING THE DUPONT COMPANY FOR ITS JOINT VENTURE WITH THE STATE OF ILLINOIS TO RECYCLE PLASTICS PRODUCTS INTO HIGHWAY CONSTRUCTION AND MAINTENANCE MATERIALS AND URGING THE COMPANY TO STUDY THE FEASIBILITY OF EXTENDING THE VENTURE TO DELAWARE. Sponsor: Senator Torbert.

SCR 57 - COMMENDING MR. AND MRS. PAUL FINE OF WILMINGTON, DELAWARE, RECIPIENTS OF TWO OF THE FOUR HONORS GIVEN BY THE DELAWARE REGION OF THE NATIONAL CONFERENCE OF CHRISTIANS & JEWS. Sponsors: Representative George, all Representatives; Senator Holloway, all Senators.

SCR 58 - COMMENDING REPRESENTATIVE JAMES H. SILLS, JR. AND HIS LOVELY WIFE, EVELYN, TWO OF THE FOUR RECIPIENTS OF THE 1989 NATIONAL CONFERENCE OF CHRISTIANS & JEWS ANNUAL AWARD FOR THE DELAWARE REGION. Sponsors: Representative George, all Representatives; Senator Holloway, all Senators.

SCR 59 - IN APPRECIATION TO WILLIAM M. REDD, JR. FOR HIS 19 YEARS OF PUBLIC SERVICE TO THE CITY OF NEWARK. Sponsors: Representatives Amick, Petrilli, Taylor, Soles; Senators Vaughn, Neal, Martin, Bane.

SCR 60 - IN RECOGNITION OF APRIL 28, 1989 AS WORKER MEMORIAL DAY IN BEHALF OF OUR FELLOW COLLEAGUES, CO-WORKERS AND OTHERS WHO HAVE BEEN EITHER INJURED, MADE SICK OR DIED ON THE JOB. Sponsors: Representative George, all Representatives; Senator Sharp, all Senators.

SCR 44 - EXTENDING CONGRATULATIONS TO HOWARD R. ELLIOTT OF LAUREL FOR BEING DESIGNATED THE RECIPIENT OF THE DELAWARE SCHOOL BOARDS ASSOCIATION'S 13TH ANNUAL DISTINGUISHED SERVICE AWARD AND COMMENDING HIM FOR HIS MANY CONTRIBUTIONS TO HIS COMMUNITY. Sponsors: Senator Venables, Representative Lee.

* * * * *

Senator Marshall requested that he be added as co-sponsor of SR 33. There was no objection.

The roll call vote on SENATE CONSENT CALENDAR #12 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolution were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

SCR 45 was introduced and considered for adoption on motion of Senator R. Still:

SCR 45 - ENCOURAGING THE LADIES PROFESSIONAL GOLF ASSOCIATION TO RELOCATE THEIR HEADQUARTERS TO DELAWARE. Sponsors: Senators R. Still, Bane, Bair, Cook, Hauge, Knox, Minner, Neal, J. Still; Representatives Bennett, Boykin, Corrozi, Fallon, Maroney, Petrilli, Smith.

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

SR 36 was introduced and considered for adoption on motion of Senator Minner:

SR 36 - EXTENDING BIRTHDAY GREETINGS AND THE LUCK O' THE IRISH TO BERNARD J. BRADY, SECRETARY AND IRISH AMERICAN IN RESIDENCE OF THE DELAWARE STATE SENATE. Sponsor: Senator Minner and all Senators.

Pursuant to the Resolution, all Senators present and all guests in the chamber rose and sang Happy Birthday to Mr. Brady after which the roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolution was declared adopted.

At 5:14 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. April 25, 1989.

The Senate reconvened at 2:20 p.m., April 25, 1989, Senator Cordrey presiding.

At 2:21 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 127; HB 246; HB 170; HB 72 w HA 1; SB 34 w HA 1; and adopted HJR 7; SCR 35.

The following legislation was introduced:

HB 127 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO EXPRESSLY REQUIRING THAT ALL ALCOHOLIC LIQUOR COMES TO REST IN DELAWARE PRIOR TO RESALE. Sponsors: Representatives DiPinto, Jonkiet, Spence, Houghton; Senators Marshall, R. Still. Assigned to Administrative Services/Energy Committee.

SB 145 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RECOMMENDATIONS BY POLICE CHIEFS FOR THE RE-EXAMINATIONS OF CERTAIN DRIVERS WHO APPEAR TO HAVE PHYSICAL PROBLEMS. Sponsors: Senator Adams, Representative Ewing. Assigned to Public Safety Committee.

SB 146 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SAFETY INSPECTIONS OF VEHICLES BY POLICE OFFICERS. Sponsors: Senator Adams, Representative Ewing. Assigned to Public Safety Committee.

SB 147 - AN ACT TO AMEND CHAPTER 67A, TITLE 18 DELAWARE CODE RELATING TO FUNERAL EXPENSES OF VOLUNTEERS. Sponsors: Senator McBride, Representative Caulk; Senators Martin, Cook, Cordrey, Adams, Vaughn, Venables, Torbert, Bane, Marshall, Connor, J. Still, R. Still, Minner, Hauge, Knox, Bair; Representatives Brady, Plant, Davis, VanSant, Roy, Quillen, Amick, Fallon, Campanelli, Corrozi, West, Oberle, Carey, Buckworth, B. Ennis, Reynolds, Gilligan. Assigned to Insurance and Elections Committee.

SB 148 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES. Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

SB 149 - AN ACT TO AMEND CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", AS AMENDED BY CHAPTER 29, VOLUME 52, CHAPTER 254, VOLUME 52, CHAPTER 171, VOLUME 61, CHAPTER 360, VOLUME 62, AND CHAPTER 289, VOLUME 66, LAWS OF DELAWARE, AND CONFERRING UPON THE TOWN COUNCIL OF THE TOWN OF DAGSBORO CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF DAGSBORO. (2/3 vote) Sponsors: Senator Cordrey, Representative West. Assigned to Community Affairs Committee.

Senator Torbert moved that HB 127 be reassigned to Sunset Committee; however, he then withdrew the motion.

HB 72 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 19, DELAWARE CODE RELATING TO MINIMUM WAGE RATE. Sponsors: Representatives Sills, Buckworth, Davis, D. Ennis, Gilligan, Lee, Oberle, Plant, Reynolds, VanSant, West; Senators Holloway, Martin, Marshall, McBride, McDowell, Sharp, Vaughn, Venables. Assigned to Labor and Industrial Relations Committee.

SB 150 - 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) Sponsors: Senator McBride, Representative Oberle. Assigned to Executive Committee.

Senator Connor marked PRESENT.

SB 151 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND MANDATING A UNIFORM KINDERGARTEN THROUGH HIGH SCHOOL DRUG/ALCOHOL EDUCATION PROGRAM IN EACH SCHOOL DISTRICT IN DELAWARE. Sponsors: Senators Sharp, Cordrey, Vaughn, Connor, Neal. Assigned to Committee to Combat Drug Abuse.

SB 152 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO REPEAL THE QUALIFICATION THAT THE MAYOR AND MEMBERS OF CITY COUNCIL BE NON-DELINQUENT TAXPAYERS, TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER BY THE MAYOR, TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF THE POLICE FORCE BY THE MAYOR. (2/3 vote) Sponsors: Senator Minner, Representatives Schroeder. Assigned to Community Affairs Committee.

HJR 7 - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO PURSUE LEGISLATION WHICH WOULD GRANT SERVICE CONNECTED DISABILITY TO THOSE VETERANS WHO ARE AFFECTED BY THE EFFECTS OF EXPOSURE TO HERBICIDES, PRIMARILY AGENT ORANGE, USED BY THE MILITARY IN AND AROUND VIETNAM. Sponsors: Representatives Spence, Petrilli, Buckworth, George, Gilligan, all Representatives; Senators Cordrey, Sharp, Marshall, Bair, Connor, all Senators. Assigned to Administrative Services/ Energy Committee.

HB 246 - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE, AS AMENDED BY VOLUME 28, CHAPTER 134, LAWS OF DELAWARE, AS AMENDED RELATING TO THE CHARTER OF THE CITY OF NEW CASTLE AND THE DUTIES AND SALARY OF THE CITY CLERK. (2/3 vote) Sponsors: Representatives Mack, Senator Connor. Assigned to Community Affairs Committee.

HB 170 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITING THE LIABILITY OF CERTAIN PERSONS PERFORMING HAZARDOUS DISCHARGE MITIGATION OR CLEANUP SERVICES. Sponsors: Representatives D. Ennis, Mack, Caulk, Carey; Senators Minner, Vaughn, Venables, Knox, J. Still. Assigned to Judiciary Committee.

SA 2 to SB 74. Sponsor: Senator Venables. Placed with the Bill.

SA 2 to SB 25. Sponsors: Senators Sharp, Vaughn, Cordrey, Connor, Neal. Placed with the Bill.

SB 34 which had been returned from the House as further amended by HA 1 was taken up for reconsideration on motion of Senator Vaughn. The roll call vote on SB 34 w HA 1 was then taken and revealed 17 Senators voting YES and 4 (Adams, Holloway, Martin, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 2:38 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY
April 25, 1989

The Senate convened at 2:38 p.m., Lt. Governor Wolf presiding.
A Prayer was offered by Senator Neal.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.
HB 85 w HA 1, 2 was lifted from the table for consideration on motion of Senator Cook.
SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator R. Still and the roll call vote taken which revealed 19 Senators voting YES and 2 (Adams, Martin) ABSENT; therefore, the Amendment was declared adopted.
The roll call vote on HB 85 w HA 1, 2, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Martin marked PRESENT during the above roll call.
SB 81 was taken up for consideration on motion of Senator Vaughn:
SB 81 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FOODFISHING PERMIT TO WALTER WISOWATY, SR. OF DELAWARE CITY, DELAWARE WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER DELAWARE FISHING STATUTES.

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

SB 147 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules. Senator McBride announced that SB 147 was a replacement for SB 100 which had been next on the Agenda of the day:

SB 147 - AN ACT TO AMEND CHAPTER 67A, TITLE 18 DELAWARE CODE RELATING TO FUNERAL EXPENSES OF VOLUNTEERS.

Senator Adams marked PRESENT during the following roll call.

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

HB 86 was taken up for consideration on motion of Senator Minner:

HB 86 - AN ACT TO AMEND SECTION 1342, CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO THE COMPENSATION OF MEMBERS OF THE NEW CASTLE COUNTY PLANNING BOARD.

The privilege of the floor was extended to William J. Walls (Senate Attorney) and Senators Holloway, Sharp, McDowell, J. Still, R. Still, Hauge entered into discussion of the Bill after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McBride) voting NO, and 1 (Holloway) (NOT VOTING); therefore, the Bill was declared passed by the Senate and returned to the House.

At 3:15 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:36 p.m., Lt. Governor Wolf presiding.

LEGISLATIVE ADVISORY #7 (received from the Office of Counsel to the Governor) was read which informed the Senate that the Governor signed the following legislation on April 13, 1989: HB 113 (Volume 67, Chapter 7, Laws of Delaware); SJR 4.

The following communication was read:

THE WHITE HOUSE
WASHINGTON
April 11, 1989

Dear Mr. Brady:

This is to thank you for writing prior to the President's trip to Delaware.

Unfortunately, his busy schedule on that occasion did not afford the President the opportunity to honor your request. Please be assured of his appreciation for your thoughtfulness of him and know that you have his best wishes.

Sincerely,

JOSEPH W. HAGIN II

Deputy Assistant to the President for Appointments and Scheduling

The Honorable Bernard J. Brady
Secretary of the Senate of the State of Delaware
Legislative Hall
Dover, DE 19901

* * * *

The above communication was in response to SR 24 (sponsor: Senator Sharp).

A note of thanks was read from the wife and family of J. H. Tyler McConnell for SCR 27.

The following legislation was introduced:

SB 153 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 17, RELATING TO THE ALLOCATION DIVISION III EQUALIZATION FUNDING. Sponsors: Senators McBride, Neal; Representatives Amick, Jester; Senators Holloway, Marshall, Martin, McDowell, Sharp, Vaughn, Bair, Bane, Connor, Hauge, Knox, R. Still; Representatives Boykin, Corrozi, Davis, DiPinto, D. Ennis, Hebner, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Smith, Spence, Taylor, Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, Jonklert, Plant, Sills, Soles, VanSant. Assigned to Education Committee.

SA 1 to SB 66. Sponsors: Senators Bair, R. Still, McBride. Placed with the Bill.

SA 2 to SB 104. Sponsor: Senator Cordrey. Placed with the Bill.

SB 100 was stricken at the request of the sponsor, Senator McBride.

HJR 5 was taken up for consideration on motion of Senator Minner:

HJR 5 - AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DESIGNATE UP TO TWO (2) DAYS A YEAR AS FREE SPORT FISHING DAYS IN DELAWARE'S NON-TIDAL WATERS.

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

Senator Cook moved that SB 153 be reassigned to the Finance Committee. Senator Sharp objected to the motion and moved that the Bill be laid on the table. Senator Cook moved that her motion be laid on the table. The Chair announced the Bill to be on the table.

At 5:10 p.m., on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 26, 1989.

The Senate reconvened at 4:03 p.m., April 26, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 3; HB 145; HB 258; HB 143; HB 212; SB 22 w HA 1; SB 80 w SA 1 and adopted HJR 4; HJR 8.

A memorandum signed by Senator Minner stated that Representative David Ennis was added as co-sponsor to SB 110.

On motion of Senator Cordrey SB 22 which was returned from the House further amended by HA 1 was taken up for reconsideration under suspension of the necessary rules (no objection). The roll call vote on SB 22 w HA 1 was then taken which revealed 17 Senators voting YES and 4 (Cook, Marshall, Martin, Neal ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

The Governor's nomination for appointment of Edwin H. Clark, II was reported out of the Executive Committee: 3 Favorable, 2 Merits.

At 4:10 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 26th Legislative Day.

26TH LEGISLATIVE DAY

April 26, 1989

The Senate convened at 4:10 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Adams, the Governor's nomination for appointment of Edwin H. Clark, II, was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Sharp, Vaughn) NOT VOTING; therefore, the appointment was declared confirmed.

Senator Neal marked PRESENT during the above roll call.

SS 1 for SB 42 was taken up for consideration on motion of Senator Torbert:

SS 1 for SB 42 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESMEN AND THE CERTIFICATION OF REAL ESTATE APPRAISERS.

SA 1 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Penn Emerson (Delaware Real Estate Commission) and Paul P. Nickel (Delaware Chapter #203, State Real Estate Association) who appeared jointly and were questioned by various Senators concerning the Bill. The Bill was then laid on the table on motion of Senator Torbert.

SB 126 was taken up for consideration on motion of Senator McDowell:

SB 126 - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE, TO ESTABLISH THE IYANE D. F. DAVIS MEMORIAL SCHOLARSHIP FUND, TO PROVIDE FOR THE ADMINISTRATION THEREOF, AND PROVIDING AN APPROPRIATION THEREFOR.

The privilege of the floor was extended to Don Dryden (Controller General) after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (J. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 63 - 4 Merits; SB 18 - 3 Merits (this report was incorrectly read; it should have been SB 118).

From the Administrative Services/Energy Committee: HB 201 - 5 Merits; HB 77 w HA 1 - 5 Merits.

From the Labor and Industrial Relations Committee: HB 72 w HA 1 - 3 Favorable, 1 Merits, 1 Unfavorable.

From the Natural Resources and Environmental Control Committee: SB 123 - 2 Favorable, 1 Merits, 1 Unfavorable; SB 113 - 3 Merits.

From the Community Affairs Committee: HB 208 - 3 Merits; SB 149 - 3 Merits; SB 152 - 3 Merits.

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

STATE OF DELAWARE
Office of the Governor
April 25, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joan H. Donoho, 2400 Grant Avenue, Wilmington, DE 19806, to be appointed as a member of the Environmental Appeals Board to serve a term expiring September 24, 1989, to succeed Mary Sheldrake, who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The following legislation was introduced:

SB 154 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE OFFICER TRAINING. Sponsors: Senator McDowell, Representative VanSant. Assigned to Judiciary Committee.

HJR 8 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1989. Sponsors: Representative Petrilli, Senators Cordrey, Cook; Representatives Corrozi, George, Senator Neal. Laid on the table on motion of Senator Cook.

HB 258 - AN ACT TO AMEND CHAPTER 303, VOLUME 66, LAWS OF DELAWARE, BEING SENATE BILL NUMBER 480 OF THE 134TH GENERAL ASSEMBLY, AND BEING ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1989: SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS: AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS THERETO AND AMENDING TITLE 29 WITH RESPECT TO THE RETIREMENT OF GENERAL OBLIGATION DEBT. Sponsors: Representative Corrozi, Senator Cook; Representatives Buckworth, Carey, Davis, B. Ennis, George, Gilligan, Jonkier, Petrilli, Quillen, Roy, Smith, Soles, Spence, Taylor, West; Senators Bair, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, R. Still, Vaughn. Laid on the table on motion of Senator Cook.

HJR 4 - ESTABLISHING AN AUTOMOBILE INSURANCE RATES TASK FORCE TO STUDY AUTOMOBILE INSURANCE RATES; AND PROVIDING FOR INTERIM AND FINAL REPORTS. Sponsors: Representatives Amick, Bunting. Assigned to Insurance and Elections Committee.

HB 3 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO FETICIDE. Sponsors: Representatives Davis, Ewing, Caulk, Gilligan. Assigned to Judiciary Committee.

HB 143 - AN ACT TO AMEND CHAPTER 2, TITLE 11 OF THE DELAWARE CODE RELATING TO GENERAL DEFINITIONS. Sponsor: Representative Davis. Assigned to Judiciary Committee.

HB 145 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO FETICIDE. Sponsor: Representative Davis. Assigned to Judiciary Committee.

HB 212 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES. Sponsor: Representative Petrilli. Assigned to Community Affairs Committee.

SA 3 to SB 25. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 37. Sponsor: Senator Vaughn. Placed with the Bill.

SA 3 to SB 37. Sponsor: Senator Sharp. Placed with the Bill.

SR 38 was introduced and considered for adoption on motion of Senator Minner:
SR 38 - PRAISING THE TIRELESS AND DEDICATED WORK OF THE STATE SENATE SECRETARIES DAY
APRIL 26, 1989. Sponsors: Senator Minner and all Senators.
The roll call vote on the Resolution was taken and revealed 21 Senators voting YES;
therefore, the Resolution was declared adopted.

At 5:32 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 27, 1989.

The Senate reconvened at 2:10 p.m., April 27, 1989, Senator Cordrey presiding.

The following Committee reports were announced:

From the Public Safety Committee: HB 92 w HA 1 - 5 Merits; SB 124 - 5 Merits; SB 146 - 3 Favorable, 2 Merits; SB 145 - 5 Merits; SB 116 - 5 Merits.

From the Revenue and Taxation Committee: SB 118 - 3 Merits (read in in error on 4-26-89 as SB 18).

SS 1 for SB 131 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE. Sponsors: Senator Holloway, Representative Maroney; Senators Cook, Adams, Martin, Marshall, Connor, R. Still, Knox, Neal, Bane, J. Still; Representatives Corrozi, Taylor, Smith, Ewing, Plant, Davis, Hebner, DiPinto, Carey, D. Ennis, Boykin, Roy, Jester, Jonklert, Campanelli, Soles, Gilligan, Buckworth, West, Brady, Schroeder, Bunting, Outten. Assigned to Insurance and Elections Committee.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 61; HCR 62; HCR 63; SCR 40; SCR 44.

A message from the House dated April 27, 1989 and signed by JoAnn M. Hedrick, Chief Clerk of the House, was read advising that Representative V. George Carey signed SB 80 as an additional cosponsor on Tuesday, April 25, 1989, with the approval of Senator William Torbert.

At 2:14 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 27th Legislative Day.

27TH LEGISLATIVE DAY
April 27, 1989

The Senate convened at 2:14 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Neal - 1.

The Journal of the previous day was approved as read on motion of Senator Adams.

Sensors Bair, J. Still marked PRESENT.

HB 63 which was first on the Agenda for the day was deferred for consideration on motion of Senator Marshall.

SS 1 for SB 131 was reassigned to Health-Social Services/Aging Committee at the request of Senator Holloway.

SB 46 was taken up for consideration on motion of Senator Adams:

SB 46 - AN ACT TO AMEND CHAPTER 74A, TITLE 16 OF THE DELAWARE CODE RELATING TO ENHANCED 911 EMERGENCY NUMBER SERVICE.

Senator McBride marked PRESENT.

At 2:20 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to William E. Manning, Esq. (representing the Diamond State Telephone Company) and various Senators entered into discussion of the Bill.

During the following roll call vote, Senators McDowell and Torbert marked PRESENT.

The roll call vote on SB 46 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Holloway, Knox, Marshall, McBride, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Hauge, McDowell - 2.

ABSENT: Senators Martin, Neal - 2.

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

HB 63 was taken up for consideration on motion of Senator Marshall:

HB 63 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER REGISTRATION AND REPORTING REQUIREMENTS.

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

SA 2 to the Bill (sponsors: Senators Torbert, Adams; Representative B. Ennis) was introduced and considered for adoption on motion of Senator Torbert. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Martin, Neal) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Dale A. Shuirmen (Division of Motor Fuel Tax) and discussion of the Bill was entered into by various Senators after which the Bill was laid on the table.

Senator Martin marked PRESENT.

HJR 8 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey:

HJR 8 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1989.

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

HB 258 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook:

HB 258 - AN ACT TO AMEND CHAPTER 303, VOLUME 66, LAWS OF DELAWARE, BEING SENATE BILL NUMBER 480 OF THE 134TH GENERAL ASSEMBLY, AND BEING ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1989: SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS: AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS THERETO AND AMENDING TITLE 29 WITH RESPECT TO THE RETIREMENT OF GENERAL OBLIGATION DEBT.

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

SB 66, SB 90 and SB 89 were deferred on the Agenda on motion of Senator McBride.

SB 98 was taken up for consideration on motion of Senator Minner:

SB 98 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT ELWYN INSTITUTE AND KENT SUSSEX INDUSTRIES, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES.

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

SB 104 was taken up for consideration on motion of Senator Cordrey:

SB 104 - AN ACT TO AMEND CHAPTER 67, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DISABILITY BENEFITS TO VOLUNTEER FIREMAN.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Cordrey.

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

The roll call vote on SB 104 w SA 2 was then taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 25 was taken up for consideration on motion of Senator Sharp:

SB 25 - AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY AND THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp. After considerable discussion of the Amendment among various Senators the roll call vote was taken which revealed 18 Senators voting YES, 2 (McDowell, Venables) voting NO and 1 (Neal) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Amendment was declared adopted.

There was considerable discussion of the Bill among various Senators.

The roll call vote on SB 25 w SA 1, 2, 3 was then taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 37 was taken up for consideration on motion of Senator Sharp:

SB 37 - AN ACT TO AMEND TITLE 16, CHAPTER 47, §4766 AND TITLE 29, CHAPTER 89, DELAWARE CODE, REQUIRING DRUG OFFENDERS TO PERFORM COMMUNITY SERVICE PRIOR TO SUSPENSION OF IMPRISONMENT OR FINES AND PROVIDING PENALTIES FOR FAILING TO PERFORM SAME SERVICE AND TO AMEND THE POWERS OF THE COMMISSIONER OF CORRECTION.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Vaughn.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Vaughn and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Vaughn and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 37 w SA 2, 3 was then taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 84 was taken up for consideration on motion of Senator Sharp:

HB 84 - AN ACT TO AMEND CHAPTER 13, TITLE 30 AND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE INHERITANCE TAX. (3/5 vote)

The privilege of the floor was extended to Robert Chastant (Division of Revenue) who was questioned by Senator Holloway concerning the Bill after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 149 was taken up for consideration on motion of Senator Cordrey:

SB 149 - AN ACT TO AMEND CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", AS AMENDED BY CHAPTER 29, VOLUME 52, CHAPTER 254, VOLUME 52, CHAPTER 171, VOLUME 61, CHAPTER 360, VOLUME 62, AND CHAPTER 289, VOLUME 66, LAWS OF DELAWARE, AND CONFERRING UPON THE TOWN COUNCIL OF THE TOWN OF DAGSBORO CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF DAGSBORO. (2/3 vote)

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

SB 152 was taken up for consideration on motion of Senator Minner:

SB 152 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO REPEAL THE QUALIFICATION THAT THE MAYOR AND MEMBERS OF CITY COUNCIL BE NON-DELINQUENT TAXPAYERS, TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER BY THE MAYOR, TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF THE POLICE FORCE BY THE MAYOR. (2/3 vote)

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

HB 77 which was next on the Agenda for the day was deferred for consideration until May 2 on motion of Senator McDowell.

HB 209 was taken up for consideration on motion of Senator McDowell:

HB 209 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO RACING DAYS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Adams) NOT VOTING and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 208 was taken up for consideration on motion of Senator Minner:

HB 208 - AN ACT TO AMEND CHAPTER 174, VOLUME 23, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF TOWNSEND" RELATING TO THE AUTHORITY TO ISSUE BONDS. (2/3 vote)

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

SENATE CONSENT CALENDAR #13 was introduced by Senator Minner:

The Calendar consisted of the following:

SR 37 - COMMENDING MARTHA S. HARRIS, DIRECTOR OF THE DELAWARE STATE HOUSING AUTHORITY FOR HER CREATIVITY, DETERMINATION, UNDERSTANDING, COOPERATION, AND SUCCESS IN INCREASING THE AVAILABILITY OF AFFORDABLE HOUSING TO LOW AND MODERATE INCOME FAMILIES. Sponsors: Senators Holloway, McDowell, Minner; Representatives Plant, Sills.

SCR 46 - CONGRATULATING GEORGE THOMAS SHARP, SENATE ASSISTANT SERGEANT-AT-ARMS, AND HELEN MAY SHARP, PARENTS OF SENATE MAJORITY LEADER THOMAS B. SHARP, AS THEY CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY APRIL 26, 1989. Sponsors: Senator Cook, Representative VanSant; all Senators.

HCR 61 - HONORING BOY SCOUT TROOP 72 ON THEIR SEVEN NEW EAGLE SCOUTS. Sponsors: Representative Mack, Senator Connor.

HCR 62 - EXTENDING BEST WISHES TO ROBERT L. "BOB" RYDER ON THE OCCASION OF HIS LONG-AWAITED RETIREMENT FROM THE U. S. POSTAL SERVICE, AND SALUTING HIM FOR HIS TIRELESS EFFORTS ON BEHALF OF DOVER AREA LEGISLATORS. Sponsors: Representative Outten, Senator Torbert; Representatives Bennett, Buckworth, Clark, B. Ennis, West; Senators Adams, Cook, Minner.

HCR 63 - REQUESTING ALL CITIZENS OF DELAWARE TO PARTICIPATE IN ARBOR DAY ACTIVITIES INCLUDING PLANTING OF TREES. Sponsors: Representatives Smith, DiPinto, Soles; Senator Bair.

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The roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

SS 1 for SB 131 was reported out of the Health-Social Services/Aging Committee: 4 Merits. The Substitute Bill was adopted in lieu of the Original on motion of Senator Holloway.

The following legislation was introduced:

SB 155 - AN ACT TO AMEND CHAPTER 303, VOLUME 66, LAWS OF DELAWARE, BEING SENATE BILL NO. 480 OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1989, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS: AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS, DELETIONS AND ADJUSTMENTS. Sponsors: Senators Adams, Cook, Cordrey, Vaughn, Venables, Connor, J. Still; Representatives Caulk, Carey, Lee, Ewing, Buckworth, Corrozi, Fallon, Quillen, Spence, Clark, B. Ennis, Schroeder, Jester, Bunting, Petrilli. Assigned to Finance Committee.

SB 156 - AN ACT TO AMEND SUBCHAPTER IX, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO INPATIENT REHABILITATION PROGRAMS, VOLUNTARILY TAKEN BY THE OFFENDER. Sponsors: Senators Holloway, Vaughn, Bair, Knox, R. Still, Connor, Bane, Hauge, Sharp. Assigned to Public Safety Committee.

At 4:36 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 2, 1989.

The Senate reconvened at 2:30 p.m., May 2, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Insurance and Elections Committee: SB 99 - 3 Merits; HJR 4 - 3 Merits.

From the Judiciary Committee: SB 129 - 3 Merits; SB 115 - 3 Unfavorable.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 46.

A message from the House, dated May 2, 1989 and signed by JoAnn M. Hedrick, Chief Clerk of the House, was read advising the Senate that on Thursday, April 27, Representatives Campanelli, George and Soles signed the backer of Senate Concurrent Resolution No. 46 as additional co-sponsors.

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

STATE OF DELAWARE
Office of the Governor
April 27, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Patricia Bryant Harris, 801 Lombard Street, Wilmington, DE 19801, to be appointed as a member of the Board of Parole to serve a term expiring July 1, 1990, to succeed Margaret G. Scrivens, who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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At 2:34 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 28th Legislative Day.

28TH LEGISLATIVE DAY May 2, 1989

The Senate convened at 2:34 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Lt. Governor Wolf.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

HB 201 was taken up for consideration on motion of Senator McDowell:

HB 201 - AN ACT TO AMEND 61 DELAWARE LAWS CHAPTER 156, BEING THE CHARTER OF THE CITY OF MILFORD, BY AMENDING SECTIONS 1.01(B) AND 11.05 THEREOF TO PERMIT THE AWARDED OF CONTRACTS WITHOUT PUBLIC COMPETITIVE BIDDING FOR SERVICES RENDERED BY THE STATE OF DELAWARE, FOR PROFESSIONAL SERVICES, AND UNDER OTHER CIRCUMSTANCES, AND TO PERMIT SALE OF BONDS AT PUBLIC OR PRIVATE SALE. (2/3 vote)

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

Senators Bair, Bane, Holloway, R. Still marked PRESENT during the above roll call.

HB 77 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 77 w HA 1 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE DISTRIBUTION AND POSTING OF WARNING SIGNS.

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

Senator Marshall marked PRESENT.

Senator McBride moved that SB 66 which was next on the Agenda of the day be returned to the Education Committee. The Senator then change his motion to defer consideration of the Bill. There was discussion among various Senators as to the status of the Bill since the roll call vote was on the table.

Senator McBride then moved that the roll call vote on SB 66 be lifted and announced. The roll call vote was then announced:

YES: Senators Adams, Bair, Knox, Martin, McBride, McDowell, Minner, Neal, R. Still - 9.

NO: Senators Bane, Cook, Cordrey, Hauge, Sharp, J. Still, Vaughn, Venables - 8.

NOT VOTING : Senators Holloway, Marshall, Torbert - 3.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

On motion of Senator Sharp and without objection, the roll call vote on SB 66 was rescinded and the Bill returned to the Education Committee.

SB 89 which was next on the Agenda for the day was laid on the table on motion of Senator McBride.

SB 90 which was next on the Agenda for the day was deferred for consideration on motion of Senator McBride.

At 2:48 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 157 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE RELATING TO DISPOSITION OF UNCLAIMED PRIZE MONEY. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 158 - AN ACT TO AMEND CHAPTER 79, TITLE 16, DELAWARE CODE, RELATING TO PLUMBING RULES AND REGULATIONS. Sponsors: Senator Cook, Representative Clark; Senators Adams, Cordrey, Minner, Torbert, Vaughn, Venables; Representatives Caulk, B. Ennis, Buckworth, Brady, Carey, Ewing, Jester, Plant, Quillen, VanSant, West. Assigned to Administrative Services/Energy Committee.

SA 1 to HB 77 w HA 1. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HB 72. Sponsors Senators R. Still, Adams. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 126.

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

SB 118 - AN ACT TO AMEND AN ACT, BEING CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA" RELATING TO THE PROVIDING OF POWERS OF ANNEXATION. (2/3 vote)

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

Senator Hauge marked PRESENT during the above roll call.

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

SB 93 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO PAYMENT OF CORPORATION INCOME TAX.

The privilege of the floor was extended to Steve Kubico (Controller General's Office) and an extended discussion of the Bill was entered into by various Senators after which Senator Cordrey moved that final action on the Bill be deferred and there was no objection.

SB 45 which was next on the Agenda for the day was deferred for consideration on motion of Senator Cordrey (no objection).

SB 33 was taken up for consideration on motion of Senator Vaughn:

SB 33 - AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL WITH RESPECT TO TAX DITCHES.

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

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 3, 1989.

The Senate reconvened at 3:53 p.m., May 3, 1989, Lt. Governor Wolf presiding.

HB 66 w HA 1 was reported out of the Judiciary Committee: 2 Favorable, 1 Merits.

SCR 5 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp (no objection):

SCR 5 - PROCLAIMING SATURDAY, JUNE 17, 1989 TO BE DOLLARS AGAINST DIABETES DAY IN THE STATE OF DELAWARE. Sponsors: Senator Sharp, Representative VanSant.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Martin, J. Still, R. Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

SA 2 to SS 1 for SB 42. Sponsor: Senator Neal. Placed with the Bill.

SA 2 to HB 72 w HA 1. Sponsors: Senators Knox, R. Still. Placed with the Bill.

HB 80 w HA 1, 2 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS, USAGE, STANDARDS AND CONDITION THEREOF. Sponsors: Representatives Petrilli, Spence, Marcney; Senators Holloway, Neal; Representatives Amick, Boykin, Buckworth, Corrozi, DiPinto, Roy, Taylor, Soles; Senators Bair, Bane, Knox, R. Still. Assigned to Public Safety Committee.

HB 157 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE NURSING INCENTIVE PROGRAM. Sponsors: Representative Davis, Senator McBride; Senators Cook, Holloway, Vaughn, R. Still, Hauge; Representatives Corrozi, Lee, Quillen, Smith, Soles, West. Assigned to Public Safety Committee; reassigned to Education Committee.

HB 171 - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO EXEMPTIONS FROM CIVIL LIABILITY FOR PERSONS WHO ARE MEMBERS OF OR WHO ARE APPOINTED BY THE STATE EMERGENCY RESPONSE COMMISSION TO ASSIST IN HAZARDOUS MATERIALS INCIDENTS. Sponsors: Representative B. Ennis, Senator Torbert; Representatives VanSant, Brady, Ewing, D. Ennis, Campanelli, Clark, Sills; Senator Vaughn. Assigned to Natural Resources and Environmental Control Committee.

HB 217 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO AN INCREASE IN THE FEE IF A VEHICLE'S REGISTRATION IS RENEWED FOR LESS THAN ONE YEAR. (3/5 vote) Sponsors: Representatives Ewing, Davis, Hebner, Plant, Spence, Boykin, Carey, DiPinto, Smith. Assigned to Public Safety Committee.

SB 159 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE, RELATING TO SOLICITATIONS BY CHARITABLE ORGANIZATIONS AT CONTROLLED INTERSECTIONS. Sponsors: Senators Sharp, Holloway, Marshall, McDowell. Assigned to Public Safety Committee.

HB 218 - AN ACT TO AMEND CHAPTER 27, TITLE 21, OF THE DELAWARE CODE RELATING TO THE INCREASE OF REINSTATEMENT FEES FOR DRIVERS WHOSE LICENSES HAVE BEEN SUSPENDED. (3/5 vote) Sponsors: Representatives Ewing, Davis, Hebner, Plant, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Corrozi, DiPinto, Reynolds. Assigned to Public Safety Committee.

SA 1 to SB 112. Sponsor: Senator Torbert. Placed with the Bill.

SCR 66 was introduced and considered for adoption on motion of Senator R. Still:

SCR 66 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE ONE HUNDRED FIRST CONGRESS OF THE UNITED STATES TO MEET THE FINANCIAL OBLIGATIONS ASSOCIATED WITH PROVIDING THE VETERANS OF OUR GREAT COUNTRY WITH THE HIGHEST QUALITY MEDICAL CARE AVAILABLE AT VETERANS' MEDICAL CENTERS THROUGHOUT OUR COUNTRY BY INCREASING FEDERAL BUDGET APPROPRIATIONS FOR VETERANS' SERVICES. Sponsors: Representatives Campanelli, VanSant; Senator R. Still.

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

SCR 49 was introduced and considered for adoption on motion of Senator Adams:

SCR 49 - COMMEMORATING THE 75TH ANNIVERSARY OF THE ENACTMENT OF THE SMITH-LEVER ACT OF 1914, LEADING TO THE ESTABLISHMENT OF THE DELAWARE COOPERATIVE EXTENSION SYSTEM. Sponsors: Senator Adams; Representative Caulk.

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

SCR 47 was introduced and considered for adoption on motion of Senator Bair:

SCR 47 - IN RECOGNITION AND OBSERVANCE OF THE MONTH OF MAY AS "OLDER AMERICANS MONTH" WITH CELEBRATORY ACTIVITIES TO OCCUR IN DOVER, DELAWARE ON MAY 3, 1989 AND EXTENDING MANY THANKS AND CONGRATULATIONS TO THE DIVISION OF AGING, MRS. ELEANOR CAIN, DIRECTOR, FOR THE DYNAMIC, INNOVATIVE AND DIVERSE PROGRAMS HER DIVISION HAS OFFERED AND CONTINUES TO OFFER FOR OUR OLDER AMERICAN POPULATION. Sponsors: Senator Bair, Representative Maroney; Senators Holloway, Bane; Representatives Smith, Brady, Jester.

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

At 4:13 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 29th Legislative Day.

29TH LEGISLATIVE DAY
May 3, 1989

The Senate convened at 4:13 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The Secretary announced that a message from the House informed the Senate that it had passed HB 80 w HA 1, 2; HB 218; HB 157; HB 171; HB 217; SB 12 w HA 1 and adopted HCR 66.

A memorandum from the House dated May 3, 1989 and signed by JoAnn M. Hedrick (Chief Clerk) was read advising the Senate that Representatives Brady, Campanelli and Clark signed the backer of SB 126 on May 2, 1989 as additional cosponsors.

SB 112 was taken up for consideration on motion of Senator Marshall:

SB 112 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

During an extended discussion of the Bill the privilege of the floor was extended to the following: Linda N. Bly (Delaware Commission for Women), Rebecca W. Craft (Private Citizen), Katharine A. Pearson (American Association of University Women Delaware Division), Judith G. Just (1st State Chapter, Older Women's League), Christina Hurst (Parents of Children with Disabilities), Cindy M. Bohmer (Delaware Women's Agenda), Elizabeth Humphreys (Delaware Retailers), Robert F. Steward, Jr. (Delaware State Chamber of Commerce).

During discussion of the Bill, Senator Holloway marked PRESENT.

The Bill was laid on the table on motion of Senator Marshall.

At 6:47 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 4, 1989

The Senate reconvened at 2:03 p.m., May 4, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 64; HCR 65; HCR 67; HCR 68; HCR 69; HCR 70; HCR 71; HCR 72; SCR 47; SCR 49.

LEGISLATIVE ADVISORIES #8 and 9 received from the Office of Counsel to the Governor were partially read and copies made available to each Senator:

LEGISLATIVE ADVISORY #8: On April 25, 1989 the Governor signed HB 152 w HA 1, 5, SA 2, 3, 4, 5 (Volume 67, Chapter 8, Laws of Delaware).

LEGISLATIVE ADVISORY #9: On April 27, 1989 the Governor signed HB 258 (Volume 67, Chapter 9, Laws of Delaware); HJR 8.

SB 156 was reported out of the Public Safety Committee: 4 Merits.

The following legislation was introduced:

SA 2, SA 3, SA 4 to SB 112. Sponsor: Senator Torbert. Placed with the Bill.

SA 3 to HB 72. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SS 1 for SB 131. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 12. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 82. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 138. Sponsor: Senator Sharp. Placed with the Bill.

SB 163 - AN ACT TO AMEND CHAPTER 89, TITLE 14 OF THE DELAWARE CODE RELATING TO TEACHERS OF THE YEAR. Sponsors: Senators Connor, Holloway; Representative Bennett; Senators Bair, Bane, Cook, Hauge, Knox, Neal, J. Still, R. Still, Venables; Representatives Brady, Buckworth, Corrozi, Davis, Fallon, George, Gilligan, Houghton, Mack, Reynolds, Sills, Smith, Soles. Assigned to Education Committee.

SB 164 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, TO PROVIDE LOANS TO DELAWARE STUDENTS TO HELP ENSURE A SUPPLY OF QUALITY MINORITY CLASSROOM TEACHERS AS WELL AS BOTH MINORITY AND NON-MINORITY CLASSROOM TEACHERS IN CRITICAL AREAS FOR DELAWARE PUBLIC SCHOOLS AND PROVIDING FOR AN APPROPRIATION THEREFORE. Sponsors: Senators Connor, Holloway, Knox, Marshall, McDowell, J. Still; Representatives Amick, Bennett, Houghton, Jester, Reynolds, Sills, Soles. Assigned to Finance Committee.

SB 160 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO ADOPT MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT INSURANCE. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SB 161 - AN ACT TO AMEND PART VI, CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE COMPENSATION OF INNOCENT VICTIMS OF CRIME. Sponsors: Senators Vaughn, Sharp, Cook; Representatives Jester, B. Ennis, Heber. Assigned to Judiciary Committee.

SB 162 - AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE AND 64 DELAWARE LAWS, CHAPTER 460 RELATING TO ELIGIBILITY FOR BUSINESS TAX CREDITS. Sponsors: Senator Sharp, Representative Petrilli. Assigned to Revenue and Taxation Committee.

SCR 52 was introduced and considered for adoption on motion of Senator R. Still:

SCR 52 - CONGRATULATING THE RESIDENTS OF THE BANNING PARK AREA FOR THEIR COMMUNITY SPIRIT AND PARTICIPATION IN THE FORMATION OF A COMMITTEE THAT ORGANIZED THE CONSTRUCTION OF THE BANNING PARK COMMUNITY PLAY AREA. Sponsors: Senators R. Still, McBride; Representatives VanSant, Reynolds, Campanelli, Corrozi.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Connor, Hauge, Martin, McBride) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 50 was introduced and considered for adoption on motion of Senator Marshall:

SCR 50 - ESTABLISHING MONDAY, MAY 8TH, 1989, AS "JACK LEMLEY DAY" IN DELAWARE IN APPRECIATION FOR THE MANY YEARS OF SERVICE JACK LEMLEY HAS GIVEN TO THE YOUTH OF HIS COMMUNITY AND THE REGION. Sponsors: Senator Marshall, all Senators; Representative Jonkier, all Representatives.

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

SCR 51 was introduced and considered for adoption on motion of Senator Connor:

SCR 51 - IN RECOGNITION AND OBSERVANCE OF "NATIONAL TEACHER DAY", TUESDAY, MAY 9, 1989 AND ENCOURAGING ALL DELAWAREANS TO INCLUDE MEMBERS OF THE 135TH GENERAL ASSEMBLY TO MANIFEST THEIR APPRECIATION OF THIS YEAR'S THEME: "TEACHERS: AN INVESTMENT IN AMERICA'S FUTURE" IN WHATEVER MANNER THEY DEEM APPROPRIATE AND FITTING. Sponsors: Senator Connor; Representative Bennett.

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

At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 30th Legislative Day.

30TH LEGISLATIVE DAY
May 4, 1989

The Senate convened at 2:17 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Adams and without objection the roll call vote on SB 61 w SA 1 was lifted and announced:

YES: Senators Adams, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McDowell, Minner, Sharp, R. Still, Vaughn, Venables - 13.

NO: Senators Bair, Bane, Connor, Neal, J. Still - 5.

NOT VOTING: Senators Knox, McBride, Torbert - 3.

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

SB 112 which was first on the Agenda of the day was deferred for consideration on motion of Senator Marshall.

HB 72 w HA 1 was taken up for consideration on motion of Senator Marshall:

HB 72 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 19, DELAWARE CODE RELATING TO MINIMUM WAGE RATE.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator R. Still.

The privilege of the floor was extended to Edward L. Peterson (AFL, CIO) and discussion of the Amendment was entered into by several Senators.

At 2:37 p.m., Lt. Governor Wolf presiding.

Senator McBride marked PRESENT.

The roll call vote on SA 1 to HB 72 w HA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Knox, J. Still, R. Still - 9.

NO: Senators Cook, Holloway, Marshall, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 11.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Knox and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Minner, Neal, J. Still, R. Still, Vaughn - 13.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Torbert, Venables - 7.

ABSENT: Senator Sharp - 1.

Therefore, the Amendment was declared adopted.

Senator Martin marked PRESENT during the above roll call.

HB 72 w HA 1, SA 2 was then laid on the table on motion of Senator Marshall.

SB 112 was lifted from the table for consideration on motion of Senator Marshall.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Torbert.

SA 2 to the Bill which had been placed with the Bill was stricken on motion of Senator Torbert.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert. After discussion of the Amendment by several Senators, the roll call vote was taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Knox, Minner, Neal, J. Still, R. Still, Torbert, Venables - 13.

NO: Senators Cordrey, Marshall, Martin, McBride, McDowell, Sharp, Vaughn - 7.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert.

The privilege of the floor was extended to Karen Peterson (Department of Labor) and Frank Murphy (Senate Attorney) and discussion of the Amendment was entered into by various Senators after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cordrey, Hauge, Knox, R. Still, Torbert, Venables - 7.

NO: Senators Bair, Bane, Connor, Cook, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Vaughn - 13.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared defeated.

After considerable discussion among various Senators, the roll call vote on SB 112 w SA 3 was taken and revealed:

YES: Senators Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Torbert - 9.

NO: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Neal, J. Still, R. Still, Vaughn, Venables - 11.

ABSENT: Senator Sharp - 1.

Therefore, the Bill was declared defeated.

SS 1 for SB 131 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 131 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway

SA 2 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Holloway.

SA 3 to the Bill (sponsor: Senator Bair) was introduced and considered for adoption on motion of Senator Bair. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (J. Still) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Muriel Rusten (Department of Health and Social Services) to answer questions concerning the Bill.

At 3:48 p.m. Senator Cordrey presiding.

The roll call vote on SS 1 for SB 131 w SA 3 was then taken and revealed 20 Senators voting YES and 1 (Bane) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:53 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:10 p.m., Senator Cordrey presiding.

HB 72 w HA 1, SA 2 was lifted from the table for consideration on motion of Senator Marshall.

At 5:12 p.m., Senator Sharp presiding.

SA 4 to the Bill (sponsor: Senator Cordrey) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Knox, J. Still, R. Still, Torbert, Vaughn - 11.

NO: Senators Cook, Holloway, Marshall, Martin, McBride, Minner, Neal, Sharp, Venables - 9.

NOT VOTING: Senator McDowell - 1.

Therefore, the Amendment was declared adopted.

SA 5 to the Bill (sponsor: Senators McDowell, Holloway, Marshall, McBride) was introduced and considered for adoption.

The privilege of the floor was extended to Frank Murphy (Senate Attorney) and Representative Sills (prime sponsor of the Bill) to address the Amendment after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 13.

NO: Senators Adams, Bair, Bane, Hauge, Knox, Neal, J. Still, R. Still - 8.
Therefore, the Amendment was declared adopted.
The roll call vote on HB 72 w HA 1, SA 2, 4, 5 was then taken and revealed:
YES: Senators Connor, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 12.

NO: Senators Adams, Bair, Bane, Cordrey, Hauge, Knox, Neal, J. Still, R. Still - 9.
Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

At 5:33 p.m., Senator Cordrey presiding.

A messenger from the Governor was announced and admitted.

HB 66 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 66 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE RELATING TO ELIGIBILITY OF DEPENDENTS FOR SURVIVORS PENSION BENEFITS.

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

SENATE CONSENT CALENDAR #14 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SR 39 - ESTABLISHING A SENATE TASK FORCE ON AFFORDABLE HOUSING TO STUDY AND PURSUE WAYS TO INCREASE THE AVAILABILITY OF DECENT AFFORDABLE HOUSING FOR THE WORKING POOR. Sponsor: Senator Holloway.

SR 40 - COMMENDING MAXINE LEWIS, FORMER SPORTS INFORMATION DIRECTOR OF DELAWARE STATE COLLEGE, FOR HER MANY YEARS OF SERVICE TO THE COLLEGE AND WISHING HER WELL IN HER NEW JOB AS PUBLICIST FOR THE ABC TELEVISION NETWORK'S SPORTS DEPARTMENT. Sponsor: Senator Holloway.

SCR 48 - CONGRATULATING THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION FOR THEIR OUTSTANDING REPRESENTATION OF DELAWARE AT THE FIRST ANNUAL NATIONAL FIRE AND EMERGENCY SERVICE DINNER HELD ON APRIL 12, 1989 IN WASHINGTON, D. C. Sponsors: Senator R. Still; Representatives DiPinto, Lee.

HCR 64 - PROCLAIMING MAY 7-12, 1989 AS NATIONAL SUICIDE PREVENTION WEEK. Sponsors: Representative Maroney, Senator Holloway; Representatives Amick, Smith, Jester, Brady; Senators McDowell, Venables, Marshall, Vaughn, McBride, Bane, R. Still.

HCR 65 - DESIGNATING OCTOBER TWENTY-EIGHTH THROUGH NOVEMBER 4, 1989 CHEMISTRY WEEK IN DELAWARE. Sponsors: Representative Davis, Senator Bair.

HCR 67 - A RESOLUTION HONORING DELAWARE'S FOSTER PARENTS AND MAKING MAY 1989 AS FOSTER CARE MONTH IN THE STATE. Sponsors: Representative Jester, Senator Bair.

HCR 68 - MOURNING THE LOSS OF DONALD L. MELSON, FAMILY MAN, COMMUNITY MAN. Sponsors: Representative Ewing, Senator Adams.

HCR 69 - HONORING U. S. SENATOR WILLIAM V. ROTH, JR. UPON RECEIVING THE WILDERNESS SOCIETY'S ANSEL ADAMS AWARD. Sponsors: Representative Smith, Senator Bair; Representatives Spence, Buckworth, Boykin, Hebner; Senator Connor.

HCR 70 - CONGRATULATING THE H. B. DUPONT MIDDLE AND A. I. DUPONT HIGH SCHOOL SCIENCE OLYMPIC TEAMS ON THEIR STATE CHAMPIONSHIP STATUS. Sponsors: Representatives Petrilli, Corrozi, Roy, Boykin; Senators Bane, R. Still.

HCR 71 - HONORING NATIONAL EDUCATION ASSOCIATION PRESIDENT MARY HATWOOD FUTRELL ON HER KEYNOTE ADDRESS AT THE DSEA ANNUAL HUMAN AND CIVIL RIGHTS RECOGNITION BANQUET. Sponsors: Representative Fallon, Senator McBride.

HCR 72 - WISHING HAPPY ANNIVERSARY GREETINGS TO EUROPEAN ECONOMIC COMMUNITY ON THE OCCASION OF ITS 39TH BIRTHDAY. Sponsors: Representative D. Ennis, Senator Knox.

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The roll call vote on Senate Consent Calendar #14 was then taken and revealed 21 Senators voting YES; therefore, the Resolution were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

SR 41 was introduced and considered for adoption on motion of Senator Holloway:

SR 41 - CONGRATULATING THE DELAWARE FOSTER CARE REVIEW BOARD AS IT CELEBRATES ITS TENTH ANNIVERSARY AND COMMENDING THE BOARD FOR ITS CONTRIBUTIONS TO THE WELFARE OF DELAWARE' FOSTER CHILDREN. Sponsor: Senator Holloway.

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

SA 3 to HB 72 w HA 1 was stricken on motion of the sponsor, Senator Cordrey.

SCR 53 was introduced and considered for adoption on motion of Senator McBride:

SCR 53 - REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE ALLEGATIONS THAT THE PRISON SITE SELECTION COMMITTEE HAS BEEN CONDUCTING ITS BUSINESS IN VIOLATION OF THE FREEDOM OF INFORMATION ACT; AND REQUESTING THE PRISON SITE SELECTION COMMITTEE TO SUSPEND ITS ACTIVITIES UNTIL THE MATTER HAS BEEN RESOLVED. Sponsors: Senators McBride, McDowell; Representatives Sills, Reynolds.

Senators Bair and Knox commented on the Resolution after which the roll call vote was taken and revealed:

YES: Senators Marshall, McBride, McDowell, Sharp, Venables - 5.
NO: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Martin, Minner, Neal, J. Still, R. Still, Torbert, Vaughn - 14.

NOT VOTING: Senator Connor, Holloway - 2.

Therefore, the Resolution was declared defeated.

SB 165 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Bair (no objection):

SB 165 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO MEMORIAL DAY. Sponsors: Senators Bair, McDowell; Representative Davis.

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

YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, Martin, McDowell, J. Still, R. Still, Venables - 11.

NO: Senators Adams, Cook, Holloway, Marshall, McBride, Minner, Neal, Sharp, Torbert, Vaughn - 10.

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

At 5:56 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 9, 1989.

The Senate reconvened at 2:33 p.m. May 9, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: HJR 7 - 4 Merits.

From the Committee to Combat Drug Abuse: SB 134 - 4 Merits; SB 135 - 4 Merits; SB 136 - 4 Merits; SB 137 - 4 Merits; SB 138 - 4 Merits; SB 139 - 4 Merits; SB 140 - 4 Merits; SB 141 - 4 Merits; SB 142 - 4 Merits; SB 143 - 4 Merits; SB 144 - 4 Merits; SB 151 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 50, SCR 51, SCR 52 and passed SB 127; HB 251; HB 260.

The following legislation was introduced:

SB 166 - AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, RELATING TO INHERITANCE TAX. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Revenue and Taxation Committee.

SB 167 - AN ACT TO AMEND TITLE 25, DELAWARE CODE, RELATING TO PROCEDURES FOR FILING A NOTICE OF PENDENCY OF A LEGAL ACTION THE OBJECT OF WHICH IS TO AFFECT TITLE TO, OR IMPOSE AN EQUITABLE LIEN ON REAL ESTATE. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Administrative Services/Energy Committee.

SB 168 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO EXTEND THE EFFECTIVE DATE OF ANNEXATION FOLLOWING A SPECIAL ANNEXATION ELECTION OR ANNEXATION RESOLUTION. (2/3 vote) Sponsors: Senator Adams, Representative West. Assigned to Community Affairs Committee.

SB 169 - AN ACT TO AMEND CHAPTER 17, TITLE 15, OF THE DELAWARE CODE RELATING TO THE TRANSFER OF REGISTRATION. Sponsors: Senator Minner, Representative Petrilli. Assigned to Insurance and Elections Committee.

HB 260 - AN ACT TO AMEND CHAPTER 53, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO JURY TRIAL IN THE COURT OF COMMON PLEAS AND IN THE SUPERIOR COURT. Sponsors: Representative Hebner, Senator Sharp. Assigned to Judiciary Committee.

HB 251 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTION IN INFERIOR COURTS TO THE SUPERIOR COURT AND RELATING TO THE RIGHT TO JURY TRIAL IN THE SUPERIOR COURT. Sponsors: Representative Hebner, Senator Sharp; Representatives Davis, Ewing, Plant, Houghton. Assigned to Judiciary Committee.

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

STATE OF DELAWARE
Office of the Governor
May 4, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Nancy M. Norling, 2409 Willard Street, Wilmington, DE 19806, to be reappointed as a member of the Public Service Commission of the State of Delaware to serve a five year term expiring May 1, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SCR 54 was introduced and considered for adoption on motion of Senator McBride:
SCR 54 - CONGRATULATING IHOR SZEREMETA OF WILLIAM PENN HIGH SCHOOL ON WINNING THE 1988-89 DELAWARE VOICE OF DEMOCRACY COMPETITION SPONSORED BY THE VETERANS OF FOREIGN WARS AND ITS LADIES AUXILIARY. Sponsors: Senator McBride, Representative Houghton; Senators Sharp, Vaughn, Venables; Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Gilligan, Hebner, Outten, Quillen, VanSant, West.

Pursuant to the above Resolution, the privilege of the floor was extended to Ihor Szeremeta who delivered his prize-winning speech before the Senate.

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

At 2:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY
May 9, 1989

The Senate convened at 2:50 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bane.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

Senator Minner marked PRESENT.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 12 which had been returned from the House as further amended by HA 1 was taken up for reconsideration on motion of Senator Torbert.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert and the roll call vote on the Amendment taken which revealed 18 Senators voting YES and 3 (McDowell, Neal, J. Still) voting NO; therefore, the Amendment was declared adopted.

Senator McDowell marked PRESENT during the above roll call.

SB 12 w HA 1, SA 1 was before the Senate for consideration and Senators Torbert, Sharp, McDowell and Marshall entered into discussion of the Bill as amended.

The roll call vote on SB 12 w HA 1, SA 1 was then taken and revealed 18 Senators voting YES and 3 (McDowell, Neal, Sharp) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 77 w HA 1 was lifted from the table for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection).

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McDowell and after discussion among various Senators, the roll call vote taken which revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 15.

NO: Senators Bane, Connor, Hauge, Knox, Neal, J. Still - 6.

Therefore, the Amendment was declared adopted.

After some discussion of the Bill among various Senators, the roll call vote on HB 77 w HA 1, SA 1 (2/3 vote required) was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 13 was taken up for consideration on motion of Senator Torbert:

SB 13 - AN ACT TO AMEND CHAPTER 82, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION ON HAZARDOUS MATERIALS.

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

At 3:22 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:58 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that the following Representatives were added to Senate Legislation: Representative Brady to SB 127; Representative Spence to SB 127 and Representative Schroeder to SCR 43.

HB 62 was taken up for consideration on motion of Senator Torbert:

HB 62 - AN ACT TO AMEND §4166, TITLE 21, DELAWARE CODE, RELATING TO SCHOOL BUS STOP SIGNAL DEVICES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McBride) NOT VOTING and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 85 which was next on the Agenda of the day was deferred for consideration on motion of Senator McDowell.

SB 129 was taken up for consideration on motion of Senator Vaughn:

SB 129 - AN ACT TO AMEND PART VI, CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE MAXIMUM COMPENSATION THAT CAN BE AWARDED BY VIOLENT CRIMES COMPENSATION BOARD TO INNOCENT VICTIMS OF CRIME.

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

SB 55 was taken up for consideration on motion of Senator Marshall:

SB 55 - AN ACT TO AMEND CHAPTERS 3, 11, 19, 20, 21, 23, 25, 43, AND 54 OF TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES.

Senator R. Still announced that he would be recorded as NOT VOTING on the Amendment and the Bill, due to a possible conflict of interest.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Venables and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Venables - 18.

NO: Senator Vaughn - 1.

NOT VOTING: Senator R. Still - 1.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 55 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, McDowell, Minner, Neal, J. Still, Torbert, Venables - 15.

NO: Senators Cordrey, McBride, Sharp, Vaughn - 4.

NOT VOTING: Senator R. Still - 1.

ABSENT: Senator Martin - 1.

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

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

STATE OF DELAWARE
Office of the Governor
May 10, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas Henley Graves, 13 Coventry Road, Rehoboth Beach, DE 19971, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for Sussex County, to serve a twelve year term to succeed William Swain Lee, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 10, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William Swain Lee, P.O. Box 47, Georgetown, DE 19947, to be appointed Resident Associate Judge of the Superior Court of the State of Delaware, in and for Sussex County, to serve a twelve year term to succeed William B. Chandler, III, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
The following Committee reports were announced:
From the Finance Committee: SB 155 - 6 Merits; HB 23 w HA 1 - 6 Merits.

At 5:21 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 10, 1989.

The Senate reconvened at 3:43 p.m., May 10, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Public Safety Committee: SB 159 - 4 Merits.

From the Insurance and Elections Committee: SB 160 - 3 Merits.

The following legislation was introduced:

SB 170 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR A SUSPENSION OF CERTAIN BENEFITS TO TRAFFICKERS AND POSSESSORS. Sponsor: Senator McBride. Assigned to Health-Social Services/Aging Committee; reassigned to Committee to Combat Drug Abuse.

SB 171 - AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE RELATING TO THE APPOINTMENT OF NOTARIES FOR CERTAIN SERVICE ORGANIZATIONS. Sponsors: Senator Torbert; Representative B. Ennis; Senators Marshall, Holloway, Vaughn, R. Still; Representatives Campanelli, VanSant, West, Lee, DiPinto. Assigned to Administrative Services/Energy Committee.

SB 172 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO CONSTRUCTION OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote) Sponsors: Senators Torbert, Representative Buckworth; Senators Martin, Bair, Bane, Connor, Hauge, Knox, Neal, J. Still; Representatives West, George, Hebner, Maroney, Oberle, Amick, Boykin, Brady, Bunting, Carey, Clark, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Gilligan, Plant, Reynolds, Soles, Smith, Spence. Assigned to Public Safety Committee. Representative Taylor was added as co-sponsor of the Bill.

SB 173 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT CATHOLIC CHARITIES, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES. Sponsors: Senator Marshall; Representatives Jonklert, DiPinto. Assigned to Public Safety Committee. It was announced that Representative Jonklert wished to withdraw his sponsorship.

SB 174 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO APPROVED LEAVES OF ABSENCE. Sponsors: Senator McBride, Representative Oberle. Assigned to Administrative Services/Energy Committee.

SB 175 - AN ACT TO AMEND CHAPTER 55, TITLE 15 OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS FOR AND PROCEDURE APPLICABLE TO ABSENTEE VOTING. Sponsors: Senator Minner, Representative Petrilli. Assigned to Insurance and Elections Committee.

SB 176 - AN ACT TO AMEND CHAPTER 81, TITLE 29 OF THE DELAWARE CODE RELATING TO DIVISION DIRECTORS, AND TO THE DIVISION OF STANDARDS AND INSPECTIONS, AND TO THE DIVISION OF PRODUCTION AND PROMOTION, AND TO EXEMPTION, AND TO BUDGETING AND FINANCE. Sponsors: Senator Adams, Representatives Caulk, Carey, Ewing, Lee, Quillen. Assigned to Administrative Services/Energy Committee.

HB 22 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND CRITERIA FOR DISQUALIFICATION FOR BENEFITS. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 148 w HA 1 - AN ACT TO AMEND SECTION 1101, TITLE 31, DELAWARE CODE RELATING TO THE CONFIDENTIALITY OF PUBLIC ASSISTANCE RECORDS. Sponsors: Representatives Maroney, Fallon, DiPinto, Jester, Sills. Assigned to Health-Social Services/Aging Committee.

HB 180 - AN ACT TO AMEND CHAPTER 68, TITLE 7, DELAWARE CODE RELATING TO JURISDICTION OF JUSTICE OF THE PEACE COURTS FOR CRIMINAL PENALTIES. (2/3 vote) Sponsors: Representatives Carey, Caulk, Quillen, Mack, Bunting, Clark, Schroeder; Senator Minner. Assigned to Judiciary Committee.

HB 190 w HA 1 - AN ACT TO AMEND CHAPTER 65, TITLE 25 OF THE DELAWARE CODE RELATING TO FLOATATION BEDDING SYSTEMS IN RENTAL DWELLING UNITS. Sponsor: Representative Taylor. Assigned to Administrative Services/Energy Committee.

SA 1 to SB 135. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 137. Sponsor: Senator Connor. Placed with the Bill.

SA 2 to SB 137. Sponsor: Senator Knox. Placed with the Bill.

SA 1 to SB 141. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 142. Sponsor: Senator Sharp. Placed with the Bill.

The following two veto messages were partially read and copies of the letters made available to each Senator:

STATE OF DELAWARE
Office of the Governor
May 9, 1989

To the Members of the Senate of the 135th General Assembly

On April 27, 1989, I received Senate Bill 22, As Amended by House Amendment 1, which is entitled: "AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN INDIAN RIVER HUNDRED, KNOWN AS WARWICK SCHOOL NO. 203, TO VETERANS OF FOREIGN WARS POST 10638."

This legislation was intended to transfer what is referred to as Warwick School No. 203 to the Veterans of Foreign Wars Post which currently occupies the premises. The building has long since been discontinued its operation as a school building and has been leased to the VFW Post as a meeting place. During the terms of the lease the Post has undertaken several renovations to make the building habitable for its purposes. Certainly without the hard work of the members of this VFW Post the building would have fallen into disrepair and would not be suitable for any purpose. Despite the best efforts of the VFW Post, I am unable to sign this legislation.

Transfers of this type are regulated by the provisions contained in Title 29, Chapter 94, which is entitled "Real Property Disposition". This Act was passed by the General Assembly and signed into law in 1983 to control transfers of State properties to other entities and persons. Its provisions apply regardless of the amount of good works performed by the recipient. This legislation requires that a determination be made by the State Surplus Real Property Commission as to the status of the property sought to be transferred. Upon reaching this decision, a specific set of criteria govern the disposition of the parcel involved. None of those clear-cut procedures were followed in this instance. Apparently, this was due in large part to a mistaken belief that the Warwick School was governed by a separate section of the Delaware Code relating to properties owned by school districts. However, since this parcel is owned by the Department of Public Instruction, an agency of the State, those provisions do not apply in this instance.

While not passing on the merits of the application of the VFW Post, I am vetoing this piece of legislation based on the failure to comply with the guidelines regulating these situations. Should the Post desire to pursue this matter further, their proper recourse is with the State Surplus Real Property Commission. This is, therefore, a purely technical veto, based on a failure to comply with controlling state law and regulations.

For the reasons stated above, I am returning Senate Bill 22 as Amended by House Amendment 1.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 9, 1989

To the Members of the Senate of the 135th General Assembly

On April 27, 1989, I received Senate Bill 34, As Amended by House Amendment No 1, which is entitled: "AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE."

This legislation purported to transfer approximately 35 acres of land owned by the Department of Transportation to the Town of Smyrna for use as a recreational area. The residents of the area currently enjoy the benefits of this property as it is leased to them and is being used as a baseball field and associated open spaces. The preservation of park land and other open spaces is an integral part of any town's development. However, I will not permit this transfer of property to occur for the reasons set forth below.

The lands in question were originally acquired by the Department of Transportation for use as a borrow pit. When the area ceased to serve that function, the Town was permitted to lease the land from the State for use as a baseball park. The Town and the Department of Transportation have, to my knowledge, cooperated for several years in making the necessary arrangements for the citizens of Smyrna and its surrounding communities to utilize these facilities. To date, I have seen no indication that this cordial and cooperative relationship will change. Nonetheless, the Town desires to own the entire area outright with the State retaining a right of reversion should the area be needed for highway purposes in the future.

My rationale for vetoing this proposal lies not in an objection to the transfer itself. I commend the Department of Transportation and the Town of Smyrna for working together for many years to the benefit of the area. Instead, my veto is based on the procedures utilized in accomplishing this transfer.

The bill purports to transfer the land in question by exempting it from the provisions of Title 17, Chapter 1 of the Delaware Code. This section of the Code speaks to the acquisition and sale of property acquired for highway purposes. The language of this section clearly indicates the effect to be given to the words contained therein. References such as "highway purposes", "highway facilities" and "service roads" indicate that the intent of this section is to regulate lands acquired for roadways, buildings and the like. Borrow pits and similar facilities cannot be construed to be a "highway purpose". Nonetheless, assuming *arguendo* that such intent may be ascribed to these words, the procedures mandated to be followed in the disposition of such property were not followed in this instance. The Code clearly requires an appraisal of the lands be performed prior to its sale. This procedure was not followed in this instance. Thus, while I do not believe that this section controls the disposition of this parcel, even if it did, its requirements have not been complied with.

Instead, I am convinced that the proper procedures for disposition of parcels such as these lie in Title 29, Chapter 94 of the Delaware Code. This section, entitled "Real Property Disposition" establishes the criteria for transferring all State lands other than those acquired for Department of Transportation Right-of-Way purposes. Clearly the lands here in question were not acquired for right-of-way purposes. This section requires that a determination be made by the State Surplus Real Property Commission as to whether or not the lands are indeed surplus. After this determination is made, a rather specific set of criteria dictate the procedures to be followed for final disposition of the parcel in question. None of those procedures were followed in this matter. As a result, I have no alternative but to veto the instant legislation.

A veto of this legislation in no way indicates my opposition to the underlying transfer. Instead, I believe that the proper procedures were not followed and as a result the transfer may not proceed. I urge the citizens of the Town of Smyrna to pursue their goal by following the procedures set forth by the Real Property Disposition Act. This is, therefore, a purely technical veto, based on a failure to comply with controlling state laws and regulations.

For the reasons stated above, I am returning Senate Bill 34, As Amended by House Amendment No. 1.

Sincerely,
Michael N. Castle, Governor

* * * * *

At 3:59 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 32nd Legislative Day.

32ND LEGISLATIVE DAY
May 10, 1989

The Senate convened at 3:59 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

On motion of Senator Adams, the Governor's nomination for appointment of William Swain Lee was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Senators Torbert and McDowell marked PRESENT during the above roll call.

SB 134 was taken up for consideration on motion of Senator Sharp:

SB 134 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, BY REQUIRING EVERY SCHOOL DISTRICT IN DELAWARE TO DESIGNATE AN ADMINISTRATOR IN EACH SCHOOL TO REPORT DRUG/ALCOHOL PROBLEMS TO PARENTS AND LAW ENFORCEMENT AGENCIES.

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

Senator Holloway marked PRESENT during the above roll call.

SB 135 was taken up for consideration on motion of Senator Sharp:

SB 135 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO DRUG OFFENSES AND PENALTIES.

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

Senators Sharp, McBride and Holloway commented on the Bill.

The roll call vote on SB 135 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas Henley Graves was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SB 136 was taken up for consideration on motion of Senator Sharp:

SB 136 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVER LICENSE QUALIFICATIONS.

Senators McBride, McDowell and Neal commented on the Bill.

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

SB 137 was taken up for consideration on motion of Senator Sharp:

SB 137 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, RELATING TO THE USE OF DRUG-SNIFFING DOGS IN THE SCHOOLS OF THE STATE OF DELAWARE AND MANDATING AN ANNUAL, UNANNOUNCED SEARCH OF EACH SCHOOL BY SUCH DOGS.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Connor.

Senators Sharp, McBride, McDowell commented on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Knox, Martin, Neal, Sharp, J. Still, R. Still, Torbert, Venables - 14.

NOT VOTING: Senators Cook, Holloway, Marshall, McBride, McDowell, Minner, Vaughn - 7.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Knox.

The privilege of the floor was extended to Richard T. Dillard (Senate Attorney) and various Senators entered into discussion of the Amendment.

At 4:50 p.m. Senator Cordrey presiding.

The roll call vote on SA 2 to SB 137 was then taken and revealed:

YES: Senators Bair, Knox, R. Still - 3.

NO: Senators Adams, Cook, Cordrey, Hauge, Marshall, McBride, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 12.

NOT VOTING: Senators Bane, Connor, Holloway, Martin, McDowell, J. Still - 6.

Therefore, the Amendment was declared defeated.

SA 3 to the Bill (sponsor: Senator Sharp) was introduced.

Senators McBride, Hauge, R. Still and J. Still commented on the Amendment after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Amendment was declared adopted.

After a lengthy discussion of the Bill, the roll call vote on SB 137 w SA 1, 3 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 18.

NO: Senator McDowell - 1.

NOT VOTING: Senator R. Still - 1.

ABSENT: Senator Knox - 1.

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

SB 138 was taken up for consideration on motion of Senator Sharp:

SB 138 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE CRIMINAL JUSTICE COUNCIL FOR THE PURPOSE OF CONTRACTING WITH LOCAL LAW ENFORCEMENT AGENCIES FOR EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAMS.

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

Senators Holloway, Venables, J. Still commented on the Bill.

The roll call vote on SB 138 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:26 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 11, 1989.

The Senate reconvened at 2:28 p.m., May 11, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 190 w HA 1; HB 180; HB 148 w HA 1; HB 22; SB 16 w SA 1; SB 48 w HA 1 and adopted HCR 74; HCR 75; HCR 76; HCR 77; SCR 48; SCR 54.

LEGISLATIVE ADVISORIES #10 and 11 received from the Office of Counsel to the Governor were partially read and copies made available to each Senator:

LEGISLATIVE ADVISORY #10: On May 4, 1989 the Governor signed SB 80 w SA 1 (Volume 67, Chapter 10, Laws of Delaware); HB 86 (Volume 67, Chapter 11, Laws of Delaware); HJR 5.

LEGISLATIVE ADVISORY #11: On May 4, 1989 the Governor signed: SB 126 (Volume 67, Chapter 12, Laws of Delaware); HB 201 (Volume 67, Chapter 13, Laws of Delaware); SB 127 (Volume 67, Chapter 14, Laws of Delaware).

Memorandums signed by Senator Adams were read which informed the Senate that Representative Ewing was added as co-sponsor of SB 61 and Senator Minner was added as co-sponsor of SB 155.

The following legislation was introduced:

SB 177 - AN ACT TO AMEND CHAPTER 35 OF TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS. Sponsors: Senators Cordrey, Sharp, R. Still; Representatives Spence, D. Ennis, VanSant. Assigned to Banking Committee.

SB 178 - AN ACT TO AMEND CHAPTER 11, TITLE 19 AND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, TO REQUIRE THE PAYMENT IN FULL OF BENEFITS AND WAGE SUPPLEMENTS FOR LABOR PERFORMED BY WORKERS WHO ARE EMPLOYEES OF SUBCONTRACTORS. Sponsors: Senators Sharp, Marshall. Assigned to Labor and Industrial Relations Committee.

SA 2 to SB 142. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 151. Sponsor: Senator Sharp. Placed with the Bill.

SB 1 to SB 114. Sponsor: Senator Holloway. Placed with the Bill.

HCR 76 was introduced and considered for adoption on motion of Senator Sharp:

HCR 76 - EXPRESSING THE SUPPORT OF THE DELAWARE STATE HOUSE OF REPRESENTATIVES AND STATE SENATE FOR THE CONTINUATION OF THE V-22 AIRCRAFT PROGRAM OF THE UNITED STATES DEPARTMENT OF DEFENSE. Sponsors: Representatives Oberle, Spence, Mack; Senators Marshall, McBride.

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

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 18.

ABSENT: Senators Cook, Marshall, Martin - 3.

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

At 2:34 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY

May 11, 1989

The Senate convened at 2:34 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following document was read and made part of this Journal on motion of Senator McBride:

Local No. 1069
4th & Eddystone Avenues
Eddystone, Pa 19013

STATEMENT BY ANTHONY G. FORTE, PRESIDENT
UAW - LOCAL 1069 TO THE LEGISLATURE OF
THE STATE OF DELAWARE ON THEIR V-22 RESOLUTION
THURSDAY, MAY 11, 1989

Thank you Delaware, for once again being first. Today, Delaware is first in sending a message to our national leaders that we, here in the Delaware Valley, are depending on the defense industry for our livelihood.

Local 1069, UAW thanks Delaware's legislature for their support in passing this resolution. This is but the first step in a long process to secure funding for the V-22. Thank you very much, Delaware.

* * * * *

SB 153 was lifted from the table for consideration on motion of Senator McBride under suspension of the necessary rules (no objection):

SB 153 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 17, RELATING TO THE ALLOCATION DIVISION III EQUALIZATION FUNDING.

The following communication was read and made part of this Journal on motion of Senator McBride:

SEAFORD SCHOOL DISTRICT
Seaford, Delaware 19973

8 May 1989

The Honorable David B. McBride
21 Andover Court
New Castle, Delaware 19720

Dear Senator McBride:

I am writing on behalf of the Delaware Chief School Officers, who have recently reviewed and discussed both HB 259 and SB 153. These are extremely important and needed pieces of legislation for education and will benefit school districts in New Castle County, Kent County, and Sussex County. Already a number of legislators who are friends of education are sponsoring these bills. The bills have been endorsed unanimously by the Delaware Chief School Officers and, on their behalf, I am requesting your active support of and vote for HB 259 and SB 153. (Copies have been included for your convenience.)

Thank you for your continued support on these and other important education issues.

Sincerely,
Russell H. Knorr, Ed.D., President
Delaware Chief School Officers Association

cc: Dr. William B. Keene
Delaware Chief School Officers

* * * * *

There was extended discussion of the Bill among various Senators.

At 3:07 p.m., Lt. Governor Wolf presiding.

Sensors Marshall and Martin marked PRESENT.

The roll call vote on SB 153 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, R. Still, Vaughn - 13.

NO: Senators Adams, Cook, Cordrey, Hauge, Minner, Torbert, Venables - 7.

NOT VOTING: Senator J. Still - 1.

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

SCR 57 was introduced and considered for adoption on motion of Senator Martin:

SCR 57 - CONGRATULATING J. CALEB BOGGS, FORMER GOVERNOR, FORMER U. S. SENATOR, FORMER U. S. REPRESENTATIVE, AND BELOVED ELDER STATESMAN OF DELAWARE AS HE CELEBRATES HIS 80TH BIRTHDAY. Sponsors: Senators Martin and Hauge; Representative Smith; all Senators and all Representatives.

The privilege of the floor was extended to J. Caleb Boggs who made a short address before the Senate.

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

SB 139 was taken up for consideration on motion of Senator Sharp:

SB 139 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO MANUFACTURING, DELIVERY, OR POSSESSION WITH INTENT TO MANUFACTURE OR DELIVER NARCOTIC AND NON-NARCOTIC DRUGS.

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

At 3:37 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:20 p.m., Senator Cordrey presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Robert W. Allen was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Holloway, Martin, McDowell) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Patricia Bryant Harris was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

SB 140 was taken up for consideration on motion of Senator Sharp:

SB 140 - AN ACT TO AMEND CHAPTER 21, TITLE 11, DELAWARE CODE, TO REQUIRE DRUG TESTING AS A CONDITION OF BAIL.

After discussion of the Bill among various Senators, the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway, McDowell) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 141 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO MANDATORY REVOCATION OF LICENSE.

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

SB 141 w SA 1 was then laid on the table on motion of Senator Sharp.

On motion of Senator Adams, the Governor's nomination for appointment of Joan H. Donoho was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Richard V. Pryor was taken up for consideration under suspension of the necessary rules. However, the nomination was then laid on the table on further motion of the Senator.

SB 142 was taken up for consideration on motion of Senator Sharp:

SB 142 - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO TRAFFICKING IN MARIJUANA, COCAINE, ILLEGAL DRUGS, OR METHAMPHETAMINE.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Sharp.

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

The roll call vote on SB 142 w SA 2 was then taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 141 w SA 1 was lifted from the table for consideration on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 143 was taken up for consideration on motion of Senator Vaughn:

SB 143 - AN ACT TO AMEND CHAPTER 9, TITLE 10, AND CHAPTER 51, TITLE 31, DELAWARE CODE, RELATING TO THE SENTENCING AND DISPOSITIONS FOR CHILDREN WHO HAVE BEEN ADJUDICATED DELINQUENT.

The privilege of the floor was extended to John Rago (Department of Services for Children, Youth and Their Families) and Senators Knox, Sharp and Holloway entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Vaughn.

SR 42 was introduced and read in its entirety on motion of Senator Venables:

SR 42 - HONORING THE MOTHERS OF DELAWARE ON THE OCCASION OF MOTHER'S DAY, MAY 14, 1989. Sponsors: Senator Venables, all male Senators.

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

On motion of Senator Adams, the Governor's nomination for appointment of Richard V. Pryor was lifted from the table for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

SENATE CONSENT CALENDAR #15 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SCR 55 - EXTENDING CONGRATULATIONS TO THE SUSSEX CENTRAL JUNIOR HIGH SCHOOL BAND ON ITS OUTSTANDING PERFORMANCE AT THE 30TH ANNUAL BLOSSOM FESTIVAL IN NIAGARA FALLS, CANADA. Sponsors: Senator Cordrey, Adams; Representative West.

SCR 56 - EXTENDING CONGRATULATIONS TO THE MEMBERSHIP OF THE MEDICAL SOCIETY OF DELAWARE ON ITS 200TH ANNIVERSARY OF INCORPORATION BY THE DELAWARE GENERAL ASSEMBLY. Sponsors: Senator Holloway, Representative Maroney.

HCR 74 - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS OF 1989. Sponsors: Representative Fallon, Senator McBride.

HCR 75 - CONGRATULATING AND COMMENDING DEAN ROBINSON, RECIPIENT OF THE DISTINGUISHED EAGLE SCOUT AWARD. Sponsors: Representative Soles, Senator Neal, Representative Fallon.

HCR 77 - CONGRATULATING TOWER HILL SCHOOL, ITS TEAM MEMBERS DAN ROBB, SHAILA MANYAM, GEOFFREY DONOHO AND GREG WEINIG, AS WELL AS THE TEAM'S COACH, BETH UNGER, FOR WINNING THE STATEWIDE DELAWARE CHAMPIONSHIP OF THE TEXACO STAR ACADEMIC CHALLENGE; AND FURTHER COMMENDING WNS-TV, DAVID SKOCIK OF WESLEY COLLEGE, JOHN HANNAGAN OF ST. MARK'S HIGH SCHOOL, THE DEPARTMENT OF PUBLIC INSTRUCTION FOR THEIR IMPORTANT ROLES IN PRODUCING THE COMPETITION. Sponsors: Representative DiPinto, Senator McDowell; all Representatives; Senators Neal, Vaughn.

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The roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The following legislation was introduced:

SB 179 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND PROVIDING FOR A VOLUNTARY FINE ASSESSMENT PLAN. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 180 - AN ACT TO AMEND CHAPTER 3, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND PROVIDING FOR THE AVAILABILITY OF CERTAIN WINES TO RETAILERS. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 181 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND PROVIDING FOR NOTICE BY MAIL OF A PERSON'S INTENTION TO APPLY FOR A LICENSE. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 182 - AN ACT TO AMEND CHAPTER 3, TITLE 4 OF THE DELAWARE CODE RELATING TO THE ALCOHOLIC BEVERAGE CONTROL COMMISSION; AND PROVIDING CERTAIN EXCEPTIONS TO COMMISSION RULES AND REGULATIONS. Sponsors: Senators Torbert, Minner, Venables, Knox; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 183 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS; AND PROVIDING FOR THE AMENDMENT OR REPEAL OF CERTAIN PROVISIONS WHICH ARE NO LONGER APPLICABLE TO THE REGULATION OF ALCOHOLIC LIQUORS. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 184 - AN ACT TO AMEND CHAPTER 1, TITLE 26, OF THE DELAWARE CODE RELATING TO TELEPHONE SERVICE FOR PEOPLE WITH SPEECH AND HEARING IMPAIRMENTS. Sponsors: Senator McBride, Representative Caulk; Senators Cook, Martin, McDowell, Torbert, Vaughn, Venables, J. Still; Representatives Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Spence, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, West. Assigned to Administrative Services/Energy Committee.

SB 185 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, Chapter 1, TITLE 17, DELAWARE CODE. Sponsors: Senators Vaughn, Cook; Representatives B. Ennis, Clark. Laid on the table on motion of Senator Vaughn.

SB 186 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsors: Senator Minner, Representative Bennett; Representatives Boykin, Brady, Buckworth, Bunting, Carey, B. Ennis, D. Ennis, Ewing, Fallon, Jester, Lee, Maroney, Oberle, Outten, Quillen, Reynolds, Schroeder, Sills, Smith, Soles. Assigned to Sunset Committee.

SB 187 - AN ACT TO AMEND CHAPTER 94 OF TITLE 29 RELATING TO DISPOSITION OF REAL PROPERTY. Sponsor: Senator Vaughn. Laid on the table on motion of Senator Vaughn.

SB 48 w HA 1 returned from the House and laid on the table on motion of Senator Cook. At 5:20 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 16, 1989.

The Senate reconvened at 2:17 p.m., May 16, 1989, Senator Cordrey presiding.

SB 85 was reported out of the Highways and Transportation Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 165 w HA 1; SB 153; HB 168; HB 224; HB 225; HB 227; HB 241; HB 255 and adopted SCR 57; SCR 56.

LEGISLATIVE ADVISORY #12 received from the Office of Counsel to the Governor was announced and partially read; copies of the Advisory were made available to each Senator.

LEGISLATIVE ADVISORY #12: On May 8, 1989 the Governor signed HB 84 (Volume 67, Chapter 15 Laws of Delaware); on May 9, 1989 the Governor signed HB 85 w HA 1, HA 2, SA 1 (Volume 67, Chapter 16, Laws of Delaware); HB 208 (Volume 67, Chapter 17, Laws of Delaware); HB 209 (Volume 67, Chapter 18, Laws of Delaware).

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

STATE OF DELAWARE
Office of the Governor
May 9, 1989

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William T. Coop, Rt. 1, Box 62, Ocean View, DE 19970, to be appointed to the Advisory Council on Tidal Finfisheries to serve for a five year term to succeed Steven Dale Bennett, whose term has expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SB 188 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF LIVESTOCK DEALERS. Sponsors: Senator Adams, Representatives Caulk, Bunting, Carey, Ewing, Fallon, Lee, Quillen, Schroeder. Assigned to Agriculture Committee.

SB 189 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES. (3/5 vote) Sponsors: Senator Adams; Representatives Caulk, Carey, Ewing, Lee. Assigned to Agriculture Committee.

SB 190 - AN ACT TO AMEND CHAPTER 25, TITLE 18 OF THE DELAWARE CODE RELATING TO REDUCTION OF INSURANCE PREMIUM RATES FOR MOTORCYCLE OPERATORS WHO SUCCESSFULLY COMPLETE THE MOTORCYCLE RIDER EDUCATION PROGRAM. Sponsor: Senator Torbert. Assigned to Insurance and Elections Committee.

SB 191 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDE DEFINITIONS, AND TO PESTICIDE PERMITS. Sponsors: Senator Adams; Representatives Caulk, Carey, Ewing, Lee, Quillen. Assigned to Agriculture Committee.

SB 192 - AN ACT TO AMEND CHAPTERS 19 AND 23, TITLE 7, DELAWARE CODE RELATING TO CRAB POTS. (2/3 vote) Sponsor: Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

SB 193 - AN ACT TO AMEND CHAPTER 31, TITLE 20 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATION OF WATER USE RESTRICTIONS EMPLACED PURSUANT TO DECLARED DROUGHT WARNING AND/OR DROUGHT EMERGENCY CONDITIONS. (2/3 vote) Sponsor: Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

SB 194 - AN ACT AUTHORIZING AND DIRECTING THE TRANSFER OF FUNDS FROM THE BUDGET OFFICE CONTINGENCY (10-02-04-PRIOR YEAR AUTHORIZATIONS) TO THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF SERVICES TO CHILDREN, YOUTH, AND THEIR FAMILIES FOR THE PURPOSE OF PAYING WAGES TO WHICH THEY ARE ENTITLED TO CARL ANSON, DORIS LINGO, DORIS PIERCE, AND DORIS SELBY, EMPLOYEES OF THE STATE OF DELAWARE. Sponsor: Senator Torbert. Assigned to Finance Committee.

SA 1 to SB 85. Sponsor: Senator McDowell. Placed with the Bill.

HB 168 - AN ACT TO AMEND TITLE 3 AND TITLE 28 OF THE DELAWARE CODE RELATING TO RACING; AND PROVIDING FOR SIMULCAST WAGERING OR BETS. Sponsors: Representatives Quillen, Jonkier, Roy, Gilligan; Senators Martin, McBride, Holloway. Laid on the table on motion of Senator Sharp.

HB 224 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO WHEN LIGHTED LAMPS ARE REQUIRED. (2/3 vote) Sponsors: Representatives Smith, Maroney, Petrilli, Amick, Boykin, Carey, Corrozi, Davis, Ewing, Lee, Taylor, Bunting, Campanelli, Clark, Jonkier, Plant, Soles; Senator Knox. Assigned to Public Safety Committee.

HB 225 - AN ACT TO AMEND CHAPTER 23, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR THE REPLACEMENT OF A VEHICLE SERIAL NUMBER. (3/5 vote) Sponsors: Representatives Ewing, Spence, Buckworth, Davis, Hebner, Boykin, Amick, Carey, Smith, Corrozi, DiPinto, Plant. Assigned to Public Safety Committee.

HB 227 - AN ACT TO AMEND CHAPTER 23, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A DUPLICATE CERTIFICATE OF TITLE FOR A VEHICLE. (3/5 vote) Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Davis, Hebner, Boykin, Amick, Corrozi, Carey, Smith, DiPinto, Plant. Assigned to Public Safety Committee.

HB 241 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO REMOVAL AND STORAGE OF VEHICLES FROM HANDICAPPED PARKING AREAS. Sponsor: Representative Amick. Assigned to Public Safety Committee.

HB 242 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND HANDICAPPED PERSONS' PARKING AREAS. (2/3 vote) Sponsor: Representative Amick. Assigned to Public Safety Committee.

HB 255 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING. (2/3 vote) Sponsors: Representatives Quillen, Jonkier; Senators Martin, McBride, Holloway. Assigned to Administrative Services/Energy Committee.

SCR 58 was introduced and considered for adoption on motion of Senator Holloway:

SCR 58 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO ACTIVELY PURSUE A REVIEW BY CONGRESS OF THE MANDATORY TWO YEAR WAITING PERIOD FOR MEDICARE ENROLLMENT BY DISABLED SOCIAL SECURITY BENEFICIARIES WITH THE GOAL OF REDUCING OR ELIMINATING SUCH WAITING PERIOD. Sponsor: Senator Holloway.

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

At 2:31 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY

May 16, 1989

The Senate convened at 2:31 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

SB 144 was taken up for consideration on motion of Senator Neal:

SB 144 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE BY CREATING A WORKPLACE DRUG TESTING ACT.

Senator R. Still marked PRESENT.

Various Senators commented on the Bill after which it was laid on the table on further motion of Senator Neal.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 79; HCR 80.

HCR 80 was introduced and considered for adoption on motion of Senator Marshall:

HCR 80 - CONGRATULATING KELLY GODFREY, MICHAEL ANTHONY DEASCANIS, JENNIFER L. MARTIN, AND DAHLIA S. WASFI ON BEING SELECTED AS THE FIRST FIRST STATE SCHOLARSHIP AWARD WINNERS. Sponsors: Representatives Fallon, Mack, Jonklert, Outten; Senators Marshall, McBride, Venables, Connor, J. Still.

Senator Martin marked PRESENT during the following roll call.

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

HCR 79 was introduced and considered for adoption on motion of Senator Marshall:

HCR 79 - CONGRATULATING KENNETH GRAHAM BEARE, GITA SUBRAMANIAN, ANTHONY ROMANO, LESLIE MINOR, JULIE LYNN CEBRAT AND KESARA BORIRAKCHANYAVAT THE 1989 JAMES T. MCKINSTRY HERITAGE SCHOLARSHIP WINNERS. Sponsors: Representatives Amick, Petrilli, Corrozi, Taylor, George, Soles, VanSant; Senators McDowell, Bane, Knox, Neal, R. Still. Senator Marshall announced that he is also a co-sponsor of the Resolution.

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

SB 165 which had been returned from the House further amended by HA 1 was taken up for reconsideration on motion of Senator Bair under suspension of the necessary rules no objection.

Senators Venables, Sharp, Marshall and Knox commented on the Bill after which the roll call vote on SB 165 w HA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator Bair.

At 3:43 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:24 p.m., Senator Cordrey presiding.

SB 185 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Vaughn, no objection:

SB 185 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE.

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

The Bill was then laid on the table on motion of Senator Vaughn due to a technical error which was found in the Bill.

SB 187 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Vaughn, no objection:

SB 187 - AN ACT TO AMEND CHAPTER 94 OF TITLE 29 RELATING TO DISPOSITION OF REAL PROPERTY.

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

On motion of Senator Bair, the roll call vote on SB 165 w HA 1 was lifted and announced:

YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, Martin, McDowell, Sharp, J. Still, R. Still - 11.

NO: Senators Adams, Cook, Holloway, Marshall, McBride, Minner, Neal, Torbert, Vaughn, Venables - 10.

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

SB 151 was taken up for consideration on motion of Senator Sharp:

SB 151 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND MANDATING A UNIFORM KINDERGARTEN THROUGH HIGH SCHOOL DRUG/ALCOHOL EDUCATION PROGRAM IN EACH SCHOOL DISTRICT IN DELAWARE.

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

At 4:35 p.m., Lt. Governor Wolf presiding.

The roll call vote on SB 151 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 185 was lifted from the table for consideration on motion of Senator Vaughn and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 85 which was next on the Agenda of the day was moved to the bottom of the Agenda at the request of Senator McDowell.

SB 155 was taken up for consideration on motion of Senator Adams:

SB 155 - AN ACT TO AMEND CHAPTER 303, VOLUME 66, LAWS OF DELAWARE, BEING SENATE BILL NO. 480 OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR BEING JUNE 30, 1989, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS, DELETIONS AND ADJUSTMENTS.

Senator Adams announced that he would be voting NOT VOTING on the Bill due to a possible conflict of interest.

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

HB 23 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 23 w HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO EDWINA B. JONES, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 51, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

SA 2 to the Bill (sponsor: Senator Cook) was introduced and considered for adoption on motion of Senator Cook. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Ewing and discussion of the Bill was entered into by several Senators after which the roll call vote on HB 23 w HA 1, SA 2 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 144 was lifted from the table for consideration on motion of Senator Neal.

SA 1 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption on motion of Senator McDowell. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Cordrey, Knox, Neal - 4.

NOT VOTING: Senators Bane, Connor, Hauge, J. Still, R. Still - 5.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Holloway) was introduced.

There followed extended discussion of the Bill among various Senators and the privilege of the floor was extended to Jack K. Russell (Administrative Assistant to the Senate Majority Party) and William Walls (Senate Attorney) after which SA 2 was laid on the table on motion of the sponsor.

SB 144 w SA 1 was then laid on the table on motion of Senator Neal.

The personal privilege of the floor was extended to Senators R. Still and McBride who commented on an article in the Wilmington News Journal pertaining to drug arrests.

At 5:33 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 17, 1989.

The Senate reconvened at 3:44 p.m., May 17, 1989, Senator Cordrey presiding.

The following Committee reports were announced:

From the Judiciary Committee: HB 260 - 4 Merits; HB 251 - 4 Merits; HB 213 - 4 Merits; HB 98 w HA 1 - 4 Merits.

At 3:45 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 222; HB 129 w HA 1; HB 269 w HA 1; HB 219; HB 239; HB 238; HB 237; HB 236; HB 116; SB 12 w HA 1, SA 1.

The following legislation was introduced:

SB 195 - AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE DELAWARE CODE RELATING TO THE LONG-TERM CARE OMBUDSMAN AND PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN WITHIN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF AGING. Sponsors: Senator Holloway, Representative Maroney; Senators Bair, Bane, Martin, Neal, Torbert, Marshall, McBride; Representatives Bennett, Brady, Boykin, Taylor, Ewing, Smith, Jester, Outten, VanSant, Fallon, Amick, Spence, Corrozi, Carey, Lee, Clark, Quillen, Davis, Soles, Mack, Petrilli, Reynolds, Caulk, Roy, B. Ennis, Gilligan, Bunting, Schroeder, Sills, Campanelli. Assigned to Health-Social Services/Aging Committee.

SB 196 - AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 24 OF THE DELAWARE CODE RELATED TO COMPOSITION OF PROFESSIONAL REGULATORY BOARDS AND PROVIDING FOR ADDITIONAL PUBLIC MEMBERS OF SEVERAL BOARDS AND COMMISSIONS. Sponsor: Senator Torbert. Assigned to Administrative Services/Energy Committee; reassigned to Sunset Committee.

SB 197 - AN ACT TO AMEND CHAPTERS 83 AND 88, TITLE 11, DELAWARE CODE AND CHAPTERS 55 AND 55-A, TITLE 29, DELAWARE CODE RELATING TO PORTABILITY OF PENSION CREDIT BETWEEN STATE ADMINISTERED PENSION SYSTEMS. Sponsors: Senator Adams, Representative Ewing. Assigned to Finance Committee.

SA 3 to SB 144. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 160. Sponsor: Senator Holloway. Placed with the Bill.

HB 116 - AN ACT TO AMEND CHAPTER 5, TITLE 1, DELAWARE CODE, RELATING TO LEGAL HOLIDAYS AND ESTABLISHING A JOHN F. KENNEDY DAY. Sponsors: Representative Plant, Senator Holloway; Representatives Spence, West, B. Ennis, Lee, Bennett, Jester, Bunting, Oberle, Buckworth; Senators Adams, Vaughn, Torbert. Assigned to Executive Committee.

HB 236 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO APPEAL BONDS FROM FAMILY COURT. Sponsors: Representatives Jester, Brady, Buckworth, Maroney, Outten, Smith; Senators Bair, Bane, Knox, Minner, Vaughn. Assigned to Judiciary Committee.

The following Committee reports were announced:

From the Banking Committee: SB 177 - 4 Merits.

From the Public Safety Committee: SB 173 - 6 Merits; SB 172 - 1 Favorable, 2 Merits, 1 Unfavorable.

From the Sunset Committee: SB 179 - 3 Merits; SB 186 - 3 Merits; SB 183 - 3 Merits; SB 182 - 3 Merits; SB 181 - 3 Merits; SB 180 - 3 Merits.

From the Administrative Services/Energy Committee: SB 184 - 5 Merits; SB 158 - 5 Merits; SB 167 - 5 Merits.

At 3:55 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 35th Legislative Day.

35TH LEGISLATIVE DAY

May 17, 1989

The Senate convened at 3:55 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

The following Committee reports were announced:

From the Agriculture Committee: SB 191 - 7 Merits; SB 188 - 7 Merits; SB 189 - 7 Merits.

The following legislation was introduced:

SB 198 - AN ACT TO AMEND CHAPTER 23, TITLE 6 OF THE DELAWARE CODE, RELATING TO PRE-JUDGMENT INTEREST FOR PERSONAL INJURY TORT ACTIONS. Sponsors: Senators Marshall, Sharp, McBride, McDowell; Representatives Oberle, Campanelli, Jonklert. Assigned to Judiciary Committee.

SB 199 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS. Sponsors: Senator Neal, Representative Oberle. Assigned to Sunset Committee.

HB 237 - AN ACT TO AMEND CHAPTER 6, TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT. Sponsors: Representatives Jester, Boykin, Brady, Buckworth, Maroney, Outten, Smith, Soles, Spence; Senators Bair, Bane, Minner, Neal, Vaughn. Assigned to Judiciary Committee.

HB 238 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO CERTAIN PROCEDURAL RIGHTS. Sponsors: Representatives Jester, Boykin, Brady, Buckworth, Maroney, Outten, Schroeder, Smith, Spence; Senators Bair, Bane, Minner, Neal, Vaughn. Assigned to Judiciary Committee.

HB 239 - AN ACT TO AMEND PART VI, TITLE 3, CHAPTER 82 RELATING TO RABIES CONTROL. Sponsors: Representative DiPinto, Senator Torbert. Assigned to Agriculture Committee.

HB 219 - AN ACT TO AMEND CHAPTER 31, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A DUPLICATE PHOTO IDENTIFICATION CARD. (3/5 vote) Sponsors: Representatives Ewing, Spence, Petrilli, Davis, Hebner, Boykin, Amick, Corrozi, Carey, Smith, DiPinto, Plant. Assigned to Public Safety Committee.

HB 269 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO PROVIDE FUNDING FOR A STATE FUNDING DRUG REHABILITATION, TREATMENT AND EDUCATION FUND. Sponsors: Representatives Reynolds, Spence, Petrilli, Buckworth, Amick, Davis, Mack, Oberle, Taylor, George, Gilligan, Brady, Plant; Senators Connor, McBride. Assigned to Committee to Combat Drug Abuse.

HB 129 w HA 1 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsors: Representative Amick; Senators Torbert, Minner. Assigned to Sunset Committee.

HB 222 - AN ACT AWARDED SPECIAL WIDOW PENSION BENEFITS TO ROSELINE WALTZ, ALSO KNOWN AS ROSELINE DUFRANE, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Representative Outten. Assigned to Finance Committee.

SB 144 w SA 1 was lifted from the table for consideration on motion of Senator Neal.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Venables) ABSENT; therefore, the Amendment was declared adopted.

Various Senators commented on the Bill after which the roll call vote on SB 144 w SA 1, 3 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Martin, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.
NO: Senators Marshall, McBride, McDowell, Venables - 4.

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

HB 92 w HA 1 was taken up for consideration on motion of Senator Torbert:

HB 92 w HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES.

Various Senators commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Marshall, Martin, McDowell, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 14.

NO: Senators Adams, Cordrey, McBride, Minner, Venables - 5.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senator Knox - 1.

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

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

SB 160 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO ADOPT MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT INSURANCE.

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

The roll call vote on SB 160 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 156 which was next on the Agenda of the day was deferred for consideration on motion of Senator Holloway.

SB 86 was taken up for consideration on motion of Senator Marshall:

SB 86 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS FROM THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

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

YES: Senators Adams, Bair, Bane, Connor, Hauge, Marshall, Martin, McDowell, Neal, Sharp, J. Still, R. Still, Torbert - 13.

NO: Senators Cook, Cordrey, McBride, Minner, Vaughn - 5.
ABSENT: Senators Holloway, Knox, Venables - 3.
Therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 85 was taken up for consideration on motion of Senator McDowell:
SB 85 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE, RELATING TO UNLAWFUL USE OF CONTROLLED-ACCESS HIGHWAYS.

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

The roll call vote on SB 85 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SCR 59 was introduced and considered for adoption on motion of Senator Blair:
SCR 59 - COMMENDING MR. WILLIAM E. SHONE, JR., PRESIDENT AND FOUNDER OF SHONE LUMBER AND BUILDING MATERIALS CO., STANTON, DELAWARE, THIS YEAR'S RECIPIENT OF THE "SMALL BUSINESS PERSON AWARD", GIVEN ANNUALLY BY THE NEW CASTLE COUNTY CHAMBER OF COMMERCE. Sponsors: Senator Blair, Representative Smith; Senator Hauge, Representative Boykin. Senators Sharp, R. Still, McBride, Neal, Marshall and all Senators were added as co-sponsors.

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

The personal privilege of the floor was extended to Senator Sharp who congratulated Virginia Kirk of the Delaware State News staff on the occasion of her birthday.

At 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 18, 1989.

The Senate reconvened at 2:14 p.m., May 18, 1989, Senator Cordrey presiding.
The Secretary announced that a message from the House informed the Senate that it had passed SB 54 w SA 1, 2, HA 1 and adopted HCR 81; HCR 82; HCR 83; HCR 84; SCR 55.

The following communication was read:
Bayard, Handelman & Murdoch, P.A.
1300 Delaware Trust Building
Wilmington, Delaware 19899

May 16, 1989

The Office of the Senate Secretary
Legislative Hall
Dover, Delaware 19901

Dear Mr. Secretary Brady:

Please give my thanks to the distinguished ladies and gentlemen of the State Senate for their passage of concurrent Resolution No. 57 on the occasion of my 80th birthday. It was a great pleasure and honor to be welcomed and so kindly greeted by the members of the State Senate.

I will always remember it with great appreciation.
Best wishes to each member.

Sincerely,
(Signed) Cale
J. Caleb Boggs

* * * * *

At 2:16 p.m. Lt. Governor Wolf presiding.
SB 176 was reported out of the Administrative Services/Energy Committee: 4 Merits.
The following legislation was introduced:
SA 1 to SB 156. Sponsor: Senator Holloway. Placed with the Bill.
SB 200 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO FEES FOR REGISTRATION OF MOTOR VEHICLES. Sponsor: Senator Torbert. Assigned to Public Safety Committee.
SB 201 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 13, DELAWARE CODE, RELATING TO ADOPTIONS. Sponsor: Senator Holloway. Assigned to Judiciary Committee.
SB 54 w SA 1, 2 which had been returned from the House as further amended by HA 1 was laid on the table on motion of Senator McDowell under suspension of the necessary rules (no objection).
At 2:21 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 36th LEGISLATIVE DAY.

36TH LEGISLATIVE DAY
May 18, 1989

The Senate convened at 2:21 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The Journal of the previous day was approved as read on motion of Senator Sharp.

Senator Bane introduced 3 guests to the Senate who were present in the chamber.

Senator Bair introduced 2 guests to the Senate who were present in the chamber.

SB 172 which was first on the Agenda of the day was deferred for consideration on motion of Senator Torbert.

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

SB 159 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE, RELATING TO SOLICITATIONS BY CHARITABLE ORGANIZATIONS AT CONTROLLED INTERSECTIONS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway marked PRESENT during the above roll call.

SB 54 w SA 1, 2, HA 1 was lifted from the table for consideration on motion of Senator McDowell; however, after a short discussion between Senator McDowell and Senator R. Still, the Bill was again laid on the table to await an Amendment.

SB 109 was taken up for consideration on motion of Senator Sharp:

SB 109 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLES III AND IV OF THE DELAWARE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT BY THE SUPERIOR COURT OF A PROTHONOTARY IN EACH COUNTY. (2/3 vote)

Senator Sharp (sponsor of the Bill) yielded to Senator Bane to floor manage the Bill.

Various Senators commented on the Bill after which the roll call vote was taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 18.

NO: Senators McDowell, Venables - 2.

ABSENT: Senator Martin - 1.

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

SB 53 which was next on the Agenda of the day was deferred on motion of Senator Sharp.

SB 158 was taken up for consideration on motion of Senator Cook:

SB 158 - AN ACT TO AMEND CHAPTER 79, TITLE 16, DELAWARE CODE RELATING TO PLUMBING RULES AND REGULATIONS.

Senators Sharp, Venables and Minner commented on the Bill.

At 3:00 p.m., Senator Cordrey presiding.

Senator McDowell, Cook, McBride and Connor commented on the Bill after which it was laid on the table on motion of Senator Cook.

SB 54 w SA 1, 2, HA 1 was lifted from the table for consideration on motion of Senator McDowell.

SA 3 to the Bill (sponsor: Senator R. Still) was introduced. Several Senators commented on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 13.

Therefore, the Amendment was declared defeated.

At 3:22 p.m., Lt. Governor Wolf presiding.

Various Senators commented on the Bill.

Senator Martin marked PRESENT.

The roll call vote on SB 54 w SA 1, 2, HA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Hauge, Knox, Neal - 3.

NOT VOTING: Senator R. Still - 1.

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

At 3:40 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:32 p.m., Senator Sharp presiding.

The following legislation was introduced:

SB 203 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO ASSISTANT COUNTY ATTORNEYS OF NEW CASTLE COUNTY. Sponsors: Senator Sharp, Representative DiPinto. Assigned to Judiciary Committee.

SB 204 - AN ACT TO AMEND CHAPTER 70, TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT. Sponsors: Senators Cordrey, Adams, Minner, Venables; Representatives Bunting, Ewing, Fallon, Lee, Schroeder, West. Assigned to Community Affairs Committee.

SB 195 was reported out of the Health-Social Services/Aging Committee: 4 Merits.

At 4:35 p.m., Lt. Governor Wolf presiding.

SB 172 was taken up for consideration on motion of Senator Torbert:

SB 172 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO CONSTRUCTION OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote)

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

SB 173 was taken up for consideration on motion of Senator Marshall:

SB 173 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT CATHOLIC CHARITIES, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES.

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

SB 191 was taken up for consideration on motion of Senator Adams:

SB 191 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDE DEFINITIONS, AND TO PESTICIDE PERMITS.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted. This Amendment made the Bill a 2/3 Bill.

The roll call vote on SB 191 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 188 was taken up for consideration on motion of Senator Adams:

SB 188 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF LIVESTOCK DEALERS.

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

SB 189 was stricken at the request of the sponsor, Senator Adams.

SR 44 was introduced and considered for adoption on motion of Senator Marshall:

SR 44 - COMMENDING DR. JOHN A. CHRZANOWSKI OF WILMINGTON FOR HIS MANY YEARS OF EXEMPLARY SERVICE TO HIS COMMUNITY AS A MEDICAL DOCTOR AND EXTENDING BEST WISHES TO HIM FOR A HEALTHY AND PRODUCTIVE RETIREMENT. Sponsor: Senator Marshall.

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

SCR 60 was introduced and considered for adoption on motion of Senator Minner:

SCR 60 - COMMENDING LISA CACAMISE, MILFORD; JENNIFER HARGREAVES, BETHANY BEACH; AND STEPHANIE ANN FOX, MILTON, ON RECEIVING THE 1989 GOVERNOR'S OUTSTANDING STUDENT VOLUNTEER AWARD. Sponsors: Senators Minner, Cordrey; Representatives Carey, Schroeder, Bunting.

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

SENATE CONSENT CALENDAR #16 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 43 - COMMENDING DAVID A. BEEBE AND ANDREW R. McNALLY OF MILFORD BOY SCOUT TROOP NO. 911 ON ACHIEVING THE RANK OF EAGLE. Sponsors: Senators Adams, Minner.

HCR 81 - HONORING U. S. SENATOR WILLIAM V. ROTH, JR. UPON RECEIVING THE WILDERNESS SOCIETY'S ANSEL ADAMS AWARD. Sponsors: Representative Smith, Senator Bair; Representatives Buckworth, Spence, Fallon, Boykin, DiPinto.

HCR 82 - DESIGNATING SEPTEMBER 24, 1989 AS "UNITED STATES MARSHALS BICENTENNIAL DAY" IN DELAWARE TO CELEBRATE THE 200TH ANNIVERSARY OF THE FEDERAL MARSHALS. Sponsors: Representative Ewing, Senator Adams.

HCR 83 - LAUDING SUSSEX COUNTIAN MATILDA "TIL" PURNELL, RECIPIENT OF THE DELAWARE AUDUBON SOCIETY'S PRESTIGIOUS CONSERVATION ACHIEVEMENT AWARD. Sponsors: Representatives Bunting, Schroeder, DiPinto; Senator Cordrey.

HCR 84 - CONGRATULATING STATE FIRE MARSHAL, J. BENJAMIN ROY, JR., ON BEING ELECTED AS THE PRESIDENT OF THE FIRE MARSHALS ASSOCIATION OF NORTH AMERICA. Sponsors: Representatives DiPinto, Lee, Carey, Bennett; Senator R. Still.

The roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

SR 45 was introduced and considered for adoption on motion of Senator Cordrey:

SR 45 - URGING DELAWARE CHAMBERS OF COMMERCE AND DELAWARE EMPLOYERS TO ADOPT FAMILY LEAVE POLICIES. Sponsors: Senators Cordrey, Venables, Holloway, Adams, Bane, Knox, R. Still, Bair, Connor, J. Still, Vaughn, Hauge.

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

SB 48 which had been returned from the House as further amended by HA 1 was lifted from the table for reconsideration under suspension of the necessary rules on motion of Senator Cook (no objection). The roll call vote on SB 48 w HA 1 was then taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 202 was introduced and assigned to Highways and Transportation Committee:

SB 202 - AN ACT TO AMEND CHAPTER 18, TITLE 2, DELAWARE CODE, RELATING TO ESTABLISHING A TELEPHONE SERVICE TO REPORT SIGNAL MALFUNCTIONS AT PUBLIC GRADE CROSSINGS AND PROHIBITING THE USE OF ANY RECORDS OF SUCH REPORTED MALFUNCTIONS OR REPAIRS IN ANY CIVIL ACTION AND PROVIDING PENALTIES THEREFOR. Sponsors: Senator Martin, Representative Roy.

At 5:05 p.m. on motion of Senator Sharp, the Senate recessed until Wednesday May 31, 1989 at 2:00 p.m.

The Senate reconvened at 2:17 p.m., May 31, 1989, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 187; SB 185.

The Secretary announced that a Memorandum signed by Senator Adams indicated that Senators Connor and J. Still were to be added as co-sponsors of SB 191.

LEGISLATIVE ADVISORY #13 received from the Office of the Counsel to the Governor was read which informed the Senate that on May 17, 1989, the Governor signed SB 165 w HA 1 (Volume 67, Chapter 19, Laws of Delaware).

The following legislation was introduced:

SB 205 - AN ACT TO REINCORPORATE THE TOWN OF SOUTH BETHANY. (2/3 vote) Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SA 1 to SB 177. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 172. Sponsor: Senator Torbert. Placed with the Bill.

At 2:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 37th Legislative Day.

37TH LEGISLATIVE DAY

May 31, 1989

The Senate convened at 2:20 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Sharp - 1.

The Journal of the previous day was approved as read on motion of Senator Cordrey.

SR 46 was introduced:

SR 46 - CONGRATULATING THE STUDENTS, FACULTY, ADMINISTRATORS AND P. T. A. OF THE GEORGE V. KIRK MIDDLE SCHOOL FOR ESTABLISHING "STUDENTS AGAINST SUBSTANCE ABUSE", A MODEL PROGRAM THAT HELPS CHILDREN WITH DRUG AND ALCOHOL PROBLEMS. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal, Connor.

In the absence of the Prime Sponsor, Senator Sharp, the Resolution was considered for adoption on motion of Senator Cordrey.

The privilege of the floor was extended to Tom Goff (teacher at G. V. Kirk Middle School).

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Sharp) ABSENT; therefore, the Resolution was declared adopted. Senators Knox, McDowell, R. Still marked PRESENT during the above roll call.

SB 177 was taken up for consideration on motion of Senator Cordrey:

SB 177 - AN ACT TO AMEND CHAPTER 35 OF TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey and the roll call vote taken which revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The following communication was read and is made part of this Journal at the request of Senator Cordrey:

COURT OF CHANCERY OF THE STATE OF DELAWARE
COURT HOUSE
Wilmington, Delaware 19801
May 24, 1989

The Honorable Richard S. Cordrey
President Pro Tem
Delaware State Senate
Legislative Hall
Dover, Delaware 19901

Re: SB 177

Dear Senator Cordrey:

The Court of Chancery exercises a particular responsibility with respect to the administration of trusts in Delaware. For hundreds of years in the American and English law, trusts and trustees have been closely regulated by courts of equity. Therefore, the judges of Chancery do take particular notice of legislation designed to regulate trustees and are anxious to supply to the General Assembly such insight as our close familiarity with this subject affords.

The questions with which S.B. 177 deal have been reviewed for some time by the judges of this court. I should note, however, that Vice Chancellor Chandler, because of his very recent addition to the court, has not participated in the ongoing consideration of proposed changes to trust administration. It is my considered conclusion, and in this my colleagues agree, that S. B. 177 is an appropriate statute for enactment by the General Assembly. It provides certain flexibility, while containing appropriate safeguards and continuing to recognize in the Court of Chancery general supervisory power over trustees. We have given this matter a great deal of consideration (and indeed commissioned some rather lengthy studies which I am happy to share with you or other interested members of the Assembly) before coming to this conclusion.

I do not go so far as to urge a particular course of action by the General Assembly; it is not, ordinarily, the place of a judge to do so in my opinion. However, believing as I do that S. B. 177 is consistent with the public good, I did wish to share that opinion with you,

Sincerely yours,
William T. Allen, Chancellor

* * * * *

The privilege of the floor was extended to Joseph M. Moran (Wilmington Trust Company).

Several Senators commented on the Bill after which the roll call vote on SB 177 w SA 1 was taken and revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

HJR 7 - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO PURSUE LEGISLATION WHICH WOULD GRANT SERVICE CONNECTED DISABILITY TO THOSE VETERANS WHO ARE AFFECTED BY THE EFFECTS OF EXPOSURE TO HERBICIDES, PRIMARILY AGENT ORANGE, USED BY THE MILITARY IN AND AROUND VIETNAM.

SA 1 to the Bill (sponsor: Senator Bair) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 17 Senators voting YES and 4 (Connor, Martin, Minner, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HJR 7 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House for consideration of the Senate Amendment.

Senators Minner and Martin marked PRESENT during the above roll call.

SB 158 was lifted from the table for consideration on motion of Senator Cook and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, McDowell, Minner, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senator Marshall - 1.

NOT VOTING: Senator McBride - 1.

ABSENT: Senators Connor, Sharp - 2.

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

SB 176 was taken up for consideration on motion of Senator Adams:

SB 176 - AN ACT TO AMEND CHAPTER 81, TITLE 29 OF THE DELAWARE CODE RELATING TO DIVISION DIRECTORS, AND TO THE DIVISION OF STANDARDS AND INSPECTIONS, AND TO THE DIVISION OF PRODUCTION AND PROMOTION, AND TO EXEMPTION, AND TO BUDGETING AND FINANCE.

SA 1 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 176 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:59 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:18 p.m., Lt. Governor Wolf presiding.

SCR 61 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 61 - EXTENDING CONGRATULATIONS AND BEST WISHES TO MAYOR GEORGE C. WRIGHT, JR. OF SMYRNA, DELAWARE WHO IS RETIRING FROM DOVER AIR FORCE BASE AFTER THIRTY-THREE YEARS OF DEVOTED SERVICE. Sponsors: Senators Vaughn, Representative B. Ennis; Senators Cook, Holloway.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Adams, Bane, Holloway, Minner, Sharp, R. Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Connor marked PRESENT during the above roll call.

SB 184 was taken up for consideration on motion of Senator McBride:

SB 184 - AN ACT TO AMEND CHAPTER 1, TITLE 26, OF THE DELAWARE CODE RELATING TO TELEPHONE SERVICE FOR PEOPLE WITH SPEECH AND HEARING IMPAIRMENTS.

The following communication was read and made part of this Journal on motion of Senator McBride:

STATE OF DELAWARE
DEPARTMENT of ADMINISTRATIVE SERVICES
DIVISION of FACILITIES MANAGEMENT
ARCHITECTURAL ACCESSIBILITY BOARD
Carvel State Office Building
Wilmington, Delaware 19801

May 5, 1989

Senator David McBride
Legislative Hall
Dover, DE 19901

RE: Dual Party Relay Service
Substitue Bill for SB #97

Dear Senator McBride:

I have reviewed the substitute bill prepared by Diamond State Telephone Company that would establish a statewide dual party relay system. My review indicated that the intent and the essence of the original bill remains intact, and that the proposed substitute bill merely makes technical corrections and resolves the Company's concerns regarding their ability to contract out for the provision of a relay service.

I feel that the proposed substitute bill is acceptable and have no objections to its introduction in lieu of Senate Bill #97.

I have distributed copies of the substitute bill to other individuals, including people with speech and hearing impairments, to determine if they would have any concerns. I have asked for a prompt response. Should I learn of any serious reservations or concerns I will inform you immediately.

Sincerely,
A. Laurence Field,
Administrator
Architectural Accessibility Board

cc: Stanley T. Czajkowski, Esq., Chairman
George E. Hale, Secretary, Administrative Services
Gilbert H. Smith, Jr

* * * * *

Senators Bair, Holloway and Neal commented on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 167 was taken up for consideration on motion of Senator Vaughn:

SB 167 - AN ACT TO AMEND TITLE 25, DELAWARE CODE, RELATING TO PROCEDURES FOR FILING A NOTICE OF PENDENCY OF A LEGAL ACTION THE OBJECT OF WHICH IS TO AFFECT TITLE TO, OR IMPOSE AN EQUITABLE LIEN ON REAL ESTATE.