

SA 1 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption on motion of Senator Vaughn. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Vaughn) was introduced and immediately stricken on motion of the sponsor.

The privilege of the floor was extended to William J. Walls (Senate Attorney). Various Senators entered into discussion of the Bill after which the roll call vote on SB 167 w SA 1 was taken and revealed 19 Senators voting YES and 2 (Holloway, Sharp) ABSENT; 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.

SB 172 was lifted from the table for consideration 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 taken which revealed 18 Senators voting YES and 3 (Holloway, Sharp, R. Still) ABSENT; therefore, the Amendment was declared adopted.

Various Senators entered into discussion of the Bill after which the roll call vote on SB 172 w SA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

At 5:35 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., June 1, 1989.

The Senate reconvened at 2:38 p.m., June 1, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 168 - 1 Favorable, 3 Merits; SB 204 - 1 Favorable, 3 Merits; SB 205 - 1 Favorable, 3 Merits; HB 246 - 4 Merits.

From the Labor and Industrial Relations Committee: SB 178 - 4 Merits; SB 148 - 4 Merits.

From the Revenue and Taxation Committee: SB 166 - 4 Merits.

From the Administrative Services/Energy Committee: SB 114: 3 Merits, 1 Unfavorable.

The following Veto Message from the Governor was read:

STATE OF DELAWARE  
OFFICE of the GOVERNOR

May 24, 1989

To the Members of the Senate of the 135th General Assembly

On May 24, 1989, I received Senate Bill No. 54 as Amended by Senate Amendments No. 1 & 2 and House Amendment No. 1, which is entitled: "AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES."

In passing Senate Bill 54, the General Assembly ignored the substantial record of salary increases enacted in recent years, increases which went well beyond what is appropriate to compensate for a higher cost of living.

At the same time, passage of the legislation threatens to skew the budget process in a way that would force decisions about important State programs to be made on the basis of salary policy -- rather than the merits of the programs.

Therefore, as everyone in Legislative Hall surely knew I would, I am returning Senate Bill No. 54 without my signature.

In each of the budgets I have presented to the General Assembly since becoming Governor, careful consideration has been given to the salaries of State employees. Even in a period of low inflation such as we have experienced the last several years, the cost of living creeps upward each year, and we must afford State employees a fair measure of protection against the loss of buying power due to inflation. The annual adjustment in salaries allows us to provide that protection.

By contrast, State employees are rewarded for taking on new responsibilities and gaining experience on the job by other means -- through promotions and advancements along the salary scale -- and it is inappropriate for the General Assembly to circumvent the process by which the Joint Finance Committee determines the general salary by the means employed in the legislation.

I would urge the members of the General Assembly to take note of the fact that, in recent years, total salary increases have outstripped inflation. Merit salaries have increased by an average of 6.7 percent a year over the course of the five budgets I have proposed, well beyond the 4.4 percent annual inflation rate. In conjunction with the overhaul and upgrading of the merit pay system during the past several years, State efforts to ensure fair compensation for our employees have been more than adequate.

But there is a more serious issue to be considered here. This bill, with its substantial fiscal consequences, was passed without any consideration of the impact it would have on State spending. With this legislation, we take the first step back to the time when the legislature spent without regard to consequences, leaving it to others to solve the problems created by ill-considered but expedient votes.

I understand the desire of the members of the General Assembly to make sure that State employees are paid fairly, but I believe that the sponsors and supporters of this bill did not consider the far-reaching and damaging consequences of their action.

For those reasons, I am returning Senate Bill No. 54 as amended by Senate Amendments No. 1 and No. 2 and House Amendment No. 1, without my signature.

Sincerely,  
Michael N. Castle, Governor

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The following legislation was introduced:

SB 206 - AN ACT TO AMEND CHAPTER 87, TITLE 11, DELAWARE CODE, RELATING TO THE CRIMINAL JUSTICE COUNCIL. Sponsors: Senator Vaughn, Representative Davis. Assigned to Judiciary Committee.

SB 207 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO HEALTH INSURANCE CONTRACTS AND EXCLUSIONS AND LIMITATIONS THEREIN. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SB 208 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE PLANNING AND CONSTRUCTION OF PUBLICLY OR PRIVATELY OWNED WASTEWATER TREATMENT PLANTS SERVING RESIDENCES, BUILDINGS OR COMMERCIAL ESTABLISHMENTS. Sponsors: Senator Knox, Representative Schroeder. Assigned to Natural Resources and Environmental Control Committee.

SB 209 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYER'S ASSESSMENTS TO THE UNEMPLOYMENT COMPENSATION FUND. Sponsors: Senators J. Still, Venables; Representatives Boykin, Bennett, Buckworth, Caulk. Assigned to Labor and Industrial Relations Committee.

SB 210 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO USE OF TOBACCO PRODUCTS AND UNLAWFUL EMPLOYMENT PRACTICES. Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

SB 211 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE STATE PERSONNEL COMMISSION. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Administrative Services/Energy Committee.

SB 213 - AN ACT TO AMEND CHAPTER 68, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE HEALTH CARE INJURY INSURANCE STUDY COMMISSION. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Assigned to Insurance and Elections Committee.

SB 214 - AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO LANDSCAPE ARCHITECTURE; AND PROVIDING FOR THE CERTIFICATION OF LANDSCAPE ARCHITECTS. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Roy, Boykin, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 215 - AN ACT TO AMEND CHAPTER 3, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF ARCHITECTS. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Roy, Boykin, Houghton, Jonkiert. Assigned to Administrative Services/Energy Committee.

SB 216 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS OF STATE BANKS, BANK FRANCHISE TAX RETURN FILING DEADLINES, AND INSURANCE REQUIREMENTS FOR BUILDING AND LOAN ASSOCIATIONS. Sponsor: Senator Cordrey. Assigned to Banking Committee.

SA 1 to SB 179. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 180. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 181. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 182. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SB 114. Sponsor: Senator Holloway. Placed with the Bill.

SB 217 - AN ACT TO AMEND SUBCHAPTER V, TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES RELATING TO CHILDREN AND INCOMPETENTS. Sponsors: Senators Marshall and Hauge. 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  
May 31, 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: Harry M. Freedman, M.D., P. O. Box 90, Bethel, DE 19931, to be reappointed as a member of the Board of Trustees of the Delaware Institute of Medical Education and Research to serve a three year term expiring May 20, 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  
May 31, 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 R. Fitzgerald, 524 Lennox Road, Wilmington, DE 19809, to be appointed as a member of the State Personnel Commission to serve a three year term to succeed Jan C. Ting, whose term has 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  
May 31, 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: Mable Pitt, 12 Aldershot Drive, Newark, DE 19713, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

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STATE OF DELAWARE  
Office of the Governor  
May 31, 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: Ruth P. Malm, 1112 Highgate Road, Wilmington, DE 19808, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be 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 passed HB 235; HB 248; HB 275; HS 1 for HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 and adopted HCR 85; HCR 87; SCR 59; SCR 60; HCR 86.

The Secretary announced that a Memorandum signed by Senator Vaughn indicated that Senator Venables was added as co-sponsor of SB 78.

The following legislation was introduced:

HB 235 - AN ACT TO AMEND CHAPTER 302, TITLE 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO TAXES; AND PROVIDING FOR A REALTY TRANSFER TAX. (2/3 vote) Sponsors: Representative Bunting, Senator Cordrey. Assigned to Community Affairs Committee.

HB 248 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF HARRINGTON AND A REALTY TRANSFER TAX. (2/3 vote) Sponsors: Representative Quillen, Senator Minner. Assigned to Community Affairs Committee.

HB 275 - AN ACT TO AMEND CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, ENTITLED: "AN ACT TO REINCORPORATE THE TOWN OF BETHANY BEACH." (2/3 vote) Sponsors: Representative Bunting, Senator Cordrey. Assigned to Community Affairs Committee.

At 2:55 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 38th Legislative Day.

#### 38TH LEGISLATIVE DAY

June 1, 1989

The Senate convened at 2:55 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Martin.

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 Cordrey.

SB 115 was taken up for consideration on motion of Senator Marshall:

SB 115 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULT ON A SPORTS OFFICIAL.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McDowell, Minner, Neal, J. Still, R. Still, Vaughn, Venables - 17.

NO: Senators Holloway, McBride - 2.

ABSENT: Senators Sharp, Torbert - 2.

Therefore, the Amendment was declared adopted.

Senator Neal marked PRESENT during the above roll call.

After a brief discussion, SB 115 w SA 1 was then laid on the table on motion of Senator Marshall.

SB 168 was taken up for consideration on motion of Senator Adams:

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).

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

At 3:15 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., Lt. Governor Wolf presiding.

SS 1 for SB 183 was introduced and adopted in lieu of the Original on motion of Senator Torbert:



SS 1 for 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. Sponsor: Senator Torbert.

SB 211 which had been assigned to Administrative Services/Energy Committee was reassigned to Sunset Committee.

SB 213 which had been assigned to Insurance and Elections Committee was reassigned to Sunset committee.

SB 215 which had been assigned to Administrative Services/Energy Committee was reassigned to Sunset Committee.

HB 246 was taken up for consideration on motion of Senator Minner:

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)

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

Senator Torbert marked PRESENT during the above roll call.

SB 204 was taken up for consideration on motion of Senator Cordrey:

SB 204 - AN ACT TO AMEND CHAPTER 70, TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT.

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

SB 15 was stricken on motion of Senator Cordrey.

SB 166 was taken up for consideration on motion of Senator Vaughn:

SB 166 - AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, RELATING TO INHERITANCE TAX.

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

SB 115 w SA 1 was lifted from the table for further consideration on motion of Senator Marshall.

SA 2 to the Bill (sponsor: Senator Marshall) was introduced.

The privilege of the floor was extended to William Walls (Senate Attorney) and various Senators entered into discussion of the Amendment after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Connor, Cordrey, Marshall, Martin, Minner, Neal, J. Still, Torbert, Venables - 11.

NO: Senators Cook, Hauge, Holloway, Knox, McBride, R. Still, Vaughn - 7.

ABSENT: Senators Bane, McDowell, Sharp - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 115 w SA 1, 2 was then taken and revealed:

YES: Senators Bair, Connor, Cordrey, Marshall, Martin, Minner, Torbert - 7.

NO: Senators Adams, Bane, Cook, Hauge, Holloway, Knox, McBride, McDowell, Neal, J. Still, R. Still, Vaughn, Venables - 13.

ABSENT: Senator Sharp - 1.

Therefore, the Bill was declared defeated.

SENATE CONSENT CALENDAR #17 was introduced:

The Calendar consisted of the following:

SR 48 - COMMENDING GORDON B. SANDERS, PRINCIPAL, LINDA K. GEORGE, CHAIRMAN OF THE SEMINAR DAY COMMITTEE, AND FACULTY OF THE HOWARD CAREER CENTER FOR THEIR SPONSORSHIP OF A "SEMINAR DAY" FOR HOWARD CAREER CENTER STUDENTS. Sponsor: Senator Holloway.

SCR 62 - COMMENDING AND THANKING MR. HENRY CORLESS, CHIEF EXECUTIVE OFFICER OF IMPERIAL CHEMICAL INDUSTRIES (I.C.I. AMERICAS, INC.) ON HIS IMPENDING RETIREMENT, JULY 31, 1989, FOR HIS INGENIOUS AND INNOVATIVE CONTRIBUTIONS NOT ONLY TO THE CHEMICAL INDUSTRY IN DELAWARE, BUT ALSO HIS COUNTLESS AND INVALUABLE TIME AND RESOURCES TO COMMUNITY CAUSES, AND FURTHER EXTENDING TO HIM AND HIS WIFE THE BEST OF HEALTH AND HAPPINESS DURING THEIR RETIREMENT, ESPECIALLY WITH RESPECT TO HIS AMBITION, ENDEAVORS AND FULFILLMENT OF THE ARTS. Sponsors: Senator Bair, Representatives Boykin, Maroney; Senators Knox, Hauge; Representatives D. Ennis, Smith, Brady, Hebner.

HCR 85 - COMMENDING THE LADIES AUXILIARY OF THE CHESWOLD VOLUNTEER FIRE COMPANY ON THEIR IMPENDING FIFTIETH (GOLDEN) ANNIVERSARY, SEPTEMBER 15, 1989. Sponsors: Representative Clark, Senator Cook, Representative B. Ennis, Senator Vaughn.

HCR 86 - EXTENDING WARMEST THANKS FOR OUTSTANDING SERVICE TO ROBERT L. B. MCKIM, OF MILFORD, AS HE LEAVES THE ABBOTTS MILL NATURE CENTER PROGRAM TO PURSUE SIMILAR OBJECTIVES ON A LARGER SCALE. Sponsors: Representative Carey, Senator Minner; Representatives Ewing, Caulk, Quillen; Senator Adams.

HCR 87 - COMMENDING SMYRNA HIGH SCHOOL STUDENTS FOR HAVING WON THE "CREATIVITY AWARD" AT THE ANNUAL ODYSSEY OF THE MIND WORLD FINALS HELD AT THE UNIVERSITY OF COLORADO IN BOULDER, MAY 25 THROUGH MAY 27, 1989. Sponsors: Representative B. Ennis; Senators Vaughn, Cook; Representative Clark.

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Senator Cordrey was added as co-sponsor of SCR 62 at his request.

SCR 62 was removed from SENATE CONSENT CALENDAR #17 at the request of Senator Bair after which the roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

SR 49 was introduced and considered for adoption on motion of Senator Adams:

SR 49 - EXTENDING TO GEORGE L. FRICK THE SINCERE BEST WISHES OF THE SENATE FOR A SPEEDY AND FULL RECOVERY FROM HIS RECENT ILLNESS AND SURGERY. Sponsors: Senators Adams, Cordrey, Cook, Minner, McBride, Knox, Bane, Hauge, Connor, Marshall, Vaughn, Venables, R. Still, J. Still.

Senators Holloway and Torbert were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Resolution was declared adopted.

SCR 63 was introduced and considered for adoption on motion of Senator R. Still:

SCR 63 - MOURNING THE DEATH OF MR. M. FRED ROSER, CHIEF EMERITUS OF HOCKESSIN FIRE COMPANY. Sponsors: Senator R. Still, Representative Roy; Senators Bane, Knox; Representatives Corrozi, Petrilli.

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

SCR 64 was introduced:

SCR 64 - REQUESTING THE DELAWARE DEVELOPMENT OFFICE, IN CONJUNCTION WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION, TO STUDY THE FEASIBILITY OF A "BUSINESS AND JOBS RETENTION PROGRAM" IN RELATION TO THE ROUTE 13 BYPASS PROJECT AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsors: Senators J. Still, Minner, Cook, Torbert; Representatives Clark, Bennett, B. Ennis, Buckworth.

Senators McDowell and Neal commented on the Resolution after which it was laid on the table on motion of Senator J. Still.

The following legislation was introduced:

SB 218 - AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE DELAWARE CODE, RELATING TO STANDARDS OF CARE FOR NURSING HOMES PROVIDING CARE TO MEDICAID RECIPIENTS. Sponsors: Senator Holloway; Representatives Jester, Maroney, Smith. Assigned to Health-Social Services/Aging Committee.

SB 219 - AN ACT TO AMEND LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, THE CHARTER OF THE TOWN OF CLAYTON, RELATING TO THE POWER OF THE TOWN OF CLAYTON TO IMPOSE AND COLLECT A REALTY TRANSFER TAX. (2/3 vote) Sponsors: Senator Vaughn, Representative B. Ennis. Assigned to Community Affairs Committee.

HB 130 was reported out of the Labor and Industrial Relations Committee: 4 Merits.

At 5:01 p.m. on motion of Senator Cordrey, the Senate recessed until June 6, 1989 at 2:00 p.m.

The Senate reconvened at 2:25 p.m., Lt. Governor Wolf presiding.

Senator Sharp marked PRESENT.

The following Committee reports were announced:

From the Sunset Committee: SB 215 - 3 Merits; SB 211 - 3 Merits; SB 214 - 3 Merits; SB 213 - 3 Merits; HB 38 - 3 Merits; HB 39 - 3 Merits; HB 129 w HA 1 - 3 Merits; SB 196 - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 142; HS 1 for HB 234; HB 165 w HA 1 and adopted SCR 61.

The Secretary announced that a Memorandum signed by Senator Adams indicated that Senator Venables was added as co-sponsor of SB 168.

The Secretary announced that a Memorandum signed by Senator Minner indicated that Senator Venables was added as co-sponsor of SB 152 prior to its passage from the Senate.

The Secretary announced that a Memorandum signed by Senator Cordrey indicated that Senator Venables was added as co-sponsor of SB 149 prior to its passage from the Senate.

The Secretary of the Senate announced that a Memorandum was sent to the Chief Clerk of the House indicating that Senator Venables had signed on as a co-sponsor of HB 246.

HS 1 for HB 193 w HA 1; HA 2 w HA 1; HA 3, 4 was introduced:

HS 1 for HB 193 w HA 1; HA 2 w HA 1; HA 3, 4 - AN ACT TO AMEND CHAPTERS 1, 7, 8, 9 AND 11 OF TITLE 5, AND CHAPTERS 1, 5, 11, 23, 42, 44, 47, 49 AND 50 OF TITLE 18 OF THE DELAWARE CODE BY EXPANDING THE POWERS OF BANKS AND TRUST COMPANIES TO ENGAGE IN THE BUSINESS OF INSURANCE; AND TO PROVIDE FOR THE PROPER REGULATION THEREOF. (2/3 vote) Sponsors: Representatives Petrilli, Spence, Corrozi, George, Gilligan; Senator Knox. On motion of Senator Cordrey and without objection, the Chair ruled that the Bill would be assigned to the Insurance and Elections Committee and when released from that Committee would be assigned to the Banking Committee.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 39th Legislative Day.

39TH LEGISLATIVE DAY  
June 6, 1989

The Senate convened at 2:30 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, 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 Sharp.

SCR 65 was introduced and considered for adoption on motion of Senator Marshall:

SCR 65 - CONDEMNING CHINA'S NEEDLESS USE OF MILITARY FORCE TO CRUSH STUDENT DEMONSTRATIONS AND URGING THAT THE GOVERNMENT OF CHINA EXERCISE RESTRAINT TO PREVENT FURTHER BLOODSHED. Sponsors: Senator Marshall, Representative Spence.

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

Senator R. Still marked PRESENT during the above roll call.

SR 47 was introduced and considered for adoption on motion of Senator Venables:

SR 47 - COMMENDING MISS GWEN NORTH, OWNER OF LAUREL'S "SPRING GARDEN" BED & BREAKFAST, ON BEING CHOSEN ONE OF THE FIRST TWO RECIPIENTS OF THE LIEUTENANT GOVERNOR'S "DELAWARE TOURISM AWARDS". Sponsor: Senator Venables.

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

Pursuant to the above Resolution, Senator Venables introduced Miss North who was present in the chamber.

SR 50 was introduced and considered for adoption on motion of Senator J. Still:

SR 50 - EXTENDING CONGRATULATIONS TO JOHN C. STILL, JR. AND PAULINE P. STILL ON THE OCCASION OF THEIR SILVER WEDDING ANNIVERSARY. Sponsors: Senators J. Still, Connor.

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

Senator Holloway was granted personal privilege of the floor and commented on the Post-Secondary Education Association Conference held in Atlantic City.

SB 179 was taken up for consideration on motion of Senator Torbert:

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.

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

Senators Connor and Martin marked PRESENT.

The privilege of the floor was extended to Keith Brady, Director of the Alcohol Beverage Control Commission. Various Senators entered into discussion of the Amendment after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, R. Still, Torbert, Venables - 16.

NO: Senators Adams, Holloway, Vaughn - 3.

ABSENT: Senators Neal, J. Still - 2.

Therefore, the Amendment was declared adopted.

SB 179 w SA 1 was then laid on the table on further motion of Senator Torbert.

SB 180 was taken up for consideration on motion of Senator Torbert:

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.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Torbert.

The privilege of the floor was extended to Robert Kreston (Kreston Liquor Mart, Wilmington) who was questioned on the Bill by Senator Holloway.

The privilege of the floor was extended to Linda Collier (President, Retail Liquor Dealers Association) who was questioned by Senators Holloway, Cook, Sharp, Cordrey, McDowell, R. Still, Connor, Knox.

Robert Kreston (Kreston Liquor Mart) was again granted the privilege of the floor and was questioned by Senators McDowell, Bair, Marshall, R. Still, Sharp.

The roll call vote on SB 180 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Knox, Martin, Minner, J. Still, R. Still, Torbert, Venables - 11.

NO: Senators Adams, Cordrey, Hauge, Holloway, Marshall, McBride, McDowell, Sharp, Vaughn - 9.

ABSENT: Senator Neal - 1.

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

At 4:15 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:42 p.m., Senator Cordrey presiding.

SB 216 was reported out of the Banking Committee: 5 Merits.

The following legislation was introduced:

SB 212 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES. Sponsors: Senators Minner, Cook, Cordrey, Torbert, Venables, Bane, Hauge; Representatives Amick, Boykin, Bunting, Buckworth, Clark, B. Ennis, D. Ennis, Petrilli, West. Assigned to Insurance and Elections Committee.

HB 142 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SELECTION PROCESS FOR PROFESSIONAL SERVICES CONTRACTS. Sponsors: Representative Roy, Senator Martin. Assigned to Administrative Services/Energy Committee.

HS 1 for HB 234 - AN ACT TO AMEND CHAPTER 41 AND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO THE TRANSPORTATION OF PUPILS TO AND FROM SCHOOL; AND PROVIDING FOR A CHOICE BETWEEN PRIVATE TRANSPORTATION AND BUS TRANSPORTATION. Sponsors: Representatives Jonkier, Davis; Senator Marshall. Assigned to Education Committee.

HB 165 w HA 1 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH. Sponsors: Representative Maroney, Senator Holloway. Health-Social Services/Aging Committee.

SB 220 - AN ACT TO AMEND CHAPTER 31, TITLE 16, DELAWARE CODE, TO PROVIDE FOR ISSUANCE OF VANITY MARRIAGE CERTIFICATES. (3/5 vote) Sponsors: Senators Holloway, Bane; Representatives Soles, Smith, West. Assigned to Administrative Services/Energy Committee.

SB 221 - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY. Sponsor: Senator J. Still. Assigned to Health-Social Services/Aging Committee.

SB 222 - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY. Sponsor: Senator J. Still. Health-Social Services/Aging Committee.

SB 223 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO UNINSURED AND UNDERINSURED MOTORIST BENEFITS. Sponsors: Senators Minner, Cordrey, Sharp, Torbert, Venables; Representatives Boykin, Buckworth, Bunting, Clark, B. Ennis, D. Ennis, Jonkier, Petrilli, West. Assigned to Insurance and Elections Committee.

SB 224 - AN ACT TO AMEND CHAPTER 49, TITLE 6, DELAWARE CODE, RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES. Sponsors: Senator Adams; Representatives Buckworth, Petrilli. Assigned to Administrative Services/Energy Committee.

SB 225 - AN ACT TO AMEND CHAPTER 9, TITLE 10 AND CHAPTER 5, TITLE 13, DELAWARE CODE RELATING TO FAMILY COURT PROCEEDINGS. Sponsors: Senator Sharp, Representative Hebner; Senators Vaughn, Holloway, Hauge, Bane; Representatives Davis, Plant, Amick. Assigned to Judiciary Committee.

SB 226 - AN ACT TO AMEND TITLE 7, CHAPTER 40 OF THE DELAWARE CODE, RELATING TO EROSION AND SEDIMENTATION CONTROL TO INCLUDE STORMWATER MANAGEMENT. Sponsors: Senators Minner, Knox; Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

At 4:52 p.m., Lt. Governor Wolf presiding.

Senator McDowell moved that a roll call vote be taken to override the Governor's veto of SB 54.

Senators Knox, R. Still and Connor commented on the Bill. The Chair announced that a 3/5 vote was required to override the veto after which the roll call vote was taken and announced:

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

NO: Senators Blair, Bane, Connor, Hauge, Knox, J. Still, R. Still - 7.

ABSENT: Senator Neal - 1.

Therefore, the Governor's veto of SB 54 was declared overridden by the Senate and sent to the House for consideration.

SB 181 was taken up for consideration on motion of Senator Torbert:

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.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Torbert.

SA 1 to SA 1 of the Bill (sponsor: Senator J. Still) was introduced and immediately stricken on motion of the sponsor.

SA 2 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption on motion of the sponsor. Various Senators commented on the Amendment after which the roll call vote was taken and revealed 18 Senators voting YES, 1 (Holloway) voting NO and 2 (Cook, Neal) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 181 w SA 2 was then taken and revealed 18 Senators voting YES, 1 (Holloway) voting NO and 2 (Cook, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Venables, and without objection, the roll call vote on SB 115 w SA 1, 2 was rescinded and the Bill restored to the Calendar and laid on the table.

SA 1 to SB 181 was stricken on motion of Senator Torbert.

At 5:23 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 7, 1989.

The Senate reconvened at 3:40 p.m., June 7, 1989, Senator Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 197 - 6 Merits; SB 130 - 6 Merits.

From the Natural Resources and Environmental Control Committee: SB 193 - 3 Merits, 1 Unfavorable; HB 171 - 4 Merits.

From the Judiciary Committee: SB 128 - 4 Merits; SB 161 - 1 Favorable, 3 Merits; SB 198 - 4 Merits; SB 203 - 4 Merits; SB 206 - 4 Merits; SB 217 - 4 Merits.

From the Insurance and Elections Committee: SB 133 - 4 Merits; SB 169 - 4 Merits; SB 175 - 4 Merits; SB 190 - 4 Merits.

At 3:43 p.m. Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 227 - AN ACT TO AMEND TITLE 9, CHAPTER 49 §4911(c) OF THE DELAWARE CODE RELATING TO PROCEDURES FOR CHANGES IN KENT COUNTY ZONING BY THE ZONING COMMISSION. Sponsors: Senator Minner, Representative B. Ennis; Senators Vaughn, Torbert, Adams, Cook, J. Still; Representatives Clark, Outten, Bennett, Quillen, Caulk, Buckworth, Ewing. Assigned to Community Affairs Committee.

SB 228 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO DEFINITIONS OF CONTAMINATION AND THE OBLIGATION OF PERSONS WHO CONTAMINATE WATER SUPPLIES. Sponsors: Senators Minner, Knox; Representative Schroeder. Assigned to Natural Resources and Environmental Control Committee.

SB 229 - AN ACT TO AMEND TITLE 9, CHAPTER 48, §4801(10) OF THE DELAWARE CODE RELATING TO THE DEFINITION OF THE TERM "SUBDIVISION" FOR REGIONAL PLANNING PURPOSES. Sponsors: Senator Minner, Representative B. Ennis; Senators Vaughn, Torbert, Adams, Cook, J. Still; Representatives Clark, Outten, Bennett, Quillen, Caulk, Buckworth, Ewing. Assigned to Community Affairs Committee.

SB 230 - AN ACT TO AMEND TITLE 7, CHAPTER 60, SUBCHAPTER II §6002 OF THE DELAWARE CODE RELATING TO NONPOINT SOURCES OF POLLUTION. Sponsors: Senators Minner, Knox; Representative Schroeder. Assigned to Community Affairs Committee.

SB 231 - AN ACT TO AMEND CHAPTER 25, TITLE 7, DELAWARE CODE TO INCREASE THE MINIMUM SIZE OF LOBSTER IN INCREMENTS. Sponsors: Senators Minner, Knox, J. Still; Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 232 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RECOMMENDATIONS BY POLICE CHIEFS FOR THE RE-EXAMINATIONS OF CERTAIN DRIVERS. Sponsors: Senator Adams, Representative Ewing. Laid on the table on motion of the sponsor.

SB 233 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Senator Marshall, Representative Oberle; Senators Holloway, Martin, McBride, Sharp, Knox, Neal; Representatives Mack, Reynolds, Campanelli, Plant. Assigned to Labor and Industrial Relations Committee.

SB 234 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE, RELATING TO THE STATE PERSONNEL COMMISSION. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonkiert. Immediately stricken on motion of the sponsor.

SB 235 - AN ACT TO AMEND TITLE 9, CHAPTER 48, §4811 OF THE DELAWARE CODE RELATING TO PROCEDURES FOR THE APPROVAL OR DISAPPROVAL OF A PLAT BY THE KENT COUNTY REGIONAL PLANNING COMMISSION AND THE TIME FRAME THEREFORE. Sponsors: Senator Minner, Representative B. Ennis; Senators Vaughn, Torbert, Adams, Cook, J. Still; Representatives Clark, Outten, Bennett, Quillen, Caulk, Buckworth, Ewing. Assigned to Community Affairs Committee.

SB 236 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE REAPPORTIONMENT OF KENT COUNTY LEVY COURT DISTRICTS. Sponsors: Senator Minner, Representative B. Ennis; Senators Vaughn, Torbert, Adams, Cook, J. Still; Representatives Clark, Outten, Bennett, Quillen, Caulk, Buckworth, Ewing. Assigned to Community Affairs Committee.

SB 237 - 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 INCREASE THE MUNICIPALITY'S INDEBTEDNESS LIMITATION. (2/3 vote). Sponsors: Senator Adams, Representative West. Assigned to Community Affairs Committee.

SS 2 for SB 42 was introduced and adopted in lieu of the Original on motion of the sponsor:

SS 2 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. Sponsors: Senator Torbert; Representatives DiPinto, Boykin, Lee, Caulk, B. Ennis. (3/5 vote)

HB 290 - AN ACT TO AMEND TITLE 23, DELAWARE CODE, RELATING TO THE OPERATING, AND/OR CONTROL OF A VESSEL OR BOAT UPON THE WATERS OF THE STATE OF DELAWARE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. (2/3 vote) Sponsors: Representative Buckworth, Senator Torbert; Representatives Carey, Bunting; Senator J. Still. Assigned to Natural Resources and Environmental Control Committee.

HB 210 w HA 2 - AN ACT TO AMEND CHAPTER 26, TITLE 24, DELAWARE CODE RELATING TO ATHLETIC TRAINERS. Sponsors: Representatives Reynolds, Spence, Buckworth, Roy, Amick, Mack, Soles; Senators McDowell, Connor, Knox. Assigned to Sunset Committee.

SB 201 was reported out of the Judiciary Committee: 4 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  
June 6, 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 C. Sames, 306 Porter Street, Seaford, DE 19973, to be reappointed as a member of the Environmental Appeals Board to serve a three year term expiring May 26, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 6, 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: Clifton H. Hubbard, Jr., 24 Bellrive Court, Dover, DE 19901, to be reappointed as a member of the Environmental Appeals Board to serve a three year term expiring March 31, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

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SB 218 was reported out of the Health-Social Services/Aging Committee: 4 Merits.

SB 83 which had originally been assigned to Health-Social Services/Aging Committee, was reassigned to Finance Committee.

At 3:58 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 40th Legislative Day.

40TH LEGISLATIVE DAY  
June 7, 1989

The Senate convened at 3:58 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.

The Secretary announced that a message from the House informed the Senate that it had passed HB 210 w HA 2; HB 290.

SB 45 was taken up for consideration on motion of Senator Cordrey:

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.

Senator Marshall marked PRESENT.

Various Senators entered into lengthy discussion of the Bill during which the privilege of the floor was extended to Vincent Bifferato, Jr. (Senate Attorney).

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

YES: Senators Adams, Bane, Cordrey, Holloway, Minner, Sharp, R. Still, Vaughn - 8.

NO: Senators Bair, Connor, Cook, Hauge, Knox, Marshall, Martin, McBride, McDowell, Neal, J. Still, Torbert, Venables - 13.

Therefore, the Bill was declared defeated.

SB 179 w SA 1 was lifted from the table for consideration on motion of Senator Torbert.

SA 2 to the Bill (sponsors: Senators McDowell, 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.

The roll call vote on SB 179 w SA 1, 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 182 was taken up for consideration on motion of Senator Torbert:

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.

SA 2 to the Bill (sponsor: Senator Torbert) was introduced and laid on the table together with SA 1 which had been previously placed with the Bill.

SA 3 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption.

Various Senators entered into discussion of the Amendment during which the privilege of the floor was extended to Keith R. Brady (Director, Alcoholic Beverage Control Commission).

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

During extended discussion of the Bill as so amended, various Senators entered into lengthy discussion during which the privilege of the floor was extended to Edward Stegemeler (Delaware Importers, Inc.), Linda Collier (Retail Liquor Dealers Association) and Keith Brady (Director, Alcoholic Beverage Control Commission).

The roll call vote on SB 182 w SA 3 was then taken and revealed:

YES: Senators Bair, Connor, Cook, Knox, Marshall, Martin, McDowell, Neal, J. Still, Torbert, Venables - 11.

NO: Senators Adams, Bane, Cordrey, Hauge, Holloway, McBride, Minner, Sharp, R. Still, Vaughn - 10.

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

SA 1 and SA 2 to SB 182 were stricken on motion of Senator Torbert.

Senator Neal introduced to the Senate, his wife and members of his family who were present in the chamber.

SB 230 which had been assigned to Community Affairs Committee was reassigned to the Natural Resources and Environmental Control Committee.

The following Committee reports were announced:

From the Insurance and Election Committee: SB 212 - 4 Merits; SB 223 - 4 Merits.

At 5:46 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 8, 1989.

The Senate reconvened at 2:46 p.m., June 8, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 219 - 3 Merits; SB 227 - 3 Merits; SB 229 - 3 Merits; SB 235 - 3 Merits; SB 236 - 3 Merits; SB 237 - 3 Merits; HB 235 - 3 Merits; HB 248 - 3 Merits; HB 275 - 3 Merits.

The following legislation was introduced:

SA 1 to SB 30. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 146. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to SB 148. Sponsor: Senator J. Still. Placed with the Bill.

SB 238 - AN ACT TO AMEND CHAPTER 59 AND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE PERSONNEL COMMISSION. Sponsors: Senators Torbert, Minner, Venables, Knox, J. Still; Representatives Amick, Boykin, Roy, Houghton, Jonklert. Laid on the table on motion of Senator Torbert.

SB 239 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, RELATING TO SETTING MINIMUM STANDARDS FOR CONGREGATE HOUSING FACILITIES FOR THE HOMELESS. Sponsors: Senator Holloway; Representatives Soles, DiPinto, George, Plant, West. Assigned to Health-Social Services/Aging Committee.

SS 1 for SB 178 was introduced and adopted in lieu of the Original:

SS 1 for 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.

SS 1 to SB 208 was introduced and adopted in lieu of the Original:

SS 1 to SB 208 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE PLANNING AND CONSTRUCTION OF PUBLICLY OR PRIVATELY OWNED WASTEWATER TREATMENT PLANTS SERVING RESIDENCES, BUILDINGS OR COMMERCIAL ESTABLISHMENTS. Sponsors: Senator Knox, Representative Schroeder.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 92 - 3 Merits; SB 192 - 3 Merits; SB 226 - 3 Merits; SB 228 - 3 Merits; SB 230 - 3 Merits; SB 231 - 3 Merits.

At 2:54 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41st Legislative Day.

41ST LEGISLATIVE DAY  
June 8, 1989

The Senate convened at 2:54 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Marshall.

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 adopted HCR 88; HCR 89; SCR 63; SCR 65.

Senators J. Still and Bane marked PRESENT.

SB 214 was laid on the table on motion of Senator Torbert.

SS 1 for SB 183 was taken up for consideration on motion of Senator Torbert:

SS 1 for 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.

SA 1 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption. The roll call vote was taken which revealed 17 Senators voting YES and 4 (Connor, Holloway, Neal, J. Still) ABSENT; therefore, the Amendment was declared adopted. Senators McBride and R. Still marked PRESENT during the above roll call.

Senator Torbert moved that the necessary rules be suspended for consideration of SS 1 for SB 183 w SA 1. There was no objection.

During discussion of the Bill among various Senators, the privilege of the floor was extended twice to Keith R. Brady (Division of Alcoholic Beverage Control).

The roll call vote on SS 1 for SB 183 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:18 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:08 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 240 - AN ACT TO AMEND CHAPTER 18, TITLE 2, DELAWARE CODE, RELATING TO RAILROAD CROSSINGS. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 241 - AN ACT TO AMEND CHAPTER 102, TITLE 29, DELAWARE CODE, RELATING TO THOSE AGENCIES TO BE REVIEWED BY THE SUNSET COMMITTEE. Sponsors: Senators Minner, Cordrey. Assigned to Community Affairs Committee.

SA 1 to SB 205. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 202. Sponsors: Senator Martin, Representative Roy. Placed with the Bill.

SA 2 to SB 205. Sponsor: Senator Cordrey. Placed with the Bill.

At 4:10 p.m., Lt. Governor Wolf presiding.

SA 1 to SB 214. Sponsor: Senator Torbert. Placed with the Bill.

SB 239 was reported out of the Health-Social Services/Aging Committee: 4 Merits.

SA 1 to SB 216. Sponsor: Senator Cordrey. Placed with the Bill.

SB 224 was reported out of the Administrative Services/Energy Committee: 4 Merits.

SA 1 to SB 218. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 224. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to HB 8 w HA 1. Sponsor: Senator McDowell. Placed with the Bill.

On motion of Senator Torbert and without objection, SB 214 was lifted from the table and returned to the Sunset Committee.

SB 145 was stricken on motion of Senator Adams.

SB 232 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Adams (no objection):



SB 232 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RECOMMENDATIONS BY POLICE CHIEFS FOR THE RE-EXAMINATIONS OF CERTAIN DRIVERS.

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

Senators Connor and Neal marked PRESENT during the above roll call.

SB 146 was taken up for consideration on motion of Senator Adams:

SB 146 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SAFETY INSPECTIONS OF VEHICLES BY POLICE OFFICERS.

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.

The roll call vote on SB 146 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 205 was taken up for consideration on motion of Senator Cordrey:

SB 205 - AN ACT TO REINCORPORATE THE TOWN OF SOUTH BETHANY. (2/3 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 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 205 w SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 186 was taken up for consideration on motion of Senator Minner:

SB 186 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

Senators McBride and R. Still commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Bane, McBride, McDowell - 3.

NOT VOTING: Senator R. Still - 1.

ABSENT: Senator Holloway - 1.

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

SB 218 was taken up for consideration on motion of Senator Holloway:

SB 218 - AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE DELAWARE CODE, RELATING TO STANDARDS OF CARE FOR NURSING HOMES PROVIDING CARE TO MEDICAID RECIPIENTS.

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

The privilege of the floor was extended to Muriel Rusten (Department of Health and Social Services). Senators J. Still and McBride commented on the Bill after which the roll call vote on SB 218 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 195 was taken up for consideration on motion of Senator Holloway:

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.

The privilege of the floor was extended to Muriel Rusten (Department of Health and Social Services) 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.

SB 130 was taken up for consideration on motion of Senator Holloway:

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.

The privilege of the floor was extended to John Rago (Department of Services to Children, Youth and Their Families). Various Senators entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Holloway.

SB 238 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Torbert (no objection):

SB 238 - AN ACT TO AMEND CHAPTER 59 AND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE PERSONNEL COMMISSION.

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 211 was stricken on motion of Senator Torbert.

SB 213 was taken up for consideration on motion of Senator Torbert:

SB 213 - AN ACT TO AMEND CHAPTER 68, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE HEALTH CARE INJURY INSURANCE STUDY COMMISSION.

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.

SB 215 which was next on the Agenda for the day was removed from the Agenda on motion of Senator Torbert.

HB 39 was taken up for consideration on motion of Senator Torbert:

HB 39 - AN ACT TO AMEND CHAPTER 59, TITLE 16 OF THE DELAWARE CODE RELATING TO THE BOARD ON MENTAL HEALTH TRAINING AND RESEARCH.

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 returned to the House.

HB 129 w HA 1 was taken up for consideration on motion of Senator Torbert:

HB 129 w HA 1 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

Several Senators commented on the Bill after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

SENATE CONSENT CALENDAR #18 was introduced:

The Calendar consisted of the following:

SR 52 - CONGRATULATING LEGISLATIVE FELLOW STEPHANIE DANA CANGIN FOR WINNING BOTH THE LEN PERFETTI AWARD AND THE AWARD OF SPECIAL MERIT FOR EXCELLENCE AS A CRIMINAL JUSTICE STUDENT AT THE UNIVERSITY OF DELAWARE. Sponsor: Senator McDowell.

SR 53 - EXTENDING BEST WISHES TO THE DESCENDANTS OF PIERRE SAMUEL du PONT de NEMOURS AS THEY CELEBRATE THE 250TH ANNIVERSARY OF HIS BIRTH. Sponsor: Senator Knox.

SCR 66 - CONGRATULATIONS TO THE CONCORD SOCCER ASSOCIATION TEAMS FOR THEIR VICTORIES IN THE FIRST STATE CUP GAMES. Sponsors: Senator Bair, Representative Boykin; Senators Knox, Hauge; Representatives Smith, Maroney, D. Ennis, Hebner, Brady.

SCR 67 - COMMENDING AND THANKING MR. HARRY CORLESS, CHIEF EXECUTIVE OFFICER OF IMPERIAL CHEMICAL INDUSTRIES (I.C.I. AMERICAS, INC.) ON HIS IMPENDING RETIREMENT, JULY 31, 1989, FOR HIS INGENUOUS AND INNOVATIVE CONTRIBUTIONS NOT ONLY TO THE CHEMICAL INDUSTRY IN DELAWARE, BUT ALSO HIS COUNTLESS AND INVALUABLE TIME AND RESOURCES TO COMMUNITY CAUSES, AND FURTHER EXTENDING TO HIM AND HIS WIFE THE BEST OF HEALTH AND HAPPINESS DURING THEIR RETIREMENT, ESPECIALLY WITH RESPECT TO HIS AMBITION, ENDEAVORS AND FULFILLMENT OF THE ARTS. Sponsors: Senator Bair, Representatives Boykin, Maroney; Senators Knox, Hauge, Cordrey, Neal; Representatives D. Ennis, Smith, Brady, Hebner.

SCR 68 - COMMENDING WARDEN ROBERT E. SNYDER AND THE MEMBERS OF HIS STAFF FOR THEIR OUTSTANDING AND MERITORIOUS WORK AT THE MORRIS CORRECTIONAL INSTITUTION IN DOVER, ESPECIALLY THEIR SUPERVISED INMATE WORK PROJECTS. Sponsors: Senators Vaughn, Cook, Holloway, Sharp, Adams; Representatives B. Ennis, Clark, Jester, Bennett.

SCR 88 - THANKING WORLD WAR II VETERAN JACK FRAYNE FOR HIS TRUE LIFE STORIES TOLD TO MILITARY HISTORY CLASSES AT WILLIAM PENN. Sponsors: Representative Reynolds, Senator Connor; Representatives Spence, Mack, Davis, Houghton, Brady; Senator McBride.

SCR 89 - COMMENDING MR. SIDNEY B. COLLISON ON HIS IMPENDING RETIREMENT AS ASSISTANT STATE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR INSTRUCTIONAL SERVICES ON JUNE 30, 1989 AND FURTHER WISHING HIM THE BEST OF HEALTH AND HAPPINESS IN HIS RETIREMENT. Sponsors: Representatives Bennett, Outten, Jester, Fallon, Brady; Senator Cook.

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SCR 67 was removed from the Consent Calendar on motion of Senator Martin (no objection).

The roll call vote on SENATE CONSENT CALENDAR #18 was then 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.

SCR 70 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 70 - IN RECOGNITION OF JUNE 12 THROUGH JUNE 16 AS NATIONAL LITTLE LEAGUE WEEK, THE LARGEST YOUTH PROGRAM IN THE WORLD. Sponsors: Senators Vaughn, Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Venables, Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still; Representatives B. Ennis, Clark, Houghton, Jester, Outten, VanSant.

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

SCR 72 was introduced and considered for adoption on motion of Senator R. Still:

SCR 72 - COMMENDING JIM ALIQUO, PRINCIPAL AT MCKEAN HIGH SCHOOL WHO IS RETIRING ON JUNE 30, 1989 AFTER 30 YEARS OF DEDICATED SERVICE IN PUBLIC EDUCATION. Sponsors: Senators R. Still, Bane, Sharp; Representatives Roy, Corrozi, Gilligan, VanSant.

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

SR 51 was introduced and considered for adoption on motion of Senator Martin:

SR 51 - URGING THE GOVERNOR OF DELAWARE TO IMPLEMENT WITHOUT FURTHER DELAY NEW REGULATIONS ON INFECTIOUS WASTE HANDLING AND INCINERATION; AND FURTHER URGING THE GOVERNOR TO RECOMMEND TO THE GENERAL ASSEMBLY LEGISLATION TO ASSURE THAT GENERATORS OR HANDLERS OF ANY INFECTIOUS WASTE FOUND LITTERING THE DELAWARE LANDSCAPE OR SEASIDE SHALL BE TRACKED DOWN AND PROSECUTED TO THE FULL EXTENT OF THE LAW. Sponsors: Senators Martin, Sharp, Marshall, Minner, Vaughn, Venables.

Senators Neal, J. Still, Connor and Minner commented on the Resolution after which the roll call vote was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, Minner, Sharp, Torbert, Vaughn, Venables - 11.

NO: Senators McBride, Neal - 2.

NOT VOTING: Senators Bane, Connor, Hauge, Knox, J. Still, R. Still - 6.

ABSENT: Senators Bair, McDowell - 2.

Therefore, the Resolution was declared adopted.

SR 54 was introduced and considered for adoption on motion of Senator J. Still:

SR 54 - MOURNING THE UNTIMELY DEATH OF ROBERT E. MALISH OF DOVER, A DEDICATED MEMBER OF THE ROBBINS HOSE FIRE CO. AND RECENTLY NAMED DELAWARE HEROIC FIREMAN OF THE YEAR. Sponsor: Senator J. Still.

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

The personal privilege of the floor was extended to Senator Sharp who commented on Paramedic legislation and several Senators responded.

The personal privilege of the floor was extended to Senator McBride who commented on SR 54.

At 6:22 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 13, 1989.

The Senate reconvened at 2:12 p.m., June 13, 1989, Senator Cordrey presiding.

LEGISLATIVE ADVISORIES #13 through #18 received from the Office of Counsel to the Governor were read. Copies of the Advisories were made available to the Senators.

LEGISLATIVE ADVISORY #13: On May 17, 1989 the Governor signed SB 165 w HA 1 (Volume 67, Chapter 19, Laws of Delaware). (Duplicate reading, in error)

LEGISLATIVE ADVISORY #14: On May 18, 1989 the Governor signed HB 66 w HA 1 (Volume 67, Chapter 20, Laws of Delaware); HB 62 (Volume 67, Chapter 21, Laws of Delaware); SB 16 w SA 1 (Volume 67, Chapter 22, Laws of Delaware).

LEGISLATIVE ADVISORY #15: On May 23, 1989 the Governor signed HB 77 w HA 1, SA 1 (Volume 67, Chapter 23, Laws of Delaware).

LEGISLATIVE ADVISORY #16: On May 24, 1989, the Governor signed SB 12 w HA 1, SA 1 (Volume 67, Chapter 24, Laws of Delaware).

LEGISLATIVE ADVISORY #17: On May 30, 1989 the Governor signed HB 92 w HA 1 (Volume 67, Chapter 25, Laws of Delaware). The following legislation became law without the Governor's signature on Monday, May 29, 1989: SB 153 (Volume 67, Chapter 26, Laws of Delaware). On May 9, 1989 the Governor vetoed SB 34 w HA 1 and SB 22 w HA 1. On May 25, 1989 the Governor vetoed SB 54 w SA 1, 2, HA 1.

LEGISLATIVE ADVISORY #18: On May 31, 1989 the Governor signed SB 48 w HA 1 (Volume 67, Chapter 27, Laws of Delaware); SB 185 (Volume 67, Chapter 28, Delaware Code); SB 187 (Volume 67, Chapter 29, Laws of Delaware).

\* \* \* \* \*

The following legislation was introduced:

SB 242 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL TRANSPORTATION CONTRACTS. Sponsors: Senators Cook, Adams, Minner, Venables; Representative West. Assigned to Education Committee.

SB 243 - AN ACT TO AMEND CHAPTER 41, TITLE 31, DELAWARE CODE, RELATING TO VIOLATIONS OF THE DELAWARE STATE HOUSING CODE. (2/3 vote) Sponsors: Senator Minner, Representative DiPinto; Senators Holloway, Bair, R. Still; Representatives Boykin, D. Ennis, Lee, Jonkier, Sillis, VanSant. Assigned to Administrative Services/Energy Committee.

SB 244 - AN ACT TO AMEND CHAPTER 10, TITLE 20 OF THE DELAWARE CODE, RELATING TO PENSION BENEFITS FOR PARAPLEGIC VETERANS. Sponsors: Senators Vaughn, McBride, Neal; Representatives Quillen, Brady. Assigned to Finance Committee.

At 2:15 p.m., Lt. Governor Wolf presiding.

SB 245 - AN ACT TO AMEND CHAPTER 3, TITLE 8 OF THE DELAWARE CODE TO REVISE THE LIMITS ON FEES CHARGED FOR SPECIAL REQUEST SERVICES WITHIN THE DIVISION OF CORPORATIONS. (2/3 vote) Sponsors: Senator Cook, Representative Corrozi. Assigned to Judiciary Committee.

SB 246 - AN ACT TO AMEND CHAPTER 70, PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO USES WHICH ARE PROHIBITED IN THE COASTAL ZONE. Sponsors: Senators Marshall, McDowell, Holloway, Sharp; Representative Hebner. Assigned to Labor and Industrial Relations Committee.

SA 3 to SB 114. Sponsor: Senator Holloway. Placed with the Bill.

SA 3 to SB 115. Sponsor: Senator Marshall. Placed with the Bill.

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

STATE OF DELAWARE  
Office of the Governor  
June 8, 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: Vicky K. Kleinman, 703 Fiske Lane, Newark, DE 19711, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 8, 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 L. Boddy, III, 9 Elizabeth Street, Milford, DE 19963, 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 Hopkins, Jr., whose term has expired.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 8, 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. Pope, II, 1404 Kings Highway, P.O. Box 81, Lewes, DE 19958, 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 Edward G. Pollard, Jr., who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 8, 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 Charles Wright, 54 Rodney Road, 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 George Kershner, who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 8, 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 W. Henning, Jr., 109 Rodney Avenue, Dewey Beach, DE 19971, 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 Robert Handy, who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 8, 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 Whitmore Maybee, 10 S. Bradford Street, 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 Joseph Knussman, who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
At 2:18 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY  
June 13, 1989

The Senate convened at 2:18 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 114 was taken up for consideration on motion of Senator Holloway:

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.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES and 3 (Martin, Neal, R. Still) ABSENT; therefore, the Amendment was declared adopted.

Senators Hauge, McDowell, Torbert marked PRESENT during the above roll call.

SB 114 w SA 1 was then laid on the table on motion of Senator Holloway.

SCR 73 was introduced:

SCR 73 - COMMENDING ELEANOR A. SCHMIDT FOR BEING SELECTED DELAWARE TEACHER OF THE YEAR. Sponsors: Senator McBride, Representative Fallon; all Senators, all Representatives.

The privilege of the floor was extended to Eleanor Schmidt (Delaware Teacher of the Year).

Senators Neal, R. Still marked PRESENT.

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.

Senator Martin marked PRESENT during the above roll call.

SB 114 w SA 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 stricken on motion of Senator Holloway.

SA 3 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway.

The privilege of the floor was extended to Dr. Charles F. Mullen (Pennsylvania College of Optometry) and various Senators entered into discussion of the Bill.

On motion of Senator Holloway (and without objection) the necessary rules were suspended to restore SA 3 to the Bill.

The privilege of the floor was extended to Dr. Carl Maschauer (Delaware Optometry Association) after which the roll call vote on SA 3 was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 114 w SA 1, 3 was then taken and revealed:

YES: Senators Bane, Connor, Cordrey, Hauge, Holloway, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Cook, Neal - 3.

NOT VOTING: Senators Adams, Knox, R. Still - 3.

ABSENT: Senator Marshall - 1.

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

From 3:34 p.m. to 3:37 p.m. the Chair called a standing recess for purpose of changing the tape.

SS 2 for SB 42 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Torbert:

SS 2 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. (3/5 vote)

SA 1 to the Bill (sponsor: Senator Neal) 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.

The roll call vote on SS 2 for SB 42 w SA 1 was then 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.

AT 3:53 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:14 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 247 - 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" BY INCREASING THE AMOUNT OF ANNUAL TAXES TO BE RAISED AND BY INCREASING THE AMOUNT WHICH COUNCIL IS PERMITTED TO BORROW. (2/3 vote) Sponsors: Senator Torbert, Representative Caulk. Assigned to Community Affairs Committee.

SB 248 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO FREEDOM OF INFORMATION BY PROHIBITING THE RELEASE OF JUROR PROFILES. Sponsor: Senator Torbert. Assigned to Judiciary Committee.

SB 249 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME. Sponsors: Senators Minner, Adams, Vaughn, McBride, J. Still; Representatives Brady, Davis, B. Ennis, Ewing, Hebner, Houghton, Jonkiet, Oberle, Spence, VanSant. Assigned to Judiciary Committee.

SB 250 - AN ACT TO AMEND CHAPTER 51, TITLE 30, OF THE DELAWARE CODE RELATING TO MUNICIPAL STREET AID. Sponsors: Senator Martin, Representative Roy. Assigned to Finance Committee.

SB 216 was taken up for consideration on motion of Senator Cordrey:

SB 216 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS OF STATE BANKS, BANK FRANCHISE TAX RETURN FILING DEADLINES, AND INSURANCE REQUIREMENTS FOR BUILDING AND LOAN ASSOCIATIONS.

SA 1 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 (Cook, McDowell) ABSENT; therefore, the Amendment was declared adopted.

At the request of Senator Cordrey, a portion of a communication from Keith Ellis (Bank Commissioner) was read concerning the legislation.

The roll call vote on SB 216 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 148 was taken up for consideration on motion of Senator Holloway:

SB 148 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption; however, after considerable discussion among various Senators, the Bill and the Amendment were laid on the table.

SB 197 was taken up for consideration on motion of Senator Adams:

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.

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

HB 171 was taken up for consideration on motion of Senator Minner:

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.

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

On motion of Senator Minner and without objection, SB 169 and SB 175 were recommitted to Insurance and Elections Committee.

SB 219 was taken up for consideration on motion of Senator Vaughn:

SB 219 - AN ACT TO AMEND LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, THE CHARTER OF THE TOWN OF CLAYTON, RELATING TO THE POWER OF THE TOWN OF CLAYTON TO IMPOSE AND COLLECT A REALTY TRANSFER TAX. (2/3 vote)

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

SB 227 was taken up for consideration on motion of Senator Minner:

SB 227 - AN ACT TO AMEND TITLE 9, CHAPTER 49 §4911(c) OF THE DELAWARE CODE RELATING TO PROCEDURES FOR CHANGES IN KENT COUNTY ZONING BY THE ZONING COMMISSION.

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 229 was taken up for consideration on motion of Senator Minner:

SB 229 - AN ACT TO AMEND TITLE 9, CHAPTER 48, §4801(10) OF THE DELAWARE CODE RELATING TO THE DEFINITION OF THE TERM "SUBDIVISION" FOR REGIONAL PLANNING PURPOSES.

SA 1 to the Bill (sponsor: Senator Minner) 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.

The roll call vote on SB 229 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 235 was taken up for consideration on motion of Senator Minner:

SB 235 - AN ACT TO AMEND TITLE 9, CHAPTER 48, §4811 OF THE DELAWARE CODE RELATING TO PROCEDURES FOR THE APPROVAL OR DISAPPROVAL OF A PLAT BY THE KENT COUNTY REGIONAL PLANNING COMMISSION AND THE TIME FRAME THEREFORE.

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 236 was taken up for consideration on motion of Senator Minner:

SB 236 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE REAPPORTIONMENT OF KENT COUNTY LEVY COURT DISTRICTS.

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

SB 237 - 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 INCREASE THE MUNICIPALITY'S INDEBTEDNESS LIMITATION. (2/3 vote)

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 248 was taken up for consideration on motion of Senator Minner:

HB 248 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF HARRINGTON AND A REALTY TRANSFER TAX. (2/3 vote)

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, R. Still, Torbert, Vaughn - 18.

NO: Senators McDowell, Venables - 2.

NOT VOTING: Senator J. Still - 1.

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

HB 275 was taken up for consideration on motion of Senator Minner:

HB 275 - AN ACT TO AMEND CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, ENTITLED: "AN ACT TO REINCORPORATE THE TOWN OF BETHANY BEACH." (2/3 vote)

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

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

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903  
June 8, 1989

TO: All Members of the Delaware State Senate, 135th General Assembly  
FROM: Ethics Committee

The Ethics Committee met at the request of Senator John Still as to whether or not he would have a "conflict of interest" in voting on House Substitute No. 1 for House Bill No. 193.

After considerable discussion, the Committee decided to rely on the concept that, then Attorney General, Richard S. Gebelein gave, "if you are grouped in as a class of people, no conflict is considered".

Since Senator John Still is one of approximately 4000 insurance agents in the State, we feel he certainly falls into the definition of 'a class of people', and, in the opinion of the Senate Ethics Committee does not have a "conflict of interest" if he wishes to vote on House Substitute No. 1 for House Bill No. 193, of the 135th General Assembly.

Senator Thomas B. Sharp,  
Senator Myrna L. Bair,  
Senator Harris, B. McDowell, III,  
Senator Robert T. Connor,  
Senator Richard S. Cordrey, Chairman

\* \* \* \* \*

At 5:13 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 14, 1989.

The Senate reconvened at 3:47 p.m., June 14, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: HB 127 - 4 Merits.

From the Judiciary Committee: SB 225 - 4 Merits; SB 245 - 4 Merits; SB 248 - 4 Merits; SB 249 - 4 Merits; HB 105 - 4 Merits; HB 122 w HA 1 - 4 Merits; HB 128 - 4 Merits; HB 236 - 4 Merits; HB 237 - 4 Merits; HB 238 - 4 Merits.

From the Executive Committee: SB 150 - 5 Merits.

From the Community Affairs Committee: SB 247 - 3 Merits.

From the Labor and Industrial Relations committee: SB 233 - 1 Favorable, 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had defeated the motion to override the Governor's veto of SB 54 w SA 1, 2, HA 1 and adopted SCR 72.

The following legislation was introduced:



SB 251 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, BY GRANTING AUTHORITY TO THE TOWN OF MILTON TO LEVY TAX ON TRANSFERS OF REAL ESTATE WITHIN THE TOWN OF MILTON; BY EXTENDING THE HOURS IN WHICH VOTES MAY BE CAST WITH RESPECT TO THE ANNUAL MUNICIPAL ELECTION AND BY ALSO PROVIDING FOR ABSENTEE VOTING; BY CHANGING THE PAY THE MAYOR AND COUNCILMEN MAY RECEIVE FOR ATTENDANCE AT MEETINGS; AND BY ELIMINATING THE FORMAL PROCEEDINGS CONCERNING THE TERMINATION OF THE TOWN CLERK'S EMPLOYMENT. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Community Affairs Committee.

SB 252 - AN ACT TO AMEND CHAPTER 273, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ODESSA IN NEW CASTLE COUNTY" BY CONFERRING UPON THE TOWN COUNCIL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN LIMITS OF ODESSA. (2/3 vote) Sponsors: Senator Vaughn, Representative Jester. Assigned to Community Affairs Committee.

SB 253 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PROCUREMENT OF MATERIAL, WORK, AND PROFESSIONAL SERVICES AND THE AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES, COUNTY AGENCIES AND SCHOOL DISTRICTS. Sponsors: Senator Martin, Representative Roy. Assigned to Finance Committee.

SB 254 - AN ACT TO AMEND TITLE 9, PART V, CHAPTER 80, SECTION 8001(d) RELATING TO THE DATE BY WHICH KENT COUNTY MUST ADOPT ITS BUDGET. Sponsors: Senator Minner, Representative B. Ennis; Senators Cook, Adams, Torbert, Vaughn, J. Still; Representatives Clark, Quillen, Outten, Buckworth, Bennett, Caulk. Assigned to Community Affairs Committee.

SB 255 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO TAXES; AND PROVIDING FOR A REALTY TRANSFER TAX. (2/3 vote) Sponsors: Senator Cordrey and Representative Bunting. Laid on the table on motion of Senator Cordrey.

HB 168 was lifted from the table and assigned to Administrative Services/Energy Committee on motion of Senator Cordrey (no objection).

At 3:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

#### 43RD LEGISLATIVE DAY June 14, 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 Secretary announced that a message from Senator Cordrey informed the Senate that Senator Venables was added as co-sponsor to SB 205 on June 1, 1989.

SB 223 was taken up for consideration on motion of Senator Minner:

SB 223 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO UNINSURED AND UNDERINSURED MOTORIST BENEFITS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Sharp, J. Still) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senators Hauge and McDowell marked PRESENT during the above roll call.

SENATE CONSENT CALENDAR #19 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SCR 69 - REQUESTING THE DELAWARE DEVELOPMENT OFFICE, IN CONJUNCTION WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION, TO STUDY THE FEASIBILITY OF A "BUSINESS AND JOBS RETENTION PROGRAM" IN RELATION TO STATE FUNDED HIGHWAY PROJECTS AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsors: Senators J. Still, Neal, Minner, Cook, Torbert; Representatives Clark, Bennett, B. Ennis, Buckworth.

SCR 71 - COMMENDING MR. SIDNEY B. COLLISON, DEPUTY STATE SUPERINTENDENT FOR INSTRUCTION, DEPARTMENT OF PUBLIC INSTRUCTION, ON HIS IMPENDING RETIREMENT, JUNE 30, 1989, AFTER COMPLETING THIRTY-NINE YEARS OF SERVICE AS AN EDUCATOR, TWENTY-SEVEN OF WHICH HAVE BEEN IN DELAWARE. Sponsors: Senators Bair, McBride; Representative Fallon; Senators Torbert, Minner, R. Still, Neal, Connor; Representatives Amick, Jester, Oberle, Reynolds, Bennett, Brady.

SCR 74 - CONGRATULATING BOY SCOUT TROOP 99 ON THE OCCASION OF ITS 50TH ANNIVERSARY AND COMMENDING THE PRESBYTERIAN CHURCH OF THE COVENANT FOR ITS 50 YEARS OF SUPPORT OF SCOUTING. Sponsors: Senator Hauge, Representative D. Ennis.

SCR 75 - COMMENDING DOVER HIGH SCHOOL SENATORS ON THEIR SEVENTH VICTORY IN THE 15TH ANNUAL DELAWARE HIGH SCHOOL STATE GOLF TOURNAMENT HELD AT MAPLE DALE COUNTRY CLUB, DOVER. Sponsors Senators J. Still, Cook, Torbert; Representatives Outten, Bennett, Clark.

SCR 76 - EXTENDING COMMENDATIONS AND THANKS TO ELISE GROSSMAN UPON HER RETIREMENT FROM THE STATE BOARD OF EDUCATION AFTER NINETEEN YEARS AS A MEMBER, THE LONGEST TERM OF SERVICE IN THE HISTORY OF THE BOARD. Sponsors: Senators Neal, McBride; Representatives Fallon, Soles.

\* \* \* \*

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

SB 224 was taken up for consideration on motion of Senator Adams:

SB 224 - AN ACT TO AMEND CHAPTER 49, TITLE 6, DELAWARE CODE, RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES.

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.

SA 2 to the Bill (sponsors: Senators Hauge and R. Still) was introduced and considered for adoption.

The privilege of the floor was extended to William Walls (Senate Attorney) and Larry Giacchino (representing CARMAN LINC-MERCURY) and several Senators entered into discussion of the Amendment after which the roll call vote was taken and revealed:

YES: Senators Hauge, Knox, R. Still - 3.

NO: Senators Adams, Bair, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 17.

NOT VOTING: Senator Bane - 1.

Therefore, the Amendment was declared defeated.

SA 3 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption.

The privilege of the floor was extended to William Walls (Senate Attorney) and several Senators entered into discussion of the Amendment after which the roll call vote was taken and revealed 19 Senators voting YES; 1 (Hauge) voting NO and 1 (McDowell) NOT VOTING; therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsor: Senator Hauge) was introduced and considered for adoption.

The privilege of the floor was extended to William Walls (Senate Attorney) and after a brief discussion of the Amendment, the roll call vote was taken and revealed:

YES: Senators Hauge, Knox, Marshall, Neal - 4.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Holloway, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

Therefore, the Amendment was declared defeated.

The roll call vote on SB 224 w SA 1, 3 was then taken and revealed 20 Senators voting YES and 1 (Hauge) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:17 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:38 p.m., Senator Cordrey presiding.

SB 212 was taken up for consideration on motion of Senator Minner:

SB 212 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES.

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 212 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:30 p.m., June 15, 1989.

The Senate reconvened at 3:02 p.m., June 15, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 252 - 3 Merits; SB 251 - 3 Merits; SB 254 - 3 Merits.

From the Public Safety Committee: SB 14 - 5 Merits; HB 218 - 4 Merits, 1 Unfavorable (corrected); HB 217 - 4 Merits, 1 Unfavorable; HB 219 - 5 Merits; HB 241 - 5 Merits; HB 242 - 4 Merits, 1 Favorable (corrected).

From the Administrative Services/Energy Committee: SB 174 - 2 Merits, 2 Unfavorable.

SCR 77 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 77 - EXTENDING CONGRATULATIONS TO THE MAYOR AND FIRST LADY OF LEWES, DELAWARE, ALFRED "AL" AND MADELINE STANGO ON THEIR RECENTLY CELEBRATED FIFTIETH (GOLDEN) WEDDING ANNIVERSARY AND MAY THEY ENJOY MANY MORE TOGETHER. Sponsors: Senators Cordrey, Minner, Adams; Representative Spence.

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

SCR 78 was introduced and considered for adoption on motion of Senator Holloway:

SCR 78 - URGING THE MEDIA OF MASS COMMUNICATIONS TO TAKE SPECIAL CARE NOT TO IDENTIFY ARRESTED WRONGDOERS AS WILMINGTON RESIDENTS WHEN THEY, IN FACT, ARE RESIDENTS OF SUBURBS OUTSIDE THE CORPORATE LIMITS OF THE CITY OF WILMINGTON. Sponsors: Senators Holloway, Marshall, McDowell; Representatives George, Plant, Sills, DiPinto, Jonklert.

Senators Bair, Neal, R. Still, Connor, Marshall, McBride commented on the Resolution after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Torbert) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 91; HCR 92; HCR 93; SCR 66; SCR 68; SCR 70; SCR 71; SCR 74; SCR 75; SCR 76.

HCR 92 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 92 - EXTENDING CONGRATULATIONS TO SUSSEX CENTRAL HIGH SCHOOL BASEBALL TEAM, "THE GOLDEN KNIGHTS", FOR HAVING WON THE STATE CHAMPIONSHIP BY DEFEATING WILLIAM PENN ON SATURDAY, JUNE 3, 1989 AND FURTHER COMMENDING COACH WOODY LONG AND HIS STAFF FOR THEIR EXCELLENT COACHING AND LEADERSHIP, GUIDING THE TEAM TO AN UNDEFEATED SEASON OF 21 WINS AND NO LOSSES. Sponsors: Representatives West, Bunting; Senators Adams, Cordrey, Minner, Venables.

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

HCR 91 was introduced and considered for adoption on motion of Senator Bane:

HCR 91 - HONORING RICHARD B. JEFFERS UPON HIS RETIREMENT FROM MCKEAN HIGH SCHOOL. Sponsors: Representatives Roy, Corrozi, Gilligan, VanSant; Senators Bane, R. Still.

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

At 3:23 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 44th Legislative Day.

#### 44TH LEGISLATIVE DAY June 15, 1989

The Senate convened at 3:23 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, 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 HS 1 for HB 338 w HA 3, 4, 5, 6, 7; HS 1 for HB 339 w HA 1, 2.

SCR 79 was introduced and considered for adoption on motion of Senator Minner:

SCR 79 - RECOGNIZING "FATHER'S DAY" ON SUNDAY, JUNE 18, 1989, AND THE FATHERS IT CELEBRATES. Sponsors: Senators Minner, Cook, Bane, Bair; Representatives Soles, Smith, Boykin, Jester, Maroney, Fallon.

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

Senator Adams introduced to the Senate and requested the privilege of the floor for Alan V. Sokolow (Council of State Governments) from New York.

SB 255 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SB 255 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO TAXES; AND PROVIDING FOR A REALTY TRANSFER TAX. (2/3 vote)

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Cook, McDowell, R. Still, Torbert) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 235 was reassigned to Community Affairs Committee on motion of Senator Minner (no objection).

SB 128 was taken up for consideration on motion of Senator Bane:

SB 128 - AN ACT TO AMEND CHAPTER 59, TITLE 10 AND CHAPTER 8, TITLE 13 OF THE DELAWARE CODE RELATING TO CERTAIN NAME CHANGES.

The privilege of the floor was extended to James T. Glessner (Family Court) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Torbert marked PRESENT during the above roll call.

SB 133 was taken up for consideration on motion of Senator Holloway:

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.

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

SB 217 was taken up for consideration on motion of Senator Marshall:

SB 217 - AN ACT TO AMEND SUBCHAPTER V, TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES RELATING TO CHILDREN AND INCOMPETENTS.

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

SB 115 w SA 1, 2 was lifted from the table for consideration on motion of Senator Marshall.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Marshall.

The privilege of the floor was extended to William Walls (Senate Attorney) and several Senators entered into discussion of the Amendment.

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

The roll call vote on SB 115 w SA 1, 2, 3 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Torbert, Vaughn, Venables - 16.

NO: Senators Hauge, Sharp, J. Still, R. Still - 4.

ABSENT: Senator Cook - 1.

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

HB 213 was taken up for consideration on motion of Senator Sharp who then yielded the floor to Senator Minner to floor manage the Bill:

HB 213 - AN ACT TO AMEND CHAPTER 14, TITLE 11 OF THE DELAWARE CODE RELATING TO CONCEALED DEADLY WEAPONS.

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

SB 193 was taken up for consideration on motion of Senator Knox:

SB 193 - AN ACT TO AMEND CHAPTER 31, TITLE 20 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF WATER USE RESTRICTIONS EMPLACED PURSUANT TO DECLARED DROUGHT WARNING AND/OR DROUGHT EMERGENCY CONDITIONS. (2/3 vote)

After considerable discussion of the Bill among various Senators, the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Knox.

SB 201 was taken up for consideration on motion of Senator Holloway:

SB 201 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 13, DELAWARE CODE, RELATING TO ADOPTIONS.

The privilege of the floor was extended to John Rago (Department of Services for Children, Youth and Their Families).

At 4:37 p.m., Senator Sharp presiding.

At 4:43 p.m. the Chair noticed the lack of a quorum and requested the Senators present to return to their seats which they did; no recess was necessary.

At 4:48 p.m. Lt. Governor Wolf presiding.

SB 201 was still before the Senate and at the request of Senator Holloway, the following communication was read and made part of this Journal:

BARBARA D. HALL  
1327 Shallcross Avenue  
Wilmington, DE 19806  
June 12, 1989

Senator Herman M. Holloway, Sr.  
2008 N. Washington Street  
Wilmington, DE 19802

Dear Senator Holloway:

I am writing to give my encouragement and support for your Senate bill 201 which would amend the current adoption laws to allow birth mothers and adopting parents to exchange identity. I have great hopes that this law would be just the beginning in reviewing the adoption laws in Delaware and updating them.

Since I have been a state resident, I have met a number of couples in northern Delaware who have consciously left the state for Pennsylvania, New Jersey or Maryland because of their desire to adopt without the confines and inadequate rules currently governing adoption here. An out-of-state move is common knowledge among infertile couples.

I have great hopes that someday open adoption is legal here. It is a practice that benefits children, natural parents and adopting parents. You have all my support in developing a taskforce to examine adoption in Delaware; with the state's high unwed mother pregnancy rate, we must address the question of updating our adoption laws this year.

Thank you for your interest in this very important issue.

Sincerely,  
Barbara D. Hall

\* \* \* \* \*

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

SB 130 was lifted from the table for consideration on motion of Senator Holloway and the privilege of the floor extended to John Rago (Department of Services to Children, Youth and Their Families) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still, Torbert, Vaughn - 17.

NO: Senators McBride, McDowell, Sharp, Venables - 4.

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

SB 92 was taken up for consideration on motion of Senator Vaughn:

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.

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:

YES: Senators Adams, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Neal, Sharp, R. Still, Vaughn, Venables - 14.

NO: Senators Bair, Martin, McBride, McDowell, Minner, J. Still, Torbert - 7.

Therefore, the Amendment was declared adopted.

SA 2, SA 3 and SB 4 to the Bill (sponsor: Senator Vaughn) were introduced and immediately stricken on motion of the sponsor.

SA 5 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption.

The privilege of the floor was extended to Bud Holland (New Castle County Trappers Association) who was questioned by several Senators after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Cook, Martin, McBride, McDowell - 4.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Wills Passmore (New Castle County Grange) and Bud Holland (New Castle County Trappers Association) who were questioned by several Senators after which the roll call vote on SB 92 w SA 1, 5 was taken and revealed:

YES: Senators Connor, Holloway, Knox, Sharp, Vaughn, Venables - 6.

NO: Senators Adams, Bair, Bane, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Neal, J. Still, R. Still, Torbert - 14.

NOT VOTING: Senator Hauge - 1.

Therefore, the Bill was declared defeated.

The Secretary announced that a message from the House informed the Senate that it had passed SB 159 w HA 1, 2, 3.

On motion of Senator Sharp (and without objection) the necessary rules were suspended for reconsideration of SB 159 as now further amended by HA 1, 2, 3. The roll call vote on SB 159 w HA 1, 2, 3 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 94.

HCR 94 was introduced and considered for adoption on motion of Senator Holloway:

HCR 94 - EXTENDING BEST WISHES TO GORDON J. THOMASCH, SENIOR VICE PRESIDENT OF GOVERNMENT RELATIONS FOR SECURITY PACIFIC FINANCIAL SERVICES, INC., UPON HIS RETIREMENT, AFTER 50 YEARS OF DEDICATED SERVICE IN THE FINANCE INDUSTRY AND STATE GOVERNMENT RELATIONS. Sponsors: Representatives Jonkiert, Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, VanSant; Senators Holloway, Marshall.

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 returned to the House.

SR 55 was introduced and considered for adoption on motion of Senator Minner:

SR 55 - CONGRATULATING JACK K. RUSSELL, LEGISLATIVE ASSISTANT TO THE SENATE MAJORITY CAUCUS, ON THE HAPPY AND WHOLLY UNEXPECTED OCCASION OF HIS SIXTY-THIRD BIRTHDAY. Sponsors: Senator Minner and all Senators.

Senators Sharp, Minner and Cook commented on the Resolution and all the Senators joined in singing "HAPPY BIRTHDAY" to Jack who was present in the chamber.

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

At 6:08 p.m. on motion of Senator Sharp, the Senate recessed until June 20, 1989 at 2:00 p.m.

The Senate reconvened at 2:25 p.m., June 20, 1989, Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 256 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 325, VOLUME 66, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO FURTHER PROVIDE FOR ABSENTEE VOTING AT THE ANNUAL MUNICIPAL ELECTION. (2/3 vote) Sponsors: Senator Adams, Representative West. Assigned to Community Affairs Committee.

SB 257 - 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; Representatives Ewing, Spence. Assigned to Judiciary Committee.

SB 258 - AN ACT TO AMEND CHAPTER 21, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS LICENSES. Sponsors: Senator Marshall, Representative Oberle. Assigned to Revenue and Taxation Committee.

SB 259 - AN ACT TO AMEND SUBCHAPTER XI OF CHAPTER 17, TITLE 6 OF THE DELAWARE CODE TO REVISE THE LIMITS ON FEES CHARGED FOR SPECIAL REQUEST SERVICES WITHIN THE DIVISION OF CORPORATIONS, FOR LIMITED PARTNERSHIPS. (2/3 vote). Sponsors: Senator Cook, Representative Corrozi. Assigned to Finance Committee.

SB 260 - AN ACT TO AMEND TITLE 4, DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND THE SALE AND/OR DELIVERY OF ALCOHOL AND SPIRITS BY IMPORTERS AND MANUFACTURERS OF ALCOHOLIC LIQUOR. Sponsors: Senator McDowell, Representative VanSant. Assigned to Sunset Committee.

SB 261 - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE RELATING TO THE COUNCIL ON RADIATION. Sponsor: Senator Torbert. Laid on the table on motion of Senator Torbert.

SS 1 for 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, Outten; Senators Venables, Martin, Cook, J. Still, Marshall, Minner, Vaughn, Holloway, McDowell; Representatives Buckworth, Campanelli, Plant, Clark, Bunting, Schroeder, Carey, Houghton, West, VanSant, Gilligan, Brady, Jester, Reynolds, D. Ennis, Ewing, Caulk, Sills, Bennett, Davis. Adopted in lieu of the Original.

HS 1 for HB 338 w HA 3, 4, 5, 6, 7 - AN ACT TO AMEND SECTION 1701, TITLE 17 OF THE DELAWARE CODE THE "DELAWARE-NEW JERSEY COMPACT" CREATING THE DELAWARE RIVER AND BAY AUTHORITY. Sponsors: Representative DiPinto, Senator Adams; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Taylor, Spence, Bennett, Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, Soles, West; Senators Cook, Holloway, Marshall, McBride, Torbert, Vaughn, Hauge, Knox, R. Still, Connor, Bane. Assigned to Executive Committee.

HS 1 for HB 339 w HA 1, 2 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE DELAWARE RIVER AND BAY AUTHORITY REGARDING (1) RECEIPT OF PROJECT PROPOSALS FROM THE GOVERNOR; (2) REVIEW OF PROPOSED PROJECTS BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; (3) PUBLIC NOTICE AND PUBLIC HEARINGS ON MAJOR PROJECTS; (4) PRIOR LEGISLATIVE APPROVAL OF MAJOR PROJECTS; (5) PRIOR LEGISLATIVE APPROVAL OF THE CONDEMNATION OF PUBLIC LAND; AND (6) REGULATION OF INCREASES IN VOLUME DISCOUNT BRIDGE TOLL RATES; AND TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND PROCEDURES TO BE FOLLOWED BY THE DEPARTMENT IN REVIEWING OR APPROVING PROJECTS. Sponsors: Representative DiPinto, Senator Adams; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Taylor, Spence, Bennett, Brady, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, Soles, West; Senators Cook, Holloway, Marshall, McBride, Torbert, Vaughn, Hauge, Knox, R. Still, Connor, Bane. Assigned to Executive Committee.

HB 202 - AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO SICK LEAVE. Sponsors: Representative Fallon, Senator McBride; Representatives Caulk, Hebner, Carey, Ewing, D. Ennis, West, Brady, Houghton, Sills, VanSant, Bennett, Campanelli, Plant, B. Ennis, Jester, Bunting; Senators Adams, Torbert, Marshall, McDowell. Assigned to Education Committee.

HB 361 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE PRONOUNCEMENT OF DEATH FACILITATED BY EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC (EMT-P). Sponsors: Representative B. Ennis, Senator McBride; Representatives Brady, Houghton, Davis, West, Campanelli, VanSant, Plant, Jester; Senators Vaughn, Torbert. Assigned to Administrative Services/Energy Committee.

HB 261 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT CERTIFICATES FOR MINORS. Sponsors: Representatives Davis, Mack, Reynolds, Smith, Campanelli, Plant; Senators Marshall, McBride, Bair. Assigned to Labor and Industrial Relations Committee.

HB 254 - AN ACT TO AMEND CHAPTERS 22, 45, AND 67, TITLE 9, DELAWARE CODE RELATING TO LATE PENALTIES FOR FAILURE TO PAY SEWER SERVICE CHARGES. Sponsors: Representatives Smith and Soles. Assigned to Community Affairs Committee.

HB 252 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO THE MEDIAL PRACTICES ACT. (2/3 vote) Sponsor: Representative Amick. Assigned to Administrative Services/Energy Committee.

HS 1 for HB 134 - AN ACT TO AMEND CHAPTER 27 OF TITLE 6 OF THE DELAWARE CODE RELATING TO THE NECESSITY OF WRITING FOR CONTRACTS. Sponsors: Representative Petrilli, Senator Cordrey. Assigned to Finance Committee.

HB 329 - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO SCHOOL BUS DRIVERS LICENSES. Sponsors: Representatives Houghton, Amick, Bennett, Brady, Bunting, Clark, Corrozi, Davis, B. Ennis, George, Gilligan, Jester, Mack, Oberle, Outten, Plant, Reynolds, Schroeder, Spence, VanSant; Senators Connor, McBride. Assigned to Public Safety Committee.

HB 250 - AN ACT TO AMEND TITLE 18 TO REQUIRE REDUCTIONS IN PREMIUM RATES FOR MOTORCYCLE OPERATORS COMPLETING AN ACCIDENT PREVENTION COURSE. Sponsors: Representative B. Ennis; Senator Torbert; Representatives Brady, VanSant, Houghton, Plant, Jester, Clark, Campanelli, West, D. Ennis, Sills. Assigned to Insurance and Elections Committee. Reassigned to Public Safety Committee.

SS 1 for SB 240 - AN ACT TO AMEND CHAPTER 18, TITLE 2 OF THE DELAWARE CODE, RELATING TO RAILROAD CROSSINGS. Sponsor: Senator Martin. Adopted in lieu of the Original which was in the Highways and Transportation Committee.

The following Committee reports were announced:

From the Education Committee: SB 47 - 5 Merits; SB 73 - 5 Merits; HS 1 for HB 234 - 5 Merits; HB 157 - 5 Merits; SB 163 - 5 Merits; SB 117 - 5 Merits.

The following legislation was introduced:

SS 1 for SB 245 - AN ACT TO AMEND CHAPTER 3, TITLE 8 OF THE DELAWARE CODE TO REVISE THE LIMITS ON FEES CHARGED FOR SPECIAL REQUEST SERVICES WITHIN THE DIVISION OF CORPORATIONS. (2/3 vote) Sponsors: Senator Cook, Representative Corrozi. Adopted in lieu of the Original.

HB 106 w HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO LEAH ANNA MASON, 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 Carey, Senator Minner. Assigned to Finance 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  
June 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: Edmund S. Krzyzanowski, 914 Marshall Street, Wilmington, De 19805, to be reappointed as a member of the Board of Elections for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

At 2:47 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 45th Legislative Day.

45TH LEGISLATIVE DAY  
June 20, 1989

The Senate convened at 2:47 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Minner.

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 HS 1 for HB 134; HB 329; HB 250; HB 202; HB 361; HB 261; HB 254; HB 252 w HA 1; HB 106 w HA 1; SB 119; SB 79; SB 78 w SA 1; SB 103 w SA 1; SB 55 w SA 1; SB 104 w SA 2; SB 160 w SA 1; SB 111 w SA 1, HA 1, 2 and adopted HJR 5; SCR 77; SCR 78; SCR 79.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that the following additional sponsors to legislation were added in the House: Representative Ewing to SB 103; SB 159; SCR 77. Representative Buckworth signed SCR 70; SCR 71; SCR 75. Representative Bennett signed SCR 70; SCR 75; SCR 76; SCR 77. Representative Carey signed SCR 71; SCR 77. Representative DiPinto signed SCR 76. Representatives Petrilli and Schroeder signed SCR 77.

\* \* \* \* \*

SB 30 was taken up for consideration on motion of Senator Torbert:

SB 30 - AN ACT TO AMEND CHAPTER 74, TITLE 16 OF THE DELAWARE CODE RELATING TO RADIATION CONTROL.

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 considered for adoption on motion of Senator Torbert and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Dale M. Hiller (Council on Radiation) after which the roll call vote on SB 30 w SA 2 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following Bills which were next for the Agenda of the day were deferred for consideration on motion of Senator Minner: SB 226; SB 228; SB 230.

SB 231 was taken up for consideration on motion of Senator Minner:

SB 231 - AN ACT TO AMEND CHAPTER 25, TITLE 7, DELAWARE CODE TO INCREASE THE MINIMUM SIZE OF LOBSTER IN INCREMENTS.

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 239 was taken up for consideration on motion of Senator Holloway:

SB 239 - AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, RELATING TO SETTING MINIMUM STANDARDS FOR CONGREGATE HOUSING FACILITIES FOR THE HOMELESS.

Various Senators entered into discussion of the Bill after which the Bill was laid on the table on motion of Senator Holloway.

SB 161 was taken up for consideration on motion of Senator Vaughn:



SB 161 - AN ACT TO AMEND PART VI, CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE COMPENSATION OF INNOCENT VICTIMS OF CRIME.

SA 1 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.

The roll call vote on SB 161 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 58 w SA 1 was lifted from the table for further consideration 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.

The privilege of the floor was extended to Russ Larson (Controller General's Office) and James L. Ford, Jr. (SENTAC).

At 3:59 p.m., Senator Cordrey presiding.

The roll call vote on SA 2 to SB 58 was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

There followed considerable discussion of the Bill during which the privilege of the floor was extended to the following: James L. Ford, Jr. (SENTAC); Eugene M. Hall (representing the Attorney General); Lori Stitler-Scheerle (Delaware Council on Crime and Justice) and David S. Swayze (SENTAC).

The roll call vote on SB 58 w SA 1, 2 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 18.

NO: Senators Holloway, McBride, McDowell - 3.

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

SB 206 was taken up for consideration on motion of Senator Vaughn:

SB 206 - AN ACT TO AMEND CHAPTER 87, TITLE 11, DELAWARE CODE, RELATING TO THE CRIMINAL JUSTICE COUNCIL.

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 123 was taken up for consideration on motion of Senator Venables:

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.

SA 1 to the Bill (sponsor: Senator Venables) 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 Knox and Minner commented on the Bill after which SB 123 w SA 1 was laid on the table on motion of Senator Venables.

SB 239 was lifted from the table for further consideration on motion of Senator Holloway.

SA 1 to the Bill (sponsor: Senator Neal) 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 2 to the Bill (sponsor: Senator Holloway) 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.

The roll call vote on SB 239 w SA 1, 2 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 148 which was next on the Agenda for the day was deferred on the Agenda on motion of Senator Holloway.

SB 261 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Torbert:

SB 261 - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE RELATING TO THE COUNCIL ON RADIATION.

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 113 which was next on the Agenda for the day was deferred on the Agenda on motion of Senator Torbert.

SB 196 was taken up for consideration on motion of Senator Torbert:

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.

SA 1 to the Bill (sponsor: Senator Torbert) 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 2 to the Bill (sponsor: Senator Torbert) 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.

The roll call vote on SB 196 w SA 1, 2 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 127 was taken up for consideration on motion of Senator McDowell:

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.

SA 1 to the Bill (sponsor: Senator McDowell) 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.

The privilege of the floor was extended to Leo Renzetti (NKS Distributors) and several Senators entered into discussion of the Bill after which the roll call vote on HB 127 w SA 1 was taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Marshall, McBride, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 14.

NO: Senators Cordrey, Martin, Venables - 3.

NOT VOTING: Senators Adams, Cook, McDowell, Minner - 4.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 260 which had been assigned to Sunset Committee, was reassigned on motion of Senator Torbert to Administrative Services/Energy Committee.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 21, 1989.

The Senate reconvened at 3:59 p.m., June 21, 1989, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 260 - 4 Merits; HB 117 w HA 1 - 4 Merits.

From the Finance Committee: SB 259 - 4 Merits.

From the Community Affairs Committee: SB 256 - 3 Merits.

From the Revenue and Taxation Committee: SB 258 - 4 Merits.

From the Labor and Industrial Relations Committee: SB 210 - 5 Merits.

The following legislation was introduced:

SB 262 - AN ACT TO AMEND CHAPTER 59, TITLE 7 OF THE DELAWARE CODE RELATING TO PUBLIC RECREATION ON PRIVATE LAND AND THE LIMIT OF LIABILITY THEREIN. Sponsors: Senators Adams, Cook, Cordrey, Minner, Vaughn, Venables, Connor, J. Still; Representatives Bunting, Clark, Schroeder, West, Caulk, Carey, Quillen, Smith. Assigned to Natural Resources and Environmental Control Committee.

SB 263 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, KNOWN AS WARWICK SCHOOL NO. 203, TO VETERANS OF FOREIGN WARS POST 10638. (3/4 vote) Sponsors: Senators Cordrey, Adams, Minner, Marshall, Vaughn, Venables; Representatives Bunting, B. Ennis, West. Assigned to Community Affairs Committee.

SB 264 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO DOGS BY PROHIBITING ENTRY BY GAME WARDENS AND OTHERS TO THE PROPERTY OF A DOG'S OWNER WITHOUT A WARRANT. Sponsors: Senators Venables, Adams, Minner; Representatives Carey, Caulk, DiPinto, B. Ennis, West. Assigned to Natural Resources and Environmental Control Committee.

SB 265 - AN ACT TO AMEND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT AND PURCHASE OF RECYCLED PRODUCTS. Sponsors: Senators Hauge, Minner; Representatives D. Ennis, Soles. Assigned to Natural Resources and Environmental Control Committee.

SB 266 - AN ACT AWARDED SPECIAL COMPENSATION TO LATOYA THOMAS, APPROPRIATING MONIES CREATED BY VOLUME 66, CHAPTER 303, LAWS OF DELAWARE; AND DIRECTING THE STATE TREASURER TO ADMINISTER THE PAYMENT OF FUNDS PROVIDED BY THIS ACT. Sponsors: Senator Marshall, Representative Plant; Senator Holloway; Representatives Jonkiert, Sills. Laid on the table on motion of Senator Marshall.

SB 267 - AN ACT TO AMEND CHAPTER 9, TITLE 12 OF THE DELAWARE CODE RELATING TO THE ELECTIVE SHARE STATUTE. Sponsors: Senators Sharp, Bane; Representative Ewing. Assigned to Judiciary Committee.

SB 268 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE CONSTITUTION OF DELAWARE RELATING TO ESTABLISHING A LAND ACQUISITION FUND. (2/3 vote) Sponsor: Senator Neal. Assigned to Finance Committee.

HB 51 w HA 1 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO CREDITABLE SERVICE WITH THE PROTHONOTARY OFFICES. Sponsors: Representative Oberle, Senator Cook; Representatives Davis, Plant. Assigned to Finance Committee.

HB 365 - AN ACT TO AMEND CHAPTER 20, VOLUME 67 OF THE LAWS OF DELAWARE (FORMERLY KNOWN AS HOUSE BILL NO. 66) RELATING TO ELIGIBILITY OF DEPENDENTS FOR SURVIVORS PENSION BENEFITS. Sponsors: Representative Ewing, Senator Adams. Assigned to Finance Committee.

HS 1 to HB 328 - AN ACT TO AMEND CHAPTER 32, TITLE 5, AND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES AND THE CONTRACTS AWARDED FOR THAT PURPOSE. (3/5 vote) Sponsors: Representatives D. Ennis, Lee, Boykin, DiPinto, Sillis, Jonklert. Assigned to Banking Committee.

HB 319 - AN ACT TO AMEND CHAPTER 27, TITLE 5, OF THE DELAWARE CODE, RELATING TO THE CASHING OF CHECKS, DRAFTS AND MONEY ORDERS. (3/5 vote) Sponsors: Representatives D. Ennis, Boykin, DiPinto, Lee, Sillis, Jonklert. Assigned to Banking Committee.

At 4:09 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY  
June 21, 1989

The Senate convened at 4:09 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 McBride marked PRESENT.

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 HS 1 to HB 328; HB 51 w HA 1; HB 365; HB 308; HB 309; HB 310; HB 313 w HA 1; HB 318; HB 377; HB 319; SB 216 w SA 1 and adopted SCR 73.

The Secretary announced that Senator Robert L. Venables signed as co-sponsor of SB 79 prior to its passage in the Senate.

On motion of Senator McBride (and without objection) the necessary rules were suspended to reconsider SB 111 w SA 1 as returned from the House further amended by HA 1, 2. The roll call vote on SB 111 w SA 1, HA 1, 2 was therefore taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Connor, Hauge, J. Still - 3.

ABSENT: Senator Cordrey - 1.

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

SB 249 was taken up for consideration on motion of Senator Minner:

SB 249 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME.

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption on motion of Senator Minner. 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 privilege of the floor was extended to John J. Thompson (Delaware State Sportsmen's Association) and various Senators entered into discussion of the Bill after which SB 249 w SA 1 was laid on the table on further motion of Senator Minner.

A messenger from the Governor was announced and admitted.

On motion of Senator Knox, the roll call vote on SB 193 was lifted and announced:

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Marshall, Martin, McBride, Neal, Sharp, J. Still, R. Still, Torbert - 14.

NO: Senators Adams, Cordrey, Minner, Vaughn, Venables - 5.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Cook - 1.

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

SB 201 was lifted from the table for consideration on motion of Senator Holloway.

The privilege of the floor was extended to Allan Daul (Catholic Charities) and Ellen Foust Dodson (The Adoption Agency) who were permitted to jointly appear and several Senators questioned the witnesses after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.

NO: Senators Connor, McDowell, Venables - 3.

ABSENT: Senator Cordrey - 1.

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

SB 249 w SA 1 was lifted from the table for further consideration on motion of Senator Minner.

SA 2 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption on motion of Senator Minner. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 249 w SA 1, 2 was then taken and revealed 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 247 was taken up for consideration on motion of Senator Torbert:

SB 247 - AN ACT TO AMEND AN ACT, BEING CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FEDERICA" BY INCREASING THE AMOUNT OF ANNUAL TAXES TO BE RAISED AND BY INCREASING THE AMOUNT WHICH COUNCIL IS PERMITTED TO BORROW. (2/3 vote)

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

At 4:30 p.m., Senator Sharp presiding.

SB 248 was taken up for consideration on motion of Senator Torbert:

SB 248 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO FREEDOM OF INFORMATION BY PROHIBITING THE RELEASE OF JUROR PROFILES.

At 4:36 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to Vincent Bifferato (Senate Attorney) and various Senators entered into discussion of the Bill.

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

On motion of Senator R. Still the Senate observed a moment of silence in memory of the three Delaware National Guardsmen killed in a helicopter crash in Massachusetts. The names of the three men were: 1st Lt. David J. Hendry; Staff Sgt. Benjamin R. Greenplate; Chief Warrant Officer Hugh B. Pearce.

The Secretary announced that Representative Boykin requested to be removed as a co-sponsor of SCR 83.

SENATE CONSENT CALENDAR #20 was introduced:

The Calendar consisted of the following:

SR 56 - AUTHORIZING AND DIRECTING THE APPOINTMENT OF A TASK FORCE ON MODERNIZATION OF DELAWARE ADOPTION LAWS. Sponsor: Senator Holloway.

SCR 81 - EXTENDING THE LIFE AND AUTHORITY OF THE CITIZENS TASK FORCE ON TEEN-AGE PREGNANCY. Sponsor: Senator Holloway.

SCR 82 - A RESOLUTION REQUESTING GOVERNOR MICHAEL N. CASTLE AND THE MEMBERS OF THE 135TH GENERAL ASSEMBLY TO SET ASIDE SEPTEMBER 11, 1989 AS COMMODORE THOMAS MACDONOUGH DAY. Sponsors: Senators Connor, Vaughn; Representatives Mack, Jester.

SCR 83 - ESTABLISHING THE GOAL OF ACHIEVING GENDER BALANCE IN APPOINTMENTS TO STATE BOARDS, COMMISSIONS AND COUNCILS AS A POLICY OF THE STATE OF DELAWARE. Sponsors: Senator J. Still, Representative Maroney; Senators Bair, R. Still, Knox, Marshall; Representatives Smith, Spence.

HCR 93 - THANKING THE VISITING NURSES ASSOCIATION FOR OFFERING FREE HEALTH SCREENING IN LEGISLATIVE HALL. Sponsors: Representative Campanelli, Senator McDowell.

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SR 56 was removed from the Calendar at the request of Senator Neal (no objection).

The roll call vote on SENATE CONSENT CALENDAR #20 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; 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.

SCR 80 was introduced and considered for adoption on motion of Senator Bair:

SCR 80 - COMMENDING AND THANKING MR. HARRY CORLESS, CHAIRMAN OF ICI AMERICAS, INC. ON HIS IMPENDING RETIREMENT, JULY 31, 1989, FOR HIS INGENIOUS AND INNOVATIVE CONTRIBUTIONS NOT ONLY TO THE CHEMICAL INDUSTRY IN DELAWARE, BUT ALSO HIS COUNTLESS AND INVALUABLE TIME AND RESOURCES TO COMMUNITY CAUSES, AND FURTHER EXTENDING TO HIM AND HIS WIFE THE BEST OF HEALTH AND HAPPINESS DURING THEIR RETIREMENT, ESPECIALLY WITH RESPECT TO HIS AMBITION, ENDEAVORS AND FULFILLMENT OF THE ARTS. Sponsors: Senator Bair, Representatives Boykin, Maroney; Senators Knox, Hauge, Cordrey, Neal, Martin; Representatives D. Ennis, Smith, Brady, Hebner.

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

SCR 62 and SCR 67 were stricken on motion of Senator Bair.

HCR 96 was introduced and considered for adoption on motion of Senator McBride:

HCR 96 - HONORING THE 1989 PARTICIPANTS IN THE BOY'S STATE PROGRAM, SPONSORED BY THE DELAWARE AMERICAN LEGION. Sponsors: Representative Fallon, Senator McBride.

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

At 6:00 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 22, 1989.

The Senate reconvened at 2:32 p.m., June 22, 1989 Senator Cordrey presiding.

Senator Cordrey marked PRESENT.

The following Committee reports were announced:

From the Public Safety Committee: HB 329 - 4 Merits; HB 250 - 4 Merits.

The following legislation was introduced:

SJR 6 - RELATING TO ESTABLISHMENT OF A MID-ATLANTIC COMMISSION ON RECYCLING. Sponsors: Senators Hauge, Minner; Representatives D. Ennis, Soles. Assigned to Natural Resources and Environmental Control Committee.

SB 269 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND DRAINAGE FACILITIES THEREFORE. Sponsors: Senator Martin, Representative Roy. Assigned to Highways and Transportation Committee.

HB 377 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY. Sponsors: Representative Roy, Senator Martin; Representatives Taylor, Soles, Campanelli, Gilligan; Senators Holloway, McBride, Bane, R. Still, J. Still. Assigned to Health-Social Services/Aging Committee.

SB 270 - AN ACT TO AMEND CHAPTER 18, TITLE 2 OF THE DELAWARE CODE, RELATING TO PUBLIC CARRIERS. (3/5 vote) Sponsors: Senator Martin, Representative Roy. Assigned to Highways and Transportation Committee.

At 2:35 p.m., Lt. Governor Wolf presiding.

HB 318 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO THE STATE BANK COMMISSIONER REGULATORY REVOLVING FUND. Sponsors: Representatives D. Ennis, Boykin, DiPinto, Lee, Sills, Jonkiert. Assigned to Banking Committee.

HB 313 w HA 1 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE REGULATION OF ALCOHOLIC LIQUORS; AND PROVIDING FOR THE PAYMENT OF CERTAIN FEES. (3/5 vote) Sponsors: Representative Amick, Senator Torbert; Representatives Roy, Boykin, Houghton, Jonkiert; Senators Minner, Venables, Knox, J. Still. Assigned to Sunset Committee.

HB 310 - AN ACT TO AMEND CHAPTER 41, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO THE CARRYING OF POCKET PAGERS BY SCHOOL PUPILS. Sponsors: Representatives Amick, Maroney, Brady, Jester, Hebner, Spence, Petrilli, Caulk, Corrozi, Boykin, Carey, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Quillen, Reynolds, Roy, Mack, Taylor, Gilligan, Bennett, Bunting, Clark, Campanelli, Jonkiert, Houghton, Outten, Schroeder, Sills, West. Assigned to Education Committee.

HB 309 - AN ACT TO AMEND CHAPTER 15, TITLE 11 OF THE DELAWARE CODE RELATING TO PATTERNS OF RACKETEERING ACTIVITY. Sponsors: Representatives Amick, Maroney, Brady, Jester, Hebner, Spence, Petrilli, Boykin, Carey, Caulk, D. Ennis, Ewing, Davis, DiPinto, Corrozi, Fallon, Lee, Mack, Quillen, Reynolds, Roy, Taylor, Bennett, Bunting, Clark, Outten, Jonkiert, Schroeder, Sills. Assigned to Committee to Combat Drug Abuse.

HB 308 - AN ACT TO AMEND PART IV, TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES; AND PROVIDING FOR A CONTROLLED SUBSTANCES TAX ACT. (3/5 vote). Sponsors: Representatives Amick, Maroney, Brady, Jester, Hebner, Jonkiert, Spence, Petrilli, Caulk, Carey, Boykin, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Corrozi, Quillen, Reynolds, Mack, Roy, Taylor, Bennett, Bunting, Clark, B. Ennis, Gilligan, Jonkiert, Schroeder, Sills, West, Outten. Assigned to Committee to Combat Drug Abuse.

HB 351 w HA 1 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO THE CONSERVATION AND REFORESTATION OF CERTAIN TREES. (2/3 vote) Sponsors: Representative Caulk, Senator Adams; Representatives Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting, Clark; Senators Cook, Cordrey, Vaughn, Venables, Connor, J. Still. Assigned to Natural Resources and Environmental Control 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  
June 21, 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 G. Davis, Sr., 105 Carnoustie Road, Dover, DE 19901, to be appointed as a member of the Unemployment Insurance Appeals Board to serve a six year term to succeed Harold P. Minner, whose term has 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  
June 21, 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 W. Brittingham, 9 Gate Circle, Hockessin, DE 19707, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be 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 passed HB 336 w HA 1; HB 348; HB 349; HB 350; HB 351 w HA 1; HB 311 w HA 1; HS 1 for HB 264 w HA 1, 2 and adopted HCR 95; HCR 96; HCR 97; HCR 98; SCR 58.

The following legislation was introduced:

HB 350 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO STATE FORESTRY. Sponsors: Representatives Caulk, Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting, Clark; Senator Adams. Assigned to Natural Resources and Environmental Control Committee.

HB 349 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO FORESTRY. (3/5 vote) Sponsors: Representatives Caulk, Carey, Fallon, Ewing, Lee, Schroeder, Bunting, Clark; Senator Adams. Assigned to Natural Resources and Environmental Control Committee.

HB 336 w HA 1 - AN ACT TO AMEND CHAPTER 12, TITLE 3, OF THE DELAWARE CODE RELATING TO PESTICIDES. (3/5 vote) Sponsors: Representative Caulk, Senator Adams; Representatives Carey, Quillen, Smith, Clark, Bunting, Schroeder; Senators Cook, Cordrey, Vaughn, Venables, Connor, J. Still. Assigned to Agriculture Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 147 w HA 1; HB 362; HB 340 w HA 1; HB 355 w HA 1; SB 176 w SA 1; SB 188; SB 191 w SA 1.

The following legislation was introduced:

HB 311 w HA 1 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND REGULATING THE POSSESSION AND DELIVERY OF NON-CONTROLLED PRESCRIPTION DRUGS. Sponsors: Representatives Amick, Maroney, Brady, Jester, Hebner, Spence, Petrilli, Boykin, Carey, Caulk, Davis, DiPinto, Ewing, D. Ennis, Fallon, Corrozi, Lee, Mack, Quillen, Reynolds, Roy, Taylor, Gilligan, Bennett, Bunting, Campanelli, Clark, B. Ennis, Jonkiert, Outten, Houghton, Schroeder, Soles, Sills, West. Assigned to Health-Social Services/Aging Committee.

HB 147 w HA 1 - AN ACT TO AMEND CHAPTER 39, TITLE 31 OF THE DELAWARE CODE RELATING TO ADULT PROTECTIVE SERVICES. Sponsors: Representative Maroney, Senator Holloway; Representatives Fallon, DiPinto, Jester, Sills. Assigned to Health-Social Services/Aging Committee.

HB 362 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO MENTAL HEALTH EXAMINATIONS OF CERTAIN OFFENDERS PRIOR TO BEING RELEASED ON PAROLE. Sponsors: Representatives Davis, Ewing, Quillen, Hebner, Houghton, Plant; Senators Vaughn, Hauge. Assigned to Judiciary Committee.

HB 340 w HA 1 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO EMPLOYEES, INVESTIGATIONS AND ADMINISTRATIVE PROCEDURES FOR REGULATORY BOARDS AND COMMISSIONS. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 355 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsors: Representative Amick, Senator Torbert. Assigned to Sunset Committee.

HB 348 - AN ACT TO AMEND CHAPTER 35, TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FOREST PLANTATIONS. Sponsors: Representatives Caulk, Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting, Clark; Senator Adams. Assigned to Natural Resources and Environmental Control Committee.

HS 1 to HB 264 w HA 1, 2 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ESTABLISHING STATE WATER RESOURCE PROTECTION AREAS AND TO MANDATE COUNTY AND MUNICIPAL LAND USE REQUIREMENTS THEREFOR. Sponsors: Representative Davis, Senator Hauge; Representatives Spence, Boykin, Corrozi, DiPinto, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, B. Ennis, Jester, Houghton, Soles; Senators Martin, Neal, J. Still, R. Still. Assigned to Natural Resources and Environmental Control Committee.

Senator Marshall recognized and introduced to the Senate members of St. Hedwig's Senior Center from Wilmington.

At 2:50 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 47th Legislative Day.

47TH LEGISLATIVE DAY  
June 22, 1989

The Senate convened at 2:50 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Martin.

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 personal privilege of the floor was extended to Senator Sharp who commented on two articles which appeared in the Wilmington News Journal. One was in reference to State tax cuts and the other concerning gun control. The Senator also made some remarks concerning the Bond Bill Committee. Several Senators responded to his remarks.

Senators Neal, Knox, McDowell, R. Still, Hauge marked PRESENT.

SS 1 for SB 178 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

SS 1 for 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.

The privilege of the floor was extended to Harvey Bernard Rubenstein, Esq. (Delaware State AFL-CIO) and several Senators entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Sharp.

At 3:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:28 p.m., Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: SB 38 - 4 Merits; SB 59 - 4 Merits.

SB 256 was taken up for consideration on motion of Senator Adams:

SB 256 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 325, VOLUME 66, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO FURTHER PROVIDE FOR ABSENTEE VOTING AT THE ANNUAL MUNICIPAL ELECTION. (2/3 vote)

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 251 was taken up for consideration on motion of Senator Minner:

SB 251 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, BY GRANTING AUTHORITY TO THE TOWN OF MILTON TO LEVY TAX ON TRANSFERS OF REAL ESTATE WITHIN THE TOWN OF MILTON; BY EXTENDING THE HOURS IN WHICH VOTES MAY BE CAST WITH RESPECT TO THE ANNUAL MUNICIPAL ELECTION AND BY ALSO PROVIDING FOR ABSENTEE VOTING; BY CHANGING THE PAY THE MAYOR AND COUNCILMEN MAY RECEIVE FOR ATTENDANCE AT MEETINGS; AND BY ELIMINATING THE FORMAL PROCEEDINGS CONCERNING THE TERMINATION OF THE TOWN CLERK'S EMPLOYMENT.

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

SB 254 was taken up for consideration on motion of Senator Minner:

SB 254 - AN ACT TO AMEND TITLE 9, PART V, CHAPTER 80, SECTION 8001(d) RELATING TO THE DATE BY WHICH KENT COUNTY MUST ADOPT ITS BUDGET.

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 47 was taken up for consideration on motion of Senator McBride:

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.

Senator Neal briefly addressed the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HS 1 for HB 234 was taken up for consideration on motion of Senator McBride:

HS 1 for HB 234 - AN ACT TO AMEND CHAPTER 41 AND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO THE TRANSPORTATION OF PUPILS TO AND FROM SCHOOL; AND PROVIDING FOR A CHOICE BETWEEN PRIVATE TRANSPORTATION AND BUS TRANSPORTATION.

The privilege of the floor was extended to Peter Ross (Analyst, Office of Controller General) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Sharp, J. Still, R. Still, Vaughn - 15.

NO: Senators Adams, Minner, Neal, Torbert, Venables - 5.

NOT VOTING: Senator Connor - 1.

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

The following legislation was introduced:

SA 2 to SB 64. Sponsor: Senator J. Still. Placed with the Bill.

SA 2 to SB 82. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 105. Sponsor: Senator J. Still. Placed with the Bill.

SA 2 to SB 113. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SB 123. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 163. Sponsor: Senator Connor. Placed with the Bill.

SA 2 to SB 163. Sponsor: Senator Connor. Placed with the Bill.

SA 3 to SB 163. Sponsor: Senator Connor. Placed with the Bill.

SA 1 to SB 174. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 207. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 228. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 230. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 245. Sponsor: Senator Cook. Placed with the Bill.

SA 1 to HB 250. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HS 1 to HB 338. Sponsors: Senators Minner, Sharp. Placed with the Bill.

SA 1 to HS 1 to HB 339. Sponsors: Senators Sharp, Minner. Placed with the Bill.

SA 2 to HS 1 to HB 339. Sponsors: Senators Minner, Sharp. Placed with the Bill.

SA 3 to HS 1 to HB 339. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to HB 351. Sponsor: Senator Adams. Placed with the Bill.

SB 271 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE APPORTIONMENT OF CIVIL DAMAGES. Sponsors: Senators Adams, Cordrey, J. Still, Knox; Representatives Bennett, Ewing, Petrilli. Assigned to Judiciary Committee.

SB 272 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO HELEN WRIGHT MELVIN, TRANSFERRING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29 OF THE DELAWARE CODE. Sponsors: Senator Cook, Representative Quillen. Assigned to Finance Committee.

SB 273 - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO UNIFORM LEAVE RULES FOR CERTAIN EXEMPT STATE POSITIONS. Sponsor: Senator Holloway. Laid on the table on motion of Senator Holloway.

SCR 86 was introduced and considered for adoption on motion of Senator Minner:

SCR 86 - CREATING A COMMITTEE TO STUDY AND REPORT TO THE 135TH GENERAL ASSEMBLY ON THE OPERATIONS AND PREPAREDNESS OF THOSE PERSONS CONDUCTING OIL LIGHTERING IN THE DELAWARE BAY. Sponsors: Senators Minner, Sharp; Representative Carey.

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 #21 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 57 - MOURNING THE PASSING OF FORMER LAUREL HIGH SCHOOL ATHLETIC DIRECTOR WILLIAM C. PUGH AND EXTENDING THE SINCERE CONDOLENCES OF THE SENATE TO HIS FAMILY. Sponsor: Senator Venables.

HCR 95 - COMMEMORATING THE LIFE OF ARMY 1ST LT. DAVID J. HENDRY, CO-PILOT OF THE DELAWARE NATIONAL GUARD CHOPPER #579. Sponsors: Representative Roy, Senator Bane.

HCR 97 - EXTENDING BEST WISHES AND MANY, MANY THANKS TO REV. DR. TERRY W. ARMSTRONG OF ASBURY UNITED METHODIST CHURCH, SMYRNA, DELAWARE WHO WILL BE ASSUMING A NEW PASTORAL ASSIGNMENT IN CHRISFIELD, MARYLAND AFTER TEN YEARS OF DEDICATED PASTORAL SERVICE IN SMYRNA. Sponsors: Representatives B. Ennis, Clark; Senators Vaughn, Cook.

HCR 98 - DECLARING JUNE 24, 1989 TO BE AMATEUR RADIO DAY IN DELAWARE. Sponsors: Representative Bennett, Senator Cook.

SCR 84 - RELATING TO THE USE OF RECYCLED PRODUCTS BY THE GENERAL ASSEMBLY. Sponsors: Senators Hauge, Minner; Representatives Soles, D. Ennis.

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The roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; 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.

At 5:32 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 27, 1989.

The Senate reconvened at 2:35 p.m., June 27, 1989, Lt. Governor Wolf presiding.

HB 355 w HA 1 was reported out of the Sunset Committee: 3 Merits.

The following legislation was introduced:

SB 274 - AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, RELATING TO FILLING VACANCIES ON THE TOWN COUNCIL AND AUTHORIZING THE IMPOSITION, BY ORDINANCE, OF A REAL ESTATE TRANSFER TAX UP TO ONE PERCENT (1%) OF THE VALUE OF THE PROPERTY TRANSFERRED. Sponsors: Senator Vaughn, Representative B. Ennis. (2/3 vote) Assigned to Community Affairs Committee.

SB 275 - AN ACT TO AMEND AN ACT BEING CHAPTER 401, VOLUME 62, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD" TO CONFER UPON THE TOWN COUNCIL OF THE TOWN OF FRANKFORD CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF FRANKFORD. (2/3 vote) Sponsors: Senator Cordrey, Representative West. Laid on the table on motion of Senator Cordrey.

HB 282 w HA 1 - AN ACT TO AMEND CHAPTER 13, TITLE 30 OF THE DELAWARE CODE RELATING TO THE INHERITANCE TAX. Sponsor: Representative Amick. Assigned to Revenue and Taxation Committee.

HB 123 - AN ACT TO AMEND SECTION 703, ARTICLE VII, OF THE CHARTER OF THE CITY OF NEWARK, DELAWARE, BY ALLOWING THE CITY MANAGER TO ADOPT PERSONNEL RULES NOT INCONSISTENT WITH THE CITY CODE. Sponsors: Representatives Amick, Soles; Senators Martin, Vaughn, Neal. Assigned to Community Affairs Committee.

HB 299 - AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATING TO THE FILING OF CAMPAIGN CONTRIBUTION EXPENDITURE REPORTS. Sponsors: Representative Petrilli, Senator Hauge. Assigned to Insurance and Elections Committee.

HB 300 - AN ACT TO AMEND CHAPTER 17, TITLE 15 OF THE DELAWARE CODE RELATING TO THE DEADLINE FOR CHANGING POLITICAL PARTY DESIGNATION DURING AN ELECTION YEAR. Sponsors: Representative Petrilli, Senator Minner. Assigned to Insurance and Elections Committee.

The following Committee reports were announced:

From the Community Affairs Committee: SB 263 - 3 Merits.

From the Natural Resources and Environmental Control Committee: SB 262 - 3 Merits; SB 264 - 3 Merits.

From the Finance Committee: SB 244 - 4 Merits.

From the Health-Social Services/Aging Committee: HB 377 - 1 Favorable, 3 Merits; HB 147 w HA 1 - 4 Merits; HB 148 w HA 1 - 4 Merits; HB 165 w HA 1 - 5 Merits; HB 107 w HA 1 - 2 Merits.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 48th Legislative Day.

#### 48TH LEGISLATIVE DAY

June 27, 1989

The Senate convened at 2:45 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 Cordrey.

The Secretary announced that a message from the House informed the Senate that it had passed SB 177 w SA 1; HB 282 w HA 1; HB 123; HB 299; HB 300; SB 46; SB 31 w SA 1; SB 166; SB 167 w SA 1 and adopted HCR 100.

LEGISLATIVE ADVISORY #20 received from the Office of Counsel to the Governor was read and copies made available to each Senator:

LEGISLATIVE ADVISORY #20: On June 21, 1989 the Governor signed HB 39 (Volume 67, Chapter 35, Laws of Delaware); HB 171 (Volume 67, Chapter 36, Laws of Delaware); HB 248 (Volume 67, Chapter 37, Laws of Delaware); HB 275 (Volume 67, Chapter 38, Laws of Delaware).

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The Secretary announced the addition of the following co-sponsors: Senator Bane to SB 31; Senators Connor and J. Still to SB 188.

SB 163 was taken up for consideration on motion of Senator Connor:

SB 163 - AN ACT TO AMEND CHAPTER 89, TITLE 14 OF THE DELAWARE CODE RELATING TO TEACHERS OF THE YEAR.

SA 1 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Connor.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Connor.

Senator Bane marked PRESENT.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Knox, Neal, J. Still) ABSENT; therefore, the Amendment was declared adopted.

Senator McBride marked PRESENT during the above roll call.

Senator Bair marked PRESENT.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Connor.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Knox, Neal, J. Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 163 w SA 2, 3 was taken and revealed 18 Senators voting YES and 3 (Knox, Neal, J. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 157 was taken up for consideration on motion of Senator McBride:

HB 157 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE NURSING INCENTIVE PROGRAM.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Knox, Neal, J. Still, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 117 was taken up for consideration on motion of Senator Bair:

SB 117 - AN ACT TO AMEND CHAPTER 15, TITLE 14 OF THE DELAWARE CODE RELATING TO COMPLIANCE WITH CERTAIN REGULATIONS.

The privilege of the floor was extended to Frank Murphy (Senate Attorney) and various Senators entered into discussion of the Bill after which the Bill was laid on the table on motion of Senator Bair.

SB 233 was taken up for consideration on motion of Senator Marshall:

SB 233 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Senators Knox, J. Still, Neal marked PRESENT.

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 174 was taken up for consideration on motion of Senator McBride:

SB 174 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO APPROVED LEAVES OF ABSENCE.

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

Senators Connor and R. Still commented on the Bill after which the roll call vote on SB 174 w SA 1 was taken and revealed:

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

NO: Senator Cordrey - 1.

NOT VOTING: Senators Sharp, Vaughn - 2.

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

SB 258 which was next on the Agenda of the Day was returned to the Revenue and Taxation Committee on motion of Senator Marshall.

SB 266 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Marshall:

SB 266 - AN ACT AWARDED SPECIAL COMPENSATION TO LATOYA THOMAS, APPROPRIATING MONIES CREATED BY VOLUME 66, CHAPTER 303, LAWS OF DELAWARE; AND DIRECTING THE STATE TREASURER TO ADMINISTER THE PAYMENT OF FUNDS PROVIDED BY THIS ACT.

On motion of Senator Marshall and without objection, the following communication concerning the legislation was read and made part of this Journal:

BRANDT and DALTON, P. A.  
Attorneys at Law  
The Parkway Building  
Wilmington, Delaware 19899

June 19, 1989

The Honorable Robert Marshall  
601 S. DuPont Street  
Wilmington, DE 19805

Dear Senator Marshall:

Enclosed please find the bill that I dropped off to you on Friday. The expenses in the case are as follows:

I have been \$8,475.00 against the fee of \$20,000.00. Quite frankly I personally would not take another dime from this family given their situation. However, the fee of \$20,000.00 is less than half of what a first degree murder case is worth to an attorney of my experience. We also have a bill of \$5,900.00 to Dr. Michael Badan who is a forensic pathologist and that we needed in the case. We also have another \$3,000.00 in fees to a forensic psychiatrist and psychologist who concluded that my client was as sane as you and me. There was also a \$175.00 fee for a polygraph(sic) operator who told me that my client was telling me the truth. My law firm also put expenses out of another \$633.00 for photographs and slides(sic).

My client started with an estate of approximately \$15,000.00. This was used up in fees of administration of the estate, funeral expenses, legal fees and doctors. The balance of Dr. Badan's bill is outstanding as is the balance of my client's legal fees.

If my fees would in any way endanger or compromise my client being compensated for her other expenses, I would willingly waive any future fees and agree not to take from any compensation that the General Assembly awards my client. I do not think that is particularly appropriate given the hundreds of hours I spent on the case, but I would rather see this young girl benefited to the extent possible given the terrible tragedy that has befallen her.

If I can be of any further help to you concerning this, please do not hesitate to contact me.

Very truly yours,  
Bartholomew J. Dalton

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There was considerable discussion of the Bill among various Senators after which the Bill was laid on the table on motion of Senator Marshall.

HB 130 was taken up for consideration on motion of Senator Marshall:

HB 130 - AN ACT TO AMEND TITLE 18 DELAWARE CODE CHAPTER 25 TO REQUIRE WORKERS' COMPENSATION RATING ORGANIZATIONS TO INCLUDE DISCOUNTS FOR SAFE WORKPLACES.

At 4:13 p.m. Senator Cordrey presiding.

The privilege of the floor was extended to David Levinson (Insurance Commissioner) 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 returned to the House.

At 4:26 p.m. Lt. Governor Wolf presiding (during the above roll call).

SB 266 was lifted from the table for consideration on motion of Senator Marshall.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Cook, Holloway, Marshall, McBride, McDowell, Minner, Sharp, Torbert, Venables - 9.

NO: Senators Adams, Connor, Cordrey, Hauge, Knox, Martin, Neal, J. Still, R. Still, Vaughn - 10.

NOT VOTING: Senators Bair, Bane - 2.

Therefore, the Bill was declared defeated.

SB 106 which was next on the Agenda of the day was deferred on the Agenda on motion of Senator Holloway.

SS 1 for SB 245 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection);

SS 1 for SB 245 - AN ACT TO AMEND CHAPTER 3, TITLE 8 OF THE DELAWARE CODE TO REVISE THE LIMITS ON FEES CHARGED FOR SPECIAL REQUEST SERVICES WITHIN THE DIVISION OF CORPORATIONS. (2/3 vote)

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 259 was taken up for consideration on motion of Senator Cook:

SB 259 - AN ACT TO AMEND SUBCHAPTER XI OF CHAPTER 17, TITLE 6 OF THE DELAWARE CODE TO REVISE THE LIMITS ON FEES CHARGED WITH SPECIAL REQUEST SERVICES WITHIN THE DIVISION OF CORPORATIONS, FOR LIMITED PARTNERSHIPS. (2/3 vote)

Senators McBride, Sharp, Martin, Neal 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 260 was taken up for consideration on motion of Senator McDowell:

SB 260 - AN ACT TO AMEND TITLE 4, DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND THE SALE AND/OR DELIVERY OF ALCOHOL AND SPIRITS BY IMPORTERS AND MANUFACTURERS OF ALCOHOLIC LIQUOR.

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

SB 226 which was next on the Agenda of the day was recommitted to Natural Resources and Environmental Control Committee on motion of Senator Minner.

At 4:45 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 5:34 p.m., Lt. Governor Wolf presiding.

SB 228 was taken up for consideration on motion of Senator Minner:

SB 228 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO DEFINITIONS OF CONTAMINATION AND THE OBLIGATION OF PERSONS WHO CONTAMINATE WATER SUPPLIES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Minner and the roll call vote taken which revealed 17 Senators voting YES and 4 (Bane, Hauge, Holloway, Knox) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Gerard L. Esposito (Department of Natural Resources and Environmental Control) and several Senators commented on the Bill after which the roll call vote on SB 228 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 230 was taken up for consideration on motion of Senator Minner:

SB 230 - AN ACT TO AMEND TITLE 7, CHAPTER 60, SUBCHAPTER II §6002 OF THE DELAWARE CODE RELATING TO NONPOINT SOURCES OF POLLUTION.

The Bill was then recommitted to Finance Committee on motion of Senator Cook (no objection).

SB 123 which was next on the Agenda for the day was deferred on the Agenda on motion of Senator Minner.

SB 113 which was next on the Agenda for the day was deferred on the Agenda on motion of Senator Torbert.

SB 117 was lifted from the table for consideration on motion of Senator Bair.

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:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 15.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Neal - 6.

Therefore, the Amendment was declared adopted.

Several Senators commented on the Bill after which the roll call vote on SB 117 w SA 1 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Martin, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Holloway, Marshall, McBride, McDowell, Neal - 5.

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

HB 355 w HA 1 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 355 w HA 1 - 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 Torbert) was introduced and considered for adoption on motion of Senator Torbert. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, J. Still, R. Still, Torbert, Vaughn, Venables - 18.

NO: Senators Neal, Sharp - 2.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 355 w HA 1, SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

HCR 100 was introduced and considered for adoption on motion of Senator Adams:

HCR 100 - EXPRESSING OUR OUTRAGE AT THE SUPREME COURT RULING PROTECTING THOSE WHO BURN OUR GREAT AMERICAN FLAG, FOR WHICH WARS HAVE BEEN FOUGHT AND SOLDIERS HAVE DIED IN THE NAME OF FREEDOM. Sponsors: Representative Ewing, Senator Adams.

Senators Neal, McDowell and Holloway commented on the Resolution after which the roll call vote was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Bane) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SCR 85 was introduced and considered for adoption on motion of Senator Torbert:

SCR 85 - REQUESTING THE DEPARTMENT OF CORRECTION AND THE DELAWARE STATE HOUSING AUTHORITY TO UNDERTAKE A STUDY TO DETERMINE THE FEASIBILITY OF EMPLOYING PRISONERS IN THE CONSTRUCTION OF LOW-COST HOUSING AND EMERGENCY TEMPORARY SHELTER. Sponsors: Senator Torbert, Representative Clark, Senator J. Still.

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 sent to the House for consideration.

At 6:17 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 28, 1989.

The Senate reconvened at 2:51 p.m., June 28, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 37 w HA 1; HB 281; HB 72 w HA 1, 3, SA 1, 2, 4, 5; SB 155; SB 184; HB 347; HB 285 w HA 1; HB 331 and adopted SCR 86.

The following Committee reports were announced:

From the Education Committee: HB 202 - 3 Merits.

From the Health-Social Services/Aging Committee: Corrected Report on HB 107 w HA 1 - 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 348 - 3 Merits; HB 349 - 3 Merits; HB 350 - 3 Merits; HB 351 w HA 1 - 3 Merits.

From the Banking Committee: HB 318 - 5 Merits; HB 319 - 5 Merits; HS 1 for HB 328 - 5 Merits.

The following legislation was introduced:

HB 331 - AN ACT TO AMEND CHAPTER 87, TITLE 29 OF THE DELAWARE CODE, RELATIVE TO THE DEPARTMENT OF STATE. Sponsors: Representative Corrozi, Senator Cook; Representatives Petrilli, Spence, Quillen, Amick, D. Ennis, Oberle, Ewing, Roy, Maroney, Caulk, Boykin, Carey, Lee, Fallon, Reynolds, Smith, DiPinto, Gilligan, Bennett, Campanelli, Bunting, Outten, Soles, Clark, B. Ennis, West, Jester, Plant, VanSant, Sillis, Schroeder. Assigned to Insurance and Elections Committee.

SB 276 - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO CONFER UPON THE COMMISSIONERS OF THE TOWN OF HENLOPEN ACRES CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF HENLOPEN ACRES, AND TO INCREASE THE AMOUNT FOR WHICH CONTRACTS CAN BE AWARDED WITHOUT COMPETITIVE BIDDING. (2/3 vote) Sponsors: Senator Cordrey, Representative Schroeder. Laid on the table.

SB 277 - AN ACT TO AMEND CHAPTER 5 OF TITLE 18 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF AUTHORITY AND THE LOCATION OF THE CORPORATE HEADQUARTERS, OFFICERS, AND BOOKS AND RECORDS OF DELAWARE DOMESTIC INSURANCE COMPANIES. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SB 278 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FOODFISHING PERMIT TO GLENN ROSCOE DAVIS OF LAUREL, DELAWARE, WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER DELAWARE FISHING STATUTES. Sponsor: Senator Venables. Assigned to Natural Resources and Environmental Control Committee.

SB 279 - AN ACT TO AMEND TITLE 9, SUBCHAPTER II, SECTION 4110 OF THE DELAWARE CODE PERTAINING TO THE GENERAL POWER OF KENT COUNTY BY GRANTING KENT COUNTY THE POWER TO IMPOSE A TAX ON THE RENTAL AND LEASING OF MOTEL ROOMS AND THE SALE OF TICKETS TO EVENTS CONDUCTED IN ANY CIVIC/CONVENTION CENTER LOCATED IN KENT COUNTY. Sponsors: Senator Minner, Representative B. Ennis; Senators Adams, Cook, Torbert, Vaughn, J. Still; Representatives Bennett, Buckworth, Caulk, Clark, Outten, Quillen. Assigned to Community Affairs Committee.

SB 280 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO REGULATING CAMPGROUND RESORTS MEMBERSHIP AND VACATION TIME SHARING PLANS SALES. Sponsors: Senators R. Still, Adams, Blair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, J. Still, Venables; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Spence, Taylor, VanSant, West. Assigned to Executive Committee.

SB 281 - AN ACT TO AMEND PART 1, TITLE 2 OF THE DELAWARE CODE BY REVISING THE ENTIRE AERONAUTICS CODE. (2/3 vote) Sponsors: Senator Martin, Representative Roy. Assigned to Highways and Transportation Committee.

SB 282 - AN ACT TO AMEND TITLE 5, SECTION 1707, DELAWARE CODE RELATING TO THE MERGER OF A FEDERAL SAVINGS AND LOAN ASSOCIATION OR FEDERAL SAVINGS BANK LOCATED IN DELAWARE WITH AN OUT OF STATE INSTITUTION. Sponsors: Senator Marshall, Representative Jonkiert. Assigned to Banking Committee. Senator Marshall moved that the Bill be laid on the table; however, Senator R. Still objected and the Senator withdrew his motion.

SB 283 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO EXCLUSION OF CERTAIN CHILD CARE INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsor: Senator Bane. Assigned to Revenue and Taxation Committee.

HB 347 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. Sponsors: Representatives Ewing, Spence, Petrilli, Davis, Bunting. Assigned to Committee to Combat Drug Abuse.

HB 285 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE VALIDITY AND CONFIDENTIALITY OF HEALTH DATA. Sponsors: Representatives Maroney, Senator Holloway; Representatives Amick, Davis, Smith, Brady, Jester, Soles, Gilligan; Senators McDowell, Bair, J. Still, Neal. Assigned to Health-Social Services/Aging Committee.

HB 37 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Insurance and Elections Committee.

HB 281 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSING REQUIREMENTS FOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS. Sponsors: Representatives Oberle, Davis; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

The following Committee reports were announced:

From the Agriculture Committee: HB 239 - 4 Merits; HB 336 w HA 1 - 4 Merits.

From the Education Committee: HB 310 - 3 Merits.

From the Public Safety Committee: HB 58 w HA 1 - 4 Merits; HB 169 - 4 Merits; HB 87 - 3 Merits, 1 Unfavorable.

From the Sunset Committee: SB 199 - 3 Merits. (Though it had been erroneously read in as HB 199)

From the Administrative Services/Energy Committee: HB 255 - 4 Merits; HB 168 - 4 Merits.

SB 7 was introduced and assigned to Health-Social Services/Aging Committee:

SB 7 - PROVIDING FOR A TASK FORCE TO DEFINE THE INCIDENCE OF DISABILITIES IN ORDER TO PLAN FOR DISABILITY PREVENTION AND SERVICES. Sponsors: Senator Bane, Representative Maroney.

The following Committee reports were announced:

From the Community Affairs Committee: HB 123 - 3 Merits; HB 212 - 3 Merits; SB 274 - 3 Merits.

Senator Sharp moved that all necessary rules be suspended for the balance of this session for the purpose of assigning bills to committee to allow the President pro Tem to assign those bills at his convenience either before or after session and that a list be made up showing where those bills were assigned and distributed to members of the Senate and any other interested parties.

There was no objection.

At 3:09 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 49th Legislative Day.

#### 49TH LEGISLATIVE DAY June 28, 1989

The Senate convened at 3:09 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.

The privilege of the floor was extended to Senator R. Still to make personal remarks and to Senator Torbert who responded to the remarks.

SB 123 w SA 1 was lifted from the table for further consideration on motion of Senator Venables.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Minner.

The privilege of the floor was extended to June MacArtor and various Senators commented on the Amendment after which the Amendment was stricken on further motion of Senator Minner.

SB 123 w SA 1 was then laid on the table on motion of Senator Venables.

At 3:30 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:12 p.m., Senator Cordrey presiding.

SB 190 was stricken on motion of the sponsor, Senator Torbert.

HB 250 was taken up for consideration on motion of Senator Torbert:

HB 250 - AN ACT TO AMEND TITLE 18 TO REQUIRE REDUCTIONS IN PREMIUM RATES FOR MOTORCYCLE OPERATORS COMPLETING AN ACCIDENT PREVENTION COURSE.

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 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

Senators Connor and McBride marked PRESENT during the above roll call.

The roll call vote on HB 250 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 106 was taken up for consideration on motion of Senator Holloway:

SB 106 - AN ACT TO AMEND TITLE 10, SECTION 921, DELAWARE CODE RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY.

SA 1 to the Bill (sponsor: Senator Holloway) was introduced.

The privilege of the floor was extended to John J. Thompson (Family Law Section of the Delaware State Bar Association) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Cook, Marshall) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Holloway) was introduced.

The privilege of the floor was extended to John J. Thompson (Family Law Section of the Delaware State Bar Association) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Cook, Marshall) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator Holloway) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senator voting YES and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to John J. Thompson (Family Law Section of the Delaware State Bar Association) who was questioned on the Bill by Senators Vaughn and Sharp.

The roll call vote on SB 106 w SA 1, 2, 3 was then taken and revealed 19 Senators voting YES and 2 (Cook, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 67 w HA 1 was taken up for consideration on motion of Senator McDowell:

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.

The privilege of the floor was extended to Keith Brady (Division of Alcoholic Beverage Control) and various Senators entered into discussion of the Bill. The roll call vote on the Bill was taken; however, the roll call was laid on the table before being announced on motion of Senator McDowell.

HB 117 w HA 1 was taken up for consideration on motion of Senator McDowell:

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.

SA 1 to the Bill (sponsor: Senators R. Still, Minner) was introduced.

The privilege of the floor was extended to Elizabeth R. Carbine (Delaware Association of Homebuilders) and several Senators commented on the Amendment after which the roll call vote on the Amendment was taken. Senator J. Still announced that he would be voting NOT VOTING due to conflict of interest. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (J. Still) NOT VOTING and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsors: Senators R. Still, Minner) was introduced.

Senator J. Still announced that he would be NOT VOTING on the Bill and the Amendments offered to it due to conflict of interest. Several Senators commented on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, R. Still, Torbert, Vaughn - 17.

NO: Senator Venables - 1.

NOT VOTING: Senators McDowell, J. Still - 2.

ABSENT: Senator Cook - 1.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator R. Still) 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, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senator Neal - 1.

NOT VOTING: Senators McDowell, J. Still - 2.

ABSENT: Senator Cook - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 117 w HA 1, SA 1, 2, 3 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn - 17.

NO: Senators Cordrey, Venables - 2.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senator Cook - 1.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

At 5:20 p.m. Senator Sharp presiding (during the above roll call).

SB 263 was taken up for consideration on motion of Senator Cordrey:

SB 263 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, KNOWN AS WARKICK SCHOOL NO. 203, TO VETERANS OF FOREIGN WARS POST 10638. (3/4 vote)

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

SB 252 was taken up for consideration on motion of Senator Vaughn:

SB 252 - AN ACT TO AMEND CHAPTER 273, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ODESSA IN NEW CASTLE COUNTY" BY CONFERRING UPON THE TOWN COUNCIL CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN LIMITS OF ODESSA. (2/3 vote)

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

SB 210 was taken up for consideration on motion of Senator Holloway:

SB 210 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO USE OF TOBACCO PRODUCTS AND UNLAWFUL EMPLOYMENT PRACTICES.

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 Holloway.

SB 252 was lifted from the table for further consideration on motion of Senator Vaughn.

SA 1 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption.

At 5:33 p.m., Lt. Governor Wolf presiding.

The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Connor) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on SB 252 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.

HB 329 was taken up for consideration on motion of Senator Torbert:

HB 329 - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO SCHOOL BUS DRIVERS LICENSES.

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

SB 59 was taken up for consideration on motion of Senator Blair:

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.

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 244 was taken up for consideration on motion of Senator Vaughn:

SB 244 - AN ACT TO AMEND CHAPTER 10, TITLE 20 OF THE DELAWARE CODE, RELATING TO PENSION BENEFITS FOR PARAPLEGIC VETERANS.

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 68 was taken up for consideration on motion of Senator Torbert:

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.

The privilege of the floor was extended to Walter Feindt (Legislative Council Attorney) and Jack K. Russell (Administrative Assistant to the Majority Party). Several Senators entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Torbert.

SB 262 was taken up for consideration on motion of Senator Adams:

SB 262 - AN ACT TO AMEND CHAPTER 59, TITLE 7 OF THE DELAWARE CODE RELATING TO PUBLIC RECREATION ON PRIVATE LAND AND THE LIMIT OF LIABILITY THEREIN.

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 276 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SB 276 - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO CONFER UPON THE COMMISSIONERS OF THE TOWN OF HENLOPEN ACRES CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF HENLOPEN ACRES, AND TO INCREASE THE AMOUNT FOR WHICH CONTRACTS CAN BE AWARDED WITHOUT COMPETITIVE BIDDING. (2/3 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.

SB 243 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):



SB 243 - AN ACT TO AMEND CHAPTER 41, TITLE 31, DELAWARE CODE, RELATING TO VIOLATIONS OF THE DELAWARE STATE HOUSING CODE. (2/3 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.

SB 246 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

SB 246 - AN ACT TO AMEND CHAPTER 70, PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO USES WHICH ARE PROHIBITED IN THE COASTAL ZONE.

During the lengthy discussion of the Bill which ensued, the privilege of the floor was extended to William Walls (Senate Attorney) and the following communication concerning the legislation was read and made part of this Journal on motion of Senator Marshall:

CITISTEEL USA INCORPORATED

June 20, 1989

The Honorable Robert I. Marshall  
Senate Majority Whip  
Delaware State Senate  
Legislative Hall  
Dover, Delaware 19903

Dear Senator Marshall:

I can understand and appreciate your concern about rehiring former Phoenix Steel employees.

As of this date we have hired a total of 160 hourly employees in the Claymont plant. You should know that we discussed employment with 53 former Phoenix hourly employees and had they all accepted, at least 53 out of the 160 employees would have been former Phoenix Steel workers. Unfortunately 15 former Phoenix Steel employees did not want to pursue employment with CitiSteel USA, Inc., but we are happy to say 38 have accepted and are working with our team. We have also hired 11 former Phoenix Steel salaried employees.

We currently plan a total work force of 184 hourly employees. We are now interviewing applicants for the remaining 24 jobs, and some of these applicants are former Phoenix Steel employees.

The core of the matter is sheer economic survival. To make CitiSteel an asset to the State of Delaware -- a growth-oriented and profitable facility -- we must keep the operation lean and efficient. The former Phoenix Steel, with a labor force of over 800 and multiplicity of products, went bankrupt two times before finally giving up the effort. We are determined that failure will not occur again at the Claymont site.

Please allow us the opportunity to select those workers who will offer the best work force for a successful manufacturing operation.

As for the legislation to revoke CitiSteel's exemption from the Coastal Zone Act, we regard it as unfortunate to the State of Delaware as well as upsetting to our employees who now fear for their jobs. As you can see from the enclosed report, enormous progress has been made, and we hope that you and your Senate colleagues will continue to permit us to progress and contribute to the number of jobs, and in particular blue collar jobs in Delaware as well as to the overall economy of the state. We need your support.

Very truly yours,  
James E. Hasson,  
President and CEO

\* \* \* \*

A transcript of a hearing of the 134th General Assembly on the Coastal Zone Act was quoted by several Senators. A copy of the transcript of the hearing is available in the file folder of the Secretary of the Senate for this day's minutes.

While discussion of the Bill was still under way, at 7:02 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 29, 1989.

The Senate reconvened at 2:47 p.m., June 29, 1989, Lt. Governor Wolf presiding.

SB 246 which was before the Senate when the Senate recessed was laid on the table on motion of Senator Marshall.

At 2:48 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 50th Legislative Day.

50TH LEGISLATIVE DAY  
June 29, 1989

The Senate convened at 2:48 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.

LEGISLATIVE ADVISORY #19 received from the Office of the Counsel to the Governor was read and copies made available to each Senator.

LEGISLATIVE ADVISORY #19: On June 8, 1989 the Governor signed the following legislation: HB 246 (Volume 67, Chapter 30, Laws of Delaware); SB 75 w SA 1 (Volume 67, Chapter 31, Laws of Delaware); SB 118 (Volume 67, Chapter 32, Laws of Delaware); SB 149 (Volume 67, Chapter 33, Laws of Delaware); SB 152 (Volume 67, Chapter 34, Laws of Delaware).

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The Secretary announced that a message from the House informed the Senate that it had passed HB 384 w HA 1; HB 197 w HA 1, HA 2 w HA 1, HA 3; HB 360 w HA 1; SB 81; HB 346; HB 194 w HA 1; HB 386 w HA 1; HB 395; HB 380; SB 130; HB 367; HB 430; SB 256; SB 247; SB 251; SB 255; SB 237; SB 219; SB 205 w SA 2; SB 168; SB 21; SB 195; SB 218 w SA 1; SB 217.

The Secretary announced that a Memorandum from the Chief Clerk of the House informed the Senate that on June 28, 1989, Representative Bunting signed as an additional sponsor to SB 205 and Representative Schroeder signed as an additional sponsor to SB 251.

The President pro Tempore's Pre-Filed List of Legislation was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION  
June 29, 1989

SB 284 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO CIVIL PENALTIES COLLECTED BY THE DIVISION OF AIR AND WASTE MANAGEMENT AND DIVISION OF WATER RESOURCES. Sponsors: Senators Venables, Adams, Cordrey, Minner, McDowell, Marshall, Sharp, Vaughn. Assigned to Natural Resources and Environmental Control Committee.

SB 285 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND SPEEDING, STOP SIGN, AND YIELD SIGN VIOLATIONS IN RESIDENTIAL DISTRICTS. Sponsor: Senator Martin. Assigned to Public Safety Committee.

SB 286 - AN ACT TO AMEND CHAPTER 55, TITLE 30 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES. Sponsor: Senator McDowell. Assigned to Administrative Services/Energy Committee.

HB 360 w HA 1 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATION OF CIVIL LIABILITY FOR CERTAIN VOLUNTEERS AND CERTAIN MEDICAL CLINICS. Sponsors: Representatives Hebner, Spence, Petrilli, Smith, Boykin, Roy, D. Ennis, Fallon, Corrozi, Ewing, Carey, DiPinto, Davis, Gilligan, Campanelli, Bunting, Plant, Schroeder; Senators Adams, Cook, Holloway, Minner, Venables, Bair, Bane, Knox, J. Still, R. Still. Assigned to Judiciary Committee.

HB 197 w HA 1, HA 2 w HA 1, HA 3 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CANCELLATION OF AUTOMOBILE INSURANCE POLICIES. Sponsors: Representatives Clark, B. Ennis, Quillen, Buckworth, Ewing, Schroeder, West; Senators Cook, Vaughn, Minner. Assigned to Insurance and Elections Committee.

HB 384 w HA 1 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE DELAWARE RIVER AND BAY AUTHORITY RELATING TO THE COMMISSIONERS OF THE DELAWARE RIVER AND BAY AUTHORITY. Sponsors: Representative Bennett, Senator Cook, Representative Outten. Assigned to Executive Committee.

SA 1 to SS 1 for SB 1. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HB 3. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 68. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 102. Sponsor: Senator Hauge. Placed with the Bill.

SA 2 to SB 102. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to HB 143. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 164. Sponsor: Senator Connor. Placed with the Bill.

SA 1 to HB 165. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HS 1 to HB 193. Sponsor: Senator Cordrey. Placed with the Bill.

SA 2 to HS 1 to HB 193. Sponsor: Senator Cordrey. Placed with the Bill.

SA 3 to HS 1 to HB 193. Sponsor: Senator Cordrey. Placed with the Bill.

SA 4 to HS 1 for HB 193. Sponsor: Senator Holloway. Placed with the Bill.

SA 5 to HS 1 for HB 193. Sponsor: Senator Holloway. Placed with the Bill.

SA 6 to HS 1 to HB 193. Sponsor: Senator Venables. Placed with the Bill.

SA 2 to SB 207. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 222. Sponsor: Senator Cook. Placed with the Bill.

SA 1 to HS 1 for HB 264 w HA 1, 2. Sponsor: Senator Bair. Placed with the Bill.

SA 2 to HS 1 for HB 338 w HA 3, 4, 5, 6, 7. Sponsors: Senators Bair, Sharp, Minner, Neal. Placed with the Bill.

SA 4 to HS 1 to HB 339. Sponsor: Senator Sharp. Placed with the Bill.

SA 5 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Bair, Sharp, Minner, Neal. Placed with the Bill.

SA 6 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Bair, Sharp, Minner, Neal. Placed with the Bill.

SA 7 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Bair, Sharp, Neal, Minner. Placed with the Bill.

SA 8 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Bair, Sharp, Minner, Neal. Placed with the Bill.

SA 9 to HS 1 to HB 339. Sponsors: Senators Minner, Sharp. Placed with the Bill.

SA 1 to HB 340 as Amended. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to HB 377. Sponsor: Senator Connor. Placed with the Bill.

HB 346 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS AND PENALTIES ASSOCIATED THEREWITH. Sponsors: Representatives Ewing, Spence, Petrilli, Davis, Mack, Roy, Bunting. Assigned to Public Safety Committee.

HB 194 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH AND PUBLIC EATING PLACES. (3/5 vote) Sponsors: Representatives Corrozi, Petrilli, Amick, Boykin, Carey, Davis, DiPinto, Ewing, Hebner, Roy, Smith, Bennett, Gilligan; Senators Bair, Bane, Knox, Hauge, R. Still. Assigned to Health and Social Services/Aging Committee.

HB 386 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30, OF THE DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX. Sponsors: Representatives Petrilli, Buckworth, Spence, Amick, Boykin, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maroney, Roy, Taylor; Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still; Representatives George, Gilligan, Bennett, Clark, Jonklert, Outten, Plant. Assigned to Revenue and Taxation Committee.

HB 395 - AN ACT TO AMEND CHAPTER 73, TITLE 29 DELAWARE CODE RELATING TO COMPENSATION FOR MEMBERS OF THE ARCHITECTURAL ACCESSIBILITY BOARD. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 380 - AN ACT TO AMEND CHAPTER 39, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS. Sponsors: Representatives Quillen, Bunting, Davis, Ewing, Outten. Assigned to Insurance and Elections Committee.

HB 430 - AN ACT TO AMEND AN ACT BEING CHAPTER 428, VOLUME 50, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY" TO ELIMINATE THE OFFICE OF DIRECTOR OF PUBLIC SAFETY AND TO PROVIDE FOR THE POLICE FORCE OF THE TOWN OF ELSMERE. Sponsors: Representatives Campanelli, VanSant; Senators R. Still, Marshall. (2/3 vote) Assigned to Community Affairs Committee.

HB 367 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE." (2/3 vote) Sponsors: Representative Bunting, Senator Cordrey. Assigned to Community Affairs 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  
June 28, 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: Earp F. Jennings, Jr., 21 Oxford Place, Hockessin, DE 19707, to be reappointed as a director of the Delaware Solid Waste Authority to serve for a three year term expiring June 26, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

The following Committee reports were announced:  
From the Natural Resources and Environmental Control Committee: SS 1 for SB 208 - 3 Merits; HB 290 - 3 Merits.

SA 2 to SS 1 for SB 1. Sponsor: Senator Torbert. Placed with the Bill.

SB 264 was taken up for consideration on motion of Senator Venables:

SB 264 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO DOGS BY PROHIBITING ENTRY BY GAME WARDENS AND OTHERS TO THE PROPERTY OF A DOG'S OWNER WITHOUT A WARRANT.

Senators Connor, Knox, Martin, McBride, McDowell, Minner, Neal marked PRESENT.

Senators Cordrey and R. Still commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 17.

NO: Senator Cordrey - 1.

NOT VOTING: Senators Bane, Hauge, R. Still - 3.

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

Senator Cook marked PRESENT during the above roll call.

SB 274 was taken up for consideration on motion of Senator Vaughn:

SB 274 - AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, RELATING TO FILLING VACANCIES ON THE TOWN COUNCIL AND AUTHORIZING THE IMPOSITION, BY ORDINANCE, OF A REAL ESTATE TRANSFER TAX UP TO ONE PERCENT (1%) OF THE VALUE OF THE PROPERTY TRANSFERRED. (2/3 vote)

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.

SB 275 was lifted from the table for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

SB 275 - AN ACT TO AMEND AN ACT BEING CHAPTER 401, VOLUME 62, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD" TO CONFER UPON THE TOWN COUNCIL OF THE TOWN OF FRANKFORD CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE TOWN OF FRANKFORD. (2/3 vote)

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

SB 154 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

SB 154 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE OFFICER TRAINING.

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 203 was taken up for consideration on motion of Senator Sharp:

SB 203 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO ASSISTANT COUNTY ATTORNEYS OF NEW CASTLE COUNTY.

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

SB 73 was taken up for consideration on motion of Senator McDowell:

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.

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

SB 225 was taken up for consideration on motion of Senator Sharp:

SB 225 - AN ACT TO AMEND CHAPTER 9, TITLE 10 AND CHAPTER 5, TITLE 13, DELAWARE CODE RELATING TO FAMILY COURT PROCEEDINGS.

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

SB 56 was taken up for consideration on motion of Senator Hauge under suspension of the necessary rules (no objection):

SB 56 - AN ACT TO AMEND CHAPTER 59, TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN FINES.

The privilege of the floor was extended to Frank Murphy (Senate Attorney) after which the Bill was laid on the table on motion of Senator Hauge.

SB 87 was taken up for consideration on motion of Senator Bane under suspension of the necessary rules (no objection):

SB 87 - AN ACT CONCURING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO GENDER DISCRIMINATION IN PENALTIES FOR ELECTION OFFENSES. (2/3 vote)

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 164 was taken up for consideration on motion of Senator Connor under suspension of the necessary rules (no objection):

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.

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

The roll call vote on SB 164 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 199 was taken up for consideration on motion of Senator Neal:

SB 199 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

Senators Holloway, McBride, McDowell and Sharp commented on the Bill after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Neal.

SB 56 was lifted from the table for further consideration on motion of Senator Hauge.

The privilege of the floor was extended to Frank Murphy (Senate Attorney) and several Senator 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.

SB 273 was lifted from the table for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

SB 273 - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO UNIFORM LEAVE RULES FOR CERTAIN EXEMPT STATE POSITIONS.

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

SB 284 was taken up for consideration on motion of Senator Venables under suspension of the necessary rules (no objection):

SB 284 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO CIVIL PENALTIES COLLECTED BY THE DIVISION OF AIR AND WASTE MANAGEMENT AND DIVISION OF WATER RESOURCES.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 14.

NO: Senators Connor, Knox - 2.

NOT VOTING: Senators Bair, Bane, Hauge, R. Still - 4.

ABSENT: Senator J. Still - 1.

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.

HB 318 was taken up for consideration on motion of Senator Cordrey:

HB 318 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO THE STATE BANK COMMISSIONER REGULATORY REVOLVING FUND.

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

At 4:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:15 p.m., Lt. Governor Wolf presiding.

SS 1 for SB 1 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SS 1 for 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.

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

SA 2 to the Bill which had been placed with the Bill was stricken on motion of Senator Torbert.

SA 3 to the Bill (sponsor: Senator R. Still) was introduced.

The privilege of the floor was extended to Daniel R. Wehner, M.D. (Delaware Chapter of American College of Emergency Physicians) and Bruce A. Rogers (Office of the Governor). A lengthy discussion of the Amendment ensued after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Knox, J. Still, R. Still - 7.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 13.

ABSENT: Senator Neal - 1.

Therefore, the Amendment was declared defeated.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, R. Still - 7.

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

SB 82 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

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)

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 taken up for consideration on motion of Senator Torbert.

The privilege of the floor was extended to Representative Bruce Ennis, McDonald Coker (Legislative Council) and Frank Murphy (Senate Attorney); Representative Ennis and Mr. Murphy were permitted to appear jointly during the lengthy discussion of the Amendment which followed. The roll call vote on the Amendment was then taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, R. Still - 7.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to William M. Remington (Division of Revenue) and Frank Murphy (Senate Attorney) and a lengthy discussion of the Bill ensued after which the roll call vote on SB 82 w SA 2 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, R. Still - 7.

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

SB 83 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SB 83 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

The privilege of the floor was extended to Representative Bruce Ennis to speak on the Bill.

At 6:37 p.m., Senator Cordrey presiding.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal - 6.

NOT VOTING: Senator R. Still - 1.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 304; HB 283 w HA 1; HB 270 w HA 1; HS 1 to HB 32; SB 224 w SA 1, 3, HA 1; SB 158.

SB 224 w SA 1, 3 which had previously passed the Senate was taken up for reconsideration as now amended by HA 1 on motion of Senator Adams under suspension of the necessary rules (no objection).

At 6:42 p.m., Lt. Governor Wolf presiding.

The roll call vote on SB 224 w SA 1, 3, HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 246 was lifted from the table for further consideration on motion of Senator Sharp.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced and considered for adoption. Several Senators commented on the Amendment after which the roll call vote was taken and revealed:

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

NO: Senators Bair, Bane, Connor, Knox, Neal, J. Still, R. Still, Venables - 8.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 246 w SA 1 was then taken and revealed:

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 11.

NO: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, Neal, J. Still, R. Still, Venables - 10.

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

At 7:03 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 30, 1989.

The Senate reconvened at 2:53 p.m., June 30, 1989, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 325 w HA 1, 2; HB 421 w HA 1, 2; SS 2 for SB 42 w SA 1; SB 179 w SA 1, 2; SB 181 w SA 2, HA 1; SB 182 w SA 3; SS 1 for SB 183; HB 303; HB 470; HB 101; HB 286 w HA 1; HB 284; HB 267; HB 369; HB 216; HB 226; HB 423 w HA 1, 2, 4; SB 134 w HA 1; SB 142 w SA 2; SB 206; SB 129; SB 161 w SA 1; SB 197; HB 297 w HA 1, 2; HB 352; HS 1 to HB 111 w HA 1; HB 368; HB 450 and adopted HCR 103; HCR 104; HCR 105; HCR 106; HCR 107; SCR 80; SCR 82; HCR 99; HCR 101; SCR 81; SCR 83; SCR 84.

At 2:54 p.m. Lt. Governor Wolf presiding (during reading of above message).

The Secretary read a request for withdrawal of sponsorship from SB 291 from Representative Smith.

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
June 30, 1989

SB 287 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1990 GENERAL ELECTION ON THE QUESTION OF MANDATORY MOTOR VEHICLE SEAT BELT USE IN THE STATE OF DELAWARE. Sponsors: Senator Torbert, Representative Caulk. Assigned to Public Safety Committee.

SB 288 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6 OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE SUPERIOR COURT AS A BOARD OF CANVASS IN KENT COUNTY. (2/3 vote) Sponsors: Senator Cook; Representatives Bennett, Outten, Clark; Senators Vaughn, Sharp, Torbert, Minner. Assigned to Judiciary Committee.

SB 289 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO EXCLUSION OF CERTAIN CHILD CARE INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsors: Senator Bane, Representative Oberle; Senators Holloway, Marshall; Representatives Amick, Boykin, Brady, Carey, Caulk, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Hebner, Lee, Mack, Roy, Spence. Assigned to Revenue and Taxation Committee.

SB 290 - AN ACT TO AMEND CHAPTER 26, TITLE 24, DELAWARE CODE RELATING TO ATHLETIC TRAINERS AND PHYSICAL THERAPY. (2/3 vote) Sponsors: Senator McDowell; Representative Reynolds. Assigned to Administrative Services/Energy Committee.

SB 291 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE AND CHAPTER 39, TITLE 14, DELAWARE CODE BY PROVIDING FOR POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JANUARY 1, 1989, AND FURTHER PROVIDING POST-RETIREMENT INCREASES TO THOSE PENSIONERS UNDER THE PROVISIONS OF CHAPTER 56, TITLE 29, DELAWARE CODE AND CHAPTER 83, TITLE 11, DELAWARE CODE, AND FURTHER PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR. Sponsors: Senator Cook, Representative Corrozi; Senators Vaughn, McBride, Holloway, Adams, Cordrey, Marshall, Martin, McDowell, Minner, Sharp, J. Still, Torbert, Venables; Representatives Davis, Quillen, West, Soles, Bennett, Oberle, Plant, Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Reynolds, Roy, Schroeder, Sillis, Spence, Taylor, VanSant. Assigned to Finance Committee.

HB 304 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDE, VEHICULAR ASSAULT AND PERSONS AGED 16 YEARS OR OLDER. Sponsors: Representatives Jester, Clark, Davis, Houghton; Senators Knox, Torbert, Vaughn. Assigned to Judiciary Committee.

HB 283 w HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO DECISIONS OF THE ENVIRONMENTAL APPEALS BOARD. Sponsors: Representatives Carey, Boykin, Caulk, DiPinto, Davis, Ewing, Mack, Quillen, Clark, Bunting, Schroeder; Senators Knox, J. Still, Minner, Venables. Assigned to Natural Resources and Environmental Control Committee.

HB 270 w HA 1 - AN ACT TO AMEND CHAPTER 31 OF TITLE 16 TO PROVIDE FOR THE ISSUANCE OF VANITY BIRTH CERTIFICATES. (3/5 vote) Sponsors: Representatives Smith, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Reynolds, Roy, Bennett, Brady, Campanelli, Clark, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Plant, Schroeder, Sillis, Soles, VanSant, West; Senators Cook, Holloway, Martin, McDowell, Torbert, Bair, Bane, Hauge, Knox, R. Still. Assigned to Corrections Committee.

HS 1 to HB 32 - AN ACT ENTITLED "THE TRAVELINK TRAFFIC MITIGATION ACT" AMENDING CHAPTER 25 OF TITLE 18, CHAPTER 23 OF TITLE 19, AND CHAPTERS 11 AND 20 OF TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDITS FOR MITIGATION OF COMMUTER TRAFFIC. Sponsors: Representative Roy, Senator Martin; Representatives Taylor, Amick, Soles, Brady, Outten; Senators Minner, Cook, R. Still. Assigned to Highways and Transportation Committee.

HB 297 w HA 1, 2 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO COIN-OPERATED-LOTTERIES AT RACETRACKS, AND TO AMEND CHAPTERS 3 AND 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND CHAPTER 100, TITLE 3 RELATING TO HARNESS HORSE RACING. Sponsors: Representatives Oberle, Spence, Quillen, Campanelli, George, Plant; Senators McBride, Holloway. Laid on the table.

HS 1 to HB 111 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 24, OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 352 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE IN ORDER TO CHANGE THE PREMIUM TAX RATE STRUCTURE FOR CAPTIVE INSURANCE COMPANIES AND TO PROVIDE FOR CONSOLIDATED REPORTING FOR TWO OR MORE CAPTIVE INSURANCE COMPANIES UNDER COMMON OWNERSHIP AND CONTROL. Sponsor: Representative D. Ennis. Assigned to Insurance and Elections Committee.

HB 368 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE FORMULATION AND IMPLEMENTATION OF AN EXTRACTIVE USE PROGRAM. Sponsors: Representatives Caulk, Buckworth, Ewing, Davis, Mack, Carey, Lee, Quillen, B. Ennis, Clark, Bunting. Assigned to Natural Resources and Environmental Control Committee.

HB 450 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1990; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representative Corrozi, Senator Cook; Representatives Davis, Quillen, Smith, Soles, West; Senators Hauge, Holloway, McBride, R. Still, Vaughn. Assigned to Finance Committee.

HJR 15 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1989. Sponsors: Representative Petrilli, Senator Cordrey; Representatives Corrozi, George; Senators Cook, Neal. Assigned to Finance Committee.

HJR 16 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1990. Sponsors: Representative Petrilli, Senator Cordrey; Representatives Corrozi, George; Senators Cook, Neal. Assigned to Finance Committee.

HJR 12 - MEMORIALIZING THE UNITED STATES CONGRESS TO PROPOSE TO THE STATES FOR RATIFICATION AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROTECT RECIPROCAL TAX IMMUNITY. Sponsors: Representative Maroney, Senator Holloway. Assigned to Executive Committee.

HB 303 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE DEFINITION AND LICENSING REQUIREMENTS OF "BOTTLE CLUBS". Sponsors: Representatives Jester, Clark, Davis, B. Ennis, Fallon, Reynolds, Spence, West; Senators Adams, Bair, Knox, Minner, Neal, Sharp, Vaughn. Assigned to Sunset Committee.

HB 286 w HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE REQUIRING ENVIRONMENTAL PERMITS PRIOR TO THE ISSUANCE OF BUILDING PERMITS. (2/3 vote) Sponsors: Representatives Carey, Schroeder, Amick, Davis, Caulk, Ewing, Mack, Smith, Quillen, Reynolds, Clark, Bunting; Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

HB 284 - AN ACT TO AMEND TITLE 7, CHAPTER 41 OF THE DELAWARE CODE RELATING TO TAX DITCHES. Sponsors: Representatives Carey, Caulk, Davis, Ewing, Quillen, Bunting, Clark, Schroeder; Senators Minner, Knox, Venables. Assigned to Natural Resources and Environmental Control Committee.

HB 267 - AN ACT TO AMEND CHAPTER 45, TITLE 10 OF THE DELAWARE CODE RELATING TO COMPENSATION AND REIMBURSEMENT OF JURORS. Sponsor: Representative Houghton. Assigned to Judiciary Committee.

HB 369 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE EMPLOYEES' PENSION PLAN. Sponsors: Representative Oberle, Senator Cook; Representatives Amick, Carey, Caulk, Davis, DiPinto, Ewing, Hebner, Lee, Mack, Taylor, Brady, Clark, B. Ennis, Gilligan, Houghton, Jester, Sills, West; Senators Adams, Holloway, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Vaughn, Venables, Bair, Neal, J. Still. Assigned to Finance Committee.

HB 216 - AN ACT TO AMEND CHAPTER 27, TITLE 21, OF THE DELAWARE CODE RELATING TO THE ESTABLISHING OF A FEE FOR THE ISSUANCE OF A CONDITIONAL OR OCCUPATIONAL DRIVER LICENSE. (3/5 Vote) Sponsors: Representatives Ewing, Davis, Hebner, Plant, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Corrozi, DiPinto, Reynolds, Smith. Assigned to Public Safety Committee.

HB 226 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A TEMPORARY REGISTRATION PLATE. (3/5 vote) Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Davis, Hebner, Boykin, Amick, Carey, Smith, Corrozi, DiPinto, Plant. Assigned to Public Safety Committee.

HB 101 - AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE RELATING TO STATE EXPENDITURES. Sponsors: Representatives Plant, West, Sills; Senator Holloway. Assigned to Finance Committee.



HB 423 w HA 1, 2, 4 - AN ACT TO AMEND CHAPTER 61, TITLE 30 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE STATE OF DELAWARE TO LEVY AND COLLECT A PUBLIC LOGGING TAX AND DEDICATING THE PROCEEDS OF THE TAX TO THE STATE BEACH PRESERVATION PROGRAM AND COUNTY CONVENTION AND VISITORS BUREAUS. (3/5 vote) Sponsors: Representatives Taylor, Carey. Laid on the table.

SA 1 to SB 199. Sponsor: Senator Neal. Placed with the Bill.

SA 1 to SB 162. Sponsor: Senator Marshall. Placed with the Bill.

A copy of the pre-file list was made available to each Senator.

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 51st Legislative Day.

51ST LEGISLATIVE DAY  
June 30, 1989

The Senate convened at 2:57 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.

SENATE CONSENT CALENDAR #22 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 58 - CONGRATULATING JOE ULLRICH, SENATE JOURNAL CLERK, ON THE HAPPY OCCASION OF HIS 70TH BIRTHDAY. Sponsors: Senator Martin, all Senators.

SR 59 - COMMENDING AND CONGRATULATING PATRICK LYNN, PRINCIPAL OF DOVER HIGH SCHOOL, ON HIS SELECTION AS PRINCIPAL OF THE YEAR FOR THE STATE OF DELAWARE. Sponsor: Senator J. Still.

SCR 87 - REQUESTING GOVERNOR MICHAEL N. CASTLE TO REACTIVATE THE GOVERNOR'S WHITE CLAY CREEK PRESERVE TASK FORCE CREATED BY SENATE CONCURRENT RESOLUTION NO. 85, JUNE 17, 1987, TO STUDY THE ADVISABILITY AND FEASIBILITY OF DEDICATED CONSERVATION EASEMENTS AND/OR STATE PURCHASE OF LANDS ALONG THE EAST BANK AND WESTERN SLOPES OF THE WHITE CLAY CREEK IN ORDER TO PRESERVE THE NATURAL CHARACTER OF THE VALLEY. Sponsors: Senators Martin, Marshall, McDowell, Sharp, McBride, Minner, Bair, Bane, Hauge, Neal, J. Still; Representatives Oberle, Soles, Plant, DiPinto, Brady, Maroney, Boykin, Corrozi, VanSant, Campanelli, Mack, Spence, Gilligan, Taylor, Petrilli, Davis, B. Ennis, Clark, Caulk, Buckworth, Ewing, Lee, Schroeder, Bunting.

SCR 88 - URGING THE STATE ELECTIONS COMMISSIONER AND COUNTY BOARDS OF ELECTION TO LOCATE POLLING PLACES IN FACILITIES THAT ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES, AND THAT EVERY EFFORT BE MADE TO ACCOMPLISH THIS IN THE 1990 ELECTIONS. Sponsors: Senators McDowell, Adams, Holloway, Martin, Minner, Torbert; Representatives Brady, Campanelli, Davis, D. Ennis, Jester, Mack, Reynolds, Smith, Spence, Taylor.

SCR 89 - CREATING A FLEXIBLE BENEFIT PLAN STUDY COMMISSION TO EXAMINE THE FEASIBILITY OF MAKING FLEXIBLE BENEFIT PLANS AVAILABLE TO STATE EMPLOYEES. Sponsors: Senators J. Still, Holloway, Connor, Hauge, Knox, Neal, R. Still; Representatives Buckworth, Quillen.

SCR 90 - ENCOURAGING THE RED CLAY CONSOLIDATED SCHOOL DISTRICT BOARD OF EDUCATION TO RENAME THE WILMINGTON HIGH SCHOOL ATHLETIC FIELD AS THE PETER A. GRANDELL ATHLETIC FIELD. Sponsors: Senator Marshall, Representative VanSant.

SCR 91 - PROVIDING FOR A TASK FORCE TO DEFINE THE INCIDENCE OF DISABILITIES IN ORDER TO PLAN FOR DISABILITY PREVENTION AND SERVICES. Sponsors: Senator Bane, Representative Maroney.

SCR 92 - REQUESTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INVESTIGATE PROPOSED STATE AND NATIONAL STRATEGIES FOR EXPANDING HEALTH CARE COVERAGE AND THEIR APPLICABILITY TO DELAWARE. Sponsors: Senators Holloway, Neal; Representative Maroney.

SCR 93 - CALLING UPON THOSE OIL COMPANIES INVOLVED IN THE THREE TRAGIC OIL SPILLS OF THE WEEKEND JUST PAST TO REFRAIN FROM USING THESE DISASTERS AS AN EXCUSE TO RAISE GASOLINE PRICES AND URGING DELAWARE'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION BARRING OIL COMPANIES FROM PASSING ON CLEAN-UP COSTS TO CONSUMERS. Sponsor: Senator Martin.

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

Senators McDowell, R. Still, Cook marked PRESENT during the above roll call.

The personal privilege of the floor was extended to Senator Connor who commented on HB 450, the Budget Bill.

SR 60 was introduced and considered for adoption on motion of Senator McBride:

SR 60 - URGING THE DEPARTMENT OF CORRECTION AND OTHER APPROPRIATE AGENCIES TO DEVELOP A COMPREHENSIVE PLAN FOR THE SITING OF CORRECTIONAL FACILITIES. Sponsor: Senator McBride.

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

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Venables - 15.

NO: Senators Bair, Hauge, R. Still, Vaughn - 4.

NOT VOTING: Senators Bane, J. Still - 2.

Therefore, the Resolution was declared adopted.

SCR 94 was introduced and considered for adoption on motion of Senator Marshall:

SCR 94 - MOURNING THE DEATH OF JOHN J. "JACK" LEMLEY, FORMER CARAVEL ACADEMY HEAD GIRLS' BASKETBALL COACH AND FORMER CITY OF WILMINGTON POLICEMAN. Sponsors: Senator Marshall, Representative Jonkiert.

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 personal privilege of the floor was extended to Senator Neal who commented on HB 450, the Budget Bill.

On motion of Senator McDowell and without objection, the roll call vote on HB 67 w HA 1 was lifted and announced:

YES: Senators Adams, Cook, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, Neal, R. Still - 8.

NOT VOTING: Senator Holloway - 1.

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

SB 171 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SB 171 - AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE RELATING TO THE APPOINTMENT OF NOTARIES FOR CERTAIN SERVICE ORGANIZATIONS.

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 Torbert and without objection, the necessary rules were suspended for reconsideration of SB 181 w SA 2 as now further amended by HA 1. The roll call vote on SB 181 w SA 2, HA 1 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

On motion of Senator Marshall and without objection, HB 72 w HA 1, SA 2, 4, 5 which had previously passed the Senate, was taken up for reconsideration under suspension of the necessary rules as now further amended by HA 3. The roll call vote on HB 72 w HA 1, 3, SA 2, 4, 5 was therefore taken and revealed 19 Senators voting YES, 1 (Cordrey) voting NO and 1 (Hauge) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 63 w SA 1, 2 was lifted from the table for consideration on motion of Senator Marshall; however, the Bill was then immediately again laid on the table on further motion of the Senator.

On motion of Senator McDowell and without objection, the roll call vote on HB 67 w HA 1 (2/3 vote) was rescinded and a new roll call vote taken which revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, R. Still - 7.

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

HB 98 w HA 1 was taken up for consideration on motion of Senator Sharp:

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.

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

HB 105 was taken up for consideration on motion of Senator Sharp:

HB 105 - AN ACT TO AMEND CHAPTER 15 OF TITLE 13 OF THE DELAWARE CODE RELATING TO A BILL OF CHILDRENS' RIGHTS.

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

HB 236 was taken up for consideration on motion of Senator Sharp:

HB 236 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO APPEAL BONDS FROM FAMILY COURT.

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

HB 237 was taken up for consideration on motion of Senator Sharp:

HB 237 - AN ACT TO AMEND CHAPTER 6, TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT.

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

HB 238 was taken up for consideration on motion of Senator Sharp:

HB 238 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO CERTAIN PROCEDURAL RIGHTS.

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

HB 222 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 222 - AN ACT AWARDED SPECIAL WIDOW PENSION BENEFITS TO ROSELINE WALTZ, ALSO KNOWN AS ROSELINE DUFRAINE, 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.

SA 1 to the Bill (sponsor: Senator Cook) 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.

Senator Connor commented on the Bill.

The roll call vote on HB 222 w SA 1 was then taken; however, before being announced the roll call was laid on the table on motion of Senator Cook.

HB 303 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 303 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE DEFINITION AND LICENSING REQUIREMENTS OF "BOTTLE CLUBS".

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

HB 304 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 304 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDE, VEHICULAR ASSAULT AND PERSONS AGED 16 YEARS OR OLDER.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Venables) NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 267 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 267 - AN ACT TO AMEND CHAPTER 45, TITLE 10 OF THE DELAWARE CODE RELATING TO COMPENSATION AND REIMBURSEMENT OF JURORS.

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

SB 290 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

SB 290 - AN ACT TO AMEND CHAPTER 26, TITLE 24, DELAWARE CODE RELATING TO ATHLETIC TRAINERS AND PHYSICAL THERAPY. (2/3 vote)

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

HB 367 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 367 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE." (2/3 vote)

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 returned to the House.

HB 430 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 430 - AN ACT TO AMEND AN ACT BEING CHAPTER 428, VOLUME 50, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY" TO ELIMINATE THE OFFICE OF DIRECTOR OF PUBLIC SAFETY AND TO PROVIDE FOR THE POLICE FORCE OF THE TOWN OF ELSMERE. (2/3 vote)

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 Minner.

SB 169 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

SB 169 - AN ACT TO AMEND CHAPTER 17, TITLE 15, OF THE DELAWARE CODE RELATING TO THE TRANSFER OF REGISTRATION.

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.

HS 1 to HB 328 was taken up for consideration on motion of Senator Cordrey:

HS 1 to HB 328 - AN ACT TO AMEND CHAPTER 32, TITLE 5, AND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES AND THE CONTRACTS AWARDED FOR THAT PURPOSE. (3/5 vote)

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

HB 319 was taken up for consideration on motion of Senator Cordrey:

HB 319 - AN ACT TO AMEND CHAPTER 27, TITLE 5, OF THE DELAWARE CODE, RELATING TO THE CASHING OF CHECKS, DRAFTS AND MONEY ORDERS. (3/5 vote)

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

HB 202 was taken up for consideration on motion of Senator McBride:

HB 202 - AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO SICK LEAVE.

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

HB 169 was taken up for consideration on motion of Senator Torbert:

HB 169 - AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO TITLE AND LIENS.

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

HB 336 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 336 w HA 1 - AN ACT TO AMEND CHAPTER 12, TITLE 3, OF THE DELAWARE CODE RELATING TO PESTICIDES. (3/5 vote)

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

HB 348 was taken up for consideration on motion of Senator Minner:

HB 348 - AN ACT TO AMEND CHAPTER 35, TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FOREST PLANTATIONS.

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

HB 350 was taken up for consideration on motion of Senator Minner:

HB 350 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO STATE FORESTRY.

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

HB 365 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 365 - AN ACT TO AMEND CHAPTER 20, VOLUME 67 OF THE LAWS OF DELAWARE (FORMERLY KNOWN AS HOUSE BILL NO. 66) RELATING TO ELIGIBILITY OF DEPENDENTS FOR SURVIVORS PENSION BENEFITS.

At 4:45 p.m., Senator Cordrey presiding.

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

HB 351 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 351 w HA 1 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO THE CONSERVATION AND REFORESTATION OF CERTAIN TREES. (2/3 vote)

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

The roll call vote on HB 351 w HA 1, 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 returned to the House for consideration of the Senate Amendment.

HB 349 was taken up for consideration on motion of Senator Minner:

HB 349 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE RELATING TO FORESTRY. (3/5 vote)

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

HB 365 was lifted from the table for consideration on motion of Senator Cook.

At 4:56 p.m., Lt. Governor Wolf presiding.

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

SB 294 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

SB 294 - 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 Marshall, Representative Jonkiert.

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 Holloway and without objection, the roll call vote on SB 210 was lifted and announced:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, McBride, McDowell, Minner, Torbert, Vaughn, Venables - 11.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Martin, Neal, Sharp, J. Still, R. Still - 10.

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

HB 297 w HA 1, 2 was lifted from the table for consideration on motion of Senator McBride under suspension of the necessary rules:

HB 297 w HA 1, 2 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO COIN-OPERATED-LOTTERIES AT RACETRACKS, AND TO AMEND CHAPTERS 3 AND 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND CHAPTER 100, TITLE 3 RELATING TO HARNESS HORSE RACING.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced.

The privilege of the floor was extended to William Walls and Francis Murphy (Senate Attorneys) after which the Amendment was laid on the table on motion of Senator Marshall.

During a lengthy discussion of the Bill which followed, the privilege of the floor was extended to Robert M. Comollo; John E. Mooney (representing Delaware Racing Association) and Denis McGlynn (representing Brandywine and Dover Downs Race Tracks).

The following communication concerning the Bill was read and made part of this Journal at the request of Senator McBride:

DELAWARE COUNCIL ON GAMBLING PROBLEMS, INC.  
103 WEST 7TH STREET  
WILMINGTON, DELAWARE 19801

The Honorable Michael N. Castle  
Carvel State Office Building  
820 French Street  
Wilmington, Delaware 19801

June 3(sic), 1989

Dear Mike,

I am writing to you about H.B. 297 (racetrack slots), which, as you know, passed the House by a large margin yesterday. This action took us and others somewhat by surprise. I understand that you are opposed to the legislation, but, since we have only very recently become involved, I have not yet communicated with your office to find out your precise reasons. Thus I thought it might be useful to you and your staff to know our position on this matter.

As our own policy, and as affiliates of the National Council on Compulsive Gambling, Inc., we do not take a position on legalized gambling. Experience has taught us that efforts to halt the spread of legal gambling in this country have been futile in the face of what appears to be an ever growing national craze to gamble. Expending our energies in opposing gambling has only interfered with our ability to deal with our true concern, which is limited to compulsive gambling.

The position we do take on the issue is that if the state is going to be in the business of promoting risk-taking activity, then it has an obligation to fund programs for the victims of public policy.

Hence, what we attempt to do is to insure that some provision for compulsive gamblers be built into each new piece of legislation which would expand legalized gambling. I am sure you are aware that such an amendment, introduced by Representative Richard Davis, was included in H. B. 297 yesterday afternoon.

The point is that the proponents of this bill behaved in an exemplary manner from our standpoint by extending their cooperation in working with us and Representative Davis to draft and support this amendment. This was the type of responsible behavior on the part of the gambling industry which we wish we found all the time, but is not always the case. There is precedent for this type of action in other states, such as Massachusetts, Iowa, and Minnesota, and compulsive gamblers in these states are now able to receive help with their problems. Since theoretically our Council does not get involved in treatment, should H. B. 297 become law, it would provide the very first money in Delaware for direct treatment of compulsive gamblers.

Sincerely yours,

Lisa

Elizabeth B. Pertzoff, Executive Director

\* \* \* \* \*

Senator Adams announced that he would vote "NOT VOTING" on the Bill due to a possible conflict of interest.

The roll call vote on HB 297 w HA 1, 2 was then taken and revealed:

YES: Senators Cook, Holloway, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, Marshall, Neal - 8.

NOT VOTING: Senator Adams - 1.

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

HB 377 was taken up for consideration on motion of Senator Holloway:

HB 377 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY.

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

The roll call vote on HB 377 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

On motion of Senator Cook and without objection, the roll call vote on HB 222 w SA 1 was lifted from the table and announced:

YES: Senators Adams, Bair, Cook, Holloway, Marshall, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 13.

NO: Senators Bane, Connor, Cordrey, Hauge, Martin, Neal - 6.

NOT VOTING: Senators Knox, R. Still - 2.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Connor moved that the necessary rules be suspended for the introduction and consideration of SB 295.

At 6:30 p.m., on motion of Senator Sharp, the Senate recessed for dinner and reconvened at 8:59 p.m., Lt. Governor Wolf presiding.

Senator Hauge seconded the motion made by Senator Connor before the recess for the suspension of the necessary rules for the introduction and consideration of SB 295. The roll call vote on the motion was taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still - 7.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 12.

ABSENT: Senators Martin, R. Still - 2.

Therefore, the motion was defeated.

SB 58 w SA 1, 2 as now further amended by HA 1 was taken up for consideration under suspension of the necessary rules (Senator Vaughn) and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

On motion of Senator McDowell and without objection, the roll call vote on SB 290 was lifted from the table and announced:

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, McBride, McDowell, Minner, Neal, R. Still, Torbert - 15.

NO: Senators Cordrey, Martin, Sharp - 3.

NOT VOTING: Senators J. Still, Vaughn, Venables - 3.

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

On motion of Senator Torbert and without objection, the roll call vote on HB 355 w HA 1, SA 1 was lifted and announced:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Knox, Marshall, McDowell, J. Still, R. Still, Torbert, Venables - 12.

NO: Senators Adams, Cordrey, Martin, McBride, Minner, Neal, Sharp, Vaughn - 8.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 421 w HA 1, 2 was introduced and taken up for consideration on motion of Senator Martin under suspension of the necessary rules:

HB 421 w HA 1, 2 - AN ACT TO AMEND CHAPTER 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DELAWARE SOLID WASTE AUTHORITY FOR MANAGING THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE, INCLUDING INFECTIOUS WASTE, AND PROVIDING FOR INCREASED ENFORCEMENT AUTHORITY AND INDEMNIFICATION OF DIRECTORS OF THE DELAWARE SOLID WASTE AUTHORITY. Sponsors: Representative Mack, Senator Martin.

During a lengthy discussion of the Bill among various Senators, the privilege of the floor was extended to N. C. Vasuki (Delaware Solid Waste Authority).

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

YES: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

ABSENT: Senator Holloway - 1.

Therefore, the motion carried and HB 421 w HA 1, 2 was assigned to Natural Resources and Environmental Control Committee.

HJR 15 was considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HJR 15 - 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 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 16 was considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HJR 16 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1990.

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.

HB 325 w HA 1, 2 was introduced and taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 325 w HA 1, 2 - AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE COMMUNITY FOUNDATION TO BE HELD AS PERMANENT UNRESTRICTED ENDOWMENT AND CONDITIONS THEREFORE. Sponsors: Representative Corrozi, Senator Cook; Representatives Spence, Quillen, D. Ennis, Boykin, Caulk, DiPinto, Carey, Taylor, Reynolds, Lee, Ewing, Fallon, Roy, Maroney, Jonkier, Gilligan, Campanelli, VanSant, Bunting, Clark, Houghton, B. Ennis, West, Jester, Schroeder, Sills.

The privilege of the floor was extended to Sherman Townsend (representing Delaware Community Foundation) and various Senators entered into discussion of the Bill.

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 Cook.

The Secretary announced that a message from the House informed the Senate that it had passed HB 378; SB 85 w SA 1; SB 213; SB 136; SB 137 w SA 1, 3; HB 345 w HA 1; HB 344; HB 323; SB 233; HB 403 w HA 1; HB 405; HB 441; HB 95 w HA 1; HB 349; HB 73; SB 58 w SA 1, 2, HA 1; SB 201; SB 109; HB 422; HB 448 w HA 1; HB 253 w HA 1; HB 372 w HA 2, 3.

HB 378 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Minner (no objection):

HB 378 - AN ACT TO AMEND CHAPTER 60, TITLE 7, OF THE DELAWARE CODE RELATING TO OCEAN DUMPING. Sponsors: Representatives Schroeder, Amick, Bennett, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkier, Lee, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Sills, Smith, Soles, VanSant, West; Senators Adams, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, McDowell, Minner, Sharp, Venables, R. Still, Vaughn.

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

HB 423 w HA 1, 2, 4 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Marshall (no objection):

HB 423 w HA 1, 2, 4 - AN ACT TO AMEND CHAPTER 61, TITLE 30 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE STATE OF DELAWARE TO LEVY AND COLLECT A PUBLIC LODGING TAX AND DEDICATING THE PROCEEDS OF THE TAX TO THE STATE BEACH PRESERVATION PROGRAM AND COUNTY CONVENTION AND VISITORS BUREAUS. (3/5 vote)

The privilege of the floor was extended to Robert L. Stickels representing Sussex County and various Senators entered into discussion of the Bill.

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

At 10:47 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 11:15 p.m., Senator Cordrey presiding.

On motion of Senator Adams, the Governor's nomination for appointment of Jeffrey W. Hague 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) ABSENT; therefore, the appointment was declared confirmed.

At 11:17 p.m. Lt. Governor Wolf presiding during the above roll call.

HB 441 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Torbert (no objection):

HB 441 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE RELATING TO MAXIMUM GROSS WEIGHT FOR VEHICLES ELIGIBLE FOR SPECIAL HANDICAPPED REGISTRATION PLATES. Sponsors: Representative Clark, Senator Torbert.

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

HB 170 was taken up for consideration on motion of Senator Venables under suspension of the necessary rules (no objection):

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.

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

HB 197 w HA 1, HA 2 w HA 1; HA 3 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 197 w HA 1, HA 2 w HA 1; HA 3 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CANCELLATION OF AUTOMOBILE INSURANCE POLICIES.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Neal, Sharp, Torbert, Vaughn, Venables - 15.

NO: Senators Holloway, McDowell, Minner, R. Still - 4.

NOT VOTING: Senators McBride, J. Still - 2.

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

HB 340 w HA 1 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 340 w HA 1 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO EMPLOYEES, INVESTIGATIONS AND ADMINISTRATIVE PROCEDURES FOR REGULATORY BOARDS AND COMMISSIONS.

Before final action was taken on the Bill, it was laid on the table on motion of Senator Torbert.

HB 372 w HA 2, 3 was introduced and taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 372 w HA 2, 3 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO COMMERCIAL MOTOR VEHICLE OPERATORS, LICENSES, EMPLOYERS, FEES, AND PENALTIES. (2/3 vote)

The privilege of the floor was extended to Robert Voshell (Director, Division of Motor Vehicles) and several Senators entered into discussion of the Bill after which it was laid on the table on motion of Senator Torbert.

HB 340 w HA 1 was lifted from the table for consideration 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 Cordrey and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 340 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 285 w HA 1 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

HB 285 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE VALIDITY AND CONFIDENTIALITY OF HEALTH DATA.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Neal, Sharp, J. Still, R. Still, Torbert - 16.

NOT VOTING: Senators McBride, McDowell, Minner, Vaughn, Venables - 5.

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

At 12:00 p.m. June 30, 1989, the 1st Session of the 135th General Assembly adjourned on motion of Senator Sharp.

\* \* \* \* \*

SPECIAL SESSION

July 1, 1989

STATE OF DELAWARE

Office of the Lieutenant Governor

TO: Members of the 135th General Assembly  
FROM: Dale E. Wolf, Lt. Governor, State of Delaware  
Terry R. Spence, Speaker of the House of Representatives  
SUBJECT: Special Session  
DATE: June 30, 1989 12 o'clock

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 135th General Assembly of the State of Delaware in Special Session.

Dale E. Wolf,  
Lt. Governor, State of Delaware

Terry R. Spence  
Speaker of the House of Representatives

\* \* \* \* \*



Pursuant to the above, the Senate convened at 12:01 a.m. July 1, 1989 Lt. Governor Wolf presiding.

A Prayer was offered by Senator Cordrey.

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 450 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 450 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1990; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

SA 1 to the Bill (sponsors: Senators Connor, Bair, Bane, Hauge, Knox, Neal, J. Still, R. Still) was introduced.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn - 11.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

NOT VOTING: Senators Minner, Venables - 2.

Therefore, the motion carried and the Amendment was laid on the table.

Various Senators commented on the Bill after which the roll call vote on HB 450 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Sharp, Torbert, Vaughn - 10.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

NOT VOTING: Senators Minner, Venables - 2.

ABSENT: Senator McDowell - 1.

Therefore, the Bill was declared defeated.

SB 292 was introduced and laid on the table under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 292 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE FIRST STATE IMPROVEMENT FUND AND THE TRANSPORTATION TRUST FUND; PLEDGING MOTOR VEHICLE REGISTRATION FEES TO THE TRANSPORTATION TRUST FUND; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND REPROGRAMMING CERTAIN FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; CREATING CERTAIN FUNDS OF THE STATE ; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AMENDING RETROSPECTIVELY SECTION 29 OF VOLUME 66, CHAPTER 369 OF THE LAWS OF DELAWARE, RELATING TO THE ECONOMIC DEVELOPMENT FUND; AMENDING RETROACTIVELY CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY; AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE TO EMPOWER THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY TO SERVE AS THE SOLE MEMBER OF DOVER-DEL HOUSING CORP. TO ASSIST DEVELOPMENT OF LOW- AND MODERATE-INCOME HOUSING IN DELAWARE; AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF A LAND ACQUISITION FUND; AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF A SMALL BUSINESS REVOLVING LOAN AND CREDIT ENHANCEMENT FUND; AMENDING TITLE 2, CHAPTER 14, SECTIONS 1414, 1415 AND 1417 OF THE DELAWARE CODE RELATING TO THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING TITLE 21, CHAPTER 3, SECTION 206 OF THE DELAWARE CODE PERTAINING TO DISTRIBUTION OF MOTOR VEHICLE REGISTRATION FEES; AMENDING TITLE 29, SECTIONS 8402, 8403(A), 8403(B), 8403(C) AND 8411 OF THE DELAWARE CODE RELATING TO DEPARTMENT OF TRANSPORTATION POSITIONS; AMENDING TITLE 29, SECTION 7423 OF THE DELAWARE CODE PERTAINING TO BOND VERIFICATION; AMENDING CERTAIN SECTIONS OF CHAPTERS 360 AND 92, VOLUME 66, LAWS OF DELAWARE AND AMENDING TITLE 21, DELAWARE CODE (3/4 vote) Sponsors: Senator Cook, Representative Roy; Senators Knox, Martin, McBride, Minner, Neal; Representatives Carey, Corrozi, B. Ennis, Jonklert, Taylor.

At 12:21 a.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 2:00 a.m., Lt. Governor Wolf presiding.

Senator Knox moved that the roll call vote on HB 450 be rescinded and the Bill restored to the Calendar. There was no objection and the Bill was taken up for consideration on motion of Senator Cook (no objection).

SA 2 to the Bill (sponsor: Senator Cook) 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.

The roll call vote on HB 450 w SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SA 1 to HB 450 was stricken on motion of Senator Connor.

SB 292 was lifted from the table for consideration on motion of Senator Cook (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Marshall, Sharp, Vaughn) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Cook (no objection) the roll call vote on HB 325 w HA 1, 2 was lifted and announced. The roll call vote revealed 20 Senators voting YES and 1 (Neal) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 291 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 291 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE AND CHAPTER 39, TITLE 14, DELAWARE CODE BY PROVIDING FOR POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JANUARY 1, 1989, AND FURTHER PROVIDING POST-RETIREMENT INCREASES TO THOSE PENSIONERS UNDER THE PROVISIONS OF CHAPTER 56, TITLE 29, DELAWARE CODE AND CHAPTER 83, TITLE 11, DELAWARE CODE, AND FURTHER PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

SA 1 to the Bill (sponsor: Senator Cook) 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.

The roll call vote on SB 291 w SA 1 was then taken and revealed:

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 16.  
NO: Senator Hauge - 1.

NOT VOTING: Senators Bair, Bane, Knox, R. Still - 4.

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

HB 122 w HA 1 was taken up for consideration on motion of Senator Marshall:

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)

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

SA 1 to SB 163 was stricken on motion of Senator Connor.

HB 421 w HA 1, 2 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 421 w HA 1, 2 - AN ACT TO AMEND CHAPTER 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DELAWARE SOLID WASTE AUTHORITY FOR MANAGING THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE, INCLUDING INFECTIOUS WASTE, AND PROVIDING FOR INCREASED ENFORCEMENT AUTHORITY AND INDEMNIFICATION OF DIRECTORS OF THE DELAWARE SOLID WASTE AUTHORITY. (3/4 vote)

SA 2 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 421 w HA 1, 2, SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 422 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 422 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT.

The privilege of the floor was extended to Phillip G. Retallick (Department of Natural Resources and Environmental Control) 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 returned to the House.

At 2:50 a.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:01 a.m. Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 449; HS 1 to HB 341; HB 453; HB 452; HB 383; HB 335; HB 271; HB 427 w HA 2; SB 128; SB 106 w SA 1, 2, 3; SB 87; SB 193; SB 243; SB 146 w SA 1; SB 232; SB 262; SB 133; SB 174 w SA 1; HB 476; SB 252 w SA 1; SB 275; SB 276; HB 428; SS 1 for SB 245; SB 294; SB 259; SB 290 and adopted HCR 108; HCR 110; HCR 111; SCR 89; SCR 88; SCR 87; SCR 32; SCR 90; SCR 91; SCR 92; SCR 94.

At 3:02 a.m. Lt. Governor Wolf presiding.

HB 449 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 449 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 1990; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

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

HB 331 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 331 - AN ACT TO AMEND CHAPTER 87, TITLE 29 OF THE DELAWARE CODE, RELATIVE TO THE DEPARTMENT OF STATE.

SA 1 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

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 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 331 w SA 1, 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

On motion of Senator Marshall (and without objection), the roll call vote on HB 423 w HA 1, 2, 4 was lifted and announced:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Martin, Minner, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Marshall, Sharp - 2.

NOT VOTING: Senator McBride - 1.

ABSENT: Senator McDowell - 1.

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

At 3:17 a.m., July 1, 1989 the Special Session recessed to the call of the President pro Tempore on motion of Senator Sharp.

The Senate reconvened at 2:41 p.m., January 9, 1990, Lt. Governor Wolf presiding and adjourned on motion of Senator Sharp to immediately convene for the 1st Legislative Day of the Second Session of the 135th General Assembly.

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135TH GENERAL ASSEMBLY  
SECOND SESSION  
1ST LEGISLATIVE DAY  
January 9, 1990

The Senate convened at 2:41 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 Bair marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had passed SB 292; HS 1 for HB 353 w HA 1.

LEGISLATIVE ADVISORIES #21 through #28 were read in part and a copy of each Advisory made to each Senator:

LEGISLATIVE ADVISORY #21 (6-29-89): On June 27, 1989 the Governor signed SB 159 w HA 1, 2, 3 (Volume 67, Chapter 39, Laws of Delaware); SB 55 w SA 1 (Volume 67, Chapter 40, Laws of Delaware); HB 213 (Volume 67, Chapter 41, Laws of Delaware); SJR 5; SB 79 (Volume 67, Chapter 42, Laws of Delaware); SB 78 w SA 1 (Volume 67, Chapter 43, Laws of Delaware); SB 119 (Volume 67, Chapter 44, Laws of Delaware); SB 160 w SA 1 (Volume 67, Chapter 45, Laws of Delaware); HJR 7 w SA 1 (6-29-89). A correction to LEGISLATIVE ADVISORY #18: On May 31, 1989, the Governor signed SB 185 (Volume 67, Chapter 28, Laws of Delaware).

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LEGISLATIVE ADVISORY #22 (7-3-89): On June 29, 1989 the Governor signed SB 188 (Volume 67, Chapter 50, Laws of Delaware); SB 191 w SA 1 (Volume 67, Chapter 51, Laws of Delaware); SB 176 w SA 1 (Volume 67, Chapter 52, Laws of Delaware); SB 104 w SA 2 (Volume 67, Chapter 53, Laws of Delaware); SB 103 w SA 1 (Volume 67, Chapter 54, Laws of Delaware); SB 216 w SA 1 (Volume 67, Chapter 55, Laws of Delaware); SB 46 (Volume 67, Chapter 57, Laws of Delaware); SB 166 (Volume 67, Chapter 58, Laws of Delaware); SB 167 w SA 1 (Volume 67, Chapter 59, Laws of Delaware); On June 30, 1989 the Governor signed HB 318 (Volume 67, Chapter 60, Laws of Delaware); SB 155 (Volume 67, Chapter 61, Laws of Delaware); On July 1, 1989 the Governor signed SB 292 (Volume 67, Chapter 46, Laws of Delaware); HB 450 w SA 2 (Volume 67, Chapter 47, Laws of Delaware); HB 127 w SA 1 (Volume 67, Chapter 48, Laws of Delaware); HS 1 for HB 234 (Volume 67, Chapter 49, Laws of Delaware); HB 449 (Volume 67, Chapter 62, Laws of Delaware); HJR 15; HJR 16. On July 3, 1989 the Governor vetoed SB 111 w SA 1, HA 1, 2.

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LEGISLATIVE ADVISORY #23 (7-6-89): On July 5, 1989 the Governor signed HB 130 (Volume 67, Chapter 63, Laws of Delaware); HB 157 (Volume 67, Chapter 64, Laws of Delaware). On July 6 the Governor signed SB 31 w SA 1 (Volume 67, Chapter 65, Laws of Delaware); SB 168 (Volume 67, Chapter 66, Laws of Delaware); SB 184 (Volume 67, Chapter 67, Laws of Delaware); SB 21 (Volume 67, Chapter 68, Laws of Delaware); SB 81 (Volume 67, Chapter 69, Laws of Delaware); SB 130 (Volume 67, Chapter 70, Laws of Delaware); SB 161 w SA 1 (Volume 67, Chapter 71, Laws of Delaware); SB 158 (Volume 67, Chapter 72, Laws of Delaware); SB 256 (Volume 67, Chapter 73, Laws of Delaware); SB 237 (Volume 67, Chapter 74, Laws of Delaware).

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LEGISLATIVE ADVISORY #24 (7-11-89): On July 7, 1989 the Governor signed SB 205 w SA 2 (Volume 67, Chapter 78, Laws of Delaware); SB 219 (Volume 67, Chapter 80, Laws of Delaware); SB 247 (Volume 67, Chapter 81, Laws of Delaware); SB 255 (Volume 67, Chapter 82, Laws of Delaware); SB 251 (Volume 67, Chapter 83, Laws of Delaware); SB 129 (Volume 67, Chapter 84, Laws of Delaware); SB 206 (Volume 67, Chapter 85, Laws of Delaware); SB 259 (Volume 67, Chapter 92, Laws of Delaware); SS 1 to SB 245 (Volume 67, Chapter 99, Laws of Delaware). On July 10 the Governor signed HB 329 (Volume 67, Chapter 75, Laws of Delaware); SB 195 (Volume 67, Chapter 76, Laws of Delaware); SB 218 w SA 1 (Volume 67, Chapter 79, Laws of Delaware). On July 11 the Governor signed HB 377 w SA 1 (Volume 67, Chapter 77, Laws of Delaware); SB 197 (Volume 67, Chapter 86, Laws of Delaware); HB 169 (Volume 67, Chapter 87, Laws of Delaware); HB 319 (Volume 67, Chapter 88, Laws of Delaware); SB 106 w SA 1, 2, 3 (Volume 67, Chapter 89, Laws of Delaware); SB 85 w SA 1 (Volume 67, Chapter 90, Laws of Delaware); SB 179 w SA 1, 2 (Volume 67, Chapter 91, Laws of Delaware); SB 243 (Volume 67, Chapter 93, Laws of Delaware); SB 232 (Volume 67, Chapter 94, Laws of Delaware); SB 146 w SA 1 (Volume 67, Chapter 95, Laws of Delaware); SB 290 (Volume 67, Chapter 97, Laws of Delaware); SB 275 (Volume 67, Chapter 98, Laws of Delaware). The following is a Constitutional Amendment and does not require the Governor's signature: SB 109 (Volume 67, Chapter 96, Laws of Delaware).

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LEGISLATIVE ADVISORY #25 (7-13-89): On July 12, 1989 the Governor signed SB 224 w SA 1, 3, HA 1 (Volume 67, Chapter 101, Laws of Delaware); SB 133 (Volume 67, Chapter 102, Laws of Delaware); SB 128 (Volume 67, Chapter 103, Laws of Delaware); SB 193 (Volume 67, Chapter 104, Laws of Delaware); SB 213 (Volume 67, Chapter 105, Laws of Delaware); SB 136 (Volume 67, Chapter 108, Laws of Delaware); SS 1 for SB 183 w SA 1 (Volume 67, Chapter 109, Laws of Delaware); SB 182 w SA 3 (Volume 67, Chapter 110, Laws of Delaware); On July 13 the Governor signed SB 217 (Volume 67, Chapter 100, Laws of Delaware); SB 201 (Volume 67, Chapter 106, Laws of Delaware); SB 262 (Volume 67, Chapter 107, Laws of Delaware); SB 252 w SA 1 (Volume 67, Chapter 111, Laws of Delaware); HB 367 (Volume 67, Chapter 112, Laws of Delaware); HB 170 (Volume 67, Chapter 113, Laws of Delaware); HB 365 (Volume 67, Chapter 114, Laws of Delaware).

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LEGISLATIVE ADVISORY #26 (7-18-89): On July 13, 1989 the Governor signed SB 142 w SA 2 (Volume 67, Chapter 115, Laws of Delaware). On July 14 the Governor signed HB 303 (Volume 67, Chapter 122, Laws of Delaware); HB 441 (Volume 67, Chapter 125, Laws of Delaware); HB 122 w HA 1 (Volume 67, Chapter 127, Laws of Delaware). On July 17 the Governor signed HB 23 w HA 1, SA 2 (Volume 67, Chapter 116, Laws of Delaware); HB 202 (Volume 67, Chapter 117, Laws of Delaware); SB 181 w SA 2, HA 1 (Volume 67, Chapter 118, Laws of Delaware); SB 233 (Volume 67, Chapter 119, Laws of Delaware); SB 294 (Volume 67, Chapter 120, Laws of Delaware); SS 2 to SB 42 w SA 1 (Volume 67, Chapter 121, Laws of Delaware); HB 105 (Volume 67, Chapter 123, Laws of Delaware); SB 174 w SA 1 (Volume 67, Chapter 124, Laws of Delaware); HS 1 to HB 328 (Volume 67, Chapter 126, Laws of Delaware); HB 331 w SA 1, 2 (Volume 67, Chapter 128, Laws of Delaware). On July 17 the Governor vetoed SB 137 w SA 1, 3; HB 267. The following is a Constitutional Amendment and does not require the Governor's signature: SB 87 (Vol. 67, Chap. 129, Laws of Dela.).

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LEGISLATIVE ADVISORY #27 (7-21-89): On July 17, 1989 the Governor signed SB 58 w SA 1, 2, HA 1 (Volume 67, Chapter 130, Laws of Delaware). On July 18 the Governor signed HB 348 (Volume 67, Chapter 131, Laws of Delaware); HB 349 (Volume 67, Chapter 132, Laws of Delaware); HB 350 (Volume 67, Chapter 133, Laws of Delaware); HB 351 w HA 1, SA 1 (Volume 67, Chapter 134, Laws of Delaware); HB 378 (Volume 67, Chapter 135, Laws of Delaware); HB 421 w HA 1, 2, SA 1 (Volume 67, Chapter 136, Laws of Delaware); HB 336 w HA 1 (Volume 67, Chapter 137, Laws of Delaware); HB 422 (Volume 67, Chapter 140, Laws of Delaware). On July 19 the Governor signed HB 325 w HA 1, 2 (Volume 67, Chapter 139, Laws of Delaware); HB 197 w HA 1, HA 2 w HA 1, HA 3 (Volume 67, Chapter 142, Laws of Delaware); HB 285 w HA 1 (Volume 67, Chapter 143, Laws of Delaware); SB 274 (Volume 67, Chapter 146, Laws of Delaware); HB 250 w SA 1 (Volume 67, Chapter 147, Laws of Delaware). On July 20 the Governor signed HB 72 w HA 1, 3, SA 2, 4, 5 (Volume 67, Chapter 141, Laws of Delaware); HB 340 w HA 1, SA 1 (Volume 67, Chapter 144, Laws of Delaware); HB 355 w HA 1, SA 1 (Volume 67, Chapter 145, Laws of Delaware). On July 21 the Governor signed HB 98 w HA 1 (Volume 67, Chapter 148, Laws of Delaware); HB 236 (Volume 67, Chapter 149, Laws of Delaware); HB 237 (Volume 67, Chapter 150, Laws of Delaware); HB 238 (Volume 67, Chapter 151, Laws of Delaware). The following became law without the Governor's signature on Wednesday, July 19, 1989: HB 423 w HA 1, 2, 4 (Volume 67, Chapter 138, Laws of Delaware). On July 18 the Governor vetoed HB 304. On July 19 the Governor vetoed HB 222 w SA 1. On July 20 the Governor vetoed HB 67 w HA 1. On July 21 the Governor vetoed HB 117 w HA 1, SA 1, 2, 3.

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LEGISLATIVE ADVISORY #28 (7-26-89): On July 25, 1989 the Governor vetoed HB 297 w HA 1, 2. Correction to Legislative Advisory #27: On July 18 the Governor signed HB 421 w HA 1, 2, SA 2 (Volume 67, Chapter 136, Laws of Delaware).

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The following communication from Senator Cordrey was read:

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903

September 21, 1989

TO: All Members of the 135th General Assembly  
FROM: Senator Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointment -- HB 450 Epilogue

In the Epilogue of House Bill No. 450 of the 135th General Assembly, you will find the establishment of a Committee, Children at Risk. As per the power invested in me with the passage of HB 450, I hereby appoint: Senator Harris B. McDowell, III, 2311 Baynard Boulevard, Wilmington, Delaware 19802, as a member of Children At Risk Committee.

\* \* \* \* \*

The following Committee reports were announced:  
From the Administrative Services Committee: HB 8 w HA 1 - 4 Merits.  
From the Finance Committee: HB 106 w HA 1 - 4 Merits; HB 51 w HA 1 - 4 Merits; HB 34  
- 4 Merits.

The following communication from Senator Adams was read:

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903

MEMORANDUM

TO: Bernard J. Brady, Secretary of the Senate  
FROM: Senator Thurman Adams  
DATE: June 27, 1989  
RE: Co-sponsors added to Legislation

For purposes of the Senate Journal please record Senator Robert T. Still as co-sponsor of Senate Bill 271 while in the Senate Judiciary Committee.

\* \* \* \* \*

The following communication from the Chief Clerk of the House was read:

HOUSE of REPRESENTATIVES  
STATE of DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903

September 26, 1989

The Honorable Bernard J. Brady  
Secretary of the Senate  
Delaware State Senate  
Legislative Hall  
Dover, DE 19901

Dear Bernard:

During the course of proofreading various House records, I noted that Representative Fallon signed the backer of SB 75 as an additional sponsor. I'm sorry I can't tell you the date this was done.

Thank you for your anticipated cooperation.

Very truly yours,  
JoAnn M. Hedrick, Chief Clerk

\* \* \* \* \*

The following communication from U. S. Senator Joseph R. Biden, Jr. was read:

United States Senate  
Washington, D. C. 20510

July 14, 1989

Delaware State Senate  
c/o Mr. Bernard J. Brady  
Secretary of the Senate  
Legislative Hall  
Dover, DE 19903

Dear Senators:

I have received a copy of your resolution regarding the two-year waiting period before Social Security disability beneficiaries are eligible for Medicare benefits. I appreciate your concern about this issue.

As you noted in the resolution, this two-year waiting period can certainly pose an extreme hardship -- one that might even mean the difference between life and death. But, I am not aware of any legislation that has been introduced to repeal this waiting period. Should something be introduced, I will carefully examine the proposal.

There is one thing, however, that I must clarify. Although the Social Security trust fund currently holds billions of dollars in reserve and is financially sound, we must be careful about enacting legislation that would reduce this reserve. The surpluses are not "unexpected"; Congress fully intended to start saving money for the future.

In 1983, in order to save the Social Security system from financial collapse, Congress enacted a comprehensive revision of the system. Part of the package was the creation of a Social Security trust fund. That fund is an effort to save money for when the so-called Baby Boom generation begins retiring early in the next century. Without a large trust fund, the system may simply not be able to survive.

Thank you again for the resolution and for your concern.

Sincerely,  
Joseph R. Biden, Jr.  
United States Senator

\* \* \* \* \*

Senator Martin marked PRESENT.

The following legislation was introduced:

SB 293 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS. Sponsor: Senator Connor. Assigned to Finance Committee.

SB 295 - AN ACT TO AMEND SECTION 5527, CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS OF ELECTED OFFICIALS. Sponsors: Senators Connor, Bair, Bane, Hauge, Knox, Neal, J. Still, R. Still. Stricken on motion of Senator Connor.

SB 296 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1989; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", CHAPTER 303 OF VOLUME 66 OF LAWS OF DELAWARE. Sponsors: Senators McDowell, Cook, Holloway; Representatives Corrozi, Carey, Sills. Assigned to Finance Committee.

Senator Sharp (Leader of the Majority Party) made welcoming remarks to the Lt. Governor, fellow members of the Senate, Senate staff and press.

Senator Bair (Leader of the Minority Party) congratulated the staff of the Minority Party.

The following legislation was introduced:

SB 297 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1990; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 450 OF THE 135TH GENERAL ASSEMBLY, BY ADDING AN APPROPRIATION FOR IMPLEMENTATION OF THE DELAWARE EMERGENCY MEDICAL SERVICES ACT; AND TO AMEND THE DELAWARE EMERGENCY MEDICAL SERVICES ACT FOR THE PURPOSE OF ESTABLISHING FUNDING CRITERIA. (3/4 vote). Sponsors: Senators Holloway, R. Still; Representatives Lee, Smith; Senators Cordrey, Sharp, Marshall, Martin, Bair, Connor, Bane, Knox, Hauge, Neal; Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Jonklert, Quillen, Caulk, Carey, Roy, Ewing, D. Ennis, Maroney, Fallon. Assigned to Finance committee. Senator Cordrey requested that his name be withdrawn as co-sponsor of the Bill.

SB 298 - AN ACT TO AMEND TITLE 16 AND TITLE 29 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL SERVICES AND PROVIDING FOR THE DELAWARE EMERGENCY MEDICAL SERVICES ACT AND FURTHER AMENDING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1990, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 450 OF THE 135TH GENERAL ASSEMBLY, BY MAKING AN APPROPRIATION THEREFOR. Sponsors: Senators Holloway, R. Still; Representatives Lee, Smith; Senators Cordrey, Sharp, Marshall, Martin, Bair, Connor, Bane, Knox, Hauge, Neal; Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Jonklert, Quillen, Caulk, Carey, Roy, Ewing, D. Ennis, Maroney, Fallon. Assigned to Finance committee. Senator Cordrey requested that his name be withdrawn as co-sponsor of the Bill.

SB 299 - AN ACT TO AMEND SECTION 5415, TITLE 30 OF THE DELAWARE CODE, CONCERNING DISTRIBUTION OF RECEIPTS OF THE TRANSFER TAX TO THE COUNTIES. Sponsors: Senator Sharp (by request); Senators Marshall, Martin, Holloway, McBride, Vaughn, R. Still; Representatives Gilligan, Campanelli, Houghton, Jonklert, Lee. Assigned to Revenue and Taxation Committee.

SB 300 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, RELATING TO REAL ESTATE TRANSFER TAX. Sponsors: Senators Cook, Venables; Representatives Gilligan, Sillis, Buckworth. Assigned to Revenue and Taxation Committee.

SB 301 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS AND A WAITING PERIOD THEREFORE. (2/3 vote) Sponsors: Senators Bane, Bair, Holloway, Knox, R. Still; Representatives Ewing, Maroney, Smith, Soles. Assigned to Judiciary Committee.

SB 302 - AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE PURPOSE OF PROVIDING ADDITIONAL STAFF AND OPERATING EXPENSES. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal, Connor. Assigned to Committee to Combat Drug Abuse.

SB 303 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, TO PROHIBIT THE PRACTICE OF HAZING BY FRATERNITIES AND SORORITIES IN HIGH SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING. (2/3 vote) Sponsor: Senator Holloway. Assigned to Education Committee.

SB 304 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF RED FOXES. Sponsors: Senator Vaughn; Representatives B. Ennis, Jester. Assigned to Natural Resources and Environmental Control Committee.

HB 73 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO DEDUCTIONS IN DETERMINING THE PERSONAL INCOME TAX. Sponsors: Representatives Gilligan, Smith. Assigned to Revenue and Taxation Committee.

HB 95 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO THE SPECIAL FUND FOR PAYMENTS TO NON-PROFIT ORGANIZATIONS THAT PROVIDE AMBULANCE OR RESCUE SERVICES. Sponsors: Representatives Oberle, B. Ennis, West. Assigned to Finance Committee.

HB 253 w HA 1 - AN ACT TO AMEND CHAPTER 63 OF TITLE 7 OF THE DELAWARE CODE RELATING TO THE STATE'S HAZARDOUS WASTE MANAGEMENT ACT. Sponsors: Representatives Carey, Mack, Petrilli, Corrozi, Caulk, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Quillen, Reynolds, Smith, Taylor, Bunting, Houghton, Schroeder; Senators Minner, Bane, Bair, J. Still, Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 271 - AN ACT TO AMEND CHAPTER 1, TITLE 16, RELATING TO PUBLIC ACCESS TO INFORMATION. Sponsor: Representative Roy. Assigned to Health-Social Services/Aging Committee.

HB 323 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CRIMINAL JURISDICTION OF INFERIOR COURTS AND JUSTICES OF THE PEACE. (2/3 vote) Sponsors: Representatives Bennett, George, Amick, Boykin, Carey, D. Ennis, Lee, Mack, Reynolds, Smith, Soles, Spence, Taylor. Assigned to Judiciary Committee.

HB 335 - AN ACT TO AMEND CHAPTER 17, TITLE 18 OF THE DELAWARE CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE AGENTS, BROKERS, SURPLUS LINES BROKERS AND CONSULTANTS. Sponsor: Representative D. Ennis. Assigned to Insurance and Elections Committee.

HS 1 for HB 341 - AN ACT TO AMEND TITLE 24 RELATING TO TERMS OF OFFICERS OF PROFESSIONAL REGULATORY BOARDS AND THE COMPENSATION OF BOARD MEMBERS. Sponsor: Representative Amick. Assigned to Sunset Committee; reassigned at the request of Senator McDowell to the Administrative Services/Energy Committee.

At 3:10 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., Lt. Governor Wolf presiding.

The following corrected Committee reports were announced from the Finance Committee: HB 51 w HA 1 - 6 Merits; HB 106 w HA 1 - 6 Merits; HB 34 - 6 Merits.

The following legislation was introduced:

HB 344 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS AND THE FIRST OFFENDER PROGRAM. Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Bunting. Assigned to Committee to Combat Drug Abuse.

HB 345 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS AND THE FIRST OFFENDER PROGRAM. Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Reynolds, Smith, Davis, Roy, Hebner, Bunting. Assigned to Committee to Combat Drug Abuse.

HS 1 for HB 353 w HA 1 - AN ACT TO AMEND SECTION 5114 OF TITLE 25 OF THE DELAWARE CODE RELATING TO CHARGES AND/OR METERING FOR UTILITY SERVICES BY LANDLORDS OWNING AND OPERATING COMMERCIAL UNITS, TERMINATION OF SERVICE, AND JURISDICTION. Sponsors: Representatives Boykin, DiPinto. Assigned to Small Business Committee.

HB 383 - AN ACT TO AMEND CHAPTER 77, TITLE 3 OF THE DELAWARE CODE RELATING TO STRAY LIVESTOCK. Sponsors: Representatives Clark, Bunting, Carey, Caulk, Gilligan, Mack, Schroeder; Senators Connor, Cook, Minner, Venables, J. Still, III, R. Still, Vaughn. Assigned to Agriculture Committee.



HB 388 w HA 1 - AN ACT TO REESTABLISH THE BOARD OF LANDSCAPE ARCHITECTS BY REESTABLISHING AND REENACTING ALL PROVISIONS OF CHAPTER 2, TITLE 24 OF THE DELAWARE CODE. Sponsors: Representative Boykin, Senator Minner; Representatives Taylor, Quillen, Oberle, Campanelli, Jonkiert; Senators Knox, Venables, J. Still. (2/3 vote) Assigned to Sunset Committee.

HB 403 w HA 1 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 405 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 427 w HA 2 - AN ACT TO AMEND TITLE 18 RELATING TO CORPORATE OWNED LIFE INSURANCE. Sponsors: Representatives D. Ennis, Spence, Outten; Senator Vaughn. Assigned to Insurance and Elections Committee.

HB 428 - AN ACT TO AMEND CHAPTER 55, TITLE 30 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF COMMODITIES AND SERVICES SUBJECT TO DELAWARE PUBLIC UTILITIES TAXES. Sponsor: Representative Lee. Assigned to Revenue and Taxation Committee.

HB 448 w HA 1 - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF FEES TO FUND THE LOCAL EMERGENCY PLANNING COMMITTEES; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR. Sponsors: Representatives B. Ennis, D. Ennis; Senator Torbert. (3/5 vote) Assigned to Natural Resources and Environmental Control Committee.

HB 452 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO AUTHORIZING THE DELAWARE NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE UP TO SEVEN (7) COMMERCIAL GILL NET PERMITS TO NEW JERSEY RESIDENTS TO FISH FOR SHAD. Sponsor: Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

HB 453 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 470 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO THE DESECRATION OF THE NATIONAL FLAG ANY PUBLIC MONUMENT OR STRUCTURE ANY PLACE OF WORSHIP, OR ANY OTHER OBJECT OF VENERATION. Sponsors: Representative Ewing, Senator Adams. (2/3 vote) Assigned to Judiciary Committee.

HB 476 - AN ACT TO AMEND SECTION 5527, CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS OF ELECTED OFFICIALS. Sponsors: Representatives Davis, Corrozi, Smith, Soles, Quillen; Senators Hauge, R. Still. Assigned to Finance Committee.

HB 394 - AN ACT TO AMEND CHAPTER 41, TITLE 31 OF THE DELAWARE CODE AND CHAPTER 29, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE HOUSING CODE AND ITS ENFORCEMENT. Sponsors: Representative DiPinto, Senator Minner; Representatives Boykin, D. Ennis, Lee, Jonkiert, Sillis, VanSant; Senators Holloway, Bair, R. Still. Assigned to Community Affairs Committee.

SB 305 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER II, TITLE 11 OF THE DELAWARE CODE RELATING TO DEATH OR SERIOUS PHYSICAL INJURY CAUSED BY THE NEGLIGENCE OF A DRIVER OF A MOTOR VEHICLE. Sponsors: Senators Sharp, Torbert; Representative Spence. Assigned to Judiciary Committee.

SB 306 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO NONRESIDENT LICENSURE OF REAL ESTATE BROKERS, SALESPERSONS AND APPRAISERS, AND TO DISCIPLINARY ACTION AGAINST LICENSEES. (3/5 vote) Sponsors: Senator Torbert, Representative Amick; Representatives DiPinto, Boykin, Lee, Caulk, B. Ennis. Laid on the table on motion of Senator Torbert.

SB 307 - AN ACT TO AMEND CHAPTER 2, 13, 17 AND 31, TITLE 14, DELAWARE CODE, TO CHANGE THE TERMS USED FOR CERTAIN GROUPS OF HANDICAPPED STUDENTS. Sponsors: Senator McBride, Representative Fallon. Assigned to Education Committee.

SA 1 and SA 2 to HB 29. Sponsor: Senator McDowell. Placed with the Bill.

SJR 8 - DIRECTING THE DELAWARE TURNPIKE ADMINISTRATION TO TAKE NO ACTION TO PLAN, BUILD, OR FINANCE A HOTEL, MOTEL, OR OTHER LODGING FACILITY ON THE DELAWARE TURNPIKE MEDIAN OR ON ANY OTHER PROPERTY UNDER THE EFFECTIVE CONTROL OF THE AUTHORITY, OR ELSEWHERE. Sponsors: Senators McDowell, Holloway, McBride; Representative Jonkiert. Laid on the table on motion of Senator McDowell.

SA 1 to HS 1 for HB 32. Sponsor: Senator Martin. Placed with the Bill.

SA 1 to HB 54. Sponsor: Senator Venables. Placed with the Bill.

SA 1 to HB 58. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 and SA 3 to HS 1 for HB 264 w HA 1, 2. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 290. Sponsor: Senator Minner. Placed with the Bill.

SA 10 and SA 11 to HS 1 for HB 339 w HA 1, 2. Sponsor: Senator McDowell. Placed with the Bill.

The following veto letter from the Governor on SB 111 w SA 1, HA 1, 2 was partially read and a copy made available to each Senator:

STATE of DELAWARE  
Office of the Governor  
July 1, 1989

To the Members of the Senate of the 135th General Assembly

On June 22, 1989, I received Senate Bill 111, As Amended By Senate Amendment No. 1 and House Amendments Nos. 1 and 2, which is entitled:

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."

This bill amends Chapter 59 of Title 29 regarding leaves for state merit system employees. The bill purports to create a system of dedication of leave between state employees. This proposal flies in the face of the rationale of the sick leave system in Delaware. Although the act intends to permit state employees to donate their accumulated leave to other employees with less leave and greater needs, the proposal is rife with errors - both from a technical and an administrative perspective.

In addition, I am convinced that this type of employment practice is not in the best interests of the State nor its employees. Were this bill to become law, the overall operation of the State's work force would be hampered. Based on the potentially adverse ramifications of this bill and the difficulties it would cause in monitoring the State's workforce, I remain opposed to this legislation.

Initially, it should be noted that the bill defines a "catastrophic illness or injury" in such a manner so as to permit abuse of the donation formula, should anyone desire to do so. For example, the bill lists as one of the examples of a "catastrophic illness" medical consultations - which are presumably office visits to a physician. Under this definition, an employee could avail themselves of the donated leave provisions for a routine visit to a physician. The definition is clearly not narrow enough so as to prevent those who wish to do so from abusing the leave system.

While the issue of definitions may appear minor, the second area of concern is perhaps one of the greatest hurdles this bill faces. The bill, as written, makes virtually no provision for its administration. Who is to monitor this program in each individual office, agency and department? Is it to be the State Personnel Office or is it to be the individual agency administrator? Who is responsible for overall monitoring or evaluation? Just how will it be determined if one employee engages in conduct violative of the act (i.e. selling his or her leave)? Additionally, you have administrative difficulties associated with employees who are paid from various federal grants or programs. For example, if a Department of Labor employee working in the Division of Employment and Training requests to donate their sick time to an employee either in the Division of Unemployment Insurance or the Division of Industrial Affairs, there remains a question as to whether this type of money transfer could legally take place using these federal dollars. In one instance, it is a transfer to another federally-funded program but in the second case it would be a transfer to pay for sick time to an employee working in a state-funded program. It is precisely these types of questionable transactions which give rise to audit exceptions when the various programs are audited by their sponsors.

It is readily apparent that the system of sick leave currently in place in this State was never intended to be used in the fashion permitted by this legislation. The theory of dedicated leave represents a very real concern for the suffering of others; however, the potential for abuse of this system clearly outweighs any humane side effects. If indeed there was a concern for those employees who are adversely affected by the current sick leave provisions, perhaps the issue should be addressed by permitting employees to dedicate annual leave which has an actual monetary value to the employees. By requiring employees to dedicate annual leave instead of sick leave the likelihood of abuse should be greatly reduced.

Additionally, an amendment to the bill prevents donation of leave by any person within the last six months prior to such person's retirement. The bill does not address the enforcement of these provisions, however. What would the proper remedy be for an employee who violated this proscription? Clearly you could not retract their retirement.

This bill attempts to accomplish its goals without adequately answering the questions raised above. Due to the problems associated with federal audit exceptions and possible inequities in the granting of these leaves, this legislation cannot be permitted to become effective.

For the reasons state above, I am returning Senate Bill 111, As Amended by Senate Amendment No. 1 and House Amendments Nos. 1 and 2, without my signature.

Respectfully submitted,  
Michael N. Castle  
Governor

\* \* \* \* \*

The following veto letter from the Governor on SB 137 w SA 1, 3 was partially read and a copy made available to each Senator:

STATE OF DELAWARE  
Office of the Governor  
July 17, 1989

To the Members of the Senate of the 135th General Assembly

On July 5, 1989, I received Senate Bill 137 as amended by Senate Amendment Nos. 1 and 3, which is entitled:

"AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE RELATING TO THE USE OF DRUG-SNIFFING DOGS IN THE SCHOOLS IN THE STATE OF DELAWARE AND MANDATING AN ANNUAL UNANNOUNCED SEARCH OF EACH SCHOOL BY SUCH DOGS"

Good intentions do not necessarily make good law. There is widespread agreement that we should do everything possible to eliminate drugs from our schools, and the legislation before me is intended to do that. Unfortunately, the bill is so vague that it raises as many questions as it answers; it creates substantial logistical problems; and most importantly it may well violate the Constitutional prohibition against unreasonable searches and seizures. While I share the sponsors' concerns about the drug problem and in fact recently signed legislation which cracks down on drug traffickers, I believe other means may be more effective in combatting drugs, and thus I feel compelled to veto this bill.

The proposed law requires superintendents of each school district and administrators of every non-public school under their control to arrange once a year for drug-sniffing dogs to search the entire school premises for schools which contain grades 6 through 12.

The most compelling argument against signature is my concern over the bill's constitutionality. Decisions by the United States Supreme Court have held that the Fourth Amendment protects students from unreasonable searches conducted by school officials and that a search of a student is permissible where there were reasonable grounds to believe that the search would produce violations of the law or school rules. I seriously doubt that the court would uphold the across-the-board searches of students which might be permissible under this legislation without any reasonable grounds being required.

Another potential constitutional problem exists by virtue of the fact that private schools are included in the mandate of the legislation. Constitutional law mandates that prior to police entering upon private property, unless in hot pursuit, there must be probable cause or a reasonable suspicion of a crime having taken place. Therefore, unless the private school consents to such a search, I question whether this legislation can be fully implemented and meet constitutional requirements. And even if a school did consent, I question whether the school can waive all of its students' constitutional protections.

The legislation would create certain logistical problems. There are 83 public schools in the State of Delaware and at least 78 private schools that have grades 6 through 12. Thus, at least 161 separate inspections of schools would have to take place. Since the legislation requires these searches to take place during the school year, there would be approximately one search per day of a school between September and June. Obviously, the police resources involved in implementing this legislation would be substantial, and while I understand that the mandate of this legislation can be carried out with existing resources, I question whether those resources would be used in the most effective manner in our fight against drugs. Those resources may well be better directed toward more prudent and effective methods of detection of drugs and prosecution of drug dealers as well as towards preventive measures in schools such as drug and alcohol education programs.

Still another problem with this legislation is that it is vague in several areas. It does not expressly say whether the students themselves may be searched. Also, the bill provides that only grades 6 through 12 of a school can be searched, but clearly authorizes searches of the entire school premises. Related thereto is the fact that many schools containing grade 6 have students down to the kindergarten level. I question the propriety of exposing children of this age to such searches.

There is a need for on-going and aggressive efforts to keep drugs out of our schools. Education programs, laws which increase the penalty for selling drugs and which take away driving privileges for minors caught in the possession of drugs, and strict enforcement of other drug-related laws, demonstrate Delaware's commitment to wiping out this scourge. But the Constitution requires us to strike a balance between the state's goals and individual liberties.

Thus, for the reasons stated above, I feel compelled to return Senate Bill 137 as amended by Senate Amendments Nos. 1 and 3 to the Senate without my signature.

Sincerely  
Michael N. Castle,  
Governor

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SENATE CONSENT CALENDAR #23 was introduced:

SR 56 - AUTHORIZING AND DIRECTING THE APPOINTMENT OF A TASK FORCE ON MODERNIZATION OF DELAWARE ADOPTION LAWS. Sponsor: Senator Holloway.

SR 61 - AUTHORIZING AND DIRECTING THE APPOINTMENT OF A SENATE TASK FORCE ON MODERNIZATION OF DELAWARE ADOPTION LAWS. Sponsor: Senator Holloway.

SR 62 - ESTABLISHING A DELAWARE STATE SENATE TASK FORCE ON YOUTHFUL OFFENDERS AND CHARGING THE TASK FORCE TO STUDY THE QUESTION OF WHETHER SIXTEEN AND SEVENTEEN-YEAR-OLD OFFENDERS SHOULD BE TRIED AS JUVENILES OR AS ADULTS FOR THE CRIMES WITH WHICH THEY ARE CHARGED. Sponsor: Senator Cordrey.

SR 63 - RESPECTFULLY REQUESTING THE DELAWARE STATE HOUSING AUTHORITY TO EXPLORE THE FULL RANGE OF ITS AUTHORITY TO FIND WAYS TO ASSIST PRIVATE CITIZENS TO ACQUIRE PROPERTY KNOWN AS JOSEPH MANOR IN CLAYTON TO BE USED UNDER THE AUSPICES OF PRIVATE, NON-PROFIT ENTITIES AS A RESIDENTIAL FACILITY FOR THE ELDERLY, THE DEVELOPMENTALLY DISABLED, AND THOSE IN NEED OF RESPIRE CARE. Sponsor: Senator Holloway.

SCR 95 - EXTENDING MANY THANKS TO ERNIE AND ELLEN FAULKNER OF DINAH'S CORNER WHO ARE RETIRING FROM THE GENERAL GROCERY STORE BUSINESS AFTER DEVOTING MORE THAN 20 YEARS AT THEIR STORE LOCATED AT PEARSON'S CORNER, WEST OF DOVER AND EAST OF MARYDEL AND HARTLY, DELAWARE, AND WISHING BOTH OF THEM THE BEST OF HEALTH, HAPPINESS AND ENJOYMENT, WHICH THEY SO RICHLY DESERVE, DURING THEIR RETIREMENT YEARS. Sponsors: Senator Cook, Representative Clark.

SCR 96 - COMMENDING MR. AND MRS. FRANKLIN COOKE OF SMYRNA, DELAWARE ON THEIR FIFTIETH "GOLDEN" WEDDING ANNIVERSARY, DECEMBER 31, 1989, AND EXTENDING TO EACH OF THEM MANY MORE YEARS OF TOGETHERNESS IN THE BEST OF HEALTH AND HAPPINESS. Sponsors: Senators Cook, Vaughn; Representatives B. Ennis, Clark.

HCR 28 - ESTABLISHING A SPECIAL STUDY COMMITTEE TO EXAMINE THE CURRENT DRIVING UNDER THE INFLUENCE LAWS IN DELAWARE, THE ADMINISTRATIVE AND LEGAL PROBLEMS ASSOCIATED WITH ENFORCEMENT, AND TO MAKE RECOMMENDATIONS FOR IMPROVING THE ADMINISTRATION OF JUSTICE AND THE PREVENTION OF ALCOHOL-RELATED TRAFFIC INJURIES AND FATALITIES IN DELAWARE. Sponsors: Representatives Outten, Houghton, Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Cauk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Jester, Jonkier, Lee, Mack, Maroney, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, VanSant, West; Senators Adams, Bair, Bane, Cook, Hauge, Holloway, Knox, Martin, McBride, Minner, J. Still, R. Still, Torbert, Venables.

HCR 99 - CREATING A STUDY COMMITTEE TO MAKE A COMPREHENSIVE ANALYSIS OF THE LANDLORD TENANT LAW AND PROPOSE NECESSARY REVISIONS. Sponsors: Representatives DiPinto, Boykin, Lee, D. Ennis, Oberle, Mack, Taylor, Smith, Corrozi, Maroney, Amick, Jonkier, Sills, Bunting, VanSant, Plant; Senators Holloway, Bair, Bane, Knox, Neal, Hauge, R. Still J. Still.

HCN 101 - REQUESTING THE GOVERNOR TO IMPANEL AN AD HOC FEASIBILITY STUDY COMMITTEE TO INVESTIGATE AND DETERMINE THE MERITS OF ESTABLISHING A PRISON CONSERVATION CORP TO INCLUDE THE CONSTRUCTION OF BARRACKS AT STRATEGIC LOCATIONS THROUGHOUT THE STATE TO HOUSE INMATES UNDER SUPERVISED CUSTODY WHO HAVE COMMITTED MINOR OFFENSES, WHOSE PURPOSE WOULD BE TO PERFORM SUCH TASKS, BUT NOT LIMITED TO, ROAD CLEAN UP, OPENING OF CLOGGED DRAINAGE DITCHES, DITCH DIGGING, MOSQUITO CONTROL PROJECTS, MOWING OF GRASS ALONG HIGHWAY RIGHT AWAY PROPERTY, AND OTHER PROJECTS OF A CONSERVATION NATURE. Sponsors: Representatives Clark, Brady, Houghton, Mack, Ewing, Buckworth, Quillen, Carey, Caulk, Lee, Jester, Bunting, Schroeder, West, Plant, B. Ennis, Amick, Gilligan, Outten, Bennett; Senators Torbert, J. Still.

HCN 103 - EXTENDING CONGRATULATIONS TO THE ALEXIS I. DUPONT HIGH SCHOOL TIGER MARCHING BAND OF THE RED CLAY CONSOLIDATED SCHOOL DISTRICT ON ITS RECENT SELECTION TO PARTICIPATE IN THE TOURNAMENT OF ROSES PARADE AND DESIGNATING SATURDAY, OCTOBER 7, 1989 AS "DELAWARE ROSE DAY" IN HONOR OF THE RETURN OF THE DIAMOND STATE TO THE TOURNAMENT OF ROSES PARADE. Sponsors: Representative Corrozi, Senator Knox, Representative B. Ennis, Petrilli, Roy, Boykin; Senators Vaughn, R. Still, Bane.

HCN 104 - EXPRESSING MANY THANKS AND BEST WISHES TO MRS. HARRIETT C. BURRIS, OF SMYRNA, DELAWARE, ON HER IMPENDING RETIREMENT AS PRINCIPAL OF CLAYTON ELEMENTARY SCHOOL, AFTER SPENDING MORE THAN THIRTY (30) YEARS AS A TEACHER AND AS A PRINCIPAL IN THE SMYRNA SCHOOL DISTRICT. Sponsors: Representatives B. Ennis, Clark; Senators Vaughn, Cook.

HCN 105 - HONORING THE 1989 PARTICIPANTS IN THE GIRL'S STATE PROGRAM, SPONSORED BY THE DELAWARE AMERICAN LEGION. Sponsors: Representatives Jester, Fallon; Senators Minner, Torbert.

HCN 106 - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO STUDY THE EFFECTS OF THE INTENTIONAL RELEASE OF BALLOONS IN THE STATE OF DELAWARE, AND TO CONSIDERING THE PROHIBITION OF SUCH RELEASES. Sponsors: Representatives Carey, Quillen, Clark; Senator Knox.

HCN 107 - COMMEMORATING THE LIFE AND ACHIEVEMENTS OF BASEBALL LEGEND WILLIAM JULIUS "JUDY" JOHNSON WHO DIED JUNE 15, 1989, AND EXTENDING CONDOLENCES TO HIS MANY FRIENDS AND FAMILY. Sponsors: Representative Plant, Senator Holloway; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkirt, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Spence, Taylor, VanSant, West; Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables.

HCN 108 - HONORING ANNE SHANE BADER UPON HER RETIREMENT AS THE EXECUTIVE DIRECTOR OF THE MEDICAL SOCIETY OF DELAWARE AFTER 25 YEARS WITH THE MEDICAL SOCIETY. Sponsors: Representative Maroney, Senator Holloway.

HCN 110 - RELATING TO THE USES WHICH ARE PROHIBITED IN THE COASTAL ZONE AND ENCOURAGING THE PRESIDENT OF CITI STEEL TO CONSIDER FORMER PHOENIX STEEL WORKERS IN FUTURE HIRING. Sponsors: Representatives Hebner, Brady; Senators Bair, Hauge.

HCN 111 - THANKING THE TRI-STATE BIRD RESCUE AND RESEARCH CLINIC FOR SAVING OUR WILD AMERICA DURING THE RECENT OIL SPILL IN THE DELAWARE RIVER. Sponsors: Representative Smith, Senator McDowell; Representatives Petrilli, Carey.

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SR 62 was removed from the Consent Calendar on motion of Senator Cordrey after which the roll call vote on the Calendar was taken on motion of Senator Minner 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 62 was stricken on motion of Senator Cordrey.

SCR 98 was introduced and considered for adoption on motion of Senator Holloway:

SCR 98 - COMMENDING WILLIAM J. BENNETT, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR HIS STRONG STAND AGAINST LEGALIZATION OF DRUGS SUCH AS COCAINE AND HEROIN. Sponsors: Senator Holloway; Representative Amick; Senators Sharp, Cordrey, Vaughn, Connor, Neal; Representative Buckworth.

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 letter of nomination for appointment from the Governor was read and laid on the table on motion of Senator Adams:

STATE OF DELAWARE  
Office of the Governor  
June 29, 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: Evelyn H. Greenwood, 547 Pennsylvania Avenue, Dover, DE 19901, to be reappointed as a member of the Environmental Appeals Board to serve a three year term expiring June 29, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

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The following communications from the Governor were read:

STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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

The following nomination submitted to the Senate on June 29, 1989, is hereby formally withdrawn: Evelyn H. Greenwood to be reappointed as a member of the Environmental Appeals Board.

Sincerely,  
Michael N. Castle  
Governor

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STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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

The following nomination submitted to the Senate on May 31, 1989, is hereby formally withdrawn: Bruce R. Fitzgerald to be appointed as a member of the State Personnel Commission.

Sincerely,  
Michael N. Castle  
Governor

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STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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

The following nomination submitted to the Senate on May 31, 1989, is hereby formally withdrawn: Ruth P. Malm to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware.

Sincerely,  
Michael N. Castle  
Governor

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At 5:30 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., January 10, 1990.

The Senate reconvened at 3:46 p.m., January 10, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 257 - 2 Favorable, 2 Merits; SB 288 - 4 Merits; SB 305 - 4 Merits.

From the Insurance and Elections Committee: HB 352 - 5 Merits; HB 427 w HA 2 - 5 Merits; HS 1 to HB 193 w HA 1, 2 w HA 1; 3, 4 - 4 Merits.

The following legislation was introduced:

SB 308 - AN ACT TO AMEND TITLE 11 AND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES; AND PROVIDING FOR AN IGNITION INTERLOCK DEVICE ACT. Sponsors: Senator McBride, Representative Amick. Assigned to Public Safety Committee.

HS 1 to HB 193 w HA 1, 2 w HA 1; 3, 4 having been assigned upon its first rading to both Insurance Committee and Banking Committee on June 6, 1989 was now delivered to the Banking Committee upon release from the Insurance Committee.

HB 313 w HA 1 was reported out of the Sunset Committee: 4 Merits.

SB 309 was introduced and assigned to Executive Committee:

SB 309 - AN ACT TO AMEND CHAPTER 16, TITLE 29 OF THE DELAWARE CODE RELATING TO LOBBYING AND EXPENDITURE OF STATE FUNDS. Sponsors: Senators Hauge, Connor, Venables; Representatives Smith, Soles.

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

STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Wayne R. Hanby, 2 Turnbridge Road, Newark, Delaware 19713, 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 Edwin Lord, who is not seeking reappointment.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 30, 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 R. Skelley, 19 Silverside Road, Wilmington, DE 19809, to be reappointed a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 30, 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 M. Poling, 910 Fifth Street, Delaware City, DE 19706, to be reappointed a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

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STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Kathleen C. Lucas, 2805 Faulkland Road, Wilmington, Delaware 19808, to be reappointed a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Barbara C. Hughes, 902 Blackshire Road, Wilmington, Delaware 19805, to be reappointed a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Morris Levenberg, 306 West 37th Street, Wilmington, Delaware 19802, to be reappointed a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Ernst M. Arndt, P. O. Box 94, Viola, Delaware 19979, to be reappointed a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor



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STATE OF DELAWARE  
Office of the Governor  
June 30, 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: Russell Thomas Rash, 240 Old North Road, Camden, Delaware 19934, to be reappointed a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term.

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 9, 1990

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: Althea R. De Brule, 124 Wedgefield Drive, New Castle, DE 19720, to be appointed as a member of the State Personnel Commission to serve a three year term to succeed Theresa F. Knox, whose term has 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 9, 1990

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 S. Benson, 320 Compton Court, Wilmington, DE 19801, to be appointed to the State Personnel Commission to serve a three year term to succeed Jan C. Ting, whose (sic) has 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 9, 1990

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 J. Hanson, 2702 Point Breeze Drive, Wilmington, DE 19810, to be reappointed as a member of the Delaware Solid Waste Authority for a three year term.

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 9, 1990

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 Armstrong, 626 Port Penn Road, Middletown, DE 19709, to be appointed as a member of the Advisory Council on Tidal Finfisheries to serve a five year term to succeed Clyde Roberts, whose term has expired.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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: Eugene M. Reynolds, Jr., Box 239, 107 Broad Street, St. Georges, DE 19733, to be appointed as a member of the Advisory Council on Tidal Finfisheries to serve a five year term to succeed Philip A. Messina, whose term has 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 9, 1990

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: Eva W. Adams, 420 Wyoming Avenue, Dover, DE 19901, to be reappointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term.

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 9, 1990

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: Christopher L. Perry, 213 Greenock Drive, Wilmington, DE 19807, to be reappointed as a member of the Board of Trustees, Delaware Technical and Community College to serve for a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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: Maxine M. L'Abbee, 8 Clearview Drive, Dover, DE 19901, to be reappointed as a member of the Board of Trustees, Delaware Technical and Community College to serve for a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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 R. Adams, 47 East Main Street, Middletown, DE 19709, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

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 9, 1990

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: Leah W. Betts, 113 Magnolia Street, Milton, DE 19968, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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 reappointed as a member of the Environmental Appeals Board to serve a three year term.

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 9, 1990

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: Francis G. Charles, P.O. Box 823, Bethany Beach, DE 19930, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term.

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 9, 1990

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 D. Comly, Jr., 825 East Market Street, 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.

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 9, 1990

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: Alice W. Stark, 223 Wyoming Avenue, Dover, DE 19901, to be reappointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 9, 1990

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 E. Brady, Jr., 2219 West 17th Street, Wilmington, DE 19806, to be reappointed as a member of the Board of Trustees of the Delaware Technical and Community College to serve for a term of three years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

At 4:00 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 2nd Legislative Day.

\* \* \* \* \*

2ND LEGISLATIVE DAY  
January 10, 1990

The Senate convened at 4:00 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.  
The following communication from Senator Cordrey was read:

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903

January 9, 1990

TO: All Members of the 135th General Assembly  
FROM: Senator Richard S. Cordrey, President Pro Tempore  
SUBJECT: Appointments

As per the power invested in me, as President Pro Tempore of the Senate, I hereby appoint Senator Robert L. Venables Chairman of the Sunset Committee and Senator Roger A. Martin as a member of the Sunset Committee.

Furthermore, as set forth in 29 DC 10203, I am removing Senator William C. Torbert as a member of the Sunset Committee.

At this time, I would like to thank Senator Torbert for his service as a member and Chairman of the Sunset Committee.

\* \* \* \* \*

Senators Sharp, Bair and Holloway commented on a report which had been placed on each Senator's desk from the STATE AID TO LOCAL LAW ENFORCEMENT COMMITTEE. A copy of the report is also filed in the minutes of the 2nd Legislative Day.

Senator Hauge marked PRESENT.  
Senator Minner requested that a report from the Delaware River/Bay Oversight Committee be made available to each Senator.

On motion of Senator Holloway and without objection, the roll call vote on SR 56 was rescinded, the Resolution restored to the Calendar and stricken.

SB 306 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SB 306 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO NONRESIDENT LICENSURE OF REAL ESTATE BROKERS, SALESPERSONS AND APPRAISERS, AND TO DISCIPLINARY ACTION AGAINST LICENSEES. (3/5 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.

A messenger from the Governor was announced and admitted.

At 4:24 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:19 p.m., Lt. Governor Wolf presiding.

HB 372 w HA 2, 3 was lifted from the table for consideration on motion of Senator Torbert. (2/3 vote)

SA 1 to the Bill (sponsor: Senator Bair) was introduced.

The privilege of the floor was extended to Robert J. Voshell (Director, Division of Motor Vehicles) after which the roll call vote on SA 1 was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

Senator Neal marked PRESENT during the above roll call.

The privilege of the floor was again extended to Mr. Voshell to address the Bill as now amended by SA 1 and several Senators entered into the discussion.

Before final action was taken, HB 372 w HA 2, 3, SA 1 was laid on the table on motion of Senator Torbert.

Senator Bane commented on a newspaper ad concerning the Race Track Industry.

At 5:50 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 11, 1990.

The Senate reconvened at 2:27 p.m., January 11, 1990 Senator Cordrey presiding.

HB 361 was reported out of the Administrative Services/Energy Committee: 4 Merits.

The Following legislation was introduced:

SB 310 - 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.

At 2:29 p.m., Lt. Governor Wolf presiding.

SB 311 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES. Sponsors: Senators Cordrey, Cook, McDowell, Minner, Vaughn, Bair, Knox, R. Still; Representatives Spence, Buckworth, Carey, Corrozi, D. Ennis, Ewing, Fallon, Lee, Petrilli, Quillen, Bennett, Bunting, B. Ennis, Schroeder, VanSant, West. Assigned to Natural Resources and Environmental Control Committee.

SB 312 - AN ACT AUTHORIZING AND DIRECTING THE INSURANCE COMMISSIONER TO WAIVE THE STATUTORY PROVISIONS OF \$6750, CHAPTER 67A OF TITLE 18, DELAWARE CODE, WITH RESPECT TO JOSEPH R. GIFFITH'S TENURE WITH THE FELTON VOLUNTEER FIRE COMPANY AND TO PROCESS THE NECESSARY PAPERWORK TO PAY THE FUNERAL EXPENSES OF JOSEPH R. GIFFITH, NOT TO EXCEED \$800.00, WHO WAS KILLED IN AN AUTOMOBILE ACCIDENT ON DECEMBER 13, 1988. Sponsors: Senator Cook, Representative Quillen. Assigned to Finance Committee.

SB 313 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH CARE FOR THE MEDICALLY INDIGENT. Sponsors: Senator Holloway, Representative Oberle; Senators Sharp, Cordrey, J. Still, McBride, Venables, Minner, Torbert, Adams, Martin, Marshall; Representatives George, Gilligan, Sills, Plant, Campanelli, West, Jonkier. Assigned to Health-Social Services/Aging Committee.

SJR 9 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp (no objection):

SJR 9 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Sharp, Cordrey, Marshall.

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

At 2:35 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 3rd Legislative Day.

### 3RD LEGISLATIVE DAY January 11, 1990

The Senate convened at 2:35 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.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 112, HCR 113, HCR 114, HCR 115, HCR 116, HCR 117, SCR 95, SCR 96, SCR 98.

SJR 8 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

SJR 8 - DIRECTING THE DELAWARE TURNPIKE ADMINISTRATION TO TAKE NO ACTION TO PLAN, BUILD, OR FINANCE A HOTEL, MOTEL, OR OTHER LODGING FACILITY ON THE DELAWARE TURNPIKE MEDIAN OR ON ANY OTHER PROPERTY UNDER THE EFFECTIVE CONTROL OF THE AUTHORITY OR ELSEWHERE.

Several Senators commented on the Resolution.

Senator McBride requested that his name be removed as a co-sponsor of the Resolution and the Resolution was again laid on the table on further motion of Senator McDowell.

SENATE CONSENT CALENDAR #24 was introduced:

SCR 97 - MOURNING THE DEATH OF WILLIAM WINDER LAIRD JR., NOTED DELAWARE PHILANTHROPIST WHO FOSTERED DELAWARE'S CULTURAL, WELFARE, AND RECREATIONAL OPPORTUNITIES WITHOUT REGARD TO RACE, COLOR, OR CREED. Sponsors: Senators Holloway, Knox, all Senators; Representative Corrozi.

SCR 99 - MOURNING THE DEATH AND COMMEMORATING THE LIFE OF PETER NECHAY, A FORMER MEMBER OF THE DELAWARE STATE SENATE AND HOUSE OF REPRESENTATIVES. Sponsors: Senator Cook, Representative Quillen; Senators Minner, Torbert, Vaughn; Representatives Clark, B. Ennis, Bennett, Outten; Senator Adams.

SCR 100 - CONGRATULATIONS TO THE BRANDYWINE HIGH SCHOOL MARCHING BAND, THE ALEXIS I. DUPONT HIGH SCHOOL TIGER MARCHING BAND, AND THE CITIZEN'S HOSE COMPANY #1 MARCHING BAND, SMYRNA DELAWARE FOR THEIR PARTICIPATION IN THE PHILADELPHIA THANKSGIVING DAY PARADE. Sponsors: Senators Bair, Bane, Cook, Knox, R. Still, Vaughn; Representatives Boykin, Clark, Corrozi, B. Ennis, Maroney, Petrilli.

SCR 101 - MOURNING THE DEATH OF JESSICA IRBY TERRY, DELAWARE'S FIRST LADY FROM 1965-1969. Sponsors: Senator Cook, Representative Outten, all Senators; Representatives Clark, B. Ennis, Bennett, Quillen, Buckworth.

SCR 102 - EXTENDING BEST WISHES TO KIWANIS INTERNATIONAL FIELD REPRESENTATIVE BRUCE E. EBERLY ON HIS VISIT TO BRIDGEVILLE, DELAWARE. Sponsors: Senator Adams, Representative Ewing.

HCR 112 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED TO HEAR THE ANNUAL STATE OF THE STATE ADDRESS BY GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli, Spence, Buckworth; Senators Sharp, Cordrey, Marshall.

HCR 113 - EXTENDING CONGRATULATIONS TO CARAVEL ACADEMY FOOTBALL TEAM, FOR HAVING WON THE STATE DIVISION II HIGH SCHOOL FOOTBALL CHAMPIONSHIP FOR THE 1989 SEASON. Sponsors: Representative Jester, Senator Vaughn.

HCR 114 - EXTENDING CONGRATULATIONS TO DR. KATHERINE ESTERLY, PEDIATRICIAN AND CHIEF OF NEONATOLOGY AT CHRISTIANA HOSPITAL WHO WAS HONORED ON OCTOBER 23, 1989 AT THE NINTH ANNUAL TRAILBLAZER DINNER AS 1989'S TRAILBLAZER AWARD RECIPIENT FOR HER INNOVATIVE LEADERSHIP IN THE FIELD OF NEONATOLOGY AND HER COMMITMENT TO MEDICAL SCIENCE EARNING HER THE HIGHEST PROFESSIONAL RESPECT FROM AMONG HER COLLEAGUES AND ELEVATING HER TO A ROLE MODEL IN THE MEDICAL COMMUNITY. Sponsors: Representative Maroney, Senator Bane.

HCR 115 - CONGRATULATING MILTON'S STEPHANIE ANN FOX FOR HER OUTSTANDING VOLUNTEER WORK DURING 1988, EARNING HER WHITE HOUSE HONORS. Sponsors: Representative Carey, Senator Minner, Representative Schroeder.

HCR 116 - IN RECOGNITION OF THE 21ST ANNUAL DELAWARE DAY IN FLORIDA IN POMPANO BEACH ON THURSDAY, FEBRUARY 8, 1990, AND ENCOURAGING DELAWAREANS TO ATTEND AND PARTICIPATE IN THE MANY FESTIVE ACTIVITIES PLANNED FOR THE DAY. Sponsors: Representative Bennett; Senators Adams, Cordrey, Cook, R. Still.

HCR 117 - IN RECOGNITION OF DELAWARE DAY AT VERO BEACH, FLORIDA ON MONDAY, FEBRUARY 19TH, COMMENCING 12:30 P.M. SHARP AT THE RIO MAR YACHT CLUB AND ENCOURAGING DELAWAREANS TO "COME ON DOWN" AND ENJOY A DAY FULL OF FUN AND MERRIMENT, TO INCLUDE GOLFING ON SUNDAY, FEBRUARY 18TH AT THE SAND RIDGE COUNTRY CLUB. Sponsors: Representatives Bennett, Corrozi; Senators Adams, Cordrey, Cook, R. Still.

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The roll call vote on the Calendar was taken and revealed 21 Senators voting YES; 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.

Senator Martin marked PRESENT during the above roll call.

At 2:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:38 p.m., Lt. Governor Wolf presiding.

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

STATE OF DELAWARE  
Office of the Governor  
January 10, 1990

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 members of the Board: Sally H. Higgins, 115 North Hall Street, Seaford, DE 19973, reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire on December 4, 1995. James F. Kearns, P. O. Box 80722, Wilmington, DE 19880-9722, appointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire December 15, 1995.

The above appointees are not gubernatorial appointments.

Your consideration of these nominations is appreciated.

Sincerely,  
Michael N. Castle,  
Governor

\* \* \* \* \*

HB 372 w HA 2, 3, SA 1 was lifted from the table for consideration on motion of Senator Torbert.

The privilege of the floor was extended to Robert J. Voshell (Director, Division of Motor Vehicles). Several Senators entered into discussion of the Bill while Mr. Voshell was on the floor.

The roll call vote on HB 372 w HA 2, 3, 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, Vaughn - 17.

NO: Senators Adams, Cordrey, Minner, Venables - 4.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 5:13 p.m. on motion of Senator Sharp, the Senate recessed to reconvene with the House in Joint Session to hear the Governor's State of the State message.

JOINT SESSION  
HOUSE CHAMBER  
January 11, 1990

Pursuant to HCR 112, the House and Senate met for a Joint Session in the House Chamber at 5:18 p.m.

The Sergeant-at-Arms announced the Members of the Senate. They were admitted and seated.

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

The Sergeant-at-Arms announced the Chief Justice of the Supreme Court and other members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms announced the State and County elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the members of the Governor's Cabinet. They were admitted and seated.

The Majority Leader moved that the House and the Senate convene in Joint Session for the purpose of hearing the State of the State Address. The motion prevailed.

The Majority Leader moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

The Majority Leader moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

The Majority Leader moved that the Speaker of the House appoint a committee to escort the Governor to the House Chamber. The motion prevailed. The Speaker appointed Representatives Gwynne P. Smith (Spokesperson), Representative Casimir S. Jonkiert, Senator Robert T. Connor & Senator Herman M. Holloway, Sr.

The Speaker declared a short recess to await the arrival of the Governor and the Escort Committee.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the House Chamber. The Speaker invited the Governor to the rostrum.

The Governor addressed the Joint Session as follows:

Mr. Speaker, Lieutenant Governor Wolf, Mr. President Pro Tempore, members of the 135th General Assembly, elected officials, members of the judiciary, members of my cabinet, honored guests and people of the State of Delaware.



As the ball fell in Times Square or on 2nd street in Lewes if you were there 11 days ago, it symbolized more than just a new year. It closed the books on the decade of the 80's -- a decade which produced sweeping changes around the world.

The 80's opened with the tramping of Soviet troops marching in Afghanistan to crush freedom in that remote land. The decade closed with the pounding of hammers and chisels as East and West Germans joined together to demolish the Berlin Wall which had stood as a monument to the old order.

The 80's opened with stark scenes of Americans jailed by a dictator in Iran. The decade ended with a nightly litany of oppressive governments falling -- Poland, East Germany, Czechoslovakia, Bulgaria, Romania.

The 80's opened with Americans questioning our military prowess and commitment to our national purpose. The decade closed Manuel Noriega in handcuffs standing before a judge to face trial for the abuses that he had afflicted both on Panama and in the streets of this nation.

Just as the 80's brought unprecedented change around the world, so that decade altered the landscape that we know as Delaware.

When the 80's opened, over 26, 000 Delawareans stood in the unemployment lines because there were no jobs. As the decade closed, 90, 000 new jobs exist that were not here 10 years ago. During that decade, our unemployment rate plummeted from 7.5% to 3.5%.

When the 80's opened, the idea of Delaware being the nation's premier financial service center was a dream. As the decade closed, that industry employs 20, 000 Delawareans and has added over \$200 million to the state's revenues.

When the 80's opened, many Delawareans were financially unable to purchase their first home. As the decade closed, not only do 9, 000 families own those homes through state supported mortgages, but \$30 million dollars have been targeted to low and moderate income housing.

When the 80's opened, the issues in this Legislature exclusively centered around balancing the budget, unemployment and economic development.

As the decade closed, while still protecting our financial underpinning, we have been able to turn our attention to needed social programs from reducing the infant mortality rate, to dramatically improved teacher salaries, to upgrading health services targeted to the poor and elderly, to improving the treatment available for substance abusers.

Yes, the landscape is different. But that change reflects more than simply a kinder, gentler Delaware. It reflects a state that sets its sights on the horizon, anticipates trends, and responds to changing circumstances. It reflects a state that can marshal both the resolve and the resources to tackle any issue and govern in the best interests of all. Delaware is democracy at its best.

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Each of us during the course of our service in government has experienced the need to focus on new issues and new priorities -- that will continue in this decade.

Tom Sharp and I served in the Senate together, and I am sure that if Tom looked back and asked what the drug issue meant then, he might well have said it was a need to provide treatment for returning Vietnam Veterans who were first exposed to that habit during that tragic war.

Today the focus of that issue is preventing that same exposure to drugs from occurring on the playground of a middle school.

I have always spent part of my summers in Richard Cordrey's district. When he and I served in the State Senate, the problem of having traffic lights in Dewey Beach was certainly simpler to address than the question of how to prevent the fragile ecological balance all along Route 1 from being destroyed altogether.

When Andy Knox first tackled the question of a coastline, it translated into protecting Delaware's coastline from development. Today, he has centered his attention on the coasts of China, Mexico, Russia and England in his pursuit of international trade for Delaware.

When Herman Holloway and I first joined forces to help solve a problem, it was what to do with the bankrupt trolley company in Wilmington -- today it is how to reform and replace a welfare system.

When Joe Petrilli and Phil Corrozi took their seats in this Chamber, much of Pike Creek Valley was still an open space -- uncongested and uncluttered. The question was how to encourage development rather than how to control it.

When Nancy Cook first sat down in the basement as a member of the Joint Finance Committee, a billion dollar budget was a term reserved for Washington -- not Dover.

Yes, Delaware is a very different place in 1990 than it was in 1970 or 1980. Together, the people in this room have helped Delaware become a state that works.

And by and large, the changes we have made have been for the better.

Yes, we have made some mistakes, yes some programs need more attention and yes, some development has been unrestrained.

But on the whole, the men and women in this room and those who came before have worked in a partnership, laying aside partisan and geographic differences to create an atmosphere in which all our citizens can enjoy life fully.

There are some who would argue that we have done too much and now it is time to pause and retrench.

But -- to pause is to stop -- and if you reflect for just a few minutes on some of the basic needs we must address in the next ten years, you quickly understand that the challenges are perhaps even more complex than those we faced in the last decade.

The challenge is how to direct future change to assure that in the year 2000, the landscape is what we want Delaware to be -- so that my successor can stand here in January of that year -- and declare -- as I can today, that the State of the State is good.

While we have produced over 90, 000 jobs in this decade, we must add 60,000 more by the year 2, 000 just to assure that our children when they graduate from school have a place to work. That is a challenge that our children demand we meet.

Delaware's projected population will grow by over 75, 000 in the next decade. We will add as many new people as we did in the last decade, one and a half times as many as in the 70's. To those born today, how will we assure them when they are 9 or 10 that there are sufficient parks and greenways in which to play -- that open space and wetlands have not disappeared? That is a challenge not only for the 90's, but for the 21st century.

Our public school enrollment will increase from 98, 000 today to over 125, 000 in the year 2000.

Throughout the 80's, although we substantially increased spending on education, the total number of students remained relatively constant. That will change. We will need to build 840 new classrooms which will cost \$143 million and hire over 1,600 new teachers at a salary cost of \$55 million just to handle the 25,000 additional students that will be in the system. That is a challenge which we cannot afford to neglect.

We have met the challenges of the past with a model which has proven successful -- cooperation rather than criticism, partnership rather than politics, foresight rather than hindsight -- and I am committed to seeing that that model continues. Tackling the problems in each of these enormously important areas will require spending and I am committed to making those expenditures when they make sense.

But, one of the hallmarks of our success has been that while we have funded new programs where needed -- we have rigidly adhered to a set of financial restraints that has insulated us from the ups and downs of the economy.

A few weeks ago DEFAC reduced the revenue estimate for this year and, perhaps more importantly, for 1991 & they reduced these estimates. In addition they cautioned that some revenues particularly sensitive to economic swings beyond the borders of Delaware could further deteriorate this spring. We have seen our sister states faced with falling revenues being forced to cut programs. I am happy to report that we will not.

But, this is only possible because we have not let spending outstrip our ability to finance programs and as we approach the increased funding demands of the 90's, that same discipline must apply.

What has that fiscal discipline achieved? It has meant we could cut taxes four times to spur economic growth. This year when the average Delaware taxpayer finishes his return, he will have \$738 in his pocket -- that in 1980 he would have owned the State in taxes. At the very lowest income level, over 60,000 people have been removed from the tax roles.

Since 1985, the cumulative effect of all our tax cuts has reduced revenues by about \$750 million. And yet in that same period, we have been able to increase spending by \$1.5 billion. Put another way, for every dollar returned in tax cuts to Delawareans, the economic growth that it has spurred has produced two additional dollars which we have spent to improve the quality of our government programs.

It has meant that not only have we found creative ways to attract the financial service industry to Delaware, but we have taken the revenues generated by this new industry and invested them directly in the lives of Delawareans.

The base budget of health and social services has increased over the last five budgets by 56% or a yearly average of 11% and the base budget of public education has increased by 43% or an average of 8% -- all of those costs were supported by the increase from the bank franchise tax alone.

That discipline, those tax policies, the pro-business climate and atmosphere that we have created has allowed us to, in this decade, increase spending in mental health by 198%; in education by 102%; in programs for kids by 105%; in services for the elderly by 365%.

It should be our goal for the year 2000 to give our successors every reason to follow this tested formula -- to continue that same healthy respect for fiscal conservatism, sound financial practices and the no-nonsense approach to state government that has served us so well through the 1980's.

Economic development will continue to be an important item on our agenda. I recently enlisted the assistance of the top CEO's of existing Delaware corporations to attract new corporate headquarters to our State.

The Development Office has been instrumental in developing a package to secure the relocation of a major Hewlett-Packard facility to Delaware. The successful completion of this project will bring to Delaware the largest single new company in years -- over 800 well paying jobs.

In cooperation with the University of Delaware and the private sector, we will develop on land near the University, a composite materials park representing the high tech of the future.

Ten companies have already expressed an interest in being a part of this unique combination that represents a blending of the best of education, government and the private sector.

But economic development is more than composite parks -- it is people and paychecks. It is getting people permanently off welfare and into the job market.

Today, we stand as the national leader in our efforts in welfare reform.

Our welfare reform program -- First Step -- has the greatest permanent success rate in the nation. Over 1,000 of those who have participated in this program are working full-time today -- more than 600 are working part-time.

The program's coordinator, Becky Varella, is here today, and Becky, on behalf of all of us in Delaware, I want to thank you for your contribution and your assistance. You're helping make great things happen, and we all owe you a debt of gratitude. The people being helped through this program, people like Robin Torres who is also with us today who is now employed as a payment analyst for Equibank, Delaware, are now hard at work, independent of government assistance, and are making a contribution to their families and Delaware. And we thank you, Robin.

But sometimes, old medicine is the best medicine. We will continue our efforts to be sure our present employers are happy in Delaware. As those of you in Dover know, General Foods recently faced a tough business decision -- where to manufacture certain of their products. During my time as Governor, I had already visited their corporate headquarters in White Plains and developed a personal friendship with the local management. It meant that when this decision was being discussed at the highest level, we were known players, able to make Delaware's case on a personal basis. Today, Walt Bauers, Chief Union Steward, with 25 years of outstanding service, is in the Chamber with us because we made efforts to take care of his present employer.

High above our heads the space shuttle Columbia is circling the globe -- that shuttle contains products from Delaware companies: DuPont, Hercules, ICI, Gore, and ILC among others. Those businesses are focused squarely on the needs of the 21st century and as we encourage our present employers to expand -- state government must meet their needs for that expansion.

But economic development cannot occur unless the state's education system produces a trained work force. The education system which met the needs of the 70's and 80's is not the education system that will meet the needs of the 90's and the 21st century.

How many of you -- when it comes to programming your VCR's -- have to turn to your kids for help?

When as Lt. Governor ten years ago, I toured the General Motors facility, hundreds of workers individually welded the body frames. Today, workers run the computers -- that run the robots -- that weld the frames.

Your VCR helpers today will run the computers of the future, and our education system must equip them for that job.

In each of the five years of this administration, I have spoken about the need to improve our education system. We have worked together to specifically implement needed improvements in the education system. We increased graduation requirements, instituted a teacher exam, developed assessment instruments for teachers and administrators, and poured money into the system. Delaware's average teacher salary rocketed from 20th to 10th in the nation. The gap between resources available to upstate and downstate students was closed, and a multitude of programs were instituted to benefit special populations of children.

Education is fundamentally driven by dedicated people. People like Tim Young, Delaware's Teacher of the Year, whose efforts day after day help prepare the next generation of Delawareans. But, despite the dedication of the Tim Young's of the world, we cannot claim victory. We thank you Tim for what you've done.

In the next ten years, besides just financing the increase in student population, we must assure that a graduate's skill matches the needs of society. We will not meet that objective unless we set our goals and hold our system accountable. 28% of our students drop out. That is unacceptable. That rate must be cut.

We must change the way we teach. Over ten schools are presently restructuring their system in an innovative program called "RE:Learning". There, teachers and administrators are redesigning their schools to focus on students learning to use their minds.

When students enter the first grade unprepared to take that initial step, they gradually fall further and further behind. We need to expand our initiatives in early education and early childhood.

This fall we will begin a pilot program of full-time kindergarten and expand our efforts with children at risk so that those who enter the first grade will finish the 12th.

By inaugurating a report card system for all our schools we can for the first time assess schools throughout the state, we can judge the relative ability of our school districts and teachers to educate our children.

But the challenge of the 21st century is not Laurel versus Brandywine or Dover versus Newark; but rather Delaware versus Tokyo. Unless we are prepared to make the fundamental changes needed to play on the world scenes and back those decisions with the resources of our state, then, we will not have met our objective of providing an education system that in fact is a debt due from the present to the future generation.

While we are committed to economic growth and development, that progress must not come at the expense of the environment. Beginning with the Coastal Zone Act, Delaware has a long history of environmental awareness, and that tradition of strong environmental planning and protection must continue. Marina and sewer moratoriums are not very popular steps. But they are the first steps in making sure that we don't go too far too fast.

As a friend said to me one day at Quillen's Hardware Store in Rehoboth -- When was the last time a shopping mall was leveled to create a park?

We must not make irreversible decisions on the use of our precious natural resources that, in the long-run, will work to the detriment of both our environment and our economic health.

To many Delawareans, protecting the environment has always been more than a pleasant-sounding phrase or the popular issue of the moment -- it is fundamental to their way of living. Ask my good friend, Eddie Robbins who's with us. Eddie won the Master Fisherman Award four times during the 80's and I would bet that Eddie has fished every pond and stream in the State, and I know that he would tell you that the quality of our water resources is noticeably improved. And thank you, Eddie, for being here.

We have taken great strides to protect our water quality. Just 18 months ago, I signed an agreement with Governors Kean of New Jersey and Casey of Pennsylvania to undertake a regional effort to the long-term environmental health of the Delaware Bay. Today, Delaware's standards for emerging threats to our waters -- water toxics -- are among the toughest in the region.

Guided by the Environmental Legacy Program, Delaware has developed a solid plan to protect and enhance our natural resources. The \$21 million land acquisition program established in 1987, represents the single largest conservation expenditure by the state ever. It will assure protection of over 1400 acres of the state's finest open space.

As we move to the 21st century, we should permanently protect as much open land as possible.

Through joint efforts with industry, we can take significant steps in pollution prevention and minimizing the amount of waste that is generated in Delaware. Through interstate cooperation, we must also make a long-term commitment to substantially reduce ozone pollution.

In the coming months, we will commit to a number of crucial steps to protect our environment, including championing legislation that will ensure our water supply is clean and plentiful. I will also ask the General Assembly to pass legislation:

- to establish a state superfund program;
- legislation to further protect open land, including an expansion of these efforts to preserve forest land; and
- to implement a comprehensive program to protect and manage the state's freshwater wetlands.

It clearly is the role of state government to protect our natural resources and provide for the needs of our infrastructure. While it is never government's role to impose its standards on individuals, it is government's role to assist citizens in their pursuit of a healthy, prosperous life.

All of us are concerned with reports citing Delaware's health rankings and only by truly understanding this problem and working together can we lead healthier lives.

The fact is, many Delawareans adopt lifestyles that put their lives in jeopardy -- over half of all deaths are directly related to unhealthy lifestyles.

Recently in a speech before the Medical Society, I cited a survey that bears repeating.

If you take a random sample of 100 Delawareans, you can expect that:

- \*24 will have high blood pressure,
- \*50 will have high cholesterol,
- \*28 smoke,
- \*60 don't wear seat belts regularly,
- \*10 are heavy drinkers, and
- \*26 are overweight by 20 percent or more.

Clearly, health involves personal decisions and requires a lifelong commitment to reduce the risk of disease or an accident to an acceptable level.

The state, too, has a very significant role in providing good health care.

In the past five years, we have made strides at reshaping state provided health care. Those results are measurable. The quality of care for those suffering from substance abuse has improved; infant mortality has been reduced; accessibility to prenatal services has been expanded to every part of the state. But much more needs to be done -- some of which will be recommended in my budget in two weeks, some of which requires better focus and attention by existing agencies. The paramedic legislation which you are considering this month will provide a new health service in many areas of the state. We will continue to make the health issue a top priority for the 90's.

By attacking the health needs of those in society least able to support themselves, we are preventing future expenditures of state dollars; and, more importantly, helping our citizens enjoy a better life.

Two other areas where the state needs to focus additional resources are those programs aimed at children and the handicapped.

While the recent report by the Children's Defense Fund, which weighed a number of factors ranging from pre-natal care to education quality, ranked Delaware 5th in the country in meeting these basic needs -- there is much still left undone. I am pleased, however, at the report that Delaware was one of only two states to reduce the number of children living in poverty.

Providing a hand up is something that we can be proud of as an employer as well. Also with us today is Brent Banks from Laurel. He is an employee in our Office of Information Systems. He is also disabled. Brent started out as a casual/seasonal employee and today is a senior programmer. His determination to do his job and pursue his education earned him the title of Delaware's not State employee but all of Delaware's Outstanding Handicapped Employee of the Year. We appreciate his determination and resolve such as that demonstrated by Brent is an important lesson for all of us.

Looking to the horizon and the year 2000, we must not rest until we have ensured every Delawarean, regardless of income, access to preventive and acute healthcare as well as access to an opportunity to succeed.

One of the most demanding challenges we face between now and the year 2000 is the protection of our citizens.

Everyone in this Chamber is aware that we face the need for increased space in our crowded prisons so that those who are a threat to society are behind bars. But we must not fall into the trap of building prisons -- just to build prisons. Bricks and mortar are only part of the answer.

I believe, however, it is important that we step back to look at where we stand and how tough we really are when it comes to this issue.

At a recent speech on corrections I made the statement that it was stupid to commit a crime in Delaware.

If you did you were more liable to get caught, get tried, and go to jail. Let me illustrate. Wilmington has nearly twice the number of police per capita than cities its size across the nation. Delaware's arrest rate, not surprisingly, is higher than the national average. Delaware arrested twice the number of adult, hard drug users from 1987 to 1988. When arrested, people are likely to be prosecuted. Based on recent disposition data, few cases for such crimes as robbery, assault, or drugs were dismissed or found not guilty. Let me remind you that Delaware has the toughest cocaine abuse law in America. Once prosecuted, people go to prison -- for along time.

For every one hundred arrests made on serious crimes in Delaware, 73 people were imprisoned -- the third highest in the country. And we rank fourth in the country in the number of people serving sentences of one year or more.

So while I support the need for new facilities to meet the crowded conditions as our population grows, that is not the ultimate answer. We need the entire criminal justice system -- the courts, the Attorney General, the Public Defender, and the Department of Correction to work together to develop a rational program that locks up those who should be behind bars, and which provides alternatives for those who should not.

The juvenile correctional system requires additional resources and here the question of alternative programs is particularly acute. I intend to work with this legislature in balancing the needs for a modern detention facility with other treatment programs that meet rehabilitation objectives.

But perhaps no challenge in the area of protection is greater than that related to drugs. Drug abuse and its ramifications throughout our society is the most serious social problem that we will face as a nation in this decade.

Whether it is the breakup of families or the violent crimes that are associated with feeding the habit, or the long-term debilitation of a youthful user, the drug scourge cannot be understated.

I would like to thank the members of the Drug Abuse Coordinating Council, Lt. Governor Wolf, Senator Sharp, and Representative Amick for their leadership in bringing this issue to center stage and in their multi-faceted approach to the problem. There is no single answer, but an important part of the solution is the commitment on the part of every citizen to avoid drug and alcohol abuse.

For example, Delaware's own three-time world champion super heavyweight power lifter, Mike Hall, is the strongest drug free man in America and Mike is right here... While all of us may not be fully united on every planned solution -- we are in lock-step in our resolve to meet drug abuse head on.

I will continue to work with all of you in developing a program that provides treatment for those who are addicted, which educates those who may be in danger of being addicted and which provides law enforcement agencies at all levels with the resources needed to protect the law-abiding citizens from those who would do violence because of their addiction.

In the 198 years from the time that Delaware became a state until I became governor, only nine Delawareans had served over 20 years in the General Assembly.

During my watch, that number will double.

When you think about what makes government work, you realize that two ingredients are indispensable -- experience and dedication. While I have not always agreed with every position taken by those legislators who names will be added to that plaque at the landing of the stairs, I have always respected them for their dedication to state service.

As we begin this legislative session and as we begin a new decade, I am hopeful that their dedication and those years of experience will help us to meet the challenges that lay ahead. Delaware has come a long way in the 80's. We are, in fact, the very best place to live, to work, and to raise a family.

We can have the best-managed government; we can be the most innovative, we can have an educational system second to none, we can help those who need help the most. But I realized a long time ago that no governor, no single member of this legislature can accomplish any of these goals alone. I stand ready today to work with each and every one of you -- whether we agree or disagree -- whether we are Republican or Democrat -- whether we are up-staters or down-staters -- to meet the agenda of the 90's, because if we don't do that we will have failed those who sent us here, and we will have thrown away those many years of experience and dedication.

Forty years ago, during another decade that ranked with the 80's for its turbulence, a plain-spoken man from Independence, Missouri, perhaps best summed up the challenge that we face together when he said, "Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better."

Let's seize that opportunity together.

Thank you.

\* \* \* \* \*

The previously appointed committee escorted the Governor from the Chamber.

The Majority Leader moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals. The motion prevailed.

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

The Majority Leader moved to adjourn the Joint Session at 6:08 P.M. The motion prevailed.

\* \* \* \* \*

The Senate reconvened at 2:26 p.m., January 16, 1990, Lt. Governor Wolf presiding. The Secretary announced that a message from the House informed the Senate that it had passed HB 485; SS 1 to SB 1 w SA 1, HA 2 and adopted SJR 9.

The following legislation was introduced:

SB 314 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW, IN SUSSEX COUNTY, DELAWARE" RELATING TO THE CONDUCT OF ELECTIONS. (2/3 vote) Sponsors: Senator Cordrey, Representative Bunting. Assigned to Community Affairs Committee.

SB 315 - AN ACT TO AMEND CHAPTER 1, CHAPTER 41, AND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE RELATING TO COSTS INCURRED AS THE RESULT OF THE OPERATION OF A VEHICLE BY A PERSON WHO IS UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. Sponsors: Senator McBride; Representative Amick. Assigned to Committee to Combat Drug Abuse.

SB 316 - AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO GENERAL PROVISIONS GOVERNING MUNICIPAL CORPORATIONS. (2/3 vote) Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

HB 485 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO ESTABLISH THE STATEWIDE PARAMEDIC FUNDING PROGRAM, TO MAKE A SUPPLEMENTAL APPROPRIATION, AND AUTHORIZE POSITIONS TO BEGIN IMPLEMENTING THE DELAWARE PARAMEDIC SERVICES ACT. (3/4 vote) Sponsors: Representatives Lee, B. Ennis, Smith, Corrozi; Senators B. Still, Cook, Torbert. Laid on the table on motion of Senator Torbert.

At 2:29 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 4th Legislative Day.

#### 4TH LEGISLATIVE DAY January 16, 1990

The Senate convened at 2:29 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.

Senator Torbert requested the personal privilege of the floor and introduced to the Senate Miss Jennifer Sandstrom, granddaughter of the Assistant Secretary of the Senate.

On motion of Senator Torbert, SS 1 for SB 1 w SA 1 was taken up for reconsideration as now further amended by HA 2. The roll call vote on SS 1 to SB 1 w SA 1, HA 2 was therefore taken and revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

Senator McBride marked PRESENT during the above roll call.

On motion of Senator Torbert (without objection) the necessary rules were suspended for lifting HB 485 from the table for consideration:

HB 485 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO ESTABLISH THE STATEWIDE PARAMEDIC FUNDING PROGRAM, TO MAKE A SUPPLEMENTAL APPROPRIATION, AND AUTHORIZE POSITIONS TO BEGIN IMPLEMENTING THE DELAWARE PARAMEDIC SERVICES ACT. (3/4 vote).

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 returned to the House.

The privilege of the floor was extended to Helen Brandt at the request of Senator McDowell. Miss Brandt read a statement concerning the fact that she failed to be reappointed as a Magistrate. Several Senators commented on the statement and at the request of Senator McDowell, a copy of the statement is included in this Journal:

#### STATEMENT BY MISS BRANDT

After I was replaced I wrote to the Governor and explained the situation. I hand carried the letter to his office and extracted a promise from his secretary to place the letter in his hands only. This letter resulted in an interview with the Governor's Legal Counsel. As he escorted me into the conference room he said he could assure me the fact I had been asked for money had nothing to do with me not being recommended - that I should put that out of my mind.

He did seem concerned the Screening Committee had not mentioned having a problem with my appointment, and said he would look into it.

Several weeks later he wrote and said, "I am convinced that there was nothing out of the ordinary in the manner in which your application was processed." He also urged me to accept the Committee's decision and put the matter behind me.

This wasn't a case of the Governor not sending my name down. This wasn't a case of my Senator wanting me out. This is a case where the Screening Committee did not recommend me for re-appointment.

I had few complaints. My performance was knowledgeable and professional and competent. I did not violate the Judicial Code of Ethics. I am not aware of any proper evaluation of my performance in the Court or in my personal life. Therefore I move to conclude a decision was made for other reasons.

He said the weight given to the various factors depended on each individual being interviewed which made me wonder what criteria was employed.

He said the fact a Magistrate had been sitting is not a factor in itself and is given very little weight. This discounts the training received and the experience gained.

He said the fact I had been recommended twice before had no bearing on the decision to not recommend me.

When I explained I had over six years with Internal Revenue Service dealing with the public and tax law, he brushed my remarks aside by saying a Superior Court Judge had removed all tax law volumes from the Law Library as being unnecessary and inapplicable to our court actions. This totally ignored the legal experience and interpretation of law my former job required.

I asked why he told me on the phone shortly after my interview that it went very well. He said the interview didn't go badly, and that they have people who do not do as well in the interview as I and that's something.

Near the end of this meeting I asked him if my refusal to give the senior party official \$200 had any bearing on the Committee not recommending me for re-appointment. My question seemed to destroy his composure. He blushed, stammered and looked away. He said this had absolutely nothing to do with the Committee's decision.

He didn't ask me what I was talking about, nor did he ask what money. I sensed he knew all about it.

Last February this honorable Senate confirmed someone to take my place as Magistrate. I think this Senate should be made aware of the events which preceded this outcome.

In February 1986, the Magistrate's Screening Committee sent me the letter saying they were unable to recommend to the Governor that I be appointed for an additional term.

When I received the letter I recalled a conversation with a senior ranking party official at a party for a departing Magistrate. At the time I was hoping for confirmation of my appointment. This man told me they went to a lot of trouble to get people appointed to those jobs and then they never heard from them again.

He also said when that happens they don't last long. I wasn't exactly sure what this meant, but I replied they certainly would hear from me because I was grateful for any assistance they had given me. At the time I knew nothing of the Judicial Code of Ethics which makes it unlawful for Magistrates to actively support a political party or candidate.

In summer 1985 I received a phone call from a senior ranking party official. He told me they needed to raise \$1000 and they wanted me to donate \$200 of it by the following Friday. I told him I wished I could, but it was against the Judicial Code of Ethics for me to do so. He said I know that and you know that, but you can do what they do in the military. He said I could give the money to my daughter Cathy - who worked for Party Headquarters - and she could say it was from her.

I repeated I didn't see how I could do that and he said "This will let us know you are still interested in keeping your job, and Cathy is interested in keeping hers." Then he repeated he needed the money by the following Friday and hung up.

I made no attempt to give him any money. Although she had been promised a raise that week, the following Monday Cathy went to work and was fired. When she came home in tears and explained what happened I began to fear for my job. I didn't know what to do.

An interview by the Magistrate Screening Committee on my application for re-appointment was scheduled for January 28, 1986. They gave me a hypothetical fact pattern to review briefly and then called me in. I was asked if I had any trouble dealing with different types of people. I replied I had none. They asked a few questions about the fact pattern and I explained how I would consider the case - which had no correct answer.

The Deputy Chief Magistrate told me the Committee will tell a sitting Magistrate if they have any problem re-appointing him. In my case, no one on the Committee at any time during the interview indicated there were any questions about my ability or performance. No one on the Committee mentioned having a problem about recommending me.

I was still concerned about that phone call and felt uneasy about the outcome of my interview. The Committee had not seemed particularly receptive to me. Shortly after that I called the Committee Chairman and asked if my interview had gone well. He said it went very well.

February 28, 1986, the Screening Committee sent me the letter saying they were unable to recommend me to the Governor for an additional term.



I kept wondering why the Committee made their decision. I was close to a degree in Business Management and carried a cum laude average. I completed the JP training at Delaware Law School. I passed the JP training exams above the average. I attended all the seminars. I was frequently asked to preside over three judge panel appeal trials. I cooperated with the other Magistrates by swapping shifts with them when they wanted to. I seldom took leave. I recessed trials to release the waiting police officers and correctional department staff. I almost always ate my lunch at my desk so the Court would not be left unattended. I wrote my decisions timely. I completed all the forms and paper work. I maintained a professional attitude and a dignified court. I had many years of various legal experience behind me. Their decision didn't seem logical to me.

My next step was to phone the Committee Chairman and ask if I might have another interview. This request was denied by letter March 5, 1986.

Not long thereafter I called the Governor's office to find out why I wasn't recommended. I spoke with one of his aides who said he was aware I had not been recommended, but didn't know why.

He said to call the Chief Magistrate who could explain what happened. I called the Chief Magistrate who said something about thirty seven letters of complaint received by party headquarters. There was some other vague conversation and he suggested I contact that same aide who could explain why I wasn't recommended.

After considering what the Chief Magistrate told me, I phoned a former senior ranking party official and inquired about the alleged letters. He said there were no letters.

I phoned an active senior party official and he said letters had been received. I contacted him again intending to ask if I might see them. This time he said he didn't know anything about any letters, and also said there was nothing he could do to help me.

Shortly after that I called the Governor's office again and talked to a different aide. He said he couldn't tell me anything nor could he help me. I asked if I could make an appointment to see the Governor. He said no.

I then went to my Senator and asked if he could look into the matter and find out what happened to my job. And also if he could help me. He didn't think I should be replaced. No one was confirmed to replace me until after he lost the election.

I very much wanted to personally tell the Governor what had happened, but I could not get past his aides.

Finally in May 1986, the Screening Committee Chairman agreed to discuss the situation with me.

I met with him in his office on the 19th. Another Committee member was there. She had not been present at the interview and indicated her presence would have no bearing on the Committee's decision. I later saw this Committee member in court and she said she couldn't understand why I had not been re-appointed.

The Chairman started the meeting by saying it would not change the Committee's decision. He looked for a copy of Executive Order Number 2 which established the Rules of Confidentiality for the Committee under Governor Castle. He said he wanted to show it to me but couldn't find it. He said he understood the Governor's aide gave me a copy of it anyway. The aide hadn't given me a copy, but this did let me know they had discussed the situation.

He said he didn't want me to think he was stonewalling me or concocting something.

He said they evaluated sitting Magistrates much the same as new applicants, however they also check with the attorneys who practice in the Magistrate Courts to get answers to the following things:

1. How the Magistrates perform.
2. How they think on their feet.
3. What kind of decisions are being rendered.
4. Are they rational decisions.
5. Are they premised in law.

He said in my case there was a question of consistency and predictability. That lawyers have a visceral feeling about the outcome of a case, and that they were unable to predict my decisions before trial. I said I believed I had few decisions appealed and most of those appealed had been upheld in the Higher Court. He replied that lawyers and their clients shouldn't have to appeal decisions because it was costly and time consuming.

He said in addition to contacting the two who had practiced in JP Court, I had given him the names of three attorneys. He said he did not talk to two of them and someone else had talked to the third.

I asked if he had contacted a great many people about my performance and he avoided answering the question. He was saying this decision was based on what three attorneys may have said about me, one of whom said he would give me a favorable recommendation.

The Chairman referred to the application and said it is not as important as for a new applicant.

He said something about receiving the exams the Chief Magistrate had given us. I had my graded exams with me and presented them to him. He asked "Are these the actual tests?" He did not recognize them and it seemed obvious he had not reviewed them. I would think an effective reviewing committee would scrutinize all pertinent documents. From what the Chief Magistrate said, I scored above the average on these tests.

The Chairman said the new salary level had nothing to do with the decision.

I was asked for money to keep my job. I was told I could launder it by giving it to my daughter. I was asked to violate the Judicial Code of Ethics and the Law, and to involve my family.

In my opinion, recommendation for my re-appointment was denied as a result of political influence on government activity. In my opinion, my employment was terminated in fashion well below the standards of integrity required to protect judicial appointments. I believe this situation requires an investigation.

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SR 64 (sponsor: Senator Marshall) was introduced:

SR 64 - MOURNING THE DEATH AND CELEBRATING THE LIFE OF DR. JOHN A. CHRZANOWSKI, WILMINGTON'S BELOVED FAMILY PHYSICIAN, WHO DEDICATED HIS LIFE TO HEALING OTHERS.

Senator Martin marked PRESENT.

The family of Dr. Chrzanowski who were present in the Chamber were introduced to the Senate by Senator Marshall.

The roll call vote on SR 64 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SCR 105 was introduced and considered for adoption on motion of Senator Holloway:

SCR 105 - RESPECTFULLY REQUESTING THE PRESIDENT OF WILMINGTON CITY COUNCIL AND THE MEMBERS OF THE COUNCIL, TO ENDORSE AND APPROVE OF THE MAPLEWOOD SENIOR CITIZEN'S HOUSING PROJECT SO THAT THE FUNDS EARMARKED BY THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT WILL NOT REVERT TO THE FEDERAL TREASURY. Sponsors: Senator Holloway, Representative George; Senators Marshall, McDowell; Representatives Sillis, Plant, Jonkiert.

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

At 3:36 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:29 p.m., Lt. Governor Wolf presiding.

SENATE CONSENT CALENDAR #25 was introduced:

SCR 103 - CONGRATULATING AND EXTENDING A HEARTY THANKS AS WELL AS WELCOMING HOME THE ALEXIS I. DUPONT HIGH SCHOOL TIGER MARCHING BAND OF THE RED CLAY CONSOLIDATED SCHOOL DISTRICT FOR THEIR SUPERB AND SPLENDID PERFORMANCE IN THE ANNUAL ROSE BOWL PARADE, "THE BIG DADDY" OF PARADES, HELD IN BEAUTIFUL DOWNTOWN PASADENA, CALIFORNIA ON NEW YEARS DAY. Sponsors: Senators R. Still, Knox, Bane, Vaughn, McDowell; Representatives Corrozi, D. Ennis, Petrilli, Roy, Boykin.

SCR 104 - MOURNING THE DEATH OF MR. JOSEPH G. LAMBERTA OF SMYRNA, DELAWARE, A PROMINENT KENT COUNTY FARMER AND PRODUCE-BROKER. Sponsors: Senators Cook, Vaughn; Representatives Clark, B. Ennis.

SR 65 - EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE DELAWARE STATE SENATE TO MRS. MARY C. MESSICK BAKER ON THE OCCASION OF HER ONE HUNDRED AND FIFTH BIRTHDAY. Sponsors: Senators Cordrey, Adams.

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The roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the Concurrent Resolutions were sent to the House for consideration.

HB 290 was taken up for consideration on motion of Senator Minner:

HB 290 - AN ACT TO AMEND TITLE 23, DELAWARE CODE, RELATING TO THE OPERATING, AND/OR CONTROL OF A VESSEL OR BOAT UPON THE WATERS OF THE STATE OF DELAWARE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. (2/3 vote)

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

Several Senators commented on the Amendment after which the roll call vote taken which revealed:

YES: Senators Adams, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Bair, McBride, Neal - 3.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Buckworth to address the Bill as amended and several Senators entered into the discussion. HB 290 w SA 1 was then laid on the table on motion of Senator Minner.

A messenger from the Governor was announced and admitted.

At 5:12 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., January 17, 1990.

The Senate reconvened at 3:45 p.m., January 17, 1990, Lt. Governor Wolf presiding. The Secretary announced that a message from the House informed the Senate that on January 12, 1990, Representatives Jeffrey G. Mack, Joseph R. Petrilli and Roger Roy signed SS 1 to SB 1 w SA 1 as additional sponsors.

The following Committee reports were announced:

From the Banking Committee: HS 1 to HB 193 w HA 1, HA 2 w HA 1, HA 3, 4: 3 Merits.

From the Judiciary Committee: SB 301 - 3 Merits.

From the Natural Resources and Environmental Control Committee: SB 278 - 2 Favorable, 2 Merits; SB 311 - 4 Favorable.

The following communication from the Governor was read:

STATE of DELAWARE  
Office of the Governor  
January 16, 1990

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

The following nomination submitted to the Senate on January 9, 1990, is hereby formally withdrawn: James R. Adams to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

Senator Torbert moved that SB 82 and SB 83 be stricken and there was no objection.

The following legislation was introduced:

SA 1 to HB 241. Sponsor: Senator J. Still. Placed with the Bill.

SA 1 to SB 257. Sponsor: Senator R. Still. Placed with the Bill.

At 3:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 5th Legislative Day.

#### 5TH LEGISLATIVE DAY January 17, 1990

The Senate convened at 3:50 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.

Sensors J. Still, McBride marked PRESENT.

SCR 106 was introduced and laid on the table on motion of Senator Bair:

SCR 106 - COMMENDING JEREMIAH P. SHEA, CHAIRMAN OF THE BANK OF DELAWARE, WHO RETIRED ON JANUARY 2, 1990 AFTER MORE THAN FORTY YEARS OF ENTRUSTED SERVICE AND NUMEROUS CONTRIBUTIONS TO THE BANKING INDUSTRY IN DELAWARE, WARRANTING AUTHENTICITY TO THE DISTINGUISHED LABEL GIVEN HIM BY HIS COLLEAGUES IN THE BANKING FIELD, AS "DELAWARE'S DEAN OF BANKING". Sponsors: Senators Bair, Hauge, Cordrey, Adams, Torbert, J. Still, R. Still; Representatives D. Ennis, Boykin, DiPinto, Lee, Jonkiert, Sills, VanSant.

Senator Torbert rescinded his motion (made at the end of the 4th Legislative Day) to strike SB 82 and SB 83 since they had already been sent to the House. The Senator requested that the Secretary recall the Bills from the House.

HB 123 was taken up for consideration on motion of Senator Minner:

HB 123 - AN ACT TO AMEND SECTION 703, ARTICLE VII, OF THE CHARTER OF THE CITY OF NEWMARK, DELAWARE, BY ALLOWING THE CITY MANAGER TO ADOPT-PERSONNEL RULES NOT INCONSISTENT WITH THE CITY CODE. (2/3 vote)

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

Senator McDowell marked PRESENT during the above roll call.

Sensors Marshall and Martin marked PRESENT.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:16 p.m., Lt. Governor Wolf presiding.

HB 252 w HA 1 was reported out of the Administrative Services/Energy Committee: 6 Merits.

Senator Venables marked PRESENT.

SR 66 was introduced and considered for adoption on motion of Senator Sharp:

SR 66 - CONGRATULATING SENATOR RUTH ANN MINNER OF MILFORD AS SHE CELEBRATES THE BIRTHDAY BRINGING HER TO THE LEGAL DELAWARE SPEED LIMIT. Sponsors: Senator Sharp and all Senators.

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

All present in the Chamber joined in wishing Senator Minner a HAPPY BIRTHDAY.

At 5:22 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 18, 1990.

The Senate reconvened at 2:51 p.m., January 18, 1990, Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 97; SCR 99; SCR 100; SCR 101; SCR 102; SCR 103; SCR 104.

The following 3 letters of nomination for appointment from the Governor were read and laid on the table on motion of Senator Adams:

STATE OF DELAWARE  
Office of the Governor

January 18, 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: Vincent J. Poppiti, One Imperial Drive, Wilmington, DE 19805, to be appointed Resident Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term to succeed Joshua W. Martin, III, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 18, 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, 4401 Miller Road, Wilmington, DE 19802, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term to succeed Vincent J. Poppiti, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
January 18, 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 C. Bradley, 192 Flemings Landing Road, Townsend, DE 19734, to be reappointed as a Judge of the Court of Common Pleas of the State of Delaware, resident in New Castle County, to serve a twelve year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

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 16, 1990

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: Alexander L. Searl, 403 Stafford Road, Wilmington, DE 19803, to be reappointed as a member of the Cash Management Policy Board to serve a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

At 2:55 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY  
January 18, 1990

The Senate convened at 2:55 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.

On motion of Senator Adams, the Governor's nomination for appointment of Vincent J. Poppiti, was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway, Marshall) ABSENT; therefore, the appointment was declared confirmed.

Senator Hauge marked PRESENT during the above roll call.

On motion of Senator Adams, the Governor's nomination for appointment of William C. Bradley, was lifted from the table 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.

On motion of Senator Adams, the Governor's nomination for appointment of Sally H. Higgins 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.

On motion of Senator Adams, the Governor's nomination for appointment of James F. Kearns 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.

On motion of Senator Adams, the Governor's nomination for appointment of Leah W. Betts 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.

On motion of Senator Adams, the Governor's nomination for appointment of Harry M. Freedman, M.D., 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 (Holloway, Marshall) ABSENT; therefore, the appointment was declared confirmed.

Senator Cordrey commented on the previous statement of Helen Brandt (January 16) and requested the privilege of the floor for I. Barry Guerke (Magistrates Screening Committee). Many Senators entered into discussion of the issue.

Senator Holloway marked PRESENT.

Mr. Guerke was then excused.

On motion of Senator Adams, the Governor's nomination for appointment of Charles H. Tolliver, IV was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (McBride) ABSENT; therefore, the appointment was declared confirmed.

HB 352 was taken up for consideration on motion of Senator Sharp:

HB 352 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE IN ORDER TO CHANGE THE PREMIUM TAX RATE STRUCTURE FOR CAPTIVE INSURANCE COMPANIES AND TO PROVIDE FOR CONSOLIDATED REPORTING FOR TWO OR MORE CAPTIVE INSURANCE COMPANIES UNDER COMMON OWNERSHIP AND CONTROL.

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.

HB 427 w HA 2 was taken up for consideration on motion of Senator Sharp:

HB 427 w HA 2 - AN ACT TO AMEND TITLE 18 RELATING TO CORPORATE OWNED LIFE INSURANCE.

The privilege of the floor was extended to David S. Swayze (representing CITIBANK) and several Senators entered into discussion of the Bill after which it was laid on the table on motion of Senator Sharp.

SB 278 was taken up for consideration on motion of Senator Venables:

SB 278 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FOODFISHING PERMIT TO GLENN ROSCOE DAVIS OF LAUREL, DELAWARE, WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER DELAWARE FISHING STATUTES.

Senators R. Still and Connor commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Marshall, Martin, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Hauge, Knox - 2.

ABSENT: Senators Holloway, McBride - 2.

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

HB 361 was taken up for consideration on motion of Senator McDowell:

HB 361 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE PRONOUNCEMENT OF DEATH FACILITATED BY EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC (EMT-P).

The privilege of the floor was extended to John L. Mitchell, Sr. (Delaware Volunteer Firemen's Association) who was questioned by Senator Cordrey after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SCR 106 was lifted from the table for consideration on motion of Senator Bair and the roll call vote taken which revealed 20 Senators voting YES and 1 (McBride) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until January 23, 1990 at 2:00 p.m.

The Senate reconvened at 2:17 p.m., January 23, 1990, Lt. Governor Wolf presiding and adjourned on motion of Senator Sharp to immediately convene for the 7th Legislative Day.

#### 7TH LEGISLATIVE DAY

January 23, 1990

The Senate convened at 2:17 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Cordrey.

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 446 w HA 1; HB 461 w HA 1; SB 25 w SA 1, 2, 3, HA 1 w HA 1 and adopted SCR 105.

The Secretary announced that a message from the Chief Clerk of the House dated January 22, 1990 informed the Senate that on January 18, 1990 Representatives Spence, DiPinto, Lee, Corrozi, Carey, Boykin, Smith and Ewing signed SCR 105 as additional sponsors.

The Secretary announced that a message from the Chief Clerk of the House dated January 18, 1990 informed the Senate that on January 17, 1990 Representative DiPinto signed SCR 103 as an additional sponsor.

The following message from the Office of the Governor was read:

STATE OF DELAWARE  
Office of the Governor  
January 18, 1990

Mr. Bernard J. Brady  
Secretary of the Senate  
Legislative Hall  
Dover, DE 19901

Dear Mr. Brady:

On Thursday, January 18, 1990, Governor Castle submitted to the Senate for confirmation the following individuals whose letters should have shown the date January 18, 1990, as opposed to January 18, 1989.

Vincent J. Poppiti, to be appointed Resident Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term.

Charles H. Toliver, IV, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term. to succeed Vincent J. Poppiti, resigned.

William C. Bradley, to be reappointed as a Judge of the Court of Common Pleas of the State of Delaware, resident in New Castle County, to serve a twelve year term.

I apologize for any inconvenience this may cause you and your staff and would appreciate your correcting your records to indicate the proper date.

Thank you.

Sincerely yours,  
Eileen H. Simpson,  
Special Assistant to the Governor

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LEGISLATIVE ADVISORY #29 (1-18-90) received from the Office of the Counsel to the Governor was read which informed the Senate that the Governor signed SJR 9 on January 17, 1990.

\* \* \* \* \*

Senators Cook and Holloway marked PRESENT.

HS 1 to HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 was taken up for consideration on motion of Senator Cordrey:

HS 1 to HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 - AN ACT TO AMEND CHAPTERS 1, 7, 8, 9 AND 11 OF TITLE 5, AND CHAPTERS 1, 5, 11, 23, 42, 44, 47, 49 AND 50 OF TITLE 18 OF THE DELAWARE CODE BY EXPANDING THE POWERS OF BANKS AND TRUST COMPANIES TO ENGAGE IN THE BUSINESS OF INSURANCE; AND TO PROVIDE FOR THE PROPER REGULATION THEREOF. (2/3 vote)

The privilege of the floor was extended to David S. Swayze (Citibank, Delaware) at the request of Senator Cordrey.

Senators Adams and Marshall marked PRESENT.

Several Senators questioned Mr. Swayze after which he was excused.

The privilege of the floor was extended to Timothy R. Akers at the request of Senator Cordrey.

At the request of Senator Cordrey, the privilege of the floor was extended to John Casey (Delaware Development Office) who was questioned by several Senators.

Senator McDowell marked PRESENT while Mr. Casey was on the floor.

Senators Connor and Martin marked PRESENT.

The privilege of the floor was extended to Caleb L. Fowler (CIGNA) who was questioned by several Senators.

At the request of Senator Cordrey, the privilege of the floor was extended to Keith Ellis (State Bank Commissioner) who was questioned by several Senators.

Senator Minner marked PRESENT.

The privilege of the floor was extended to J. Frank Gordy at the request of Senator Cordrey.

The privilege of the floor was extended to Peter R. Wilde (Citibank) at the request of Senator Cordrey. Mr. Wilde was questioned by several Senators.

At the request of Senator Cordrey, the privilege of the floor was extended to Rodney A. Fletcher (Monumental Life Insurance Company).

At 5:50 p.m. Senator Adams presiding.

At 6:03 p.m. Lt. Governor Wolf presiding.

Mr. Fletcher was then excused.

At the request of Senator Cordrey, the privilege of the floor was extended to John J. Corrigan.

At 6:18 p.m. Lt. Governor Wolf called a short recess for purpose of changing tape and reconvened at 6:20.

At the request of Senator Cordrey, the privilege of the floor was extended to Michael Bartholomew (A.C.L.I.) who was questioned by Senators Venables and Cordrey.

At the request of Senator Cordrey, the privilege of the floor was extended to A. Gilchrist Sparks, III (Citibank Delaware) who was questioned by several Senators.

At the request of Senator Cordrey (without objection), the following letter from the Insurance Commissioner was read and made part of this Journal:

State of Delaware  
Department of Insurance  
January 23, 1990

Honorable Richard S. Cordrey  
President Pro Tempore  
Delaware State Senate  
Legislative Hall  
Dover, Delaware 19901

Dear Senator Cordrey:

I am writing this letter in response to three questions that you have posed to me.

(1) Is the Banking and Insurance Bill which is currently being considered by the State Senate drafted in such a way as to permit the Insurance Commissioner of the State of Delaware to adequately regulate those insurance entities that can be created under the Bill? My answer to that question is "Yes". The Bill has been carefully reviewed by the Delaware Insurance Department to make certain that all necessary safeguards are included.

(2) Will it take dozens of State employees to adequately regulate the entities that may be created under this statute? The answer is "No". I have previously testified that three additional staff members will be required to adequately regulate those entities created under this statute. You may reasonably ask, since I cannot know how many entities will be created under this statute, how I can say that only three additional staff members will be required. The answer to this question is that Delaware, through an Act of the General Assembly, created several years ago the Commissioner's Revolving Fund. Under this Act, a unique system to examine and regulate insurance companies was created. It is a contract system, employing contract certified financial examiners (CFEs) and CPA firms to examine all Delaware chartered insurers for solvency. We currently have approximately thirty CFEs and many CPA firms under contract. A virtually unlimited number of additional CPA firms exist who are qualified to do the work. Therefore, no matter how many insurance entities may be created under the subject legislation, the capacity exists to regulate all of these entities. The costs of these examinations are paid directly to the State by the examined insurance entity and in turn the State pays for the examination. The purpose of the three additional staff members requested is simply to schedule and supervise the certified public accounting firms and the contract CFEs in the performance of their duties and to review their work. Indeed, Delaware's capacity to regulate is so substantial at this point that recently I contracted with the Governor of the Territory of Guam for Delaware to examine Guam's domestic insurance companies, a process currently in progress. I believe that this is the first time that one jurisdiction has ever been asked to examine the insurance companies of another jurisdiction. Anyone who would suggest that the Delaware Insurance Department does not have the capacity to adequately regulate simply lacks knowledge of our system.

(3) Will those insurance entities created under the legislation in question be subject to all of the laws and regulations currently applicable to insurance companies now chartered in Delaware? The answer to that question is "Yes". The Bill makes it very clear that insurance entities created under the legislation are subject to all the laws and regulations governing insurers currently on the books or later to be put on the books here in the State of Delaware. Moreover, the Bill provides for certain additional consumer protection features when the public deals with an insurance entity created under the proposed legislation.

If I can be of any further assistance, please call on me.

Sincerely,

David N. Levinson  
Insurance Commissioner

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On motion of Senator Cordrey and without objection, SA 1, SA 2, and SA 3, to the Bill which had been placed with the Bill, were laid on the table.



On motion of Senator Holloway and without objection, SA 4 and SA 5 to the Bill which had been placed with the Bill were laid on the table.

Senator J. Still announced that due to conflict of interest in the Bill, he would not enter into debate or vote on the Bill.

On motion of Senator Venables and without objection, SA 6 to the Bill which had been placed with the Bill was laid on the table.

SA 7 to the Bill (sponsors: Senators Minner, Sharp, Torbert, Vaughn) was introduced and considered for adoption.

At the request of Senator Minner, the privilege of the floor was extended to William R. Anderson (National Association of Life Underwriters) who was questioned by several Senators.

At the request of Senator Cordrey, the privilege of the floor was extended to David Swayze (Citibank Delaware).

The roll call vote on SA 7 to the Bill was then taken and revealed:

YES: Senators Marshall, Minner, Sharp, Torbert, Vaughn - 5.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Martin, McBride, McDowell, Neal, R. Still, Venables - 15.

NOT VOTING: Senator J. Still - 1.

Therefore, the Amendment was declared defeated.

SA 4 to the Bill was lifted from the table and stricken on motion of Senator Holloway (no objection).

On motion of Senator Cordrey, the roll call vote on HS 1 to HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Cordrey.

SB 321 was introduced and assigned to Highways and Transportation Committee:

SB 321 - AN ACT OF THE 135TH DELAWARE GENERAL ASSEMBLY REQUESTING THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE TIMELY CONSTRUCTION AND MAINTENANCE OF A NEW BRIDGE OVER THE CHESAPEAKE AND DELAWARE CANAL IN THE VICINITY OF ST. GEORGES, AS PART OF THE U. S. ROUTE 13 RELIEF ROUTE, IN KEEPING WITH ITS OBLIGATIONS TO THE STATE OF DELAWARE.

Sponsors: Senators Martin, Cook, Sharp, Minner, Hauge, R. Still, Vaughn; Representatives Roy, Caulk, B. Ennis, Outten, Jester, Mack, Taylor.

At 7:20 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., January 24, 1990.

The Senate reconvened at 3:54 p.m., January 24, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 225; SB 246 w SA 1, HA 1 was defeated.

SB 317 was introduced and assigned to Finance Committee:

SB 317 - AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES. Sponsors: Senators McDowell, McBride, Cordrey, Holloway, Marshall, Martin, Minner, Sharp, Torbert, Vaughn, Venables; Representatives Brady, Campanelli, Caulk, Davis, B. Ennis, Ewing, Houghton, Jester, Jonkiert, Mack, Oberle, Plant, Reynolds, Roy, Schroeder, Spence, VanSant, West.

SB 302 was reported out of the Committee to Combat Drug Abuse: 4 Favorable.

The following legislation was introduced:

SB 319 - AN ACT TO AMEND CHAPTER 237, VOLUME 60, LAWS OF DELAWARE, BEING SENATE BILL NO. 436 OF THE 128TH GENERAL ASSEMBLY, "AN ACT MAKING AN APPROPRIATION TO IMPROVE RECREATIONAL BOATING AND TO REMOVE SHOALS FROM JEFFERSON CREEK AND THE BETHANY BEACH IMPROVEMENT CANAL", AND PROVIDING THAT FUNDS APPROPRIATED MAY BE USED FOR ANY DREDGING PROJECT IN THE DELAWARE INLAND BAYS REGION. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 320 - AN ACT TO AMEND CHAPTER 101, TITLE 29 OF THE DELAWARE CODE RELATING TO ADMINISTRATIVE PROCEDURES AND THE APPLICATION THEREOF. Sponsors: Senators Minner, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn, Venables; Representatives Schroeder, West, Ewing, Quillen. Assigned to Administrative Services/Energy Committee.

SB 322 - AN ACT TO AMEND VOLUME 67, CHAPTER 46 OF THE LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1990 CAPITAL BUDGET AND TRANSFERRING FUNDS FROM THE ADVANCED REAL PROPERTY ACQUISITION FUND TO THE ADVANCED PLANNING FUND. Sponsors: Senator Cook, Representative Roy. (3/4 vote) Laid on the table on motion of Senator Cook.

SB 323 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Judiciary Committee.

SB 324 - AN ACT TO AMEND CHAPTER 62, VOLUME 67, LAWS OF DELAWARE. Sponsors: Senators Cook, Hauge, Holloway, McBride, R. Still, Vaughn, Marshall; Representatives Corrozi, Davis, Quillen, Smith, Soles, West, DiPinto, Silis. Laid on the table on motion of Senator Cook.

SA 12, SA 13, SA 14 to HS 1 for HB 339 w HA 1, 2. Sponsor: Senator J. Still. Placed with the Bill.

SA 15 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Connor, J. Still. Placed with the Bill.

SA 1 to HB 106. Sponsor: Senator Minner. Placed with the Bill.

SB 314 was reported out of the Committee to Combat Drug Abuse: 3 Merits.

The following legislation was introduced:

HB 461 w HA 1 - AN ACT TO AMEND TITLE 11 RELATING TO BAIL IN DRUG-RELATED CASES.

Sponsor: Representative Amick. Assigned to Committee to Combat Drug Abuse.

SJR 10 - ESTABLISHING THE ADOPT-A-HIGHWAY PROGRAM IN DELAWARE ADMINISTERED BY THE DEPARTMENT OF TRANSPORTATION. Sponsors: Senator Martin, Representative Roy; Senators J. Still, Bair, Connor, Sharp, R. Still, Cook, Minner, Vaughn, Marshall, Cordrey, Knox, Venables, Bane; Representative Soles. Laid on the table on motion of Senator Martin.

HB 446 w HA 1 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. (2/3 vote) Sponsor: Representative Amick. Assigned to Committee to Combat Drug Abuse.

HB 394 was reported out of the Community Affairs Committee: 3 Merits.

SS 1 for SB 321 - AN ACT OF THE 135TH DELAWARE GENERAL ASSEMBLY REQUESTING THE GOVERNMENT OF THE UNITED STATE OF AMERICA TO PROVIDE FOR THE TIMELY CONSTRUCTION AND MAINTENANCE OF A NEW BRIDGE OVER THE CHESAPEAKE AND DELAWARE CANAL IN THE VICINITY OF ST. GEORGES, AS PART OF THE U.S. ROUTE 13 RELIEF ROUTE, IN KEEPING WITH ITS OBLIGATIONS TO THE STATE OF DELAWARE. Sponsors: Senator Martin, Representative Roy; Senators Cook, Sharp, Minner, Hauge, R. Still, Vaughn; Representatives Caulk, B. Ennis, Outten, Jester, Mack, Taylor. Adopted in lieu of the Original and assigned to Highways and Transportation Committee.

At 4:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

#### 8TH LEGISLATIVE DAY

January 24, 1990

The Senate convened at 4:08 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Minner.

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.

LEGISLATIVE ADVISORY #30 (1-23-90) received from the Office of the Counsel to the Governor was read which indicated that on January 23, 1990, the Governor signed SS 1 to SB 1 w SA 1, HA 2 (Volume 67, Chapter 152); HB 485 (Volume 67, Chapter 153).

\* \* \* \* \*

HS 1 to HB 32 was reported out of the Highways and Transportation Committee: 1 Favorable, 4 Merits.

SCR 110 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 110 - EXTENDING CONGRATULATIONS AND BEST WISHES TO MR. WALTON A. JOHNSON, JR., OF FRANKFORD, SUSSEX COUNTY, DELAWARE, ON HIS RECENT INSTALLATION AS THE 65TH PRESIDENT OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION. Sponsors: Senator Cordrey, Representative West.

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

Senator R. Still marked PRESENT during the above roll call.

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

SB 311 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES.

Senators Sharp and Holloway commented on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Sharp) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator McDowell marked PRESENT during the above roll call.

HB 252 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 252 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. (2/3 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 returned to the House.

HB 251 was taken up for consideration on motion of Senator Sharp:

HB 251 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT AND RELATING TO THE RIGHT TO JURY TRIAL IN THE SUPERIOR COURT.

The privilege of the floor was extended to Judge Norman S. Barron (Superior Court) and an extended discussion of the Bill among various Senators ensued after which the Bill was laid on the table on motion of Senator Sharp.

HB 260 which was next on the Agenda for the day was removed from the Agenda and deferred for consideration until a later date.

Senator Marshall requested the privilege of the floor for Judge Barron; however, Senator Connor objected and Senator Marshall withdrew the request.

SS 1 for SB 321 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

SS 1 for SB 321 - AN ACT OF THE 135TH DELAWARE GENERAL ASSEMBLY REQUESTING THE GOVERNMENT OF THE UNITED STATE OF AMERICA TO PROVIDE FOR THE TIMELY CONSTRUCTION AND MAINTENANCE OF A NEW BRIDGE OVER THE CHESAPEAKE AND DELAWARE CANAL IN THE VICINITY OF ST. GEORGES, AS PART OF THE U.S. ROUTE 13 RELIEF ROUTE, IN KEEPING WITH ITS OBLIGATIONS TO THE STATE OF DELAWARE.

The privilege of the floor was extended to Frederick H. Schranck (Deputy Attorney General representing Delaware Department of Transportation) who was questioned by several Senators.

The Secretary announced that Senator Neal signed as an additional sponsor to the Bill.

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

SB 302 was taken up for consideration on motion of Senator Sharp:

SB 302 - AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE PURPOSE OF PROVIDING ADDITIONAL STAFF AND OPERATING EXPENSES.

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 322 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 322 - AN ACT TO AMEND VOLUME 67, CHAPTER 46 OF THE LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1990 CAPITAL BUDGET AND TRANSFERRING FUNDS FROM THE ADVANCED REAL PROPERTY ACQUISITION FUND TO THE ADVANCED PLANNING FUND. (3/4 vote)

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 324 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 324 - AN ACT TO AMEND CHAPTER 62, VOLUME 67, LAWS OF DELAWARE.

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

SENATE CONSENT CALENDAR #26 was introduced:

SCR 107 - CELEBRATING THE 200TH ANNIVERSARY OF THE BILL OF RIGHTS. Sponsors: Senators Cordrey, Sharp, Marshall; Representatives Spence, Petrilli, Buckworth.

SCR 108 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO HEAR THE ANNUAL BUDGET ADDRESS BY GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Senators Cordrey, Sharp, Marshall.

SCR 109 - CONGRATULATING SECRETARY OF TRANSPORTATION, KERMIT H. JUSTICE, ON HIS ELECTION AS PRESIDENT OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS AND AS A MEMBER OF THE TRANSPORTATION RESEARCH BOARD EXECUTIVE COMMITTEE. Sponsors: Senator Martin, Representative Roy.

SCR 111 - COMMENDING THE MEMBERS AND OFFICERS OF THE WOODBRIDGE POP WARNER FOOTBALL LEAGUE MIDGET TEAM ON WINNING THE N. R. A. A. MID-SOUTH REGIONAL MIDGET DIVISION CHAMPIONSHIP. Sponsors: Senator Adams, Representative Ewing.

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

At 6:01 p.m. on motion of Senator Sharp, the Senate recessed until 1:45 p.m., January 25, 1990.

The Senate reconvened at 1:46 p.m., January 25, 1990, Lt. Governor Wolf presiding and adjourned on motion of Senator Sharp to immediately convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY  
January 25, 1990

The Senate convened at 1:47 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 Secretary announced that a message from the House informed the Senate that it had adopted SCR 108.

The Sergeant-at-Arms announced the arrival of the House members for the Joint Session.

The members of the House of Representatives were admitted and welcomed by the Lt. Governor. At the invitation of the Lt. Governor, Representative Spence and Senator Cordrey joined him on the podium.

The Sergeant-at-Arms announced the arrival of the statewide elected officials who were admitted and welcomed by the Lt. Governor.

The Sergeant-at-Arms announced the arrival of the Governor's Cabinet officials who were admitted and welcomed by the Lt. Governor.

At 1:52 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing the annual Budget Message by Governor Michael N. Castle, Governor of the State of Delaware. No objection.

#### JOINT SESSION - SENATE CHAMBER

Senator Sharp moved that Lt. Governor, as President of the Senate, preside over the Joint Session. No objection - so ordered.

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

Senator Sharp moved that the President appoint a committee of four to escort the Governor to the Chamber. There was no objection and the President appointed Senator Holloway (spokesperson) and Senator Bane; Representatives Hebner and George as the committee.

The President then called a standing recess until the arrival of the Governor.

At 2:00 p.m. the Joint Session reconvened.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Castle.

Senator Holloway (spokesperson) of the escort committee introduced the Governor to the Joint session.

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

Lieutenant Governor Wolf, Mr. President Pro Tempore, Mr. Speaker, Ladies and Gentlemen of the General Assembly, fellow Delawareans, two weeks ago in my State of the State address, I said that the challenge of the 90's is to assure that the governor and the legislature of the year 2000 can declare that the state of the State is good.

Actually, we are charged with more than that -- we, who govern Delaware in 1990, are charged with building a future for today's children. A future than we can be proud of and that they can live in -- a future that is safe, health, clean, and economically secure.

Because this is our charge, it seemed fitting that we talk with some of those we are building for -- that we talk with some of the young people who will be coming of age in the year 2000.

I asked my staff to go to the Central Middle School, in Dover, and talk about the future with the young people in Mr. Simmons' seventh grade social studies class.

That class I here today, and before I go any further, I want to introduce them.

You know, these young people freely talked about their hopes and dreams, and they talked about their worries and their concerns.

Carey, for instance, talked about trees and clean air; others talked about school and college; others about homes and jobs. They are counting on us, these young people; and it is up to us to deliver -- to give them a State that will be better than it is now.

In truth, we have been building on their future this entire administration.

This Legislature and this Governor, as well as past legislatures and governors, have patiently pursued a policy in the last decade that has balanced tax cuts with spending increases -- increases particularly targeted to human needs in education, children, health, social services, and the environment.

We have poured millions of dollars into transportation and the infrastructure. We have made Delaware a better place to live at the end of the 80's than it was at the beginning.

We have enacted forward-looking and innovative economic development policies that have put more people to work than ever before.

Before we go on today, before we outline what needs to be done this year and in the future, it is important for us to look back.

In the previous five budgets which I have presented to you, this administration has increased the base by \$316 million.

In education, we have increased the base budget \$114 million, or 43%. With those funds, we have raised the average salaries for Delaware teachers from 20th in the nation to 10th.

We have substantially closed the funding gap between poor and rich districts. We have developed programs to target special students with unique problems.

In health and social services, the base has grown by \$82.8 million, or 56%, in five years.

This means that over 3,500 pregnant women and their children who were not served previously will not be covered by health programs.

Just five years ago, pregnant unwed teens from Kent County, would not have received adequate prenatal care and may well have delivered a low birthweight or "risky" baby.

Through our expanded services, they now have access to the prenatal care they need and the chances for a healthy future for both mother and child are much greater.

Welfare recipients who get jobs that do not include health insurance are now covered under Medicaid. Programs for the mentally retarded have doubled.

In 1985, we were serving an average of 1200 children a month in day care programs. Today, we serve over 2200 children a month, making it possible for many low-income parents to work.

This budget will sustain and expand these programs.

In the area of services for children and youth, the base budget has grown some \$20.5 million, or 103%, in five years. Those funds have allowed Delaware to be one of the few states to fully implement a State-wide risk assessment program -- drastically improving our response time when an abuse is first reported.

Child Mental Health Services have grown by 179%, serving more than 1,100 young people. The Office of Prevention has organized and supported several community-based programs, such as the Wilmington Cluster Against Substance Abuse -- the "Karate-Kids" Program that President Bush visited last spring.

The Department of Natural Resources and Environmental Control's base budget has grown 42% in five years.

21 million dollars have been committed to the acquisition of open space, 10.6 million dollars has been spent preserving our beaches, and we have initiated the first non-point source pollution control program in the country approved by the U.S. Environmental Protection Agency.

In the past five years, we have returned more than \$715 million to the pockets of the taxpayers by reducing personal income taxes an average of 20%; 64,000 more Delawareans are employed today than were employed in 1985 and more than \$900 million in new construction have been spent to improve roads, infrastructure and State facilities.

In short, kids, we, and I don't mean just me or just the people here today, I mean governors who came before me and the men and women of this legislature and the legislatures that came before, have been working to make the good things you talked about, at your school, the other day come about.

What I just told you is what we have done in the past. Now, let me tell you about what needs to be done this year. And, Carey, let's go back to one of those things you talked about, the environment.

An old proverb holds that today's generation is leasing the land from their children; and that as tenants, our obligation is to return their heritage in the same condition in which we found it -- rich in natural resources; free of waste and pollution; ripe with opportunity.

There is no greater resource we can leave our children than the very land upon which we stand. In the past two years, we have acquired almost 900 acres of new State land to be preserved for our children and grandchildren.

We need to develop a permanent acquisition program that will remove the threat of bulldozers from land that should remain as open space.

We will spend \$7 million to purchase an additional 600 acres of open space this year and \$1 million to buy an estimated 1,000 acres of forest land, as well as continue our commitment to upgrade Bellevue State Park.

As stewards of our natural resources, we must assure that our water is clean; our land is free of pollution; and our shoreline remains attractive for recreation for future generations of Delawareans.

A Project which holds special promise is the creation of greenways throughout the State -- stretches of land that connect existing open space for biking, jogging or, a gentle stroll, which is all some of my cabinet secretaries can handle. I am recommending half a million dollars to begin to plan and develop this project, an example of which would be to connect Fox Point Park, on the Delaware River, to Brandywine State Park.

But more is needed to protect our future than just acquiring land.

We will also provide \$10.7 million in low-interest loans to local governments to help offset the high costs of rehabilitating and expanding existing sewer and water facilities.

Delaware's revolving loan program will replace previous federal assistance and is the only way we can assure that today's moratoriums do not become tomorrow's absolute prohibitions.

Like the Transportation Trust Fund, this program will require a continuing infusion of funds to meet the needs of aging systems throughout the State.

Future needs are estimated to be in the hundreds of millions of dollars. Local governments must also meet this challenge and accept their share of the responsibility.

This budget adds 25 new employees to the Department of Natural Resources and Environmental Control -- allowing this agency to more effectively carry out its mission of managing our resources and ensuring compliance with our environmental laws -- from Fish and Wildlife Enforcement in the lower bays, to Air and Waste Management, to protecting our newly-acquired Thompson's Island.

Effective management of land and environment brings with it implications for the management of the highway and transportation

The Department of Transportation continues to assess and plan for ways to protect our roadway access, and to put into place plans that can help prevent the State's growth from creating the massive highway congestion that clog our neighboring states.

Mass transit, commuter services, park and ride and commuter rail are all a part of an overall plan to help reduce the daily burden of getting back and forth to work.

We are encouraged to note that currently DART ridership is averaging 17,000 riders per day.

In 1991, we will spend over \$1.6 million to expand our commuter rail service between New Castle County and Philadelphia.

But the backbone of any transportation system is the highway system which supports it.

In the next twelve months, DelDOT will sign contracts to address some of the most critical bottlenecks throughout the State: from Route 7 and 896 in New Castle County; to the Relief Route in Smyrna and Dover to Route 24 in Sussex County.

Secretary Justice has presented his specific proposals for impact fees so that developers share in the ever-increasing burden of moving our citizens quickly and safely.

When the Transportation Trust Fund was first established, it required additional revenue sources in the out years to fund projects approved in the six-year plan.

We will need at least \$15 million of new funding sources this year, and impact fees will be directed to meet that commitment.

The quality of our roads, sewer systems, land, waterways and beaches -- the infrastructure of our society -- are all part of our lifestyle.

Yet, equally important is decent housing, an essential part of the quality of life for all of us. We have recognized the State's responsibility to make that a reality for our citizens.

In the last five years, we have added over \$14.5 million to the Housing Development Fund, which produced over 1,200 new housing units.

Today, I am recommending that we continue that commitment with an additional \$6 million for the restoration and construction of additional housing.

The State is not alone in its quest to provide affordable housing. Over the last year, Mayor Frawley has raised \$1.5 million from the private sector for the City of Wilmington's housing needs.

I am recommending that we be a partner with Wilmington, by setting aside half a million Housing Development Fund dollars for the Wilmington Partnership.

I am also recommending that the Housing Development Fund continue to be utilized to assist providers of temporary shelter space for the homeless.

Equally important as the need for housing is the need for a job. We have made great strides in providing good quality jobs. But the challenge to keep that going is an ever-moving target.

We must recognize the need to be competitive in the global marketplace, and we must take steps to bring to Delaware advanced, high-tech and diversified industries that will make our job base strong and keep our competitive edge sharp.

My budget proposes \$2 million to support the composite technical park at the University of Delaware, which will serve as a magnet for small high-tech companies.

The budget also calls for setting aside \$2 million in an industrial development fund to continue our search for well-paying, quality jobs and another \$1.1 million in support of small businesses and entrepreneurs.

In our changing world, economic development assumes new shapes, and our efforts must focus on the new issues in the decade ahead.

Job training is key, both to the companies that have moved here and to those Delawareans who seek better quality jobs. Approximately \$150 thousand in new money has been set aside for job training programs in the Department of Labor.

Finding new ways to capitalize on our own resources is equally important, and we are committed to continuing to assist our agricultural community in accessing new markets and developing new products, such as aquaculture facilities.

Let there be no doubt. Delaware remains pro-business. We remain pro-jobs. We are progressive. But, not at the expense of our children's heritage.

In order to remain successful, we must intensify our commitment to standards of excellence and high ideals in our schools. We must be certain that we instill in our children a real appreciation for the treasure which lies in their education, and its value as they move toward becoming productive citizens.

It is clear that everything we have done in education in the last five years is but a step in the direction toward providing a system in which this year's second graders -- who will graduate from high school in the year 200 -- do so with a diploma that is meaningful.

Perhaps Paul Fine, the Chairman of the State Board of Education, summed up the challenge best when he recently wrote:

We on the State Board do not underestimate for a moment the size of the task that lies ahead. At the least, the needs of the 1990s require us to abandon many 'traditional' approaches in education. Beyond that, there may well be a need for changes in administrative structure, funding mechanisms and other 'givens' which were put in place in earlier times."

The Board is asking hard questions and focusing all of us on the challenge. More importantly, it has begun to plan and articulate a vision of what an exemplary public school system should look like.

We need a school system that has shifted its focus to student outcomes and recognizes that individuals have different learning styles but that all children can learn.

We need a school system that puts a premium on enhancing the abilities of its professionals and that motivates them to pursue excellence.

We need a system that integrates education and social services so that teachers, social workers, health professionals, and parents see themselves as members of a team rather than having separate and isolated roles.

Let me first speak to the fundamentals in education. This budget continues our commitment to competitive salaries. If we do not attract and retain good teachers, all of our other efforts will be meaningless.

I am proposing an increase of \$1,500 in the average State teacher's salary -- assuming local match, starting salaries should average \$22,400 next year and average teachers salaries, should be almost \$35,000.

Our commitment to salaries in education also carries through to higher education.

This budget supports salary equity issues at the University of Delaware and Delaware State College, and for the first time will fund 100% of the instructor salary increase at Delaware Technical and Community College as well as department chairman supplements to enable Del Tech to recruit and maintain qualified chairpersons.

The initial effects of our growing public school population is reflected by a general contingency of \$4.9 million, the largest contingency in many years, to accommodate a projected increase of 123 units.

In addition, Division II funding will be increased by 3.3% and maintenance and minor capital programs will be increased by 5%.

More than 10 million dollars is set aside for referendum contingencies or already-approved new construction projects.

I am also recommending the full implementation of the Equalization Policy Committee recommendations at an increase of \$2.8 million, money that will particularly benefit our poorer districts.

In higher education, \$7 million will continue our commitment to fund facilities at the University of Delaware -- in particular the Chemistry Building and the Sports and Convocation Center -- and \$3.5 million at Delaware State College for its Humanities Building.

For Delaware Technical and Community College, I am recommending funding to complete both the Georgetown higher education facility and the Science and Engineering Technology Center on the Terry Campus.

Acknowledging that early childhood education is perhaps our best opportunity to support lifelong achievement, I enthusiastically accept the State Board's highest priorities in this area.

Over \$300,000 is earmarked to begin 16 optional full-day kindergarten classes.

I am also recommending approximately \$200,000 to expand the Parent Early Education Center, a parenting skills program, to four additional sites, two each in Kent and Sussex Counties.

In an effort to develop better coordination between State agencies, we will enhance the education component of day care provider training programs and provide additional training for K-3 teachers.

I am also recommending that a State Supervisor of Early Childhood Education position be established within the Department of Public Instruction to focus all of our programs in that area.

Approximately \$100,000 is reserved to establish a Year-Round School Program. A school, which is to be selected by the State Board of Education, will extend its academic year from 185 to approximately 200 days for as many as 400 students.

Students will attend nine-week sessions followed by three-week breaks. Any student needing remedial assistance will receive it during the first week of each break period.

The students from Central Middle School recognized the need to try doing things differently.

Howard actually suggested going to school in three-month stretches with a vacation period in between, so time would not be lost reviewing at the beginning of each school year.

The budgets for Health and Social Services and Services for Children, Youth and Their Families recognize that of all the resources that we must preserve, people are our greatest priority. And, if our goal is productive adults, we must now make the long-term investment in creating healthy children.

The State must step forward to assure that adequate health care is truly available to every citizen. That begins with the State facilities at which those services are provided.

I know that when you visit State facilities as I do -- you are struck by the need to improve them. And that is why I am recommending that the State appropriate \$9.5 million in the Bond Bill to renovate and improve these facilities.

While we must strive to upgrade those facilities that need work and maintain those that are in good shape, we must also work hard to keep people out of these facilities.

I am recommending \$335 thousand for case management services for the mentally ill to enhance our community-based treatment; \$ 284 thousand for services for persons with mental retardation; \$164 thousand to expand the community residential and vocational placement services for our post-21 autistic population; and an additional \$224 thousand to expand our day habilitation programs for special school graduates.

Yet, while we have an obligation to provide quality care for those who need it, we should not focus solely on treatment strategies. I know of no instance where treatment is as effective as prevention.

In this budget, I will seek to expand access to medical assistance which will, hopefully, reduce the number of Delawareans who are ultimately dependent upon the State.

I am recommending \$1.7 million to increase the Medicaid eligibility standards, allowing us to provide medical services to an additional 2,000 pregnant women and children; and \$342 thousand to provide pre-natal services for an estimated 230 teenagers.

Two weeks ago, I noted that our Welfare Reform Program is a model for the nation. My budget proposal continues my goal of breaking the cycle of dependency by expanding our day care slots to include over 1,000 children at a cost of \$1.8 million.

We are also providing 12 months of Medicaid for over 500 former AFDC recipients who will be working rather than depend upon a government benefit check.

Today, I am also recommending a 3.7% increase in AFDC benefits and 9.8% in General Assistance for a total cost of \$467 thousand -- this will be the sixth increase in a row.

Delaware has also been a leader in collecting child support payments, and we remain committed to that program. We will implement new federally-mandated standards and a wage attachment program.

This budget also recognizes the value of providing home and community-based care to the greatest extent possible to those who suffer from AIDS. We will spend \$890,000 new dollars to provide community-based care for those suffering from AIDS on a State-wide basis.

The Department of Services for Children, Youth and Their Families believes children are best served when out-of-home placement can be avoided and services are provided to the family.

This year, more than \$400 thousand and eleven new positions have been added to their budget to provide in-home services and crisis intervention to families that would previously have faced separation.

When situations are so severe that placement cannot be avoided, it is important that our foster and group care system be sufficient for the children who need care.

\$350 thousand has been added to the foster and group care programs to provide additional space and increased payments.

The Division of Child Mental Health Services, which did not exist before the creation of the Children's Department, will continue to expand its services in Fiscal Year 1991. More than \$600 thousand will be added to this effort next year.

My administration remains committed to the implementation of the Delaware Plan, the deinstitutionalization of juveniles.

For Fiscal Year 1991, an additional \$1 million is committed to the expansion of alternative placements for troubled youth.



I know that in recent weeks many articles have appeared in the newspapers about our juvenile justice institutions, along with a litany of needed improvements. We are committed to take those needed steps.

But let me also say, that our Courts, the Attorney General, the Public Defender and the Children's Department must forge a partnership to remain diligent in ensuring that appropriate placement be made for each youngster charged to their care.

Institutionalization must be the alternative of last resort.

But once that decision is made, we must make sure that the institutional setting promotes rehabilitation. My budget recommends \$3.0 million to replace the Bridge House with a modern, free-standing facility on the Ferris Campus. Bridge House will be closed this spring.

In addition, I am recommending \$100 thousand to begin planning for a free-standing facility for adjudicated girls using the proceeds from the rent and sale of the Woods-Haven Kruse facility, once the new women's correctional facility is built near Wilmington.

While none of us are particularly happy with the increasing amount of money we have to spend in dealing with crime and its perpetrators, assuring protection of our citizens is a continuing priority of our State.

We have pointed out in the past that Delaware is "tough on crime". We arrest, convict, and sentence more criminals than most states and the continued protection of our citizens remains a priority in the coming budget.

Our success, however, creates other problems.

Our employees will be added to the Courts and the Attorney General's and Public Defender's Offices to meet the increased burden of dealing effectively and efficiently with the criminal justice system.

We have worked hard to support sentencing alternatives. But we continue to require additional secure space to house criminals for whom there is no appropriate alternative to incarceration.

I am recommending almost \$20 million for construction of additional capacity and renovation of existing space. \$11 million is earmarked to begin construction of a 200-bed women's facility and a 400-bed men's facility on a New Castle County site.

Another \$6.2 million has been set aside to add 80 new cells at Gander Hill. And \$1.7 million is proposed for another 100 modular housing units.

I am also recommending the purchase of the former American Legion Property, adjacent to the Plummer House to free additional housing space at Plummer House.

Besides making sure that those who belong behind bars are there, these commitments will help to free up needed program space that is currently being used to house prisoners.

Simply warehousing inmates without providing rehabilitation and training programs, will only lead to building more cells in the future.

The Drug Abuse Coordinating Council, chaired by Lieutenant Governor Wolf, as well as your own committees, chaired by Tom Sharp and Steve Amick, have made great strides in getting a handle on the problem and needs to effectively fight the war on drugs. That effort will intensify with additional funding in the budget.

About a week ago, many of us listened to federal Drug Czar Bill Bennett assess the war on drugs. His astute remarks correctly assessed the problem and presented sensible long- and short-term solutions.

He noted that our immediate battles must be fought by committing adequate resources across the board -- to education, to treatment and rehabilitation, and to adjudication and incarceration. In doing so, we take vital steps toward protecting our children from this scourge.

The middle school students we spoke with are also concerned about drugs. Jennifer, Rachael and Brandon want their schools and communities to be drug free and their highways to be safe from drunk drivers.

My budget reflects that commitment with an additional \$2.7 million to combat drugs in Delaware on top of the \$3 million in programs added last year that will be continued.

My plan commits dollars principally to treatment, rehabilitation, adjudication and incarceration.

In the areas of treatment and rehabilitation, I am recommending:

- \* To expand the community support services program in the Department of Health and Social Services to accommodate additional people with the severe disability of drug and alcohol abuse;
- \* Drug and alcohol outpatient case management services;
- \* Additional staff to supplement the work of the newly-created Alcohol and Drug Treatment Services Unit of the Department of Services for Children, Youth and Their Families;
- \* More drug and alcohol counseling at Ferris School; and
- \* Almost \$250 thousand to Youth Rehabilitation Services for more flexible treatment alternatives for young offenders.

In the area of incarceration, I am recommending that \$1 million of SENTAC drug and alcohol programs be transferred from the Department of Health and Social Services to the Department of Correction, bringing greater efficiency and flexibility in administering these programs.

We will expand the Key Program in the Department of Correction; increase the number of inpatient drug and alcohol beds; and add more day drug and alcohol treatment slots as well as contractual drug and alcohol counseling at the Women's Correctional Institution.

In the area of adjudication, I am recommending we add 15 new positions to the Attorney General's and Public Defender's Offices to allow them to move drug cases through the criminal justice system quickly and competently.

To help fund our substance abuse program, I am proposing a modest increase in the alcoholic beverage tax; an increase that is long overdue. These taxes have remained untouched since 1953 for beer, or since 1972 for wine.

Tapping this revenue source has become necessary in view of the enormous demands placed upon us to pick up the tragic pieces left in the wake of drug and alcohol abuse.

While Dr. Bennett stressed government's responsibility to provide the funding stream, he also called upon our schools, churches, and families to provide discipline and direction in this battle that we MUST win.

Only these institutions can provide the nurturing which will prepare our children to face the future.

No government can be successful without employees who truly care and effectively deliver services to our citizens. Our State employees have historically been highly-motivated and responsible in carrying out their wide variety of job functions.

We have an obligation as an employer to provide a fair and adequate compensation for those services. Over the last five years, we have increased salaries an average of 41.2%.

This year, all Merit System employees will receive a 4.7% increase, unless they are at their maximum; in which case, I am proposing a 2.35% general increase.

All comparable exempt employees, appointed and elected officials will also receive a 4.7% increase, unless they are at their maximum.

I am also proposing \$5.6 million be spent for a pension increase for retired State employees.

In addition, I am proposing we make available to local governments \$1 million to increase pension benefits on a matching basis for police and fire retirees.

In November and December, as I examined and reviewed the various proposals submitted by my Cabinet for inclusion in this budget, the fiscal landscape was covered with mixed signals -- on one hand, national and regional stories of states' suffering and cutting back -- Massachusetts, New Jersey, New York, Connecticut -- on the other hand a constant drumbeat that Delaware had more money than it knew how to spend.

But the challenge of taking our first step into the new decade is equally difficult because our economic resources may not be growing as rapidly to meet the challenges of the future.

Several of our State's large employers have turned on the caution light.

You only have to glance at the daily newspapers and read the litany of problems that our neighboring states face. While many states in the northeast prospered as we did, they ignored a balanced approach. Today, they must raise taxes or cut programs, or both.

Our record is different. The Delaware Economic and Financial Advisory Council's latest estimate of new revenues in Fiscal Year 1991 is \$1,227,500,000.

To that we add the anticipated Fiscal Year 1990 carry-over of \$44 million; a Medicaid adjustment of \$1.4 million; fee increases of \$1.5 million; and alcoholic beverage tax enhancement of \$5 million.

After calculating our constitutionally-mandated 98% limit, funding our reserve requirements, and setting aside \$17.8 million for Grant-In-Aid, I am recommending a Fiscal Year 1991 Budget of \$1,235,000,000.

This represents a 9.2% increase over the current operating budget.

While it represents some new program funding, much of the increase is driven by items beyond our control -- annualization of existing programs, mandated formula increases, federal matching requirements -- in short, funding needed merely to open the doors for business.

The bond bill calls for a total appropriation of \$286.3 million -- divided into items funded through the Transportation Trust Fund which amounts to \$185.9 million and other non-transportation capital appropriations amounting to \$100.4 million.

The Transportation Trust Fund expenditures represent this year's projects spelled out in the six-year capital program, while the expenditure for non-transportation items -- like the operating budget -- by and large, represents a continuation or completion of previously-authorized programs.

I would caution that while the December DEFAC revenue estimates provide sufficient funds to finance both these bills -- DEFAC also cautioned that the fiscal picture could soften this spring. The Legislature, before its final mark up, should closely monitor these developments so that we do not make spending decisions in the base budget that cannot be sustained in future years.

In the face of economic slowdown, achieving our goals may be a little more difficult than in the past.

As we watch our revenues grow at more modest rates, we must discipline ourselves. We must double-check the decisions we make.

My spending plan fully funds the Rainy Day Fund at \$66.3 million. While that seems a large pot of money, it is, in fact, only 5% of our revenue, a sum that could be consumed rapidly in bad times.

When you acknowledge the fact that fully 6% of the budget growth is needed just to open the doors; then the fund takes on a different meaning.

And if a true rainy day should come, if fallen revenues point to reduction in services for our citizens -- we will be ready.

This, then, is the budget I propose. To you young people who talked of what you want and need, I can tell you that this is another building block for your future.

To the Legislators who will now debate the kind and quality of that future, I remind each of you that you and I have met the challenges of the 80's through planning, partnerships, and perseverance.

Through the 80's, we have provided our citizens with a lifestyle that is better now than it was at the beginning of that decade.

Today, despite a more uncertain economic future than we have previously faced, we can, if we act prudently and cooperatively, secure what we have already achieved and improve the future for all of us.

So, let us start this new decade with renewed resolve: to build a strong Delaware, a Delaware full of opportunity, a Delaware with safe streets, a Delaware with good schools, a Delaware with clean air, and a Delaware with plentiful open spaces. And, let us do it because, in the words of the adage, "If not us, who, if not now, when?"

\* \* \* \* \*

The President thanked the Governor for his enlightening and challenging address and asked the previously named escort committee to reassemble and escort the Governor back to his Executive Office.

Lt. Governor Wolf recognized and introduced to the Joint Session, former Governor Elbert N. Carvel. At the invitation of the Lt. Governor, Governor Carvel address the Joint Session.

He was warmly received by the assembly.

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 informed the Joint Session that he and the Chief Clerk of the House compared their Journals and found that they agreed.

At 2:55 p.m., Senator Sharp moved that the Joint Session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the President declared the Joint Session adjourned.

\* \* \* \* \*

At 2:55 p.m., on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:15 p.m., Lt. Governor Wolf presiding.

Senators Marshall, McDowell, McBride marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of David Armstrong 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 (Minner, Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

Senator Martin marked PRESENT during the above roll call.

On motion of Senator Adams, the Governor's nomination for appointment of Robert A. Carson 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 (Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Wayne R. Hanby 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 (McDowell, Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Lorin P. Hunt 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 (McDowell, Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph Whitmore Maybee 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 (Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Eugene M. Reynolds, Jr. 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 (Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William Charles Wright 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 (Minner, R. Still) ABSENT; therefore, the appointment was declared confirmed.

HB 427 w HA 2 was lifted from the table for consideration on motion of Senator Sharp. SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Sharp.

SA 2 to the Bill (sponsors: Senator Sharp and Representative D. Ennis) was introduced. The privilege of the floor was extended to Franklin Ciacchio (representing New York Life Insurance Company and its independent agents) after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 17.

NOT VOTING: Senators McBride, McDowell - 2.

ABSENT: Senators Holloway, R. Still - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 427 w HA 2, SA 2 was then taken and revealed 19 Senators voting YES and 2 (Holloway, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Minner marked PRESENT during the above roll call.

SB 328 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McBride (no objection):

SB 328 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FISHING PERMIT TO HARRY LOGAN OF NEW CASTLE, DELAWARE, WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER THE DELAWARE FINFISHING STATUTES. Sponsors: Senator McBride; Representatives Houghton, Mack.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Hauge) NOT VOTING and 2 (Marshall and R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 330 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 330 - AN ACT TO AMEND CHAPTER 62, VOLUME 67, LAWS OF DELAWARE, RELATING TO FUNDING FOR WEST CENTER CITY ADULT CENTER, INC. (3/4 vote) Sponsors: Senator Cook, Representative Corrozi; Senators Hauge, Holloway, McBride, R. Still, Vaughn, Marshall; Representatives Davis, Quillen, Smith, Soles, West, DiPinto, Sills.

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.

HB 241 and HB 242 which were next on the Agenda for the day were placed at the bottom of the Agenda at the request of Senator Torbert.

On motion of Senator Torbert (without objection) the roll call vote on SB 82 w SA 2 which had been returned from the House at the request of Senator Torbert, was rescinded and the Bill stricken.

On motion of Senator Torbert (without objection) the roll call vote on SB 83 which had been returned from the House at the request of Senator Torbert, was rescinded and the Bill stricken.

On motion of Senator Torbert, the roll call vote on SB 248 was rescinded and the Bill laid on the table.

SB 297 and SB 298 were stricken on motion of Senator Holloway.

HB 241 was taken up for consideration on motion of Senator Torbert:

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.

At 5:05 p.m. Senator Sharp presiding.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator J. Still.

At 5:07 p.m. Senator Cordrey presiding.

Senators Venables and Neal commented on SA 1 after which the roll call vote was taken; however, the roll call vote on the Amendment was laid on the table before being announced on motion of Senator J. Still.

The roll call vote on HB 241 was then taken; however, the roll call vote on the Bill was laid on the table before being announced on motion of Senator Torbert.

HB 242 was taken up for consideration on motion of Senator Torbert:

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)

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

At 5:13 p.m., Senator Sharp presiding.

SB 314 was taken up for consideration on motion of Senator Cordrey:

SB 314 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW, IN SUSSEX COUNTY, DELAWARE" RELATING TO THE CONDUCT OF ELECTIONS. (2/3 vote)

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

HB 394 was taken up for consideration on motion of Senator Minner:

HB 394 - AN ACT TO AMEND CHAPTER 41, TITLE 31 OF THE DELAWARE CODE AND CHAPTER 29, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE HOUSING CODE AND ITS ENFORCEMENT.

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

HS 1 for HB 32 was taken up for consideration on motion of Senator Martin:

HS 1 for HB 32 - AN ACT ENTITLED "THE TRAVELINK TRAFFIC MITIGATION ACT" AMENDING CHAPTER 25 OF TITLE 18, CHAPTER 23 OF TITLE 19, AND CHAPTERS 11 AND 20 OF TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDITS FOR MITIGATION OF COMMUTER TRAFFIC.

SA 1 to the Bill which had been placed with the Bill was stricken on motion of Senator Martin.

SA 2 to the Bill (sponsor: Senator McDowell) was introduced.

The privilege of the floor was extended to Frederick H. Schranck (Deputy Attorney General, representing Delaware Department of Transportation) and several Senators entered into discussion of the Amendment after which the Amendment was stricken on motion of the sponsor, Senator McDowell.

The roll call vote on HS 1 for HB 32 was then taken and revealed 19 Senators voting YES and 2 (Adams, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Torbert (without objection) the roll call vote on HB 241 was lifted and announced:

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

NO: Senator Venables - 1.

NOT VOTING: Senator Minner - 1.

ABSENT: Senators Adams, R. Still - 2.

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

Senator Venables commented on Helen Brandt's testimony before the Senate on January 16, 1990.

The following legislation was introduced:

SB 318 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senators Bair, Connor; Representatives Spence, Petrilli, Buckworth. Assigned to Finance Committee.

SB 325 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO PENSION BENEFITS FOR CORRECTION OFFICERS. Sponsors: Senators Vaughn, Holloway, Marshall, McDowell, Sharp, Venables; Representatives Bennett, Brady, Amick, Campanelli, Caulk, B. Ennis, Houghton, Jonkiert, Jester, Oberle, Outten, Plant, Reynolds, Schroeder, Spence, Taylor, VanSant, West. Assigned to Corrections Committee.

SB 326 - AN ACT TO AMEND CHAPTER 7 AND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DISCHARGE OF CERTAIN WASTE PRODUCTS FROM VESSELS AND BOATS. (2/3 vote) Sponsor: Senator McBride. Assigned to Natural Resources and Environmental Control Committee.

SB 327 - AN ACT TO AMEND SUBPART J OF SUBCHAPTER II, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO VIDEO PRIVACY PROTECTION. Sponsors: Senator Vaughn; Representatives Spence, Quillen. Assigned to Judiciary Committee.

SB 329 - 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, Holloway, Marshall, McDowell, Torbert, Sharp; Representatives D. Ennis, Campanelli. Assigned to Administrative Services/Energy Committee. Senator Sharp requested that his name be removed as a co-sponsor of the Bill.

SB 331 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO THE LICENSURE OF FUNERAL SERVICE PRACTITIONERS. Sponsors: Senator Holloway, Representative Plant. Laid on the table on motion of Senator Holloway.

SS 1 for SB 313 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH CARE FOR THE MEDICALLY INDIGENT. Sponsors: Senator Holloway, Representative Oberle; Senators Sharp, McBride, Venables, Minner, Torbert, Martin, Marshall; Representatives George, Gilligan, Sills, Plant, Campanelli, West, Jonkiert. Adopted in lieu of the Original.

SA 2 to HB 290. Sponsor: Senator McBride. Placed with the Bill.

SA 16 and SA 17 to HS 1 for HB 339 w HA 1, 2. Sponsor: Senator J. Still. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 118, HCR 119, SCR 106, SCR 110.

SENATE CONSENT CALENDAR #27 was introduced:

SR 67 - COMMEMORATING THE OUTSTANDING SERVICE OF JOSHUA W. MARTIN III AS THE FIRST AFRO-AMERICAN TO SERVE ON THE SUPERIOR COURT OF THE STATE OF DELAWARE. Sponsor: Senator Holloway.

SR 68 - ESTABLISHING A JUVENILE JUSTICE OVERSIGHT COMMITTEE TO INVESTIGATE CONDITIONS AT THE BRIDGE HOUSE AND OTHER JUVENILE DETENTION FACILITIES AND TO ISSUE A REPORT AND MAKE RECOMMENDATIONS TO THE 135TH GENERAL ASSEMBLY. Sponsor: Senator McDowell.

SR 69 - CONGRATULATING SENATOR ROGER A. MARTIN OF WINDY HILLS ON HIS SELECTION AS A WINNER OF THE DISTINGUISHED LEGISLATIVE SERVICE AWARD OF THE DELAWARE BAR ASSOCIATION. Sponsors: Senator Cook, all Senators.

SCR 112 - CONGRATULATING FORMER GOVERNOR ELBERT NOSTRAND CARVEL OF LAUREL AS HE PREPARES TO CELEBRATE HIS 80TH BIRTHDAY. Sponsors: Senator Martin, Representative Spence, all Senators.

SCR 113 - EXTENDING BEST WISHES FOR A SPEEDY RECOVERY TO FORMER DELAWARE GOVERNOR, U.S. SENATOR AND CONGRESSMAN J. CALEB BOGGS. Sponsors: Senator Cordrey, Representative Spence, all Senators, all Representatives.

SCR 114 - EXTENDING BEST WISHES AND THANKS FOR A JOB WELL-DONE TO CHARLES A. LEGATES, JR., UPON HIS RETIREMENT FROM THE POSITION OF MANAGER OF THE DIVISION OF COMMUNICATIONS. Sponsors: Senator Cordrey, Representative Spence, Senator J. Still, Representative Outten.

SCR 115 - RENDERING HONOR AND COMMENDING DELAWARE STATE COLLEGE ON ITS 1890 CENTENNIAL CELEBRATION AND EXTENDING BEST WISHES FOR A PROSPEROUS AND HISTORIC FUTURE. Sponsors: Senators J. Still, Torbert, Cook, Vaughn, Minner, Holloway; Representatives Outten, B. Ennis, Clark, Bennett, Quillen, Buckworth, Caulk.

HCR 118 - EXPRESSING THE INTEREST OF THE STATE OF DELAWARE IN CARING FOR ITS VETERANS WHO ARE FINANCIALLY DEPENDENT, AND ARE AGED, ILL OR HOMELESS AND CHARGING THE DELAWARE COMMISSION OF VETERANS AFFAIRS WITH INVESTIGATING AND VALIDATING VETERANS' NEEDS AND DETERMINING THE MOST PRACTICAL MEASURES THAT CAN BE ESTABLISHED TO SATISFY THOSE NEEDS. Sponsors: Representative Spence, Senator Cordrey.

HCR 119 - HONORING BRADLEY FINCH UPON HIS ATTAINMENT OF THE RANK OF EAGLE SCOUT. Sponsors: Representative DiPinto, Senator Knox; Representatives Boykin, Corrozi.

The roll call vote on the Calendar was taken on motion of Senator Minner and revealed 19 Senators voting YES and 2 (Adams, R. Still) 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.

At 6:08 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

The Senate reconvened at 3:02 p.m., March 13, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SS 1 for SB 321; SB 322; SB 44 w HA 3; HB 489; SB 330; SB 278; SB 328; SB 306; SB 223 w HA 1; HB 442 w HA 1; HB 478 w HA 1; HB 370; SB 163 w SA 2, 3; SB 59; SB 147; SB 50 w HA 1; HB 371 w HA 1; HB 287 w HA 1; SB 227; SB 229 w SA 1; SB 235; SB 254; SB 212 and adopted SCR 109; SCR 111; SCR 112; SCR 113; SCR 114; SCR 115; HCR 120; HCR 121; SCR 107.

LEGISLATIVE ADVISORIES #31 through 35 were partially read and copies were made available to each Senator:

LEGISLATIVE ADVISORY #31 (1-25-90): On January 25, 1990 the Governor signed HB 123 (Volume 67, Chapter 154); HB 352 (Volume 67, Chapter 155); HB 361 (Volume 67, Chapter 156).

\* \* \* \* \*

LEGISLATIVE ADVISORY #32 (1-31-90): On January 31, 1990, the Governor signed HB 372 w HA 2, 3, SA 1 (Volume 67, Chapter 157); SB 225 (Volume 67, Chapter 158).

\* \* \* \* \*

LEGISLATIVE ADVISORY #33 (2-6-90): On February 2, 1990 the Governor signed HB 252 w HA 1 (Volume 67, Chapter 159); on February 6, 1990 the Governor signed HS 1 to HB 32 (Volume 67, Chapter 160); HB 427 w HA 2, SA 2 (Volume 67, Chapter 161); HB 241 (Volume 67, Chapter 162); HB 242 (Volume 67, Chapter 163).

\* \* \* \* \*

LEGISLATIVE ADVISORY #34 (2-10-90): on February 8, 1990 the Governor signed SB 59 (Volume 67, Chapter 164); SB 163 w SA 2, 3 (Volume 67, Chapter 165); SB 227 (Volume 67, Chapter 166); SB 229 w SA 1 (Volume 67, Chapter 167); SB 235 (Volume 67, Chapter 168); SB 254 (Volume 67, Chapter 169); SB 278 (Volume 67, Chapter 170); SB 306 (Volume 67, Chapter 171); SS 1 for SB 321 (Volume 67, Chapter 172); SB 322 (Volume 67, Chapter 173); SB 328 (Volume 67, Chapter 174); SB 330 (Volume 67, Chapter 175).

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LEGISLATIVE ADVISORY #35 (2-12-90): On February 12, 1990 the Governor signed SB 147 (Volume 67, Chapter 176); SB 212 w SA 1 (Volume 67, Chapter 177).

\* \* \* \* \*

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 23, 1990

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 reappointed as a member of the Board of Pension Trustees to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

The following communications from the Chief Clerk of the House were read:

HOUSE of REPRESENTATIVES  
State of Delaware  
LEGISLATIVE HALL  
Dover, Delaware 19903  
January 26, 1990

The Honorable Bernard J. Brady  
Secretary of the Senate  
Legislative Hall  
Dover, DE 19901

Dear Bernard:

Please be aware that on Thursday, January 25, 1990, Representatives V. George Carey and Al O. Plant, Sr., signed SB 163 as additional sponsors.

Thank you for your continuing cooperation

Very truly yours,  
JoAnn Hedrick, Chief Clerk

\* \* \* \* \*

State of Delaware  
LEGISLATIVE HALL  
Dover, Delaware 19903  
January 31, 1990

The Honorable Bernard J. Brady  
Secretary of the Senate  
Legislative Hall  
Dover, DE 19901

Dear Bernard:

Please be aware that on Tuesday, January 30, 1990, Representatives J. Benjamin Ewing signed SS 1 for SB 321 as an additional sponsor, Representative Edward J. Bennett signed SCR 112, SCR 113 and SCR 114 as an additional sponsor and Representatives Marybeth T. Boykin & Joseph G. DiPinto signed SCR 109 as additional sponsors.

Thank you for your continuing cooperation

Very truly yours,  
JoAnn Hedrick, Chief Clerk

\* \* \* \* \*

State of Delaware  
LEGISLATIVE HALL  
Dover, Delaware 19903  
January 31, 1990

The Honorable Bernard J. Brady  
Secretary of the Senate  
Legislative Hall  
Dover, DE 19901

Dear Bernard:

Please be aware that Representative William I. Houghton signed SS 1 for SB 321 as an additional sponsor.

Thank you for your continuing cooperation

Very truly yours,  
JoAnn Hedrick  
Chief Clerk

\* \* \* \* \*

The following legislation was introduced:

SB 331 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO THE LICENSURE OF FUNERAL SERVICE PRACTITIONERS. Sponsors: Senator Holloway, Representative Plant. Assigned to Sunset Committee. (This introduction was in error since the Bill had previously been introduced and laid on the table on motion of Senator Holloway.

SB 332 - AN ACT TO AMEND CHAPTER 5, TITLE 29 AND CHAPTER 96, TITLE 9, DELAWARE CODE RELATING TO ESTABLISHMENT OF A LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND. Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SB 333 - AN ACT TO AMEND CHAPTER 13 OF TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL NURSES. Sponsors: Senator McBride, Representative Fallon. Assigned to Education Committee.

SB 334 - AN ACT TO AMEND CHAPTER 27, SUBCHAPTER I, TITLE 21, DELAWARE CODE, RELATING TO QUALIFICATIONS FOR SCHOOL BUS DRIVERS. Sponsor: Senator Torbert. Assigned to Public Safety Committee.

SA 1 to SB 331. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 448. Sponsor: Senator Torbert. Placed with the Bill.

HB 287 w HA 1 - AN ACT TO AMEND ARTICLE 4, SECTIONS 12, 13 AND 38 OF THE CONSTITUTION OF THE STATE OF DELAWARE TO HARMONIZE THOSE SECTIONS REGARDING THE AUTHORITY OF A JUSTICE UNDER SECTIONS 12, 13 AND 38 TO DESIGNATE STATE JUDGES TO SIT IN VARIOUS COURTS OF THE STATE OR TO DESIGNATE RETIRED STATE JUDGES OR JUSTICES TO TEMPORARILY PERFORM JUDICIAL SERVICE IN THE ABSENCE, DISQUALIFICATION OR INCAPACITY OF THE CHIEF JUSTICE OR A VACANCY IN THAT OFFICE, AND TO HARMONIZE SECTION 13 WITH SECTIONS 2, 3 AND 12 TO MAKE UNIFORM THE REFERENCES THEREIN TO MEMBERS OF THE SUPREME COURT, AND TO ELIMINATE OBSOLETE REFERENCES IN SECTION 13 TO THE ORPHANS' COURT, WHICH NO LONGER EXISTS. (2/3 vote) Sponsors: Representative Hebner, Senator Sharp. Assigned to Judiciary Committee.

HB 370 - AN ACT TO AMEND CHAPTER 14, TITLE 11 OF THE DELAWARE CODE RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS. Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Caulk, Boykin, DiPinto, Smith, Hebner, B. Ennis, Jonkiert, VanSant; Senators Adams, McBride, Minner, Torbert, Vaughn, Neal. Assigned to Judiciary Committee.

Senator Cordrey moved that HS 1 for HB 134 be reassigned from the Finance Committee to the Banking Committee. There was no objection.

HB 371 w HA 1 - AN ACT TO AMEND CHAPTER 14, TITLE 11 OF THE DELAWARE CODE RELATING TO FIREARMS. Sponsors: Representatives Ewing, Spence, Petrilli, Buckworth, Amick, D. Ennis, Davis, Hebner, Caulk, Boykin, Oberle, DiPinto, Roy, Carey, Smith, Taylor, Reynolds, Mack, B. Ennis, Jonkiert, Outten, VanSant; Senators Adams, McBride, Minner, Torbert, Vaughn, Neal. Assigned to Judiciary Committee.

SB 333 which had been assigned to Education Committee was reassigned to Finance Committee on motion of Senator Cook. No objection.

HB 442 w HA 1 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE BOARD OF PAROLE. Sponsors: Representatives Davis, Hebner, Ewing, Houghton, Plant. Assigned to Judiciary Committee.

HB 478 w HA 1 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLE REGISTRATION PLATES. (2/3 vote) Sponsor: Representative Quillen. Assigned to Public Safety Committee.

HB 489 - AN ACT TO AMEND CHAPTERS 27 AND 52, TITLE 29, AND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO THE POWER AND DUTIES OF THE STATE TREASURER, THE SECRETARY OF LABOR AND THE DIRECTOR OF UNEMPLOYMENT INSURANCE. Sponsors: Representatives D. Ennis, Petrilli, Amick, Boykin, Corrozi, Fallon, Lee, Ewing, Caulk, Reynolds, Smith, Jonkiert, Campanelli, Plant, B. Ennis, Houghton, Brady, VanSant; Senators Sharp, Bair, Connor, Holloway. Assigned to Executive Committee.

Senator R. Still marked PRESENT.

At 3:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY  
March 13, 1990

The Senate convened at 3:17 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 Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Adams, Connor - 2.

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

SB 134 which had been returned from the House further amended by HA 1 was laid on the table on motion of Senator Sharp. No objection.

SB 25 w SA 1, 2, 3 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1 w HA 1. The roll call vote on SB 25 w SA 1, 2, 3, HA 1 w HA 1 was therefore taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

Senator McDowell marked PRESENT during the above roll call.

SB 44 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 3. The roll call vote on SB 44 w HA 3 was then taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 50 which had previously passed the Senate was taken up for reconsideration on motion of Senator Vaughn as now further amended by HA 1. The roll call vote on SB 50 w HA 1 was then taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 3:31 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:38 p.m., Senator Cordrey presiding.

The Secretary announced that SB 331 which had been earlier read in as an introduction was in error since the Bill had previously been read in and laid on the table.

SB 223 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1 on motion of Senator Minner. The roll call vote on SB 223 w HA 1 was therefore taken and revealed 16 Senators voting YES and 5 (Adams, Connor, Holloway, Marshall, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 134 as returned from the House further amended by HA 1 was lifted from the table for consideration on motion of Senator Sharp. SA 1 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Adams, Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 134 w HA 1, SA 1 was then taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Bair commented on the condition of Senator Connor who is presently a patient at Christiana Hospital.

Senator Cordrey congratulated Senator Sharp on his recent 50th Birthday.

The following legislation was introduced:

SB 335 - AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsor: Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 336 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, CONCERNING THE PAYMENT OF A REAL ESTATE TRANSFER TAX. Sponsors: Senator Minner, Representative Schroeder. (2/3 vote). Assigned to Community Affairs Committee.

SB 337 - AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO THE MARKING OF NETS IN TRIBUTARIES. Sponsors: Senator Minner, Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 338 - AN ACT TO AMEND CHAPTER 7 OF THE DELAWARE CODE AS IT RELATES TO REWARDS PAID BY THE WILDLIFE THEFT PREVENTION FUND. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 339 - AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO VIOLATIONS AND FINES FOR ILLEGALLY TAKING STRIPED BASS. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 340 - AN ACT TO AMEND CHAPTER 72, TITLE 7, DELAWARE CODE, RELATING TO SUBAQUEOUS LANDS. Sponsor: Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 341 - AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO THE EXHIBITION OF PROTECTED WILDLIFE, FINFISH OR CERTAIN DEVICES AND PROVIDING A PENALTY FOR FAILURE TO EXHIBIT. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 342 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE TO REQUIRE WHOLESALE AND RETAIL FISH BUYERS TO KEEP ACCURATE RECORDS. (2/3 vote) Sponsors: Senator Minner, Representative Cordrey. Assigned to Natural Resources and Environmental Control Committee. SA 1 to HC 334. Sponsors: Senator Minner, Representative DiPinto. Placed with the Bill.

SA 2 to HB 106. Sponsor: Senator Minner. Placed with the Bill.

At 4:53 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., March 14, 1990.

The Senate reconvened at 3:57 p.m., March 14, 1990, Senator Cordrey presiding.

HS 1 for HB 134 was reported out of the Banking Committee: 3 Merits.

At 4:00 p.m. Senator Cordrey called for a sitting recess for lack of a quorum and the Senate reconvened at 4:01 p.m., with a quorum present.

SCR 116 was introduced and considered for adoption on motion of Senator J. Still:

SCR 116 - EXTENDING CONGRATULATIONS AND BEST WISHES TO THE COLONIAL ROTARY CLUB, A NEW DOVER CLUB ESTABLISHED AND CHARTERED BY ROTARY INTERNATIONAL IN JANUARY OF 1990. Sponsors: Senators J. Still, Vaughn, Cook, Torbert, Minner.; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES and 7 (Adams, Bair, Connor, Cook, Holloway, Marshall, Venables) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 343 was introduced and assigned to Natural Resources and Environmental Control Committee:

SB 343 - AN ACT TO AMEND CHAPTERS 19 AND 23, TITLE 7, DELAWARE CODE, RELATING TO LICENSING COMMERCIAL CRABBERS, TAKING MATURE FEMALE CRABS, DEFINES CRAB POTS AND RESTRICTING NON-COMMERCIAL CRABBERS TO ONE BUSHEL A DAY. (2/3 vote) Sponsor: Senator Minner.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 339 - 4 Merits; SB 340 - 4 Merits; SB 337 - 4 Merits; SB 335 - 4 Merits; SB 338 - 4 Merits; SB 343 - 4 Merits.

At 4:04 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 11th Legislative Day.

11th LEGISLATIVE DAY  
March 14, 1990

The Senate convened at 4:04 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Torbert.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Adams, Connor - 2.

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

At 4:07 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:13 p.m., Lt. Governor Wolf presiding.

Senators Marshall and McBride marked PRESENT.

The following legislation was introduced:

SB 344 - AN ACT TO AMEND TITLE 16, OF THE DELAWARE CODE, RELATING TO THE CANCER CONTROL ACT. 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; Representatives George, Plant, Sills, DiPinto, Jonkiert, D. Ennis, Smith, Brady, Hebner, Maroney, Boykin, Corrozi, VanSant, Campanelli, Reynolds, Houghton, Mack, Spence, Gilligan, Roy, Taylor, Petrilli, Soles, Oberle, Amick, Davis, Jester, B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth, Ewing, Carey, Schroeder, Bunting, Fallon, Lee, West. Assigned to Health-Social Services/Aging Committee. Senator Neal requested that he be removed as a co-sponsor of the Bill.

SB 345 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO A REQUIREMENT FOR HEALTH INSURANCE POLICY PROVISIONS ENCOURAGING HEALTHY LIFESTYLES. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

Senator Holloway marked PRESENT.

SB 346 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Marshall without objection:

SB 346 - AN ACT TO AMEND CHAPTER 3, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL ZONING REGULATIONS AND THE VOTING REQUIREMENT IN CASES INVOLVING A PROTEST OF FEDERALLY ASSISTED MULTI-FAMILY HOUSING FOR THE ELDERLY AND HANDICAPPED. (2/3 vote) Sponsors: Senator Marshall; Representatives Jonkiert, DiPinto; Senators McDowell, Holloway, Cook, Bair, Bane; Representatives George, Sills, Plant, Davis, Hebner, Campanelli, Carey, B. Ennis, West, Gilligan, VanSant, Houghton, Oberle, Spence, Corrozi.

Several Senators commented on the Bill.  
Senator McDowell announced that he and Senator Holloway are to be joint-sponsors of the Bill.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Amendment was declared adopted.

The roll vote on SB 346 w SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators McBride, Neal - 2.

ABSENT: Senators Adams, Connor - 2.

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

At 5:43 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 15, 1990.

The Senate reconvened at 3:31 p.m., March 15, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 122; HCR 123; SCR 116; HCR 124.

SS 1 for SB 313 was reported out of the Health-Social Services/Aging Committee: 5 Merits.

The following legislation was introduced:

SB 347 - AN ACT TO AMEND CHAPTER 1, SUBCHAPTER I, TITLE 9, DELAWARE CODE, RELATING TO SPECIFIC ORGANIZATIONS NOT LIABLE FOR TAXATION AND ASSESSMENT AGAINST REAL PROPERTY. Sponsors: Senators Vaughn, McBride; Representatives Quillen, Brady. Assigned to Community Affairs Committee.

SB 348 - AN ACT TO AMEND CHAPTER 13, TITLE 7, DELAWARE CODE, RELATING TO THE WILDLIFE THEFT PREVENTION SPECIAL FUND. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 349 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO SIGNING OF CHECKS AND MAKING BANK DEPOSITS. (2/3 vote) Sponsors: Senator Cordrey, Representative Bunting. Assigned to Banking Committee; reassigned to Community Affairs Committee.

SB 350 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO RUTH POTTER; APPROPRIATING MONIES INTO THE SPECIAL 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: Senator Torbert; Representative Quillen; Senators Knox, Bair, Minner, Connor; Representatives Caulk, Buckworth. Assigned to Finance Committee.

SB 351 - AN ACT TO AMEND CHAPTER 85, TITLE 14, DELAWARE CODE, RELATING TO BOND REQUIRED BY PRIVATE BUSINESS AND TRADE SCHOOLS. Sponsor: Senator Torbert. Assigned to Education Committee.

SB 352 - AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO TAX CREDIT FOR EMPLOYERS WHO PROVIDE EMPLOYEES WITH HEALTH INSURANCE COVERAGE. Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee; reassigned to Health-Social Services/Aging Committee at the request of Senator Holloway.

SB 336 was reported out of the Community Affairs Committee: 4 Merits.

On motion of Senator Marshall and without objection, SB 352 was reassigned to Revenue and Taxation Committee.

SB 344 was reported out of the Health-Social Services/Aging Committee: 5 Merits.

The following legislation was introduced:

SJR 11 - HONORING THE LATE GENERAL RICHARD H. ELLIS, A NATIVE OF LAUREL, DELAWARE, FOR HIS OUTSTANDING CONTRIBUTIONS AND APPOINTING A COMMITTEE TO RAISE THE NECESSARY FUNDS TO COMMISSION AN ARTIST TO DO A PORTRAIT OF GENERAL RICHARD H. ELLIS TO BE HUNG IN THE GALLERY OF LEGISLATIVE HALL AMONG OTHER DISTINGUISHED DELAWARE MILITARY HEROES. Sponsors: Senators Venables, Martin; Representative Lee. Assigned to Sunset Committee.

SA 4 to HS 1 for HB 264. Sponsor: Senator Hauge. Placed with the Bill.

SA 2 to HB 448. Sponsor: Senator Torbert. Placed with the Bill.

At 3:44 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

#### 12TH LEGISLATIVE DAY March 15, 1990

The Senate convened at 3:44 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, 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.

SB 343 was taken up for consideration on motion of Senator Minner:

SB 343 - AN ACT TO AMEND CHAPTERS 19 AND 23, TITLE 7, DELAWARE CODE, RELATING TO LICENSING COMMERCIAL CRABBERS, TAKING MATURE FEMALE CRABS, DEFINES CRAB POTS AND RESTRICTING NON-COMMERCIAL CRABBERS TO ONE BUSHEL A DAY. (2/3 vote)

The privilege of the floor was extended to Charles Lesser (Division of Fish and Wildlife, Department of Natural Resources and Environmental Control) who was questioned by several Senators.

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

YES: Senators Bair, Bane, Cook, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Vaughn, Venables - 16.

NO: Senator Cordrey - 1.

ABSENT: Senators Adams, Connor, Holloway, Torbert - 4.

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

HS 1 for HB 134 was taken up for consideration on motion of Senator Cordrey:

HS 1 for HB 134 - AN ACT TO AMEND CHAPTER 27 OF TITLE 6 OF THE DELAWARE CODE RELATING TO THE NECESSITY OF WRITING FOR CONTRACTS.

Senator Cordrey interrupted the reading of the Title of the Bill and moved for a Party Caucus. There was no objection. Time: 4:05 p.m.

The Senate reconvened at 4:58 p.m., Senator Cordrey presiding.

HS 1 for HB 134 was laid on the table on motion of Senator Cordrey. No objection.

SENATE CONSENT CALENDAR #28 was introduced:

SCR 117 - EXPRESSING DEEPEST SYMPATHY TO THE FAMILY OF THE LATE ELSIE E. WILLIAMS, WIFE OF THE LATE U. S. SENATOR JOHN J. WILLIAMS OF MILLSBORO, DELAWARE WHO DIED ON WEDNESDAY, FEBRUARY 28, 1990. Sponsors: Senators Cordrey, Adams; Representatives West, Bunting.

SCR 118 - COMMENDING SOROPTIMIST INTERNATIONAL OF DOVER, DELAWARE ON THEIR FIFTIETH "GOLDEN" ANNIVERSARY, MARCH 19, 1990. Sponsors: Senators Cook, Vaughn, Torbert, J. Still, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 119 - RECOGNIZING APRIL 28, 1990 AS WORKER MEMORIAL DAY ON BEHALF OF OUR FELLOW COLLEAGUES, CO-WORKERS AND OTHERS WHO HAVE BEEN EITHER INJURED, MADE SICK OR DIED ON THE JOB. Sponsors: Senator Sharp and all Senators; Representative George and all Representatives.

SCR 120 - WISHING A SPEEDY RECOVERY TO FORMER SENATOR JACOB W. JAKE ZIMMERMAN OF DOVER, WHO SERVED 16 YEARS IN THE SENATE AND SIX YEARS IN THE HOUSE OF REPRESENTATIVES. Sponsors: Senator McDowell, all Senators; Representatives Outten, Bennett.

SCR 121 - CONGRATULATING JAMES H. GILLIAM, SR. ON HIS RECENT RETIREMENT AS NEW CASTLE COUNTY'S FIRST HOUSING DIRECTOR, FOR HIS SIXTEEN YEARS OF INNOVATIVE AND DEDICATED SERVICE, AND WISHING HIM EVERY SUCCESS IN HIS NEW PURSUITS IN LIFE. Sponsors: Senators Bair, Holloway, Hauge; Representatives Sills, DiPinto, Boykin, Plant.

HCR 120 - CONGRATULATING DELAWARE STATE POLICEMAN BRIAN MAHER ON BEING CHOSEN OFFICER OF THE FIRST QUARTER OF 1989 BY THE NAAMANS ROTARY CLUB. Sponsors: Representative Spence, Senator McBride; Representatives Mack, Reynolds, Houghton; Senator Connor.

HCR 121 - EXTENDING MANY, MANY "THANKS" TO F. EARL MCGINNIS WHO IS RETIRING, EFFECTIVE JANUARY 31, 1990, AFTER SERVING BETTER THAN 42 YEARS OF DEDICATED STATE SERVICE, TO INCLUDE MATH AND SCIENCE TEACHER, THE STATE'S FIRST BUDGET DIRECTOR, STATE REPRESENTATIVE, STATE AUDITOR, SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, AND SOON TO BE RETIRED AS DIRECTOR OF THE DIVISION OF RESEARCH OF LEGISLATIVE COUNCIL, AND FURTHER EXTENDING TO EARL AND HIS WIFE, MARY, THE BEST OF HEALTH AND HAPPINESS DURING THE RETIREMENT YEARS. Sponsors: Representative Spence, Senator Cordrey; Representatives Petrilli, Buckworth, George, Gilligan; Senators Sharp, Cook, Bair, Connor.

HCR 122 - EXTENDING CONGRATULATIONS TO MRS. LEOLA MORRIS OF CHESWOLD, DELAWARE ON HER RECENT HONOR OF BEING SELECTED AS "MS. MATURE DOVER" FOR 1990. Sponsors: Representative Clark, Senator Cook.

HCR 123 - PROCLAIMING MAY 1990 AS "MOTORCYCLE SAFETY AND AWARENESS MONTH". Sponsors: Representative B. Ennis, Senator Torbert.

HCR 124 - COMMENDING SENATOR NANCY W. COOK ON HER RECENT RECOGNITION AND HONOR BESTOWED UPON HER ON THURSDAY, MARCH 8, 1990 BY THE CHESAPEAKE BAY GIRL SCOUT COUNCIL AT A LUNCHEON HELD AT THE GOLD BALLROOM OF THE HOTEL DUPONT. Sponsor: Representative Maroney.

At the request of Senator Marshall, HCR 120 and HCR 121 were removed from the Calendar. At 5:05 p.m., Lt. Governor Wolf presiding.

The roll call vote on SENATE CONSENT CALENDAR #28 was then taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Resolutions were returned to the House.

SB 71 was introduced and considered for adoption on motion of Senator Minner:

SB 71 - EXTENDING SINCEREST CONDOLENCES TO SEN. HARRIS B. MCDOWELL, III, AS HE "CELEBRATES" HIS FIFTIETH BIRTHDAY. Sponsors: Senator Minner, all Senators.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (McDowell) NOT VOTING and 2 (Adams, Connor) ABSENT; therefore, the Resolution was declared adopted.

Senator Holloway requested that Senator Neal be removed as a co-sponsor of SB 344.

SCR 124 was introduced and considered for adoption on motion of Senator Cook:

SCR 124 - BIDDING FAREWELL TO VIRGINIA KIRK, REPORTER WITH THE DELAWARE STATE NEWS, WHO WILL BE LEAVING HER CURRENT EMPLOYMENT ON MARCH 19, 1990 TO TAKE ON A NEW ASSIGNMENT WITH UNITED PRESS INTERNATIONAL IN HARRISBURG, PENNSYLVANIA, AND EXTENDING TO HER OUR BEST ON HER NEW ASSIGNMENT. Sponsors: Senators Cook, Adams, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables, Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still; Representatives Bennett, B. Ennis, Clark, Outten, Quillen, Caulk, Buckworth, Ewing, George, Gilligan and all Representatives.

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

Various Senators discussed the status of SB 346 currently in the House.

At 5:20 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 20, 1990.

The Senate reconvened at 2:35 p.m., March 20, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 487, SB 302.

The following Committee reports were announced:

From the Public Safety Committee: SB 334 - 4 Merits; SB 308 - 4 Merits.

The following legislation was introduced:

SB 353 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF AN ELDER CARE INFORMATION AND SUPPORT SYSTEM FOR DELAWARE FAMILIES WITHIN THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senators Bair, Holloway, J. Still; Representatives Amick, Boykin, DiPinto, George, Soles. Assigned to Health-Social Services/Aging Committee.

SB 354 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO THE MARKING OF NETS IN TRIBUTARIES. Sponsors: Senator Minner, Representative Soles. Assigned to Natural Resources and Environmental Control Committee.

Senator Adams marked PRESENT.

SB 355 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO VIOLATIONS AND FINES FOR ILLEGALLY TAKING STRIPED BASS. Sponsors: Senator Minner, Representative Carey. (2/3 vote) The Bill was assigned to the Natural Resources and Environmental Control Committee; however, on motion of Senator Minner, the Bill was removed from the Committee and laid on the table. No objection.

SB 356 - AN ACT TO AMEND VOLUME 67, CHAPTER 171, LAWS OF DELAWARE, RELATING TO DISCIPLINARY ACTION AGAINST REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS. Sponsor: Senator Torbert. Assigned to Sunset Committee.

On motion of Senator Minner and without objection, SB 354 was removed from the Natural Resources and Environmental Control Committee and laid on the table.

SB 357 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 19, TITLE 11, DELAWARE CODE RELATING TO PROVIDING STATEWIDE AUTHORITY TO CERTAIN POLICE OFFICERS UNDER CERTAIN CIRCUMSTANCES. (2/3 vote) Sponsors: Senators Adams, Cordrey, Vaughn, Neal, Torbert, Sharp, Venables; Representatives Bennett, Ewing, West, Spence, Oberle, VanSant, B. Ennis. Assigned to Judiciary Committee.

SB 77 was reported out of the Revenue and Taxation Committee: 4 Merits.

SA 1 to HB 313. Sponsor: Senator Venables. Placed with the Bill.

HB 487 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CANCELLATION OF AUTOMOBILE INSURANCE POLICIES. Sponsors: Representatives Clark, B. Ennis, Quillen, Buckworth, Ewing, Schroeder, West; Senators Cook, Vaughn, Minner. Assigned to Insurance and Elections committee.

At 2:44 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY  
March 20, 1990

The Senate convened at 2:44 p.m., Lt. Governor Wolf presiding.  
A Prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Connor, Knox - 2.

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

On motion of Senator Sharp and without objection, HB 344 and HB 345 w HA 1 were reassigned from the Committee to Combat Drug Abuse to the Public Safety Committee.

SB 335 was taken up for consideration on motion of Senator Minner:

SB 335 - AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

SA 1 to the Bill (sponsor: Senator Minner) was introduced.

Senators Martin, J. Still and R. Still marked PRESENT.

The roll call vote on SA 1 to SB 335 was taken and revealed 19 Senators voting YES and 2 (Connor, Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 335 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Knox, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At the request of Senator Sharp, the Senate observed a minute of silent prayer in honor of Delaware State Trooper Kevin J. Mallon who had been killed while on duty earlier in the day.

SB 354 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Minner:

SB 354 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO THE MARKING OF NETS IN TRIBUTARIES.

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

SB 337 was stricken on motion of Senator Minner. No objection.

SB 355 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Minner:

SB 355 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO VIOLATIONS AND FINES FOR ILLEGALLY TAKING STRIPED BASS. (2/3 vote)

The privilege of the floor was extended to Charles A. Lesser (Division of Fish and Wildlife) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Venables - 17.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senators Connor, Holloway, Knox - 3.

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

SB 339 was stricken on motion of Senator Minner. No objection.

At 3:08 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:47 p.m., Senator Cordrey presiding.

The following communications were read:

SENATE  
STATE of DELAWARE  
LEGISLATIVE HALL  
Dover, Delaware 19903

#### MEMORANDUM

TO: Senator Richard Cordrey, President Pro-tem  
FROM: Senator Andrew G. Knox  
DATE: March 13, 1990

I will be on a trade mission to West and East Germany next week. Consequently, I will miss the Senate session for March 20, 21, and 22.

Needless to say, we hope to develop a lot of international business for Delaware.

\* \* \* \* \*

SENATE  
STATE of DELAWARE  
LEGISLATIVE HALL  
Dover, Delaware 19903

TO: Senator Richard S. Cordrey, President Pro Tempore  
FROM: Senator Robert T. Connor  
DATE: March 13, 1990  
RE: Absence from Session

Senator Cordrey, I will be absent from session due to illness. I am under the care of a physician and he will determine the date of my return in the near future. My progress is as expected and treatment is going well.

I will notify you of the date of my return as soon as I receive word from my doctors.

\* \* \* \* \*  
SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
Dover, Delaware 19903

TO: Senator Richard S. Cordrey, President Pro Tempore  
FROM: Thurman Adams, Senator, 19th Senatorial District  
DATE: March 13, 1990

For record of the 135th General Assembly, I am notifying you that I am hospitalized at the present time and will be unable to attend session.

I will keep in touch.

\* \* \* \* \*  
SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
Dover, Delaware 19903

MEMORANDUM

TO: Senator Richard Cordrey, President Pro-tem  
FROM: Senator Margo Ewing Bane  
DATE: March 15, 1990

Please be advised that I will not be able to attend the Senate session days of March 27, 28 and 29th. Thank you.

\* \* \* \* \*

SB 11 was reported out of the Sunset Committee: 3 Favorable.  
SB 338 and SB 341 were stricken on motion of Senator Minner. No objection.  
SB 200 was stricken on motion of Senator Torbert. No objection.  
SB 340 was taken up for consideration on motion of Senator Minner:  
SB 340 - AN ACT TO AMEND CHAPTER 72, TITLE 7, DELAWARE CODE, RELATING TO SUBAQUEOUS LANDS.

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 340 w SA 1 was then taken and revealed 18 Senators voting YES, 1 (McDowell) NOT VOTING and 2 (Connor, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 77 was taken up for consideration on motion of Senator Torbert:  
SB 77 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE INCOME TAX.

The privilege of the floor was extended to Stephen T. Golding (Secretary of Finance) and several Senators commented on the Bill after which the roll call vote was taken and revealed:

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

NO: Senators Bair, Hauge, Neal, J. Still, R. Still - 5.

NOT VOTING: Senator Bane - 1.

ABSENT: Senators Connor, Knox - 2.

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.

At 5:32 p.m. Senator Cordrey presiding.

SCR 123 was introduced and considered for adoption on motion of Senator McBride:

SCR 123 - URGING THE ADMINISTRATORS AT THE CHRISTIANA HOSPITAL TO RESCIND THE RECENTLY-IMPLEMENTED PAID PARKING REQUIREMENT FOR VISITORS. Sponsors: Senator McBride, Representative Gilligan; Senators Sharp, McDowell.

Various Senators commented on the Resolution after which the roll call vote was taken and revealed:

YES: Senators Adams, Bane, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 15.

NO: Senator Holloway - 1.

NOT VOTING: Senators Bair, Hauge, J. Still - 3.

ABSENT: Senators Connor, Knox - 2.

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

The following legislation was introduced:

SB 358 - AN ACT TO AMEND CHAPTER 35, TITLE 11 OF THE DELAWARE CODE RELATING TO WITNESSES AND EVIDENCE. Sponsors: Senator Sharp, Representative Hebner. Assigned to Judiciary Committee.

SB 359 - AN ACT TO AMEND CHAPTER 40, TITLE 7, DELAWARE CODE, RELATING TO EROSION AND SEDIMENTATION CONTROL AND STORMWATER MANAGEMENT. (2/3 vote) Sponsors: Senator Minner, Representative Carey; Senators Cordrey, Cook, Vaughn, Venables, Bair, Knox, Neal, R. Still, Bane, J. Still; Representatives Petrilli, Spence, Taylor, Roy, Corrozi, Reynolds, Amick, D. Ennis, Buckworth, Quillen, DiPinto, Mack, Hebner, Oberle, Davis, Boykin, Brady, Soles, Bunting, Gilligan, Schroeder, B. Ennis. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to HB 147 w HA 1. Sponsor: Senator Bair. Placed with the Bill.

SCR 125 was introduced and considered for adoption on motion of Senator R. Still:

SCR 125 - COMMENDING THE MEMBERS OF ELSMERE FIRE CO., NO.-1 ON THEIR HEROIC SERVICE DURING THE FLOODS OF JULY 1989 AND CELEBRATING THE OCCASION OF THE COMPANY'S 69TH ANNIVERSARY. Sponsors: Senator R. Still, Representative Campanelli, Senator Marshall, Representative VanSant.

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

At 5:58 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., March 21, 1990.

The Senate reconvened at 3:53 p.m., March 21, 1990 Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 396 w HA 2.

The following legislation was introduced:

HB 396 w HA 2 - AN ACT TO AMEND CHAPTER 5, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PODIATRISTS. Sponsors: Representatives Amick, Boykin, Roy, Houghton, Jonkiert, Taylor; Senators Torbert, Minner, Venables, Knox, J. Still. Assigned to Sunset Committee.

SB 360 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO DESIGNATIONS ON CAMPAIGN LITERATURE. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SA 1 to SB 350. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 349. Sponsor: Senator Cordrey. Placed with the Bill.

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 13, 1990

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 S. Wix, R. D. 2, Box 201, Harrington, DE 19952, to be reappointed as a member of the Kent County Board of Elections to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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 E. Burke, 17 South Drive, Wyoming, DE 19934, to be reappointed as a member of the Kent County Board of Elections to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: Shirley H. Corrin, 210 Weiner Avenue, Harrington DE 19952, to be appointed as a member of the Kent County Board of Elections to serve a four year term to succeed Alta C. Harrington, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: H. Dawson Shulties, R.D. 3, Box 94A, Wyoming, DE 19934, to be reappointed as a member of the Kent County Board of Elections to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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 R. Slights, Jr., 30 Hazel Road, Dover, DE 19901, to be reappointed as a member of the Kent County Board of Elections to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: Mary Jane E. Behrens, 13 East Commerce Street, Smyrna, DE 19977, to be reappointed as a member of the Kent County Board of Elections to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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 P. Robinson, III, P.O. Box 112, Millville, DE 19960, to be reappointed as a member of the Industrial Accident Board to serve for a six year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: George E. Freebery, Jr., 22 Fremont Road, Newark, DE 19711, to be appointed as a member of the Board of Parole to serve a four year term to succeed Evelyn T. Alemar, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: George M. Records, Jr., 133 Walker Road, Dover, DE 19901, to be reappointed as a member of the Delaware Advisory Council on Natural Areas for a term of four years.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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 reappointed as a member of the Environmental Appeals Board to serve for a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: Mary Jane Willis, 677 Lake Drive West, Smyrna, DE 19977, to be appointed as a member of the Environmental Appeals Board to serve a three year term to succeed Evelyn H. Greenwood, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: R. Robert Currie, Jr., 3 Kimbrough Court, Wilmington, DE 19810, to be appointed as a member of the Public Employment Relations Board to serve a term to expire September 30, 1993, to succeed Charles H. Toliver, IV, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: Garrett B. Lyons, D.D.S., 1002 Westover Road, Wilmington, DE 19807, to be reappointed as a member of the Delaware River and Bay Authority to serve for a five year term expiring July 1, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: J. Allen Frear, Jr., 622 South State Street, Dover, DE 19901, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
March 13, 1990

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: Mark W. Diehl, P.O. Box 972, Rehoboth Beach, DE 19971, to be reappointed as a member of the Cash Management Policy Board of the State of Delaware to serve a three year term.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

The following Committee reports were announced:  
From the Public Safety Committee: HB 226 - 4 Merits; HB 225 - 4 Merits.  
From the Revenue and Taxation Committee: SB 352 - 5 Merits.  
At 4:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY  
March 21, 1990

The Senate convened at 4:03 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, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.  
ABSENT: Senators Connor, Knox - 2.  
The Journal of the previous day was approved as read on motion of Senator Sharp.  
SB 344 was taken up for consideration on motion of Senator Holloway:  
SB 344 - AN ACT TO AMEND TITLE 16, OF THE DELAWARE CODE, RELATING TO THE CANCER CONTROL ACT.

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

DELAWARE HEALTH AND SOCIAL SERVICES  
Office of the Secretary  
March 7, 1990

TO: The Honorable Herman M. Holloway, Sr.  
FROM: Muriel B. Rusten  
SUBJECT: Legislation Regarding Cancer Screening

The draft bill you requested for the cancer screening program is enclosed.

We are all very appreciative of your support and encouragement of this initiative. When you bring this bill up on your floor, you might want to ask Dr. Wright to testify. I'm sure your colleagues will support this, but his testimony would be very interesting and enlightening and, in itself, could help increase awareness of the importance of mammography screening.

As you are aware, the costs (\$225,000 for the van and \$120,000 for operations) are already included in the Governor's Budget.

Thank you.

\* \* \* \* \*

The privilege of the floor was extended to Lester Wright, M.D. (Division of Public Health) and Evelyn Burkle (American Cancer Society) to speak on the Bill after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Cook marked PRESENT during the above roll call.

HB 147 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 147 w HA 1 - AN ACT TO AMEND CHAPTER 39, TITLE 31 OF THE DELAWARE CODE RELATING TO ADULT PROTECTIVE SERVICES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the roll call vote taken which revealed 18 Senators voting YES and 3 (Connor, Cordrey, Knox) ABSENT; therefore, the Amendment was declared adopted.

Senator Neal marked PRESENT during the above roll call.

The roll call vote on HB 147 w HA 1, SA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 148 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 148 w HA 1 - AN ACT TO AMEND SECTION 1101, TITLE 31, DELAWARE CODE RELATING TO THE CONFIDENTIALITY OF PUBLIC ASSISTANCE RECORDS. (2/3 vote)

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

HB 394 was taken up for consideration on motion of Senator Minner:

HB 394 - AN ACT TO AMEND CHAPTER 41, TITLE 31 OF THE DELAWARE CODE AND CHAPTER 29, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE HOUSING CODE AND ITS ENFORCEMENT.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Minner and the roll call vote taken which revealed 18 Senators voting YES and 3 (Connor, Cordrey, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

The privilege of the floor was extended to Douglas S. Croft (Delaware State Housing Authority) to speak on the Amendment after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cook, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Hauge, R. Still - 3.

NOT VOTING: Senators Bane, J. Still - 2.

ABSENT: Senators Connor, Cordrey, Holloway, Knox - 4.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

The privilege of the floor was extended to Douglas S. Croft (Delaware State Housing Authority) to speak on the Amendment after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Hauge - 2.

NOT VOTING: Senators Bane, J. Still - 2.

ABSENT: Senators Connor, Cordrey, Knox - 3.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

The privilege of the floor was extended to Douglas S. Croft (Delaware State Housing Authority) to speak on the Amendment after which the roll call vote on the Amendment was taken and revealed:

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

NO: Senators Bair, Bane, Hauge, R. Still - 4.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senators Connor, Cordrey, Knox - 3.

Therefore, the Amendment was declared adopted.

Since the Bill had been on the table, Senator Minner now moved that the rules be suspended for lifting the Bill for consideration and the 4 Senate Amendments which had been adopted be attached to the Bill. There was no objection.

The roll call vote on HB 394 w SA 1, 2, 3, 4 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 17.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senators Connor, Cordrey, Knox - 3.

Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

Senator McBride requested that consideration of SB 308 which was next on the Agenda for the day be delayed. No objection.

SJR 11 was taken up for consideration on motion of Senator Venables:

At the request of Senator Venables, the Resolution was read in its entirety:

SJR 11 - HONORING THE LATE GENERAL RICHARD H. ELLIS, A NATIVE OF LAUREL, DELAWARE, FOR HIS OUTSTANDING CONTRIBUTIONS AND APPOINTING A COMMITTEE TO RAISE THE NECESSARY FUNDS TO COMMISSION AN ARTIST TO DO A PORTRAIT OF GENERAL RICHARD H. ELLIS TO BE HUNG IN THE GALLERY OF LEGISLATIVE HALL AMONG OTHER DISTINGUISHED DELAWARE MILITARY HEROES.

WHEREAS, General Richard H. Ellis, a native of Laurel, rose to the highest levels of command in the United States Air Force and also by designation of President Reagan, became U. S. Commissioner on the US-USSR Consultative Commission with the rank of ambassador following his retirement from the service; and

WHEREAS, General Ellis was an American hero in both World War II and the Korean Conflict receiving the Distinguished Service Cross; the Distinguished Service Medal with four oak leaf clusters; the Silver Star; the Legion of Merit with two oak leaf clusters; the Distinguished Flying Cross; the Air Medal with four oak leaf clusters; the Purple Heart, and numerous other honors from the grateful people of the United States and many foreign governments; and

WHEREAS, during his distinguished and brilliant military career, which ended with his retirement from active duty as a Four Star General in 1981, he was Commander, Allied Air Forces Central Europe and Commander in Chief, United States Air Forces in Europe and Commander in Chief of the Strategic Air Command; and

WHEREAS, Richard Ellis was also a practicing member of the Delaware Bar with offices in Wilmington between his service in World War II and his recall to active duty in 1950 for service in the Korean Conflict; and

WHEREAS, General Ellis flew more than 200 combat missions during his illustrious military career and was credited with shooting down great numbers of enemy aircraft; and

WHEREAS, it is appropriate that the State of Delaware honor and cherish the memory this outstanding native son who died March 28, 1989 at the age of 69.

NOW, THEREFORE:

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 a special committee be authorized to commission a portrait of General Ellis which, when completed, will be hung with appropriate ceremonies, in the gallery of Delaware military heroes in Legislative Hall.

BE IT FURTHER RESOLVED that this Committee will be chaired by former Governor Elbert N. Carvel and will also include, at his request, Secretary of State, Michael E. Harkins and Ned Davis of Dover, also a native of Laurel, who will raise funds to pay for the portrait from the private sector with the good will and approval of the General Assembly and Governor Michael N. Castle; and

BE IT FURTHER RESOLVED that the Committee, upon completion of the portrait, in consultation with the Governor, the President Pro Tempore of the Senate and the Speaker of the House, will arrange appropriate ceremonies for its dedication and that the widow of General Ellis, the former Margaret Parry Wolcott, his three children and other members of the family, will all be invited to attend as well as such other members of the United States government and military services and citizens of the State of Delaware that are deemed appropriate for an occasion of this magnitude, honoring one of the bravest and most distinguished Delawareans in the glorious history of our Statehood.

\* \* \* \* \*

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Bair, Connor, Cordrey, Knox, R. Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SJR 10 was lifted from the table and considered for adoption under suspension of the necessary rules on motion of Senator Martin. No objection:

SJR 10 - ESTABLISHING THE ADOPT-A-HIGHWAY PROGRAM IN DELAWARE ADMINISTERED BY THE DEPARTMENT OF TRANSPORTATION.

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

SENATE CONSENT CALENDAR #29 was introduced by Senator Minner:

SR 72 - COMMENDING AND CONGRATULATING FREDERIC E. "FRED" SCHMEUSSER OF STANTON FOR HIS 50 YEARS OF SERVICE TO THE FIVE POINTS FIRE COMPANY. Sponsor: Senator Sharp.

HCR 120 - CONGRATULATING DELAWARE STATE POLICEMAN BRIAN MAHER ON BEING CHOSEN OFFICER OF THE FIRST QUARTER OF 1989 BY THE NAAMANS ROTARY CLUB. Sponsors: Representative Spence, Senator McBride; Representatives Mack, Reynolds, Houghton; Senator Connor.

HCR 121 - EXTENDING MANY, MANY "THANKS" TO F. EARL MCGINNES WHO IS RETIRING, EFFECTIVE JANUARY 31, 1990, AFTER SERVING BETTER THAN 42 YEARS OF DEDICATED STATE SERVICE, TO INCLUDE MATH AND SCIENCE TEACHER, THE STATE'S FIRST BUDGET DIRECTOR, STATE REPRESENTATIVE, STATE AUDITOR, SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, AND SOON TO BE RETIRED AS DIRECTOR OF THE DIVISION OF RESEARCH OF LEGISLATIVE COUNCIL, AND FURTHER EXTENDING TO EARL AND HIS WIFE, MARY, THE BEST OF HEALTH AND HAPPINESS DURING THE RETIREMENT YEARS. Sponsors: Representative Spence, Senator Cordrey; Representatives Petrilli, Buckworth, George, Gilligan; Senators Sharp, Cook, Bair, Connor.

The roll call vote on the Calendar was taken and revealed 16 Senators voting YES and 5 (Connor, Cordrey, Knox, J. Still, R. Still) ABSENT; therefore, the Resolutions were declared adopted and the House Concurrent Resolution returned to the House.

A messenger from the Governor was announced and admitted.

At 5:26 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 22, 1990.

The Senate reconvened at 2:38 p.m., March 22, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 126; HCR 127; HCR 128; HCR 129; SCR 117; SCR 118; SCR 119; SCR 120; SCR 121; SCR 124; SCR 125.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Buckworth signed SCR 120; Representatives Bennett and Maroney signed SCR 121 as co-sponsors on March 21, 1990.

LEGISLATIVE ADVISORY #36 was partially read and copies made available to each Senator.

LEGISLATIVE ADVISORY #36 (3-20-90): On March 19, 1990 the Governor signed SB 44 w HA 3 (Volume 67, Chapter 178, Laws of Delaware); SB 50 w HA 1 (Volume 67, Chapter 179, Laws of Delaware); SB 223 w HA 1 (Volume 67, Chapter 180, Laws of Delaware).

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The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 359 - 3 Merits; SB 319 - 3 Merits; SB 348 - 3 Merits.

From the Community Affairs Committee: SB 332 - 3 Merits; SB 347 - 3 Merits.

Senator Cordrey marked PRESENT.

From the Community Affairs Committee: SB 349 - 3 Merits.

From the Natural Resources and Environmental Control Committee: HB 452 - 3 Merits; HB 368 - 3 Merits; HB 284 - 3 Merits; HB 253 - 3 Merits.

The following legislation was introduced:

SA 3 to HB 290. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 350. Sponsor: Senator Torbert. Placed with the Bill.

On motion of Senator Cordrey and without objection, HB 253 w HA 1 which had been reported out of the Natural Resources and Environmental Control Committee was now assigned to Finance Committee for further study by that 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 20, 1990

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 R. Tuckosh, 713 Halstead Road, Sharpley, Wilmington, DE 19803, to be appointed as a member of the Delaware Advisory Council on Natural Areas to serve for a four year term to succeed Norman G. Wilder who has 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  
March 20, 1990

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: Lynn W. William, 202 Brecks Lane, Wilmington, DE 19807, to be appointed as a member of the Delaware Advisory Council on Natural Areas to serve for a term expiring July 1, 1992 to succeed A. Wayne Burton, 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  
March 20, 1990

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 J. Sullivan, Jr., Esq. 303 Waverly Road, Wilmington, DE 19803, to be appointed as a member of the New Castle County Board of Elections to serve for a term expiring September 18, 1990, to succeed Bayard J. Snyder, Esq., resigned.

Your consideration of this nomination will be appreciated.

Sincerely,  
Michael N. Castle, Governor

\* \* \* \* \*

SA 1 to HB 51 (sponsor: Senator Cook) was introduced and placed with the Bill.  
An article from the News Journal of March 22, 1990 was read and made part of this Journal at the request of Senator Holloway:

Magazine: IRS hounds taxpayers for money not owed  
(Associated Press)

WASHINGTON -- Nearly half the 36 million letters the IRS mailed to taxpayers last year demanding more tax and penalties were erroneous, "Money" Magazine estimated Wednesday.

Taxpayers confused by the law and afraid of challenging the Internal Revenue Service forked over \$7 billion that they did not owe, the magazine concluded in its April edition.

Building on a 1988 study by the General Accounting Office, an arm of Congress, the magazine interviewed lawyers, tax accountants and IRS officials in reaching those conclusions.

Last month, "Money" polled 300 of its subscribers (with a median income over \$52,000 a year) and found that half had at some time received IRS bills for more taxes and penalties.

"A stunning 45 percent -- who contested their notices report that the IRS claims were totally incorrect and an additional 24 percent said that they were at least partially wrong," the magazine wrote. "What's more, of those who challenged the IRS on their own, 53 percent wound up paying nothing and another 17 percent succeeded in getting the bill reduced."

The magazine blamed the IRS error rate on poorly trained, low-paid clerks and examiners at the agency's 10 regional service centers, and an aging computer system.

\* \* \* \* \*

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.



15TH LEGISLATIVE DAY

March 22, 1990

The Senate convened at 2:57 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, 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 McBride moved that the necessary rules be suspended for consideration of SS 1 for SB 308; however, the Senator withdrew his motion before action was taken.

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

SB 359 - AN ACT TO AMEND CHAPTER 40, TITLE 7, DELAWARE CODE, RELATING TO EROSION AND SEDIMENTATION CONTROL AND STORMWATER MANAGEMENT. (2/3 vote)

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

Senators McBride and R. Still marked PRESENT during the above roll call.

SB 319 was taken up for consideration on motion of Senator Cordrey:

SB 319 - AN ACT TO AMEND CHAPTER 237, VOLUME 60, LAWS OF DELAWARE, BEING SENATE BILL NO. 436 OF THE 128TH GENERAL ASSEMBLY, "AN ACT MAKING AN APPROPRIATION TO IMPROVE RECREATIONAL BOATING AND TO REMOVE SHOALS FROM JEFFERSON CREEK AND THE BETHANY BEACH IMPROVEMENT CANAL", AND PROVIDING THAT FUNDS APPROPRIATED MAY BE USED FOR ANY DREDGING PROJECT IN THE DELAWARE INLAND BAYS REGION.

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

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

SB 348 - AN ACT TO AMEND CHAPTER 13, TITLE 7, DELAWARE CODE, RELATING TO THE WILDLIFE THEFT PREVENTION SPECIAL FUND. (2/3 vote)

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

SB 332 was laid on the table on motion of Senator Martin.

At 3:06 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:16 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 361 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO SCHOOL DISTRICT ELECTIONS AND REGULATION THEREOF. (2/3 vote) Sponsors: Senator McBride, Representative Fallon; Senators Minner, Neal, R. Still; Representatives Amick, Bennett, Brady, Jester, Oberle, Reynolds. Assigned to Education Committee.

SB 362 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF SCHOOL ELECTION COMMITTEE AND REGULATION OF SCHOOL ELECTIONS. Sponsors: Senator McBride, Representative Fallon; Senators Minner, Neal, R. Still; Representatives Amick, Bennett, Brady, Jester, Oberle, Reynolds. Assigned to Education Committee.

SS 1 for SB 308 - AN ACT TO AMEND TITLE 11 AND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES; AND PROVIDING FOR AN IGNITION INTERLOCK DEVICE ACT. Sponsors: Senator McBride, Representative Amick. Laid on the table on motion of Senator McBride.

SS 1 for 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 Ewing, DiPinto. Adopted in lieu of the Original.

SA 1 to SS 1 for SB 113. Sponsor: Senator Torbert. Immediately stricken on the sponsor's motion.

SA 2 to SS 1 for SB 113. Sponsor: Senator Torbert. Placed with the Bill.

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

SB 347 - AN ACT TO AMEND CHAPTER 1, SUBCHAPTER 1, TITLE 9, DELAWARE CODE, RELATING TO SPECIFIC ORGANIZATIONS NOT LIABLE FOR TAXATION AND ASSESSMENT AGAINST REAL PROPERTY.

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

SB 332 was lifted from the table for consideration on motion of Senator Martin:

SB 332 - AN ACT TO AMEND CHAPTER 5, TITLE 29 AND CHAPTER 96, TITLE 9, DELAWARE CODE RELATING TO ESTABLISHMENT OF A LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND.

SA 1 to the Bill (sponsor: Senator Martin) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 17 Senators voting YES, 1 (Holloway) NO and 3 (Adams, Connor, Knox) ABSENT; therefore, the Amendment was declared adopted. Adoption of this Amendment made the Bill a 3/5 vote Bill.

SA 2 to the Bill (sponsor: Senator Martin) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, Knox, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Richard Prettyman (Delaware Association of Realtors) to speak on the Bill as amended.

The roll call vote on SB 332 w SA 1, 2 was then taken and revealed:

YES: Senators Adams, Bane, Cook, Cordrey, Holloway, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 16.

NOT VOTING: Senators Blair, Hauge - 2.

ABSENT: Senators Connor, Knox, Marshall - 3.

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

SS 1 for SB 113 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules. No objection.

SA 2 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Torbert.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Bill.

At 5:03 p.m., Senator Cordrey residing.

SS 1 for SB 113 was then laid on the table on motion of Senator Torbert.

SS 1 for SB 308 was lifted from the table, adopted in lieu of the Original and taken up for consideration under suspension of the necessary rules on motion of Senator McBride. No objection.

Senators Venables, Hauge, Holloway and Neal commented on the Bill after which the roll call vote was taken and revealed 18 Senators voting YES, 1 (Neal) voting NO and 2 (Connor, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following letter was read and made part of this Journal at the request of Senator McBride:

SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19903

The Honorable Charles M. Oberly, III  
Attorney General-State of Delaware  
Carvel State Office Building  
820 French Street  
Wilmington, DE 19801

Dear Attorney General Oberly:

I am writing you to respectfully request that you address a matter of utmost concern to me and the taxpayers of this State.

It has come to my attention that the Castle Administration and the Department of Corrections have been expending State funds in their ongoing efforts to identify prospective prison sites, but they have consistently declined to identify what sites they are considering, how much money they are expending to conduct tests of various sites, and just who the State has hired to do this work for them.

In fact, it is a matter of public record that, at a hearing of the Senate Corrections Committee on March 21, 1990, Commissioner Watson, despite repeated questioning by myself and other senators, declined to answer questions on all of these matters.

I believe that this is a violation of the Freedom of Information Act. As you will recall, this Act was passed to assure that government was open and accountable to its citizens. The expenditure of significant amounts of state funds without providing any public accounting for these expenditures is an affront to every taxpayer in this State.

Because the public has a right to know how the taxpayers' money is being spent and because public confidence in government swiftly erodes when government thumbs its nose at the public's right to know, I am respectfully requesting that you determine at your earliest possible convenience whether the Castle Administration is in violation of the Freedom of Information Act and that you take whatever action is available to you to redress any possible violations.

I thank you in advance for your assistance on this very important matter.

Sincerely,  
David B. McBride, State Senator

Harris B. McDowell, III, State Senator

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SENATE CONSENT CALENDAR #30 was introduced:

SR 73 - CONGRATULATING WINNERS AT THE 10TH ANNUAL ODYSSEY OF THE MIND COMPETITION HELD AT LAKE FOREST HIGH SCHOOL ON FEB. 3, 1990, AND EXTENDING BEST WISHES FOR SUCCESS AT THE WORLD FINALS MAY 29-JUNE 1 AT THE UNIVERSITY OF IOWA. Sponsors: Senators Minner, Adams, Cook, Cordrey, Torbert, Vaughn, J. Still.

SCR 126 - PROCLAIMING MARCH 18-24, 1990, AS DELAWARE AGRICULTURE WEEK AND REAFFIRMING AGRICULTURE AS DELAWARE'S NUMBER ONE INDUSTRY. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables; Representatives Carey, Quillen, Smith, Bunting, Clark, Schroeder.

HCN 126 - COMMENDING THE UNITED AUTO WORKERS FOR THEIR PART IN EARTH DAY '90. Sponsors: Representative Oberle; all Representatives, all Senators.

HCN 127 - COMMENDING JIM FORD, A RENOWNED AND HIGHLY ADMIRER BASKETBALL OFFICIAL, AND WHO RECENTLY ANNOUNCED HIS RETIREMENT FROM THE EXTRACURRICULAR ASSIGNMENT OF BASKETBALL OFFICIATING AFTER EIGHTEEN YEARS OF OUTSTANDING SERVICE AS A REFEREE. Sponsors: Representative George, Senator McDowell.

HCN 128 - HONORING WILLIAM PENN HIGH SCHOOL'S JACK HOLLOWAY AS DELAWARE WRESTLING COACH OF THE YEAR. Sponsors: Representative Reynolds, Senator Connor; Representatives Spence, Mack, Brady, Houghton; Senator McBride.

HCN 129 - COMMENDING THE 1990 CHESAPEAKE BAY GIRL SCOUT COUNCIL HONOREES, MR. JOSEPH F. HULIHAN FOR THE CORPORATE LEADERSHIP AWARD, MRS. JUDY MCCABE FOR THE ARTS AWARD, MRS. CLAIRE LA MAR CAREY FOR THE AWARD OF WELL BEING, MRS. BETSY RAWLS FOR THE OUT-OF-DOORS AWARD, AND MRS. MYRIAM MELGAR FOR THE AWARD OF TODAY AND TOMORROW. Sponsors: Representatives Maroney, George, Corrozi, Petrilli, Soles, Bennett, Gilligan, Smith, Fallon.

The roll call vote on the Calendar was taken on motion of Senator Minner and revealed 19 Senators voting YES and 2 (Connor, Knox) ABSENT; therefore, the Resolutions were declared adopted; the Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolution was returned to the House.

At 5:36 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 27, 1990.

The Senate reconvened at 2:33 p.m., March 27, 1990, Senator Cordrey presiding.

The Secretary announced that a message from the Chief Clerk of the House indicated that Representative Ewing signed SJR 11 as an additional sponsor on March 22, 1990.

At 2:34 p.m., Lt. Governor Wolf presiding.

HB 54 w HA 1, 2, 4, 5, 6 was reported out of the Small Business Committee: 3 Merits.

Senator Knox marked PRESENT.

The following legislation was introduced:

SA 1 to SB 345. Sponsor: Senator Holloway. Placed with the Bill.

SB 363 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, CHAPTER 9, TITLE 10, DELAWARE CODE, AND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO DRIVER LICENSE QUALIFICATIONS, REVOCATION OF DRIVING PRIVILEGES, AND REVOCATION OF LICENSE FOR CERTAIN DRUG OFFENSES. Sponsors: Senator Sharp; Representatives Amick, Hebner, Gilligan. Assigned to Public Safety Committee.

SB 364 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF MOTOR VEHICLES AND MOTOR VEHICLE PASSIVE RESTRAINT SYSTEMS. Sponsors: Senators Sharp, Torbert, Representative Spence. Assigned to Public Safety Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 409 w HA 1; HB 525; HB 444; HB 545; HB 490; HB 548; HB 436 w HA 1; HB 301 w HA 2, 3; HB 302 w HA 1, 2; SB 346 w SA 1.

The following legislation was introduced:

HB 409 w HA 1 - AN ACT TO AMEND PART I, TITLE 7 OF THE DELAWARE CODE RELATING TO FISHING. (2/3 vote) Sponsors: Representatives Carey, Quillen, Mack, Clark, Bunting, Schroeder; Senators Minner, Venables, Knox, R. Still. Assigned to Natural Resources and Environmental Control Committee.

HB 436 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO THE RELEASE OF BALLOONS IN THE STATE OF DELAWARE. Sponsor: Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

HB 444 - AN ACT TO AMEND CHAPTER 73, TITLE 6, AND CHAPTER 61, TITLE 29, OF THE DELAWARE CODE RELATING TO THE REGULATION OF BROKER DEALERS, INVESTMENT ADVISERS AND AGENTS. (3/5 vote) Sponsors: Representative DiPinto, Senator Hauge. Assigned to Sunset Committee.

HB 490 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO DEATH OR SERIOUS PHYSICAL INJURY CAUSED BY A DRIVER OF A MOTOR VEHICLE. (2/3 vote) Sponsors: Representatives Hebner, Ewing, R. Davis, Houghton, Plant; Senator Sharp. Assigned to Judiciary Committee.

HB 525 - AN ACT TO AMEND TITLE 10, SECTION 6910 OF THE DELAWARE CODE RESTRICTING THE MANDATORY RELEASE OF CHARGED PRISONERS. Sponsor: Representative Hebner. Assigned to Judiciary Committee.

HB 545 w HA 1 - AN ACT TO AMEND TITLE 8, OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE. (2/3 vote) Sponsors: Representatives Lee, Corrozi; Senators Sharp, Cook. Assigned to Judiciary Committee.

HB 548 - AN ACT TO AMEND CHAPTERS 1, 7 AND 10 OF TITLE 5, DELAWARE CODE RELATING TO BANKS. (2/3 vote) Sponsor: Representative D. Ennis. Assigned to Banking Committee.

HB 301 w HA 2, 3 - AN ACT TO AMEND CHAPTER 7, TITLE 13 OF THE DELAWARE CODE RELATING TO CUSTODY. Sponsors: Representatives Jester, Maroney; Senators Bane, Vaughn. Assigned to Judiciary Committee.

HB 302 w HA 1, 2 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE RELATING TO SUPPORT AND ATTORNEYS' FEES. Sponsors: Representatives Jester, Maroney; Senators Bane, Vaughn. Assigned to Judiciary Committee.

At 2:41 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 16th Legislative Day.

16th LEGISLATIVE DAY  
March 27, 1990

The Senate convened at 2:41 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, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Bane, Connor - 2.

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

Senator Knox was granted the personal privilege of the floor and spoke on the recent European trip he had made on behalf of business in Delaware.

Senators J. Still and Martin marked PRESENT.

HS 1 for HB 134 was lifted from the table for consideration on motion of Senator Cordrey.

HS 1 for HB 134 - AN ACT TO AMEND CHAPTER 27 OF TITLE 6 OF THE DELAWARE CODE RELATING TO THE NECESSITY OF WRITING FOR CONTRACTS.

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

Senators Holloway and McBride marked PRESENT during the above roll call.

HB 106 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 106 w HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO LEAH ANNA MASON, 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.

Senator Cook yielded to Senator Minner to floor-manage the Bill.

SA 1 and SA 2 to the Bill which had been placed with the Bill, were stricken on motion of Senator Minner.

SA 3 to the Bill (sponsor: Senator Minner) was introduced.

The privilege of the floor was extended to Representative Carey who was questioned by several Senators after which the Amendment was laid on the table on motion of Senator Minner.

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

HB 225 was taken up for consideration on motion of Senator Torbert:

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)

Senators Cordrey and Venables commented on the Bill after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Bane, Connor, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 226 was taken up for consideration on motion of Senator Torbert:

HB 226 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A TEMPORARY REGISTRATION PLATE. (3/5 vote)

The privilege of the floor was extended to Robert J. Voshell (Division of Motor Vehicles) after which the roll call vote on the Bill was taken and revealed:

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

NO: Senators Cordrey, Marshall, McBride, Minner, Sharp, Vaughn, Venables - 7.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Bane, Connor, McDowell - 3.

Therefore, the Bill was declared defeated.

HB 217 was taken up for consideration on motion of Senator Torbert:

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)

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

Senator McDowell marked PRESENT during the above roll call.

HB 218 was taken up for consideration on motion of Senator Torbert:

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)

The privilege of the floor was extended to Robert Voshell (Division of Motor Vehicles) who was questioned by several Senators after which the roll call vote on the Bill was taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

At 3:38 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:57 p.m., Lt. Governor Wolf 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  
March 27, 1990

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 A. Rogers, Esq., 107 South Front Street, Georgetown, DE 19947, to be appointed as a Delaware Code Revisor to serve a four year term to succeed Joseph Whitmore Maybee, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,  
Michael N. Castle, Governor

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LEGISLATIVE ADVISORIES #37 and 38 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #37 (March 22, 1990): On March 22, 1990, the Governor signed SB 302 (Volume 67, Chapter 181, Laws of Delaware).

LEGISLATIVE ADVISORY #38 (March 27, 1990): On March 26, 1990 the Governor signed SB 25 w SA 1, 2, 3; HA 1 w HA 1 (Volume 67, Chapter 182, Laws of Delaware); on March 23 the Governor signed SB 346 w SA 1 (Volume 67, Chapter 183, Laws of Delaware).

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The following legislation was introduced:

SA 1 to SA 1 to SB 345. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 368. Sponsor: Senator Minner. Placed with the Bill.

SB 365 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE RELATING TO THE REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senators Minner and Sharp. Assigned to Insurance and Elections Committee.

HB 219 was removed from the Agenda of the day at the request of Senator Torbert.

HB 284 was taken up for consideration on motion of Senator Minner:

HB 284 - AN ACT TO AMEND TITLE 7, CHAPTER 41 OF THE DELAWARE CODE RELATING TO TAX DITCHES.

The privilege of the floor was extended to John Hughes (Soil and Water Conservation) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Bane, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 368 was taken up for consideration on motion of Senator Minner:

HB 368 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE FORMULATION AND IMPLEMENTATION OF AN EXTRACTIVE USE PROGRAM.

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

Senators Cordrey and Torbert entered into a brief discussion of the Bill.

The roll call vote on HB 368 w SA 1 was then taken and revealed 18 Senators voting YES, 1 (Venables) NOT VOTING and 2 (Bane, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 452 was taken up for consideration on motion of Senator Minner:

HB 452 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO AUTHORIZING THE DELAWARE NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE UP TO SEVEN (7) COMMERCIAL GILL NET PERMITS TO NEW JERSEY RESIDENTS TO FISH FOR SHAD.

Senators Sharp and Venables commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Hauge, Knox, Martin, Minner, Neal, J. Still, R. Still, Torbert, Venables - 11.

NO: Senators Cordrey, Holloway, Marshall, McBride, McDowell, Sharp, Vaughn - 7.

ABSENT: Senators Bane, Connor, Cook - 3.

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

HB 106 w HA 1 was lifted from the table for consideration on motion of Senator Cook.

SA 3 to the Bill was lifted from the table for consideration on motion of Senator Minner and the roll call vote taken which revealed 19 Senators voting YES and 2 (Bane, Connor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 106 w HA 1, SA 3 was then taken and revealed 19 Senators voting YES and 2 (Bane, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 5:32 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., March 28, 1990.

The Senate reconvened at 3:48 p.m., March 28 Senator Cordrey presiding.

The following Committee reports were announced:

From the Insurance and Elections Committee: SB 365 - 3 Favorable, 1 Merits; HB 487 - 4 Merits.

From the Committee to Combat Drug Abuse: HB 269 w HA 1 - 3 Merits; HB 308 - 3 Merits; HB 309 - 3 Merits; HB 446 w HA 1 - 3 Merits.

At 3:50 p.m., Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Committee to Combat Drug Abuse: HB 461 w HA 1 - 3 Merits.

From the Judiciary Committee: SB 323 - 3 Merits; SB 327 - 3 Merits; SB 357 - 3 Merits; SB 358 - 3 Merits; HB 11 - 3 Merits; HB 287 w HA 1 - 3 Merits; HB 301 w HA 2, 3 - 3 Merits; HB 302 w HA 1, 2 - 3 Merits; HB 360 w HA 1 - 3 Merits; HB 370 - 3 Merits; HB 371 w HA 1 - 3 Merits.

From the Banking Committee: HB 548 - 4 Merits.

From the Executive Committee: HB 384 w HA 1 - 4 Merits; HS 1 for HB 338 w HA 3, 4, 5, 6, 7 - 4 Merits; SB 280 - 1 Favorable, 4 Merits; HS 1 for HB 339 w HA 1, 2 - 4 Merits.

From the Education Committee: SB 351 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 524; HB 363; HB 407; HB 175 w HA 1; HS 1 for HB 505; SB 30 w SA 2; SB 261; SB 151 w SA 1, HA 4.

The following legislation was introduced:

SB 366 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES AND CIVIL PENALTIES THEREUNDER. Sponsors: Senators Adams, Cook, Cordrey, Vaughn, Venables, J. Still; Representatives Caulk, Carey, Quillen, Smith, Bunting, Clark, Schroeder. Assigned to Agriculture Committee.

SB 367 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES AND CERTIFIED APPLICATORS THEREOF. Sponsors: Senators Adams, Cook, Cordrey, Vaughn, Venables, J. Still; Representatives Caulk, Carey, Quillen, Smith, Bunting, Clark, Schroeder. Assigned to Agriculture Committee.

SB 368 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE; AND PROVIDING FOR A MOTOR VEHICLE INSURANCE CHOICE ACT. Sponsors: Senators J. Still, Bair, R. Still, Neal. Assigned to Insurance and Elections Committee.

HB 524 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE RELATING TO PROBATION AND PAROLE COUNSELLORS OR OFFICERS. Sponsors: Representatives Davis, Hebner; Senator Vaughn. Assigned to Judiciary Committee.

HB 363 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, PART II, CHAPTER 15, TO AUTHORIZE NEW CASTLE COUNTY TO CONVEY COUNTY OWNED LAND TO THE STATE FOR PUBLIC PURPOSES. Sponsors: Representative Roy, Senators Martin and Hauge. Assigned to Community Affairs Committee.

HB 407 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ORAL EXAMINATIONS FOR LICENSURE. Sponsors: Representatives Roy, Amick, Boykin, Houghton, Jonkiet; Senators Vaughn, Torbert, Marshall, McDowell. Assigned to Administrative Services/Energy Committee.

HB 175 - AN ACT TO AMEND CHAPTER 21, TITLE 23 OF THE DELAWARE CODE RELATING TO MOTORBOATS; AND PROVIDING FOR LOCATIONS WHERE FEES MAY BE PAID BY LICENSEES. Sponsors: Representative Bunting, Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

HS 1 for HB 505 - AN ACT TO AMEND TITLE 28, DELAWARE CODE ESTABLISHING THE DELAWARE BICYCLE COUNCIL. Sponsors: Representatives Roy, Gilligan, Schroeder; Senators R. Still, Torbert, Sharp, Martin. Assigned to Community Affairs Committee.

At 4:00 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY  
March 28, 1990

The Senate convened at 4:00 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Bane, Connor - 2.

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

SB 151 w SA 1 which had been returned from the House as further amended by HA 4 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Sharp.

SA 2 to the Bill (sponsor: Senator Sharp) was introduced. Several Senators commented on the Amendment after which the Amendment and the Bill were laid on the table on further motion of Senator Sharp.

The following letter was read and made part of this Journal at the request of Senator Minner and a copy of the letter made available to each Senator:

State of Delaware  
DEPARTMENT OF STATE  
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS  
Hall of Records  
Dover, 19901

March 27, 1990

Dear Honored Members of the Senate:

In regard to the protocol issue of "why stand when a message from the Governor's Office is presented to the Senate." Out of the utmost respect to the office and to the man holding the office of Governor proper protocol calls for all members of either side of the legislature to stand.

This act is a hold over from pre-Colonial times when the Supreme Executives entered a room or chamber and the occupants of this room or chamber stood out of respect to the office. This is documented in Delaware's Colonial Papers and also has been documented in England's Parliament and early government sessions where our founding fathers "borrowed" many similar forms of pomp and circumstance. If I may be of further assistance please call me at 736-5314.

Sincerely,  
Robert F. Jacobs,  
Public Relations & Protocol Officer  
\* \* \* \* \*

SB 336 was taken up for consideration on motion of Senator Minner:

SB 336 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, CONCERNING THE PAYMENT OF A REAL ESTATE TRANSFER TAX. (2/3 vote)

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Bair, Bane, Connor) ABSENT; therefore, the Amendment was declared adopted.

Senator R. Still marked PRESENT during the above roll call.

The roll call vote on SB 336 w SA 1 was then taken and revealed:  
YES: Senators Adams, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 16.

HOT VOTING: Senators McBride, J. Still - 2.

ABSENT: Senators Bair, Bane, Connor - 3.

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

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

SB 349 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO SIGNING OF CHECKS AND MAKING BANK DEPOSITS. (2/3 vote)

SA 1 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 (Bair, Bane, Connor) ABSENT; therefore, the Amendment was declared adopted.

Senator Cook marked PRESENT during the above roll call.

The roll call vote on SB 349 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Bane, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:33 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:16 p.m., Senator Cordrey presiding.

SB 369 was introduced and assigned to Labor and Industrial Relations Committee:

SB 369 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC OFFICERS AND EMPLOYEES. Sponsors: Senators Holloway, Marshall, McBride, McDowell, Torbert; Representatives Plant, Sills.

SB 365 was taken up for consideration on motion of Senator Minner:

SB 365 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE RELATING TO THE REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

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

SB 361 and SB 362 were removed from the Agenda at the request of Senator McBride.

On motion of Senator Adams and without objection, the necessary rules were suspended for consideration of the following nominations for appointment by the Governor:

Eva W. Adams - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Robert W. Allen - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Mary Jane Behrens - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Thomas E. Brady, Jr. - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

William W. Brittingham - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

David E. Burke - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Francis G. Charles - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Ronald E. Cheeseman - 18 Senators voting YES, 3 (Bane, Connor, McDowell) ABSENT; appointment confirmed.

Richard D. Comly, Jr. - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Althea R. DeBrule - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

James P. Robinson, III - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

James J. Sullivan, Jr., Esq. - 19 Senators voting YES, 2 (Bane, Connor) ABSENT; appointment confirmed.

Senator Bair was granted personal privilege of the floor and commented on SB 151 which had been returned amended from the House.

At 5:50 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 29, 1990.

The Senate reconvened at 2:46 p.m., March 29, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 126.

HB 545 w HA 1 was reported out of the Judiciary Committee: 3 Merits.

The following legislation was introduced:

SB 370 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE REGARDING PERFORMANCE AND PAYMENT BONDS. Sponsors: Senators Marshall, J. Still; Representative Oberle. Assigned to Finance Committee.